PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 6 February 2014

(Extract from book 1)

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(from 22 April 2013)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:
Mr P. WELLER (from 4 February 2014)
Mrs C. A. FYFFE (to 4 February 2014)

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Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
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Holding, Mr Timothy James [3]	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin [4]	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer [5]	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 18 February 2013
[4] Resigned 27 January 2012
[5] Elected 21 July 2012
[6] Elected 19 February 2011
[7] Elected 27 April 2013
[8] Resigned 7 May 2012
[9] LP until 6 March 2013

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THURSDAY, 6 FEBRUARY 2014

Thursday, 6 February 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 9.33 a.m. and read the prayer.

BLACK SATURDAY

Dr NAPTHINE (Premier) — By leave, I move:

That this house:

(1) notes with sorrow that it is five years since the Black Saturday bushfires in which lives, homes and properties were lost;

(2) remembers with deep heartache and sadness, the tragic loss of 173 Victorians and the devastating and everlasting impact that has had on affected families;

(3) praises those Victorians who have stood shoulder to shoulder to rebuild their communities and have shown such great resilience and strength after suffering the worst losses imaginable;

(4) recalls the heroic efforts of volunteers, community members and emergency services personnel who supported those in need during, and after, the fires; and

(5) notes that fires have again affected Victorian communities in recent weeks and pledges to support our friends and neighbours as they recover and rebuild.

Saturday, 7 February 2009, is a day that will be forever etched in the hearts and minds of all Victorians. Prior to Black Saturday itself Victoria had experienced severe and dangerous wildfires across the state, especially in Gippsland, but Black Saturday brought unprecedented horrific conditions and devastating fires that tore apart families, communities and our great state. All Victorians suffered a great sense of heartache and sadness with the tragic loss of 173 lives and the massive destruction of homes, businesses, communities and our environment.

Black Saturday changed forever the lives of families who lost loved ones, and we understand the sense of loss and their suffering, which lasts forever. We all remember the suffocating, extreme heat of that fateful day. We all remember the ominous hot, dry winds, and, tragically, we all remember the unfolding drama of fire engulfing our state and the terrible tale of tragic losses that ensued. On Black Saturday there were massive fires across the state, from Horsham, Coleraine and Bendigo in the west and north-west, to Mudgegonga in the north-east and to Boolarra, Callignee, Labertouche and other areas across Gippsland. In central Victoria the fire known as the Kilmore East complex fire wreaked massive devastation across many unsuspecting communities, including those of Kinglake, Marysville, Chum Creek, Strathewen, St Andrews, Steels Creek, Hazeldene, Flowerdale and many others.

We will never, ever forget the heroic efforts of our Country Fire Authority personnel, both professionals and volunteers; of the staff of the then Department of Sustainability and Environment, now the Department of Environment and Primary Industries; of the staff of the Metropolitan Fire Brigade; of many hundreds of local volunteers — local people who came to help friends and neighbours in a time of crisis; of members of the Victoria State Emergency Service; of police, paramedics and health workers who both on the ground and in our hospitals dealt with the hundreds of injured and affected people.

We will never forget the immediate response and resilience of local families and local communities, supported by the Red Cross, the Salvation Army, the Department of Human Services and others involved in providing support for devastated families and communities in the immediate aftermath and beginning the long, hard rehabilitation process. Victoria can be proud of the way our communities and our state have responded — by putting our arms around those people in our communities who were affected, by putting our arms around those families and by standing shoulder to shoulder with those communities and working hard on the task of rebuilding those devastated communities and seeking to assist families to rebuild their lives, knowing the ongoing heartache and loss will never cease.

Through work led by local communities, with local, state and federal governments and supported by donations received from around the world through the Victorian Bushfire Appeal Fund, much work has been done to rebuild local infrastructure and rebuild those communities, but the spirit of those communities — the resilience of those people and families — has been what has helped to rebuild them so much. When we visit those communities today we can see the rebuilding, we can see the positivity and we can see that they want strong futures for their communities and their families. Without ever forgetting the devastation of Black Saturday, it is about rebuilding for the future.

Victorians can also be reassured that today — and we have seen this in recent periods of extreme weather — we are better prepared as a result of the lessons learnt on Black Saturday. Our all-hazards, all-agencies approach is a better, stronger, more appropriate approach. The appointment of an emergency services commissioner provides enables all of our agencies to work together, and we have seen that in recent times. As a government we are implementing all

67 recommendations of the 2009 Victorian Bushfires Royal Commission, and that will strengthen our ability to respond in these situations.

I conclude by saying that on a day like today — and tomorrow and over the welcomed — first and foremost we say that as Victorians we will never, ever forget Black Saturday. We will never forget those who lost their lives. We will never forget the affected families and affected communities.

Mr ANDREWS (Leader of the Opposition) — I congratulate the Premier on his words and wish to offer some of my own to mark this great trauma — to mark the February 2009 fires and the several days of unimaginable loss that five years later still move us to silence.

We will always know 7 February 2009 as Black Saturday, but there was a time in the days preceding when Black Saturday was perhaps for so many just an ordinary day when, for instance, kids at Middle Kinglake Primary School were looking forward to the weekend after their first few days back at school. There was a moment when that changed and changed forever. There was a moment when we, not just those in the near company of danger but everyone in Victoria, knew that nature had summoned something almost unnatural.

Those in the city were shaken by a hot, angry wind, but for thousands of people in dozens of towns in the valleys and hills of our regions that heat and that angry wind redefined everything they knew. That heat and that wind burnt an area larger than 30 other sovereign nations on this earth. The fires took with them 173 precious lives. That is 1000 close relatives and 5000 good friends. The fires took with them 2000 homes, buildings that saw birthdays and milestones and memories — the private and precious places central to each of us. The worst of nature and the best of humanity, that is what we saw from so many. Those who survived showed us the true strength of the human spirit. We should not single people out, but I will give a couple of examples.

There are people like Peter and Jenny Beales. Peter was a local councillor who lived in a home on McMahons Road in Kinglake. On Black Saturday and the days following 30 people took shelter in that home. The Beales then worked to establish a relief centre for survivors in a local community building. Peter recently stepped down as a Murrindindi shire councillor, and a man named Andy Derwent took his place. Andy, his partner, Leanne, and their four teenagers lived from 2009 until 2011 in three caravans held together by a tarpaulin in a quiet corner of their property. They lost everything. They were one of the last families to return to their rebuilt home because they were rebuilding their community first.

Andy was the deputy controller of the local State Emergency Service (SES) unit, and Leanne, his partner, the controller. These are people who witnessed in one weekend their private piece of this planet turned into the darkest end of our earth, and they did not stop and did not rest until they made it right. They were locals, they were traders, they were family members, they were firefighters — career and volunteer. They were officers of Victoria Police. They were our state's dedicated paramedics. They were doctors and nurses. They were people in the Red Cross, the Salvos, Vinnies, St John Ambulance, the former Department of Human Services, the former Department of Sustainability and Environment and the SES. They were and they are friends, parents, neighbours, members of amazing communities — communities of strength and purpose and compassion.

I am proud that we did what we could — all of us — to help them succeed. When they ask for more help, we must provide it, because we feel nothing but sorrow for the lives that were lost and the lives that were wrecked on that terrible Saturday afternoon and in the days before it. We should never forget. We should always, in remembering these events, provide for those ever changed by them and honour those 173 people who lost their lives on that fateful day. We offer our deepest condolences to the victims, to their memory and to those who still hold them dear.

Mr RYAN (Minister for State Development) — It is my honour to join with the Premier, the Leader of the Opposition and other members of the chamber in relation to this singularly significant and vitally important motion before the house.

The Gippsland and Black Saturday fires wrought havoc in our state. It is amazing to think they were five years ago. On this important occasion I offer some personal reflections. There is no doubt that the shocking events of the week before Black Saturday and then Black Saturday itself have scarred all of us, to greater or lesser degrees, for life. One hundred and seventy-three people lost their lives, and I am conscious that today we are joined by members of the bereaved communities. Twenty children under the age of 18 lost one or both of their parents. Some 800 people were treated in our public hospitals and emergency wards during the fires. Some 130 people were admitted to hospital; some 20 of those people suffered serious burns. About 1300 fire incidents were reported immediately prior to or on

7 February 2009. The fires devastated 109 towns and localities. They burnt 430 000 hectares of land.

I say again, as has already been referred to, the Delburn complex of fires, which occurred in the week leading up to Black Saturday, was in itself a terrible event. Forty-four houses were destroyed, many of which were in my electorate and in the electorate of the member for Morwell, which is again reflective of the events that happened on Black Saturday across electorates represented generally in this chamber.

Many of the people I met then and have met since suffered what my late brother, who was in the army, used to call the 1000-yard stare. They had fought the fight and survived it, and it is a testament to their extraordinary resilience that they continue to this day to battle many of the consequences. Many of them have injuries that they will carry for life; others have been able to recover. On this day it is important to reflect that there is no book about this and that it is important not to be judgemental of people and their capacity to recover. The resilience of people is absolutely amazing. Before coming to this place I spent 20 years in civil litigation looking after those who suffered injuries and the relatives of those who had died in a variety of circumstances. Something that I took out of that practice when I came here was the extraordinary capacity of people and their resilience to stand in the face of the most brutal of events. It is nothing less than amazing, and we saw it all there.

The recovery continues. There are those who have been able to make their way through, others who continue to do so and still others who will never do so. The work of the volunteers, the agencies in their many forms — and both the Premier and the Leader of the Opposition have referred to them — is nothing less than extraordinary, with so many committing beyond the call of duty.

The work of the 2009 Victorian Bushfires Royal Commission, initiated by the former government, is now being honoured by the fact that the current government is implementing all its 67 recommendations. There is no doubt that we are now better prepared. The warnings in their various forms are far better, and we have an array of them now. The interoperability of the services in contesting the threat of fire is so much better than before, but equally all of this reflects the fact, again as my late brother used to say, that we are consistently practising for an event we hope never happens. The reality is it will be back, and recent events have reminded us of that.

We as a government have commissioned Mr Ben Hubbard, who was the chief executive officer of the Victorian Bushfire Reconstruction and Recovery Authority, to undertake a careful consideration of the events which are ongoing for many of the communities affected. Through me Mr Hubbard recently provided us a report. That report contained recommendations. We will now give it the respect it deserves, and we will ensure that those recommendations are implemented. We will release the report in a timely fashion once we have had the opportunity to give it due consideration. I mention that in the context of reiterating the point to which reference has been made by the Premier and the Leader of the Opposition — that is, we undertook to the people impacted by these fires and the people of Victoria broadly that we would never forget the events of those terrible days. And so it is: we will never forget.

Mr NOONAN (Williamstown) — It is five years tomorrow since Victoria suffered one of its darkest days. For so many in our community, as the Deputy Premier has just outlined, the trauma and despair of that day ring as loud on this anniversary as they did on that fateful weekend. Black Saturday claimed 173 lives, including whole families whose members died side by side, desperately seeking shelter from the blistering and unforgiving wall of flames. A further 414 people were injured. Many more bear the psychological scars that come from such a brutal event. Thousands of homes were destroyed and businesses lost. Countless livestock, crops and pasture were incinerated in the relentless march of the fire. The stories of grief, tragedy and terror are etched on our consciousness and will remain so, as will the stories of heroism, hope, compassion, community, miracle and mercy. This is an anniversary that touches every Victorian.

On the day before Black Saturday the then Premier, John Brumby, issued the grimmest of warnings. He described the predicted fire conditions as ‘as bad a day as you can get’. The ensuing conditions were well beyond the experience and imagination of fire officers. The severity of the fires was simply off the scale. Temperatures on that day in many parts of Victoria reached the mid-40s and above. Winds were ferocious and wildly unpredictable, fanning flames that roared through our dry bushland and forest at unprecedented speeds. Lives were gone in an instant. The burden for those who lost their loved ones in this disaster is incomprehensibly heavy. On this anniversary we seek to remind them that they do not walk alone; we are with them.

The human spirit is strong. It is resilient. It seeks the light of hope in the darkest of hours. As we shed the bitter tears of loss on this fifth anniversary we also commit to hope, to the shaping of a better future and to each other. We pay special tribute to the firefighters

who fought the hundreds of fires on that day and the many thousands who provided critical backup support from the Country Fire Authority, the Department of Sustainability and Environment, the State Emergency Service, Parks Victoria, the Metropolitan Fire Brigade, Victoria Police and Ambulance Victoria along with health workers and countless other community organisations. Past and present members of this house also fought fires that day. I am proud to count those members among my friends.

Many firefighters fought on in spite of losing their own homes and tragically, in some cases, their friends. I was touched by the story in last Friday's *Herald Sun* of the Drouin West crew, which included one of our former colleagues. The crew's attitude is typical of our firefighters. Brigade member Bruce Jewell described his experience, and I am sure that of his esteemed colleagues, by simply stating, 'We went to hell and back'. Like many, our firefighters were not unaffected, yet their dedication and resilience shone through. We thank them for their outstanding service.

We have had many bushfire tragedies in Victoria, not least Black Friday in 1939 and Ash Wednesday in 1983. Black Saturday exceeded these in a way we could never have imagined. We have learnt from this day and from the work of the 2009 Victorian Bushfires Royal Commission and its 67 recommendations, many of which have been implemented, with others ongoing. As the Premier stated, our experiences of Black Saturday have meant that we are better prepared for these extreme events. We need to remain continually vigilant and never become complacent.

In the aftermath of Black Saturday, the Victorian community pulled together in support of those most affected. Many volunteered their assistance or gave generously to assist communities to rebuild their lives from the ashes. The scars of such an extensive tragedy heal slowly. Survivors, families and communities continue the process of rebuilding their lives. We in this Parliament need to acknowledge that, while time is a great healer, many continue to need our support.

I extend my condolences and the condolences of my colleagues to all those families and friends affected by the tragedies of Black Saturday. The Victorian Parliament and the Victorian community will never forget your suffering.

Mr WELLS (Minister for Police and Emergency Services) — In late January 2009 exceptional heatwave conditions — the most severe and prolonged in the history of south-east Australia — developed across Victoria. These weather conditions led to the worst bushfires in our country's history. These fires had a profound effect on Victoria. The impact on communities and individuals was devastating. The fires devastated 109 towns and 33 communities across the state, destroyed more than 3200 homes and damaged around 430 000 hectares of land. By the time they were contained, 173 people had lost their lives and many others had been seriously injured.

Victoria's fire agencies faced enormous difficulties and a mighty response was mounted. On 7 February around 12 000 Country Fire Authority (CFA) personnel were actively engaged in fighting the fires, whilst over 1000 Department of Sustainability and Environment (DSE), as it was then, firefighters were on active duty in the weeks before and after 7 February. The Metropolitan Fire Brigade (MFB) also contributed crews, as did interstate and international firefighters and the State Emergency Service (SES). The Australian Defence Force was also involved in the effort and worked to create firebreaks and clear roads. Up to 46 aircraft were used to fight the fires, as well as hundreds of tanks, trucks and other equipment.

During the following month, there were more than 80 000 days of firefighter attendance, including firefighters from DSE, Parks Victoria and other government agencies and CFA career and volunteer firefighters. From those who fought the fires to those who organised logistics, worked in incident control centres or supported individuals and communities trying to rebuild their towns and shattered lives, so many lives were touched by the events of Black Saturday. In the midst of this devastating grief and destruction we witnessed a selfless commitment to community protection. Many people lost family members, friends or work colleagues in the fires. Our volunteer emergency services personnel were instrumental in saving lives and helping fire-affected communities to pull together in the face of great adversity.

Tomorrow we mark the five-year anniversary of Black Saturday and remember the bravery and response of our emergency service personnel, particular our CFA members, in the summer of 2009. Victoria is very lucky and very proud to have such dedicated volunteers across agencies.

The government values the vital work performed by the CFA, which is one of the world's largest volunteer organisations, with over 55 000 operational and non-operational volunteers. Victoria has one of the best emergency services in the world. Staff and volunteers do a tremendous job in responding to challenges and emergencies every day. All our emergency services —

Victoria Police, Parks Victoria, DSE, CFA, MFB, SES, Ambulance Victoria and the many agencies providing crucial support — worked so hard to protect our communities during the worst bushfires in Victoria's history. The government, along with will all Victorians, will never forget this.

Notwithstanding the incredible efforts of our emergency services on that day, the scale of the bushfires, the damage caused and the recovery efforts required were unprecedented in this country. Significant lessons were learned, and in many cases these experiences have been shared and documented. Significant work has been undertaken by the state in response to the recommendations of the 2009 Victorian Bushfires Royal Commission, with 47 of those recommendations comprising 250 implementation actions completed as of 31 July last year. The government is more determined than ever to commit significant resources to implementing the remaining 20 recommendations and is already making significant headway.

Throughout the relief and recovery efforts post Black Saturday it was apparent that some of the emergency management structures and arrangements in place were ineffective. This realisation should not distract from the extraordinary efforts of the thousands of paid staff and volunteers on the ground who responded during Black Saturday, but it should bring to light the need for change and subsequently reform in the sector.

From a government perspective, the experiences during and after the 2009 bushfires have contributed to a comprehensive reform of Victoria's emergency management framework. A number of reforms have been implemented, including establishing the fire services commissioner, developing and implementing the fire services reform action plan, improving state command and control arrangements, and amending legislation to facilitate greater coordination among emergency services organisations.

Through the experiences of that tragic day, connections have been made and comfort has been found in the sharing of stories and lessons. Those affected have provided invaluable advice and support to communities affected by other natural disasters around the country. Victoria will continue to be challenged by fire, flood, storm and a range of other emergencies into the future. What is important is how our emergency services work with our communities before, during and after emergencies to deliver effective programs, products and services. I can assure the Parliament that it is this government's intention to have a sustainable emergency management system, and the lessons we have learned from tragic events such as Black Saturday will continue to shape and drive the way we deliver emergency management in our state.

My thoughts at this time are with all of those remembering loved ones who passed away in the tragic events of 7 February 2009. Their legacy will never be forgotten.

Ms GREEN (Yan Yean) — Tomorrow marks five years since 173 Victorians had their lives taken, leaving thousands of loved ones who still mourn their passing. More than 400 people were severely injured and thousands lost homes and businesses.

Experts such as consultant psychologist Rob Gordon, a veteran of more than 20 mass disasters since Ash Wednesday, told us in 2009 that the five-year mark is an important milestone for any community in disaster recovery. Most of those affected will have made their decisions to rebuild or relocate and a changed but new sense of normal is meant to exist. But all of us need to understood that those 173 Victorians we lost have loved ones whose lives have changed forever and they still need the love, support, compassion and understanding of the community.

They are people like Elizabeth Savage-Kooronya, who lost her husband, Graeme. Madison Bartlett, then only 12 years old, lost her sister and both her parents and suffered life-threatening injuries. She went on to live with her grandparents who have both since died and she now lives with her aunt. Ross and Bec Buchanan lost two of their four children and Bec's brother; Deini Shepherd lost her husband, Joe, and her son; the Arthurs Creek and Strathewen Country Fire Authority family lost one in five of their community and their own firefighter, Joe Shepherd; Mary Avola lost her husband, Peter; career firefighter Mark Carter lost his mum, Raye, and his dad was severely burnt; Denis Spooner lost his wife, Marilyn, and son; teacher and self-described farmer's wife Jenice Stokes lost her husband, David; the O'Gorman twins, just out of school, lost both parents and a brother; the Channel 9 family lost Brian and Moiree Naylor; the Labor Party family lost two former federal candidates in Jenni Bundy and Barry Johnston; the creative community lost Reg Evans and Angela Brunton; Aldo Inzitari lost his wife and two of his three children; Thomas Paulka, just out of home, lost parents Terry and Donna — and there were so many more. These are the personal stories.

Schools such Whittlesea Secondary College, Ivanhoe Grammar School, Diamond Valley College and numerous primary schools continued teaching and learning despite losing numerous members of their

school communities, including students, staff and parent representatives. Dozens of staff had lost their own homes but continued to teach and nurture their students through it all. Other schools like Strathewen, Middle Kinglake and Marysville primary schools lost their whole school but never lost their spirit, and teachers and parents kept the kids together.

I challenge anyone who has ever built or renovated a home in the best of circumstances to now query why some survivors have still not yet rebuilt or have only recently moved back after that dreadful event. On a road on which I travel frequently it is quite obvious to all who know the signs that the campervan parked not far from a small sedan is not simply a campervan; in truth, it is still the only home its occupants know.

Spare a thought for those who gave their all in battling the fire and saw unspeakable horrors in treating the wounded and locating the departed, followed by having to break the worst of all possible news to loved ones. It is these brave men and women who do not bear obvious scars but who carry them deeply covered under uniforms of yellow, orange, green, brown and navy. Many have had little or no success in processing their memories, and they and their loved ones battle the pressure of post-traumatic stress, experiencing nightmares, insomnia, anger, depression, substance abuse and relationship breakdown.

Only last week two crews of volunteer firefighters were burnt in a fire at Mernda and mayday calls were issued, indicating that lives were again in peril. I saw firsthand at my own fire station the Black Saturday scars rise to the surface again. These scars are never far away, especially in such dry, hot weather and conditions evocative of that terrible day that none can forget.

This season the work in my community has been unrelenting, with numerous fires in communities such as Epping, Mernda, Wollert, Donnybrook, St Andrews, Kangaroo Ground, Panton Hill, North Warrandyte, Arthurs Creek, Whittlesea and Strathewen. All have been attended by firefighter veterans of Black Saturday. Thankfully each and every one of these has been rapidly fought and controlled with no loss of life and minimal loss of property. Nonetheless these fires take an unrelenting toll on the psyche of a still recovering community. And those people will face it again, bravely, this weekend, with the spectre of threatening fire never far away.

As a community and as a Parliament we owe an enduring debt of gratitude to the firefighters who protect our community and expose themselves again and again to most horrific memories. I offer my ongoing support to them as a friend, a sister firefighter and a local MP. I offer my condolences to all who continue to suffer the lasting consequences of Australia's worst ever natural disaster, and I pray that at this time five years on their pain will have somehow diminished.

Nature terrifies and surprises us at its worst, but it also shows humanity the way to rebuild and regenerate. We saw how quickly the bush burst forth in a flourish of colour and beauty — and since that tragedy I have seen beauty in human nature emerge in music, in art and in stories. In particular it is present in the work of Amanda Gibson and the Australian Blacksmiths Association Inc., whose members have forged a memorial tree that is soon to be installed in the beautiful Strathewen Valley. The silver and copper leaves are evocative of the bush that we all love and the love, strength and beauty of humanity. The beautiful stainless steel trunk symbolises the legacy of the enduring strength of the community which lives on and the strength of the feelings we have towards those we lost. Lest we forget.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 7 to 18 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Sandhurst Centre

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the flawed and thoughtless decision of the government in the closing of the Sandhurst Centre in Bendigo and the lack of consultation between the state government and the residents, families and employees of the Sandhurst Centre.

The petitioners therefore request that the Legislative Assembly of Victoria reconsider this insensitive decision and that the Sandhurst Centre shall not be closed.

By Ms EDWARDS (Bendigo West) (114 signatures).

Supported accommodation fees

To the Legislative Assembly of Victoria:

This petition of certain citizens of Victoria draws to the attention of the house the intended introduction of a rise in fees for people with disabilities who live in Victorian government-managed group homes.

The increase in fees, from 50 per cent to 75 per cent of the disability support pension (DSP) — in addition to 100 per cent of the commonwealth rental allowance — will create severe financial hardship reducing affected Victorians' income to less than $5000 annually for the majority of their remaining basic needs. This will severely diminish their quality of life. This is a cruel and an intolerable imposition on the lives of Victoria's most vulnerable citizens.

The petitioners therefore request that the Legislative Assembly of Victoria reverse the decision to increase fees to 75 per cent of the DSP.

By Ms EDWARDS (Bendigo West) (14 signatures).

East–west link

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly recent news regarding the Napthine Liberal government's intention to build an $8 billion tunnel. In particular we note that:

1. the Napthine Liberal government is trampling on the rights and homes of local residents;

2. the Premier has failed to present a business case for this tunnel which will do nothing to fix traffic congestion for most Victorian motorists; and

3. the $8 billion tunnel will mean there is no funding available for other desperately needed transport infrastructure.

Petitioners therefore request that the Legislative Assembly calls on the Napthine Liberal government to seek a mandate from the people of Victoria before spending $8 billion of taxpayers money on this tunnel.

By Ms GARRETT (Brunswick) (23 signatures).

Boyne Russell House

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house that:

1. the Napthine Liberal government's move to privatise public sector aged care in Victoria means that Boyne Russell House is at risk of privatisation or closure;

2. despite an ageing population, the Baillieu and Napthine governments have closed public sector aged-care facilities in Ballarat, Castlemaine, Koroit, Kyneton, Melbourne and Williamstown and privatised one facility in Rosebud;

3. the 2012–13 Victorian state budget update foreshadows cuts to public sector aged care of $25 million in 2014–15 and $50 million in 2015–16;

4. Dr Napthine's plans to privatise aged care would significantly remove choices for Victorian families.

The petitioners therefore request that the Legislative Assembly of Victoria urgently call on the Napthine government to stop the privatisation or closure of Boyne Russell House.

By Ms GARRETT (Brunswick) (30 signatures).

Darebin Creek Trail

To the Legislative Assembly of Victoria:

The petition of the residents of Kew and other users of Willsmere Park, Kew, draws to the attention of the house that the proposed 3-metre-wide bitumen cycle route to run through the public parkland at 37 Willow Grove in Kew as part of the Darebin Creek Trail will have the effect of:

cutting the park in two;

destroying the unspoilt beauty of the park which is one of the few that is free of sporting or other man-made infrastructure;

shattering the peace of the park and thereby its chief attraction;

putting park users at physical risk due to the menace of cyclists travelling at high speeds who not infrequently like to test themselves off track;

disturbing fauna and wildlife;

and, in general, downgrading the amenity of park users who use it to enjoy quiet walks, to contemplate nature, paint or draw, walk, jog or take dogs on leads.

The petitioners therefore request that the Legislative Assembly of Victoria and the Minister for Planning relocate the route of the Darebin Creek Trail so that it does not pass through Willsmere Park and follows one of the alternative routes to prevent the desecration of Willsmere Park for generations to come.

By Mr McINTOSH (Kew) (26 signatures).

Darebin Creek Trail

To the Legislative Assembly of Victoria:

The petition of users of public parkland Willsmere Park, 37 Willow Grove, Kew, draws to the attention of the house that a diverse community from a range of suburbs including joggers, families, dogs, children on bicycles, poets, musicians, artists, elderly walkers, students and Tai Chi groups urge the Minister for Planning to relocate the proposed high-speed bitumen cycle route linking the Darebin Creek Trail to the north of the Yarra, through the middle of Willsmere Park, with the main Yarra trail.

We call upon the minister to ensure preservation of a tranquil place of exceptional beauty — one of the few parks in

Boroondara with no infrastructure. The government has neither considered nor consulted with the users of the park and has overridden the decision of the Boroondara council which opposed the extension of an expired VCAT permit to build a bicycle route.

The need to preserve open spaces for peaceful recreation is essential.

The petitioners therefore request that the Legislative Assembly of Victoria and the Minister for Planning listen to the voice of democracy and consider a suitable location which will not desecrate Willsmere Park.

By Mr McINTOSH (Kew) (157 signatures).

Tabled.

Ordered that petitions presented by honourable member for Bendigo West be considered next day on motion of Ms EDWARDS (Bendigo West).

Ordered that petitions presented by honourable member for Kew be considered next day on motion of Mr TILLEY (Benambra).

ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE

Membership

The SPEAKER — Order! I wish to advise that I have resigned as a member of the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee effective from today.

BUSINESS OF THE HOUSE

Standing orders

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

That so much of standing orders be suspended so as to allow the second-reading speeches in relation to the bills listed on the notice paper today to be incorporated into *Hansard*.

Motion agreed to.

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 18 February 2014.

Motion agreed to.

MEMBERS STATEMENTS

Australia Day

Ms NEVILLE (Bellarine) — It is with great pleasure that I take this opportunity to formally congratulate Malcolm Skilbeck and Ralf Harries from the Bellarine electorate, who were awarded Australia Day honours. Malcolm was awarded an Officer of the Order of Australia for distinguished service to tertiary education as an administrator, researcher and author, and through significant contributions to curriculum development and policy formation, both nationally and internationally. Ralf Harries was awarded an Ambulance Service Medal, which recognises distinguished service by the men and women of Australia's ambulance service.

I would also like to congratulate Father Kevin Dillon, parish priest at St Mary of the Angels in Geelong, who is well known in Bellarine for his highly valued association with Saint Ignatius College in Drysdale. Father Dillon was awarded a Member of the Order of Australia for significant service to the Catholic Church in Australia, to health and social welfare support services and to veterans.

The Borough of Queenscliffe also presented its prestigious Australia Day awards and I would like to congratulate all those who were honoured. In particular Nancy Allbutt, the 2014 Citizen of the Year, has been a dedicated volunteer, serving as a committee member and honorary treasurer to a wide range of organisations, including the Queenscliffe Maritime Museum and St George's Anglican Church. I also congratulate Meagan Canaway, the 2014 Young Citizen of the Year, for her contribution in promoting the health and wellbeing of our young people, especially through the Queenscliff Football Netball Club. I offer my congratulations to them all, and to all those who support and work with them.

Antipodes Festival

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The Antipodes Festival or Lonsdale Street Glendi will kick off in Lonsdale Street this weekend. The festival is one huge street party, bringing together local and international performers, music, food and many other activities for the entire family. There will be two stages offering free entertainment, with Kostas Makedonas performing in Melbourne for the very first time at the end of the official opening. The Victorian government has contributed $70 000 towards the Antipodes Festival, and this has been ongoing since the early 1990s.

Premier's Gala Dinner

Mr KOTSIRAS — I wish to also remind members that the Premier's Gala Dinner will kick off Cultural Diversity Week at the Palladium at Crown on Saturday, 15 March. The dinner will be an extravaganza of music, dance and friendship, highlighting Victoria's multicultural make-up with a remarkable display of Victoria's multicultural talent. Every year around 300 Victorians miss out, so I encourage all members who wish to attend to purchase their tickets because there will be over 1200 Victorians enjoying and partaking in the celebrations.

Piers Festival

Mr KOTSIRAS — Finally, I pay tribute to Multicultural Arts Victoria for organising an amazing Piers Festival at Princes Pier. It was again held during the Australia Day weekend and brought many communities together to showcase what makes us so special.

Cambodia

Mr SCOTT (Preston) — I, like other members of this house, have been approached by members of Victoria's Cambodian community with concerns raised about recent human rights abuses particularly against members of the Cambodian trade union movement. Members may be aware that there have been significant protests and strike action relating to the desire for garment workers to raise the minimum wage to $US160 per month. Currently the minimum wage sits at approximately $80 a month in Cambodia, and I would challenge members to consider surviving on $80 a month while working long hours in a factory.

Human Rights Watch has noted the significant human rights abuses of garment workers in Cambodia and has requested the Cambodian government to ensure that garment factory owners stop intimidating and threatening workers seeking to form unions and assert their labour rights. The government should cease banning government demonstrations and using security forces to disperse protesting workers and instead enforce the country's labour laws.

Cambodian garment factories supplying international brands regularly use threats, firing and non-renewal of temporary employment contracts to interfere with workers rights to establish and participate in independent trade unions. Cambodia is a country with a sad history of violence and political intimidation, and Cambodian garment workers deserve to have their rights to freely participate in trade unions respected.

Paws for Purrfect Patient (Pet) Therapy

Ms VICTORIA (Minister for the Arts) — I had the pleasure of meeting Naomi Snell, founder of not-for-profit organisation Paws for Purrfect Patient (Pet) Therapy, who has just received a $10 000 Animal Welfare Fund grant from the coalition government to continue her wonderful work. Last year Naomi ran a foster care program for 50 dogs and cats temporarily surrendered by owners with a mental illness or those experiencing homelessness or domestic violence. This year the funding will provide emergency food and medication packages for fostered animals. Well done to Naomi and her team of volunteers.

Southern Stars

Ms VICTORIA — Recently I sat proudly in the stands of the MCG watching the Southern Stars, the Australian women's cricket team, giving the English women a real run for their money. Although the Brits managed to secure the Ashes, it was a wonderful match and an exciting part of the series.

Indian Republic Day

Ms VICTORIA — Coinciding with Australia Day, this year I also celebrated Indian Republic Day with members of the Australia India Society of Victoria. It was a terrific and colourful evening, and I thank the president, Dr Gurdip Aurora, and his lovely wife, Dr Arvinder Aurora, for their hospitality. The hardworking committee certainly knows how to celebrate in style.

Bayswater Park Cricket Club

Ms VICTORIA — One of the most fun days on my calendar so far this year has been the Bayswater Park Cricket Club's ladies day. The boys and other organisers at the club worked hard on the fundraiser and made sure that all the ladies enjoyed themselves. The annual talent review is always a highlight, and this year's was no different. There is so much talent in that club I reckon they could take one of their shows to Broadway.

City of Wyndham schools

Mr PALLAS (Tarneit) — Due to the Napthine government's neglect, Tarneit P–9 College had to race against time to make sure its portable classrooms were in basically usable form for students who were returning to school last week. Shadow education minister the member for Monbulk, the member for Derrimut and I visited the school last Tuesday to see workers and teachers struggling to finish portable

classrooms to a basic standard because of delays in their delivery and the desperate need to get them in place. The classrooms are unlikely to be fully equipped with internet and computing facilities, books and other learning resources, and the concreting of dirt walkways just has not been done. That is hardly an environment in which children should be attempting to learn.

The Napthine government has already failed to commit to stage 2 capital works at Tarneit college. Now it has failed to deliver portable classrooms for over 700 students. This is typical of the government, which has left four schools across the Wyndham area waiting for the next stage of capital works, not to mention many older schools that desperately require capital investment after having been snubbed by this government for over three years now. This does not even touch on the government's lack of investment in new schools. With an average of 74 babies born every week in my electorate, it is estimated that the Wyndham area will require an average of one to two schools to be constructed every year until 2031 to keep up with the pace.

SPC Ardmona

Mr WELLER (Rodney) — I must express my disappointment in the federal government's decision last week to reject the request by food processor SPC Ardmona for a $25 million structural adjustment package. As a state government we lobbied the Australian government very strongly on this issue, and I am naturally disheartened that our appeal was ultimately not supported. I am deeply concerned about the impact of the decision on our region — on local growers and SPC Ardmona workers — and reiterate the sentiments of my colleagues in the Victorian coalition government that we will continue to do all we can to secure the company's future in the Goulburn Valley.

SPC Ardmona clearly faces a challenging situation. We are working closely with it to determine what opportunities are available to ensure ongoing viable food production in Australia's food bowl. The Victorian coalition government has already made significant commitments, including a $4.4 million commitment in the 2012–13 budget to upgrade SPC Ardmona's food processing plant. We are also continuing to provide practical financial support for the Goulburn Valley through the Goulburn Valley Industry and Infrastructure Fund with an initial investment of $5 million to implement the recommendations of the Goulburn Valley Taskforce's long-term industry and employment plan.

The coalition firmly believes that food production and food processing have a strong future in the Goulburn Valley. SPC Ardmona should be part of that future, and we will consider all viable options to secure the future of Goulburn Valley families and businesses. Coca-Cola Amatil will be discussing SPC Ardmona's future at its board meeting on 18 February, and we urge it to work with employers, the Victorian government and — —

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

Australia Day

Mr WYNNE (Richmond) — I rise to acknowledge the 2014 Yarra Australia Day award winners. Citizen of the Year is David Heard, who has spent 35 years of his life in support of the music industry, most particularly through broadcasting on PBS FM. Yarra Young Citizen of the Year is Ror Akot, a Yarra Youth Ambassador and Fitzroy resident. Ror Akot has played a vital role in bringing music, film and theatre to the Yarra community and is a resident of the public housing estate in Fitzroy.

Community Event of the Year is Ride2Work at the Abbotsford Convent, and Community Service of the Year is Abbotsford Convent tour guides. What an iconic place is the Abbotsford Convent! I was there on the Monday just gone. It is a quite extraordinary asset for the people of Melbourne and one of the great legacies of the former Bracks government. I recommend to members of the house, if they have the opportunity, that they go to the Abbotsford Convent and see its extraordinary achievements and the children's farm that abuts it. These are truly wonderful assets for the people of Melbourne nestled in the bend of the Yarra River. These are great achievements by the Yarra citizens and I congratulate them.

Black Saturday

Ms McLEISH (Seymour) — It is said that time heals. For those who have suffered greatly through trauma, loss or grief resulting from the many different events and challenges that are thrown at us I am sure these words are hard to hear. As we come to the five-year anniversary of Black Saturday we are reminded of the devastating events and the ferocity of the fires that shook our communities and took 173 lives. An anniversary is always significant for someone directly impacted. Some look to a day like this with dread, others might not want to think about it and yet others know it is a day when they can be with their memories.

It is with great sadness that I remember that day and the weeks and months which followed. The road to recovery is different for different people, and it is important that we recognise and understand this. Some people are much further along on this journey than others and have been determined to forge ahead with their lives. This is to be expected. Some need greater levels of support as they move along this path. This is also to be expected. Of course there are others in between. Our communities have also had to come to terms with the events and changes that followed. For many living in those communities this has been hard work and continues to be so. Through these tough times I have seen the emergence of a wonderful and stronger community spirit, which has certainly been strained and tested at times. It is not always easy.

Memorials and reflective gardens and spaces have been constructed for us to remember those who were lost. I ask all members to take a moment tomorrow to stop, to think and to remember so you do not forget the events or the people.

Don Cornish

Mr CARROLL (Niddrie) — I rise to celebrate the life of Donald Edwin Cornish, who passed away last week after a long battle with cancer. A former mayor of both the City of Essendon and the City of Moonee Valley, Don has left a tremendous legacy to our community in every sense of the word.

Don loved politics and was one of the best practitioners of it at the local level. He served as mayor of the City of Essendon from 1993 to 1994. In 1999 he was elected mayor of the City of Moonee Valley, and he reprised this role in 2001. Another great passion of Don's was baseball. Don was an integral part of the Essendon Baseball Club, where he served as president for a total of 12 years. In his time as president he oversaw the move from the Glen Street Reserve in Essendon, which represented a tough decision at the time but one which Don saw not as a setback but as an opportunity for future growth. In 2005 he was made a life member of the club, and the main ring at Boeing Reserve in Strathmore is named after him. In 2008 he handed over the reins to his son Tony, who remains president of the Essendon Baseball Club to this day.

Don was well respected and well liked in the City of Moonee Valley, and it was fitting that his wake was held yesterday at the Clocktower Centre in Moonee Ponds, which he fought so hard to save during his time at the council. The funeral was standing room only; it was full of residents and friends gathered to celebrate the life of a great community member.

I was fortunate to know Don and catch up with him briefly last year. It was great to see he still had that trademark tough, strong handshake he was so well known for. Condolences go to Don's wife, Pamela, and to their extended family. Don was a proud father, stepfather and grandfather. Don is gone but not forgotten.

Doug Evans

Mr McCURDY (Murray Valley) — Congratulations to Doug Evans, who was awarded an Order of Australia Medal on Australia Day for his service to the communities of Wangaratta and Yarrawonga-Mulwala and for his involvement with local politics and community groups dating back to 1968. Doug was mayor of the City of Wangaratta between 1974 and 1976 and spent 12 years as a Wangaratta city councillor and as a member of the Wangaratta hospital board. Doug continues to be involved with the Yarrawonga-Mulwala Rotary Club.

SPC Ardmona

Mr McCURDY — The fruit growers in my electorate are going through a difficult time with the uncertainty surrounding SPC Ardmona. I was very disappointed by the federal government's refusal to support our region. I am very concerned about the impact on local growers and SPC Ardmona workers, and I hope Coca-Cola Amatil will continue to work with growers, employees and government to secure the company's future in the Goulburn Valley. The Victorian coalition continues to provide practical financial support to the Goulburn Valley through the Goulburn Valley Industry and Infrastructure Fund. The Deputy Premier and the Minister for Agriculture and Food Security met with SPC again this week and will continue to discuss suitable options through which the Victorian government can support the entire region, which extends to Cobram and Invergordon.

Harvey Benton

Mr McCURDY — The dedication of some of our most deserving community citizens was recognised on Australia Day, including Harvey Benton of Springhurst. Harvey is a former Wangaratta shire president and was a councillor for 13 years. He has served on the primary school council, the Victorian Farmers Federation and Landcare and has been very active in the local fire brigade. My congratulations to Harvey Benton. The Springhurst community and the surrounding Wangaratta district are indebted to him for his commitment and achievements.

Australia Day

Mr McCURDY — Congratulations to all recipients of Australia Day awards throughout the Murray Valley electorate this year as well as to the organising committees of the events in each of the towns.

Cambodia

Ms CAMPBELL (Pascoe Vale) — Last night in this Parliament House Cambodia's ruling Cambodian People's Party was likened to the horrendous Pol Pot regime. Prime Minister Hun Sen's former training and tactics as a Khmer Rouge guerrilla have served him well in his oversight of the current abuse, detention and killing of citizens who attend democracy rallies. We heard from Cambodian-born Australians who had personally witnessed democracy protests and trade union gatherings which had been aggressively infiltrated by Hun Sen forces. They had spoken to the poorest of agricultural workers who had sold their meagre yet essential animals, such as pigs or chickens, so they could scrape together enough money to pay for food as they walked for days to the capital, Phnom Penh, to attend protests calling for the honouring of the people's democratic election vote to change government.

The ruling party and its security forces have ignored the electoral vote. They have recently shot garment workers, have failed to take any positive measures against corruption, are continuing the destruction of natural resources and are using the corrupt court system as a tool of suppression of their opponents. Poor garment factory workers trying to live on $80 per month are desperate and have barely enough food to eat. They need Australia's voice. Australia has been largely silent, but last night Victorian members of Parliament committed to assist our Cambodian friends to move towards a democratic Cambodia. So often we have condolences for losses; we have to act.

Gippsland East electorate bushfires

Mr BULL (Gippsland East) — It has been another difficult fire season in my electorate, with some fires still burning in far East Gippsland near the townships of Goongerah, Bonang, Tubbut and Cabbage Tree. These come on the back of last year's fires to the north and west of Heyfield and ahead of the terrible weather forecast for this weekend. I would like to take this opportunity to thank all members of the Department of Environment and Primary Industries fire crews and Country Fire Authority volunteers who are currently fighting the fires, many whom have come from outside the Gippsland East electorate to help out.

Orbost Country Fire Authority brigade

Mr BULL — The Orbost Country Fire Authority brigade was delighted to officially receive the keys to a new $445 000 heavy tanker on Saturday. It was great to meet with so many members, including captain Dick Johnstone and the brigade's longest serving member — with 65 years — Inky McMahon. This is another great example of the Victorian coalition government's strong commitment to its fire services.

Mountain Cattlemen's Association of Victoria

Mr BULL — The Mountain Cattlemen's Association of Victoria's annual get-together is a great showcase of horsemanship and bush skills. In January I had the pleasure of joining 4500 visitors and 11 other coalition MPs at the annual event in Hinnomunjie, near Omeo. The highlight was the running of the senior and junior cattleman's cup race, won by Chris Connelly of Benambra and Tahnee Olsson respectively.

East Gippsland fishing reefs

Mr BULL — Fishing reefs are currently being installed at a number of locations in East Gippsland, including Mallacoota, Lake Tyers, Nungurner and Metung. The new reefs are the culmination of 12 months work consulting with locals. The artificial reefs are purpose-built, hollow concrete structures which provide habitat for a range of fish and marine life. This project is another great example of the coalition government's commitment to recreational fishing in Victoria.

Migrant Resource Centre North-West Region

Mr LANGUILLER (Derrimut) — I wish to place on record my congratulations to the Migrant Resource Centre North-West Region. In particular I wish to commend its annual report 2012–13, which was tabled at the centre's annual general meeting conducted late last year at the Errington Community Centre in St Albans. The centre's achievements over the course of the last financial year and the efforts of the committee of management, staff and volunteers should be duly recognised. I wish to also place on the record my appreciation of and my congratulations to all the funding bodies that gave invaluable assistance and support to the centre in its ongoing endeavour to provide services to the community of the north-western suburbs of Melbourne.

The centre's annual report reflects its recently developed strategic plan, which highlights priorities for the next three years. I commend the plan. The priorities

include focusing on being positive, active, healthy and strong; enhancing wellbeing; and giving people access to every opportunity in education, training and employment. Other priorities include the My Place initiative, which is about engagement with and making a contribution to the community, as well as growing and sharing partnerships and giving people a voice.

One other measure of success has been the number of people who have contacted their organisation over the course of the last 12 months. Over 12 000 client contacts were made over this period, with people receiving direct services or referral services. I commend the plan, which was formed following extensive consultation.

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

Black Saturday

Mr BLACKWOOD (Narracan) — Tomorrow, 7 February, we mark the fifth anniversary of the terrible events of Black Saturday 2009. Tomorrow presents an opportunity to formally and publicly pay our respects to the 173 Victorians who lost their lives, commiserate with their families and once again call to mind the devastating destruction their communities endured. It is also an opportunity to remember the amazing generosity of so many people who instinctively came to the aid of those in need with a response all Victorians can be very proud of. We must also take this opportunity to reflect on the amazing resilience of survivors and the community spirit which arose from the ashes and underpinned the recovery effort. We must also never forget those who are still struggling mentally and physically from the trauma witnessed on that awful day five years ago.

In my electorate the Bunyip Ridge fire destroyed 38 homes, around 100 outbuildings and hundreds of kilometres of fencing. Thankfully there was no loss of life, but there was a significant impact on those people who were not directly impacted by the actual fire but who suffered incredibly due to the effect the downturn in activity had on their businesses. Five years on the recovery of the native forest, pasture and infrastructure and provision of improved community facilities has been truly amazing. I will never forget the generosity of so many people from right across my electorate, including individuals, service clubs, four-wheel-drive clubs, the Community Church Warragul, the Red Cross, local government and state government agencies and volunteers who provided countless hours of selfless assistance to those in need.

Australia Day

Ms GRALEY (Narre Warren South) — Australia Day is a national day of celebration. It is at its core a day for communities. I began my day — my birthday too — with the 2014 Holt Australia Day awards, presented at the Day of Nations celebrations in Hampton Park by the federal member for Holt, Anthony Byrne, MP. The Day of Nations is organised by the Hampton Park Progress Association. Congratulations to Tony O'Hara, Warren Calder, Vanassa Gerdes, Erica Maliki and Mladen Krsman for running such a successful event. Well done!

Award recipients from my electorate were Keith Barrot, Roland Blaschak, Colin Booth, Savio Gonsalvez, Bryce Eishold, Julie Johnstone, Mark Jouvelet, Brian Regan, Carolyn Scott, Colin Smith, Sharon Thomson, Shelley Peluso, Eda Vistac, Carols by Twilight at Casey City Church and Painting with Parkinson's. My warmest congratulations to these generous and kind-hearted people.

The 2014 Casey Young Citizen of the Year award went to Ben Hill. Ben is school captain at Fountain Gate Secondary College, and he raised awareness of youth depression and raised funds for overseas schools. Ben is a fine young leader, and I have closely observed his progress over the years. The community event of the year was awarded to the year 11 Victorian certificate of advanced learning students of Alkira Secondary College for their performance of *In Their Footsteps*. Well done to all the students. I know it has been a great experience for both students and veterans.

I wish to congratulate all of the 91 people from 24 different nationalities who pledged their allegiance to Australia at the City of Casey citizenship ceremony. We are a diverse nation, and their customs and traditions from across the globe and their courage and initiative will make Australia an even better place to live. From the bottom of my heart I welcome them to our local community.

The Cat Corner

Mr WAKELING (Ferntree Gully) — I extend my congratulations to Kerri and Cheryl at the Cat Corner rescue group in Ferntree Gully for receiving over $28 000 in funding from the Victorian government through the Animal Welfare Fund. The Cat Corner is a not-for-profit organisation run by volunteers that helps to re-home rescued kittens and cats.

Frank Breen

Mr WAKELING — I extend my deepest condolences to the family of Frank Breen, who recently lost his battle with cancer. Frank, a life member of Ferntree Gully Cricket Club, has been an active member of the Ferntree Gully cricket and football clubs for many years. His contribution both on and off the field will be fondly remembered by many in the Ferntree Gully community. I will certainly miss our many discussions at Wally Tew Reserve. My condolences to his family.

Brett Elms

Mr WAKELING — The Ferntree Gully community was saddened by the recent passing of Brett Elms. Brett was a respected and instrumental member and premiership coach of the Ferntree Gully Eagles Junior Football Club. He was also a respected member of the Knox police. I extend my deepest sympathies to Brett's wife, Kim, and to his children Jordy, Jess and Zak.

Ferntree Gully Endeavour Award

Mr WAKELING — I take this opportunity to congratulate the many worthy recipients of the Ferntree Gully Endeavour Award at local schools in the Knox community. I was pleased to recognise 18 primary school students in 2013, including Luke Allan from Wantirna Primary School; Josies Kalisperis from Mountain Gate Primary School; Mary Kostidis from Ferntree Gully North Primary School; Ashleigh Woollard from Knox Central Primary School; Hannah Lawson from Knox Gardens Primary School; Madison Sammut from Kent Park Primary School; Stephanie Callaghan from Fairhills Primary School; and Flynn Cole and Hannah Darcy from Wattleview Primary School.

David Hickman

Mr HERBERT (Eltham) — I rise to pay tribute to David Hickman, a remarkable member of the Eltham community and an icon of the Eltham Wildcats Basketball Club. David founded the Wildcats, the biggest basketball club in Australia, some 49 years ago when he was a teacher at Eltham High School. Since then he has played a pivotal role as a volunteer in building up the club. David also founded the Eltham Dandenong Junior Basketball Tournament, which has been held every Australia Day weekend for 39 years — and he personally rosters some 4000 games over that weekend. This is the biggest junior basketball tournament in the world, with some 1120 teams and just over 10 000 players.

At the opening of this year's tournament the Eltham Wildcats paid tribute to David by dedicating a court at their stadium to him. Many grateful locals took the opportunity to recognise this special event and attended the opening of the David Hickman court. It was necessary for the event to be organised in secret, as David is such a humble person and is not in favour of any fuss. David is still a full-time volunteer at the club, and of course coached the first match on the newly dedicated court, fittingly to a victory.

David's commitment to basketball has also seen him on the boards of Basketball Australia and Basketball Victoria. He is also a co-founder of the Eastern Districts Junior Basketball Association, the largest junior basketball association in Australia. And as if David has not given enough opportunities to the youth of our community, he also administers an education program which gives young people the opportunity to administer the club out of business hours and helps them learn about and get involved in the sporting industry. Many thousands of local children have benefited from the selfless dedication and commitment of David Hickman.

Darebin Creek Trail

Mr McINTOSH (Kew) — Today I am reading a statement prepared by the Friends of Willsmere Park in my electorate of Kew:

> The Friends of Willsmere Park have no issue with there being a bike bridge over the Yarra for cyclists using the Darebin park trail. However, there are overwhelming reasons — environmental and social — for its not being at Willsmere Park.
>
> Willsmere Park is one of the jewels of the Yarra — it is a beautiful, unspoilt, rural area in the heart of the city — with an abundance of wildlife, including platypus at the billabong as well as significant fauna — majestic river red gums, tree violets and wattles.
>
> Families and individuals, people walking dogs off the leash, including volunteers from nearby Guide Dogs Victoria, all enjoy the tranquillity of Willsmere Park.
>
> Having thousands of commuting cyclists travelling daily at high speed over the proposed 80-metre-long bridge and along the proposed 3-metre-wide bitumen cycling track which will cut Willsmere Park in two will put other park users at risk.
>
> Willsmere Park is lower than the other side of the Yarra and frequently floods in winter.
>
> The amenity of the park will be further destroyed as cyclists go off track to test their skills as they already do in Yarra Bend national park where there is already significant damage to barriers intended to stop erosion.

> Therefore we ask that the government look at the other more suitable routes available which will not destroy a significant amenity for the residents of Kew and indeed the whole of Melbourne.

That concludes the statement.

Melbourne Airport

Mr McGUIRE (Broadmeadows) — I call on the Premier to immediately confirm that Melbourne Airport will remain within the jurisdiction of the City of Hume so that one of Victoria's most important assets is not jeopardised by the Sunbury-out-of-Hume push. The government is supporting a policy that will divide the city of Hume, as the Minister for Local Government confirmed during yesterday's question time. Therefore the minister and the Premier must explain where the money will come from if Sunbury wants to split from Hume. Rates will be increased by more than 60 per cent for residents of Sunbury just to maintain current services, according to an independent report.

Melbourne Airport contributes more than $10 million to the city of Hume. It is one of Victoria's most important assets and currently has Victoria's most significant investment from a private company on the table for major redevelopment that is critical to the state and is not just of state but of national significance. The public interest of the state of Victoria should not be jeopardised by political point-scoring or political interest being pushed by the coalition government ahead of the public interest and the best interests of the state and its economic development and stability. The issue should be resolved. It is up to the Premier to make the declaration that if Sunbury secedes from the City of Hume the airport will not be jeopardised and this major development will go ahead and to explain where the finances will come from — —

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

Auburn High School

Mr BAILLIEU (Hawthorn) — Barely 15 months ago the school council of Hawthorn Secondary College, in the face of declining enrolments and other issues, made the bold decision to close its doors at the end of 2013. It then went on to recommend the opening of a new school with a new vision, new staff and new hope on the same campus in 2014. It set about working with the local community, staff, students, parents, other schools in the area, the Boroondara City Council, the Department of Education and Early Childhood Development and the government. Last Friday I was pleased to join the Minister for Education, the mayor of Boroondara, staff, parents, students in particular and representatives of other local schools to open the new Auburn High School — a new school with a new vision. Its vision includes select entry in maths, science and technology and French and Mandarin streams. The school is co-educational, with a general program in addition to the select entry accelerated learning program.

Auburn High School will serve not only Boroondara but also the metropolitan area and Yarra and Stonnington municipalities in particular. It is a tribute to the Chinese and French communities as well. I thank Howard Kelly, the transitional staff, principal Martin Culkin in particular, the parents, the staff and the students. There is much more to be done, but this is a great start and an amazing effort.

PARLIAMENTARY BUDGET OFFICER BILL 2013

Second reading

Debate resumed from 5 February; motion of Mr CLARK (Attorney-General); and Mr PALLAS's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to provide for the establishment of the parliamentary budget officer as a permanent standing office that can provide a genuine resource of advice on policy costings to members of Parliament and that is funded and staffed from existing Department of Treasury and Finance resources'.

Ms WREFORD (Mordialloc) — As I was saying last night, the government has the will and has found the money to deliver full funding for the Dingley bypass and feasibility studies for the Mornington Peninsula Freeway extension in its first term, as the coalition promised, just as it is delivering on another promise, the parliamentary budget officer (PBO). The PBO will be appointed by the Governor in Council on the recommendation of the Public Accounts and Estimates Committee. This is similar to the process for the appointment of the Auditor-General. It is a change made from the model in the discussion paper following submissions that were made, including those by the opposition.

The appointment of the PBO was brought forward from 1 July to 1 May to allow more time to develop protocols, procedures and operational plans. The bill ensures the confidentiality of information and documents submitted to the PBO. Proposals will remain confidential, an important issue because it will provide all members with confidence in the PBO's operations. Parties will not have to announce policies

prior to having them costed, and costings of unannounced policies will not be released.

It should be stated that this bill delivers on our promise to have the PBO for elections only; we did not promise that it would be a full-time position. We thought about extending the start time to a date earlier than 1 September, but we thought 1 September was early enough, particularly if we consider that Labor did not submit any of its policies for costings before the 2010 election until 5 November 2010.

This bill requires the PBO to prepare a budget impact statement that shows the impact each party's costed and announced policies would have on the state's budgetary position. It does not make it compulsory for all parties to submit all their policies for costing by the PBO. As Liberals we like to have choice. This allows that choice. Making it compulsory would limit how parties could run election campaigns as the community would expect parties to explain why they had chosen to avoid submitting a particular policy to the PBO.

Finally, this bill makes a small change with respect to an anomaly relating to presiding officers. In the 2003 change to fixed terms there was a failure to clearly define the role of the presiding officers between the expiry of the Legislative Assembly, the end of the four-year term and the election of a successor. In the event of a loss of confidence or an irreconcilable difference between the two houses things could become even more complicated. This bill allows a presiding officer's administrative responsibilities to continue until successors are chosen.

In summary, this bill will deliver on our election promise to establish an independent parliamentary budget officer and a parliamentary budget office that can verify the costings of election promises. Previous schemes politicised the Treasury and lacked credibility. The parliamentary budget officer will be an independent officer of the Parliament, much like the Auditor-General and the Ombudsman. It will be similar to the PBO in New South Wales. The PBO will be appointed by the Governor in Council on the recommendation of the Public Accounts and Estimates Committee. This bill ensures the confidentiality of information and documents submitted to the PBO. I commend this bill to the house.

Mr HERBERT (Eltham) — I rise to speak on the Parliamentary Budget Officer Bill 2013 and in support of the amendments circulated by the shadow Treasurer, the member for Tarneit. They are excellent amendments. This bill comes about belatedly — some three years late — following an election commitment and election grandstanding by the government when it was in opposition. For three years the government has hung on to this idea and in its dying moments it has been forced to put up something to meet its commitment. It is a pity the government does not have the same view of all its commitments. That would be a nice thing to see: this government actually committing to its election promises.

What those opposite have put forward is inadequate. This bill provides for the appointment of a parliamentary budget officer (PBO) by the Governor in Council, on the recommendation of the Public Accounts and Estimates Committee (PAEC), sometime between 1 May and 1 July in an election year and for that officer to operate until 31 December of that year. The officer will provide costing advice, which can be requested by a parliamentary leader or an Independent MP from 1 September of that year until 5.00 p.m. on the Tuesday before the election. The PBO is obliged to prepare the costing advice. If a request is submitted without enough time to undertake the costing, the PBO must include a statement to this effect in the final report.

It is good to see that the confidentiality of information belonging to political parties and government agencies is supposedly protected by the legislation prohibiting the sharing of information beyond what is necessary in terms of the functions of the job. There is an exemption under the Freedom of Information Act 1982. The PBO can obtain information from public bodies but cannot access cabinet documents. When requesting information to perform a costing the PBO must not provide any more information about the policy than is necessary. The PBO must publicly release the costings advice as soon as practicable after it is announced by the parliamentary leader. The bill allows for the release of information publicly on internet sites. The officer will also have to prepare a budget impact statement for each of the announcements. Costed policies and an outline of the aggregate fiscal impact must be released by 5.00 p.m. on the Thursday before election day.

That is all very well, but it is far from the commitment that was made by the coalition before the last election. We believe this bill is totally inadequate. It is too late. It is a cynical attempt to put a bit of rhetoric around what is not a satisfactory proposition in terms of the promise those opposite took to the last election. It is a half-hearted attempt, and it misses the opportunity to take a genuinely bipartisan approach to improving public debate and policy development in this state.

At the last election we saw those opposite making a mockery of their own costings. When they came to

government there was a massive cost blow-out in terms of the protective services officers scheme, and on PAEC's own findings there was at least $750 million in capital cost overruns on their election commitments. One would have thought that that would have been a salutary lesson to any political party. It should have indicated to the government that we need better and longer term scrutiny of election commitments in this state. But that is not what we have here today.

What we have here today is, we believe, a proposition for a PBO which cannot undertake sensible, comprehensive and credible costing of non-government policies because of the time lines that have been presented. The time lines establish the PBO six months into the final year of an election cycle with three months — only half that time — to undertake credible costings. We think this bill will, in many ways, undermine the quest for transparency in election commitments in this state because it is simply such a half-baked attempt at what should be a bipartisan, comprehensive policy.

In the first year of this parliamentary term the Labor Party, in opposition, announced a whole range of substantial policies it would take to the election. Three months before the next election is a long time away. It will be two and a half years since many of those election policies were put out there. Quite frankly it is absolutely absurd to expect that the policies announced over a four-year parliamentary term be contingent on work done in the final three months of an election cycle, when there is little time available for necessary review and to look at the costings from the opposition and to change them if needed or for people to get a good, clear understanding of their impact, particularly when the PBO will be staffed through short-term secondments from the Department of Treasury and Finance.

On that point, we believe that the parliamentary budget officer should be able to appoint their own permanent staff and should not simply second staff from other departments who have to then return to the Treasury mandarins to be held accountable there. This is not to say that we do not believe there is independence in the public service, because there is. However, it is an awkward position to put people in.

I will give members a good example. When this government came to office many people were seconded to various areas of the public service, particularly in transport. The first thing the government did was to gut the Department of Transport and set up an independent authority. Many people from the department who had been seconded to other jobs suddenly found they had no job back at the department because of the structural changes made by the government. We would hate to see that occur at the PBO; we would hate to see good public servants knock back an opportunity to go to the PBO because they were fearful that there might not be a job for them on their return. This is a real-life case; this is what happened to many public servants when the government came to office in 2010.

I listened carefully to the speech made by the member for Mordialloc. It would seem that despite her rhetoric she actually agrees with us about the need for a permanent parliamentary budget officer. She stated:

> The parliamentary budget officer will be an independent officer of the Parliament, much like the Auditor-General and the Ombudsman.

We agree with that; we are happy with that. That is exactly what we want. We want the PBO to be like the Auditor-General and the Ombudsman — a permanent officer with a permanent position and permanent staff. Perhaps when this comes to a vote the member for Mordialloc might like to have a good look at our amendments and vote for them so that the PBO becomes a permanent officer like the Ombudsman and the Auditor-General.

We on this side of the house have proposed a number of amendments. The shadow Treasurer tried to put up a private members bill on this subject, which should have received bipartisan support. Of course it did not, because it was far too open, accountable and transparent for the ramshackle government that sits opposite. The amendments propose that the PBO be appointed for between four years and nine years so that they have long-term security in their position, that any policies can be submitted during a parliamentary term, that the PBO will provide briefings or advice on the technical nature of general fiscal, financial and economic matters to parliamentary leaders and that the minister will review the act over five years. We are proposing that the parliamentary budget officer be permanent, with permanent staff who have security of tenure and funding over the entire four-year term.

This would mean that political parties, including the opposition and Independents, would not just drop in wild policies right at the end of an election campaign, as we saw from the coalition during the last state and federal election campaigns. It would encourage all parties to provide the public with long-term, detailed and costed policies and programs long before an election — available for scrutiny years before if needed — so that the public could gain a genuine understanding of what each political party stood for,

what the costs of their promises and policies were going to be and what their implications were.

You would think this would be supported by every member of this Parliament, but it is not by members on the other side. Those opposite simply want to bring in a short-term quick fix that enables them to put a tick on their one election commitment to be able to say, 'We've honoured our call for democracy'. We on this side of the house say that is absolute rubbish. We will not have a bar of it. We do not believe in half-baked attempts to try to con the public with a bill like this. We want to see the real deal. We want real financial accountability on election promises. That is why we are proposing these amendments.

Mr McCURDY (Murray Valley) — I am delighted to rise to speak on the Parliamentary Budget Officer Bill 2013. The bill will implement a key 2010 election commitment of the coalition. I was amused to hear the previous speaker talk about wanting to see real commitments and real things. It really is comical to hear that coming from those on the other side.

The bill will establish the position of parliamentary budget officer (PBO) for the Victorian Parliament to provide a genuinely independent costing process that will be available to all parties. I want to quote something the then shadow Minister for Finance, now the Attorney-General, said in 2010:

> The Labor Party must abandon its current sham 'independent' policy costings and back a truly independent parliamentary budget office if it is to have any credibility on costings …
>
> Victorians can have no confidence in Labor using the same costing processes that have already seen the costing of myki blow out by $850 million, smart meters by $1.4 million and the desalination plant by $2.6 million …
>
> There's nothing independent about Labor getting public servants to write Labor policies, cost Labor policies and then certify Labor policies.

Only Labor would want to oppose this bill and turn a part-time position into a full-time position. Those opposite want someone in a job that only takes six months or eight months to be there for a full four-year term. I am not surprised that Labor is opposing this bill on the grounds that it wants the PBO to be a full-time position. It is clearly a smokescreen. We all understand that Labor cannot manage money. In opposing this bill, Labor is saying to the world, 'We can't manage money in the Labor Party, but we don't want anybody else to know about it'.

The need for a PBO was highlighted during the 2010 election campaign, when a debate arose over the costing of election promises — because some do this better than others, Acting Speaker. We know Labor has been very creative over the years. It certainly never lets the facts get in the way of a good story. Labor continues to do this to this very day — make promises it knows it cannot deliver. I feel sorry for some of the people who vote for Labor. They have been hoodwinked. Every four years they are sold a lemon. Labor expects people to eat its pork pies. This has been going on for years, particularly during the 11 years Labor was in power. The coalition government now has the opportunity to introduce scrutiny measures such as this, and we are very proud to do so.

This is for all Victorians. We are introducing bills that will ensure accountability. As long as the coalition occupies the government benches we will continue to expose the cloak-and-dagger-style leadership we see under Labor.

Unlike what happens in other states around Australia, there is no legislative requirement for Victorian political parties to present the impact of their election promises on the budget; it has been more of a historic precedent in Victoria. Surprisingly, since the change of government the Labor opposition and the Greens have repeatedly questioned when the PBO would be introduced. We have legislation here today, and now those opposite want to oppose it. Only Labor could do that.

The bill introduces a PBO for Victoria that operates during an election year with the primary purpose of providing an independent costing of election policies and budget impact statements for each party. It is not about providing any broader research and examination functions or any assistance during any other period apart from the parliamentary cycle in an election year. Purely and simply, the PBO is to cost election promises.

I know that the coalition has nothing to be afraid of, and that is why we are introducing this bill. Our track record on managing money is unquestionable and exemplary. Labor members on the other hand have major issues, and I understand why they have major concerns and why they want to oppose this bill. It is because they have a long, dark, murky history when it comes to managing the economy and managing money. Put simply, Labor cannot manage money. This bill could very well be the kryptonite that Labor wants to avoid the most because their super powers might be exposed. Their ability around election times to invent funny money that just disintegrates into thin air, their major projects that for so long have been underfunded and their blank cheque mentality may be seriously bruised if they had to come under the scrutiny of a PBO. But

the big one is their union affiliations and their bias, which would be exposed. Labor will do anything to avoid scrutiny, and we are seeing that again today in this chamber.

The discussion paper has remained unchanged in that the policies will be submitted from 1 September of an election year onwards, right up until the Tuesday immediately preceding polling day, which this year will be 25 November. If we look back over history, that is ample time for policies to be costed. If we look at the 2010 election we see that it was around 5 November when Labor first started getting its policies costed. The period stipulated in this bill is longer than the normal caretaker period, which is usually the four to six weeks in the lead-up to an election. The PBO will be available to all parliamentary party leaders — that is fair — and Independent members of Parliament. That is also fair. Therefore, Independent candidates and minor parties that are currently not in Parliament will not have access to this facility. This is about not clogging up the system with wannabes. This is about making sure that genuine contenders in Victoria can have their policies checked and scrutinised.

The discussion paper recommended that independence would be best maintained if the PBO were appointed by a resolution of both houses. It suggested the appointment of a named person, recommended by a three-person selection panel consisting of the Auditor-General, the chair of the Essential Services Commission and the Secretary of the Department of Treasury and Finance. You could not get a fairer process than that. Although other independent officers of Parliament, like the Auditor-General, are appointed by the Governor in Council on the recommendation of the Public Accounts and Estimates Committee, the discussion paper dismissed that proposition and said that given the political significance of the parliamentary budget officer it was considered more appropriate that the selection panel that will nominate the proposed appointees should consist of holders of designated public office rather than a parliamentary committee. So this talk we have heard from the other side about mates who are going to be on the PBO, who will be appointed and who will work there, is all rubbish. Again it is a smokescreen because Labor does not want to be scrutinised.

Funding of the PBO will occur through a specified allocation in the parliamentary appropriation every four years, and its draft budget will be reviewed by PAEC, as all those bodies are. At this stage how much is expected to be set aside for PBO operations has not been defined, but clearly the coalition will ensure that it is adequate for it to complete the task. I hope that in the event of Labor members ever occupying the government benches again that they too will ensure that this independent body is well resourced. History shows that Labor members are getting cash in one hand and getting their instructions in the other. We want to make sure we avoid that, and that is why we want more public scrutiny.

New South Wales was the first Australian jurisdiction to establish a PBO when it passed its Parliamentary Budget Officer Act 2010 prior to its last election. The experiences of the New South Wales PBO when it first operated before an election provide useful lessons, because even though there is a growing global trend towards the creation of PBOs, there are very few examples of PBOs at state level. That is why we look to New South Wales and its success in that jurisdiction.

The New South Wales Joint Select Committee parliamentary budget office inquiry, which was established in December 2011, recommended that the core mandate of a PBO should be to cost election policies and not to double up on other work throughout an election cycle. That is good, sound advice. If we have a PBO running over a full four-year cycle, they will be out creating jobs for themselves. They will be doubling up on issues that do not need to be doubled up on. Labor members are scared of scrutiny. If you mention that three letter word, PBO, or a four-letter word, IBAC, all of a sudden they run for the hills. This bill is about seeing that we get scrutiny in this Parliament so that all Victorians can see costings; they can see who can manage money well.

When I discuss this legislation with people in my communities in the Murray Valley I continue to be amazed at the level of scrutiny that people want to see in government, and I am pleased about that. On this side of the chamber we are thrilled to see that people out there in the regions and even in metropolitan Melbourne want scrutiny. They do not want governments to make a wish list they cannot live up to. This is about good fiscal management. The PBO bill will continue to make parties accountable for the decisions they make leading up to an election rather than their making promises they cannot deliver on. I am delighted that we are introducing this bill today. It is very timely in an election year to make sure that we can have this PBO up and running for this year's election in November 2014.

Mr PANDAZOPOULOS (Dandenong) — Government members have all been coming in here saying that this is about good fiscal responsibility. The last speaker said as much. If you really believe in fiscal responsibility, then you have a full-time parliamentary

budget officer (PBO). What is it? It is an office independent of the Parliament in the same way that the offices of the Auditor-General and the Ombudsman are. To have those agencies function in a part-time capacity a few months from an election, as is the case with the parliamentary budget officer this bill proposes, means you do not have the proper independent scrutiny of government on behalf of the parliamentary agencies.

What this bill will create is a dud parliamentary budget officer. It is a half-hearted attempt at achieving good fiscal responsibility and management. We are all members of the Commonwealth Parliamentary Association, which is our professional development arm as politicians. I had the honour of representing members of this house and other parliaments in Australia on the international executive. Some of the main things we teach around the world are good governance, democracy enhancement and public accounts and estimates responsibility. The need for independent scrutiny of parliamentary accounts is one of the core things that we deliver in training to politicians around the world.

Australia has been so slow to respond to an independent PBO. Because of our adversarial politics a good policy that should be applied to all of us, and that is applicable in other jurisdictions, is being overridden in favour of short-term political interests. That is what this bill is all about.

Honourable members interjecting.

Mr PANDAZOPOULOS — We did not create the officer either, but if you are going to do it, do it properly. When it was in opposition, the government wanted to differentiate itself from the way the Labor Party dealt with things. What the government has now done is make some commitments, get itself elected, and then in this election year — only months out from the election — it is trying to deliver something that will be highly inefficient in terms of what its objectives are. The government is insulting the whole process of a parliamentary budget — —

Ms McLeish interjected.

Mr PANDAZOPOULOS — You have had your go; you should just wait now. You have had your go — other members have had their goes.

The ACTING SPEAKER (**Mr Blackwood**) — Order! The member should address his comments through the Chair.

Mr PANDAZOPOULOS — We sit there and tell other politicians around the world that they must have parliamentary budget officers. We do this because we have multiparty systems and because not all power should lie in the Treasury. As members of Parliament we should have independent scrutiny of our election commitments, and there should be independent scrutiny of government announcements. We should not simply trust government's own costings. That independent scrutiny is a key role of parliamentary budget officers, and it is why this government does not want a full-time parliamentary budget officer: it will expose the government. It will expose the questions that are hanging over its $8 billion — or more — tunnel. To date the government has not been prepared to release its costings publicly — and senior people from VicRoads have quit over those costings. That is why the government does not really want a PBO. It is simply trying to deliver a minimalist commitment around the issue of political parties having their election commitments costed.

A proper parliamentary budget officer is not simply an officer for costing commitments in the lead-up to elections, and that is what our amendments highlight. The reality is election commitments should not only be made months out from elections. A good public policy needs to be created over a whole parliamentary cycle. That is why we have a full-time Auditor-General and Ombudsman appointed by the Parliament — their work can be conducted over the full parliamentary cycle. The same principle should apply to a parliamentary budget officer.

Each political party, whether in opposition or government, develops its policies over time. It is completely wrong to load up in the course of a few months a whole lot of commitments from the Labor Party and the Greens for costing by staff on secondment. Logic should tell you that it is very hard to do a proper job within just a few weeks and have the results released just before the election. The reason we lecture developing countries about setting up public accounts and estimates committees and independent parliamentary budget officers is that we want them to be accountable for the money we send to them. Australia is a member of the World Bank, and in supporting the World Bank Australia requires it to run programs for parliaments and governments in developing countries about why they should have parliamentary budget officers. Yet here we are, in a developed democracy, without these same things. This is not because we are bad managers of money but because we want to play politics over good management.

The reality is the Parliament of Victoria is now, whether we like it or not, with the reforms in the upper

house, much more diverse. We have not only the Labor Party and the Liberal-Nationals — and there have been times in the history of the Liberal and Nationals parties when they opposed each other in this chamber; and they might again in the future — but also a new political party in the Greens in the upper house, whether we like it or not. Every political party should have the opportunity to develop policies and to try out a range of ideas within a budget envelope. That is good fiscal management; it is good public policy. It is also good for democracy. This mechanism is an appropriate resource to support members of Parliament in public policy-making. But the government does not want that to happen, and that is expressed in this model. The government hopes it can rely on its own Treasury costings — which is fair enough, as Treasury normally does a pretty good job. But the government is trying to force the opposition at the last minute and in an undemocratic way to suddenly load up these costings that cannot be properly assessed by seconded staff.

The member for Eltham highlighted the point that the quality of the work of seconded staff can be compromised: you do not necessarily have longevity, people may lose their jobs and staff may be seen to be taking a different approach from the one adopted by the organisation they are seconded from in the way they make particular assessments. We know what happens; we have done it in government. We give different policy ideas to Treasury for it to give us its view of the scope of the cost of such policies, and suddenly, when someone is wearing a different shoe and assessing things independently in a different way, they might come up with a different figure.

Having seconded staff will not provide a proper and effective parliamentary budget office. That is precisely why we have full-time staff in the Ombudsman's and the Auditor-General's offices, so that they can do their jobs without fear or favour. There is no fear that they will offend the agencies they are seconded from, and their career opportunities in the future are not jeopardised by the fact they are providing independent advice. That is what we need in the parliamentary budget officer; we need independent advice. As someone who has been a shadow minister and a minister, I can say it was good to have support. I think the public would very much support political parties having the ability to get election commitments and promises independently costed before making policy announcements, not a few weeks out from an election but in a proper way.

As members of political parties I think we should be developing our policies way before an election. Three years out from an election is the proper way to do that. That is what we should be doing, and that is what you could do with a full-time parliamentary budget officer. In jurisdictions outside Australia where a full-time parliamentary budget officer exists, this is what is starting to happen. We may have been late to start this debate in Australia because of our adversarial style of politics; an independent officer of the Parliament could be seen to be giving a political advantage to an opponent and at the same opening themselves up to more public scrutiny. However, an independent officer assessing government could work in the same way other independent officers of the Parliament, such as the Ombudsman and the Auditor-General, assess the public service.

We fear an extra organisation having a look at our costings because we do not have an officer that looks at our costings. We have an Ombudsman who tackles complaints against departments. We have an Auditor-General who looks at performance auditing, but we do not actually have an independent person who goes through the fine details of policies and the contracts of a process before it gets ticked off by cabinet. As legislators we do not have an independent person to act on our behalf, irrespective of what party we are from, and to assess these things. It is what we fear. We think we are going to get a political advantage over an opponent.

The bottom line is that governments fear a full-time parliamentary budget officer, because, as the member for Murray Valley said, we bagged the independent, broadbased anticorruption commission that his party set up. We do not want it there all year round, but the government set it up all year round. It is there to do a job, whether or not we like it as members of Parliament. It is an extra check and balance on us. That is why I am passionate about having a proper parliamentary budget officer rather than the mickey mouse scheme the government is giving us.

Mr THOMPSON (Sandringham) — The former government had 11 years in office in which to tackle this question. The previous speaker did not allude to that lack of action over that 11-year period. I pay tribute to the member for Dandenong because when I came into this place in 1992 — at the same time as the member for Dandenong — he was one of the few members, if not the only member, on the opposition benches at the time who had worked in the private sector. Virtually every other member of the Labor Party in this place at that time had been a union organiser, a ministerial advisor, a public servant or a Labor Party staffer. The member for Dandenong had at least worked in the private sector and had some understanding of business operations.

Mr Noonan interjected.

The ACTING SPEAKER (**Mr Blackwood**) — Order! The member at the table should show respect to the speaker on his feet.

Mr THOMPSON — To draw upon a statement by someone in another jurisdiction: 'Some live under the illusion, you can sometimes spend money that you haven't got without one day having to account for it'. If one goes to the businesses in the main streets and industrial sectors of Melbourne, one can apply the laminex tabletop test: businesses that started on a laminex table in the kitchen, or where the laminex table was the only table in the industrial complex because of prudent business management. They did not have the largesse to afford items that were not essential to the production process or the operation of a business where there was a prudent regard for the value of the dollar and matters of affordability rather than promising what was not able to be delivered.

Before the 1998 state election the Labor Party promised on the front page of a local newspaper that if re-elected in that year, it would build a new police station in Sandringham. For 18 years that promise remained unfulfilled. It was waste land and a derelict site for a good part of my time in this Parliament. I had the opportunity to campaign on that particular point. In 1988 there was a direct, unequivocal pre-election promise that if re-elected, Labor would build an important piece of government infrastructure serving the bayside community. That promise remained unfulfilled. More pressure was put on the Labor Party when the previous Premier of Victoria, the member for Hawthorn, was asked on 3AW: 'Give us an example of an unfulfilled Labor promise'. He had the opportunity to point to the broken, unfulfilled Labor promise of a new police station in Abbott Street, Sandringham.

Over the last 30 years there have been other examples. When the Labor Party came to office in 1982 there was an expectation that the new government had a vision to build a rail line between Huntingdale railway station and the then VFL Park. It had commissioned an inquiry about the rail line and found out about it. Labor went to the polls and built up expectation about this important railway infrastructure that would allow people to travel to VFL Park. The promise is unfulfilled. Thirty years later there is still no rail line, even though the then Labor Minister of Transport built up expectations that something would happen.

These promises were made at times when there was a surge from Canberra, when there was the budget rhetoric of, 'We are at the dawn of a new economic golden age' and, 'This is a budget that is going to bring home the bacon' and, 'With myself at the levers it will be a soft economic landing'. Then it was 'the recession that we had to have'. There was a lot of rhetoric, but there was a failure to deliver key items.

Another example is Labor's regional fast rail to Ballarat, which had an expenditure outlay of about $80 million. At last count I saw that the delivery cost on that line alone was some $800 million or more. Labor only got it right to a tenth of the value of the project. Then there was the Dingley bypass. The suburban newspapers were full of Labor Party rhetoric that it would build the Dingley bypass. Yet it remains incomplete even as the coalition government is endeavouring to fulfil that promise, steadily and purposefully, as a result of the Labor Party failing to build it. I will come back to the concept that Labor governments live under the illusion that you can spend money without one day having to account for it.

From my point of view, as I speak to local business people, it is a pity in many ways that this bill has to come before the house. It is a pity that there is a level of accountability that we have to bring into this place, because political parties are not able to carefully cost their promises and then implement them — whether they are promising to build a police station and do not fulfil the promise, whether they are promising to build regional rail and underestimate by nine-fold the cost of its delivery or whether they are promising to build a major piece of road infrastructure and never get on with the task of doing it. I note too, in response to the gentle interjections coming from across the chamber, that the former government had 11 years in office to deliver on this particular matter being implemented.

There are a number of practical aspects in relation to the bill that I would like to comment on. Clause 18 of the Parliamentary Budget Officer Bill requires of the parliamentary budget officer (PBO) that:

> (1) As soon as practicable after his or her appointment, the Parliamentary Budget Officer must prepare protocols for election policy costing requests and election policy costings —

I wish the PBO every success as he goes about his task —

> (2) The PBO protocols must set out —
>
> (a) timelines for the submission of election policy costing requests; and
>
> (b) procedures for consultation between the Parliamentary Budget Officer and parliamentary leaders; and

(c) an outline of how the Parliamentary Budget Officer will determine the priority of election policy costing requests and the equitable allocation of resources to deal with requests; and

(d) the form and content of, and information to be provided in connection with, election policy costing requests, election policy costings and budget impact statements.

(3) The PBO protocols may include any other matters the Parliamentary Budget Officer considers appropriate.

As I think of the businessmen and women in high streets, main streets and the industrial areas of Melbourne with their laminex table tops, I wonder what they think about their hard-earnt taxes being spent on a process that one would expect political parties to be able to deliver through their own rigorous, careful analysis of what it will cost to implement a budget policy program if they are elected to office.

There is the tragic failure on the part of the other side of the house to deliver a police station as promised, to deliver a road as promised, or to deliver a fast rail as promised in a timely manner. When we speak about the wise allocation of resources, it is at a time when numbers of people on this side of the house are championing increased resources to upgrade the maintenance of their schools to address a $400 million maintenance backlog. Admittedly the cost of the backlog has come down. When I first came into this place it was $600 million. As I walked through the corridors of schools in Labor electorates I saw punched-in masonite and weeds growing out of the spouting; after a decade of Labor in office one could clearly see that money had not been correctly allocated to important institutions. I witnessed the largesse that had been sprayed across Victoria for school halls while a school such as Sandringham College across its three campuses was calling out for money. If the then government had approached the school's local member or if it had approached the Liberal Party, we could have given it some good guidance on how there could be wise expenditure so that in the public education system the government resources could have been carefully and wisely allocated and provided outstanding educational infrastructure for the students in this state.

It is with measured response on my part that at the same time I do keenly support a bill to hold political parties to account for the promises that they made and for the costings that accompany them, so that we do not have the deplorable situation where for decades, as was the case with the Sandringham police station for 18 years, there was failure on that side of the house to fulfil a promise that induced people to vote Labor in the 1988 election.

Mr PERERA (Cranbourne) — Policy costings were a major issue in the 2010 state election campaign. That was one election where the coalition had policy development failures — for example, there was a capital cost blow-out of the protective services officers scheme. The Public Accounts and Estimates Committee found at least $750 million in capital cost overruns on election commitments. In the lead-up to the 2010 election, the then Premier altered the caretaker conventions to allow non-government parties to submit their policy costings requests directly to the Treasury rather than going through the Premier and the Treasurer. Still the Liberal Party maintained that it would use an independent accounting firm rather than going through the Treasury. These firms invariably conduct costings using information and assumptions supplied by the opposition or the people who hire them. The information was not sought from the very Treasury that would be implementing the policy if the Liberal Party were to win government.

At that stage the opposition rightly realised the importance of a parliamentary budget officer and pledged to create one in government. The *Herald Sun* of 24 November 2010 reported that the member for Scoresby, who was the then shadow Treasurer, would create one within the first 100 days of winning government. His pledge was taken seriously because he was the shadow Treasurer who became the portfolio minister. But the statement was not worth the paper it was written on. For three years the government dragged its feet. In September last year the shadow Treasurer on behalf of the opposition tried to introduce a parliamentary budget office through a private members bill, but it was defeated. Then after a discussion paper and submissions the government introduced a half-baked skeleton parliamentary budget office bill, which is before the house today.

The coalition in opposition argued that the Treasury was not independent. In office the coalition is planning to form a temporary parliamentary budget office for a few months in an election year and around the time of the election, not right throughout its term in office. There are no permanent staff in the parliamentary budget office. The staff will have to be seconded from somewhere, perhaps from the Treasury — the very people the coalition said were not independent when it was in opposition. In a very diplomatic way this could be called hypocrisy. Obviously the government should not expect the opposition to support this bill if it does not adopt the opposition's amendments. Due to the time constraints I will conclude my contribution.

Mr CLARK (Attorney-General) — I thank honourable members for their contributions to this

debate. If there is one thing that is clear from the debate that has taken place on this bill, it is that, once again, you just cannot trust Labor with money. The opposition is doing everything within its power to try to bring about the defeat of this bill because it does not want to be accountable for its election policy costings. It is no wonder that it does not want to be accountable when you look at the debacles it has been involved in already in the early stages of its policy release. There are the debacles with its claimed $6 billion worth of proceeds from the sale of the port of Melbourne and the debacles with its 24-hour public transport policy, but of course it is not prepared to come out and admit that it does not want independent accountability and scrutiny for this measure, so it is trying to dress it up by trying to turn this government election commitment, this valuable policy initiative, into something entirely different and something which is unaffordable, unreasonable and unacceptable.

The shadow Treasurer gave the game away in the middle of his remarks on this. He gave the game away as to what he was really looking for with his reasoned amendment, where at page 87 of yesterday's *Daily Hansard* he said he wanted an ongoing, four-year, enduring, permanent parliamentary budget office to provide not only costings but also 'tactical advice' to parliamentarians. He is looking for a massive extension of the opposition offices and staffing to provide tactical advice to a shadow Treasurer and to an opposition that is incompetent and incapable of developing its own sensible policies. That is not what this bill — this election commitment — is about. It is not about doing opposition members' homework for them; it is about providing independent, objective and impartial costings of election policies. That is what we said we would do in opposition, and that is what we are delivering in government.

Despite the attempts of some opposite to denigrate the independence of the parliamentary budget officer, who will be an officer of the Parliament, the parliamentary budget officer will be appointed as an independent officer in the same manner that the Victorian Auditor-General is. The shadow Treasurer needs to be accountable as to whether he is casting reflections on the Auditor-General by impugning the integrity of the process by which the Auditor-General is appointed. The same process through the Public Accounts and Estimates Committee will be used for the parliamentary budget officer. Until today I would have thought that all sides of the house would acknowledge the good work the Public Accounts and Estimates Committee has done under governments of both persuasions in the recruitment and nomination of auditors-general. To suggest that for some reason the committee is no longer capable of selecting a genuinely independent parliamentary budget officer is the height of hypocrisy. Of course, who staffs that office is a matter for the determination of the parliamentary budget officer himself or herself, so the arguments being brought against this bill are spurious in the extreme.

Labor had 11 years to introduce a model like this and did nothing like it. We know the charade that Labor used going into the 2010 election, where not only did it have a system whereby policies would be costed in-house by the Department of Treasury and Finance but it was also a system that was deliberately engineered to operate unfairly for oppositions, because once a policy was submitted there was no opportunity to react to it, adapt or consider the costing that came back and respond to what the costing came up with. We have designed this system to operate fairly and impartially both for governments and oppositions.

I can assure the shadow Treasurer and other members opposite that those on this side of the house have plenty of experience in preparing costings for election policies from opposition. I personally have been through three elections with involvement in one form or another in the costing of election policies from opposition, and I can say with my hand on my heart that this is a scheme that will operate fairly and effectively for oppositions. It will give oppositions a resource they have not had to date. It will give the same opportunity to minor parties. It will give the same opportunity to Independent members to submit their policies for independent costings and, if necessary, receive feedback from the parliamentary budget officer to modify, adapt, resubmit and have control over the timing of their own releases. That is an opportunity that is available to oppositions, minor parties and Independent members which has never been available in the past.

However, the opposition wants none of this. You have to come back again to ask why it is that those opposite are not prepared to support this bill. Even if you gave the slightest credence to their argument that they would like to see a Canberra-style parliamentary budget office, rather than a New South Wales-style parliamentary budget office, which I should say operates on a basis very similar to the model we have brought to Parliament — and it was introduced by a Labor government. Even if you give the slightest credence to the argument by those opposite — that they wanted a Canberra-style model — you would think that any opposition with any sense would support this measure because it is a huge step forward compared to what has been available over past years.

Those opposite have demonstrated in their approach, even to this bill, their incompetence in the costing of policy commitments. They are trying to say that you can have a parliamentary budget office that will be in operation year in, year out for the entirety of the electoral cycle, for four years on an ongoing basis, to provide tactical advice to an opposition — and you can do it on a cost-free basis.

We said in opposition that we would transfer those staff who were doing costings under Labor's short-term model from the Department of Treasury and Finance into the parliamentary budget office, which would operate on a short-term basis but do it independently. However, the Labor opposition is now saying it wants to take funding and staffing away from the Department of Treasury and Finance — and therefore away from government more generally — and transfer it on an ongoing basis into the parliamentary budget office. You cannot do that without detracting from the other functions of government, and opposition members need to recognise that they want to take those resources away from the other functions of government, away from the work of Treasury and Finance, away from other departments, away from delivery of services, and want to put their interests in getting a de facto opposition think tank — a tactical advice service at taxpayers expense — to do their homework for them because they are incapable of doing their own homework.

This is a disgrace. It shows once again the hypocrisy of the Labor Party and shows its fear of scrutiny. It is looking to defeat this bill because it does not want its policies going into the next election to be subject to independent scrutiny and assessment because it knows exactly how that will be exposed. That is the long and the short of the reason why it is trying to dream up any type of flim-flam, any piece of uncosted diversionary tactic that would affect the resources for other services being delivered by government in order to bring about the defeat of this bill. This is a responsible bill that is a huge step forward on what has been available for any oppositions, any minor parties and any Independent members in previous times. It has been fairly and carefully constructed, and I urge all members of this house to support this measure and oppose the reasoned amendment moved by the member for Tarneit.

House divided on omission (members in favour vote no):

Ayes, 42

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

Noes, 43

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

Omission agreed to.

House divided on insertion:

Ayes, 43

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

Howard, Mr

Noes, 42

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	Smith, Mr K.
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Gidley, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kotsiras, Mr	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McIntosh, Mr	Watt, Mr
McLeish, Ms	Weller, Mr
Miller, Ms	Wells, Mr
Morris, Mr	Wreford, Ms

Insertion agreed to.

Amended motion agreed to.

Bill lapsed.

TRAVEL AGENTS REPEAL BILL 2013

Second reading

Debate resumed from 4 February; motion of Ms VICTORIA (Minister for Consumer Affairs).

Ms CAMPBELL (Pascoe Vale) — I am really excited about being able to speak about the Travel Agents Repeal Bill 2013. I have made an extensive study of it through the second-reading speech, the statement of compatibility and the Scrutiny of Acts and Regulations Committee report. This is an important piece of legislation. All of us enjoy travel and all of us want to ensure that our trips beyond those to Anglesea are well and truly covered by the Travel Compensation Fund and that consumer protection in this state is up there with flashing neon lights saying, 'Victoria will protect its consumers'. Unfortunately the Travel Agents Repeal Bill 2013 will not do that. The bill is a black mark in the story of consumer protection here in Victoria.

I will run through the purposes of the Travel Agents Repeal Bill as outlined in the second-reading speech. They are to remove the cooperative scheme for the uniform regulation of travel agents, known as the national scheme, which:

> … will not leave travel agents unregulated and consumers without redress.
>
> The bill will enable fuller reliance on the Australian Consumer Law and existing company laws, as well as industry-led regulatory mechanisms and remedies such as credit card chargebacks.

That is what the minister claims in the second-reading speech. The claim is also made that there will be key advantages of the legislation in many ways; however, I am gravely concerned about this legislation. I do not come down in favour of the Minister for Consumer Affairs on this legislation; I come down in favour of consumers.

Concerns about the legislation have been outlined eloquently by CHOICE. Let me put on THE record how important CHOICE's contribution is to the debate in this house. CHOICE submitted a proposal that consumer advocacy be funded in the travel market as opposed to there being the blank canvas presented by this legislation. CHOICE proposes the establishment of a consumer travel hub. The travel agent market is about to be deregulated, and travel agents are very concerned and have made a proposal to governments for a new travel hub project. Did this come in the legislation? No. This is just a black mark — a knife through consumer protection in this state — and we on this side of the house are not going to accept it.

Dr Sykes interjected.

Ms CAMPBELL — I am happy to tell you, Speaker — and particularly the member for Benalla — how passionately I feel about this legislation and how long I have waited to speak on it. I had to wait until today — Thursday! — to have a chance to make my contribution to the debate. I have so much to put on record that I will get back to the bill. Speaker, I am sure — —

The SPEAKER — Order! I advise the member to do so. Her excitement and enthusiasm is exemplary, but she must get back to the bill.

Mr Noonan interjected.

Ms CAMPBELL — As the member for Williamstown says, I am flying away. The reason I am passionate about this issue is that once upon a time I was responsible for consumer protection in this state, and it was important to me that travellers were protected from unscrupulous businesses and from businesses simply going broke. This legislation axes the Travel Compensation Fund, which is not good for consumers, and removes the requirement that travel agents be licensed, which is not necessarily a good thing for travel agents, let alone consumers.

I remember that before the Travel Compensation Fund was established we heard many very sad stories about consumers who had saved for years and years for their trip of a lifetime. I represent an area whose population includes a high number of migrants, and I know that many families save for years to go back to their homeland to be reunited with their loved ones. They did not want to see their money evaporate when a travel agent went bust. Because of Victoria's past conscientious approach to consumer protection, those travellers were protected, and I think it is important that this protection be retained.

I have had the advantage of being informed on this matter by a couple of learned colleagues during the last vote about how much — —

Mr Wynne interjected.

Ms CAMPBELL — As has the member for Richmond, who has also waited two days to speak on this legislation. Just under $9 billion in travel-related transactions are made without the use of credit cards, and the people making those purchases totalling $8.9 billion without the use of credit cards will be left vulnerable. My electorate has a very high number of Italian-born and Greek-born residents, many of whom have saved their dollars to go back to their homelands. This bill will leave those people vulnerable if their holiday plans fall through. As consumers they could be left stranded either in Australia or overseas.

I have been so distracted due to my enthusiasm for consumer protection that I have neglected to finish my reference to the important contribution made in regard to this debate by CHOICE, which was one of several groups invited by the nation's consumer affairs ministers to apply for funding to establish a consumer voice in the travel industry. This followed the decision of consumer affairs ministers to abolish the Travel Compensation Fund which has been in existence since 1987 and has been part of the licensing arrangements for Australia-based travel agents. The fund has paid out more than $60 million in compensation to consumers.

I am not sure, Acting Speaker, how many people in Mornington may travel and want consumer protection for it. I would think anybody from Mornington — or from the Richmond or Pascoe Vale electorates — who was travelling would want consumer protection. I am proud that on our side of the house we are not going to abandon those people. We are going to make sure that this legislation is adequately debated in this house so that members of the government will see the light and come over to our side to vote with us on this particularly important matter.

As I was saying, the Travel Compensation Fund has paid out more than $60 million in compensation to consumers. These were folk who were left high and dry when their travel agents went bust. An example was given of a Sydney-based cruise ship company which went into administration in 2012 leaving large numbers of Australians with their travel plans up in the air — some might say sunk. Those people needed the help of consumer protection to enable them to still have their holidays, even if that Sydney-based cruise company had sunk to the bottom of the ocean.

CHOICE's consumer travel hub involves a mix of research, tailored information, education campaigns and advocacy to significantly improve the experience of Australian consumers in the travel market. Perhaps this is one proposal that the minister and this house could have considered, but no; we are left with the Travel Agents Repeal Bill, which is going to leave consumers high and dry.

Should you be a member of Parliament in high office who needs to make sure that their — —

Honourable members interjecting.

Ms CAMPBELL — No. It is very tempting, but I will not go there. I think this house needs a few more speakers to realise that the opposition has the right approach on this legislation, which it opposes. We hope perhaps after the member for Richmond and I have added our contributions that those on the other side will see the light.

Mr WYNNE (Richmond) — I rise to make a contribution to the debate in relation to the Travel Agents Repeal Bill 2013. I am delighted to make this contribution, because I have been afforded the opportunity to be extensively briefed by my colleague the member for Preston, who is our finance spokesperson. The other string to his bow is that he also represents the opposition in relation to consumer affairs. It is this particular aspect of the bill and the erosion of hard-won protections for consumers that I believe motivated both the member for Preston to make his very erudite contribution on this bill, which I had the opportunity to hear, and the opposition in arriving at its opposition to this bill.

Our opposition to this bill is effectively about the erosion of consumer protections. We regard these things as paramount because ultimately when you are amending hard-won rights for consumers it is important that you do not undermine those protections, particularly for the most vulnerable in our community. I

want to come to that specifically in relation to residents of my own electorate.

Firstly, I will briefly outline what the bill is about. We know it is part of a national reform package agreed to in December 2012, although I note that both Western Australia and South Australia were ambiguous and chary about this but ultimately signed on to a variation to the trust deed in relation to the Travel Compensation Fund (TCF). In essence I suspect the government's proposition could be broadly framed around the rubric of cutting red tape. This is essentially an efficiency measure, cutting red tape and freeing up the industry because the industry has now been conglomerated. Essentially there are now very large providers of travel insurance services and the stand-alone travel insurance agencies we would have seen in the past are no longer part of the broader landscape in the way that travel agency services are delivered. There has been an extraordinary emergence and then burgeoning of online services for people to book their own flights through websites like wotif.com and other similar sites — all those vehicles that are available to people. This is the essential framework under which this proposition comes before the Parliament today.

The bill repeals the Travel Agents Act 1986, provides for a limited period for the continued operation of the compensation scheme under that act — the Travel Compensation Fund — and makes consequential amendments to the Australian Consumer Law and Fair Trading Act 2012 and the Business Licensing Authority Act 1998. One of the significant concerns raised by the member for Preston in his excellent contribution to the debate relates to the idea that a comprehensive travel insurance scheme is no longer required, as when a person finds themselves in a circumstance where their travel agent has gone bankrupt there are other remedies available. We seek no better or more esteemed authority on this matter than CHOICE. The organisation would be regarded across the chamber as both a distinguished and independent investigatory body and a group that has provided a clear and unambiguous voice in support of consumers for many years. It is in that context that the position taken by CHOICE gives us cause to pause and say, 'Hang on a minute, what is embedded within this particular proposal?'.

CHOICE has argued that the chargeback system is a piecemeal replacement for a compensation scheme because not everybody pays for travel by credit card. We believe it is wrong for governments to promote high-cost debt payments as a form of mainstream consumer protection. This is the guts of what this is about. Many people in my electorate come from a migrant background. Those people often have a tremendous urge to return to their home country. In particular I am thinking of my colleagues and friends in the East Timorese community, who were displaced from their own country in the most appalling circumstances by the Indonesian invasion. Having fled persecution in East Timor under a vicious regime, they established their residency here. They saw the rebirth of their country, with democracy coming to it. It is a proud aspect of the history of this Parliament that on a bipartisan basis we support the emerging new country of East Timor. Many of these people want to return to East Timor and have taken the first tentative steps towards doing so. Many of my friends who fled East Timor to escape that oppressive regime have for the first time in 10 or 15 years gone back home to revisit their new, democratic country, their land of birth.

Many of those people are poor. They are people who have struggled. They have worked on our production lines at many of our manufacturing plants — at Ford or General Motors Holden — scraping together a living and an opportunity in this new country of Australia, for which they are so grateful. These people do not have credit cards. They do not have the capacity to have credit cards. No credit organisation would take on many of my constituents, because they are poor working people. They would go to their local travel agent, often within their own community — whether that be the Vietnamese community, the East Timorese community or the Chinese community — to engage with them about their travels back home to Vietnam, China or East Timor. They do not pay by credit card so they therefore do not have the check and balance or the compensation afforded to them by the national scheme.

It is in that context that we ought to be cognisant of what that great organisation CHOICE said. This bill is unfair. Even taking into account the transition arrangements, the critical safety net that is available through the national scheme will no longer be available to many of my constituents, who, having not used credit cards, will not have the fallback of being able to recoup the losses they would face on the collapse of a travel agency. Of course those of us who are in better circumstances or who deal with the online system of some of those conglomerates and multinationals in the travel industry will be in a different situation. However, that is not why I am in this Parliament. I am in this Parliament to stand up for the poor, decent, working people who ought to continue to have the protections afforded to them under the current scheme. Labor opposes this bill.

Ms D'AMBROSIO (Mill Park) — I am pleased to rise to join my parliamentary colleagues on this side of

the house in opposing what is a very unfair bill that takes away consumer protections. The consequences of doing this have been sorely underestimated by the government. In their haste to make good on their commitment to cut red tape and remove regulatory burden, those opposite have failed to get the balance right. They have failed to ensure that the ones who are going to pay for that are not going to be penalised. We have a situation in which a lot of ordinary people in Victoria will be penalised and will inevitably fall through the cracks because of a lack of consumer protection.

As all the speakers before me from this side of the house eloquently expressed — and they were ably led by the member for Preston — this bill will leave many citizens who have spent their lifetimes scrimping and saving to pay for what perhaps might be once-in-a-lifetime holidays, in some cases overseas, exposed to the vagaries of an industry in which entities collapse from time to time, leaving a number of people considerably out of pocket.

CHOICE used the example of a passenger cruise ship which in 2012 left more than 5000 people with their trips cancelled as a very important and recent example of what the consequences would be if a scheme like this disappeared. Unfortunately, however, the majority of states, including Victoria, have failed to take heed of the warnings and have not given much consideration to the gaps in consumer protection that will be created as a result of the passing of this legislation.

CHOICE, as a national representative consumer body, has made it very clear that contrary to the claims of the Victorian Minister for Consumer Affairs, other existing mechanisms and statutory rules will not afford the protections that will be removed by the disappearance of the Travel Compensation Fund. CHOICE said that the draft plan falls short of the minister's collective public commitments to enhance consumer protections. Two states notably fell short of approving a move to a transition stage: Western Australia, which is a conservative state, and South Australia. Those states realised that the transition plan in the bill before us would expose many of their citizens to the vagaries of the travel industry.

I wish to share the reality of life for constituents in my electorate, many of whom visit my office. Some of my constituents are elderly or from non-English-speaking backgrounds, and often they do not own chequebooks or credit cards. There have been numerous times when, against advice, I have been more than happy to give them one of my cheques in exchange for some cash because they had to pay a bill by cheque. I have been happy to do that. I did not want them to have to buy bank cheques and be out of pocket in order to pay bills that came their way unexpectedly with no facility extended to them so that they could pay in person with cash. That is not supportive to the community. That is not a system of banking that is good and inclusive of the community.

Leaving those types of consumers — the ones who have worked very hard all of their lives to save money for that expensive, once-in-a-lifetime holiday — exposed in the way the government will do through this bill is something with which I am not comfortable. I cannot accept this bill. I cannot vote in this Parliament to allow this to occur. On behalf of all of the citizens who will fall through the cracks, I urge the government to reconsider its position on this legislation. This bill will throw the baby out with the bathwater.

Government members have made statements about or pointed to examples of how fewer and fewer people are relying on travel agents to book overseas trips and the like, but I will now talk about the people who still rely on travel agents and making cash or cheque payments. They are the people this government is failing to give an answer to. What will happen to those consumers? CHOICE has been very clear in its condemnation of this aspect of the bill. It has said the existing consumer laws — acknowledging the fact that they are very good in many respects — will not necessarily make up for the deficiencies created by this bill.

The bill will also facilitate the removal of licensing requirements for travel agents. The arguments do not stack up as to why that needs to be the case; the arguments do not stack up on the part of the government as to why it believes small consumers will be able to finance any complex insolvency actions against professional indemnity insurance under the Australian Consumer Law.

The government has not explained why the Travel Compensation Fund should be closed ahead of the industry's accreditation scheme proving that it can actually perform the functions it claims it can. It may be the case that it will be able to perform them, but still I ask why the haste. The government has also failed to explain why it does not believe that small consumers should have a voice that represents them via an independent consumer complaints scheme. These are all issues that have been put forward in the consultation process, but each and every one of them has been ignored by the government in its haste to cut red tape. This will leave consumers stranded. This bill does not warm the heart. This is not a bill with which you can simply cross your fingers and hope it will all be all right

in the end. We can see the train wreck coming with this bill. We can see that many consumers are going to be left high and dry and significantly out of pocket because of the absence of the Travel Compensation Fund.

On the issue of accreditation, let me remind the house that this will be a voluntary scheme. The government has done the bare minimum to save face for the fact that it is effectively pulling the carpet out from under the feet of consumers. It has done the bare minimum, and it ought to be ashamed of itself. This is a government which claims that it supports consumers but which has done its best to do otherwise. We need only look at the fact that the consumer affairs budget has been cut. The reality is that this government speaks a language that the rest of us do not understand. It is a language that does not resonate or sit well with the broader Victorian community and it does not sit well with the community in my electorate. It will not bode well for this government when the next travel industry failure occurs and many residents are significantly out of pocket. I wonder what the government will say at that point, other than hide behind the excuse of needing to cut red tape.

Mr NARDELLA (Melton) — I rise to oppose the bill before the house. It is very important to understand why this legislation should be opposed, which is that it does not protect consumers. The bill takes away the Travel Compensation Fund (TCF), which is a an insurance scheme for travellers who use travel agents. When a travel agent falls over, goes bankrupt or cannot pay its bills and when people have given money to a travel agent to travel and then find they are not able to, then the Travel Compensation Fund pays those consumers. It is an insurance scheme. This insurance scheme was not set up because people wanted more regulation, it was not set up because people just thought it was a good idea and it was not set up because there was no need for it; it was set up to protect consumers who had been ripped off by travel agents. It was set up for those consumers who had given over their hard-earnt money to travel agents so they could take a trip somewhere, whether it be to see family or to go to see the sights of the world.

For whatever reason, the Travel Compensation Fund was put in place in case travel agents fell over. I am old. I remember when we got the Bankcard — —

Mr Languiller — You are mature.

Mr NARDELLA — I thank the member for Derrimut very much; I am mature. I remember when we got the Bankcard in the post back in the mid-1970s. You might remember it too, Acting Speaker — we matured at the same time. Before then it was virtually unheard of that anybody had a credit card; however, there were still problems with travel agents back then.

After coming here in the 1950s, my parents travelled back once to see the old country and visit their relatives. Dad went in 1976 and Mum went in the 1980s. The Travel Compensation Fund was about protecting people like my parents in case their travel agent fell over. My parents were Italian, so they went to a travel agent who spoke Italian. They trusted that agent, but if anything had gone wrong, my parents would have been protected through the Travel Compensation Fund. It is important to understand that not everybody pays for travel using a Bankcard, VISA card, MasterCard, Qantas card or American Express card. Not everyone has a credit card, so in those cases if something went wrong and you did not have a credit card, you would be unable to make a claim on it.

Many of my constituents are new migrants and terrific people. A lot of them do not have credit cards; they have bank accounts, but they do not have credit cards. When they travel to see their families, friends and relatives, they pay in cash; that is what they do. They do not have the wherewithal to have a credit card; they do not need a credit card. For a number of people, credit cards are debt traps. I know this might be a bit of a foreign experience for many honourable members but a lot of people in our society actually save for very expensive items, and travelling is about saving. They will pay cash for it. The Travel Compensation Fund is about protecting those people.

I understand that this is national uniform legislation, but why would the government agree to not cover or protect consumers? Why would it not agree to protect people within the community and society? Is it because of the need to have less regulation? Is it so burdensome for travel agents that they have been knocking on government members' doors saying, 'You've got to get rid of this.'? Why would the government listen to travel agents who do not want to have a compensation fund? They are never going to claim on it. It is the consumers who claim on the travel fund. Why would you listen to the people the fund does not protect?

Yet the West Australian and South Australian governments have listened to their people. They have listened to their consumers and rejected the national uniform legislation we have before us today that gets rid of the Travel Compensation Fund. This is not just my view. There is an organisation that is very important within Australia. It is an organisation that many years ago I subscribed to, and it has the slogan 'The people's

watchdog'. That organisation is CHOICE. CHOICE made a submission on behalf of consumers. CHOICE is made up of fantastic people whose only consideration is to protect consumers, and they do that in a number of ways. They made a submission on the review of this legislation. I have read their recommendations on this legislation and their no. 1 recommendation is, 'Do not get rid of the compensation fund whatever you do. The protection for consumers in case a travel agency falls over is the Travel Compensation Fund. Do not get rid of it'. Yet the first thing this government does is get rid of the compensation fund through this legislation.

There are times when people book travel with travel agencies that may have some difficulties. At the moment there is a dispute involving Tigerair and, because of our maturity, members will remember the pilots dispute back in 1986 or 1987. There would have been some pressure on travel agents and travellers during those times and there may have been some claims. That is where a compensation fund is extremely important. There may have been some claims during those difficult times within the travel industry. There have been other times, such as during the oil crisis, during recessions and other difficult economic times, when people have paid for their travel in cash and the travel agency has fallen over. The member for Mill Park talked about a ship that did not depart. A number of people claimed on the Travel Compensation Fund at that time.

Having been a shadow Minister for Consumer Affairs, I know that it is important to have a look at the legislation that comes before us at a national level and to represent forcefully, as in South Australia and Western Australia, the views of consumers and to protect consumers. That is why I oppose the bill before the house.

Mr LANGUILLER (Derrimut) — It gives me pleasure to be able to make a contribution to the second-reading debate on the Travel Agents Repeal Bill 2013. Some of us are mature enough to know a degree of corporate history. My corporate history goes back to the time when we originally introduced the principal act, the Travel Agents Act 1986. The Minister for Consumer Affairs at that time was the Honourable Peter Spyker, and the purpose of the bill was to provide for a licensing regime for travel agents. It was seen at the time, and I believe that remains the case, as an important advance in consumer protection. It was recognised at the time — going back to 1986 — that this legislation would protect consumers against the bad practices or dishonesty of some travel agents who unfortunately could lead to the loss of hundreds or possibly thousands of dollars by consumers.

Some members may recall that in September 1985 the Standing Committee of Consumer Affairs Ministers in all states and territories agreed on an important principle, which I describe as 'If it ain't broke, why fix it?'. They agreed on a scheme for the licensing of travel agents and compensation for travel consumers. Members would remember that the scheme involved the enactment of licensing legislation and that each of the states and territories took part in it. In fact there had already been some legislation in other states and territories, including New South Wales, South Australia and Western Australia.

I provide this background because, as many members on this side of the house have placed on record, what led to the licensing regime at the time was one scandal after another. Travel agents — unfortunately in some cases quite corruptly — walked, went broke and left many travel consumers facing the loss of hundreds if not thousands of dollars. Under the existing legislation Victorian travel agents had to be licensed and be members of this important compensation fund. Travel agents have had to become members of the fund and had to satisfy important criteria in relation to financial accountability, transparency, bona fides and so on to be eligible to do so. These have been important requirements. The scheme goes back to March 1986, and I wish to place on record my acknowledgement of the good work undertaken at the time by the then Minister of Consumer Affairs, the Honourable Peter Spyker.

I have heard the contributions made by many members, and I appeal to the common sense of the minister and the government and request them to listen to the constructive contributions to the debate made by members on this side of the house. A measure of a good democracy is its mechanisms to protect the most vulnerable. I believe, objectively and with respect, this bill does not provide that protection. It is true that many people in the main make their travel arrangements through the internet. However, I know many others, and this includes members of my family, are not confident enough to do so and would not make travel arrangements other than by going to a travel agent, where they would pay either in cash or by cheque. They certainly would not pay with a credit card.

The point we on this side of the chamber have all made is that if the system has fundamentally worked and notwithstanding the fact that there is a diminishing number of people in the community who do not make their travel arrangements through the internet, why not retain that system and allow it to protect a very important minority — or at least what should be considered an important minority? Who is that

minority? It consists partly of people who cannot afford a credit card and those who should not be given a credit card. It is another conversation for another time, but we have finally seen the banks begin to clean up their acts and not give credit cards to people who, for a variety of reasons, should not have them. I am not being morally judgemental; I am being financially judgemental.

There are many people from non-English-speaking backgrounds — many of whom I represent in the western suburbs — who do not use the internet or credit cards but who will save money, keeping it at home or in the bank, and then withdraw it and go to the travel agent to purchase travel tickets. I suggest that people who have these habits for doing their business are from non-English-speaking backgrounds or Indigenous communities in this country, as well as older citizens. And they retain good forms of conducting their business — namely, saving money and living within their limits and then, when they can afford it, taking out the money or writing a cheque and going to the travel agent. All of these 'minorities' — and I emphasise the quotation marks around minorities — in our community should be protected. So I appeal to the good common sense of the minister to give consideration to this proposition, which has been advanced by the opposition.

We are now going from a licensing regime to a self-regulation regime. I think the arrangement that we have had in place has been very good. It has been a co-regulation regime, if you like, in the sense that you have government, industry and consumer representatives all managing the system. It has worked, and it has delivered certainty, assurance and safety for many consumers in our community who do not use the so-called modern way of doing business, through international credit cards. We should retain the existing provisions to protect those people. As I said, we have gone from a licensing regime that has been in place since 1986 to one of self-regulation, thereby doing away with an important arrangement that has been in place.

I wish to mention, as many of my colleagues have done, the very good recommendations made by CHOICE, the people's watchdog. It has recommended that the Travel Compensation Fund not be abolished, because it argues this will lead to significant consumer detriment. It has also recommended that consideration be given to the ways in which the Travel Compensation Fund could be reformed and built upon in order to address issues such as change in consumer behaviour.

The contributions that have been made by members on this side have demonstrated common sense. I take this opportunity to commend the good work of the shadow minister who, quite typically, has scrutinised this legislation and put forward common-sense propositions that I believe would lead to the continuing protection of consumers who are fundamentally vulnerable, both financially and because they are not as confident as others in the community.

We should not move down the path this bill is paving. I call on the minister to consider some of the propositions advanced by the shadow minister and the opposition and to give honest consideration to what we have proposed. A measure of a good democracy is the capacity to protect everybody and particularly the most vulnerable. With those remarks I conclude my contribution.

Mr FOLEY (Albert Park) — I rise to join the debate on the Travel Agents Repeal Bill 2013. This is a piece of legislation arising under the consumer affairs portfolio, and a number of my colleagues on this side have eloquently set out the reasons Labor is opposing this bill. Before I get to the substance of my contribution to the debate, I say well done to the shadow minister, who is here at the table, for his work. I equally recognise the work done by his predecessor in the shadow portfolio when this bill first appeared. Like many of those who have gone before me in this debate, my argument is that Victorians deserve better than this piece of legislation, which reflects the broader mindset that, sadly, this government has brought to a whole range of its business on public policy in Victoria.

Victorian travel consumers deserve better than to have their rights attacked in this way. The main vehicle through which that attack is occurring are the proposals in this bill to remove requirements for travel agents to be licensed and close the Travel Compensation Fund. That Travel Compensation Fund is designed as a consumer protection measure to bring about certainty and protection for those consumers who, due to the nature of the travel business, have historically been at risk of losing substantial amounts of money — sometimes a lifetime's worth — that they have built up to deliver their long-held dreams of travel.

We have heard many members on this side point to the evolution of this fund and this industry as it has changed in a modern, wired internet world. That is fantastic if you are in a position to take advantage of it and manage the associated risks, but not every consumer is in a position to exercise their rights equally. Surely it is the role of government to introduce necessary efficiency and necessary change in such a way as to protect those consumers in a market, the citizens of a state who are most at risk of such changes.

I listened to the honourable member for Brighton, the lead speaker on the debate on this bill for the government side, and she pointed out some of the changes that have occurred in the travel market — the rise of the internet and people looking after themselves to a large degree. However, this does not obviate the need to look after those people in the market who still go through travel agents. Whilst the nature of the travel agency business has changed, it has not changed to the point where people, particularly in communities that are disproportionately made up of elderly citizens, people from non-English-speaking backgrounds and a range of vulnerable communities, risk their hard-earnt savings in circumstances where particular travel agents are unable to meet their obligations to those consumers. Even though the travel agency market is dominated to a large extent by a small group of large companies, that does not obviate the need for a substantial number of smaller companies. These companies are the reason Labor has taken a position to ensure that the Travel Compensation Fund continues.

Whilst we support the broad thrust of the government's reforms in this bill, others have joined with us in our opposition to the abolition of the Travel Compensation Fund. One supporter of our position is Australia's premier consumer protection advocate, the non-government organisation CHOICE. It argued that the alternative to the Travel Compensation Fund is highlighted by a number of inadequacies. Essentially CHOICE, and we say rightly, identified these problems as a reform that offers piecemeal compensation — that is, a compensation scheme that is, firstly, not universal, and secondly, only targets those persons who pay by credit card.

As my friend the member for Derrimut pointed out, it is wrong to assume that all consumers go through a system of credit card payments. Many do not for personal reasons, a whole range of financial access reasons and service reasons. In a sense it is wrong for governments to seek only to compensate a consumer involved in a high-cost debt payment as a mainstream consumer protection mechanism. Indeed CHOICE argues that the travel agency insurance product does not cover the insolvency of travel agencies, so there are fewer protections there as well. It also raised significant doubts as to whether such products would actually materialise if the compensation scheme were abolished.

How do you go about deregulating and seeking logical market changes to make an industry more efficient and take account of changing consumer demands and changing internet and ICT arrangements? How you go about it might reflect the values that you bring to a changing market. We have seen large and small structural change writ large across a range of industries — for instance, SPC, Ford and Holden. There are a number of significant changes going on in all sorts of markets, not the least in this particular case the travel agency market. It is how you bring through change in partnership with people and agencies and those at risk of that change that speaks volumes about your approach to the worthiness and sustainability of those changes.

The concern on this side of the house is not so much the principles of efficiency or the principles of a more deregulatory approach; it is, in its implementation, looking after those at risk through such a system. We find ourselves persuaded by the arguments that CHOICE and others have made in that, if you are to make these changes, you need to do it in a way that brings along the interests of those most at risk. The truth of the matter is that, sadly, this bill does not. It reflects a deeper dog-eat-dog approach that the government benches bring to all sorts of changes in markets and industries. We urge the government to reconsider its position. We urge the government to go away and consider whether in fact there is a better way to make these kinds of changes whilst protecting the interests of consumers.

There are many other areas that I would seek to expand on, if time were to allow me, but given the restrictions that prevent me from doing so I will close by saying it is disappointing that the government and the minister have continued in their efforts to put this bill through in its current form. It is disappointing that they have not taken the message from consumer representatives. It is disappointing that they have not taken the opportunity of engaging with the broader community on the implications of this bill. It is disappointing that this reflects a nasty, mean streak in this government's general approach — —

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

Mr McGUIRE (Broadmeadows) — I note from the contribution to the debate on the Travel Agents Repeal Bill 2013 by the Minister for Innovation, Services and Small Business, as she explained to the house, that the government has not done this on a frolic, and I acknowledge that. This legislation is part of a national reform package looking at cutting red tape. As someone who has run businesses, I am all for cutting red tape and agree that that should be done as a general proposition. But in saying that, what also needs to be examined are the specific details of what you are doing and what can be described as the unintended consequences that can flow. I will come to that point and give the house a case

study that absolutely proves that you do not want to get into a position where you deregulate and then have to re-regulate because of an unintended consequence. This specifically goes to something that involves the Minister for Innovation, Services and Small Business, who is also the Minister for Tourism and Major Events.

In wanting to strive for a proposition that we would all be in agreement with, the cutting of red tape to allow business to be more effective and efficient is an admirable aim. But the question is one of balance. You do not leave people vulnerable and you do not have unintended consequences. As I say, I will put this formally on the record just to prove my point, and it is one we should be wary of.

I want to speak on this, as other members have, from the perspective of the impact that it can have on particular communities. As the member for Broadmeadows, as I have put it previously, I represent virtually the United Nations in one neighbourhood: people from more than 140 nationalities who now call Australia home. Therefore I represent a huge number of people who arrive as non-English-speaking immigrants and settle in Australia. They see it as the land of opportunity, which it literally is, and then they try to move on, develop their families and give better opportunities to the next generations as they flow through. And that is the great Australian story.

What we have to ensure is that we can take care of their best interests and protect their vulnerabilities. That is really the nub of the argument that comes from the opposition and it is the reason that the opposition will oppose this bill. It is a reasonable argument that we are putting, and it is something that I think the government should take on board and I think it can be fixed. Nevertheless, as it stands, it has not been done, so we will be opposing the bill.

To go to the detail, what does this bill actually do? From 1 July this year Victorian travel agents will no longer have to be licensed. The bill applies to an agreement reached in December 2012 amongst the majority of state and commonwealth ministers for consumer affairs agencies to implement a national travel industry transition plan and to abolish the cooperative scheme for the uniform regulation of travel agents — the national scheme — thereby removing the requirement for travel agents to be licensed and closing the Travel Compensation Fund. As I said, many things are done with the best of intentions but go awry when they are put into practice. I, like other members of the opposition, have taken note of CHOICE's position on this as a leading advocate in the public interest. It is not making a political argument but arguing in the public interest. CHOICE put succinctly from a consumer point of view the need for — —

The ACTING SPEAKER (**Mr Morris**) — Order! The Chair will be resumed at 2.00 p.m.

Sitting suspended 1.00 p.m. until 2.02 p.m.

QUESTIONS WITHOUT NOTICE

Government support

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the fact that for the second time in three days his unstable minority government has lost the support of this house, and I ask: how can the people of Victoria retain confidence in the Premier's minority government when this house does not even have confidence in his minority government?

Dr NAPTHINE (Premier) — I thank the Leader of the Opposition for his question. What we had in the house today was a vote on the parliamentary budget officer.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question. If he wants an answer, he should remain quiet.

Dr NAPTHINE — The parliamentary budget officer is a promise we took to the electorate when we were elected to government in 2010. It is a parliamentary budget officer that applies in other jurisdictions across Australia, an independent parliamentary budget officer which is about providing independent scrutiny of parties and their policies. What we had was the Labor Party running away from scrutiny. We had the Labor Party voting against independent scrutiny of its policies.

Is it any wonder the Labor Party runs away from scrutiny of policies? All Victorians remember that the $80 million fast train policy announced in 1999 ended up costing taxpayers nearly $1 billion. Everybody in Victoria remembers 'no tolls on the Eastern Freeway', which was another Labor Party policy. Everybody remembers the desalination plant. Labor simply cannot manage money. It cannot manage major projects, and it is scared and frightened of independent scrutiny of its policies. Labor demonstrated that clearly and certainly today. Its members had their chance today to stand up in this house and support proper and independent scrutiny of the policies they want to take to the next election, but Labor failed the test of scrutiny.

Labor had the chance to have proper scrutiny of its policy pricings, but why are we surprised when you have a Labor Party that flips and flops on policies? It cannot manage money but said prior to the 2006 election there would be no desal plant and, 'We won't take water from the north to the south; trust us on that'. As soon as Labor was back in government it changed its policy and changed its approach. That is why when here today it was put to the test of having an independent parliamentary officer to scrutinise the costings of its policies Labor failed that test. Labor fails the test of scrutiny, it fails the test of good economic management, it fails the test of delivering proper policies that are properly costed, and the people of Victoria know they simply cannot trust Labor with money or major projects.

Mr Andrews — On a point of order, Speaker, the house, in accordance with the standing orders, is waiting for the Premier to answer the question. That involves providing us with reasons anyone should have confidence in his government. He has not listed too many yet — what a feeble answer!

The SPEAKER — Order! The Leader of the Opposition knows very well that that is not the way to make a point of order.

Dr NAPTHINE — The people of Victoria can have confidence in this government, because we are prepared to put our policies in front of an independent parliamentary budget office. We have confidence in the policies we put forward, we have confidence in the costings we put forward and we are prepared to put them to the test of an independent parliamentary budget office. But there is one party here that is too scared to put its policies before the independent parliamentary budget office and that is why the people of Victoria cannot trust Labor.

The SPEAKER — Order! The Premier's time has expired.

City of Greater Geelong planning

Mr KATOS (South Barwon) — My question is to the Premier. Can the Premier advise how the coalition government's planning decisions are helping to grow jobs and economic benefits for families in the Greater Geelong region?

Dr NAPTHINE (Premier) — I thank the honourable member for South Barwon for his question and for his ongoing passionate interest and performance in delivering for the people of the South Barwon electorate and the Greater Geelong municipality. I am pleased to advise the house of another positive government initiative to create new jobs, opportunities and economic growth in the Geelong region. Our government is getting on with the job, and this week we have approved the Lara West precinct structure plan. This will open up new opportunities for growth in Geelong's north. The opening up of the Lara West precinct structure plan will create hundreds of jobs in the Geelong area. It will require millions of dollars of investment — —

Honourable members interjecting.

The SPEAKER — Order! The level of noise is far too high. The member for Monbulk's odds are shortening.

Dr NAPTHINE — It will create hundreds of jobs in the Geelong region and deliver millions of dollars worth of investment in new infrastructure and new housing in the area. Indeed the Lara West precinct structure plan will provide opportunities for up to 10 000 people to live in that great area of Lara West. It builds on the government's previous approval of the $2 billion Armstrong Creek West precinct structure plan. The mayor of Greater Geelong, Darryn Lyons, said the Lara West land release was a huge boost for Geelong. He said:

> Not only will it provide sensational new community facilities, it will also facilitate hundreds of jobs through essential infrastructure and construction works.

The mayor of Greater Geelong understands the enormous benefits of this decision for Lara West and the Greater Geelong region — for the economy of that area, for jobs in the area and for the future growth of the Geelong-Bellarine-Golden Plains-Wyndham area.

This great coalition government initiative builds on yesterday's announcement that Coles would invest $130 million, creating more than 1000 jobs in the Geelong area by building four new supermarkets in the Geelong region, including a new supermarket in Lara. Of course it also builds on the efforts of the coalition government to deliver the national disability insurance scheme (NDIS) headquarters to Geelong — 300-plus jobs — and on the coalition government initiative to relocate the WorkCover headquarters to Geelong, which represents 600 jobs. We have yet to hear from the Leader of the Opposition as to whether or not he supports that policy for Geelong.

Honourable members interjecting.

Dr NAPTHINE — Do you support that policy or not for Geelong?

Mr Andrews — Check your facts, you dill.

Dr NAPTHINE — Do you support those 600 jobs? We certainly do.

The SPEAKER — Order! I make the following point in reference to the Leader of the Opposition. There are certain words that are not parliamentary language, whether used by a member when on their feet at the microphone or used in an interjection. I ask the member to cease using words such as 'dill'.

Dr NAPTHINE — We have a clear policy to grow jobs and opportunities in Geelong, whether at the WorkCover headquarters, the NDIS headquarters or the 500 jobs at Cotton On. The coalition is really rolling up its sleeves and working hard to create jobs for Geelong. The decision this week by the coalition government this week to develop the Lara West precinct plan — the coalition government that is calling the shots for Geelong, calling the shots for jobs and opportunities and calling the shots on planning — was another example of this government delivering jobs, investments and opportunities in the Geelong region.

Ford job losses

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the fact that for the second time in three days his unstable minority government has lost the support of this house. Given that the Premier cannot command the confidence of this house and has done nothing for Ford workers, how can any of those 300 Ford workers devastated to hear today that they would lose their jobs in June have any confidence in this Premier and his unstable minority government?

Dr NAPTHINE (Premier) — I reject the premise of the question from the Leader of the Opposition. Again what we see from the Leader of the Opposition is plenty of spin but no substance and no facts. The facts are very, very clear.

Ms Allan — On a point of order, Speaker, the Premier is starting this question as he continued the previous question from the Leader of the Opposition, which was by devoting his entire attention to the Labor opposition, which offends against standing order 58, rather than addressing the serious substance of the question, which was about the loss of 300 jobs in Geelong in relation to Ford. I ask you to bring him back to answering the question and ask him to stand up and have the courage to address this issue in this chamber.

The SPEAKER — Order! Once again, the member for Bendigo East knows that taking a point of order like that is not within the standing orders. The Premier is answering the question.

Dr NAPTHINE — With respect to Ford — and we are all disappointed with the decision made by Ford — —

Honourable members interjecting.

Dr NAPTHINE — Indeed the then Prime Minister, Julia Gillard, said exactly the same thing. At the time we worked closely with the then commonwealth Labor government to put in place a range of programs to assist the Ford workers. We visited the Ford workers, we met with Ford management, we met with the Ford workers and indeed we put $9 million on the table as part of a $49 million package to support the Geelong and northern Melbourne regions. That was the amount of funding asked for by the federal Labor government at the time.

When the federal Labor government's Julia Gillard picked up the phone and talked to me about this, we actually increased the offer above what she requested from the Victorian government. We have provided additional money to the Automotive New Markets program. We announced — —

Honourable members interjecting.

The SPEAKER — Order! Members of the opposition have asked a question. I ask them to be quiet and listen to the Premier's answer.

Dr NAPTHINE — This is a serious situation affecting people employed by Ford. What I am outlining is that when we first heard of this decision, we as a government worked closely with the then federal Labor government to put in place a range of programs to assist those workers, those communities and those families. That is what we have done. We have been genuine about our approach.

I have been out and met with the Ford workers. One of the things the Ford workers in both Broadmeadows and Geelong said to me was, 'Will you guarantee that the Victorian government will continue to buy Ford cars while they are made in Victoria?'. That is what they said. I said, 'While I am Premier, they will be'. But the Leader of the Opposition has deserted the Ford workers, because he is introducing a policy that says we should stop buying those Ford cars. That is what he said.

Ms Allan — On a point of order, Speaker, we ask that you uphold the standing orders, particularly standing order 58. Clearly the Premier is not only

debating the question but is not being factual in his answer regarding the position of the Victorian Labor opposition. If he wants to debate — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be listened to in silence. The first part of the member's point of order was going well.

Ms Allan — I am happy to bank it and sit down, Speaker, if we can have the Premier come back to answering the question.

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

Dr NAPTHINE — What we have done is introduce a raft of measures in conjunction with the federal Labor government to assist Ford workers and their families, including the $49 million package, additional money to the Automotive New Markets program, $6 million to the $24 million for the Geelong innovation and investment program, $11 million for a Geelong Advancement Fund, $4 million for the Greater Geelong Industry Fund plus the support of the Regional Growth Fund. So we are working hard in the Geelong community and in the northern suburbs and in the Broadmeadows community to create jobs and opportunities.

The Ford task force, which was set up under the federal Labor government, is a joint task force between the federal and state governments. We had a jobs summit in Geelong in 2013. We had an automotive industry round table meeting in December last year, and the next meeting is next week. We are delivering investments in Geelong to create new jobs, whether they be at Farm Foods, whether they be at Backwell IXL, whether they be at Carbon Revolution — —

The SPEAKER — Order! The Premier's time has expired.

Red tape reform

Mr NORTHE (Morwell) — My question is to the Minister for State Development. Can the minister advise the house how the coalition government is cutting red tape for Victorian businesses, growing jobs for families and helping to build a better Victoria?

Mr RYAN (Minister for State Development) — It is a great pleasure to be able to rise to answer this question from the member, and I thank him for that question.

As the house — or most of us in it; certainly those on this side — understands, cutting red tape for business and industry is a very important part of our government's open-for-business agenda. Therefore I was very pleased to announce recently, along with the Treasurer, 36 red tape reforms that will boost productivity and reduce costs for Victorian businesses.

Importantly this is going to happen across a range of sectors that are vital for business in the state. They include tourism, transport, hospitality, entertainment, mining, building and construction, the auto industry, farming and retail. They include changes to a range of areas that many would have thought obviously required change, but for whatever reason over a period of years that has not occurred.

The reforms include, for example. allowing both registered builders and plumbers to construct metal roofs, whereas currently the construction of metal roofs is confined to plumbers; allowing tour businesses to apply for a permit to conduct Segway tours around tourist attractions on the perimeter of Melbourne city; removing the requirement that licensees must obtain approval to hold alcohol-free, under-age and mixed-age live music events on licensed premises; and simplifying and consolidating the information which must be displayed in a notice affixed to a used car or motorcycle that is offered for sale by a motor car trader. Some 22 of those 36 red tape reforms we have announced will be implemented in time to meet our government's target of a 25 per cent red tape reduction by July this year, and the remainder will be introduced in the near future.

While on the face of it cutting red tape might appear to be a rather innocuous process, it in fact makes a vital contribution to the efficiency and productivity of Victorian businesses. The calculation is that these regulations will save a combined $715 million in red tape expenses, which is a very significant contribution.

Complementary to that reduction program is the release of the Council of Australian Governments report today with respect to the successful national harmonisation of red tape, to which the Treasurer has contributed on behalf of Victoria. I might say that, to his credit, John Lloyd, who was appointed as the red tape commissioner in Victoria in January 2013, is doing a great job in his role. Not surprisingly these announcements have been greeted very warmly by various organisations. The Housing Industry Association said:

> These changes were common sense and long overdue. HIA has been calling on this and the previous government to bring these changes into effect for many years. We applaud the

> initiative of this government in doing something that will be of real benefit to many of our members and their clients …

The Master Builders Association said:

> These reforms will save our industry millions of dollars and countless hours of unnecessary paperwork …
>
> …
>
> Master Builders commends the state government for acting to support jobs, drive investment and boost productivity in our sector by cutting unnecessary red tape.

The Victorian Employers Chamber of Commerce and Industry has also welcomed this announcement, with CEO Mark Stone saying:

> We're delighted with the government's announcement because poorly designed, outdated, overly prescriptive regulations that add to business costs need to be removed …

This is but one of a series of such initiatives we will see over the passage of time. There will be enormous growth opportunities for our businesses.

SPC Ardmona

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the fact that for the second time in three days his unstable minority government has lost the support of this house, and I ask: given that the Premier cannot command the confidence of this house and has offered nothing but words, why should the thousands of workers who rely upon SPC Ardmona have confidence that he will work to fight for their jobs and their families?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. As I outlined to the house earlier this week, the government is committed to working with SPC Ardmona to secure its future in Shepparton and the Goulburn Valley. We have been meeting with SPC Ardmona executives. As we speak our officers continue to work with SPC Ardmona in a positive and constructive way — in a reasonable way — to achieve the objective. We recognise the importance of the fruit growing industry in the Goulburn Valley. A large part of the fruit growing industry is providing produce to the fresh market, but a significant part of the industry supplies fruit to SPC Ardmona for processing. That provides jobs for the local community and is important to the local community's economy.

Honourable members interjecting.

Dr NAPTHINE — That is why when this matter was raised in federal cabinet and a decision was made which we disagreed with and were disappointed with, as Premier I went to Shepparton, met with representatives of the City of Greater Shepparton and SPC Ardmona, visited the factory, met with workers and met with fruit growers so that we could work firsthand with the industry to get the very best outcome. We are about working with the Goulburn Valley. We have a track record of working with the Goulburn Valley. In 2012 we put on the table $4.4 million in assistance to SPC Ardmona; it has taken up only $200 000 of that funding. We put on the table $2 million to assist fruit growers who were facing some challenges last year. The Deputy Premier has provided $5 million for the Goulburn Valley Industry and Employment Task Force, which is now examining the report of that work.

Honourable members interjecting.

Dr NAPTHINE — We are working with SPC Ardmona in a positive way about a positive future. We are not people who walk away from the Goulburn Valley. We are not a party that says prior to an election that we will never take water from the north to the south and then does so immediately after the election. We are not a party that wastes nearly $1 billion on a dud, white elephant pipeline to take water from the fruit producers in the Goulburn Valley. It is only the Labor Party that does not care about the Goulburn Valley.

Ms Allan — On a point of order, Speaker, the Premier was offending against the standing orders once again, as he has continued to do throughout the course of question time, particularly standing order 58 around debating the matters. Perhaps the house would come to a greater level of order if the Premier obeyed the standing orders and answered questions within the confines of those standing orders — and if he does not, perhaps if he were called to account.

The SPEAKER — Order! Before I take a point of order from the Leader of the House, the Chair had great difficulty in hearing clearly what the Premier said because of the level of noise. Members should all be embarrassed.

Ms Asher — On the point of order, Speaker, the Premier was asked a broad question which had a reference to SPC Ardmona in it. The Premier was responding to that question by providing detailed information to the house about SPC Ardmona and was also making a number of comments in relation to the Goulburn Valley. The Premier is well entitled to — —

Mr Andrews interjected.

Ms Asher — Points of order should be heard in silence.

The SPEAKER — Order! I thank the member for her assistance.

Ms Asher — The Premier was well within his rights to answer the question as he was doing, and he was complying with standing order 58.

Mr Andrews — On the point of order, Speaker, I think that the people of the Goulburn Valley are entitled to get an answer — —

The SPEAKER — Order! The Leader of the Opposition is not going to repeat the question, is he?

Mr Andrews — I am not repeating the question. On relevance — —

The SPEAKER — And not debating it?

Mr Andrews — On relevance, and not debating, and on the fact that his answer, and certainly its last part, related barely at all to government business, the Premier is not there to run a commentary on other political parties. He is there — —

Honourable members interjecting.

Mr Andrews — What is funny about people losing their jobs? What is funny about that?

The SPEAKER — Order! I find it difficult to rule on the point of order because I could not hear everything the Premier said.

Dr NAPTHINE — I am contrasting our long-term commitment to the Goulburn Valley and to jobs in the Goulburn Valley. Indeed I can refer to other examples, such as Australian Consolidated Milk, 100 jobs; Rubicon Water, 106 jobs; and Pental cleaning products, 100 jobs. We have a long-term commitment to jobs in the Goulburn Valley, to the fruit growers in the Goulburn Valley and to SPC Ardmona, and we will work productively with — —

Mr Andrews — The Premier's words will not save these jobs. He ought to answer the question.

The SPEAKER — Order! The Leader of the Opposition can resume his seat. I inform the Leader of the Opposition that every member in this house has a right to take a point of order, but there are forms for doing so. I will not listen to points of order if they are not raised in the form that is required by the house.

Dr NAPTHINE — What I am highlighting is that we have a long-term track record of delivering jobs, of working shoulder to shoulder alongside the people of the Goulburn Valley, and we will do that with SPC Ardmona, whereas the Labor Party just wants to pinch their water and spend $750 million on a white elephant pipeline.

The SPEAKER — Order! I point out to the member for Bendigo East that the Speaker has finished his answer.

Ms Allan — He has, Speaker, but it was pretty clear that you could hear that he had concluded that answer quite — —

Honourable members interjecting.

Ms Allan — Remember 'Points of order are heard in silence'? Did you forget that bit?

The SPEAKER — Order! Respect will be shown to the member taking the point of order. I am trying to hear it.

Ms Allan — I think even you, Speaker, could hear that attack on the Labor opposition, which offends against standing orders and offends against rulings from the Chair, and in future we will be looking to you to bring the Premier back to answering questions under standing orders.

Ms Asher — On the point of order, Speaker, whilst I understand the Premier has concluded his answer, I refer to *Rulings from the Chair* of June 2013. In a ruling Speaker Smith said, inter alia, 'it is permissible to talk about something that the former government did'. The Premier's answer was in order.

Mr Merlino — On the point of order, Speaker, I am not sure how much weight the former Speaker's ruling would have, but it is clearly not in order to attack the opposition. The Premier finds plenty of time to attack the opposition but no time to talk about the $25 million he took off the table.

The SPEAKER — Order! The member for Monbulk!

Honourable members interjecting.

The SPEAKER — Order! It will be exceedingly difficult to rule on points of order if the level of noise continues like this.

Construction site safety and security

Mr McINTOSH (Kew) — My question is to the Minister for Industrial Relations. Can the minister advise how the coalition government is building a better Victoria by increasing safety and security for workers on major building sites?

Mr CLARK (Minister for Industrial Relations) — I thank the honourable member for Kew for his question. I can inform the honourable member and the house that the government has today announced further measures to improve safety and security on Victorian government construction sites. We will be introducing two new measures. We will be extending the coverage of the implementation guidelines to the Victorian code of practice for the building and construction industry to require construction companies which tender for Victorian government work to commit to implementing comprehensive drug and alcohol screening measures to ensure the safety of workers. Secondly, we will require those who tender to commit to demonstrating best practice measures to ensure the security of construction sites.

Construction sites are inherently hazardous places where unsafe practices can risk death or serious injury for workers. The presence of intoxicated or drug-affected workers on building sites can present a real and serious risk to worker safety. That is why we are moving to complement the good work that the Victorian WorkCover Authority and others have already undertaken to require those who participate in Victorian government projects to lead the way in introducing drug and alcohol screening measures and other policies and practices to tackle the dangers of drugs and alcohol on construction sites.

Our second measure will see further amendments to the implementation guidelines that will improve site security and require companies tendering for Victorian government construction contracts to demonstrate best practice security measures, such as CCTV monitoring, biometric scanning and smartcard technology. Fraud and theft on Victorian government construction sites flows through to higher construction costs, and these are ultimately borne by the Victorian taxpayer. The introduction of a requirement to demonstrate measures to ensure security on site will help stem that cost as well as ensure that we have law-abiding work sites.

I am pleased to be able to inform the house that the government's announcement has already won the support of employer groups such as the Master Builders Association of Victoria. In a media release issued today the association says:

> Workplace safety is a serious issue, and anyone interested in the safety of construction workers should back this new policy …
>
> Ordinary drivers on our roads are randomly drug tested so why shouldn't those working on dangerous construction sites amongst heavy machinery also be tested?

The Master Builders refer to independent research saying that up to 24 per cent of Australian construction workers have used illicit drugs and that there has been strong demand for industry-based drug and alcohol rehabilitation services. The Master Builders rightly say:

> It's time for the CFMEU to lift its head from the sand when it comes to drug and alcohol use in our sector. If it really cares about workplace safety, the union will support this testing.

Regrettably the Construction, Forestry, Mining and Energy Union has already criticised and indicated its opposition to this policy. Mr John Setka has characterised this as another attack on construction workers. That reaction is very disappointing indeed from a union that one would expect would be committed to worker safety. The claims the union has made about lack of evidence of drug problems on building sites are contradicted not only by the independent research referred to by the Master Builders but also by evidence taken in recent times by a parliamentary committee looking at drug use.

This shows yet again the importance of the construction code compliance unit that this government has introduced to ensure safe, productive and law-abiding workplaces in Victoria. It shows once again the dangers and folly of any policy that would see the abolition of the construction code of compliance unit.

Ambulance services

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the case of a 38-year-old Warburton man who went into cardiac arrest early on Monday and had to wait 23 minutes for an ambulance to arrive despite living just 10 minutes from the nearest ambulance station at Yarra Glen. Tragically the man died before the ambulance arrived. I ask: given that the Premier cannot command the confidence of this house, how can any Victorian have any confidence that the Premier can fix this worsening ambulance crisis?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. I can advise the house that since we were elected to government we have worked hard to increase resources for our ambulance services. We have increased Ambulance Victoria funding by 17.3 per cent to a record $662 million. We have provided 465 additional paramedics. In the three years we have been in government there have been an extra 465 paramedics. That is a 19.6 per cent increase in the number of paramedics. There are 28 598 additional shifts. That is nearly a 10 per cent increase in the number of additional shifts in our ambulance service.

In the metropolitan area covering Warburton there are 193 additional paramedics, 8760 additional shifts and a new 24-hour ambulance service at Endeavour Hills. There are additional crews at Yarra Junction, Lyndhurst and Cranbourne. We know from a recent analysis of the performance of our ambulance services and the latest data released on 8 January that there has been a significant improvement in ambulance transfers to emergency departments and hospitals within a 40-minute time frame. There is a 24 per cent improvement at Frankston and a 29 per cent improvement at Dandenong.

The recent report entitled *Report on Government Services* shows that Victoria had the best survival rate of all mainland states for cardiac arrests and that 98 per cent of patients who were surveyed were satisfied with ambulance services — —

Ms Allan — On a point of order, Speaker, it is clear that the Premier is quoting from a document with data from January 2014 — data that is not publicly available. In order to verify the data quoted by the Premier, I ask that he provide the document to the house and the source of that data.

The SPEAKER — Order! Is the Premier quoting from a document or notes?

Dr NAPTHINE — I am referring to notes. I advise the house that I am referring to the document entitled *Report on Government Services*, which is publicly available on the internet; it is publicly available information. It says that Victoria has the highest — —

Ms Allan — On a point of order, Speaker, under standing order 58 and the requirement for members to be factual in the house, the data that the Premier was referring to was from January 2014. The *Report on Government Services* does not include data for 2014, so I ask that, given the Premier is going down the path of not being entirely accurate to the house, he provide the document from which he is directly quoting — we can see the document is in front of him — and the source of that data.

Ms Asher — On the point of order, Speaker, the Premier clearly said that he was referring to his notes, and he is entitled to refer to his notes.

The SPEAKER — Order! In her previous point of order the member for Bendigo East asked the Premier to table a document. The Premier said he is referring to notes. I cannot see how I can uphold the point of order. I have no idea what is on the website.

Dr NAPTHINE — With respect to the tragic incident at Warburton, I advise that at 2.56 a.m. on that day there was a 000 call for a 38-year-old man at Warburton who was not breathing. It was a code 1 — he was described as not breathing. The nearest ambulance was diverted from a lower priority case at Badger Creek to respond. Two mobile intensive care ambulance (MICA) units and an air ambulance helicopter were also dispatched. At 3.19 a.m. the first ambulance arrived. At 3.38 a.m. the first MICA unit arrived. Sadly the man could not be revived.

This is a tragic case, and our thoughts are with the family and friends of this man. Ambulance Victoria is reviewing the case, and the matter is under investigation. I am also advised that due to the matter being referred to the coroner I cannot make any further comment.

Public transport

Ms RYALL (Mitcham) — My question is to the Minister for Public Transport. Can the minister update the house on recent data showing how the government is improving public transport for Victorian families and communities, and is the minister aware of any other information or data in relation to past performance?

Mr MULDER (Minister for Public Transport) — I thank the member for Mitcham for her question and for her strong interest in public transport. Once again I congratulate her on her work in the delivery of Mitcham station, the Mitcham and Rooks roads grade separations and her work with the member for Warrandyte in relation to the delivery of that great project at Ringwood.

As members would be aware, today there was a loosely arranged take-public-transport-to-work day. My understanding is that a number of members of Parliament took part in that loosely arranged project. Those who did would have noticed something quite different, particularly those who are related to the former Labor government, when in today's morning peak hour performance 99.1 per cent of trains delivered and 94.3 per cent of trains arrived on time. I would suggest that those members who decided to take part today in that loosely arranged program would have enjoyed something that perhaps they would not have enjoyed several years ago; they probably would not have been game to take part in a program such as this some years ago.

I also advise the house that throughout the very hot days that we had in the month of January — and we saw what happened in previous years in relation to

heatwaves and the meltdown of the system — Metro Trains Melbourne delivered 90 per cent of its trains. This is in excess of the contract that was signed with Metro by the Labor government that set the benchmark at 88 per cent. In the worst possible conditions the coalition government worked with Metro to deliver over and above the benchmarks set by the former Labor government.

I also advise the house that in January Metro celebrated what some might call a 21st birthday — 21 months of running trains on time. You might like to compare that with the last eight months of the former Labor government, and I will get to that. You only get these sorts of outcomes when you make the investment and put the money in the right places. We made that great investment.

Those who travelled in today on public transport from the regions would have seen the fantastically managed regional rail link project steaming ahead. They might have come in on one of our new X'trapolis trains, sat up there in comfort and enjoyed the ride in. They could possibly have enjoyed the ride in on one of the 1078 additional services that we have added to the network. They might have been lucky enough to come by tram. We put a halt to that program until we ensured the trams had the proper specifications and the disability sector had a chance to have an input into their design. We took the trams to the show for the public to look at, and we worked with the manufacturers, Bombardier. People might have come in on one of those new trams today. Once again it is a fantastic outcome.

We have said all along that you only get these kinds of outcomes if you target the right places. Our money has gone on the drainage, the ballast, the sleepers, the points, the crossings, the signalling and the power. That is where our money has gone, and that is where we are getting the outcomes from. Through passenger load surveys we see that overloading on the public transport network has come down since we came to office. We have funded $100 million in improvements for Bayside rail. We have removed level crossings at Springvale Road, Mitcham Road and Rooks Road. We have placed protective services officers at stations across the network, and of course we have fully funded the regional rail link project, to which I referred earlier.

Any members who live along the Frankston corridor will remember the appalling 62 per cent punctuality of its trains. It is now well above 90 per cent. There is now improved punctuality and frequency of trains and better safety along the network. Wherever you look, we have made an enormous difference in the 3 years since we have been in government compared to the appalling 11 years under the Labor government.

Schools

Mr MERLINO (Monbulk) — My question is to the Premier. I refer to the case of Tarneit P–9 College, in which the government's late delivery of portable classrooms left teachers and students with broken windows, no computers or internet access and not ready for the start of term 1, and I ask: how can any Victorian trust this unstable minority government to fix our crumbling schools when the Premier appears only to be concerned with protecting his crumbling government?

Dr NAPTHINE (Premier) — I thank the Deputy Leader of the Opposition for his question. This year has seen the best start to any school year in living memory. It has been the smoothest start ever to a school year right across the state. We have seen 800 000-plus students return to school. We have seen new preps start school. We have seen new teachers being taken on board, and this government is proud of the fact that they started school with a record $8.8 billion worth of funding — the highest level of funding in Victoria's history. We are providing $8.8 billion of funding because we are committed to growing educational opportunities in this state.

Whether they go to government schools or private schools, we want to provide the best educational opportunities for those students. That is why we are providing more money for education than was provided under the Labor government, and that is why we are investing in new schools in growth suburbs like Melton, like Wyndham Vale, like Sunshine. That is why we built the new special school at Officer, and that is why I was pleased to be in Doreen late last year to look at the progress of the work on the school there.

Eleven years of Labor could not deliver the schools that are needed for the growth area of Doreen, but in three years we are building those schools to create classrooms for students in those growing areas around Doreen. That is why we are proud to have signed a new enterprise bargaining agreement (EBA**)** with our teachers. It is because we value the professionalism of our teachers. We value them and ensure that our teachers get fair and reasonable pay rises to match their skills and their commitment to education in this state. That is why we were pleased to sign the schools funding plan for the future, which provides $12.2 billion worth of additional funding for our schools.

Of that $12.2 billion, our government committed $5.4 billion over the next six years. We are a government about education. We are a government that cares about students and cares about our schools. When we signed the Better Schools funding deal over six years we did not sell out Victoria, we did not sell out school principals, we did not sell out school councils, we did not sell out the autonomy of our local schools because we value local control of local schools through community-based school councils and through school principals so they are better able, in a flexible and positive way, to deliver the very best education for students.

Mr Merlino — On a point of order, Speaker, the Premier is not being relevant to the question; not once has he mentioned Tarneit P–9 College. I was there the day before school started.

Honourable members interjecting.

The SPEAKER — Order! It would help the Chair if members on my right did not shout while I am trying to ask the member for Monbulk to sit down. Taking a point of order is not an opportunity for debate.

Dr NAPTHINE — That is why I can say to the people of Victoria and to this house: we have had the best start to the school year in many, many years. We are proud of our enteprise bargaining agreement with our professional teachers. We are proud of our Better Schools funding. We are proud of our commitment to build schools in growing suburbs. We are proud of our commitment to fix the $400 million black hole in school maintenance we inherited because of the neglect of the previous government, and we are proud of our record $8.8 billion in funding for education in 2014.

Honourable members interjecting.

The SPEAKER — Order! I advise the member for Lyndhurst that even long odds have come through.

Retail trade and employment

Ms MILLER (Bentleigh) — My question is to the Treasurer. Can the Treasurer inform the house how the coalition government is building a better Victoria by facilitating growth in retail trade and jobs, and is he aware of any threats to this growth?

Mr O'BRIEN (Treasurer) — I thank the member for Bentleigh for her question. While economic vandals vote against legislation that would expose their dodgy costings, this government is getting on with building a better Victoria. Let me make the point that since the election of the coalition government three years ago Victoria has created more new jobs than any state in the country with the exception of WA and its resource boom. Our regional job growth is stronger than anywhere else in the country. We have grown regional jobs by 2.6 per cent in the 12 months to December, head and shoulders above anywhere, including Western Australia. We are implementing the policies that this state needs to grow jobs and grow investment. We have the strongest state finances and a stable AAA rating. We have a record of budget surpluses and a record infrastructure program as well.

Today the Australian Bureau of Statistics released the latest data on international trade in goods and services, and retail trade. For the December 2013 quarter, Victoria's goods exports grew by a whopping 11.5 per cent compared with the December 2012 quarter — a massive boom in our goods exports. The retail trade figures were also good news for our economy. They show that for the year to December retail trade in Victoria grew 6 per cent compared to a national average of 5.7 per cent — again, stronger than the rest of the country. These figures, together with the construction data that I briefed the house about on Tuesday, show that this government is committed to growing the economy and growing jobs.

But I have been asked about threats to jobs growth in Victoria, and one of those key threats is militant unionism. You do not even have to take my word for it because you can take the word of somebody who gave a very interesting speech yesterday. That person was Paul Howes, the national boss of the Australian Workers Union. This will be of particular interest to the members for Niddrie, Yan Yean, Keilor, Derrimut and Broadmeadows because they are all members of Paul Howes's union. Here is what Mr Howes said about militant unionism:

> If we turn a blind eye — if we ignore any pocket of dishonesty — it will grow like a cancer.

Mr Howes recognises that militant, rogue unionism — dishonest, corrupt conduct in the union movement — is a cancer. It is a cancer on jobs and a cancer on economic growth here. At least he had the courage to stand up and admit that. He went further. He said:

> … when that agenda's playing out some sort of mature, *Sopranos*-style tough guy fantasy, this is just bad.

As I have said before, we have dodgy characters and we have lawlessness associated with the Construction, Forestry, Mining and Energy Union (CFMEU). Paul Howes has called it out; he has had the courage to stand up and say, 'This is wrong. This *Sopranos*-style conduct has no place in the union movement, and no

place in the economy.' But the Labor Party in Victoria, because it kowtows to the CFMEU, turns a blind eye.

Ms Allan — On a point of order, Speaker, I would appreciate your understanding on how the Treasurer is being at all relevant under standing order 58. How is the commentary he is making at all relevant to government administration? I understand that the question was about jobs and the economy, but the content of his answer is straying from that at this point, and I ask you to bring him back to answering the question. If he was any sort of Treasurer, he would be taking this sort of thing seriously.

The SPEAKER — Order! Order! Taking a point of order is not an opportunity to cast aspersions on another person in the house.

Ms Asher — On the point of order, Speaker, the question specifically asked the Treasurer whether he was aware of any threats to the growth that we have seen in Victoria, and the Treasurer was simply addressing the specific question that he was asked.

Mr Merlino — On the point of order, Speaker, attacking the opposition is not within the standing orders. This is a week in which there has been nothing for Shepparton from this government. This is a week — —

The SPEAKER — Order! The member for Monbulk will not enter into debate when making a point of order.

Mr Merlino — The Treasurer was clearly not within standing orders, as he was attacking the opposition. It may be a leadership audition —

The SPEAKER — Order! The member should stop there.

Mr Merlino — but it is not an opportunity to attack the opposition.

The SPEAKER — Order! I do not uphold the point of order. The Treasurer, to finish answering his question.

Mr O'BRIEN — We have leadership from one leader of the labour movement in this country, but it is a leadership that is lacking from others in Victoria. Because we know when it comes to the CFMEU — —

Ms Thomson — On a point of order, Speaker, I will go back to standing order 58 in relation to debating the issue, but more importantly, the question as I understand it was about retail jobs, and so far we are yet to hear anything in relation to the jobs the minister was asked about. I ask that you draw him back to answering the question that he was actually asked.

The SPEAKER — Order! I had asked the minister to finish answering the question, and the question was broad. The Treasurer, to finish answering his question.

Mr O'BRIEN — When it comes to Labor and the CFMEU we know this: they take their money, they take their votes and they take their orders!

TRAVEL AGENTS REPEAL BILL 2013

Second reading

Debate resumed.

Mr McGUIRE (Broadmeadows) — In resuming, I would like to call on the Victorian government to immediately deliver an emergency retraining package for the 300 Ford workers who will lose their jobs in June because this government has done too little too late. The situation is even worse in Broadmeadows: the government's cuts to TAFE have resulted in 100 courses and 1 million contact hours being axed — —

The SPEAKER — Order! Which bill is the member debating?

Mr McGUIRE — I am coming to the bill, I just wanted to make a point that needs to be put on the record, and it would be remiss of me as the member for Broadmeadows not to call the government to account on this issue, because it needs to be stated on the public record.

The SPEAKER — Order! The member for Broadmeadows is stretching the Chair's patience. He will speak on the bill.

Mr McGUIRE — On the bill, as I was — —

Ms Allan — But Ford workers won't be able to go on holiday!

Mr McGUIRE — Yes, Ford workers won't be able to take a holiday.

I am glad the minister is at the table, because there is a little comment at the back about the difference between deregulation and reregulation and how to avoid unintended consequences, so I will resume my contribution on the bill. Nevertheless, we should not forget what has happened to the Ford workers and give them some chance for retraining.

Returning to where I was in my contribution on this bill, the key proposition is the consumer's point of view. From that perspective the need for an insolvency compensation scheme remains as salient today as ever. This is the view of CHOICE, which is one of the main consumer watchdogs, and probably the one with the longest record of acting in the public interest. It has built up credibility over time. It makes the point that clients' funds are still held for lengthy periods of time and that a substantial amount of money can be at stake. It also makes the point that rapid action is often needed to minimise consumer detriment and that consumers may be overseas when collapses occur.

There is no evidence to suggest that there is a case to remove the ongoing prudential oversight of the industry taken by the Travel Compensation Fund. That critical and pertinent point should not be ignored, and on balance this is one of the key things the opposition is raising in opposing this bill.

This raises another issue. The government's draft plan on this matter says that credit cards are an increasingly frequent means of payment for consumers, particularly in the travel sector. CHOICE's view is that its experience is the converse. We note that many travel agencies also have high surcharges for card payments. Returning to the point I made in the earlier part of my contribution, these surcharges can have a detrimental effect, particularly on people who do not speak English as their first language and who are vulnerable within the community. We need to have a more balanced approach on this matter so that we do not deregulate this proposition and then have to have it regulated, which we have seen happen in the past.

Even the government's draft plan figures show that consumers pay by credit card only 42 per cent of the time. This means that 58 per cent of consumers will be exposed under the new regime. In fact only those consumers who are willing to pay the surcharge will be protected, so that is another issue that needs to be addressed. This cost must be considered in any dismantling of the current system, and we are concerned that it has not been considered. That is a consideration that should not be overlooked. It needs to be addressed and we hope the government takes note of that. These propositions are being put forward in the public interest and should not be subject to a political debate but should be looked at from the value and perspective they add, particularly for people who are the most vulnerable and exposed in this area.

One of the issues I flagged earlier is that we have to be careful about what we deregulate, even with the best of intentions. We support the proposition that we get rid of red tape; we want to make businesses more efficient and effective. But there are lessons from the past, and we should not forget what has happened in this Parliament. That goes to a contribution I made to the debate in this house in October 2013 on the Professional Boxing and Combat Sports Amendment Bill 2013. The inconvenient fact is that at that time the Premier forgot to explain to Victorians that he was a minister in the Kennett government, which removed the fit and proper person test that allowed underworld figure Mick Gatto to gain a licence as a professional boxing promoter. The Premier seemed to have forgotten the inconvenient fact that the Kennett government, in which he was a minister, had removed the fit and proper person test, but all he had to do was consult the Deputy Leader of the Liberal Party. She had come back as the minister for small business, which she also was in 1996 when she spoke in favour of removing the fit and proper person test, telling Parliament — and this is the critical proposition — that:

> The purpose of this bill is to deregulate sections of the professional boxing and professional martial arts industries … and to restructure the statutory boards responsible for control of the industries.

The 1996 bill made provision for the Professional Boxing and Combat Sports Board, which is responsible for matters of probity within the industry, but it removed the board's powers to consider whether an applicant for a licence was fit and proper. What we have had to do since then was in effect re-regulate this area. Currently, thanks to the changes that the Kennett government made, the board has no option other than to issue a promoter's licence as long as an applicant can demonstrate to the board the appropriate knowledge of the act and regulations, any relevant rules made under section 23 of the act and any conditions to which the licence would be subject if issued. When the board issued Mick Gatto a promoters licence, instead of the Premier explaining that he had been part of the Kennett government that had removed the fit and proper person test, and therefore the board's ability to exercise discretion in the interests of probity, the Premier ordered the Minister for Sport and Recreation to conduct an urgent review of the circumstances under which the licence was awarded.

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

Mr MADDEN (Essendon) — I rise to speak about the Travel Agents Repeal Bill 2013. This bill is very much about deregulating and streamlining opportunities for business. Theoretically that sounds appealing, but I have to express some concern about the actualities of what these things often mean. We have heard from a

number of members in the chamber that sometimes when you introduce or reduce regulation you leave vulnerable people more exposed than ever when consequences that have not necessarily been considered result from the impact of those changes. Sometimes there are perverse consequences that were never anticipated.

In the travel industry in recent years there has been a reduction in the number of small-scale operators, an area that needed regulation many years ago. In an attempt to reduce business costs there was a national agreement to reduce regulation in this area. I have to say, and I have seen this firsthand, that what sounds like a good idea in regard to a national agenda — where a number of ministers sit around a table wanting to get an announcement out at the end of a day and there has been a proposition from senior public servants — can in practice sometimes end up being a lot more painful than was ever thought.

No single minister has to explain himself, so each relays back that, 'The other states are doing it, so we have to do it to come into line with a national agreement through the Council of Australian Governments (COAG)'. In those circumstances it can sometimes be a bit of a rush to the bottom. Something can appear to be a good idea, but because the implementation is not thoroughly considered or renegotiated at various stages, due to the way in which COAG and ministerial councils operate, there is a rush to get an agreement and form a position. Everybody wants not only to form a position, have good news at the end of the day and go back home to their state and make an announcement but they also want to be seen to be agreeing. Sometimes it is not so much that these things are rushed — they can take some time — but that there is no chance to reconsider the proposal as it makes progress.

What often occurs is that there are unintended consequences, which are not necessarily broad or far-reaching but which in very acute circumstances often leave the most vulnerable more vulnerable than ever. We see in this bill a reduction in red tape and the abolition of the Travel Compensation Fund. The abolition of the fund might make sense because travel organisations are now large and well-established and have been running well for many years. There are not now so many small-scale operators that can be fly-by-nighters, which were probably the reason for regulating travel agents in the way that they were with the compensation fund.

We are relatively confident that the large-scale businesses will be around for a long time because often they are shareholder corporations and because the way in which people conduct that business has changed slightly. As previous speakers have said, we are now seeing people pay for many of their travel arrangements with a credit card. Because of the relationship between the credit card users it is anticipated that if a failure were to occur in relation to travel arrangements, the chargeback protections would be available. But that does not apply to all credit cards; it applies to some credit cards.

More importantly, as a number of my colleagues have mentioned, it is not only the chargeback issue that cannot be guaranteed; it is the fact that you have to pay to use your credit card. I find it outrageous that these additional costs are being placed on top of your payment, and the expectation is that you have to pay. Often there are no ways in which you can pay other than by a credit card. Alternatively, you have to use direct debit. There are no assurances that if you use a direct debit and avoid that charge you are going to be covered in these circumstances. In some instances the only way you can pay is by credit card, and the charge is not just the charge that the credit card provider would take from the company; there is often a service charge incorporated into that. Sometimes the travel companies are making a profit — a small-scale profit, but still a profit — on the basis that you have to use a credit card.

Let us not forget that it will be the most vulnerable who are compromised if something goes dreadfully wrong — and I am not saying on a small scale; I am saying on a large scale. For instance, if there is an issue with a cruise liner, then it will not be one or two travellers who are affected, it will be hundreds or thousands of people who are affected if something goes horribly wrong in the circumstances that may or may not prevail. While travel has become cheaper over recent decades and more of us are travelling than ever before, let us not forget that if you are a family sometimes that one family holiday is a significant investment. In this day and age it may be that big international trip which reunites family members in another part of the world. If you think about the way that families invest, their largest investment is often their home. It may also be a car or perhaps their children's education, and other than just the day-to-day costs in their lives, they may well have spent some time saving the money to invest in a large, once in a lifetime family trip to reunite with relatives overseas and unify the generations.

This is particularly the case in this country, where we have many, many migrants who make that big trip back home before either the grandparents or the uncles reach the end of their lives. The family is only able to make

that investment once, and they take the kids on a trip to see the grandparents who they have not seen for a number of years before they deteriorate significantly because they may not be able to get back to see them. We are not talking about just a couple of hundred dollars or a couple of thousand dollars; we could be talking about tens of thousands of dollars that people will invest in these sorts of arrangements. Therefore if there is failure in the marketplace and something goes horribly wrong and the travel agent for some reason goes off the rails, then a number of people will lose out if they have not paid with their credit card and they are not protected by the chargeback protections. There is every chance that we will see some individuals or some families lose substantial amounts of money from one or two failures in the marketplace.

My suspicion is that before long we will see some failure in the system once the Travel Compensation Fund is removed. It will not necessarily be on the scale that might have prevailed when the compensation fund was first introduced, but my suspicion is that we will see individuals or individual arrangements significantly affected across a broad range of travellers who will be impacted upon because they did not enter into the chargeback protections that some credit cards offer. In a sense this is the justification for doing away with the Travel Compensation Fund. There will be no thanks from the industry, because the industry will be embarrassed. There will be no thanks from consumers who are vulnerable. But I suspect that we will see this before too long, and then it will be too late to try to cover those individuals and families who will be left high and dry, sometimes in other parts of the world trying to get back home.

Mr PALLAS (Tarneit) — It gives me great pleasure to speak on the Travel Agents Repeal Bill 2013 and to support the comments of the member for Preston. On behalf of the opposition I indicate that we will be opposing this bill. While the bill seeks to do a number of things, it ultimately fails to address the mischief that most fundamentally affects people who travel — that is, that when you travel the financial arrangements you enter into are assured by an adequate system of compensation in the event that travel agencies fail to provide the goods or service.

The repeal of the Travel Agents Act 1986 effectively is about the ending of the appropriate regulation of travel agents. For a limited period it provides for the continued operation of the compensation scheme, which will end in 2015. But more importantly it goes essentially to the quality and the effectiveness of the compensation protections that are available to consumers. In many cases these consumers will be some of the most exposed, and given the nature of the transfer actions that they enter into, particularly the cash transfer actions, they will be the most exposed because of their inability to be adequately compensated in the event that the scheme ceases to apply.

From 1 July 2014 Victorian travel agents will no longer have to be licensed. The movement towards a deregulated scheme ultimately could give rise to disquiet in the community about the nature, the expertise and the professionalism of those they deal with in the community at large. The bill applies an agreement that was reached in December 2012 amongst a majority of state and commonwealth ministers for consumer affairs agencies around the implementation of the national travel industry transition plan, which is aimed at making sure that the cooperative scheme for the uniform regulation of travel agents will be abolished. The agreement to abolish that scheme comes with consequences which will be profound when felt at the pointy end by those who are most exposed in terms of their capacity to not bear the burden and the risk of entering into arrangements with travel agents that will not or may not be able to be honoured because of the particular circumstances of those travel agents, the increasing move towards a deregulated environment of travel agencies and the failure ultimately of those agencies to be registered, all of which are matters of concern.

We are told that the national reform is part way through a four-step process. Firstly, since 1 July last year travel agents have not been required to lodge annual financial returns to the Travel Compensation Fund (TCF). Secondly, we are told that travel agent legislation will be repealed by 30 June 2014. Thirdly, a voluntary accreditation scheme will be put in place. Finally, there will be the closure of the TCF by the middle of 2015. Final payments of any consumer claims, we are told, will be concluded by 30 June 2015.

We know that two states do not support the abolition of the TCF, but both have signed the variation to the trust deeds of the TCF. Western Australia and South Australia, as I understand it, fall into this category.

Ms Victoria — No, South Australia has just come on board.

Mr PALLAS — I am reliably informed by the Minister for Consumer Affairs, that South Australia is on board. Nonetheless we are moving into a situation where increasingly we are seeing a movement towards deregulation that in itself and without adequate safeguards could ultimately mean that consumers are worse off as a consequence of that deregulation. The

winding up of those consumer protection schemes will ultimately not augur well for the public at large.

The national scheme commenced in 1986 and it regulates agents who make travel-related arrangements as intermediaries. The scheme required all jurisdictions to enact uniform legislation — effectively a code of common legislative compliance — requiring travel agents to be licensed and also ensuring that those agents become and remain members of the Travel Compensation Fund.

However, the decision to abolish the move towards a national scheme is a matter of concern because it is effectively underpinned by three key arguments. The first argument is that, essentially, fewer consumers are eligible to access the TCF. The rise of online commerce has reduced consumer reliance on travel agents, and I am advised that something like two-thirds of travel and travel-related expenditure is now made without relying on travel agents. There has been decreasing reliance on travel agents, and that trend is apparently expected to continue. The second argument against the national scheme is that the travel agent market is dominated by a small group of large companies that are subject to financial controls under laws of general application. The third argument is that the Australian Consumer Law (ACL), existing company law and remedies relating to credit card chargebacks and voluntary insolvency insurance products provide sufficient regulation in respect of travel agents and consumer protections, but the bill contains a variety of saving provisions over the limited duration of its operation.

Labor holds a number of concerns with regard to these arrangements. They have been expressed by a variety of speakers, and I simply add my voice to their concerns. The obvious one we will throw out there is that it is a regulatory scheme that is essentially putting consumer protections at risk even when those protections are seen to be working adequately. The government has failed to explain why a mandatory accreditation scheme would not provide better protection for consumers. The current mandatory scheme has provided and continues to provide value.

The government has failed to explain where it will direct people for compensation the next time a travel agent fails, and that is a great concern because the nature of this industry is that there will be people who in many cases are looking to enter into travel arrangements, sometimes for the first time. People who do not travel often may not be aware of their entitlements and may not have credit cards in terms of the transactions they enter into. Their exposure becomes increasingly profound, particularly when we are looking at those within the community who are probably least able to bear the consequences of the failure of a travel agent or scheme and ensure that their funds and arrangements are adequately protected. The government has failed to explain how small consumers would be able to finance complex insolvency actions against professional indemnity insurance under the ACL, and it has also failed to explain why the TCF should be closed down ahead of the industry accreditation scheme, given its worth to consumers.

CHOICE of course is opposed to the abolition of the TCF, advocating instead for its reform. When a consumer advocacy organisation expresses these concerns it is increasingly a matter that should be of concern to us all, because ultimately such organisations seek to advocate for people and enhance consumer protection. This bill will do exactly the opposite; in the interest and under the guise of deregulation it will expose those who can least bear exposure to a deregulated environment. On that basis I oppose this bill.

Mr NOONAN (Williamstown) — I also rise to make a contribution to the debate on this bill, and in doing so I echo some of the contributions made by fellow members on this side. It was stated at the outset that the opposition will oppose this bill. Much discussion has been put on the table in relation to the Travel Compensation Fund, and the reason for that is that this bill, if passed by the Parliament, could give rise to an agreement reached at a national level in December 2012 where states discussed the consumer affairs aspects relating to implementing a travel industry transition plan, as it is known, to abolish the cooperative scheme for the uniform regulation of travel agents, thereby triggering removal of a requirement for travel agents to be licensed and closing the Travel Compensation Fund.

Many years ago I started my working life in the travel industry; in fact it was my first job, not too far from here, up on Collins Street. I worked as a trainee for a travel business called Philomena's Travel, a very popular and well-established travel agent. Unfortunately, because of the fine margins you find in the travel industry, unbeknownst to the staff of that business — I think there were probably about 30 or 40 of us — we turned up to work one day only to be advised that Philomena's Travel had gone belly up. We all found ourselves out of work and lost all of our entitlements on the way through.

The other devastation that was caused by that was related to the fact that many of the people who used to book through Philomena's Travel were essentially

elderly people going to visit Ireland. They put together their life savings, and Philomena was very big in the Irish community — Philomena being a person. Those people put down many thousands of dollars, and obviously they would go and see friends and relatives back in Ireland. Explaining to those people, many of whom intended to travel in a number of weeks time, that probably the most exciting thing they had been saving for quite a period of time — in many cases years — had been taken away from them was a very difficult thing to do. I remember with some clarity the difficulty in relation to explaining to those people that essentially they would need to repay and rebook on other airlines and basically through other agents.

I also remember during that period the collapse of Compass Airlines. I remember the rebirth of Compass then the collapse again. While this does not deal directly with airlines, even in those days many people were booking domestic travel through their travel agents, so for me that period is quite strong in my memory in relation to the issues we are talking about today. I see the Travel Compensation Fund was established during that period — I think it was in 1986 — for exactly this purpose. It was established to provide a level of consumer protection to those people who lay down thousands of dollars and seek through a process or an expectation of consumer protection that those substantial investments they make in their travel arrangements will be honoured.

This brings me to the point at which we find ourselves with this bill, where we are essentially seeing the winding back or abolition of that Travel Compensation Fund that I have referred to. I understand that will happen next year. Fundamentally the concern raised in all of this is that the sorts of travellers back in the late 1980s that I was talking about will have less protection under this bill than they would have enjoyed this year, last decade or in the decade before. It is very important that it is understood that the winding back of the Travel Compensation Fund would affect not just the retail travel agent but also the wholesale travel agent that sits behind that retail travel agent. There have been many occurrences where wholesalers have gone belly up.

I remember very strongly that the travel industry, and particularly the retail aspect of it, is highly competitive. It runs on very tight margins. I did go on to get another job in the travel industry. I went and worked for STA Travel for about five or six years. I remember that there might be four or five travel agents on a street and they would all know, for example, the cost of an airfare between Melbourne and Singapore. However, because of the competitiveness it really came down to $10 or $20, so let us be under no illusion about the competitiveness and fine margins that operate in the travel industry. Why is that relevant to this bill? It is relevant because from time to time travel agents and small business people in particular can find themselves cutting those margins a bit too tight. If you get a situation where that happens, the protections that are offered to those people who are buying and spending in many cases thousands of dollars need to be protected. To suggest that some sort of voluntary scheme will offer the sort of protections that have been offered up until now is not going to cut it. I have heard the arguments about how more people are paying by credit card and how that in some way offers a protection through gold card schemes. I heard the member for Essendon talk about how there is even confusion in relation to how one card might offer some protection and another type of card may not offer any protection.

There are many people — and I come back to my experience — who will pay by cheque or cash. There are many people who through their practices over many years do go to a travel agent and build up a good rapport with that agent. This is an industry with skilled operators, where people go through a number of years of training in order to get the appropriate qualifications to do their job. This is an important job, and therefore those trusted relationships matter.

Those are my experiences and my concerns, but many members on this side of the house throughout the course of this debate have referred to comments made by CHOICE, the people's watchdog, in its submission to the draft travel industry transition plan of October 2012 — which is not too long ago. I go to the executive summary, which says:

> CHOICE does not agree with the core proposition of the Travel Industry Transition Plan which calls for the abolition of the Travel Compensation Fund (TCF). We are not convinced that the replacement initiatives proposed (such as private insurance and credit card chargebacks) will satisfactorily address the problem of consumer loss due to agent insolvency.

It goes on, and I could read much more of that into *Hansard*, but many of my colleagues have done that already. The CHOICE submission makes its position really clear in recommendation 1, which says:

> That the Travel Compensation Fund not be abolished as this will lead to significant consumer detriment.

Recommendation 3 states:

> Chargebacks and private travel insurance not be considered as viable proxies for consumer protection.

Again I could go to other parts of the submission, but the principal position it is putting is the one I have tried

to put on a repeated basis through my contribution on this bill — that is, that fundamentally consumer rights should not be in any way stripped back as a result of legislation that the Victorian Parliament passes. It would be wrong of us as a Parliament to remove arrangements that CHOICE, the people's watchdog, has said are really critical in relation to protecting the consumer rights of those people I have referenced throughout my contribution who may have spent thousands of dollars to travel to all parts of the world. The cost of travel is a significant investment, and travel is a great thing to do, and we as a Parliament must ensure that we uphold protections.

Ms DUNCAN (Macedon) — I rise to speak on the Travel Agents Repeal Bill 2013. As has been outlined by a number of other speakers, the opposition does not support this bill, because we do not believe it sufficiently protects consumers in the state of Victoria. We know already there have been cuts to Consumer Affairs Victoria under this government, so we would not expect that it would be able to offer the same level of protection to consumers as is available to them under the current scheme.

I will briefly go through what the bill seeks to do. I note it repeals the Travel Agents Act 1986, it provides for the continued operation of the scheme under that act for a limited period and it makes consequential amendments to the Australian Consumer Law and Fair Trading Act 2012 and the Business Licensing Authority Act 1998. The bill means that as of July this year Victorian travel agents will no longer have to be licensed. In my view that in itself goes against what increasingly we are trying to do — that is, to protect consumers by making sure that a range of industries are licensed so there is at least a basic level of operating procedures and consumers know what they are signing up for.

This bill applies an agreement reached in December 2012 albeit amongst a majority of state and commonwealth ministers to implement the travel industry transition plan. This is a plan to abolish the cooperative scheme for the uniform regulation of travel agents, thereby removing the requirement for travel agents to be licensed and, equally importantly, closing the Travel Compensation Fund (TCF).

These reforms will occur in four phases. In the first phase, which began in July last year, travel agents are no longer required to lodge annual financial returns to the TCF. Secondly, travel agents legislation will be repealed by 30 June this year; then there is the introduction of a voluntary industry accreditation scheme; and lastly, the TCF will be closed by mid-to-late 2015 and the final payments of any consumer claims will be made by 30 June 2015.

The government's decision to proceed with this national scheme is underpinned by a number of arguments. The primary argument is that fewer and fewer consumers are eligible to access the TCF given that the rise in online commerce has reduced the reliance of consumers on travel agents. Two-thirds of travel and travel-related expenditure is now apparently made without reliance on travel agents, and it is suggested that this proportion will increase over time. Assuming that is correct, that still leaves, however, a significant number of travellers who continue to rely on travel agents.

I must say that the last three or four overseas trip arrangements I have made — over a very long period of time — were made through travel agents. Particularly when there are some complex arrangements to be made, I have found that travel agents are still fabulous at helping you organise trips. It is imperative, however, that we have confidence that the travel agent is going to be there not only when you are away but when you come back, and some of the current protections will not be available in the future.

Another argument for the changes is that the travel agent market is dominated by a small group of large companies that are subject to financial controls under various other laws and other industry-led mechanisms, such as a new voluntary accreditation scheme, offering insurance products, to be administered by the Australian Federation of Travel Agents. It is also argued that the Australian Consumer Law 2012 and existing company laws and remedies, such as credit card chargebacks and voluntary insolvency insurance products, provide sufficient regulation of travel agents and consumer protections.

I am generally very concerned about voluntary accreditation schemes. We have seen many examples where these have not worked. One of the stakeholders in consumer protection, CHOICE, which is very well known and very well respected, does not support what is being proposed in this bill. CHOICE has argued that chargebacks, for example, constitute a piecemeal replacement for a compensation scheme because not everybody pays by credit card. There is also the argument — and I think this is an important one — that it is wrong for governments to promote high-cost debt payments as a form of mainstream consumer protection. I believe that is quite an extraordinary way for governments to go.

CHOICE also argues that existing travel insurance products do not cover insolvency of travel agents, and there are doubts about whether such products would materialise to offer that insurance if the compensation scheme is abolished. Simply establishing a voluntary accreditation scheme with no compensation and no prudential oversight would do very little to enhance consumer protection.

CHOICE released a draft plan arguing that the proposed changes fall well short of the minister's public commitment, which was to enhance consumer protection, and that these changes are likely to leave travellers out of pocket. I want to quote a little from the CHOICE submission, which states in its executive summary:

> CHOICE does not agree with the core proposition of the travel industry transition plan … which calls for the abolition of the … TCF … We are not convinced that the replacement initiatives proposed (such as private insurance and credit card chargebacks) will satisfactorily address the problem of consumer loss due to agent insolvency.

Just in relation to chargebacks, which the government is relying on as a form of protection, CHOICE's submission states:

> The plan argues that the chargeback service offered by certain credit card providers offers a 'relatively simple means by which consumers can protect themselves from this risk'. It also claims that where available, chargebacks ensure that 'consumers are protected from the risk of travel agency insolvency'. However we believe that chargebacks do not provide adequate consumer protection, and will certainly not result in 'enhanced consumer protection' because:
>
> > making travel payments by credit card is becoming less, not more, popular;
> >
> > not all cards offer chargebacks;
> >
> > chargeback is still not well known amongst consumers, and;
> >
> > it is not appropriate for governments —

as I said earlier —

> > to be promoting a high-cost debt payment as a form of consumer protection.

Funds are being made available to consumer groups for advocacy and research, and funds have been provided to the Australian Federation of Travel Agents to assist it in establishing its voluntary accreditation scheme, but there is a major concern about whether such advocacy groups would be able to deal with the potential extent of consumer claims.

As an opposition we believe that the Napthine government has effectively thrown the baby out with the bathwater in this regard and is putting important consumer protections at risk. The major criticism opposition members have — and I think it appears in the CHOICE draft submission — is that the government has failed to explain why a mandatory accreditation scheme would not provide better protection for consumers. Again, as I have said, and as I think others have also said, a voluntary accreditation scheme has failed in the past, and I have grave concerns about such a scheme being able to meet needs in the future. The government has also failed to explain where it will direct people to go for compensation the next time a travel company fails, recognising — as we said earlier — that while two-thirds of people may not be using travel agents, one-third still do, and travel often involves very large expenses for families.

Government members have also failed to explain how small consumers would be able to finance complex insolvency actions against professional indemnity insurances under the existing Australian Consumer Law and, very importantly, why the Travel Compensation Fund should have been closed down ahead of the industry's accreditation scheme proving its worth to consumers. The government has also not explained why there is no need for an independent consumer complaints scheme. This reform goes against everything we know and all of the moves that have been made in the past to protect consumers. It also does not explain — and opposition members are curious to know this — where Victoria's share of the remaining accumulated funds in the TCF will go — or will they be absorbed into consolidated revenue, even though those funds are consumers money? I think CHOICE makes a recommendation that if this were to occur, then those funds should be directed to various consumer protection groups.

Mr PAKULA (Lyndhurst) — I rise to make a contribution to the debate on the Travel Agents Repeal Bill 2013 and to proudly restate the opposition's position that we will not be supporting this bill. In terms of understanding why the opposition will not support the bill and in terms of consideration by members of whether or not this bill and this so-called national reform ought to be supported, one simple question should be asked by members of themselves. That question relates to a situation where a travel agent might fail and take the hard-earnt savings of families, of friends, of those who had entrusted their money to that travel agent to maybe have the holiday of a lifetime. If such a travel agency went under, could members stand in this place or before a bank of cameras and say that when we legislated we took into account those risks and ensured that the interests of those people were protected to the extent possible by us as legislators? I think those

members who vote in support of this bill would not be able to put their hands on their hearts and make that claim, because the reality is that the risks attendant upon this legislation are pretty clear to all of us.

It seems that members of the government are prepared to vote for this new national scheme in full knowledge of the risks that are inherent in it. If this bill were to pass this Parliament and subsequently a travel agency collapsed and Victorians had their savings spirited away in that collapse, no government member could say, 'We did not see this coming'. No member of the government could say, 'Nobody warned us'. No member of the government could say, 'Why didn't somebody say something?'.

Opposition members today make it clear that these risks are obvious — that is, that this bill contains insufficient consumer protection. All members of the government should be on notice that if a travel agency collapses in the future and the funds of consumers disappear in that collapse, then they will be held to account for that, because every member of the opposition who has spoken on this bill has pointed out in numerous ways how and why these risks are obvious. It seems that this government is hanging its hat on a number of faulty and false premises. One is that self-regulation in these circumstances is sufficient to guarantee consumer protection. Another is that this is part of a nationally agreed reform, and as a consequence the Victorian Parliament ought to just somehow sing *Kumbaya* along with it towards a precipice, regardless of any concerns we might have.

Ms Victoria interjected.

Mr PAKULA — I beseech the minister not to sing. The third government premise seems to be that we are dealing with a relatively small number of large companies that are subject to alternative financial controls. The fourth is that there are a range of other mechanisms, such as credit card law, that provide appropriate consumer protection. However, the government does not explain why in the implementation of this national reform the government cannot also implement some specific Victorian protections which would give consumers the comfort they need when investing their funds in travel agencies.

Opposition members are not against the national reform agenda, because that agenda was the baby of the Bracks government. It was the Bracks Labor government which kicked off the entire round of the national reform agenda. Nevertheless, in implementing national minima, we do not need as a state to abrogate the responsibility to put in place appropriate protections for the Victorian community and for Victorian consumers. When talking about national reform, it is great if state and federal governments can reach agreement on it, but we must be careful about what national reform we are agreeing to. Simply because a group of six state consumer affairs ministers have gone along to some subset of the Council of Australian Governments and reached agreement with their federal counterpart is not a reason for 88 members of this house to simply and blindly go along with and agree to that national agreement. In this circumstance the appropriate protections have not been put in place.

To those who say we should rely upon travel agencies to self-regulate, the question I ask is: what could possibly go wrong with that?

Ms Victoria interjected.

Mr PAKULA — The minister says it works for mortgage brokers and for financiers. I simply ask her if she has ever heard of the global financial crisis, because that is an example of self-regulation gone awry, self-regulation gone mad. For the minister's benefit, opposition members are not saying that there should not be any type of self-regulation or any reduction in red tape. We are saying that government members should make sure they put in place the important protections for the worst-case scenario, because you can bet your bottom dollar that for every Jetset out there, there is a small suburban agency which might be under pressure from Webjet or from the online offerings from the major airlines and which might take the money of members of their local community or the suburban travel agency and, with all the goodwill and good intent in the world, go under. In those circumstances consumer protections must be maintained. We are not here as a Parliament to make laws for all of those circumstances where everything goes right. We are here to make laws and to put in place protections for those circumstances where something goes wrong, and that is what this legislation fails to do.

In terms of the other mechanisms that are described by the minister in the second-reading speech and by government members during their contributions to the debate, it is true that some large companies are subject to financial controls under laws of general application, but that is not the case with all travel agents by any means.

Again, we are not here to provide consumer protection for all those cases where nothing goes wrong; we are here to provide consumer protection where things do go wrong. If we applied the logic that is inherent in this bill, we would not need workers compensation or

occupational health and safety laws because there are companies where there are no problems. Of course that is true, but there are also organisations where mistakes are made and where things go wrong, and we need to put in place protections for that situation.

As for assuming that every consumer of travel agents' products uses a credit card — a high-interest debt facility — of course many do, but there are also many who do not. We need to have in place protections not just for the most technologically savvy or the youngest members of our community but also for those who prefer to use cash or cheques, particularly the elderly, who are perhaps most likely to be victims of a collapse of this nature.

It is also worthwhile our pointing out that CHOICE, which produces the most well regarded consumer protection publication in the nation, has opposed the abolition of the Travel Compensation Fund. It says this is a piecemeal application of the law. It correctly points out that not everybody pays by credit card and that existing travel insurance products do not all contemplate this kind of travel agency collapse. Government members have said the legislation provides enhanced consumer protection, but members of the opposition who have spoken on this bill have put the lie to that claim. This is about red tape reduction without consumer protection, and that kind of national reform is not one that should be embraced by this house.

Debate adjourned on motion of Mr BATTIN (Gembrook).

Debate adjourned until later this day.

Business interrupted under sessional orders.

Sitting continued on motion of Ms ASHER (Minister for Innovation, Services and Small Business).

WATER AMENDMENT (WATER TRADING) BILL 2014

Statement of compatibility

Mr WALSH (Minister for Water) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Water Amendment (Water Trading) Bill 2014.

In my opinion, the Water Amendment (Water Trading) Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Water Act 1989 (the Water Act) to promote Victoria's compliance with certain requirements of the water trading rules set out in chapter 12 of the Murray-Darling Basin plan. It will do this by removing limitations in relation to the classes of persons to whom an allocation of water under water shares, bulk entitlements and environmental entitlements may be assigned, and to whom a limited term transfer of a water share may be given.

The bill will also remove indirect restrictions on trade by removing limitations on who the Victorian water register can record for holding allocations of water under a water share. It will enable, subject to the minister's approval, a holder of a water share to give a standing direction to the relevant water corporation for the whole of the right to the future water allocations under that share to be held by any other person for an ongoing period until the owner of the water share revokes the standing direction. The person holding a standing direction, being the holder of an allocation bank account in the water register, will then be able to assign water allocations they receive to other persons, subject to the minister's approval and trading rules.

Human rights issues

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

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful or arbitrary if it is permitted by a law that operates in a reasonable, just and proportionate manner to the end sought.

The bill will provide that a holder of a water share will be able to issue a standing direction to a water authority nominating a person to whom the whole of the right to future water allocations under that share is to be transferred. A number of provisions in the bill are relevant to the right to privacy insofar as they provide for a water authority to establish and maintain records and information regarding a person nominated in such a standing direction to be recorded on the water register established under part 5A of the Water Act.

Under these provisions, details such as the name of a person nominated in a standing direction and any other information the water authority considers necessary will be recorded by the water authority on the water register. The information will be subject to the requirements of the Information Privacy Act 2000, for example, personal information should only be collected by a water authority where this information is necessary for one or more of its functions or activities — information privacy principle 1 of the Information Privacy Act 2000. To enable the water authority to, for example, be able to effectively monitor the take of water by a nominated person, it will be necessary for a water authority to record the name of the nominated person and any other information considered necessary on the water register.

The bill will provide for this information to be exempt from being made publicly available.

Maintaining information in the water register is designed to assist the minister to undertake the continuous program of assessment of available water resources in Victoria under part 3 of the Water Act. The recording of information is consistent with the primary purpose of the water register to ensure the sound record keeping of all water-related entitlements and allocations. As a result of these amendments, the water register will continue to provide a complete set of records and information in relation to the allocation of water resources in Victoria.

Given the limited manner in which this information will be able to be used and the fact that such information will not be made publicly available, the bill is compatible with the right to privacy.

Property rights

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

A number of provisions in the bill are relevant to the holding of personal property. The bill will remove limitations on the classes of persons to whom an allocation of water under water shares, bulk entitlements and environmental entitlements may be assigned, and to whom a limited term transfer of a water share may be given. Lifting the constraint on who a holder of a water entitlement may trade with provides the holder with greater flexibility to manage and control their entitlement. As there will be no deprivation of property, the right to property is not relevant to the bill.

Peter Walsh, MLA
Minister for Water

Second reading

Mr WALSH (Minister for Water) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

On 5 June 2013, the Victorian government and the commonwealth government signed an intergovernmental agreement on implementing water reform in the Murray-Darling Basin and an associated funding agreement to support the implementation of the basin plan. These two agreements settle the responsibilities and costs of putting the Murray-Darling Basin plan into action.

The intergovernmental agreement reaffirmed the Victorian government's commitment to removing any remaining restrictions on water trade in accordance with the Murray-Darling Basin plan. The bill gives effect to this commitment.

Both the intergovernmental agreement and its associated funding agreement work together to support cost-effective implementation of the basin plan in Victoria, recognising the dual interests of balancing the need to improve basin health and continuing to sustainably grow our irrigation-based farming communities and food production industries.

For Victoria, the intergovernmental agreement has secured:

> $14.3 million over three years to develop offset projects to reduce the volume of water required to be recovered from productive use under the basin plan;
>
> $47.4 million over eight years for start-up costs associated with implementing the basin plan; and a commonwealth commitment of $25 million from its $100 million Murray-Darling Basin regional economic diversification program, for assistance to communities affected by the basin plan.

The intergovernmental agreement validates Victoria's longstanding view that a healthy basin can be achieved alongside sustainable, productive and competitive irrigation.

This bill relates to chapter 12 of the basin plan which sets water trading rules to govern the operation of water trading activity in the Murray-Darling Basin. Chapter 12 of the basin plan is due to commence on 1 July 2014.

The basin plan trading rules set out in chapter 12 require the removal of restrictions on who can participate in trade of allocations of water and tradeable water entitlements.

Section 35 of the commonwealth Water Act imposes a duty on all agencies of a basin state, including ministers, to act consistently with the basin plan.

This bill will amend Victoria's Water Act to improve the efficiency and scope of water trade. The bill removes limitations under the state Water Act relating to the classes of person to whom an allocation of water under a water share, bulk entitlement and environmental entitlement may be assigned and to whom a limited term transfer of a water share may be given.

The bill will also remove indirect restrictions on trade by removing limitations on who the water register can record as holding allocations of water under a water share.

In practice, an owner of a water share will be able to issue a standing direction to a water authority nominating another person to receive the right to future water allocations under that share until such time as the water share owner revokes the standing direction. Introducing standing directions reduces the red tape and the administrative costs for the ongoing assignment of future water allocations.

The bill will create greater flexibility for how the owner of a water share, controls and manages their water share.

Importantly, the owner of the water share may revoke the standing direction at any time. If the owner of the water share chooses to divide, consolidate, cancel or surrender the water share the standing direction will be cancelled.

This bill is an important practical step in giving effect to Victoria's commitment to implement the commonwealth basin plan. Whilst meeting the required objective to remove the very small number of remaining restrictions on trade in Victoria, the bill does this in a manner that supports and encourages water trading in its role as a valuable tool for Victorian agriculture and the industries and communities that it supports.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Victorian Civil and Administrative Tribunal Amendment Bill 2014 ('the bill').

In my opinion, the Victorian Civil and Administrative Tribunal Amendment Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Victorian Civil and Administrative Tribunal Act 1998 ('the act') to enhance the powers of the tribunal and to enact a new regime for expert witnesses and expert evidence.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

Fair hearing (section 24)

Section 24(1) of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This right may be relevant to clauses 7, 14, 19 and 22.

Clause 7 inserts new section 32A into the act, which provides that the principal registrar, with the prior written approval of the President, may delegate any of the principal registrar's functions under the rules to a member of staff. Clause 19 inserts new section 157A into the act, which empowers VCAT's Rules Committee to make rules which provide for certain functions of the tribunal to be performed by the principal registrar.

The bill contains appropriate safeguards to ensure that the delegation of these functions is consistent with the right set out in section 24(1) of the charter act. First, under new section 157A(4), the Rules Committee is required to give consideration to whether the function is of a kind that ought to be performed by the tribunal constituted by a member rather than the principal registrar and also must specify whether the function may be delegated under section 32A (new section 157A(5)). Secondly, functions may only be delegated under new section 32A to staff members who are appropriately qualified to perform the function and with the approval of the President. Thirdly, under new section 157B the tribunal may review a decision by a principal registrar at the request of a party or on the tribunal's own initiative. This review is conducted as a hearing de novo (section 157B(3)). Finally, a registrar cannot make any orders finally disposing of a proceeding, other than orders made with consent.

Clause 14 of the bill also enhances the right to a fair hearing. Clause 14 inserts a new division 8A into part 4 of the act, which empowers VCAT to order the reimbursement of fees payable in a proceeding, including a proceeding relating to a small claim.

These provisions are intended to remove a disincentive for applicants with valid claims to seek justice at VCAT. Presently, applicants may be discouraged from bringing claims given the prospect of having to pay application and hearing fees. These provisions allow VCAT to make an order to reimburse the party who has substantially succeeded in the matter or following the consideration by VCAT of the issues in the proceeding and the conduct of the parties.

Clause 22 inserts a new schedule into the act to enhance the case management powers of VCAT in relation to expert evidence in proceedings, including specific powers for VCAT to place restrictions on the use of expert evidence and expert witnesses in a proceeding. For example, VCAT may require a joint experts report or take evidence from a tribunal-appointed expert. This will enable the tribunal to actively manage the use of expert evidence to address issues relating to excessive cost, complexity and delay, along with concerns surrounding the perception of, or actual, expert bias.

Clause 22 therefore enhances access to VCAT and the right to a fair hearing for litigation in VCAT.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

The bill implements a range of measures to support procedural and other reforms being introduced at the Victorian Civil and Administrative Tribunal.

The bill enables VCAT, when exercising its review jurisdiction, to invite an original decision-maker to reconsider the decision under review. This reform is designed to allow the tribunal to bring the decision-maker back into the process, with a view to assisting resolution. The reform is expected to be of particular benefit in proceedings in the planning jurisdiction, where progress towards resolution has been made with the parties, and where the decision-maker may wish to vary its decision or substitute a decision that is acceptable, or more acceptable, to the parties. The power is based on a similar power operating in the State Administrative Tribunal in West Australia. For example, the power would allow VCAT to formally request that a local council reconsider a decision to grant a permit with certain conditions, thus providing the council itself with the

opportunity to consider a proposed resolution to the dispute, rather than having to decide whether or not to authorise council planning officers to agree to possible resolutions during negotiations at VCAT.

The bill also creates a presumption that either the whole or a portion of the VCAT fees incurred in bringing a dispute to VCAT will be met by the unsuccessful party in small consumer claims as well as in owners corporation, domestic building, and residential tenancies disputes, other than residential tenancies disputes where the director of housing is a party. This will provide greater fairness in allocating responsibility for the payment of fees in a proceeding, and will also encourage a party likely to be found at fault to seek to resolve a dispute, thus avoiding or reducing the time and cost incurred by a party with a legitimate claim. The bill provides for the presumption to be displaced if VCAT determines that a different order is appropriate based on the nature of and issues in the proceedings and the conduct of the parties.

Where the presumption does not apply, VCAT will have the discretion to order fees having regard to whether a party was successful in the proceedings, the nature of and issues in the proceedings, as well as the conduct of the parties.

The bill also introduces a legislative scheme for VCAT in relation to expert witnesses and their evidence, modelled on the provisions that apply to the courts under the Civil Procedure Act 2010. The scheme being introduced for VCAT has been modified and simplified where appropriate to take account of the different nature of proceedings in VCAT.

The bill also makes a number of changes to improve internal VCAT administration, such as expanding the rule-making power to give VCAT the flexibility to empower the principal registrar to make certain procedural orders, and to delegate certain functions to appropriately qualified staff where approved by the President. These changes will provide particular benefits to applicants in regional areas, where local registrars and staff will be given authority to make decisions that may have previously required documents to be processed in Melbourne. In all VCAT registries, the change will minimise the need for members to make low-level orders about documents and requests from parties where a request is appropriate for determination by a registrar or appropriately qualified staff member. The tribunal will retain control over which powers may be delegated, and may review a decision at the request of a party or on its own initiative. A registrar will not be able to make any orders finally disposing of a proceeding unless the parties consent.

Other changes to enhance internal administration at VCAT include enabling the principal registrar to certify non-monetary orders as appropriate for filing in the Supreme Court, enhancing the tribunal's power to remove a party from a proceeding if they are no longer a proper or necessary party or their interests are not or are no longer affected by the proceeding, and simplifying the process for reconstituting the tribunal.

The amendments made by this bill are a significant step in improving efficiency and reducing the cost of bringing matters to VCAT, and reinforce this government's commitment to supporting the just, efficient and effective operation of Victoria's courts and tribunals.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

JUSTICE LEGISLATION AMENDMENT (DISCOVERY, DISCLOSURE AND OTHER MATTERS) BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014.

In my opinion, the Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014 ('the bill') amends the Civil Procedure Act 2010 to introduce further case management powers for the Supreme, County and Magistrates courts in relation to discovery and disclosure.

The bill also amends the Corrections Amendment (Breach of Parole) Act 2013 ('the amendment act'), which amends the Corrections Act 1986 with effect on or before 1 July 2014. The bill provides that:

> if parole is cancelled during an investigation, police have a reasonable time to complete that investigation without the need to obtain permission from a court to do so;
>
> if a court, bail justice or member of police decides to release from custody a paroled prisoner who has been charged with an offence of breaching parole and who is detained under section 78B(2) or (3) of the Corrections Act, that decision does not take effect until the adult parole board decides not to cancel parole or orders that the prisoner be released.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

Right to a fair hearing

Section 24(1) of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This right may be relevant to clauses 5 and 6 of the bill. Clause 5 enables a court to order or direct that the parties consult and prepare a statement of issues that identifies the key issues in dispute in the proceeding. If

the parties cannot agree on the contents of the statement, it may be settled by the court. Although it is intended that this power will be used primarily in relation to discovery, a statement of issues may be used in a proceeding in any manner considered appropriate by the court to further the overarching purpose. Clause 6 introduces a specific power for the courts to limit the obligation of discovery to the issues set out in a statement of issues filed in the proceeding.

In my opinion, these provisions do not limit the right to a fair hearing. Clauses 5 and 6 will assist the courts to manage proceedings in a manner consistent with the overarching purpose, including to narrow the scope of discovery and thereby reduce costs and delays associated with the discovery process. These clauses therefore enhance access to the courts and the right to a fair hearing for all persons in the civil justice system. The bill also expressly retains the function of pleadings in the proceeding. This will ensure that a statement of issues will not confine the matters for judicial determination. Further, the courts also have an obligation to exercise their case management powers in such a way as to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute between the parties.

Right to liberty — detention pending determination by the adult parole board

Section 21(2) of the charter act provides that a person must not be subjected to arbitrary arrest or detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law. Section 21(5) provides that a person who is arrested or detained on a criminal charge must be promptly brought before a court, has the right to be brought to trial without unreasonable delay; and must be released if either of these requirements is not complied with.

The bill will replace section 78D of the amendment act, which affects persons detained under sections 78B or 78C of the Corrections Act (as inserted by the amendment act). The new section 78D(1) inserted by the bill provides that a grant of bail or an order to release a person detained pursuant to section 78B or 78C of the corrections act is subject to the condition that the person must not be released before the board makes a decision not to cancel parole or makes an order under section 78C(1)(b) that the prisoner cease to be detained.

I consider that new section 78D is compatible with the rights set out in section 21(2) and (3) of the charter act. Any detention of a person as a result of the operation of section 78D(1) will not be arbitrary, and will be on grounds, and in accordance with procedures, established by law.

The adult parole board (the 'board') has power to cancel the parole of a prisoner released on parole at any time under section 77 of the Corrections Act. The Corrections Act also provides that a prisoner released on parole is to be regarded as being still under sentence (section 76). To the extent that section 78D limits the right set out in section 21(5) of the charter act, that limitation is demonstrably justified under section 7(2) of the charter act. Section 78D is necessary to ensure that the board has an opportunity to consider whether the parole of a prisoner who is suspected of having committed an offence of breaching parole should be cancelled in light of the circumstances leading to the person's arrest, and that the community is protected from any dangers that may arise where a person has allegedly breached parole conditions prior to the board making its decision.

Right to liberty — prisoners detained under the Crimes Act

Clause 13(3) amends section 78B of the amendment act, concerning the detention of persons arrested for an offence other than a breach of parole. As previously stated in the statement of compatibility for the amendment act, the power to detain a parolee charged with breach of parole is appropriate in the context of the objectives and essential elements of the parole regime. I consider that the amendments to section 78B do not limit the right to liberty in s 21 of the charter act.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

The Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014 (the bill) will amend the Civil Procedure Act 2010 (the act) to provide further powers for the courts to reduce the costs and delays associated with the discovery process in civil litigation.

For many years, discovery has been regarded as one of the major sources of cost and delay in civil proceedings. The Australian Law Reform Commission recently noted that discovery is often the single largest cost in commercial litigation and that the commercial realities of discovery can amount to a huge public cost. The high and often disproportionate costs involved can represent a barrier to justice for litigants and reduce the effectiveness of the court system.

The act commenced on 1 January 2011. Amongst other things, the act gives the courts a wide range of discretionary case management powers in relation to discovery. Courts are able to make any order or give any directions in relation to discovery that the court considers necessary or appropriate, including orders or directions which define the scope of discovery, place limits on the obligation to provide discovery or set time frames for compliance. The courts may also impose sanctions where a party has failed to comply with its discovery obligations or has engaged in conduct intended to delay, frustrate or avoid discovery.

The bill builds on the current provisions in the act by providing the courts with additional powers to actively manage the discovery process and ensure that an effective discovery process is undertaken, particularly in large-scale commercial disputes where there can be many thousands of documents discovered.

The bill allows the court to order that parties consult to prepare a statement of the key issues in dispute in the proceeding, which can then be used for pretrial processes such as discovery or for the conduct of the proceeding at trial. While pleadings are generally the main mechanism through which the issues in dispute are defined, concerns have been raised that pleadings can sometimes be overly lengthy and complex and that they can fail to properly identify and confine the limits of a dispute. Although a statement of issues

will not displace the function of pleadings in a proceeding, the bill allows the court to use a statement of issues as an alternative mechanism to narrow the focus of both pretrial and trial processes to the real issues in dispute. This flexibility will ensure that the courts can use different mechanisms depending on the circumstances of the case to define the issues from the outset of the proceeding, and therefore to limit the scope of discovery that is required.

The bill also includes provisions for the courts to require the party requesting discovery to bear some or all of the cost burden in appropriate cases. Specifically, the bill provides for the courts to order a party to pay to another party a specified amount in relation to the costs of discovery in any manner considered appropriate by the court, with the court also able to order or not order, as it thinks fit, that such costs are recoverable as costs in the proceeding. As with the costs provisions inserted by the Civil Procedure Amendment Act 2012, these provisions are not intended to alter the general principle that the party whose conduct is responsible for causing a cost to be incurred should be required to bear that cost, but rather to provide additional mechanisms by which the general principle can be given effect. The bill will allow the general principle to be applied specifically and at the time discovery is sought to the justification for and reasonableness of the scope of discovery that parties may seek, with consequent encouragement to parties to focus on this issue, thereby helping to avoid unjustified or unreasonable costs being incurred. In short, a court will be able to say to a party that is seeking discovery of debatable or unclear merit 'If you want it, you pay for it'.

The bill also enables the court, if the parties to the proceeding consent, to order a party to provide to another party all documents in their possession or control which relate to the issues in the proceeding, regardless of whether those documents would ordinarily be discoverable pursuant to the rules of court. This will mean that the providing party will not be required to review each of its documents for relevance or privilege prior to production, saving the providing party considerable time and money. The bill includes appropriate safeguards to ensure that a party is not prejudiced by this process and that privilege claims in relation to the documents are preserved.

The bill recognises that companies use a range of different business systems and databases to store and manage their business records, with records often stored in different electronic formats and subject to different retention policies. This complexity can sometimes frustrate the efficient identification of discoverable documents and increase costs for parties where discovery orders do not take into account the systems being used. To assist a court to make appropriate discovery orders, the bill encourages the courts to order or direct a party to provide an affidavit which sets out the volume, manner of arrangement or storage, type or location of discoverable documents, or information about a party's document management processes more generally. If required, the deponent of the affidavit or another suitable person can also be orally examined in relation to those matters dealt with in the affidavit. If the courts and other parties have a better understanding of the document management systems, relevant documents can be more easily identified and discovery disputes minimised. This process will be particularly useful for large organisations with complex IT systems, as it will allow the court to ensure that a complete discovery process is conducted at a reasonable cost, for example, by specifying the methods to be used when searching for relevant documents.

The development of the discovery and disclosure reforms in this bill has benefitted greatly from feedback and advice provided by the Civil Procedure Advisory Group, chaired by the Chief Justice of the Supreme Court, and I thank members for their input and contribution to the development of these reforms.

In continuing to encourage the adoption of appropriate strategies in relation to discovery, including clearer identification of the main issues in dispute and consideration of document management issues prior to undertaking discovery, the bill will assist in reducing the costs and delays associated with the discovery process in civil litigation.

The bill also makes other justice legislation amendments, which commence on the day after royal assent.

In June last year, the government introduced the Corrections Amendment (Breach of Parole) Act 2013, which creates a new offence of breach of parole and a new arrest power for police for that offence. The bill applies section 464A of the Crimes Act 1958 to clarify that police officers have power to question and investigate a suspect who is in custody for both a breach of parole offence and any other offence at the same time, including if the suspect is arrested using powers under the Crimes Act 1958. Further, the bill clarifies that if parole is cancelled during an investigation, police have a reasonable time to complete that investigation into the suspect who is in custody, without the need to obtain court permission irrespective of whether it is an investigation into a breach of parole offence and any reoffending.

The bill also inserts a new provision such that if a court, bail justice or member of police decides to release from custody a paroled prisoner who is suspected of having committed an offence, that decision does not take effect until the adult parole board orders that the prisoner be released or decides not to cancel the prisoner's parole. Thus, the bill ensures that the prisoner is not released into the community pending the board's decision. If the board cancels the prisoner's parole, the prisoner will be immediately retained in custody to serve their original prison sentence, irrespective of whether bail has been granted or a court has made an order for the prisoner's release in relation to pending criminal charges.

The bill also amends the Corrections Act 1986 and the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) to clarify that section 4 of the Judicial Proceedings Reports Act 1958 does not prevent the disclosure or provision of information (including a victim's identity) for the purposes of the administration of orders under the Corrections Act, the Sentencing Act 1991 or the SSODSA. The exemption will apply to community correction orders, sentences of imprisonment, parole orders and the SSODSA (including assessments of suitability and applications for those orders and, if made, the administration of those orders). For example, it will apply to existing orders, any assessment as to whether such orders should be sought for and therapeutic treatment. Accurate information from courts about sex offenders and their offending (which can sometimes have the potential to identify a victim) is essential for the purposes of administering sentences or orders under these schemes.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

STATE TAXATION LEGISLATION AMENDMENT BILL 2014

Statement of compatibility

Mr O'BRIEN (Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the State Taxation Legislation Amendment Bill 2014.

In my opinion, the State Taxation Legislation Amendment Bill 2014, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of this bill is to amend the:

Congestion Levy Act 2005 to expand the congestion levy boundary at a concessional rate from 1 January 2015;

Gambling Regulation Act 2003 to increase the two top tax brackets for hotel and club venue operators by 4.2 percentage points and reduce the minimum return-to-player ratio from 87 per cent to 85 per cent from 1 April 2014;

Fire Services Property Levy Act 2012 (FSPL act) to reallocate, from the 2014–15 financial year, the land use classification assigned to residential investment flats, short-term holiday accommodation, water catchments, dams and reservoirs, industrial and commercial zoned land with derelict buildings and land that is used for outdoor sport; and

the FSPL act and Valuation of Land Act 1960 to make minor technical amendments, including aligning the eligibility requirements for the FSPL concession with the concession available for council rates.

Human rights issues

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

This bill engages the following human rights protected under the charter act:

Recognition and equality before the law

Section 8(3) of the charter act provides that every person is equal before the law and is entitled to equal protection of the law without discrimination within the meaning of the Equal Opportunity Act 2010 on the basis of an attribute set out in section 6 of that act.

Clause 20 amends section 29 of the FSPL act to extend the availability of the fire services property levy concession to a person who holds a residence right in a retirement village. To hold a residence right in a retirement village a person must have attained the age of 55 or retired from full-time employment or be the spouse of such a person.

Accordingly clause 20 may impact on the right to equality and discrimination under the charter to the extent that it provides a fire services property levy concession based on age, which is a protected attribute under the Equal Opportunity Act 2010.

Section 8(4) of the charter act provides that measures taken for the purpose of assisting or advancing persons disadvantaged because of discrimination do not constitute discrimination. This amendment is specifically targeted at assisting senior Victorians, with fixed or low incomes, to meet cost of living expenses.

Therefore, it is considered that this amendment falls within the exception in section 8(4) and does not limit the right to equality and discrimination under the charter.

Conclusion

I consider that the bill is compatible with the charter act.

Hon. Michael O'Brien, MP
Treasurer

Second reading

Mr O'BRIEN (Treasurer) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

The State Taxation Legislation Amendment Bill 2014 makes amendments to the Congestion Levy Act 2005, Gambling Regulation Act 2003, Fire Services Property Levy Act 2012 (FSPL act), and Valuation of Land Act 1960 (VL act).

The Victorian coalition government is continuing to take the responsible steps needed to manage Victoria's finances and deliver record investment in infrastructure and services for Victorians.

The 2013–14 budget update continued this government's record of strong financial management. This bill implements key measures announced in the 2013–14 budget update to redraw inner Melbourne's congestion levy boundary and adjust electronic gaming machine taxes to ensure the appropriate return to the community from gaming activity. These measures are critical to maintaining the state's strong economic position, and set Victoria up for continued investment in schools, hospitals, public transport and roads to benefit all Victorians.

The current congestion levy boundary will be expanded to include areas contiguous to the existing inner Melbourne boundary. The new areas will be levied at a new concessional rate of $950 per car space from 1 January 2015, which is the equivalent of less than $2.70 per car space per day.

The levy will continue to be applied only to owners of non-residential, off-street car parking spaces. All existing exemptions will apply in the expansion area so that the levy will not be payable on visitor parking, disabled parking, hospital visitor parking, loading bays and residential parking. New exemptions will also be introduced for parking at the Melbourne Zoo and for temporary public parking at Yarra Park and Melbourne and Olympic parks in the heart of Melbourne's sports precinct.

Expanding the boundary recognises the impact of congestion in the areas surrounding the inner Melbourne area, and addresses the unfair commercial advantage gained by operators located close to, but just outside, the current boundary.

In line with the government's commitment to responsible economic management and building infrastructure to meet the needs of Victoria's growing population, revenue from the levy will be used to support public transport and road infrastructure initiatives which are vital to our state.

In the 2013–14 budget update, the government also announced changes to gaming machine tax rates. This announcement is consistent with the arrangements outlined in the lead-up to the sale of gaming machine entitlements concerning the intended share of revenue from gaming between venues and the state.

In the material provided to the industry ahead of the auction of entitlements, the then government advised that the new tax structure was designed to collect a share of gaming machine revenue broadly similar to that raised under the previous gaming operator licences.

The historical average government share was between 36 and 38 per cent.

The industry was also advised that tax rates would be regularly reviewed to ensure the government received a broadly similar share of gaming machine revenue to the historical average.

Since the new entitlements and tax rates commenced in August 2012, it has become clear that the tax rates legislated by the former Labor government have failed to recover a broadly similar share of revenue as under the previous arrangements.

The tax rates set by the former government were too low to recover the share of gaming revenue that had been intended for the state. As a consequence, the government's share of gaming machine revenue fell to 34 per cent in 2012–13 and was not expected to exceed 35 per cent in the foreseeable future; considerably less than the intended 36 to 38 per cent range.

To address this failure, the government is undertaking corrective action to restore its share of gaming machine revenue by adjusting the top two tax rates. The bottom tax rate will remain unchanged and the top two hotel and club tax rates will be increased by 4.2 percentage points as follows:

> for hotel venue operators, the rates increase from 50.83 per cent and 58.33 per cent to 55.03 per cent and 62.53 per cent respectively; and
>
> for club venue operators, the rates increase from 42.5 per cent and 50 per cent to 46.7 per cent and 54.2 per cent respectively.

As there is no change to the lowest tax rate for club and hotel venue operators, this means that club venue operators with machines returning a monthly average per-EGM revenue of $2666 or less will continue to pay no gaming taxes on their earnings, while hotel venue operators in that position will pay a concessional rate of just 8.33 per cent.

In addition, the government is adjusting the legislated minimum return-to-player ratio that applies to hotels and clubs from 87 per cent to 85 per cent. This will bring the return-to-player ratio in Victoria in line with New South Wales and Queensland. It is noted that many venues have chosen to operate a return to player that is considerably in excess of the legislated minimum and it is open to venue operators to continue to do so.

It is also noted that these tax changes do not recoup any of the more than $3 billion the Auditor-General found the former government had failed to realise on the sale of lucrative 10-year gaming licences valued at over $4 billion for which the former government received less than $1 billion.

The gaming machine tax changes and adjustment to the minimum return-to-player ratio are being legislated to commence from 1 April 2014. They are essential to ensuring that gaming venues contribute the share of tax that was intended at the time of the industry restructure and that Victoria's schools, hospitals and essential infrastructure continue to be securely funded.

The strong economic management of this government has enabled the most significant state tax reform in decades with the introduction of the fire services property levy.

As a result Victoria now has a fairer fire services funding system which ensures all property owners contribute to the fire services, not just those who adequately insure their properties and contents. The government has also invested $21 million in concessions, which means that for the first time over 400 000 eligible pensioners and veterans receive a $50 discount on the levy for their principal place of residence.

This reform is also a direct recommendation of the Victorian bushfires royal commission.

Crucially, these reforms have assisted to put Victoria's fire services on a more secure financial footing. This is reflected in the significant increases to the operational budgets of the Country Fire Authority and the Metropolitan Fire Brigade under the coalition government.

This bill makes amendments to the FSPL act and VL act, to further promote the key objectives of the fire services property levy and streamline the administration of the levy for local councils.

As the use of fire services can differ across properties, differential fire services property levy rates apply to different property types. This bill will improve the practical application of the levy for Victorians by reallocating certain properties to different land use classifications.

Most notably this bill will reallocate residential investment flats from the commercial to the residential land use classification. While it is appropriate commercial rates apply

to properties that generate an income, or are an investment, this amendment will mean that, from the 2014–15 levy year, these residential investment properties are treated in the same way as other residential properties which currently fall into the residential land classification — whether owner occupied or rented.

This bill will also reallocate dams, reservoirs, water catchments, and outdoor sporting grounds to the public benefit classification, and commercial and industrial land with buildings that add no value to the vacant land classification. These classifications will better reflect the practical application of this land.

These amendments demonstrate that the government is delivering on its commitment to the fair and equitable operation of the fire services property levy.

The coalition government acknowledges the important role that local government has played in implementing and administering the fire services property levy. This bill will also make a number of minor technical amendments to the FSPL act and VL act, which will further streamline the administration of the levy and ensure the FSPL is supported by a dynamic and responsive valuation system.

A number of the amendments are intended to make it easier for local councils to administer the levy by ensuring that the administrative framework for rates and the fire services property levy are aligned. This includes amendments to allow the apportionment of the fire services property levy in the same circumstances that rates can be apportioned, and technically aligning the eligibility requirements for the fire services property levy and municipal rates concessions.

This bill will also make it easier for councils to apply the fire services property levy by allowing the councils to apply the lower Metropolitan Fire Brigade (MFB) rate where a parcel of land extends across the MFB and Country Fire Authority border.

This bill will also amend the VL act so that Victoria's valuation system can better support the administration of the fire services property levy. This includes amendments which provide the valuer-general Victoria with authority to amend the Victorian best practice specifications guidelines during the biennial valuation period. These guidelines are prepared by the valuer-general to assist councils to prepare valuations. This amendment will allow the valuer-general to review the guidelines more regularly so that areas of uncertainty can be addressed during the valuation cycle, helping to maintain the quality of valuations and property databases, which are used to assess the fire services property levy.

This bill will also make amendments to ensure that supplementary valuations and adjustments can be made where a change of occupancy affects the use of the land, or the initial valuation incorrectly identified the use of the land. These amendments will ensure that the amount of fire services property levy collected is based on the current use of the land, and the integrity of valuations and property databases can be maintained.

Other amendments to the FSPL act and VL act made by this bill include minor technical improvements which were identified during implementation of the levy. These amendments will improve the quality of the legislation and provide greater clarity and certainty for local councils in administering the fire services property levy.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

EDUCATION AND TRAINING REFORM AMENDMENT (REGISTRATION OF EARLY CHILDHOOD TEACHERS AND VICTORIAN INSTITUTE OF TEACHING) BILL 2014

Statement of compatibility

Mr DIXON (Minister for Education) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014.

In my opinion, the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014 (the 'bill'), as introduced to the Legislative Assembly, is compatible with the human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Education and Training Reform Act 2006 (the 'act') to establish a register of disciplinary action taken by the Victorian Institute of Teaching (the 'institute') in relation to teachers, consolidate the institute's powers to undertake checks of the police records of teachers, outline requirements for the registration of persons engaged in the provision of early childhood education services, and to clarify the power of the institute to publish determinations of formal hearings.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. Several clauses of the bill permit the institute to access, publish and broadcast information that may be private or otherwise confidential.

Police record checks and information gathering powers

Clause 5 of the bill amends section 2.6.7 of the act to provide that an application for registration as a teacher must provide

consent for the institute to conduct a national criminal history check, and specified information concerning the identity of the applicant, including any criminal record they may have, for the purposes of the national criminal history check. The application must also authorise the institute to conduct a state police record check in connection with the consideration of the application and, if registration is granted, from time to time during the period for which the registration remains in force. Clauses 7 to 9 amend the act in a similar manner, establishing equivalent requirements for the provision of authorisations and information for national criminal history and state police record checks in respect of applications for permission to teach under section 2.6.13 of the act, and renewal of registration to teach under section 2.6.18 of the act. The bill provides that the institute must conduct a national criminal history check, and may conduct a state police record check, when considering an application for registration to teach, registration as an early childhood teacher, renewal of registration, or permission to teach.

Clause 47 of the bill inserts a new division 3A into part 2.6 of the act, which sets out the requirements for registration as an early childhood teacher. An application for registration as an early childhood teacher must authorise and provide specified information necessary for the conduct of a national criminal history check, and must authorise the conduct of a state police record check in connection with the consideration of the application and, if registration is granted, from time to time thereafter while the registration remains in force. The institute may require an applicant to provide further information or material in respect of their application, including information about criminal records, any current or previous right to teach in another jurisdiction, any refusal or cancellation of employment or the right to teach, and any refusal to register the applicant or cancellation of their registration to carry out a profession. An applicant for registration as an early childhood teacher must also provide any references or reports necessary to determine their suitability to teach, submit to any medical or psychiatric examination the institute considers appropriate, and must provide any results or reports of an examination requested by the institute.

Clauses 57 and 61 of the bill extend the institute's current information gathering powers under sections 2.6.23 and 2.6.26A of the act to employers of persons registered as early childhood teachers. These clauses provide that the institute may request the employer of an early childhood teacher to disclose knowledge of whether the teacher has undergone a criminal record check, and details of the teacher's name, registration number and date of birth. Additionally, clause 6 of the bill enables the institute to conduct a state police record check on a registered teacher (whether a school teacher or early childhood teacher) at any time during the period of that teacher's registration. This will enable to institute to obtain up to date information about a teacher's criminal record and take action if required. For example, the VIT is required by section 2.6.29 of the act to cancel the registration of a teacher who is convicted or found guilty of a sexual offence.

Clause 12 of the bill substitutes sections 2.6.22A and 2.6.23 of the act, both of which concern criminal history checks of registered teachers. The bill requires the institute to conduct a national criminal history check for every registered teacher at least every five years, and empowers the institute to conduct a national criminal history check of a teacher at any other time if it is satisfied that circumstances warrant the conduct of a check. In the case of a registered teacher for whom a national criminal history check has never been conducted, the institute must conduct such a check as soon as is reasonably practicable. A registered teacher must provide consent, and such information relating to their identity, required for the purposes of such national criminal history checks. A registered teacher must also, upon request, provide the institute with information about any criminal records relating to the teacher. The Institute may suspend the registration of a teacher who fails to comply with these requirements without reasonable excuse. Clause 35 of the bill extends these provisions to also apply to registered early childhood teachers by amending the definition of registered teacher to include an early childhood teacher

Clauses 56 and 57 of the bill amend sections 2.6.22A(4) and 2.6.23 of the act to apply to dual-registered teachers and require both registrations to be suspended for failure to comply with the requirements of those sections.

The information-gathering powers in clauses 5, 6, 7, 8, 9, 45 and 47 of the bill are a direct consequence of persons applying for registration as a teacher or early childhood teacher, renewal of registration or permission to teach. As such, any expectation of privacy is minimal. In any event, to the extent that the clauses of the bill may involve the disclosure of private information, I believe that any interference is lawful and not arbitrary.

The circumstances in which an applicant or registered teacher is required to provide information are clearly set out in the legislation. Further, the institute's powers to require police record checks are directly linked to the stated purposes of the relevant provisions, and are necessary to allow the institute to make informed decisions about an applicant's eligibility, fitness and suitability to teach. This serves the public interest by ensuring that teachers are appropriately qualified, honest and of good repute and standing.

Register of disciplinary action

Part 3 of the bill amends the act to create a register of disciplinary action (the 'register') to be maintained by the institute in respect of current and formerly registered teachers. The institute must make an up to date copy of the register available for inspection at the institute's offices, and may publish all or part of the register in any manner it considers fit.

Pursuant to clause 28 of the bill, the types of disciplinary action to be recorded on the register include the suspension, cancellation or disqualification of a teacher's registration, the imposition of limitations or restrictions on registration, the issuing of a caution or reprimand, and the disqualification from teaching or cessation of registration or cessation of permission to teach following conviction for a sexual offence. The register must list the details of disciplinary action imposed, including the date it took effect and the date on which it will cease to have effect, the teacher's name at the time the disciplinary action took effect and any subsequent name changes, and the teacher's current and/or former registration numbers.

Not all information disclosed in the register will be of a private nature. Nevertheless, to the extent that the publication of information is in such a manner which engages the right to privacy, I believe that any interference is lawful and not arbitrary.

The types of disciplinary action and particulars to be published on the register are clearly set out in clause 28 of the bill. Publication of this information by the institute is necessary to inform the public about the performance and conduct history of teachers, and to ensure the proper regulation of the teaching profession and the maintenance of high teaching standards. Particulars are only recorded on the register once the entire disciplinary process, including any appeal proceedings, are concluded (see new section 2.6.54F). The provisions of the bill also ensure that personal information will be removed from the register where its publication is no longer necessary to achieve these purposes. Accordingly, particulars are only to remain on the register for five years, or in the case of disciplinary action which has effect for more than five years, for the period of the disciplinary action (see new section 2.6.54G).

Moreover, the bill protects against the capricious, unjust or unreasonable publication of private information in several ways. Pursuant to clause 25 of the bill, a formal hearing panel may determine that it is not appropriate or in the public interest for any particulars of the hearing, including any determination made by the panel, are recorded in the register. In doing so, the panel must consider the relevant circumstances. The formal hearing panel will have the benefit of hearing the matter, including any submissions the teacher may wish to make concerning publication of information on the register.

Further, pursuant to clause 22 of the bill, for voluntary disciplinary action involving a suspension or the imposition of a condition on registration or permission to teach, the institute may determine that it is not appropriate or in the public interest for those particulars of disciplinary action to be recorded on the register. In doing so, the Institute must consider the circumstances of the matter.

On the application of a registered teacher or a former teacher, the institute may decide that particulars are not to be published on the register, or if published, are to be removed, if it considers it necessary to avoid endangering the physical safety of the teacher and there is no overriding public interest in favour of publication. For less serious disciplinary action involving a caution or reprimand, the institute may on its own initiative decide to remove particulars from the register (see generally, clause 28 inserting new section 2.6.54E).

Publication of formal hearing panel determinations

Clause 26 provides that the institute may publish the whole or part of the findings, reasons or a determination of a formal hearing panel in any manner it thinks fit, provided that doing so does not contravene the provisions of the act governing the conduct, findings and determinations of a formal hearing (sections 2.6.45 and 2.6.46 of the act).

Formal hearing panel proceedings are generally open to the public, and not all information disclosed in a determination of a formal hearing panel will be of a private nature. Nevertheless, to the extent that a teacher may have a reasonable expectation of privacy over certain information in a formal hearing panel determination, any interference with the right to privacy will be neither unlawful nor arbitrary.

The publication of formal hearing panel determinations promotes the integrity and accountability of the regulatory process, and ensures that other teachers, schools and the public are made aware of the standards of conduct and competence expected of the teaching profession. It also facilitates the fair and accurate reporting of the determinations of formal hearing panels. To this end, the starting point of open hearings and publishing determinations enhances the rights in the charter act to fair and public hearings (s 24) and to freedom of expression (s 15).

Moreover, by giving formal hearing panels powers to make non-publication orders where necessary, the bill protects against the broadcast of private information in circumstances that are capricious, unjust or unreasonable. In relation to the conduct of a formal hearing, the panel may make non-publication orders to prevent the teacher from being identified prior to the making of the final determination. In addition, the panel may prohibit the publication or broadcast of any evidence given or the content of any document produced prior to or after the making of its final determination. In both cases, the test for non-publication is one of necessity, to avoid prejudicing the administration of justice, or for any other reason in the interests of justice (see clause 24 and new section 2.6.45(f) and (g)). Further, clause 25 of the bill amends the act to empower a formal hearing panel to order that information that might enable the identification of a teacher who is the subject of a determination must not be published or broadcast, if the panel considers it necessary to do so to avoid prejudicing the administration of justice, or for any other reason in the interests of justice. Clause 27 of the bill introduces new section 2.6.52(2) which prohibits the publication or broadcast of any report of a formal hearing in contravention of such an order.

In making these decisions, the panel will be able to consider and balance competing considerations, including the purpose of formal hearings, the conditions necessary for a fair hearing, the benefits of open justice, and the rights and interests of the individual teacher and/or any witnesses. The institute must inform a teacher of the formal hearing panel's power to make non-publication orders in relation to the identity of the teacher or a witness (see clause 23), and the teacher may therefore make submissions in support of a non-publication order during the hearing.

I note that the publication of formal hearing panel determinations does not limit the privacy rights of a complainant to a disciplinary matter. Indeed, the bill strengthens the protection of the privacy rights of complainants by amending s 2.6.45(c) of the act to prohibit the panel from publishing any information that might enable the complainant to be identified.

Medical treatment without consent

Section 10(c) of the charter act provides that a person has the right not to be subjected to medical treatment without his or her full, free and informed consent.

Clause 47 provides that an applicant for registration as an early childhood teacher must submit to any tests, or any medical or psychiatric examination, that the institute considers appropriate, and must provide any results or reports of the test or examination to the institute.

The nature of the examinations and tests conducted pursuant to this clause will not, in most cases, involve any procedures which could constitute medical treatment. Further, such

examinations and tests will not limit the right in section 10(c), as they will only take place where consent has been provided. While there is a consequence for failing to submit to a test or examination, in that a person will not be registered as an early childhood teacher, this does not mean that a person submitting to an examination was coerced to do so. The effect of clause 47 is consistent with current powers relating to registered teachers. Consequently, I consider that the bill does not limit the right in section 10(c).

The Hon. Martin Dixon, MP
Minister for Education

Second reading

Mr DIXON (Minister for Education) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

This bill proposes amendments to the Education and Training Reform Act 2006 to provide for the registration of early childhood teachers, establish a register of disciplinary action, clarify provisions relating to police checks and publication of disciplinary proceedings, and alter the way that members are appointed to the council of the Victorian Institute of Teaching.

Turning firstly to the registration of early childhood teachers.

The state government is committed to high-quality early childhood education.

For some years now, international research has supported the positive impact of high-quality early childhood education on a child's later school achievement. The role of formal education programs delivered by qualified early childhood teachers is crucial to a child's social, emotional and cognitive development.

The Melbourne Institute of Applied Economic and Social Research has recently completed research linking Longitudinal Study of Australian Children data with year 3 NAPLAN results. Their research shows that children who participated in a preschool program delivered by a qualified early childhood teacher in the year before school, recorded higher numeracy, reading and spelling scores in their year 3 NAPLAN tests.

This study confirms what we have long known — that education begins well before children arrive at the school door to start their prep year. It also confirms the crucial role of early childhood teachers in delivering high-quality early childhood education that builds foundations for successful lifelong learning.

The bill brings our qualified early childhood teachers under the regulatory scope of the Victorian Institute of Teaching, recognising them as qualified teaching professionals and thereby acknowledging their vital role in educating our children.

Registration of early childhood teachers is consistent with government's objectives for the regulation of professionals in Victoria; that is to provide greater focus on lifting the quality and standards of the profession and better protections for parents and children.

In whatever setting their educational programs are provided, services employing early childhood teachers to deliver kindergarten programs and meet required teacher numbers for qualified staff will now be required to employ early childhood teachers registered by the institute. Like other professionals such as school teachers, nurses, architects, and solicitors, only educators registered by the institute as early childhood teachers will be able to call themselves 'early childhood teachers'. The Education and Care Services National Law introduced the term 'educator' to apply to all qualified staff in early childhood services; however, early childhood teachers will be differentiated from other educators by their registration status.

The amendments proposed in this bill have taken account of other regulatory arrangements under the National Law and Children's Services Act 1996. In particular, the institute will use the list of early childhood teaching qualifications approved by the Australian Children's Education and Care Quality Authority (ACECQA) to determine whether an early childhood teacher meets the qualification requirements for registration.

The Education and Care Services National Regulations also provide for specific limited circumstances in which an early childhood service may be granted an exemption or waiver from the need to employ a fully qualified early childhood teacher. To ensure consistency with these provisions, educators employed in services which have been granted an exemption or waiver will not be required to be registered, but will instead apply for a temporary approval to teach through the Department of Education and Early Childhood Development.

In terms of suitability, early childhood teachers are currently required to have either a satisfactory working-with-children check or a satisfactory national police records check. Under the registration scheme established by the bill, like teachers in school settings, one of the conditions of registration is that a teacher has a satisfactory national criminal history check undertaken through the institute (and that this check is repeated at least every five years).

These changes provide a uniform platform for employment where, for criminal history checks and qualification requirements, an employer needs only to check the institute register of early childhood teachers to confirm whether a potential employee is suitable to teach.

The disciplinary functions of the institute will apply to early childhood teachers. The institute currently investigates cases of misconduct, serious misconduct and serious incompetence in relation to teachers, and may impose sanctions on a teacher. While this will mean that employers may refer to the institute a matter of concern relating to an early childhood teacher's fitness to teach, the employer's responsibility to manage the performance of their teachers will continue alongside the institute's powers to determine whether a teacher continues to meet the requirements for registration.

Teacher registration is renewed annually, subject to the teacher meeting the professional practice requirements and paying the registration renewal fee. Early childhood teachers, like their colleagues in schools, will complete 20 hours of

professional development per year and attest that other professional practice requirements have been met. This renewal process provides assurance to employers, parents and the community that teachers are maintaining currency of practice and continuing to develop throughout their careers.

Registration of early childhood teachers by the Victorian Institute of Teaching acknowledges the status of early childhood teachers as members of the teaching profession in Victoria and ensures consistency in the regulation of teachers in the early childhood and school sectors by a single regulatory authority.

Both early childhood teachers and teachers in school settings will now be subject to a register of disciplinary action.

The RODA established by the bill will be a public register that lists, by name, teachers who have been the subject of formal hearings undertaken by the institute (or who have entered into voluntary agreements under division 9A). The RODA will more effectively inform people who engage teachers, including members of the public engaging teachers as private tutors for their children, of disciplinary action imposed by a formal hearing panel or disciplinary action required by legislation to be imposed on people charged with or convicted of sexual offences.

The RODA will be published on the VIT website.

The institute does publish details of cases heard by formal hearing panels on its website. However, the RODA will collate this information into a more accessible form and formalise the type of information recorded, and the length of time it will remain listed.

The institute's disciplinary processes provide assurance that teachers in Victoria continue to meet the community's high expectations of practice and conduct. The publication by the institute of determinations and some details of its formal hearing panels has both a public protection and a public accountability function.

Information will be recorded on the RODA for five years or for the period during which the disciplinary action is in effect (whichever is longer). This means that a cancellation of registration would remain on the RODA indefinitely, unless the person successfully reapplied for registration.

In addition to formalising publication of disciplinary outcomes through the RODA, the bill will also make a number of other amendments to part 2.6 of the Education and Training Reform Act to further improve the operation of the Victorian institute of Teaching.

The bill clarifies the process for teachers to obtain their national criminal history check through the Institute. It makes it clear that teachers must not only pay the relevant fees but also provide their consent and the identification needed for the checks to take place.

It is because of the national police history check undertaken by the institute that teachers are exempt from the requirement to obtain a working-with-children check before taking up employment in a school or early childhood service. The national check undertaken by the institute is an equivalent check to that undertaken under the working-with-children provisions. Appropriately then, should a teacher not consent to the check (or fail to provide any of the relevant information or the fee), their registration will be suspended until the check has taken place.

Further, under the provisions of the Children, Youth and Families Act 2005, schoolteachers, along with some other professionals such as registered medical practitioners and nurses, are mandatory reporters of suspected child abuse and neglect. The bill extends this requirement to early childhood teachers, and by doing so, addresses an aspect of recommendation 44 from the Protecting Victoria's Vulnerable Children Inquiry which prescribes the progressive gazetting of the professions listed under section 182(1)(f)–(k) of the Children, Youth and Families Act 2005 to expand the mandatory reporting scheme to those professions that are yet to be mandated.

The mandatory reporting requirement will mean that where, during the course of their employment, an early childhood teacher forms the belief on reasonable grounds that a child is in need of protection they must report that belief to the relevant authority.

These amendments strengthen the safeguards already in place to protect our children and young people and provide added assurance that early childhood teachers are being held to standards of conduct that are in line with public expectations.

The Victorian Institute of Teaching's governing body, the VIT council, was initially established as a body comprising 20 people, who represented various interests in the school education sector. A key principle in the composition of the council was that the majority of members should be registered teachers, and that the chairperson of the council should also be a registered teacher. The review of the institute by Frank King and Associates in 2007 recommended:

> a council membership of no more than 12 people;
>
> modifying the process for appointment to the council to occur via ministerial nomination to the Governor in Council; and
>
> that appointment of individuals to council be based on the skills and experience required to direct the strategic direction and operations of the institute.

The King report (March 2008) recommended further that there be no explicit organisational or positional representational requirement for council membership.

Amendments to the Education and Training Reform Act 2006 in 2010 reduced the number of council membership from 20 to 12. This has enabled the VIT council to operate more efficiently and to play a more strategic role in the work of the institute. It is now appropriate to legislate to implement the other recommendation of the King report and provide for council composition that is consistent with modern regulatory practice.

The bill maintains the requirement for 12 council members, of whom the majority must be registered teachers. However, the bill alters the appointment process so that 11 members will be appointed via ministerial nomination to the Governor in Council. The 12th member of council will be the Secretary to the Department of Education and Early Childhood Development, or the secretary's nominee.

Under the new model established by the bill, there will be no elected members to council and no explicit organisational or positional representation on council.

In determining who to nominate, the minister will ensure that nominees have the requisite skills needed for the institute to exercise its statutory functions, including some who have experience in law, management, finance or corporate governance. The minister must also consider persons for nomination who are registered teachers, employers of registered teachers, educators of registered teachers and parents of children in schools or early childhood services.

The bill preserves the key principles of council membership; that is, that a majority of members of council, as well as the chairperson, will continue to be registered teachers.

The changes to the VIT council under this bill will complete the vision outlined in the King report for an institute council equipped with the skills and experience to meet the challenges of the current and future educational environment.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

HEALTH SERVICES AMENDMENT BILL 2014

Statement of compatibility

Ms WOOLDRIDGE (Minister for Mental Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Health Services Amendment Bill 2014.

In my opinion, the Health Services Amendment Bill 2014, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to amend the Health Services Act 1988 (the act) to: expand the functions of Health Purchasing Victoria; give trustees and committees of management the power to grant, subject to the approval of the Minister for Health, long-term leases and licences on Crown land with respect to health services; and limit the investment powers of certain registered funded agencies by allowing the standing directions issued by the Minister for Finance under the Financial Management Act 1994 to apply to those registered funded agencies.

Human rights issues

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

The bill does not engage any human rights protected by the charter act.

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

As the bill does not engage any of the human rights protected by the charter act it is unnecessary to consider the application of section 7(2) of the charter act.

Conclusion

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

Hon. Mary Wooldridge, MP
Minister for Mental Health

Second reading

Ms WOOLDRIDGE (Minister for Mental Health) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

The Health Services Amendment Bill 2014 is straightforward legislation to improve the administration of Victoria's health system. This bill amends the Health Services Act 1988 to:

broaden the functions of Health Purchasing Victoria;

provide the Minister for Health with power to approve long-term leases and licences with respect to hospital sites; and

to place restrictions on the investment powers of certain registered funded agencies and enable these organisations to comply with the standing directions of the Minister for Finance with respect to investments.

Health Purchasing Victoria

Health Purchasing Victoria is leading procurement reform across Victoria's public health sector. Through improved procurement practices and economies of scale, Health Purchasing Victoria has been able to reduce costs for procured goods and services across the health sector. This is reducing the significant cost pressures within the health system.

Entities which can access Health Purchasing Victoria procurement and purchasing services are limited to those specified in the act. Currently, organisations like Ambulance Victoria, Justice Health, the Victorian Institute of Forensic Mental Health and the Department of Human Services are not permitted by the act to access Health Purchasing Victoria contracts and services.

In 2013, this government enacted changes to the Health Services Act 1988 to enable Health Purchasing Victoria to

offer registered community health centres and women's health services the opportunity to procure goods and services through Health Purchasing Victoria contract arrangements. Those amendments enabled these services to leverage off Health Purchasing Victoria's purchasing power.

The amendments proposed by this bill will enable entities that deliver ambulance services, health services in association with correctional services, disability services and residential care services, as well as the Victorian Institute of Forensic Mental Health to benefit from the purchasing power of Health Purchasing Victoria, just as registered community health centres and women's health services are able to now.

This will not restrict the market for the procurement of medical supplies. This is because Health Purchasing Victoria contracts are accessed on an opt-in basis, and many of the contracts have, where appropriate, limited scope. Furthermore, the bill amends section 134O of the principal act to ensure utilisation of Health Purchasing Victoria's services and access to contracts established by Health Purchasing Victoria are specifically authorised, so that such conduct is exempted from the operation of the commonwealth's Competition and Consumer Act 2010.

Thus, these amendments will allow Victoria's health dollar to go further by providing Ambulance Victoria, Justice Health and the Department of Human Services the opportunity to access the benefits of collective purchasing through Health Purchasing Victoria. This will further reduce cost pressures within the health system and will enable expansion of the good practice and robust and transparent procurement processes provided by Health Purchasing Victoria to other parts of the health sector.

Crown land leasing and licensing

Currently the provisions of the Crown Land (Reserves) Act 1978 (CLRA) restrict the period of time licences and leases can be granted for Crown land which is managed under the health portfolio.

These limitations impact upon the procurement of hospital projects through the public-private partnership (PPP) model, as the PPP approach requires leases and licences for longer periods than those set out in the CLRA.

The amendments will allow trustees or committees of management of hospital sites, subject to the approval of the Minister for Health, to grant leases and licences for a period up to 35 years. These extended powers will be limited to Crown land which is managed in the health portfolio, and will only allow the grant of leases or licences for purposes which are consistent with the Crown land reservation. Prior to approving any lease or licence, the Minister for Health will give notice in the *Government Gazette* of the intention to do so, which ensures accountability.

These amendments will reduce additional administrative time and costs in relation to granting long-term leases or licences for hospital PPP projects.

Investment powers of certain registered funded agencies

Finally, the bill amends the current provisions in the Health Services Act 1988 relating to investment powers of registered funded agencies.

The standing directions of the Minister for Finance issued pursuant to section 8 of the Financial Management Act 1994 seek to ensure that Treasury risks are effectively identified, assessed, monitored and managed by public sector agencies, and that the strategies adopted by the public sector agencies are consistent with the overall objectives of the government.

Currently, the act does not restrict the type of investments that can be made by health services, including higher risk investments, such as collateralised debt obligations (investment grade securities backed by a pool of bonds, loans and other assets). These investments are the responsibility of public hospital boards of management. Neither the Minister for Finance nor the departmental secretary can direct public hospitals how to invest.

The recent collapse of non-bank lenders highlights for us all the exposure, particularly by rural and regional investors, of investing in non-bank-issued debentures.

This bill amends section 29 of the act so that it does not limit the application of any standing directions issued by the Minister for Finance under the Financial Management Act 1994, insofar as those directions apply to registered funded agencies subject to the Financial Management Act 1994. This brings the investment powers of Victoria's health services in line with other public sector entities and under the management and expertise of the Treasury Corporation of Victoria and the Victorian Funds Management Corporation. Investments managed by the Treasury Corporation of Victoria and the Victorian Funds Management Corporation are conducted under the supervision of the Department of Treasury and Finance with stringent guidelines regarding exposure to risk.

This minor amendment will improve, through better investment decision making, the long-term financial sustainability of Victoria's health services.

The date for commencement of this bill should be on or before 2 February 2015.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

ENVIRONMENT PROTECTION AND SUSTAINABILITY VICTORIA AMENDMENT BILL 2014

Statement of compatibility

Mr R. SMITH (Minister for Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Environment Protection and Sustainability Victoria Amendment Bill 2014.

In my opinion, the Environment Protection and Sustainability Victoria Amendment Bill 2014 (the bill), as introduced to the Legislative Assembly, is compatible with the human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes the legislative changes required to facilitate implementation of *Getting Full Value — The Victorian Waste and Resource Recovery Policy*. Specifically, the bill will:

give legislative effect to the Victorian government response to the recommendations of the report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform; and

provide for annual indexation of the municipal and industrial landfill levy from 1 July 2015.

The bill also gives effect to the government's decision to discontinue the Environment and Resource Efficiency Plans program and amends the Environment Protection Act 1970 to further reduce red tape and streamline Environment Protection Authority administrative processes.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

There are no charter act rights relevant to the bill.

The Hon. Ryan Smith, MP
Minister for Environment and Climate Change

Second reading

Mr R. SMITH (Minister for Environment and Climate Change) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

The Environment Protection and Sustainability Victoria Amendment Bill delivers the legislative changes needed to implement several Victorian Government decisions.

The majority of the amendments support implementation of *Getting Full Value — The Victorian Waste and Resource Recovery Policy*. In particular, the bill will give effect to the *Victorian Government Response to the Report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform*. The bill will also provide for annual indexation of the municipal and industrial landfill levy in line with Getting Full Value commitments.

The Victorian government's decision to discontinue the environment and resource efficiency plans program will be given effect by the bill. This will reduce the regulatory burden on Victorian businesses, making Victoria a better and more competitive place to do business.

The bill also includes further amendments to the Environment Protection Act 1970 to reduce red tape and streamline Environment Protection Authority administrative processes.

Implementing *Getting Full Value*

I will firstly talk about the amendments that support the implementation of *Getting Full Value*.

Getting Full Value sets a 30-year vision for an integrated, statewide waste and resource recovery system. The policy will enable Victoria to get the best value it can from our waste resources. It signals a significant shift in the way waste resources are managed and will provide environmental and economic benefits for Victoria. *Getting Full Value*, as introduced by this government, addresses the significant shortcomings of the waste and resource recovery system identified by the Victorian Auditor-General.

Implementation of this policy is a commitment of *Securing Victoria's Economy — Planning. Building. Delivering* and of *Environmental Partnerships*.

The current institutional and governance arrangements for the waste management sector are complex due to multiple changes over many years. They do not optimally facilitate the movement of waste materials from waste generators to end products and the system does not make the best use of infrastructure, transport, land use and national markets.

Getting Full Value identified the need for new institutional and governance arrangements to help unlock the potential of Victoria's waste and resource recovery system. It stated that the government would appoint an independent and expert ministerial advisory committee to advise on optimal institutional and governance arrangements to implement *Getting Full Value*.

The ministerial advisory committee delivered its report to me on 31 May 2013.

I would like to thank the committee's chair, Ms Lydia Wilson, and members Mr Mike Ritchie and Mr Simon Corden, for their work. In preparing its report, the committee undertook extensive consultation with the waste management industry, local government, waste management groups, Sustainability Victoria and the Environment Protection Authority. Consultation on the reforms revealed a strong desire for change, particularly from regional groups.

On 8 August 2013, I released the Victorian government's response to the ministerial advisory committee's report. The government response accepted most of the recommendations of the report, and recognised that some legislative amendments were required to achieve key committee recommendations. This bill will deliver these legislative changes.

The institutional and governance changes that the bill will implement provide a sound platform for delivery of the Victorian government's waste policy objectives as outlined in *Getting Full Value*. These changes will allow the full benefits of economies of scale to be realised, particularly for regional communities.

The amendments will improve clarity and certainty for investment in Victoria's waste and resource recovery industry. They will ensure more efficient and effective use of government resources through strengthened regional institutions, and through streamlined waste and resource recovery planning and procurement processes.

Four main areas are covered by the amendments:

strengthened regional waste management and resource recovery service provision;

integrated waste and resource recovery infrastructure planning;

improved state agency focus and coordination; and

improved administration of the Sustainability Fund and landfill levy.

Strengthened regional service provision

The bill will facilitate strengthened regional waste and resource recovery services by replacing the existing twelve regional waste management groups with six new waste and resource recovery groups, and through modernising their governance arrangements. The changes provide for economies of scale and better use of group resources for service planning and delivery. Fewer regions will create greater opportunities for market-based solutions for waste and resource recovery infrastructure and services.

The reforms will improve regional services by reducing administrative, or back office, tasks for waste and resource recovery groups, freeing up resources for more on-the-ground, front-line, delivery.

The bill will provide the new waste and resource recovery groups with an increased role in facilitating joint procurement of waste infrastructure and waste and resource recovery services by local governments. The government encourages more joint procurement between local governments to minimise costs through economies of scale, while achieving environmental objectives and waste management goals.

The waste planning role of waste and resource recovery groups will be expanded to cover all waste streams, including construction and demolition and commercial and industrial waste. This is consistent with statewide waste management strategies being developed by Sustainability Victoria.

The bill ensures that the new regional waste and resource recovery groups will not be successors in law to the current regional waste management groups. This will provide the new waste and resource recovery groups with a clean slate to undertake their statutory objectives.

The new institutional arrangements for the waste sector will result in:

the current Calder, Mildura and Central Murray regional waste management groups being replaced by a new Loddon Mallee Waste and Resource Recovery Group;

the current Barwon and South West regional waste management groups being replaced by a new Barwon South West Waste and Resource Recovery Group;

the current Highlands, Grampians and Desert Fringe regional waste management groups being replaced by a new Grampians Central West Waste and Resource Recovery Group;

the metropolitan waste management group's region being expanded to include the Mornington Peninsula Shire Council municipal district and being renamed the Metropolitan Waste and Resource Recovery Group;

no change to the boundaries of the North East, Gippsland and Goulburn Valley regions but new waste and resource recovery groups will be established for these three regions.

The new groupings reflect waste flows, transport links and communities of interest, with each group including at least one major regional centre. However, this does not mean that the head office of the new waste and resource recovery groups will be located in a regional centre. To support an appropriate spread of services across the regions, I expect head offices to be strategically located within each region.

The bill provides for a strengthened board structure for regional waste and resource recovery groups that enables local government representation alongside skill-based directors. The new model mirrors the successful board structure of the Metropolitan Waste Management Group: each board consists of eight directors, with four nominated collectively by the local councils within the region and four skills-based directors appointed by myself as the responsible minister.

This new board model will change the current arrangement where each member council has a board member. The bill therefore provides for the establishment of a waste forum for each region which will provide a fair and transparent process for nominating local council representatives. Local councils will be able to design locally suitable solutions for electing their representatives through their forum.

Integrated waste and resource recovery infrastructure planning

A key task of the new waste and resource recovery groups will be to undertake infrastructure planning, under a new Victorian waste and resource recovery infrastructure planning framework established in the bill. The new planning framework will link statewide, metropolitan and regional planning and provide for better links to land use planning.

The bill sets out the components of this planning framework. These will include a Statewide Waste and Resource Recovery Infrastructure Plan or, as I will refer to it — the state waste plan — as well as regional waste and resource recovery implementation plans, or regional waste plans. The planning framework will enable a coordinated and integrated statewide approach to waste infrastructure planning, across all waste streams, supported by regional and local input and implementation.

The state waste plan will build on the recent infrastructure planning work undertaken by Sustainability Victoria. It will have a 30-year horizon and will provide the strategic direction for the management of waste and resource recovery infrastructure across Victoria. The state waste plan will provide the basis for regional planning processes by documenting long-term trends in waste generation, population and waste infrastructure at a statewide scale.

The state waste plan will not identify the specific location of new waste and resource recovery infrastructure. This will be the job of waste and resource recovery groups in preparing regional waste plans. The regional waste plans will focus on how the infrastructure needs of each region across Victoria

will be implemented over a 10-year timeframe in line with the state waste plan.

An innovative component of the new planning framework is the statutory integration phase. Waste and resource recovery groups and Sustainability Victoria will be required to work together to ensure integration of regional waste plans and the state waste plan. This will ensure that these plans are appropriately coordinated, tiered and integrated.

The regional waste plan will be required to be referred to the Environment Protection Authority for comment on the infrastructure schedule during the integration phase. This will ensure that new infrastructure is sited to meet environment protection standards, thereby protecting public health and amenity.

The first metropolitan regional waste plan will build on the recent infrastructure planning work undertaken by the Metropolitan Waste Management Group.

Improved state agency focus and coordination

The government will ensure that a coordinated and consistent approach is taken for all waste management activities across government agencies. These reforms build on the significant work over the past two years to implement the government's review of Sustainability Victoria, refocusing much of its work on waste and resource recovery. The bill will amend the Sustainability Victoria Act 2005 to change the composition of the Sustainability Victoria board. The changes will strengthen the board's waste industry and waste management knowledge and experience, particularly at a local government level, to enable Sustainability Victoria to have increased capacity to deliver on the new approach to waste management.

Under the new arrangements, Sustainability Victoria will be the lead agency for facilitating waste and resource recovery market development initiatives such as product stewardship, accreditation, sponsorship of trials and research and development. The bill also provides for the new waste and resource recovery groups to be responsible for integrating regional and local knowledge into statewide market development strategies.

Sustainability Victoria will lead the development of a statewide community and business education strategy for waste and resource recovery that will cascade to regional and local levels, in collaboration with local government, waste and resource recovery groups and the Environment Protection Authority. This will avoid duplication of effort and allow programs to be tailored to local needs, which will be an important function of the new waste and resource recovery groups.

Improved administration of the Sustainability Fund and landfill levy

The bill transfers responsibility for administering the Sustainability Fund from Sustainability Victoria to the Department of Environment and Primary Industries. This will provide a clear separation of financial management of the fund from Sustainability Victoria given that it may benefit from the fund, thereby removing any perceived conflict of interest.

The bill will streamline the administration of, and reporting on, the landfill levy by providing an improved mechanism for distributing landfill levy revenue. Instead of the distribution of landfill levy revenue occurring from the Environment Protection Fund held by the Environment Protection Authority, revenue will be transferred to a Department of Environment and Primary Industries account for distribution. Similarly, the Sustainability Fund will be held directly by the department instead of being located within the Environment Protection Fund.

The bill provides for landfill levy distributions to occur, in the future, via ministerial determination instead of through regulations. This will ensure that agencies can be informed of their distributions from the landfill levy in a more timely manner instead of waiting until regulations are made.

Given the changed roles for Sustainability Victoria and the Department of Environment and Primary Industries and to streamline the current overly complicated arrangements, the Sustainability Fund Advisory Panel will be abolished.

Annual indexation of the landfill levy

As announced in *Getting Full Value*, the Victorian government has committed to not change the landfill levy rate for 10 years, allowing only for annual adjustments at the Treasurer's rate. The bill will provide for annual indexation of the landfill levy to maintain the value of the levy in real terms.

This commitment is critical to support business certainty and confidence in resource recovery markets, providing the market conditions to encourage investment in resource recovery infrastructure and services.

Discontinuation of the environment and resource efficiency plans program

I will now turn to the other amendments in the bill.

The Victorian government's decision to discontinue the Environment and Resource Efficiency Plans program will be given effect by this bill.

The decision to discontinue this program followed a review that found that it could place unnecessary compliance burdens on businesses due to duplication with current commonwealth government programs.

More than 250 Victorian businesses will no longer have compliance and reporting obligations under the Environment and Resource Efficiency Plans program.

Amendments to reduce red tape and streamline Environment Protection Authority administrative processes

The bill includes further amendments to reduce red tape without reducing environmental standards, by:

providing the Environment Protection Authority with greater flexibility in granting works approval exemptions where there are no adverse environmental impacts; and

allowing waste transport permits to be issued for up to five years.

The bill also improves the ability of the Environment Protection Authority to administer the Environment Protection Act 1970 by:

removing the effectively redundant requirement for businesses dealing with prescribed industrial waste from the need to submit annual returns to the Environment Protection Authority;

including an express power to amend clean-up notices to avoid the current, cumbersome process of having to revoke and reissue clean-up notices to give effect to an amendment; and

including a new offence for breach of a reporting requirement of a clean-up notice, to enable infringement notices to be issued for minor administrative breaches.

Transition to the new arrangements

The Victorian government acknowledges the significance of the reforms to the waste management agencies and the impact on those affected. The government is working closely with local governments, waste management groups, their staff and stakeholders to manage the transition process with the involvement of affected parties. I have appreciated the positive approach that the waste management group boards and staff have taken to implementing the reforms and thank them for their already significant contribution.

The government has committed to ensure best efforts are made to find roles for existing staff. Despite the new waste and resource recovery groups not being the successors in law to the current regional waste management groups, staff will be transferred to the new waste and resource recovery group corresponding to their current region. This reflects the government's ongoing commitment to maintaining front-line staff and service delivery in rural and regional Victoria.

In closing, I reiterate that the changes to the institutional and governance arrangements for the waste management sector represent a signature environmental and economic initiative for Victoria.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

SALE OF LAND AMENDMENT BILL 2014

Statement of compatibility

Ms VICTORIA (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter act'), I make this statement of compatibility with respect to the Sale of Land Amendment Bill 2014.

In my opinion, the Sale of Land Amendment Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

Property (section 20)

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

Part 2 of the bill requires vendors of land to disclose certain information about the land to prospective purchasers before entering into a contract to sell the land, and enables a purchaser to rescind a contract in certain circumstances.

A purchaser may not rescind a contract where a vendor has acted honestly and reasonably and ought fairly to be excused for a failure to disclose required information, and where the purchaser is substantially in as good a position as if all the required disclosure had taken place.

These provisions of the bill are relevant to property rights under section 20 of the charter act as they restrict a person's capacity to dispose of property unless certain disclosures have been made, and give a purchaser under a contract of sale rescission rights, in certain circumstances.

However, these provisions are not unreasonable or arbitrary, as they are intended to address information imbalances between vendors and purchasers in property transactions, and provide an avenue of redress in circumstances where, for example, required disclosures have not been made.

Accordingly, property rights under section 20 are not limited as any interference with property rights under the bill is neither unreasonable nor arbitrary and is in accordance with law.

Hon. Heidi Victoria, MP
Minister for Consumer Affairs

Second reading

Ms VICTORIA (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

The bill will amend the Sale of Land Act 1962 to reform and modernise Victoria's system of vendor disclosure, and make related and consequential amendments to the Owners Corporations Act 2006.

The requirements of section 32 of the Sale of Land Act will be re-enacted with improvements to increase efficiencies in the preparation of section 32 statements, improve the readability of section 32 statements, and bring greater clarity to, and refinement of, existing disclosure requirements. Redundant and outdated provisions in the legislation will not be re-enacted.

The amendments introduced by this bill will assist the government to meet its commitment to achieve significant red tape reductions of 25 per cent by July 2014 by reducing the

administrative compliance requirements associated with the preparation of section 32 statements.

Section 32 of the Sale of Land Act requires vendors selling land in Victoria to disclose certain information about the land for sale to prospective purchasers, through the provision of a section 32 statement.

The original policy rationale for section 32 was to improve the position of purchasers by increasing the amount of information available to assist them in the bargaining process. Requiring the vendor to disclose certain information to the purchaser before the purchaser signs the contract of sale acknowledges the potential for an information imbalance between the vendor and the purchaser, to the detriment of the purchaser.

While prospective purchasers can gather a great deal of relevant information themselves by undertaking physical inspections of a property, such inspections may not necessarily yield all the information they may need to determine whether they are paying a fair price or, fundamentally, if the property is the right one for their needs.

Lawyers and conveyancers, on behalf of their vendor and purchaser clients, are generally responsible for preparing and reviewing section 32 statements. These professionals, along with the estate agents who sell properties, have worked together to build a mature and successful vendor disclosure system in Victoria.

However, in the 30 years since its introduction, section 32 has been amended many times, increasing the level of disclosure, as well as the complexity and size of section 32 statements.

As a result, the government conducted a red tape reduction review of section 32 to seek stakeholder views on potential areas for reform, principally to alleviate the administrative burden on vendors and purchasers and the lawyers and conveyancers who act for them.

During consultation on these reforms, stakeholder bodies representing lawyers, conveyancers, estate agents and owners corporations managers highlighted a number of areas for potential reform, and many of these stakeholder-initiated proposals are included in this bill.

The amendments to be made by the bill are estimated to deliver red tape reduction savings by clarifying and simplifying the information that must be disclosed, updating key aspects to reflect modern conveyancing practices, reducing the size and number of statements required, and removing requirements that impose unnecessary delays in preparing section 32 statements.

However, it is important to note that the amendments will not diminish necessary protections for purchasers. The review confirmed the value of section 32 statements, but highlighted the need to refocus its content to information specific to the property for sale, and held by the vendor or obtainable from a third party.

I will turn now to the detail of the proposed bill.

The bill re-enacts the provisions of section 32 as division 2 of part II of the Sale of Land Act, thereby giving vendor disclosure the proper status it should accord in Victoria's sale of land regime.

Key features of the existing regime that provide protection to purchasers have been re-enacted. In particular, the requirement to provide the section 32 statement to a purchaser prior to a contract of sale being signed has been re-enacted, as have existing rights of rescission that may be relied upon by the purchaser in certain circumstances.

Many of the provisions have been re-enacted without amendment, where stakeholders advised that the current level of disclosure is appropriate. I will not focus further on these unchanged aspects of vendor disclosure, except to say that this bill has provided a welcome opportunity to re-enact provisions of section 32 in a modern drafting style, for example by grouping re-enacted requirements under key themes, to improve readability and comprehensibility.

Where necessary, provisions have been re-enacted with amendments to improve clarity, codify existing industry practices and remove unnecessary red tape.

Feedback from stakeholders about current conveyancing practices are reflected in the bill, which consolidates all disclosure requirements into one statement and removes the requirement for a second section 32 statement and accompanying certificates and documents to be annexed to the contract of sale.

The bill re-enacts existing requirements to attach evidence of the vendor's title to the land for sale to the section 32 statement, but has codified common practice in relation to land under the Transfer of Land Act 1958 by requiring a copy of the register search statement to be attached to the section 32 statement. This requirement replaces the current requirement to attach a copy of the certificate of title.

Existing requirements to provide copies of plans for proposed subdivisions and amendments to subdivided land have also been re-enacted with amendments to remove outdated language and clarify the extent of disclosure required.

The bill simplifies and clarifies planning disclosure requirements, ensuring that section 32 requirements keep pace with Victoria's current planning system.

The bill tightens disclosure requirements for — among other things — government notices, orders and approved proposals affecting the land. Vendors will now only need to disclose those documents that have a present-day application to the land. They will not be expected to disclose historical documents that may have once applied over the property, but which do not have any continuing impact on the land.

The bill will also specifically clarify the requirements for disclosure of land contaminated by agricultural chemicals or affected by livestock disease.

The bill introduces a new separate requirement for vendors (or their estate agent should they engage one) to make a due diligence checklist available to purchasers when a property is first offered for sale if the land includes a residence or is land on which a residence could be constructed.

Its introduction acknowledges and responds to stakeholder feedback that when purchasers commence looking at properties, generic information can assist purchasers in making their own enquiries to find out more information in areas of particular interest to them.

The due diligence checklist will be prepared by Consumer Affairs Victoria and made available on its website, with direct links to other websites with specialist content.

It is anticipated that estate agents will make hard copies of the due diligence checklist available to potential purchasers at open for inspection events, and will provide links from their websites to the website of Consumer Affairs Victoria, where it will be available.

The bill also makes amendments in relation to the disclosure of information about owners corporations at the point of sale.

Firstly, the bill increases flexibility for vendors in satisfying owners corporation disclosure requirements by allowing vendors to choose to either specify the required information in the section 32 statement, or provide a copy of the current owners corporation certificate.

This will replace the current requirement for an owners corporation certificate to be provided by a vendor whenever land is sold that is affected by an owners corporation, and is anticipated to deliver savings to vendors who take an active interest in their owners corporation and have the relevant information in their possession. Vendors who do not hold all the relevant information will still need to obtain an owners corporation certificate to satisfy their disclosure requirements.

As it is important that there is no capacity for a purchaser to mistakenly believe that they are buying into an active and functioning owners corporation when in fact the opposite is true, the bill also makes it clear that the vendor will be expected to disclose in the section 32 statement when an owners corporation is inactive.

Secondly, the bill makes consequential and related amendments to the Owners Corporations Act, to enable a separate review of fees for owners corporation certificates to be undertaken.

A concern raised during the review was the current inflexibility of the prescribed fee for owners corporation certificates. The Owners Corporations Act only provides for one fee, with no capacity for the fee to be varied for certificates of different sizes, complexity or urgency.

As a result, it is proposed to reassess owners corporation certificate fees to allow the current costs to be examined and differential fees developed. To facilitate this, the bill amends the Owners Corporations Act to improve its fee-making powers.

The bill also makes it an offence for an owners corporation to charge more than the relevant prescribed fee for issuing an owners corporation certificate.

In concluding my remarks on this bill, I wish to acknowledge that stakeholders made very worthy contributions to the review of section 32 and, as a result, influenced the development of this bill. The amendments introduced by this bill aim to ensure that section 32 statements continue to hold pride of place as a major source of protection for purchasers of land in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 20 February.

Remaining business postponed on motion of Ms ASHER (Minister for Innovation, Services and Small Business).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Mr Carbines — On a point of order, Speaker, I wish to draw your attention to the failure of the Minister for Children and Early Childhood Development, Ms Lovell, to respond to an adjournment debate matter I raised on 27 November 2013, which called for the minister to investigate Banyule City Council's delay in the construction of the Olympic Village learning hub, child and family centre, which was announced by the government in May 2012. Sessional orders require ministers to respond in writing to adjournment debates within 30 days. I respectfully ask that you write to the minister and seek an explanation for this delay in response to my adjournment matter on behalf of my constituents.

The SPEAKER — Order! I will bring the matter to the attention of the minister.

Gisbus

Ms DUNCAN (Macedon) — The matter I wish to raise is for the attention of the Minister for Public Transport. I ask the minister to do what he said he would do, and that is to support the Gisbus service operating in and around Gisborne.

I have repeatedly raised this issue with the minister both through the adjournment debate as well as by making personal representations directly to him. All of this has been to no avail because despite the minister saying in Parliament that 'patronage has grown continually since the service was introduced', he has cut it. The minister went on to say that the review of the service had raised a number of issues that would require some additional funding and an additional vehicle and that he was prepared to look at that.

Despite these assurances and a government press release which completely distorts the truth, the minister and the government have cut the Gisbus service. Rather than putting on an additional vehicle, the minister has cut the service from three vehicles to two, which means there is the potential for one local driver to lose his job.

While the minister brags about introducing a fixed route, the new route will miss significant areas that were previously covered. While the press release brags

about two morning trips to Bullengarook and one in the evening, it fails to acknowledge that there had previously been three in the morning and three in the afternoon.

Buses no longer run to meet connecting V/line services in the morning or wait for returning V/Line services in the afternoon. No service gets commuters to the 6.02 a.m. train in the morning.

The fixed route reduces coverage — one route now picks up just 1 passenger where it used to pick up 15. Vision-impaired and mobility-impaired passengers now have to make their way to bus stops that in some instances compromise passenger and driver safety, one being in a no-standing zone. So much for Public Transport Victoria's recommendation of a maximum of a 400-metre walk to a bus stop. These changes take us backwards.

The Labor candidate for Macedon, Mary-Anne Thomas, has been inundated with complaints from Gisborne commuters, many of whom are now driving to the station. I have been told patronage has dropped significantly since these cuts were made. Maybe this is the minister's intention: to reduce patronage to such an extent that the service becomes unviable and he can then cut the service altogether.

The Minister for Public Transport should be renamed the Minister against Public Transport. The minister needs to restore Gisbus in the first instance and, as the review indicated, expand it — not cut it. The real beauty of Gisbus was its flexibility; this fixed route replacement is no substitute for the flexible commuter-friendly service.

This one-size-fits-all approach to bus services shows that the Napthine government has no regard for commuters in the Macedon electorate. If Mrs Millar, the Liberal member for Northern Victoria Region in the other place, thinks these changes are an improvement, she is clearly either out of touch or has no idea what the Gisbus service looked like before these cuts.

This is a government that is more focused on building an $8 billion tunnel to nowhere than investing the small amount of money that is required to improve this service. Instead it has cut the service and changed its fundamental look. I implore the minister to restore the service to its previous levels.

Wedge–Dandenong-Frankston roads, Carrum Downs

Mrs BAUER (Carrum) — I wish to raise a matter for the Minister for Roads. The action I seek is that the minister report on options for the traffic treatment of the Wedge Road–Frankston-Dandenong Road intersection in Carrum Downs. This action follows a site meeting I requested with the minister and the VicRoads director for the south-east metropolitan region to discuss the issue. This meeting was held on 3 February. I thank the minister for taking the time to visit my electorate to discuss what safety improvements can be made at the intersection.

On a typical weekday more than 19 500 vehicles on the Frankston-Dandenong Road cross its intersection with Wedge Road and Boundary Road in both northbound and southbound directions. More than 2700 of these are heavy vehicles and trucks. A further 3700 vehicles a day make turning movements either left or right at the intersection of Frankston-Dandenong Road, Wedge Road and Boundary Road. That more serious accidents or fatalities did not occur at this intersection when the member for Cranbourne was in government was due to good luck rather than good management.

Since the changes to the Carrum electoral boundaries and the inclusion of Carrum Downs, Sandhurst, Skye, Bangholme, Lyndhurst and Dandenong South in my electorate, I have been contacted by many residents and commuters using the east–west link of Wedge Road, who are concerned about this dangerous intersection. They are concerned that even after a decade of community campaigning, their former representative, the member for Cranbourne, did not deliver an outcome for this dangerous intersection.

As the member for Carrum, which will include Carrum Downs, my focus will be the same as it has been since I was elected — that is, working hard to get good outcomes for my community. This is an issue that needs a good outcome. As this area continues to grow, the need for effective and appropriate controls is paramount, and I ask that the minister ensure that safety at the Wedge Road intersection is fixed for my community.

Cyril Jewell House

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the Minister for Ageing, and the action I seek is that the minister promptly answer my second letter on behalf of residents and their families and the staff of Cyril Jewell House, a state-owned nursing home. I will even give the minister the option of visiting Cyril Jewell House to reassure the community that the nursing home will be exempted from his nursing home fire sale and that the state government guarantees ongoing care for its residents. My constituents include

staff and family members of residents of Cyril Jewell House.

What a callous, chaotic and incompetent government it is that could receive a letter from very worried residents, families and staff, yet still take from 17 July last year to Christmas Eve — five months later — to bother to respond with a dismissive form letter that failed to answer the five original questions posed in July. Those questions were:

> Why has the government shown such disregard for the elderly by forcing them out of care they will be unable to afford under privatisation?
>
> Why has the government shown such a lack of future planning for the growing ageing demographic when the decision to privatise … care will prevent those on limited or low incomes from utilising aged-care facilities in the next 10 to 20 years? This will place an increasingly large demand on an already burdened health-care system.
>
> Why have aged-care workers been left in the dark about the government's proposals, when their employment security is now under question?
>
> What is the government's plan for privatisation and when will comprehensive information be provided to those in the industry?

The letter goes on to outline that Cyril Jewell House has 15 non-aged-care multiple sclerosis (MS) patients and a ward for 30 aged-care patients. They want to know what will happen to the MS patients if Cyril Jewell House is privatised.

This is a grave matter. It is a very serious worry for MS residents and those who have a neurological disorder. They need a state-owned facility which will provide them with extra support because staff ratios are more significant and more focused on their needs at Cyril Jewell House than anywhere else in the north or the west. A privatised facility has lower staff ratios for the care of these very special Victorians and of course there is no other choice for families. You cannot say you will have choice if there is only one facility that provides this special care. We need the minister to be clear.

Melbourne International Flower and Garden Show

Ms WREFORD (Mordialloc) — I wish to raise a matter for the Minister for Tourism and Major Events, who is also the Minister for Innovation, Services and Small Business. The action I seek is that the minister help fund the marketing and promotion of the 2014 Melbourne International Flower and Garden Show. We all know and are very proud that Victoria, which is still widely known as the garden state, is home to many great festivals and events, and the Melbourne International Flower and Garden Show is a very significant part of that line-up. Each year, generally in late March, thousands of people from all over Australia and the world flock to Melbourne just to see this spectacular show.

The 2014 event is set to take place from 26 to 30 March. It is an event that showcases our local horticulture, landscaping and floristry industries. It is ranked in the top five flower and garden shows in the world and is the largest of its kind in the southern hemisphere in terms of exhibitors and attendees. Whilst it is no Mordialloc Gnome and Fairy Festival, it does bring significant tourism benefits to the state. The Melbourne International Flower and Garden Show is co-owned by the Victorian Farmers Federation and the Nursery and Garden Industry Victoria. IMG is contracted to run the event. It features over 300 exhibits representing horticulture, nursery products, landscape gardening, design and floristry. The event generates significant follow-up business after the show. It impacts positively on the horticultural economy directly and generates increased employment, marketing and sponsorship opportunities for the industry. From a branding perspective, it continues to raise the profile of Melbourne as a centre for horticulture.

Two businesses from the Mordialloc electorate — Phillip Withers Landscape Design and Gardenworld, which are both located at Braeside — won bronze awards at the 2013 show. No doubt those wins generated lots of business and other opportunities for those organisations and others that participated. The show also features quite heavily on television shows like Channel 7's *Better Homes and Gardens*, which did a feature last year that was viewed by 1.2 million people nationally. That is a lot of great exposure for the Melbourne event. Now in its 19th year, the show has been held at the Royal Exhibition Building and Carlton Gardens since 1996. You could not find a better or more appropriate location for this spectacular event. It is an outstanding event that all Victorians can be proud of and certainly one that we would like to see continue to flourish and bring economic benefits. However, in order for that to happen it needs to be appropriately promoted and marketed. I hope the minister can assist to ensure the event is again well promoted this year, and I look forward to a positive response.

Ford job losses

Mr McGUIRE (Broadmeadows) — I raise a matter for the Premier. The action I seek is for him to immediately deliver an emergency retraining and jobs package for Ford workers in Broadmeadows and Geelong, given today's disclosure by the company that

300 jobs will be cut in June. I call for this as a matter of urgency. The reason I ask the Premier is because so far the Victorian government has done too little, too late. I put that into the context of the Premier outlining in question time that in the packages to attract new companies and new businesses to create more jobs in Melbourne's north and in Geelong the contribution from the former federal Labor government was $30 million. From the Ford Motor Company it was $10 million and from the Victorian coalition government it was $9 million. Victorian Labor has already placed on record that if it were elected to government in November it would increase its commitment to $30 million to attract more companies and create more jobs.

The other issue that goes with this and concerns me is that the cuts to TAFE have had a dramatic impact and devastating effect on Broadmeadows. At Kangan Institute 100 courses and 1 million contact hours between students and teachers were axed. This could not have happened at a worse time. What we need now is to retrain the workforce and to deliver jobs. During question time the Treasurer was adamant that the money is there. He was also adamant that his strategy is to grow jobs for Victoria. I welcome that strategy, and I challenge him to deliver. If the money is there, there is no reason why it should not be delivered in a packaged way and in a coordinated fashion. This government should be trying to get support from the commonwealth government as well.

The local community will come to the table. In fact we are about to open Australia's first multiversity. In 10 years as a community we will have gone from not having a public library to a lifelong learning proposition through the global learning village, then Australia's first multiversity to coordinate TAFE certificates through Kangan Institute which, as I said, has already been gutted by the cutbacks, then to offering tertiary education through Victoria and Deakin universities so that people can aspire to other jobs. This is a critical point. It is a devastating issue for a community like Broadmeadows. I emphasise that Broadmeadows is the capital of Melbourne's north. It produces one-third of this state's manufactured exports and has done so for generations. It has underwritten the prosperity of the rest of this state.

It is now time for a fair go, and as we try to move through the structural issues involved in the transition from muscle jobs to smart jobs, it is time to invest. It is not just the right thing to do; it is a smart thing to do. It will deliver a great benefit for the entire state of Victoria.

Mallee District Aboriginal Service

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Local Government who is also the Minister for Aboriginal Affairs. The action I seek is for the minister to visit Mildura to meet with local government and Aboriginal representatives. When in Mildura the minister should visit the Mallee District Aboriginal Service (MDAS) and in particular tour its new health facility, which is now in operation. When the minister last met with MDAS, the health facility was under construction. The new building has been completed and is now occupied, open and delivering services.

One of the issues that is current in Mildura is the spread of the drug ice across the community. This also includes the prevalence of ice in the Aboriginal community. I think it is important that the minister be updated on the issue. It is one that MDAS has met head on: MDAS is a part of Project Ice, which is a whole-of-community response to the drug, led by the Northern Mallee Community Partnership. I believe the Mildura community should be congratulated for meeting this issue head on with a strong local response. The consequence of ice in our community shows up through health issues, contact with the justice system, mental health issues and family stress, sometimes leading to breakdown. Such has been the concern around ice that there has been a parliamentary inquiry into the supply and use of methamphetamines in Victoria. Its term of reference 3 is to examine the nature, prevalence and culture of methamphetamine use in Victoria, particularly among young people, Indigenous people and those who live in rural areas. The committee took evidence in Mildura just prior to Christmas, and MDAS gave significant evidence. I think it is important that the minister be updated on the Aboriginal community's response to this community-wide issue during her visit.

Also while in Mildura I hope the minister can meet with the Meminar Ngangg Gimba, which offers services, including providing a refuge. The minister should also visit the Mildura Rural City Council, and if time permits, a trip to Robinvale to meet with the local Indigenous network would complete a day in the electorate. I look forward to the minister spending a long day in Mildura.

East–west link

Mr DONNELLAN (Narre Warren North) — My adjournment matter is for the Minister for Police and Emergency Services. The action I seek is for the minister to provide to the community the wages cost of

the 50-plus police officers protecting a drill hole on the corner of Alexandra Parade and Nicholson Street, Carlton North, on 6 February. This drill hole must be the most extensive drill hole in the world. We had 50 police sitting around and there was not a protester in sight. But I could see the petty criminals of the inner city smiling, because we had police tied up trying to stop a small community which is dissenting from this government.

In a democracy you have got to bring the people along with you. At the end of the day this government is simply not prepared to do that. We are using the police for the wrong reasons: to stop protests. At the end of the day it would be better if the government were open and transparent, instead of closed up, as we saw in the case of Doug Harley, who got it in the neck and got kicked out of VicRoads because he did not agree with the traffic volume figures and the like. We also have a secret business case for the project, and we are becoming very much like a Communist country, where there is no information provided to the public in relation to east–west link.

What really concerns me is that last night I saw in the *Daily Hansard* record for the upper house that two members of that house had a go at the City of Yarra. Now we know the City of Yarra does not support the east–west link project. Mr Ondarchie, a member for Northern Metropolitan Region, and Mr Finn, a member for Western Metropolitan Region, both accused the City of Yarra of being in effect Communist and referred to 'the People's Republic of Yarra'. Unfortunately this argument very much smacks of the same Putin-like attitude that the government is accusing the City of Yarra of having. Why should the residents of the city of Yarra choose their councillors to — —

Ms Asher — On a point of order, Speaker, I am loath to raise a point of order during the adjournment debate, but standing order 118 provides that imputations and personal reflections on, inter-alia, members of the Assembly and Council are disorderly other than by substantive motion. While I accept that the adjournment matter raised by the member is valid, his commentary attached to it transgresses that standing order.

The SPEAKER — Order! I uphold the point of order.

Mr DONNELLAN — My comments very much reflect the attitude — —

The SPEAKER — Order! Is the member speaking on the point of order or simply continuing?

Mr DONNELLAN — I will just keep going. I am speaking in relation to the attitude of this government to dissent, which is the concerning thing. We have a whole group of communities which do not support the east–west link tunnel, and the effective attitude of this government is that these people are like enemies of the state because of that lack of support. This is much like the Prime Minister, Tony Abbott, the other night expecting the ABC to support every one of his policies. What a ridiculous proposition! Here we have conservative members of the house deciding that anybody who does not agree with them will not be heard.

Kinglake Ranges cemetery

Ms McLEISH (Seymour) — I rise to make a request of the Minister for Health and Minister for Ageing. The action that I seek is that he assist residents of the Kinglake Ranges and help drive the process for the establishment of a cemetery. At present there is quite a strong will in the community to pursue this matter, and I think it would be great if that momentum could continue and action could be taken in a timely manner. I support this initiative, and I would like to see a cemetery established as quickly as possible.

People realise that there is no cemetery in the Kinglake Ranges; however, it is less commonly known that an allotment was gazetted on 22 February 1889 — that is about 125 years ago — and reserved for cemetery purposes. It is quite a sizeable allotment of some 10 to 12 acres with a 200-metre road frontage on Whittlesea-Kinglake Road at Pheasant Creek, not too far from that fine establishment the Flying Tarts, which is a bakery and cafe just up the road. Pheasant Creek is between Kinglake and Kinglake West.

Last week I met with local residents who are interested in the cemetery trust, Les Joynson, Alexandra and John Pottage, and Viv Ireland. They are very keen to pursue this project. I know they have been speaking to a lot of people in the community and a lot of people have raised this matter with me. It was very evident after Black Saturday that people realised that we did not have a cemetery, and that was something that was a concern then.

The Kinglake history entitled *Kinglake — A Collected History of the Kinglake District 1861–2011*, which was compiled by Deidre Hawkins of the Kinglake Historical Society, makes mention of the cemetery at page 39. As part of a discussion about the families in the Kinglake district it says that burials took place elsewhere, at Queenstown — now St Andrews — Yarra Glen or Yan Yean, near Whittlesea. Edward Staff, after whom a

road is named in Kinglake, served for a time on the Queenstown Cemetery Trust.

Things have obviously changed since then, and this initiative has dropped away. I had heard rumours on the street that three Chinese gold prospectors were buried in this cemetery. I mentioned this to somebody the other day, and they said, 'That is not a rumour; that is absolute fact'. Apparently this happened in the early days when people travelled down to St Andrews, where there was a lot of gold prospecting. Obviously something happened in the meantime, and the cemetery was never established. I am keen for the communities to be able to avail themselves of such a facility. We would like the minister to do all he can to help this matter along in a timely manner.

School buses

Ms GREEN (Yan Yean) — I am pleased to be the final Labor speaker after a long week.

An honourable member interjected.

Ms GREEN — On our side. The matter I wish to raise is for the attention of the Minister for Education, and the action I seek is for him to urgently review his departmental guidelines for allocation of school buses, especially in the northern region and specifically for school students vainly trying to get to Diamond Valley College from Doreen, Mernda, Yarrambat, Wattle Glen and Hurstbridge. On 28 November 2013 I raised an adjournment matter in this place for the Minister for Public Transport on the same issue. In his response he said:

> I am sure the member for Yan Yean is aware that Public Transport Victoria operates under the department of education guidelines in terms of the allocation of bus services. I am sure the member would also be aware that the coalition government has done an enormous amount of work within that region in relation to the realignment of bus services after the opening of South Morang railway station. We will continue to review bus services in the area to provide the best possible outcome for that community.

What we have is certainly not the best. If this is the best the government can offer, there is a long way to go. The minister later acknowledged in his response that under Labor there would have been more buses running in the area. After raising this matter on the adjournment, in December I received documents under freedom of information. This was after much wrangling and denials from the minister's department, the Department of Education and Early Childhood Development, that there would be a bus review, despite a government media spokesperson telling Channel 9 six months earlier, in June, that in fact there was such a review. The documents I received under freedom of information were in relation to various problems within the department in relation to the provision of education, including bus services. In a briefing note on the issues raised in the documents the minister had the temerity to give a 'useful' score of four out of five, and he could not make up his mind with the 'quality' score; it is either four out of five or five out of five. For example, the document headed 'Interface councils' provides the current Mernda-Doreen secondary school options for students. A number of schools are mentioned, including Diamond Valley College, which is approximately 1½ to 2 hours away via two buses and one train. This is completely inadequate. One minister seems to think they are aligning options in relation to the community, but the education minister has the temerity to tick off on this matter and say, 'Four out of five for quality and usefulness'. It is not very useful for the families that were told on 19 December that their children would have no free bus service and maybe not a seat at all. Today Phil Lovelace rang my office and said his daughter cannot get to school at any price, and many other parents have raised this issue. The minister needs to fix it.

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

Multipurpose taxi program

Mr McINTOSH (Kew) — I raise a matter for the attention of the Minister for Public Transport. The matter I raise concerns the multipurpose taxi program, and the action I am seeking from the minister is for him to investigate whether a constituent's application has been properly assessed so that he can be granted a multipurpose taxi card. The multipurpose taxi program is a great program which seeks to make 'transport more accessible and affordable for people with a severe disability'. A card is issued by the Taxi Services Commission which pays for, or pays a portion of, a single trip taxi fare.

The multipurpose taxi program website also helpfully explains the criteria for eligibility: you must be a permanent resident of Australia and live in Victoria; you must have a severe and permanent disability that your doctor says is not likely to improve with treatment; and you must be unable to use public transport safely and independently. In addition to these basic criteria, you must have either a pensioner concession card, such as an age pension or disability support pension card, or a card issued by the federal Department of Veterans' Affairs, or, in the absence of these cards, show financial hardship.

I have recently been approached by a constituent who on my reading appears to be eligible on the basis of both disability and financial hardship for a multipurpose taxi card but has, on application, been rejected by the Taxi Services Commission for the reason that he does not meet the financial criteria. The constituent, who is in his mid-80s, is legally blind. He is a permanent resident of Australia, lives in Victoria and has a severe and permanent disability as assessed by his doctor. Furthermore, he is unable to use public transport safely and independently. He is a disability support pensioner.

As I understand it, the financial component of the assessment is based on the Centrelink criteria and definition of low-income earner, and if an applicant has a Centrelink or Department of Veterans' Affairs card, further financial information is not required. Being on a disability support pension, my constituent was not required to put in any further financial information, and this was on advice from Vision Australia. However, after putting in an application, he was asked by the Taxi Services Commission to provide further financial information which was detailed and exhaustive. When he did so, he was then sent a letter rejecting his application on the grounds that he did not meet the financial criteria.

It is unclear as to why he was asked for further financial information when as a pensioner he is supposed to meet the criteria. The joint income of my constituent, who is married, apparently meets one of the financial thresholds. I am happy to provide the minister with all my constituent's details and relevant information, and I request that the minister investigate this matter with a view to having my constituent's application reassessed so that he is granted a multipurpose taxi card.

Responses

Mrs POWELL (Minister for Local Government) — The member for Mildura has invited me to visit Mildura and Robinvale to meet with the Mildura Rural City Council, as well as with leaders of his Aboriginal community. I would be really pleased to again visit with the member for Mildura. I congratulate the member for Mildura for his great representations with his broader community and, just as importantly, with his Aboriginal community. I have visited the Mallee District Aboriginal Service before, and it has a really great CEO in Rudy Kirby. I visited, as the member said, when the health facility was under construction, and I look forward to seeing it now that it has been completed and is in business.

The member for Mildura raised the concerning issue of the drug ice. This is a challenging issue that is in our community at the moment. I know that the member talked about the Aboriginal community, but it is an issue that goes right across the community. I know he has been spoken to about the broader community as well as the Aboriginal community.

The impact of ice has been raised with me a number of times by respected Aboriginal elders and also at a justice forum which was convened by the government. I congratulate the Minister for Community Services, who acted swiftly to establish a parliamentary inquiry into the supply and use of methamphetamines, particularly ice, in Victoria. The terms of reference are fairly broad, but in part they state that the inquiry will:

> … consider best practice strategies to address methamphetamine use and associated crime, including regulatory, law enforcement, education and treatment responses …

We as the Victorian government are doing as much as we can. We have a Koori alcohol action plan 2010–2020. We have a number of actions, including the placement of alcohol and drug nurses in three of Victoria's largest regional Aboriginal communities, and that includes Mildura. We are doing what we can to stop this scourge of ice. I will work with the member for Mildura. I will go to Mildura and to Robinvale and work with the Aboriginal community to see how we can assist them in whichever way we can.

Mr MULDER (Minister for Public Transport) — The member for Macedon raised an issue with me in relation to Gisbus, which is the Gisborne bus network. The trial of Gisbus's demand-responsive public transport network was reviewed in 2011 and, due to its success, replaced with a permanent new fixed route and a flexible demand-responsive service, which commenced on 28 January. The new route 473 service runs to a set timetable, ensuring train connections are made during peak times. The previous fully demand-responsive service made predicting travel times difficult and therefore meeting the train was a real issue. That was borne out in a survey of people who were travelling on that network.

The new demand-responsive zone, route 474, has been expanded to provide access to the Peavey Road-Monaghan Road area for the first time and will continue to provide connections to trains at Gisborne station. Routes 473 and 474 extend twice each morning and once each afternoon from Bullengarook to the Gisborne train station. Demand did not warrant an extension of every service.

In addition to the fixed and demand-responsive network, there are two school-town specials servicing New Gisborne Primary School and Holy Cross Primary School. The service drops students in a roaming area or at Twin Oaks Child Care Centre after-school care and is prebooked with the bus operator. Public Transport Victoria (PTV) has installed 23 new bus stops compliant with the Disability Discrimination Act 1992, providing new visible signage and better customer information.

The school-town specials were not included in the initial service specification due to an oversight. The bus operator did not advise PTV that the school special was missing from the service specification. As a consequence, the initial marketing of the service did not include these school-town specials; hence the feedback received by PTV from local families and the media. PTV has confirmed with the operator that the services are in place and parents have been advised to contact the operator directly to book seats, as per previous practice. The PTV customer service area has been provided with the relevant information on the school-town services in order to respond to parents' inquiries on this matter.

The other issue that was raised with me was raised by the member for Carrum. The member for Carrum raised a matter in relation to actions to improve safety at the intersection of Wedge Road and Dandenong-Frankston Road in Carrum Downs. I congratulate the member for her hard work on this particular project. She ensured that she had me out there to have a look at the project with her. We had the regional manager for VicRoads out there. We both had an opportunity to examine the plans and to look at the options for that particular location and the impact of putting a roundabout there compared to traffic signals. We are doing further work on that location to see if we can come up with the best possible outcome for safety at Wedge Road and Dandenong-Frankston Road in Carrum Downs.

There have been 18 casualty crashes at the intersection in the past five years. It is a very complex site, with telecommunications pits needing relocation, overhead power, sewer lines and also some signage on a nearby fence that will need to be dealt with in terms of this project. The member for Carrum and the Frankston City Council have been advocating for improvements at this intersection. We had a great record with our road toll last year and we want to continue to drive that down. We are putting a lot of money in through the Safer Roads Infrastructure Program. This is one project that really warrants strong consideration because of the very hard work put into it by the member for Carrum.

The member for Kew raised an issue with me in relation to one of his constituents who was deemed ineligible for the multipurpose taxi program and requested a further review by the Taxi Services Commission. The coalition allocated $58.4 million for this program in the 2013–14 financial year. It is administered by the taxi services commissioners, and the commissioners are Graeme Samuel, Merran Kelsall and Douglas Shirrefs. There are more than 167 000 multipurpose taxi program members across the state of Victoria. Last year 4.4 million trips were taken, of which approximately 885 000 were by wheelchair users travelling in wheelchair accessible taxis, commonly known as WATs.

The program provides subsidised taxi travel to people with severe and permanent disabilities of up to $60 per trip, with an annual cap of $2180, and helps to promote independent travel. There are checks and balances to ensure that only eligible people can access the program, including verifying the applicant has a severe and permanent disability, checking the credentials of the applicant's medical practitioner, verifying the applicant is an Australian resident living in Victoria, checking the applicant holds a Centrelink or Department of Veterans' Affairs pension card, and ensuring the applicant has financial hardship.

Applicants who are assessed as ineligible for the program are invited to contact the Taxi Services Commission for further information, the contact details for which are included in the letter. The commission has an internal review process for applications whereby the review is carried out by someone other than the original assessor. I ask the member for Kew to provide the details of the applicant to my office. I will pass these details on to the Taxi Services Commission and ensure that an internal review is carried out on this matter for the member for Kew and his constituent. I thank him for raising the matter with me.

Ms ASHER (Minister for Innovation, Services and Small Business) — The member for Mordialloc raised with me the issue of funding for marketing of the annual Melbourne International Flower and Garden Show, which will be held this year from 26 to 30 March. She made specific reference to the fact that there are two businesses in her electorate — Phillip Withers Landscape Design and Gardenworld — which won Bronze Show Garden awards at the 2013 show. The member for Mordialloc has a very strong understanding of the importance of shows such as this, not only from the tourism perspective but also from the small business perspective. This event has the capacity to generate significant follow-up business, and she is

particularly interested in those businesses in her electorate.

I am delighted to advise the member for Mordialloc that the government, through Tourism Victoria's events program, has allocated $20 000 to help promote this year's event. The Melbourne International Flower and Garden Show is the largest of its kind in the Southern Hemisphere, and as the member indicated, it raises the profile of Melbourne as a centre of horticulture. Horticulture is a very important industry in which we have many strengths, as you, Speaker, would be aware. The funding will be directed to advertising for the flower and garden show in intrastate and interstate radio and print mediums such as newspapers and national magazines. As the member said, the event is also featured on Channel 7 in a *Better Homes and Gardens* special, a significant national broadcast. I thank the member for her continued advocacy for the economic benefits of tourism and for small business in her electorate.

The member for Pascoe Vale raised a matter for the Minister for Ageing requesting that he attend to correspondence relating to Cyril Jewell House, a nursing home in her electorate. I will refer the matter to the minister.

The member for Broadmeadows raised a matter for the Premier in relation to a package of assistance for Ford workers. I will refer the matter to the Premier.

The member for Narre Warren North raised a matter for the Minister for Police and Emergency Services in relation to a wages bill for protestors at a drill hole. I note that the member for Narre Warren North is not in the chamber, but he would do well to read the press releases already issued by the Minister for Police and Emergency Services in relation to the horrific cost to taxpayers because of those demonstrators.

The member for Seymour raised a matter for the Minister for Health and Minister for Ageing seeking his assistance for residents in the Kinglake Ranges region to establish a cemetery. I will refer that matter to the Minister for Health and Minister for Ageing.

The member for Yan Yean raised a matter for the Minister for Education and requested that he review departmental guidelines for the allocation of school buses. I will refer that matter to the Minister for Education.

The SPEAKER — Order! The house is adjourned until the next day of sitting.

House adjourned 4.55 p.m. until Tuesday, 18 February.