PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 1 September 2011

(Extract from book 12)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedures Committee — The President, Mr Dalla-Riva, Mr D. M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, *Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

** Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

 # Participating member

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

Economic Development and Infrastructure Committee — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

Education and Training Committee — (*Council*): Mr Elasmar and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

Electoral Matters Committee — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

Environment and Natural Resources Committee — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

Family and Community Development Committee — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

Law Reform Committee — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

Public Accounts and Estimates Committee — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

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Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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THURSDAY, 1 SEPTEMBER 2011

Thursday, 1 September 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.32 a.m. and read the prayer.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Environment effects statement process in Victoria

Mr KOCH (Western Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr KOCH (Western Victoria) — I move:

That the Council take note of the report.

In doing so, as chairman of the Environment and Natural Resources Committee I rise to speak on the inquiry into the environment effects statements process in Victoria. While it is widely recognised that the Environment Effects Acts 1978 and associated framework requires substantial reform, very few changes have been made over the last 30 years to the legislation and the process.

It should be noted that very few environment effects statements have been undertaken in Victoria over recent years. Although the committee received the reference on the environment effects statement (EES) process in Victoria in the 56th Parliament, the inquiry was completed in the 57th Parliament. The reference reflects the general consensus across the political spectrum that the EES process in Victoria required review and reform. The reference principally sought to report on four key points, being:

> to note any weakness in the current system including poor environmental outcomes, excessive costs and unnecessary delays encountered through the process and its mechanisms;
>
> community and industry consultation;
>
> the independence of environmental effects examination when government is the proponent; and
>
> how better environmental outcomes can be achieved more quickly reflecting predictability and with a reduction in unnecessary costs.

The committee received 58 submissions from various agencies and community stakeholders and undertook hearings that allowed many organisations and individuals to participate in making verbal contributions.

As Victoria's legislation, particularly that relating to the Environment Protection Authority, does not align with other states, the committee took the option to travel to Western Australia to take evidence, as that state is recognised as having an environmental impact assessment process that evaluates potential impacts on the biophysical environment. However, unlike Victoria, the Western Australian agency is not a regulatory body and is limited in that it does not evaluate potential social and economic elements of a project.

Consequently the committee has recommended the environmental impact assessment process remain in the Victorian planning portfolio and be administered by the Department of Planning and Community Development but that statutory time frames of between 10 and 50 days be amended to key stages of the process. Importantly, we will retain mandatory opportunities for public participation in the environmental impact assessment process.

The public hearing contributions were valuable, as much information was collected and considered by the committee when making its final recommendations for this report that is being tabled here today.

The committee believes implementation of the 50 recommendations in this report will substantially improve the transparency and rigour of Victoria's process and go a long way to addressing the concerns of industry and the community.

I extend my thanks and appreciation to the new members of the committee for rapidly familiarising themselves with the complex EES process and related matters inherited from the previous Parliament. I also acknowledge the excellent work of the committee secretariat in its assistance to new members in the transition between the 56th and 57th parliaments so that this reference could be completed within the extended time frame allowed.

My thanks especially to Dr Caroline Williams for her work as the committee's executive officer; Ms Kristin Richardson, our research officer; and Ms Karen Taylor, office manager, for their ongoing support in and dedication to the production of this final report.

In closing, as this is the last reference that Dr Williams will be managing with the Environment and Natural Resources Committee, the committee wishes her well in her new appointment at the Victorian Auditor-General's Office. Caroline's knowledge and experience in all things environmental is well

recognised, especially by those who have had the opportunity of working closely with her over the last 10 years across various Parliaments. I commend the report to the Parliament.

Motion agreed to.

PAPERS

Laid on table by Acting Clerk:

Alfred Health — Report, 2010–11.

Ambulance Victoria — Report, 2010–11.

Disability Services Commissioner — Report, 2010–11.

Gambling Regulation Act 2003 — Report of the Review Panel to the Minister in relation to Invitations to Apply for the grant of a Wagering and Betting Licence, September 2011.

Health Services Commissioner — Report, 2010–11.

Justice Department — Report, 2010–11.

Office of Police Integrity — Report on Enabling a flexible workforce for policing in Victoria, September 2011.

Ombudsman — Report on SafeStreets Documents — Investigation into Victoria Police's handling of a Freedom of Information Request, September 2011.

Port of Melbourne Corporation — Report, 2010–11.

Premier and Cabinet Department — Report, 2010–11.

Victorian Government Purchasing Board — Report, 2010–11.

MEMBERS STATEMENTS

Wimmera: branding campaign

Ms PULFORD (Western Victoria) — I was pleased to be in Horsham on Friday, 26 August, for the launch of the region's new branding campaign, 'The Wimmera — Everything you need'. At the heart of the new campaign is the new Wimmera website, www.thewimmera.com.au. The website brings together everything you need to invest in work in the Wimmera, visit the Wimmera or find a job in the Wimmera. I would like to congratulate the Wimmera Development Association on putting this campaign together, and I pay particular tribute to the leadership shown by the Wimmera Development Association chair, Cr Rob Gersch, and the executive director, Ms Jo Bourke.

At the launch it was fabulous to see so much community support from across the region, with many of the groups, businesses, local government organisations and local community service providers that make up the Wimmera region in attendance. I encourage members of the community to get behind this campaign and use it to their own advantage as well as the region's advantage. The launch of the campaign was the culmination of many years of hard work. The campaign is designed in particular to deal with some of the challenges the Wimmera has faced through drought, fire and flood in recent years. The package was put together by Horsham-based public relations consultant Bronwen Clark from Bronwen Clark Public Relations.

It was fantastic to be at the launch. I commend all involved, including the local member in the Assembly, the minister for Sport and Recreation, Hugh Delahunty, who performed one of the better political stunts I have seen by wiggling his bottom with the Wimmera sticker on it — 'The Wimmera — everything you need'!

Housing: Shepparton

Hon. W. A. LOVELL (Minister for Housing) — Last Friday I had the pleasure of officially opening the new Alexander Miller homes in Shepparton. I was joined by my colleague the member for Shepparton, Jeanette Powell, to tour the wonderful development and meet some of the residents. We were both impressed with the new buildings that had been delivered through a partnership between Wintringham Housing, the Trustees of the Alexander Miller Estate and the state and federal governments.

Wintringham is a fantastic housing association that offers older people on low incomes a spacious, modern home to call their own. I was particularly proud to open the development as I have had a long-term connection to Miller homes in Shepparton through my time over the years delivering newspapers to residents and working with Meals on Wheels. I remember only too well the picturesque but small and cramped original red brick cottages. In contrast the new homes provide bright, roomy new living spaces for the tenants and their pets, including Tiny the puppy, who led a few people on a bit of a wild goose chase during the official opening.

In recognising the past and the heritage of Alexander Miller, this development keeps several of the beautiful original buildings as offices and as a community centre where the residents can get together. I would like to congratulate Bryan Lipmann, the CEO of Wintringham Housing, and his team on delivering yet another outstanding housing development for older people. I would also like to thank Brian Dodgshun and Pam McGee for showing us through their new homes. I wish them and their fellow residents well for the future.

Sea Lake: men's shed

Ms DARVENIZA (Northern Victoria) — I was very pleased to visit and meet with members of the Sea Lake men's shed last Wednesday. They have new premises and have worked very hard to get their new shed up and running. In June 2011 they took over a former Department of Primary Industries building, and they have converted it into their new men's shed. The committee president, Mr John Ham, said the shed has 13 financial members and that on average 8 men attend the shed each Monday and Thursday when it is open. These facilities are available to a wide range of groups, and the members are very pleased with their new facilities.

We know that men's sheds provide a relaxed and low-key environment for men where they can socialise, learn new skills and get involved in the local community. We also know that men's sheds are involved in linking men in an informal way to important information services relating to a range of health and wellbeing issues, which, as we know, men do not often actively seek out.

I want to congratulate the Sea Lake Men's Shed on its fantastic new facility and great program.

Sea Lake Historical Society: grant

Ms DARVENIZA — On another matter, whilst I was in Sea Lake, I was very pleased to meet with Mr Keva Lloyd to congratulate him and the Sea Lake Historical Society on receiving a local history grant. The society will digitise 33 rolls of black-and-white film that capture much of the history of the rural Mallee community. I had the opportunity to have a look at some of these photos. It is great to preserve the history of this region.

Legislative Council: late sittings

Ms HARTLAND (Western Metropolitan) — As all members are aware, on Wednesday morning this week this Parliament did not finish until 4.35 a.m. When the motion came at 10.00 p.m. on Tuesday night to extend the sitting, the Greens spoke against it, as we will always do. I do not say this only for the sake of the staff, but I do not see the point in keeping so many staff at work for so long. Sue Pennicuik, who was our lead speaker on the Justice Legislation Amendment (Protective Services Officers) Bill 2011, was ill and had to go home. This did not seem to matter at all to the government. I am not quite sure why the government has chosen to behave in this way. Is it a bit of, 'We won the election, and you will do whatever we say you have to'? I do not think that is the way to run a Parliament. It is not respectful of the staff, the Parliament or what we are trying to do here.

I also find it quite interesting that we now understand it costs about $25 000 every time we have one of these late sittings. In this last year that amounts to a considerable amount of money, yet this government has decided that it will not fund and has not funded the upper house committees properly. It would be a much more logical use of that money to spend it on the upper house committees rather than on these late sittings. I also re-emphasise the question of why we are making staff work till 4.30 a.m. for no particular reason. I think we will struggle today to last until 4.30 p.m. with the number of bills we have. We could have easily brought that bill back and finished it today.

Western Victoria Region: community facilities

Mr O'BRIEN (Western Victoria) — Last week I had the pleasure of opening community facilities at three small towns in my electorate of Western Victoria Region on behalf of the Deputy Premier, Peter Ryan. Community facilities in Ross Creek, Haddon and Linton have all been upgraded to continue to provide a place for social activities and meetings within these communities. For example, the Ross Creek reserve is used by both sporting groups and the local primary school. In Haddon and Linton there were previously no community halls, and redevelopments at the stadiums in both places have enabled them to be used as community halls.

Providing facilities such as these attracts families and community groups and in turn makes these smaller communities more attractive places to live. Out-of-town visitation can also provide flow-on economic benefits. Our government is proud to contribute in this way to providing a better quality of life for regional Victorians. The Victorian government contributed a total of $280 000 to the upgrades, which were also partly funded by the Golden Plains Shire Council.

I would like to take this opportunity to recognise the efforts of the Golden Plains Shire Council. The shire includes rapidly growing areas such as Bannockburn and Inverleigh, and this presents challenges in terms of providing the necessary infrastructure. I am pleased to say that our government is working productively with the Golden Plains Shire Council to address these needs. I commend the council's CEO, Rod Nicholls, the mayor, Geraldine Frantz, the manager of executive projects, David Spear, and their teams on their proactive approach to meeting the needs of their ratepayers.

Patrick Trigger

Mr O'BRIEN — On a personal note, I would like to send my best wishes to Patrick Gerald Trigger, or Paddy Trigger, who is suffering from cancer. He and his brother, Jim, were my father's childhood friends. He remained our shearer for many years, and he is in the fight of his life.

Philip Lynch

Ms TIERNEY (Western Victoria) — I take this opportunity to congratulate Philip Lynch, who recently received a Victorian Teachers Credit Union award for outstanding results in his bachelor of education. Mr Lynch began his tertiary education at the University of Ballarat, where he received outstanding results in his first year, and was subsequently awarded a scholarship by the former federal Minister for Education, Julia Gillard, for his tuition fees for the next three years.

Philip opted to move back to Hamilton to be close to home and help his father care for Philip's mother, who was ill. He then enrolled to complete the remaining three years of his course at Deakin University, Warrnambool. Although Philip was required to travel approximately 90 minutes to and from university, he did not miss a single lecture or tutorial throughout his entire degree.

On 9 August Philip was named dux of the 2011 class in the bachelor of education degree at Deakin University, Warrnambool — an absolutely outstanding achievement. Lecturers spoke not only of Philip's outstanding results as a student but also of Philip as a person. He is a very humble person with a great personality and the ability to work with, encourage and inspire others — qualities that will serve him and his future students very well in the future.

Under stressful circumstances and whilst studying to complete his degree Philip also worked two part-time jobs in Hamilton to help support his family. I again congratulate Mr Lynch on an outstanding achievement and wish him well for the future.

Carbon tax: economic impact

Mr FINN (Western Metropolitan) — Those who read the local newspapers throughout Melbourne's west will be acutely aware that I have not exactly been silent on the subject of Labor's carbon tax. In fact I have been very loud about the dangers that this big new tax on everything poses to businesses, jobs and families in the western suburbs, so much so that Prime Minister Gillard, who said there would be no carbon tax, was forced to admonish me by describing yours truly as 'Tony Abbott's puppet'. I was of course devastated by such a verbal mauling.

What really distresses me is the refusal of local Labor luminaries to stand up for their communities against the approaching economic and social disaster that is the carbon tax. I recently wrote to the mayors of all municipalities in the west, asking them to join me in a new organisation called West Against Carbon Tax, or WACT for short. I knew most of them were Labor Party members but it did not stop me from hoping that they would put the interests of local residents ahead of their political allegiances. Sadly my hopes were dashed. Labor mayors put preferment, patronage and preselection way ahead of the working families they profess to care so much about at election time.

Labor has again shown it does not give a damn about the west of Melbourne or the people who live there. Labor's neglect of the western suburbs is legendary, but for its members to introduce a tax that will cause so much pain to so many is obscene. Once again Labor is taking the west of Melbourne for granted, just as it has done for generations. Labor has no shame.

National Literacy and Numeracy Week

Mr TARLAMIS (South Eastern Metropolitan) — I rise to speak about National Literacy and Numeracy Week, which runs from 29 August until 4 September with the theme Fundamentals are Fun. There are fundamental skills that are crucial for success: being able to read, write and count are core skills on which success is founded. According to the National Workforce Literacy Project report, which was released in May 2010 by the Australian Industry Group and was based on a survey of 338 companies comprising 56 000 employees and round table discussions with another 58 employers; 75 per cent of respondents reported that their businesses were affected by low levels of literacy and numeracy.

National Literacy and Numeracy Week highlights the need to improve literacy and numeracy levels and provides a chance for schools to recognise and celebrate the achievements of students and the work of teachers, parents and members of the community who support young people to develop stronger literacy and numeracy skills. It is imperative that we strengthen and build on the language, literacy and numeracy skills of all children and students and prepare them for lifelong learning.

Springvale: night market

Mr TARLAMIS — I also rise to congratulate the City of Greater Dandenong and the Springvale Asian Business Association on their most recent joint initiative — the full moon night market. SABA was set up in Springvale in 1989 to assist businesses and promote the Springvale central activities district. The market will be held on the second Saturday of the month following the official launch on 10 September and will be a celebration of Springvale's food and cultural diversity with many stalls, including food stalls, arts and crafts and fashion, spread throughout Buckingham Avenue between Windsor and Balmoral avenues between 3.00 p.m. and 10.00 p.m. This initiative will attract new shoppers and provide them with an opportunity to experience the cultural diversity of Springvale. I once again congratulate all those involved with this initiative and wish them every success.

Firewood: collection permits

Mr P. DAVIS (Eastern Victoria) — I rise to make a comment on a very positive initiative by the Baillieu government to reduce the amount of red tape and the regulatory burden, particularly on country people. I know Mr Lenders will be supportive of this as he was a great one for making references to the Victorian Competition and Efficiency Commission.

Mr Lenders will be enthusiastic about the fact that the Minister for Environment and Climate Change has revoked the need for people who depend on firewood to obtain a permit for that firewood. That was an election policy commitment made in November 2010, and I am pleased to say that that policy has now been implemented. The consequence is that the representations I recall making to the former minister for the environment, Mr Jennings, about the difficulty of obtaining access to firewood because of restrictions in obtaining permits is no longer a problem.

What is interesting is that I made those representations to the former minister over an extended period. As we know, the ALP like regulations and taxes, and the firewood permits are another form of tax — just as Mr Finn referred to the rollout of a carbon tax — so that is a difference between the Liberal and Labor parties.

Legislative Council: meal breaks

Mr LENDERS (Southern Metropolitan) — Last night during the dinner break, along with Leader of the Opposition in the other place, Daniel Andrews, Martin Pakula and Jaala Pulford from this place, other state Labor MPs and I, as well as a number of other people, went to Max Brenner in South Melbourne to enjoy a chocolate during the dinner break and to show our solidarity with a business that is dealing with a boycott.

We were there with 100 young Labor people. It was a fantastic time. The hot, spicy, Mexican chocolate was good, but the thing that almost knocked off the visit that provided an opportunity for these Labor MPs to show solidarity was an aborted effort to adjourn this house during the dinner break. If this house had adjourned during the dinner break without consultation, not only would staff, who had worked until after 4.00 a.m. that morning, have missed out on their dinner break, but also this effort to show solidarity with the Jewish community would have been punctured.

It was great to be there, great to show solidarity, but the point I make in this 90-second statement is that when unpredictable, random cancellations of dinner breaks happen without consultation not only do staff miss out on a break before working again at night, but legitimate electorate functions that members of Parliament want to organise during the dinner break also get trampled on. The break was great. I urge everybody to go to Max Brenner to show solidarity. John Searle and Danny Lamm from the community were there enjoying the hot chocolate with us. It was a great time, but it almost got knocked off by a random act to destroy a dinner break.

Member for Lyndhurst: comments

Mrs PEULICH (South Eastern Metropolitan) — The performance of government and its ministers, policy failures and implementation and issues of accountability and transparency are all matters very important to political and public discourse as well as to the functioning of our parliamentary democracy. That is why it is so important to make sure that when members engage in debate the information we use is accurate and tells the full story. The higher the position one occupies the more important it is to get the information right.

That is why I was so appalled when Tim Holding, the member for Lyndhurst in the Assembly, former minister of the Crown and the current shadow Treasurer, during a media conference on 12 August 2010, as a minister, made a statement that Wendy Lovell, the current Minister for Housing, had failed to disclose to the Parliament her ownership of Westpac shares and that she needed to explain how it was that she was complying with the Members of Parliament (Register of Interests) Act 1978 at that time. He issued a statement on Friday, 19 August 2011, in which he says:

> In saying what I did about Ms Lovell I was mistaken. Ms Lovell does not own, and has not at any relevant time

> owned any Westpac shares. The mistake, for which I accept full responsibility, was made when checking the relevant, publicly available share register. I am not aware of any basis upon which it could be said that Ms Lovell has not fully complied with her obligations under the act.
>
> I withdraw the statement that I made about Ms Lovell and apologise to her and her family for any damage my statement may have caused them.

That was one year later. I think it is deplorable, but it is good that at least he issued that statement.

Planning: Attwood green wedge

Mr TEE (Eastern Metropolitan) — Recently I visited about 100 residents who live out at Attwood, near green wedge land, which is being proposed for not only development but major commercial development, involving a number of factories, including the requirement for major truck routes. These 100 members of the community, these families, were very concerned about the noise, the pollution and the risks to their children of living near the industrial site that is being proposed for the area.

They were demanding answers on the impact that that would have on their lifestyle, their community and the way of life of those families. They have doorknocked in their area to raise the community's concern about what is being proposed in their green wedge, and they have signed a petition which was given to me and local MP Liz Beattie, the member for Yuroke in the Assembly. The petition has some 800 signatories who are local people concerned about the devastation to their way of life that is being proposed by this government, in particular the Minister for Planning, who has done so without any consultation or engagement with the local community. He is simply imposing an industrial development on their backyard.

LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011

Second reading

Debate resumed from 18 August; motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the debate on the Local Government Amendment (Electoral Matters) Bill 2011, and in doing so I indicate that the opposition does not oppose the bill. It makes what can be described as procedural amendments and therefore really does not warrant taking up too much of the time of this chamber. The bill amends the Local Government Act 1989 to bring forward the date of local government general elections from the last Saturday in November to the fourth Saturday in October. In doing so there is also a capacity for the Governor in Council, obviously on the recommendation of the minister, to change the election day for one or more councils to a different Saturday as close as possible to that election day in the event of an extraordinary local circumstance, so as well as bringing forward the election date the bill provides a degree of flexibility in case there are exceptional local circumstances. The bill also makes consequential amendments to shorten the period within which candidates are required to lodge campaign donation returns with the chief executive of the council following an election, and this will avoid a clash of the deadlines with Christmas Day. That covers the major areas of the bill.

The other element is to make the City of Melbourne subject to regular, independent electoral representation reviews, which will bring the City of Melbourne into line with all other Victorian councils. This will require an amendment to the City of Melbourne Act 2001. The opposition supports the independent review of electoral representation in the City of Melbourne which the Victorian Electoral Commission (VEC) is currently undertaking. We support that. We look forward to the review's completion and the debate that will follow. We would hope and request — and seek, I suppose — that the government give a commitment that the recommendations of the VEC review of Melbourne will be implemented in time for the next council elections in October 2012.

Hon. D. M. Davis interjected.

Mr TEE — The Leader of the Government says 'sight unseen'.

Hon. D. M. Davis interjected.

Mr TEE — No, what we are saying is, 'You will get the report. Can you implement your response to that report prior to the — —

Hon. D. M. Davis interjected.

Mr TEE — That is right, but we are not disputing that. We are not pre-empting the outcome; we are not asking you to pre-empt the outcome. What we are saying is that you have a date for the election and it is important that your response to the review is implemented prior to that election. It seems a very sensible proposal that we are putting forward in that regard.

The third aspect of the bill is to amend the Local Government (Brimbank City Council) Act 2009 to move the election for that council to the fourth Saturday in October in line with the other councils. The bill, as I said, is reasonably simple in that regard, and we on this side do not oppose it.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill. It contains a number of worthwhile measures. First of all, it corrects a historical anomaly in relation to councils having regular reviews of their voting and representational systems. When Labor first introduced representation reviews it specifically excluded Melbourne City Council from that process, and I applaud the government for picking up a measure that has been advocated by the community of the municipality of Melbourne — that is, to bring the City of Melbourne under the same process of review as all other councils. No doubt there will be good community debate when that review commences. The Greens are strong fans of proportional representation in voting systems for local councils.

Mr Finn interjected.

Mr BARBER — It means you get seats, Mr Finn, according to your proportions.

Mr Finn — It means more Greens will be elected; that's what it means.

Mr BARBER — In the western suburbs it means more Liberals get elected, despite their scant numbers out that way. We can all agree — —

Mr Finn — One hundred and twenty-four thousand is nothing to sneeze at.

Mr BARBER — What does that add up to in percentage terms?

Mr Finn — About 30 per cent.

Mr BARBER — About 30 per cent. I would be pretty confident that if I sat down and did the numbers, I would find that the Liberals have about 30 per cent of the seats in Western Metropolitan Region. In fact they have two out of five, so they have been rounded up slightly from 33.33 per cent to around 40 per cent of the seats.

Mr Finn interjected.

Mr BARBER — They have about 40 per cent of the seats in the western suburbs upper house region despite having only one-third of the vote, so they have done rather well out of proportional representation, I would say.

Honourable members interjecting.

Mr BARBER — If not for proportional representation Mr Elsbury would not even be here. We can only contemplate what a great loss to the Parliament it would be if Mr Elsbury were not here!

Mr Finn — My word it would be.

Mr BARBER — So there you go; we are in total agreement for once, you and I, Mr Finn. Proportional representation is the way to go when it comes to electoral systems. I am sure Mr Finn will be advocating that local governments in his region adopt that system. It is currently the voting system in Brimbank and in Moonee Valley in Mr Finn's area, but not in Hume, Wyndham, Maribyrnong or Hobsons Bay. No doubt Mr Finn will be able to join with me in calling, as a general principle, for proportional representation at all levels of government so that the Greens and the Liberal Party and all the other parties and forces in the western suburbs that might not be in a majority in what has traditionally been a Labor-voting area can nevertheless be represented on the various bodies. That is what we are talking about — proportional representation: representation proportional to the will of the people. We hope proportional representation continues as the voting system in the City of Melbourne, but that will be the subject of the review.

The bill also makes provision for a change of date for election periods for local government. I understand the rationale for this is that newly elected councillors will not be immediately forced into that part of the budget cycle that is most crucial for councils. Particularly as a new councillor hoping to craft a new budget and perhaps a new direction for your council it is very difficult, I can tell you, to get elected just before Christmas and to have to have that budget more or less finalised by May.

If I go back to my time as a local councillor, I recall that in my case I needed to not only achieve that feat but also pull the City of Yarra out of the state of almost complete financial collapse the one-party government of the Labor Party had left it in prior to 2002. I remember the amount of stress that put us under and the loss of sleep I had for the almost six months during which we tried to stem the bleeding of cash flow and construct a budget and achieve our political objectives — our promises to the people. It is going to be a good thing to give new councillors a couple of

extra months to get around the financial cycle after they are elected.

Some toughening up of the disclosure requirements for elected councillors in relation to moneys and gifts they may have received prior to being a councillor is important. I gather there has been some slackness in the return of those certificates, so moving it out a little from the Christmas period and shortening it is probably a good way to focus people's attention.

The other thing I have to congratulate the government on is the measure in this bill to return democracy to Brimbank. When the Labor and Liberal parties got together and sacked Brimbank City Council, the Greens moved an amendment calling for an early return to elections. An election could have occurred on the same day as the state election last year; however, the Labor and Liberal parties chose to leave Brimbank without a democratically elected government for a couple more years. It will be gratifying for the community to see a particular date put into legislation so that it can be confident and take the government at its word — I have absolutely no doubt that the government would not be planning any further shenanigans in this area — that the date in this legislation will be the date on which Brimbank will return to democracy.

Members may be interested to know that I recently ran into George Seitz at a community dinner. Some members will remember that it was George Seitz who was the whistleblower, while also being an MP — —

Mr Finn interjected.

Mr BARBER — Mr Finn would like to know whether I am supporting George Seitz for mayor. I will come back to that in a moment. As I said, I ran into George Seitz at a dinner the other night. George Seitz was the Labor MP who became a whistleblower against his own party. He put aside his party position to talk about matters that ultimately led to a couple of inquiries: one by the Ombudsman and one by a municipal inspector. Those inquiries did not lead to anybody ever been charged with anything. That, I imagine, given the amount of colour and motion the inquiries generated, may be seen by some members of this place as a bit of a gap and a bit of a failing in some ways in that there could be all those inquiries and the sacking of the Brimbank council, which was a new council, not involving most of the people mentioned in the Ombudsman's report, including an extremely diligent Greens councillor, herself a whistleblower, Geraldine Brooks.

Hon. D. M. Davis interjected.

Mr BARBER — That is a testimonial from Mr Davis for Cr Geraldine Brooks, the Greens councillor-in-exile on Brimbank council. If Mr Seitz is running for council again, as he confirms he is, he will have many testimonials, no doubt from all sides of politics, that he will be able to put on his election leaflet. In fact in this very place Mrs Peulich, a member for South Eastern Metropolitan Region, described him as:

> … the very courageous George Seitz, the member for Keilor in the other place.
>
> … who brought about, hopefully in the long term, many far-reaching reforms …

If he can elicit words like that from a member of the Liberal Party, and if he is also capable of eliciting words like that from members of the Labor Party, I would say his chances of being elected to Brimbank council are extremely good. The Greens will not be providing any testimonials for Mr Seitz — we will have our own candidates running — but he will certainly be able to put himself forward as a candidate with strong cross-party support. He has had glowing recommendations in this place from Mrs Peulich, from Mrs Kronberg, a member for Eastern Metropolitan Region, and even from Mr Guy, the Minister for Planning. It will be handy for Mr Seitz to have Mr Guy on his side, because he will have a good working relationship with the Minister for Planning of the day, should he win, which is speculative.

No doubt Mr Seitz will be ambitious. He may very well put himself up for mayor. If he becomes mayor — and we are getting very speculative here — there is no doubt that Mr Guy and Mr Seitz will have a good working relationship, because in the past Mr Guy has had a lot to say about Mr Seitz as a man of integrity. That is looking good at least — —

Mr Finn — Will the Greens support George Seitz as mayor? Yes or no? Will you support him for mayor?

Mr BARBER — Far be it from me to get involved at the local government level. Mr Finn seems to be suggesting that the Greens MPs would exert improper influence over our councillors in the selection of mayor. That is how we got into this mess at Brimbank in the first place: it was the Labor Party fighting over the spoils of the mayoralty. Mr Finn needs to go back and read the Ombudsman's report into the Brimbank affair.

Mr Finn — It's imprinted on my forehead.

Mr BARBER — It is imprinted on Mr Finn's forehead, along with a number of other things. There you have it.

We will soon see democracy returned to Brimbank, which the citizens of Brimbank are eagerly awaiting. That is a quite serious business. Mr Finn might come in here and have a bit of fun with his view of the Labor Party. It is true that the citizens of Brimbank became political footballs for a rather unsavoury matter involving the Labor Party. When the Labor and Liberal parties joined together in this place to sack the council and not restore it for a number of years the citizens of Brimbank missed out on having what everyone else takes the granted: a locally elected council that they could go to about addressing issues of day-to-day importance that often had a great impact on their daily lives. It could be maternal and child health centres. It could be local parks. It could be local planning. It could be a school crossing. These are the things that are very important in the daily lives of our citizens, and they are what make local governments so important. That is why it is a great hole in our democratic fabric when there is no local council in place.

As I said at the beginning, it is a good move by the government, through this bill, to reinstate democracy in Brimbank. We will hold the government to the commitment that it has made here. Apart from that small number of matters I have mentioned, this is an otherwise rather uncontroversial bill, and the Greens will support it. We will have one or two questions for the minister at the table when it comes to the committee stage of the bill.

Mrs PEULICH (South Eastern Metropolitan) — I would like to make a few remarks on the Local Government Amendment (Electoral Matters) Bill 2011. As the house knows, this particular area is a passion of mine because I believe in the importance of local government as the level that is closest to the community. I also welcome the opposition not opposing and the Greens supporting the legislation. I endorse most of Mr Barber's comments.

I think it is very important when it comes to local government to have clear rules about elections, to support local government doing its job and to make sure that there is the least amount of interference from local warlords or those who cannot keep their fingers off local government as required under the Labor Party's rules of caucus, such as caucusing at municipal forums. We have to mitigate against this temptation because the resources of ratepayers should not be misdirected into supporting local party political interests.

I know that, notwithstanding my views, others will often seek to misrepresent that as somehow meddling. It is probably meddling with Labor's attempts to create local fiefdoms. This legislation goes some way towards bringing in the sort of reforms that have been called for by the sector.

The local government amendment bill makes important improvements to council electoral arrangements in the state. It brings forward the date of local government general elections from the last Saturday in November to the fourth Saturday in October, commencing in 2012. That is to give newly elected councillors more time to be briefed and to begin the process of budget preparation in the lead-up to the adoption of budgets. I think that is a very sensible change.

The proposed change to election dates, which will deliver on an election commitment, will allow more time for new councils to commence, as I said, not only the budget preparations but also the preparation of major strategic decisions, in particular the four-year council plans and everything that emanates from those.

The bill also makes the City of Melbourne subject to regular independent electoral representation reviews in the same way as occurs at all other Victorian councils. As Mr Barber said, the City of Melbourne was previously excluded. I remember when the Kennett government was first elected in the 1990s I sat on a special task force constructed to review the functioning of the City of Melbourne. Whilst that served a purpose at the time, we have moved on, and there ought to be a sort of hands-off, arms-length, more independent review of electoral representation. This bill brings the City of Melbourne into line with all other councils. I think that is a positive thing. It is actually enhancing and strengthening democracy in this third tier of government.

Melbourne City Council is the only Victorian council that has had its electoral structure set out in legislation. The regular reviews will ensure that its electoral structure continues to provide fair and equitable representation to that municipality's voters. Reviews of Melbourne will be limited to its ordinary councillors only. The positions of Lord Mayor and deputy lord mayor will not be affected by future changes in the council's electoral structure resulting from a review, reflecting the importance of leadership of the CBD municipality.

The bill also allows for a general election date to be changed for one or more councils where circumstances or events, such as school holidays, state or commonwealth elections or natural disasters, arise which could adversely affect the election. It may well be that, for example, a natural disaster in a particular geographic area makes it impractical to have a council

election at that particular time. The bill allows for a delay or rescheduling. I think that is a very sensible reform.

The bill further makes a number of changes to the timing of various council processes which are consequential on the changed election date. That is just common sense. Those include the lodgement of campaign donation returns by candidates, the election of mayors, the setting of councillor and mayoral allowances and so forth. The one negative is that the mayor, not in the current term but next year, will have one month less in the mayoral position, but that is the way these things work.

Finally, and as a consequence of the change to the election date, Brimbank has its next election date brought into alignment with those of all other councils in terms of the legislative machinery. Obviously the specific date is not flagged in this legislation.

What this bill does is commence fulfilling the commitment we have made to strengthen democratic electoral arrangements for Victorian councils to make sure that they can do their job better and that there is less potential for manipulation. Hopefully one day the Labor Party will understand that local government is not its sandpit in which to play. For example, I know that yesterday Luke Donnellan, the member for Narre Warren North in the other place, gave a bit of a tirade as part of the Labor Party campaign to slur and malign anyone who is associated with me or works for me or my son, who happens to be a Kingston councillor — and I am very proud of the fantastic job he is doing in growing into a very important role; he has had some good, strong role models.

Mr Donnellan would like to misrepresent these things and he gave an 'exposé'. One of the things he mentioned was an email that was supposedly advertising a meeting of Kingston MPs. He implied that I was planning some secret, aggressive meeting that was going to contrive some strategy against Kingston. It was obviously an email that had been released through some freedom of information application and came into his hands. If he had actually paid attention to the document he was using to try to suggest my manipulation of Kingston council, he would have noticed that the email invitation came from the City of Kingston itself, and the RSVPs for that meeting were to go to Lisa Stewart of the City of Kingston. My only interest was in making sure that the Liberal MPs were going.

For Mr Donnellan to somehow use council's own invitation to local MPs — and one assumes that Labor MPs got a similar invitation, because in pre-elections that is what happens: you are brought in for briefings — shows again how reckless and irresponsible some individuals can be. This is a shadow minister who aspires to sit on the front benches of government. He is a person who has made a life's career out of trying to meddle in and control — and if he cannot control, to sabotage and undermine — the City of Casey. It is deplorable. He has made the challenges facing the second-fastest growing municipality in Australia even more difficult through his endless meddling and his projection onto others of his fairly low standards.

In closing, I welcome the strengthening of the local government sector. I welcome rules and reforms that further inoculate local government against any political party manipulation. We promised these reforms, and we are delivering on these reforms. I commend the bill to the house, and I commend the minister for bringing it forward.

Mr FINN (Western Metropolitan) — I rise to support this bill, and in doing so I join Mrs Peulich in commending the minister for the work she has done. I do not wish to speak unduly or for an extended period on this particular bill, but there is one section of the bill that I find it necessary for me to make a few comments on.

Mr Barber was fascinating. Mr Barber is often fascinating, and today was no different. Mr Barber spoke about the return to democracy in Brimbank. Democracy in Brimbank can be a fascinating concept — almost as fascinating as Mr Barber. Over the years we have seen things happen in Brimbank that have brought local government generally into disrepute. We have seen things happen in the City of Brimbank that have brought great shame on those responsible for those misdoings. We have seen Labor Party members in Brimbank conducting themselves in a shameful manner. We have seen a factional brawl get completely and totally out of control prior to the removal of the elected council.

One thing that Mr Barber did not mention in his summing up of Mr Seitz, who, we are told by anybody who wanders down a street anywhere in Brimbank, will be the next mayor of Brimbank after the 'return to democracy', is that Mr Seitz was attacking the council — that is, attacking the empire led by Hakki Suleyman and his daughter Natalie Suleyman. We all remember — —

Mrs Coote interjected.

Mr FINN — Let me assure Mrs Coote that we will get to Justin Madden's office very shortly, because that is worth mentioning.

One thing Mr Barber did not tell us was that all this relating to this supposed champion of the people was in fact part of a factional brawl in the Labor Party. The other crowd, as it were, was getting on top, so George thought he would hit the nuke button. And he did! George hit the nuke button and wiped out everybody, including himself. I have never seen anything quite like it. He was the suicide bomber of Brimbank. He blew everybody up, including himself. It was quite an extraordinary thing.

Hon. D. M. Davis — And that did take courage!

Mr FINN — He did show a fair bit of courage. The extraordinary thing about this chap is that he now seems to be fully recovered and is making a comeback. You do not see a lot of that in the suicide bomber business! He is preparing to run as a councillor in the City of Brimbank elections next year, which take place in October, as this bill outlines. I have to say there is a great deal of fear in the City of Brimbank about what will eventuate as a result of the return of elected councillors next year. There are a good number of people who are terrified of what is coming. They saw what happened in the past — —

Mr Barber interjected.

Mr FINN — They are terrified of an election — yes, they are! Mr Barber may laugh and think it is highly amusing, but if he had been subjected to the tyranny of the Brimbank council for as long as those people had been, he would not think it funny; he would be scared too. He would be worried about what is coming after October next year, because he — —

Ms Hartland — I don't see a reason to be.

Mr FINN — Ms Hartland does not see a lot out there, but the situation is that people see a return to what they had before. They see a return to the corruption and a return to the kickbacks. It seems to me that they see a return to the threats, the abuses and all of the misdeeds of the Brimbank City Council of the previous era. We remember that the corruption at Brimbank City Council was not just about the councillors who were there; it spread much further than the council chamber itself, and there were a number of very prominent Labor Party figures — people like Stephen Conroy and Bill Shorten — who were connected very publicly to the corrupt activities in Brimbank. That is something that unfortunately has not been investigated to this point.

It concerns me that some of the same people sitting around the federal cabinet table — and God knows they are getting into enough of a mess there on a number of other fronts — were very much involved in the Brimbank debacle of just a couple of years ago. We know that at least one of the factions had a state cabinet minister — at least we think he was involved, because we are not sure whether the former Minister for Planning, Justin Madden, who is now the member for Essendon in the Assembly, knew what was going on in his electorate office. In fact we were never sure whether Justin Madden was aware of what was going on around him at all, but we know that the activities of the Suleyman empire were being orchestrated and conducted from the electorate office of Justin Madden in Keilor — not that Justin Madden was ever there, but that is beside the point.

The great irony and the great justice of this is that that very same electorate office is now occupied by Andrew Elsbury, a Liberal member for Western Metropolitan Region. One of the reasons that Andrew Elsbury was elected and that the Liberal Party vote went up by over a third at the election last year was as a result of what happened in Brimbank. It was because people saw the Labor Party for what it was. People saw that the Labor Party would use and abuse people. They saw that the Labor Party would have no regard for real people and that it would go about activities that would actually hurt real people.

That is the tragedy of Brimbank. It is not about the fun and games that were had between factions. It is not about what Bill Shorten, the federal member for Maribyrnong, did. It is not about what was done by Hakki Suleyman, George Seitz, the Theophani or whoever may have been involved in all the activities that occurred in Brimbank. The real tragedy of the Brimbank situation is that real people — decent, honest, hardworking people — were hurt. A real fear that those people have is that if 'democracy', in inverted commas, is returned to Brimbank in October next year, they will be hurt again. I am hoping that between now and then common sense will prevail.

Hon. D. M. Davis — That is labouring under the assumption that there was democracy there before!

Mr FINN — As Mr Davis quite correctly points out, we have to ask whether there was democracy at Brimbank before. You would have to ask the question, 'Are Brimbank and democracy mutually exclusive?'. There are more than a few people around who would have to say yes. You do not have to go very far to find them. There are any number of people at Brimbank who are more than happy to stick their hand up and say,

'We are very concerned about the direction we are going with regard to this return to democracy', as Mr Barber refers to it. They are very concerned; in fact, they are terrified about what is coming, because they remember the shambles in Brimbank when the previously elected councillors were there. They remember what the then Labor government did to bury this issue. It sacked the council, but it sacked the wrong one.

Certainly a number of councillors were involved in both councils — there are no two ways about that — but the Brumby Labor government would have done anything to get Brimbank off the radar. The Labor Party just wanted Brimbank to go away. It did not want the people of Victoria to know the depths of Labor involvement in this corrupt council. It did not want the glare of publicity on the Labor Party activities within Brimbank, particularly with an election looming. It just wanted it all to go away, so it sacked the council.

It should be remembered that Labor also created a new law that stops councillors from being able to work as electorate officers and for members of Parliament. It has to be said that that is a very strange law. It was created in a total panic by a government that did not quite know what else to do. I remember Richard Wynne, the member for Richmond in the other place, who was at the time the Minister for Local Government, having no idea at all. I raised this issue with him time and again. His hands must have been almost flat from the time he spent sitting on them. He did nothing as the Minister for Local Government. He just wanted it to go away, and that was also the attitude of the Brumby government.

This issue is not going to go away because the people of Brimbank will not allow it to go away. They remember what the Labor Party did to them over such a long period. They remember that corruption. They remember the shenanigans and the carry-on at this council. But let me tell you — Ms Hartland may be about to get up in a minute and deny this — that the people of Brimbank are terrified of what may be coming their way as a result of the elections next year.

I am hoping that the cover-up by the Labor Party will be exposed. I am very hopeful that the activities that we saw carried out by Brimbank councillors and others — even activities carried out by those sitting around the cabinet table of the commonwealth government — will be exposed and justice will be brought to the people of Brimbank. That is all those people are asking for. They are just asking for justice.

Mr Barber — Will you sack the council again?

Mr FINN — I do not know what difficulties that council might have, but I say to Mr Barber that if the new council were anything like the former council as described in the Ombudsman's report, I would absolutely support sacking it. I do not have the power to sack the council, but I would certainly support the removal of it if it were anywhere near as bad as it was before. The people of Brimbank deserve better. They do not deserve a corrupt council. They do not deserve a council that will treat them with such contempt. I will stand up for the people of Brimbank every time. The concept, as Mr Barber puts it, of the return of democracy is one that does create a feeling of great apprehension in many people's minds.

I will raise a question with Mr Barber just before I finish. I tried to get him to answer this question before, but he studiously avoided it. We really need an answer to this question before the election in October next year. If any Greens councillors are elected to the Brimbank council next year — and there might be one — will they support George Seitz as mayor? People know that George Seitz was one of the great branch stackers of the western suburbs — and he still is one of the great branch stackers. He was involved in a number of activities, as was Hakki Suleyman. Before the people of Brimbank vote they need to know what the Greens will do. I challenge Mr Barber, or indeed Ms Hartland, to get up in this chamber today and tell us what the Greens will do if they have councillors in that council and George Seitz sticks his hand up to be the mayor.

Brimbank is a very important part of Melbourne. This bill returns elections to Brimbank, and all I ask and pray is that, once again, the people of Brimbank get a fair go.

Mrs COOTE (Southern Metropolitan) — It is always very difficult to follow my learned colleague, Mr Finn. He has covered the issues surrounding Brimbank, which I might say took up an enormous amount of time and energy during the last Parliament. He also highlighted what is systemically wrong with the Labor Party. It is important to listen to what my learned colleague says about Brimbank, because it reminds us once again of exactly what is happening throughout the Labor Party and what we are beginning to see as a systemic culture.

We all well know that the Labor Party uses local councils as breeding grounds for those who wish to progress through the Labor Party. What is not quite so evident, although it is starting to become more evident, is what is happening as a consequence of the Labor Party beginning to understand exactly what opposition is all about. The outrageous lies and slander that it tried to get away with throughout the last Parliament and

during the election campaign against Liberal members — for example, Premier Baillieu and the Minister for Housing — showed us what the Labor Party is about — it is spin again from the Labor Party. But the Labor Party got caught out. We saw it happening in Brimbank, where it started. That has now manifested itself throughout the Labor Party, from the ALP opposition in this state to the federal Labor government.

Members will recall Labor's long-running campaign to blacken the Premier's reputation by claiming that he profited from the sale of schools and a hospital. It was a nasty, contemptible campaign from a failed government desperate to cling to power. I want to remind the chamber of what happened. The ALP and its former state secretary, Nick Reece — there is a bolt from the blue — stated their apology. We got an apology, and this is what we are starting to see, because the ALP is seeing the error of its ways.

Mr Finn interjected.

Mrs COOTE — Just as Mr Finn said, I gather George Seitz is running as an independent for Brimbank, and that is going to be extremely interesting. However, the apologies are starting to come through, and the Labor Party is realising that it cannot get away with it any longer. The people of Victoria saw through Labor's smear campaign against the Premier, and Labor is beginning to be forced into apologies. I am going to read this apology from Nick Reece:

> It was never the intention of Mr Reece or the ALP to convey defamatory meanings about Mr Baillieu.
>
> Nick Reece and the ALP retract all such meanings and apologise to Mr Baillieu.

Gosh, it must have been hard for Labor members to eat humble pie over that, because we know exactly what they did. We saw the advertisements, but so did the people of Victoria, and the people of Victoria did not vote for them because they saw through what they did. They know our Premier is a man of integrity and is not involved in anything suggested by these defamatory lies that they came out with. But it did not finish there.

Mr O'Donohue interjected.

Mrs COOTE — As Mr O'Donohue says, there is not one Labor member in this chamber, apart from the Acting President.

Mr Elasmar — You could not see me?

Mrs COOTE — I beg your pardon. There is Mr Elasmar, who I do not believe would be defamatory. However, his colleagues, who possibly would be, have all gone.

These defamatory remarks against the Premier do not end with him. All of us in this chamber can remember what happened with the member for Lyndhurst in the Assembly, who at that stage I seem to recall was being set up as a future Premier. What happened to him? He got lost, did he not? Anyway, not only did he get lost but it also seemed he could not understand share registers. He came out with some seriously defamatory remarks about the now Minister for Housing, Ms Lovell, in which he insinuated that she had not declared shares in the register of members' interests. Once again, that was spin. What he gave was another lovely apology, and I want to get it onto the record of this chamber. Where are those Labor members? Mr Elasmar will have to take it back to them. This is what Mr Holding had to say:

> In saying what I did about Ms Lovell I was mistaken. Ms Lovell does not own, and has not at any relevant time, owned any Westpac shares. The mistake, for which I accept full responsibility, was made when checking the relevant, publicly available share register. I am not aware of any basis upon which it could be said that Ms Lovell has not fully complied with her obligations under the act.

Another apology! Labor members will have to go back to politics 101. When they go back to all their apparatchiks in local government they will have to tell them about apologies, because this is going to be the new way of the ALP. Labor politicians will have to go through local councils and learn what it is to be an ALP member, because apology is now a big part of what the culture of the ALP needs to be. The spin was wrong. Labor members got it wrong. Defamation is not going to get them anywhere. They are beginning to realise that, and we are starting to see the apologies.

The apologies do not end with just the state opposition. They also come from the federal government. We need look no further than the electorate represented by Georgie Crozier, David Davis and me, which has as its federal member Michael Danby, a member of the Labor Party. I do not have long enough to say everything I would like to say about Michael Danby, but I will say he is a great supporter and friend of Israel. No-one can refute that. I was particularly interested to see the stance that Mr Danby has taken on the issue around the Max Brenner shops. I was interested today to hear Mr Lenders — who is not in the chamber, I might add; in fact no-one is here except Mr Elasmar, who is a stalwart of the Labor Party and a very good man, but Mr Lenders is nowhere to be found — say that last night he and a group of Young Labor members went to the Max Brenner shop in Clarendon Street to

show support. As we all know, there has been some very nasty anti-Israel activity against those shops.

Mr Finn — Anti-Semitic, I would say.

Mrs COOTE — Anti-Semitic; thank you, Mr Finn. However, I would like to remind the house that we recently had before us a motion about the anti-Israel and anti-Semitic approach to the Max Brenner shops. Mr Danby made some allegations about the Baillieu government, which were, once again, incorrect. Here is another apology. Another one! Mr Danby made this statement in a letter to the *Australian Jewish News*:

> On reflection, I was wrong on the issue of the referencing of the anti-Israel boycotters to the ACCC —

the Australian Competition and Consumer Commission —

> I apologise to the state Liberal Party, and congratulate them on their plan to take the boycotters to the ACCC.

We see the systemic Labor spin against the Liberal Party festering amongst the Labor Party members in the local councils. It starts with the local council and moves right along. It comes into the state Parliament and then goes right through into the federal Parliament. But Labor members are beginning to have to eat humble pie and apologise to us. We have seen the apologies to the Premier and to the Minister for Housing, and we have now seen the apology by Mr Danby as well.

Mrs Peulich — It is only when they are caught out, though.

Mrs COOTE — As Mrs Peulich rightly says, it is only when they are caught out. Looking at the Labor Party infiltration of local councils, I suggest Labor members had better go back and tell people that the culture has changed, they are not going to get away with it any more, and this is not going to be the future.

Mr Ondarchie — They lack integrity.

Mrs COOTE — As Mr Ondarchie rightly says, they lack integrity. Mr Lenders is back again. It is very pleasing to see that Mr Elasmar has a friend.

I will now concentrate on the bill at hand. I commend the Minister for Local Government, the Honourable Jeanette Powell, for the wonderful work she does in the area of local government. She has a huge reputation amongst all the councils and works very closely with them. She understands, as this piece of legislation reflects, what the councils are asking us to do and what they want to do.

The bill the minister has presented in the lower house, the one we are now debating, brings forward the date for local government elections from the last Saturday in November to the fourth Sunday in October and makes the City of Melbourne subject to regular independent electoral representation reviews in the same way as all other Victorian councils. This came from Mrs Powell being out there and listening to what the local councils were saying to her. That is reflected in this bill and will be implemented. It is important to note that people were concerned about the closeness of the elections to Christmas time because, as we all know, local councils are very busy with a whole range of activities at that time. Mrs Powell listened to them, and that is reflected in this very small but succinct and pertinent bill before the chamber today.

I know Mrs Powell is highly regarded by both the Municipal Association of Victoria and the Victorian Local Governance Association because I deal with my own local councils in regular meetings and activities, as do the other two Liberal Party members for Southern Metropolitan Region, the Honourable David Davis and Georgie Crozier — for example, we do an enormous amount of work with the City of Port Phillip. I put on the record my admiration for the current mayor, Rachel Powning, and for the councillors: Judith Klepner; Serge Thomann; Frank O'Connor, who does excellent work representing his local community; John Middleton; Jane Touzeau; and Janet Bolitho. I have worked with these members of the council for a significant time, and they all do a very good job.

In Stonnington the mayor is Melina Sehr, who really understands her council electorate very well. She has said to me on several occasions how closely she has worked with Minister Powell and how much she admires the work being done in the area of local government. The other council members in Stonnington are: Tim Smith, who is an excellent man; Claude Ullin, who is a longstanding and very good councillor; Tas Athanasopoulos; John Chandler, who is excellent on issues to do with understanding his part of the electorate and its challenges; Angus Nicholls; Greg Hannan, who has a very good grasp on exactly what is happening in local issues, is a great orator and really understands the people in his area; Judy Hindle; and Anne O'Shea.

In Bayside we have a regular meeting with the mayor and the chief executive officer during which we are given a very good understanding of what the tension issues are. Under the guidance of the current mayor, Alex del Porto, there are a number of issues that the council has asked me, Ms Crozier and Mr Davis to take to Minister Powell. The minister has been more than amenable to listening to these issues. The other Bayside

councillors are: Louise Cooper-Shaw; Clifford Hayes; Felicity Frederico, who does a marvellous job; James Long; Michael Norris; and Simon Russell.

Glen Eira has not been without issues in the past. Under the excellent leadership of Margaret Esakoff, together with the chief executive officer, Andrew Newton, with whom I have a very close working relationship and whom I know has huge admiration for the minister, the councillors at the City of Glen Eira are: Frank Penhalluriack, whom everyone knows is a great advocate for local issues and who is very vocal in the City of Glen Eira; Michael Lipshutz; Cheryl Forge; Steven Tang; Neil Pilling; Jamie Hyams, who does an extraordinary amount of work, particularly with the Jewish community in Glen Eira, making certain that the sensitivities are understood and that the very special challenges they are dealing with are understood; Jim Magee; and Oscar Lobo.

Boroondara has been particularly involved with the issue of clearways and welcomed the election of the Premier, whose seat includes Boroondara. The council works very closely with the Premier as well as with Minister McIntosh, Minister Clark and Minister Davis on issues relating to the Boroondara area. The issues that the Boroondara council raises with the ministers and other members of Parliament are taken into account by all the relevant Baillieu government ministers. Nicholas Tragas is the current mayor, and the councillors are: Brad Miles, David Bloom, Coral Ross, Phil Meggs, Jack Wegman, Heinz Kreutz, Dick Menting, Kevin Chow and Phillip Healey. Phillip Healey is particularly passionate about his electorate and has no hesitation in bringing up issues that are very relevant. This council was particularly interested in the clearways issue and took the clearways issue up — —

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

Ms BROAD (Northern Victoria) — I rise to speak briefly on this very simple, short, 12-clause bill to ensure that the City of Melbourne is subject to the same regular independent electoral reviews that all other Victorian councils are subject to and also to change the date of elections for Victorian councils.

As a member who has a great many municipalities across my electorate of Northern Victoria Region and who meets very regularly with councillors in northern Victoria as the elected local representatives of their communities, who are very much in touch with the issues of the local communities that they represent, I find local government to be a very valuable sounding board and source of information about the views of local communities. There are a great many issues for local government right now that go a long way beyond the two matters addressed in this bill.

During the contributions to the debate on this bill today we have heard a great many things put forward, almost all of which have nothing to do with the bill before the house. Members are of course perfectly entitled to take the opportunity to say all the things they want to say about local government.

Hon. D. M. Davis — Mr Finn talked about Brimbank. That has a lot to do with the bill.

Ms BROAD — Indeed. The Leader of the Government has just indicated that Mr Finn has taken the opportunity to say a great deal about Brimbank, which is not mentioned in the bill.

I wish to place on the record in my contribution today two brief examples, one in the Parliament and one outside the Parliament, that lend the lie to a great deal of what we have heard members of the government say in this place today about their support for local government. We heard a member of this place get up and lay down the law to the City of Ballarat about what it should and should not be doing and take the stance, as a state member of Parliament, that they should dictate to elected representatives of the city of Ballarat what they should and should not be doing. In my own region, we have had the member for Mildura set up a complaints desk at his electorate office. He has gone to the media and encouraged members of the community to contact his office with any and all complaints they might like to level against the elected council of Mildura.

These are not the actions of members who actually support the role which is preserved in the state constitution for local government as an independent tier of government in its own right, elected to put forward and represent the views of local communities. These are the actions of members who have no such regard for local government and who are seeking to undermine it, particularly where they see local government taking views that are not to their liking or where they see individuals associated with local government — —

Hon. D. M. Davis — On a point of order, Acting President, the member may wish to correct the record. She indicated that Brimbank council is not mentioned in the bill, and it is.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! That is a debating point, not a point of order.

Ms BROAD — I think the Leader of the Government has been here quite long enough to know what a point of order is.

I insert into the record that the bill makes consequential amendments, and indeed one of them refers to Brimbank. However, to represent this bill as a bill about Brimbank is patently ridiculous, and the Leader of the Government knows it is ridiculous. He has made his debating point, and I have responded to it, so let us move on.

The views and actions of a number of MPs on the government side of the house in this chamber and the other chamber have clearly lent the lie to the words of support for local government that have been expressed here today. I was in the midst of saying that this is particularly the case in instances where elected representatives of local government are expressing views that are not to the liking of members of the National and Liberal parties in the state Parliament. It is especially the case in those places where either former or current councillors have the temerity to stand for election to other levels of government — taking leave, of course, so that they are able to do so.

It is well and truly on the cards that as we move forward to local government elections in 2012 we can expect to see a set of concerted actions by members of the Liberal and National parties in local government elections where they want to remove people they believe have not been suitably supportive of the Liberal and National parties either at the last election or since the Liberal and National parties came to government following the last state election.

I put members on notice that I will certainly be keeping a very close watch on the activities of members who are making it their business to use their electorate offices and other taxpayer-funded resources to get involved in attacking and undermining — and exhorting the community to undermine — local government for their own political ends. It is not because they care one jot about local government and how well it does or does not represent their communities.

The fact of the matter is that under the Local Government Act 1989 there are procedures and due course which the Minister for Local Government is responsible for. They might not matter to members on the other side of the house, but I can assure them they did matter a great deal to me when I was the minister responsible for local government. Local government deserves no less than to have the procedures under the Local Government Act 1989 respected, followed and adhered to. If decisions that impact on local government are going to be taken by state government, including by the Minister for Local Government, they should follow the Local Government Act 1989 in all its regulations and provisions.

Hon. D. M. Davis — And she is a very strong supporter of local government.

Ms BROAD — I agree with the Leader of the Government; I believe the Minister for Local Government, Mrs Powell, is very committed to doing just that. However, what I am pointing out is that I am not convinced that all members of the Liberal and National parties are similarly committed to adhering to and following the provisions of the act. They are the matters I wished to place on the record. Of course the opposition is not opposing this bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms HARTLAND (Western Metropolitan) — I have just a few simple questions that can be asked in discussion of clause 1. While I have a quite civil relationship with the administrators at Brimbank, my main concern about having administrators in any council is the fact that they do not have a personal relationship and connection with the community. None of them actually lives in the community. As the Greens indicated when this bill originally came to the Parliament, we want to see the return of a democratically elected council.

One of the things that concerns me — and this goes to a number of rumours in the community, and Mr Finn's statement today about concerns regarding the return of the council goes to this issue — is whether the government can confirm that it will not bring to this house any other legislation to change the election date and will not continue with the administrators for Brimbank.

Hon. M. J. GUY (Minister for Planning) — I can confirm that clause 11 amends section 10(1) of the Local Government (Brimbank City Council) Act 2009 to provide that Brimbank City Council's next general election will be held at the same time as those for all other councils in 2012.

Ms HARTLAND (Western Metropolitan) — I am aware of that clause. What I am asking is: does the government intend to bring to this house any other legislation to change that and continue to have administrators?

Hon. M. J. GUY (Minister for Planning) — Again I understand that the provision is consequential only to the proposed change in election day for all other councils' general elections as provided for in clause 3 of the bill, so I would say it is pretty clear that the answer is no.

Ms HARTLAND (Western Metropolitan) — I will ask again: does the government intend to bring any other legislation to this house to change this?

Hon. M. J. GUY (Minister for Planning) — I stand by what I have said in relation to clause 11, and that is that Brimbank City Council's next general election will be held at the same time as other councils in 2012.

Ms HARTLAND (Western Metropolitan) — For the fourth time, I will ask the minister: does the government intend to bring any other legislation into this house at any time to overturn this and keep the administrators at Brimbank? It is a fairly simple question.

Mr Finn — On a point of order, Acting President, as Ms Hartland has said, she has asked this question four times now. I am wondering if she intends to keep asking this, as I believe it is getting ludicrous to be asking the same question three or four times.

Mr Barber — On the point of order, Acting President, there is a procedure that may be undertaken if the minister believes the questioning has become tedious or repetitious. First of all, you have to satisfy yourself that it is tedious or repetitious, and if you are so satisfied, the minister may move that the clause be no longer dealt with and be put immediately.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I understand both Mr Finn's point of order and Mr Barber's point of order. Both are logical, but I will allow Ms Hartland one more question on that issue. If the minister gives the same response, we will have to deal with other issues.

Ms HARTLAND — I say to Mr Guy that I think it is a very separate question. I am asking him whether the government intends to bring any other legislation to this house that would have the effect of continuing with administrators at Brimbank.

Hon. M. J. GUY (Minister for Planning) — I think I have explained this plenty of times and said that we are dealing with this legislation that is before the house. I cannot give hypothetical answers to hypothetical questions. The simple point is very clear, and that is what is contained in clause 11, which I have addressed.

Ms HARTLAND (Western Metropolitan) — In that case, I would presume that at some stage there is a possibility that this government will bring legislation to this house that would have the effect of continuing administrators at Brimbank.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I say to Ms Hartland that I think we have dealt with this, and I expect that you will go further if you have any further questions.

Ms HARTLAND — I do have other questions, seeing that my earlier questions have not been answered. One of the things that was very clear in the Ombudsman's report about Brimbank was the difficulties caused by the behaviour of councillors — some councillors in particular. What will the government do to make sure that the behaviour that occurred at Brimbank previously will not occur again?

Mr Finn — You are talking to the wrong side.

Ms HARTLAND — You represent the government, Mr Finn.

Mr Finn — The government is going to legislate to make people behave now?

Hon. M. J. GUY (Minister for Planning) — I think Mr Finn's point is quite good. Requiring the government to bring in legislation to determine people's behaviour is a little outside the scope of the bill. This bill is fairly straightforward about its intentions, and that is not part of it.

Ms HARTLAND (Western Metropolitan) — What processes will the government put in place to oversee the workings of Brimbank council? When there is a new election will they appoint, as has happened in the past at Brimbank, an independent person to make sure that the council is complying with all processes? Will they give the council extra support in terms of making sure it is compliant? What mechanisms will the government put in place to make sure we do not have a return to the days when Brimbank was an out of control and undemocratic council?

Hon. M. J. GUY (Minister for Planning) — I ask what clause Ms Hartland is asking this question in

relation to, so that I might seek clarification on how I can respond.

Ms HARTLAND (Western Metropolitan) — The purpose of the bill.

Hon. M. J. GUY (Minister for Planning) — In that case, if it is clause 1, if the Greens would like to be very triumphal about their questions, then what Ms Hartland is asking has nothing to do with the scope of the bill.

Mr BARBER (Northern Metropolitan) — Earlier we heard a ferocious assault from Mr Finn to the effect that the citizens — —

Mr Finn interjected.

Mr BARBER — I would clock you at about 60 decibels, Mr Finn, which makes you about twice as loud as the average wind turbine. Mr Finn said that in his view the citizens of Brimbank are terrified about an imminent election, and clause 1 of this bill says that the purpose of the bill is to create an election.

Honourable members interjecting.

Mr BARBER — I am in total agreement with all the interjectors, including Ms Lovell, and therefore we are asking what process, legislative or administrative, does the government intend to put in place to ensure there is no repeat of past, very well documented, bad practices?

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Let me clarify a couple of things. I say to Mr Barber and Ms Hartland that we understand that debate in the committee is dissimilar to debate on a bill in the chamber. This stage of the committee is about clause 1, and I clarify that clause 1(c) provides for the general election of the Brimbank City Council to be held on the fourth Saturday in October 2012. If Mr Barber can clarify that with more detail, I am happy to listen. I think Mr Barber needs to clarify it with more detail.

Mr BARBER — We all know why we are here. We are dealing with the restoration — assuming the bill gets support — of elections in Brimbank. I could take Mr Finn's contribution in the second-reading debate as proof that the issues that led to the sacking of Brimbank council are germane to the purpose of the bill, which is to return elections. Before deciding my vote on whether or not we should return elections to Brimbank I need to understand from the minister what other legal and administrative measures he is prepared to put in place to ensure we do not have a repeat of bad outcomes.

Hon. M. J. GUY (Minister for Planning) — I think the key point Mr Barber is asking about is conduct, and conduct is contained in the local government legislation; it is not contained in this bill, which simply has a clause in relation to the next Brimbank City Council elections or the date of them. With respect to Mr Barber, what is contained in the second-reading debate is separate from what is contained in the committee stage. The committee stage is the examination of the clauses, one of which is a simple clause around the reinstatement of elections at Brimbank and the time that is put on that. The conduct of councillors is not an element contained within this bill.

Mr BARBER (Northern Metropolitan) — All we are saying is that for a period we had a government-appointed monitor alongside a democratically elected council and that at the end of that period the Labor Party, joining with the Liberal Party, sacked the council. Ms Hartland's question was quite a simple one: does the government intend, for example, to put in place a local government monitor alongside the newly elected councillors from late next year? If the answer is no or that there is no intention or that that intention has not been formed, that is fine; that is all we are asking.

Mrs Peulich — On a point of order, Acting President, the questions that are being pursued by Mr Barber and Ms Hartland are outside the bounds of this legislation, and I suggest that you rule them out of order.

Hon. M. J. Guy interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I take Mrs Peulich's point of order, but I will allow the minister to answer.

Hon. M. J. GUY (Minister for Planning) — I hope this might give a bit of clarity to what has been asked. I simply say that the only point in relation to Brimbank in this bill is around the date of the elections. There are no consequential amendments to the local government act about a monitor of the council or indeed in relation to conduct. The only point in relation to this bill is around the date of the elections.

Ms HARTLAND (Western Metropolitan) — I have a further question, relating to the Ombudsman's report of his investigation of Brimbank. I refer to recommendation 18, which was that:

> Local Government Victoria investigate whether Mr Seitz —

that is, Mr George Seitz, the former member for Keilor in the Assembly —

> provided election campaign gifts to other councillor candidates that have not been declared by the candidates.

Has this investigation happened, and what are the results?

Mr Finn — On a point of order, Acting President, Ms Hartland's question might best be put during question time, as it in no way relates to the bill itself. It should be ruled out of order. If Ms Hartland wants to know the answers to questions of that nature, question time is the time to ask them.

Mr Barber — On the point of order — and by the way, Acting President, I think you are doing a great job — —

Honourable members interjecting.

Mr Barber — It's just frustrating to them, Acting President, that your office is the one office in this chamber they do not control. I reiterate — —

Hon. M. J. Guy interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! If I can help Mr Barber, the minister is happy to answer.

Mr Barber — I reiterate that Brimbank council was sacked as a result of the findings of the Ombudsman's report. This bill now reinstates Brimbank council. Ms Hartland asked whether one of the key recommendations of the Ombudsman's report has been implemented. When we know the answer to that question, we will know whether or not we — I am talking about us as a chamber or as a collective — want to reinstate elections at Brimbank council. The minister who has the answer is at hand. The minister at the table could quite quickly confer with her or with the relevant public servants or advisers as to whether the recommendation has been implemented.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I understand Mr Barber's point, and the minister is happy to answer, so I call the minister.

Hon. M. J. GUY (Minister for Planning) — As Mr Barber would be aware, the committee stage is to go through the detail of the bill before the Parliament. I simply say that I note the Greens were offered a briefing on this bill but did not take it up. That probably would have been the time at which to ask about details such as this. The members would have had more than this committee stage to get an answer if they had concerns in relation to other investigations and/or other legislation that might have informed their decision on how to vote on this bill. But again I would say that the question asked, while it may be relevant to other discussions, is not relevant to the legislation we are dealing with and therefore not relevant to this bill.

Mr BARBER (Northern Metropolitan) — The minister says we should have sorted all this out in a quiet fireside chat or briefing with him and his favoured minister, but the people of Brimbank might want to know the answer. The minister's party has been in government for 9 or 10 months. The government has had 9 to 10 months to come to grips with the local government portfolio and check out any outstanding recommendations from past Ombudsman's reports. This one is obviously very important — I think it is very important. It is clearly very important to Mr Finn, and it was very important to Mrs Peulich and others at the time.

However, the minister at the table simply says that the answer to the Greens' question is not relevant to the clause. That point of order was argued and lost. We are now asking the minister a question. If the answer is that the minister does not want to answer or does not know the answer, he should say that and not argue whether or not our question is relevant.

It has not taken long for government members to try to shut down the types of questions they in the past would have raised regarding clause 1 of a bill. I am not taking a point of order; I am speaking on clause 1. We are asking questions about related policy matters that will bear directly on the functioning of this bill, and now we are hearing points of order being taken by government members who are attempting to have these questions ruled out of order. It is a very simple question: please update — —

Honourable members interjecting.

Mr BARBER — It was Mr Finn who wanted to bring George Seitz into the debate. During the debate I heard a little noise in my left ear asking, 'Will a Greens councillor vote for George Seitz for mayor?', so I put the question back to Mr Finn. Now we have put a question to the minister at the table about the implementation of recommendation 18, but the minister does not want to answer. He has not said he does not have the answer; by saying that our question is irrelevant he has said he does not want to answer. It is totally relevant; there is nothing more relevant. That is fine.

Mrs Peulich — On a point of order, Acting President — —

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Let me clarify one thing, and then Mrs Peulich can raise a point of order if she still wants to. I know Mr Barber understands that he has the capacity — —

Mrs Peulich interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mrs Peulich! The Greens have the right and the capacity to ask these questions and seek clarification, as long as it is regarding clause 1, and the minister has the right to answer or not to answer. The minister is happy to answer, so I call the minister.

Hon. M. J. GUY (Minister for Planning) — At this stage, the good people of Brimbank who are looking at the Greens questioning, if they are reading *Hansard* or watching the webcast, will probably have forgotten the question that was asked before Mr Barber started to repeat in the committee stage his speech from the second-reading debate. I simply say that nothing should be read into what is a very simple and basic clause in this bill to align the election dates in Brimbank with what is in legislation for other councils. That is very straightforward and very much to the point.

The reason I raised points about the Greens having not sought a briefing was not, as Mr Barber put it, to keep discussions hidden from the public. That was Mr Barber's way of putting it; I would call it a constructive dialogue between parliamentarians, which is what should be the case for a party or independent member in forming a view of how they may vote on a piece of legislation. I would think that that is a sensible and constructive way for a party or individual to form a view of the way in which they will vote on a bill. I would not denigrate a bill briefing.

I restate that the Greens should have accepted the invitation to have a bill briefing, and there they could have raised all these questions to gain the knowledge they are seeking, rather than saying that a bill briefing is a way of trying to gag the Greens, when in fact it is quite the contrary. We were trying to give the Greens even more information than they would have had at the time.

Mr Barber — Give us some now.

Hon. M. J. GUY — Mr Barber, I have given you the key point of the information you sought — that is, it has nothing to do with the bill we are talking about. I am trying to be as up-front as I can, and I apologise for the fact that after seven or eight times the Greens do not understand what has been said — that is, the clause that has been put forward that the Greens are asking questions about is a very straightforward clause. Any background material as to how the Greens may form an opinion on that clause is a matter for them to have sought outside of the committee stage. The committee stage is straightforwardly about this clause, and this clause is about aligning election dates.

Mrs Peulich — On a point of order, Acting President, standing order 15.03, 'Committee to consider only matters referred', says:

> A committee of the whole will consider such matters only as have been referred to them by the Council.

Just because clause 1 is about the purpose of the bill does not mean that all matters pertaining to the entire Local Government Act 1989 can be canvassed through the committee of the whole. The purpose of this bill is to:

> (a) amend the Local Government Act 1989 to provide for general elections under that Act to be held on the fourth Saturday in October every 4 years beginning from the fourth Saturday in October 2012;
>
> (b) amend the City of Melbourne Act 2001 to provide for regular reviews of electoral representation by Councillors of the Melbourne City Council other than the Lord Mayor and the Deputy Lord Mayor;
>
> (c) consequentially amend the Local Government (Brimbank City Council) Act 2009 to provide for the general election of the Brimbank City Council to be held on the fourth Saturday in October 2012.

This is not an opportunity to canvass all matters in relation to local government. Standing order 15.03 is quite specific, and the purposes of this bill are quite narrow.

Mr Barber — On the point of order, Acting President, we need only cast our minds back to the debate we had on Tuesday night about the Domestic Animals Amendment (Restricted Breeds) Bill 2011, with a different minister at the table, one not quite so combative as Mr Guy. Under clause 1 of that bill we addressed all the relevant policy issues associated with the bill. We talked about how the standard would be created, about the resources that would be available to local government and about the level of consultation that had been undertaken with relevant stakeholders. The government then did not seek to rule out our questions. In fact the minister at the table, Mr Hall, the Minister for Higher Education and Skills, was very forthcoming and willing to answer all of our questions. It is just that Mr Guy is taking a bit more of a combative attitude, and some members who blew the

Brimbank story up as big as it could possibly be during the second-reading debate have now realised that they are in government and have to answer questions about their government's administration, and that is a new experience for them.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mrs Peulich's point of order in general is correct. The Greens have asked questions repeatedly of the minister, and the minister has voluntarily answered most of the questions in the way he has chosen to. If we keep repeating ourselves and asking the same questions, we will never finish today, so I ask that we move on. Does anyone have any further questions of the minister?

Ms HARTLAND (Western Metropolitan) — Considering that the minister is not prepared to answer questions, I do not at this stage.

Clause agreed to; clauses 2 to 12 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ACCIDENT TOWING SERVICES AMENDMENT BILL 2011

Second reading

Debate resumed from 18 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise on behalf of the government and speak on the Accident Towing Services Amendment Bill 2011, a bill that amends the Accident Towing Services Act 2007 and the Transport (Compliance Miscellaneous) Act 1983 and makes minor consequential amendments to the Essential Services Commission Act 2001.

As Mr Pakula said in his contribution, and as members from the other place have said in their contributions to the debate on this bill, the Accident Towing Services Amendment Bill 2011 is another iteration of the regulation of the accident services industry. It is an industry that has been regulated, at least in part, since the early 1980s, and that regulation came about as a result of practices by some members of the industry that were deemed to be, at times, inappropriate.

In large part this bill responds to the Essential Services Commission (ESC) report that was completed in June last year. One of the criticisms made by opposition members, including Mr Pakula, Ms Allan, the member for Bendigo East in the Assembly, and others, in their contributions to the debate on this bill is that the government has not provided a formal response to the Essential Services Commission report. A piece of legislation is a very strong response to an Essential Services Commission report, and that is what we have before us today. I make the point that the previous Minister for Roads and Ports, Mr Pallas, the member for Tarneit in the Assembly, received the Essential Services Commission report in June last year and then sat on his hands and did very little except for one action in response to that report, which was to increase the fees payable. I make those introductory remarks.

The key provisions of the bill are that it extends the ministerial determination power to include the power to determine basic salvage; it provides for a new requirement that accident towing, vehicle storage and salvage charges that are not determined by the Minister for Roads — that is, those outside the controlled area — be reasonable; and it provides for a requirement that the ESC undertake a review every four years. I think this is a sensible practice. In the past recommendations have been made in an ad hoc fashion at the request of the Minister for Roads. The establishment of a framework for regular review will give both consumers and the industry a greater deal of certainty.

The bill creates an express power to prescribe the way in which salvage operations must be undertaken. It gives authorisation for the storage of towed vehicles in holding yards, and it provides for a requirement that tow-truck operators take all reasonable steps to prevent loss or damage to an accident-damaged vehicle stored by that operator. As I said, outside the control area there is a requirement that operators act in a reasonable fashion, which in part deals with the recommendation by the ESC to expand the control area to include Geelong. In my opinion this strikes an appropriate balance between the flexibility required for complex salvage operations and salvage operations in diverse geographical locations and the requirement that the operator act in a reasonable fashion.

The opposition has also made a point about a lack of consultation. In response I will just go through the background to this bill. The former Minister for Roads and Ports, Mr Pallas, asked the ESC to examine this

matter. The draft report prepared by the ESC was available for public comment and community consultation. The report was tabled in June last year. There was further opportunity for engagement. Since the bill was drafted, the government has engaged with the Victorian Automobile Chamber of Commerce and other bodies, so it rejects that assertion made by the opposition.

The government is pleased to bring this bill before the house. In summary, we must remember that whilst accident salvage and towing is not a very exciting issue in and of itself perhaps, it is very important. It deals with recovery at the scene of an accident, so it goes to road safety issues. The quicker the industry can respond and remove vehicles from the roadside or from roads, the quicker roads can be reopened to traffic and, more importantly, the quicker traffic safety hazards can be removed from our roads. Whilst in and of themselves the bill and this industry are perhaps not the most exciting of issues to come before the house, the underlying issues being addressed — that is, road safety, the regulation of this industry, giving certainty to the industry so we do not have periodic or ad hoc attempts at catch-up in relation to service fees and giving certainty to consumers — are all important.

It is an important bill. The government welcomes the opposition's support. The opposition has said it would not oppose the bill, which I understand means that if a division is called the opposition will support the bill. I wish the bill a speedy passage.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the debate on this bill, which seeks to amend the Accident Towing Services Act 2007. It is true that we are not opposing the bill; the opposition has already said that. It is a timely amendment to the Accident Towing Services Act 2007. It seeks to improve and clarify the processes that are now in place. The amendments to this legislation are in line with the recommendations of the Essential Services Commission 2010 review of accident towing and storage fees. The implementation of these recommendations will regulate the Victorian towing industry in a fairer and more equitable way.

The reasoning behind these changes to the legislation is self-evident. In many cases when a motorist has been involved in an accident they are already in severe shock and not in a position to think straight, much less negotiate, when numerous tow trucks turn up at the scene, all vying for business. The towing and salvage business is sometimes seen by Victorians as a predatory business. Many motorists believe they have been taken advantage of or have been ripped off by towing companies that operate in a cutthroat environment.

We support what is in our view the strongest recommendation — that Victorian accident towing businesses and drivers must be licensed by VicRoads. Proper monitoring by VicRoads will ensure the salvage and towing of damaged vehicles, together with the clearing of debris, will be carried out in a timely and professional manner.

The issue of regulated fees has also been addressed. That will result in appropriate price increases for these services. Accident towing and storage fees have not increased since 2003. In fairness to the accident towing industry and in line with the recommendations of the Essential Services Commission, the bill introduces an increase in towing charges which will be applied through annual indexation and reflect the costs associated with providing the service.

These amendments are important as they provide for a fair and equitable charging mechanism while maintaining this industry within a regulatory framework which seeks to protect both motorists and tow-truck operators.

Mr BARBER (Northern Metropolitan) — The Greens will be supporting this bill. The bill implements a number of recommendations made by the Essential Services Commission in its 2010 *Review of Accident Towing and Storage Fees*. Recommendation 1 of that review suggested that accident towing and storage charges should be increased by 12.5 per cent. I gather this was implemented by the previous government's Minister for Roads and Ports, Mr Pallas, the member for Tarneit in the Assembly. Recommendations 2 through 7 are implemented by individual clauses of the bill.

Recommendation 8 was that the Victorian government should review the nature and form of regulation to apply to accident towing and storage fees throughout Victoria, including whether there is a need to regulate accident towing and storage fees in Geelong. That recommendation would not be implemented through the bill, but it has not been implemented administratively and remains unfinished business from the Essential Services Commission review, and we hope the government gets cracking on that.

Recommendation 9 was that VicRoads should develop and document a formal boundary change and allocation zone process. That is an administrative matter. It is not implemented by this bill, but we hope the government

does so. Noting those issues, the Greens will support the bill.

Mr ONDARCHIE (Northern Metropolitan) — To somewhat paraphrase Mr Barber's words earlier in the day, can I say to you, Acting President, that you are doing an excellent job as well.

This is a reliable, functional and responsible bill, better than any Malaysian solution that we have seen. It implements changes recommended by the Essential Services Commission in a review into the accident towing and storage industry which was completed in June 2010. The bill provides the Minister for Roads with the power to determine charges for basic salvage operations performed by tow trucks. It sets price regulation within a controlled area — that is, Melbourne and the Mornington Peninsula.

Within that controlled area, licensed accident towing operations have an exclusive right to attend accidents, and they work on a centralised allocated scheme — a roster basis — which gives rights to operators whose depots are closest to the accident. This new arrangement will require that any accident towing or damaged vehicle storage or salvage charges that are not determined by the minister be reasonable, including charges outside that controlled area.

The bill provides for the Essential Services Commission to review every four years the charges determined by the minister for accident towing and damaged vehicle storage and salvage.

This is a responsible bill. There are provisions for adjustments to charges determined by the minister with reference to the consumer price index. The bill provides for the creation of an express power to prescribe the way that salvage operations are to be undertaken. There is authorisation to store towed vehicles in holding yards other than those listed in the towing authorisation, provided that VicRoads has approved the yards for that purpose. Tow-truck drivers must now take all reasonable steps to prevent loss or damage to vehicles stored by that operator. Accident towing businesses and drivers will be required to be licensed by VicRoads.

The salvage charges prescribed by the bill are broken down into complex and basic elements. The basic charges are determined by the minister. The complex charges, which require additional machinery, must be reasonable.

Interestingly enough, this bill prescribes that operators must take two photographs of an accident and provide a detailed invoice for their service. This is about cleaning up this industry. It will ensure that motorists who are involved in accidents will not pay excessive amounts. We know that motorists involved in accidents are at their most vulnerable at that time, with many things to be concerned about. These changes will provide them with some protection. This is a responsible and reliable piece of legislation.

The bill provides for consistent reviews to determine prices, giving operators some relief from stagnant pricing and inflated running costs over time. This will ensure that operators are much better equipped to deliver the services that we are looking for. It reduces the financial difficulties faced by operators, overcomes problems of infrequent review by the previous government and puts a value on the regulated fees, which had fallen. The prices will be reviewed every four years and indexed every year as per the commission's recommendations. Prices for these services have not increased since 2003. The same unit pricing cost of operating services has increased over that time.

The bill reintroduces the requirement that charges outside of a controlled area are to be reasonable. This was removed by the previous government. A court is able to set aside or refund a proportion of a charge if it is determined that it is unreasonable. The continually reviewed charges for controlled areas and the reasonableness test create a fair balance between operators and consumers in achieving an acceptable price for the services that are offered. This puts some certainty back into the market and into the rights of consumers.

The transparency of the industry has been of concern for some time. The implementation of detailed invoices and photographs will protect the consumer. The Baillieu government is going a long way to protect Victorians — in accident towing services, in law and order, in services and protection around railway stations and in issues around drugs. These are things that were denied and disregarded by Labor for the 11 years it was in government. We had 11 years of poor government. This adds transparency to a system that could do with it. I know I might need to spell transparency for those opposite. It is something Victorians have been looking for for some time. They are sick of spin and rhetoric. It is about time they saw responsible government, and that is what the Baillieu government is delivering for them in this term.

The definition of 'salvage' is adequate. Basic salvage is clearly defined as involving one or more tow trucks which are not heavy tow trucks and without the use of a mobile crane. There can be no confusion. There is a potential for costs to be managed more carefully, and

operators' adherence to new requirements could possibly lead to reductions in wages. The bill provides certainty and more clarity. This is a responsible piece of legislation. It protects the operators, and it protects consumers. I commend this bill to the house.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Melbourne Airport: curfew-free status

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Planning. On Monday night I attended the Melbourne Airport stakeholder event with a number of other members, including the Minister responsible for the Aviation Industry. The CEO of the airport, Chris Woodruff, outlined the airport's fear about the potential loss of Melbourne Airport's curfew-free status, particularly considering the 12 500 jobs at the airport and the tens of thousands of jobs that it supports in the tourism sector. Having regard to the reviews of green wedge land that are occurring, will the minister incorporate as part of those reviews a requirement that any recommendations not compromise Melbourne Airport's curfew-free status?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Pakula for his very important question. What should be noted about the current inclusion process, or logical inclusion program — which, as we know from yesterday, was put in place or certainly mooted by the previous Minister for Planning — is that the Growth Areas Authority has been putting on its website those areas that it has considered and those areas that it will forward to the next step. What the authority has put on its website is open and transparent, and what it shows is that no area of the Melbourne Airport noise overlay is subject to any recommendation from the Growth Areas Authority that would see it compromised and/or included. I can say very clearly, as has been articulated previously by the government, that no recommendation outside anything put forward by the Growth Areas Authority will be considered, and there is no plan on the GAA's current recommendation to the panel that has been submitted to the panel that would include compromising any of that overlay.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister. I know the minister agrees with me when I say that the curfew-free status is the airport's most significant competitive advantage. I believe it is too important to leave to chance. I listened carefully to the minister's answer, and I understand the GAA review, but I also understand it is only one of a number of possible reviews, so is the minister's answer an undertaking to the house that, notwithstanding any recommendations he might receive, he will not allow any rezoning of green wedge land that puts at risk the airport's curfew-free status?

Hon. M. J. GUY (Minister for Planning) — As I said, there is no recommendation that has been put forward by the Growth Areas Authority to the panel to do that, and rather than pre-empt the independent process that is in place, I would simply say that the proposition in Mr Pakula's substantive question is one that I am happy to consider, because I think, as he has stated, both sides of this house find the airport and its curfew-free status to be one of its major competitive advantages. I am happy to consider that substantive question asked by Mr Pakula.

Health: Victorian plan

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Health, who is also the Minister for Ageing, and I ask: can the minister inform the house of how the Baillieu government is improving the health and wellbeing of Victorians?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question, and I am pleased to inform the house that later today I will release *Victorian Public Health and Wellbeing Plan 2011–15*.

Mr Lenders — Is this a plan for five more plans?

Hon. D. M. DAVIS — It is actually a legislated plan, required under the health and wellbeing act, that was indeed your act, and I was just about to give some credit to the bipartisan nature — —

Honourable members interjecting.

Hon. D. M. DAVIS — So just settle down, if you will; just remain calm.

The Victorian *Public Health and Wellbeing Plan 2011–15* will be released on the internet later in the day. It is an important plan required under the Public Health and Wellbeing Act 2008. It is a unique step to have a health and wellbeing plan of this type that deals with public and preventive health measures and incorporates a series of steps that can be taken over the longer term to ensure that the health and wellbeing of Victorians is improved. I make the point that prevention is everyone's business.

I want to place on record my thanks to the stakeholders who have contributed to this plan and to the relevant people inside the Department of Health, who have done an enormous amount of work. I want to acknowledge the cross-government initiative that is involved here. A number of my ministerial colleagues have contributed to this process, and a number of departments across government have contributed at great length and with great generosity to that process.

I have to say the statewide prevention system is something that is very important in Victoria. We obviously have many challenges with chronic disease, obesity in particular, with significant levels of obesity in adults and children. We face challenges on issues of tobacco control still, and there are issues of public health protection that are still very important and need to be worked through.

The proposals in the plan lay out some key priorities: strengthening the prevention system; a focus on priority settings in community workplaces, schools and early childhood centres; the strong commitment to continue to protect the health of Victorians; a focus on keeping people well; and a focus on preventive health care. This is an important document. It is a document that I pay tribute to. As I say, the stakeholders who have contributed, the department that has contributed, other departments across government that have contributed, my ministerial colleagues — —

Hon. M. P. Pakula — Which ones? Name them.

Hon. D. M. DAVIS — Let me name a couple. The Minister for Education, Martin Dixon, has been a great supporter. The Department of Transport, under the Minister for Public Transport, Mr Mulder, has been very keen on this plan and is prepared to contribute. Mr Guy understands the importance of planning and the planning system and making sure that the planning steps are incorporated in our long-term view on health to make sure that as we build new suburbs and as we take steps to lay out the built environment for the community, those steps are in fact brought forward.

Indeed a parliamentary committee is looking at many of the matters surrounding planning and health care — a reference that Mr Guy also had quite a bit to do with and a reference that I think is supported by the Municipal Association of Victoria, strongly supported by the Heart Foundation and strongly supported by anyone who has some good sense in terms of looking at the future of public health. I will be pleased to release this document later today. I will also be pleased to look for some bipartisan support on the general principles.

Planning: Narrawong

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning, Mr Guy. The minister recently intervened to introduce new planning controls in the Narrawong area. There are now a number of applications for dwellings coming in under those controls — nine so far. Some of those applications are certainly small in scale and seem to represent elements of demountable, movable buildings; however, six of them — from the one applicant on six titles — are for rather large dwellings on concrete slabs, seemingly not cognisant of the fact that this is an area vulnerable to sea level rise. The planned dwellings are not in the area expected to be affected between now and 2030; they are all in the area where sea level rise and erosion is expected between 2030 and 2070. Will the minister personally sign off on these applications, or will they be handled by some junior public servant under delegation out there in the region?

Hon. M. J. GUY (Minister for Planning) — I respect the question Mr Barber is asking, although I would not denigrate the good job being done by those in the Department of Planning and Community Development, whether they are based in the Melbourne office or based in the Warrnambool office. They all do a terrific job, and they are working very diligently to ensure that planning issues in that area have greater certainty and transparency and are indeed resolved.

That area is an area that has come under my planning control, as Mr Barber is aware. I will be signing off on any of the responsible authority provisions that would be encompassed in that former development plan overlay 7 area.

Supplementary question

Mr BARBER (Northern Metropolitan) — Not under delegation — the minister personally will issue the permits under his own hand. As I said, these relate to areas which the council's research predicts will be affected in the period from 2030 to 2070. Will the minister now be entertaining proposals for planning controls in areas where sea level rise is expected over the medium term? I guess I am asking if the minister is the kind of minister who can see 20 years into the future or if can he see 60 or 70 or 100 years into the future.

Hon. M. J. GUY (Minister for Planning) — I say to Mr Barber that I hope I am a minister who might be around in 60 years time!

Hon. M. P. Pakula — Really? You are a sick puppy!

Hon. M. J. GUY — Mr Pakula, I do not mean in Parliament — I just mean alive. I will be happy just to have that rather than being here. I am sure that 6 years might be enough, rather than another 60!

I think the whole issue in relation to coastal planning is, as Mr Barber knows, a very complex one. That is why the government committed funds in the last budget to provide greater and further clarity to council and to build on work that had previously been done, as well as to get a whole-of-government response that is not simply a 5-year response or a 10-year response but something that is more long term. Mr Barber may be familiar, as I am sure Mr Lenders is, with some of the provisions down there in relation to some of the demountable homes — especially places like Hernes Oak and Yallourn, which were moved over time. We are cognisant of what needs to be done in and around those coastal regions.

Wind farms: government initiatives

Mr RAMSAY (Western Victoria) — My question is to the Minister for Planning, the Honourable Matthew Guy. I ask: can the minister inform the house of what action the Baillieu government is taking to ensure that fairness and certainty is restored to wind farm planning?

Hon. M. J. GUY (Minister for Planning) — In this chamber there is clearly a vast difference between the people over there and the people on this side of the house on the level of respect for those living in rural and regional Victoria. I am proud to be part of a government that has restored the rights of regional Victorians when it comes to planning applications for wind turbines. Just this week we have seen some nation-leading reforms to the planning system that will not only incorporate the good work being done by councils but also the work I have signed off on, which will ensure that communities, the wind farm industry, councils and investors have absolute certainty about where the wind industry can and will continue to grow in Victoria.

This contrasts with the free-for-all that the previous government subscribed to in situations where rural and regional Victorians were shut out from their own planning system. Rural and regional Victorians were treated as second-class citizens when it came to the approval of a structure that was as large as one of the towers being built in Docklands. People have a right to be involved in that element of the planning system, and we have restored that right to regional Victorians. Those on this side of the house are exceedingly pleased to be part of a government that has done so. Some of the scare campaigns that have been run by the other side in relation to this issue should be taken in context. The Clean Energy Council itself has said that:

> Current surplus RECs —

renewable energy certificates —

> and market conditions suggest no new … large-scale generation projects will be commissioned until 2013.

Those on the other side are blaming the federal government one day and the state government the next. The truth of the matter is that when there are 1000 turbines still permitted but not actioned — —

Mr Jennings interjected.

Hon. M. J. GUY — The court jester has arrived!

The reality is that when 1000 turbines are still permitted but are yet to be built in this state, there is a lot of slack, a large body of work and a large number of turbines to then come on-stream to complement the 400 that exist. We are very confident of a strong relationship with the industry to build around the planning certainty that has been put in place to ensure that wind turbine facilities can and will continue to be built in this state while we are respectful of the rights of regional Victorians to be involved in the planning system. We will ensure that they will not wake up in situations where the previous government left them — for example, to find that 600 metres from their house a structure of 35 storeys has been put up overnight.

That kind of situation would never be allowed to happen in St Kilda, it would never be allowed to be considered in Fitzroy and it would never happen in Brunswick, so why was it okay to happen in Daylesford, south-western Victoria or Gippsland? This side of the house has restored with pride regional Victorians' rights to be treated with dignity by the planning system, and we are very proud to have done so within nine months.

Government: procurement policy

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Assistant Treasurer, Gordon Rich-Phillips. I ask: can the minister advise the house of what action he or the Treasurer has taken to prevent the costly dumping of thousands of metres of Victorian taxpayer-owned and Australian-produced material used

by Australian manufacturers for the production of Victoria Police shirts, because of a short-term, non-tendered contract to Chinese manufacturers for the interim supply of police shirts?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Somyurek for his question, but I am not responsible for the supply of police uniforms.

Mr SOMYUREK (South Eastern Metropolitan) — Mr Rich-Phillips is the Assistant Treasurer, and I am led to believe that he is responsible. However, if he will not take the responsibility for this, I am happy to ask the question of the minister for manufacturing.

The PRESIDENT — Order! Mr Somyurek can reframe the question to the minister for manufacturing.

Mr SOMYUREK — I refer my question to the Minister for Manufacturing, Exports and Trade. I ask: can the minister advise the house of what action he has taken to prevent the costly dumping of thousands of metres of Victorian taxpayer-owned and Australian-produced material used by Australian manufacturers for the production of Victoria Police shirts, because of a short-term, non-tendered contract to Chinese manufacturers for the interim supply of police shirts?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member. The procurement of police uniforms is a matter for Victoria Police, as we know. There is a tender process currently under way for the new uniform, and the current purchasing is part of an interim order, which I think is the matter Mr Somyurek is concerned about. As I have mentioned, this is a matter for Victoria Police. However, I think it would be fair to say, as a former police officer, that I would like to see a uniform that is made in Victoria.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — Before I ask my supplementary question, I will say that if this is a police matter, Gordon Rich-Phillips does in fact represent the Minister for Police and Emergency Services in this place.

I ask: why in this case were the Australian contracts not simply extended to cover this interim period rather than dumping taxpayer-owned Australian material — —

Hon. R. A. Dalla-Riva — On a point of order, President, I cannot let this go past. Mr Somyurek made the point that Mr Rich-Phillips is the minister responsible for Police and Emergency Services in this place. In fact I am responsible for that portfolio in this chamber. It would be nice for Mr Somyurek to get that right before he makes a statement like that.

The PRESIDENT — Order! Mr Dalla-Riva certainly is the minister in this house responsible for Police and Emergency Services.

Mr SOMYUREK — Mr Dalla-Riva has his bases covered. If he handles both the police and manufacturing portfolios, he should be able to answer this question. Why were the Australian contracts in this case not simply extended to cover this interim period rather than dumping taxpayer-owned Australian material — and Australian jobs — for a short-term, non-tendered deal with overseas interests?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I am amazed that the Labor Party would come in here today and pretend it had answers on anything to do with jobs in the manufacturing sector. Labor is in total disarray in its own ranks when it comes to manufacturing in Australia. I raised this issue the other day because some members are very precious — —

Mr Lenders — On a point of order, President, Mr Somyurek asked Mr Dalla-Riva a specific question on government administration regarding the purchase of uniforms. In his answer Mr Dalla-Riva did not talk about government administration. He talked about the policies, as he saw them, of the opposition. I ask you to draw him back to answering the question about government administration, specifically in relation to procurement contracts.

Mr O'Donohue — On a point of order, President, I seek your guidance as to whether it is in fact in order for a member to ask the same question of three different ministers, or ministers in three different capacities. Mr Rich-Phillips was asked a question in his capacity as the Assistant Treasurer, Mr Dalla-Riva was asked a question in his capacity as the Minister for Manufacturing, Exports and Trade, and the supplementary question has now been asked of Mr Dalla-Riva in his capacity as the minister representing the Minister for Police and Emergency Services. I seek your guidance as to whether that is in order.

Hon. M. P. Pakula — On the point of order, President, Mr O'Donohue is clearly incorrect. As President, you gave the shadow minister the opportunity to redirect the question to Mr Dalla-Riva, as minister for manufacturing. A supplementary was

asked of him in his capacity as minister for manufacturing, and indeed it was a specific question about why contracts were not extended.

The PRESIDENT — Order! Members have created a bit of a mess by having points of order on two entirely different matters before the Chair at this point, which I really should not entertain. At any rate let me deal with the last one first, and that is Mr O'Donohue's point of order. In that respect I am in accord with Mr Pakula's remarks that in fact it was my position as Chair to allow Mr Somyurek to rephrase his question to another minister on the advice of Mr Rich-Phillips that he was not the minister responsible in that area. I thank Mr Dalla-Riva for his courtesy — and indeed the government — in accepting the question from Mr Somyurek, redirected to Mr Dalla-Riva. It is my view that the supplementary question was to Mr Dalla-Riva, recognising his capacity as both the minister for manufacturing and the minister responsible for police in this place. Mr Somyurek specifically mentioned manufacturing in his supplementary question in terms of where he was directing it, so I have no problem with that at all.

In regard to Mr Lenders's point of order, I have a lot of sympathy for Mr Lenders's points of order along this line over the last little while, because he is taking a position that I have laid out quite clearly, which is that I do not expect that answers will be debating the issue and I do expect that answers, in line with the standing orders, will be relevant to the questions that are asked.

Whilst, as I have indicated on a number of occasions, I am quite happy to have ministers in their answers perhaps make some remark that might be reflective of wider issues, it is my expectation that ministers will direct their answers in a relevant way towards the question that is asked. In this case, partly because of the way in which the question was asked initially of Mr Rich-Phillips, there is a little bit of conjecture as to how the question arose and got to Mr Dalla-Riva. I accept that as part of it, but I hope Mr Dalla-Riva, having made some comments of a general nature, will now take up the question with a more specific response.

Hon. R. A. DALLA-RIVA — As I indicated before, there has been an issue about inquiries into the manufacturing sector. Those opposite have been critical of the fact that we have had a Victorian Competition and Efficiency Commission inquiry under way. As I indicated earlier this week, we have been leading the nation in terms of ensuring that we have a solid manufacturing policy. Senator Carr tried to get that. What happened? His Labor senator friend — —

Hon. M. P. Pakula — President, your ruling was that the minister should be relevant to the question. It is not the case that because the question contained the word 'manufacturing' the minister can say anything he likes about manufacturing. I suggest that he is not being relevant to the question. There are only 10 seconds to go, and he has not addressed the question in any way, shape or form.

The PRESIDENT — Order! Earlier in the week there was some commentary on Senator Carr's position in regard to manufacturing. I think we have probably heard enough in the context of the house's deliberations this week. I am not sure that it is now relevant as subject matter to the question before the Chair. If Mr Dalla-Riva wishes to continue his answer, perhaps it could be more closely aligned to the question that was asked rather than entering into federal matters.

Hon. R. A. DALLA-RIVA — I am very pleased that we as a government are working solidly towards ensuring that we will not have the flawed procurement processes and policies of the former Labor government.

WorkCover: Return to Work campaign

Mr ONDARCHIE (Northern Metropolitan) — President, I assure you that I absolutely know who I am asking the question of today.

Mr Lenders — Yes, because he wrote it for you.

Mr ONDARCHIE — I would not interrupt if I were you, mate; you have as much credibility as the Malaysian solution.

My question is to the Assistant Treasurer, the Honourable Gordon Rich-Phillips. I ask: can the minister inform the house about any recent developments which illustrate the Victorian government support for encouraging injured workers, where possible, to return to work?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Ondarchie for his question and for his interest in Return to Work. Having injured workers return to work is one of the key objectives of the Victorian WorkCover scheme. Research has shown that getting injured workers back to work as quickly as possible is very important to ensuring their long-term recovery. Recently I had the opportunity and the pleasure of launching the Victorian WorkCover Authority's new Return to Work campaign. The purpose of the campaign is to encourage and to highlight to medical practitioners, injured workers and employers the benefits of injured workers returning to work as soon as possible following an injury.

The point of the campaign is to highlight the fact that injured workers need not necessarily return to work in their existing capacity — doing the duties they were undertaking prior to their injury — but it is important to look for opportunities for them to return to work in other capacities — looking at the activities that an injured worker may be capable of, rather than those they are not capable of. International research has shown that injured workers benefit from returning to work as soon as possible. It can be debilitating for an injured worker to be off work for an extended period of time, and it is important to focus on mechanisms for medical practitioners, employers and injured workers in terms of the ways in which they can return to work, even on restricted duties, as quickly as possible.

During the course of the launch I had the pleasure of meeting Judy Grant. Judy Grant is a crossing supervisor at the City of Casey. Last November she was very badly injured. She works at a crossing in Hampton Park, Narre Warren South. She was very badly injured when a vehicle struck her on that crossing in November last year; however, she has made a return to work on restricted duties. Roughly seven or eight months after that very serious workplace injury — because it was a workplace injury in her role as a crossing supervisor — she has returned to working in the city of Casey in crossing supervisory work. She is on restricted hours and works at a different crossing, but importantly she has made the transition back to work. She has indicated that getting back to work in her former role has helped with her recovery. This was a very real demonstration that even when someone is very seriously injured, returning to work quickly aids in their recovery.

The purpose of the campaign is to encourage medical practitioners to work with employers and injured workers to highlight what an injured worker can do, rather than focusing on what they cannot do, to ensure that they get back to work as quickly as possible.

Manufacturing: government performance

Mr SOMYUREK (South Eastern Metropolitan) — I refer my question to the Minister for Manufacturing, Exports and Trade, Mr Richard Dalla-Riva. Victoria's manufacturing industry continues to be hit hard by the effects of the high Australian dollar with respect to both exports and its competitiveness against imports. Consequently, more and more manufacturing jobs are disappearing from Victoria, the latest losses being from BlueScope Steel, as announced last week. I ask the minister: apart from the Victorian Competition and Efficiency Commission process, in his 10 months in office what policies has he implemented to support the Victorian manufacturing sector by offsetting the competitive pressure of the high Australian dollar — and I repeat: apart from the VCEC process?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question and for his ongoing concern about the manufacturing sector. I think he is probably the only Labor member who is interested in the manufacturing sector in Australia. We have been doing an extensive examination of the manufacturing sector. As I indicated earlier this week, we had the national manufacturing network come down to examine the extent to which we are looking at the manufacturing sector in Victoria.

I remind those opposite — I know they do not want to hear this — that there have been calls from elsewhere for a proper inquiry into and a proper process of review of the manufacturing sector. There have been people around the country saying, 'Why is there not a federal review being done of the manufacturing sector?'. We know the manufacturing sector has been under enormous pressure from Labor's carbon tax. At a time when there has been a high Australian dollar and intense global competition, what does the federal Labor government do? It brings in a new tax — not only a new tax but a tax that is as flawed and as misconstrued as — —

Mr Somyurek — On a point of order, President, the question was very specific. It was about the government's policies.

Mr O'Brien — On the point of order, President, I listened and the question was prefaced by the issue of the high Australian dollar. When a question is prefaced by a statement about the high Australian dollar, it brings all aspects of the Australian economy and manufacturing to the question.

Mr Somyurek — Further on the point of order, President, if I may just clarify for the benefit of the member who commented on my point of order, the question was: what policies have you implemented to support the Victorian manufacturing sector to offset the competitive pressures of the high Australian dollar?

Hon. P. R. Hall — The preamble opens up commentary.

The PRESIDENT — Order! I agree that the preamble to a question can open up commentary, as Mr Hall interjected. Therefore members need to be careful about the way they phrase their questions because they can allow ministers an absolute raft of ways of escaping the intent of the question. In this case Mr Dalla-Riva is only just into his answer; he has

2 minutes and 30 seconds to go. In that time I expect that he will come back to the intent of the question, which relates to what policies or actions he may have taken with regard to offsetting the challenges faced by the manufacturing industry.

Hon. R. A. DALLA-RIVA — We are, as a state, leading the rest of the country in relation to a policy framework for the manufacturing sector at a time, as Mr Somyurek mentioned, of a high Australian dollar.

Hon. M. P. Pakula — How? How? You have to do more than talk about it. What are you doing?

Hon. R. A. DALLA-RIVA — It is interesting that Mr Pakula asks, 'How, how?'. I think he is sounding more like Doug Cameron, the Senator who went out and said, 'How, how — how are you going to do an inquiry, Prime Minister?', and it did not happen. And what did he say about Senator Carr?

The PRESIDENT — Order! The minister is commenting on another jurisdiction. That is not relevant to the government's administration in Victoria.

Mr Drum interjected.

The PRESIDENT — Order! Does Mr Drum want to have a discussion?

The minister is debating the question, because he is dealing with matters in relation to what a Senator might have said about another Senator. That is not relevant to the question that was asked, and I bring the minister back to the areas under his jurisdiction.

Hon. R. A. DALLA-RIVA — Thank you, President. Again, I just remind those opposite: we went to the election with a commitment to reinvigorate manufacturing. We went to the election with the process and the election commitment to reinvigorate manufacturing in this state. We set forward a review of the manufacturing priority through VCEC (Victorian Competition and Efficiency Commission). We understood it was important we got the full facts.

I will touch on the federal position, because it does relate. We know the federal government is in disarray in terms of the manufacturing sector. We know the carbon tax and the high Australian dollar are putting enormous pressure on the manufacturing sector. That is why we are treating the manufacturing sector with some respect, as opposed to the indifference over the past decade of the former Labor government here. We are ensuring that what we will set forward is a policy framework that will ensure that we can compete not only locally but globally. If you put it in contrast, because those opposite are wondering what we are doing, that is the process, and the VCEC inquiry review will be handed down this week. In contrast, what was the Victorian manufacturing industry statement from the former government? It was just a cobbling together of some statements that made no sense.

Hon. D. M. Davis — How long did it take to come?

Hon. R. A. DALLA-RIVA — It took 700 days, Mr Davis — and it was released complete with spelling mistakes! They have the audacity to come in here and ask what we are doing. We are doing the right thing.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — I take it from that answer that this government has done nothing in the space of 10 months to offset the high Australian dollar. On the advice of the President, I will keep it short in the hope that Mr Dalla-Riva does answer the question. Is the minister committed to keeping the Victorian industry participation policy?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member, because it is interesting to note that part 1 of the Victorian Ombudsman's annual report for 2011, which was tabled this week, had a section with the title 'Poor procurement management', and I will read it:

> Over the past six years —

Six years — I think they were here at some point, Mr Guy —

> I tabled in Parliament a number of reports that identified instances of poor procurement practices …

The opposition spokesperson talks about procurement. Have a look at the report from the Ombudsman that absolutely slams the former Labor government for the approach that it had to procurement. Guess what? We had a solid election commitment about reviewing the procurement policy, because we knew it was a shambles. We had it backed this week by 'poor procurement management', tabled through the independence of the Ombudsman.

Mr Somyurek really ought to be hanging his head in shame and apologising to the people of Victoria for being in a government that produced this type of material.

Children: *Here for Each Other* booklet

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Children and Early

Childhood Development, Minister Lovell. I ask: can the minister inform the house of any new resources that have been made available to families with children who have experienced an emergency or natural disaster?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in the effects of emergencies and natural disasters on families in our regional areas. Mr O'Donohue is a regional representative whose electorate has recently suffered some floods and other natural disasters.

As members of Parliament, we all recognise the devastating impact that natural disasters and emergencies can have on families and children. I have seen firsthand the impact of fires, floods and drought in my own electorate of Northern Victoria Region. I have seen these disasters often bring out the best in people and communities, but at a devastating cost. One of these costs, tragically, can be the mental wellbeing of the children in these areas.

Recognising this, I had the particular honour of officially launching *Here for Each Other*, an information booklet that has been created by the *Sesame Street* people and adapted for Victoria by the Department of Education and Early Childhood Development. I had the honour of launching that booklet while I was also opening the new Flowerdale education and early learning centre and the refurbished Flowerdale Primary School last week. This booklet has been designed to assist adults to recognise that children deal with trauma in different ways. Some want a hug, some want to play with a special toy and others want to talk about it.

In addition to the fire-affected communities in Victoria, this resource is already helping families affected by the Victorian and Queensland floods, Cyclone Yasi and the Christchurch earthquake. While I would like nothing more than for this resource not to be needed in Victoria, I recognise that natural disasters are inevitable. This booklet will assist families in minimising emotional impacts on their children when such events occur. *Here for Each Other* is available on the departmental website, and I encourage all members of the Council, particularly those from regional Victoria, to note its existence and to promote it as necessity dictates.

I must say that one of the greatest pleasures in launching this booklet was to be able to do it with two of *Sesame Street* characters, Elmo and Abby Cadabby, who joined me in Flowerdale. It was wonderful to see the delight on those children's faces when *Sesame Street* characters appeared. The booklet, which is based on *Sesame Street* characters, was engaging for the children and will help their families to assist them through traumatic events.

Public sector: government wages policy

Mr LENDERS (Southern Metropolitan) — My question is to the Assistant Treasurer in his capacity as minister representing the Minister for Finance. Can the minister confirm that it is the government's policy not to remove any entitlements from public sector employees other than through enterprise bargaining agreements (EBAs)?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question. Obviously, as the house knows, the government is undertaking a number of enterprise bargaining agreement negotiations at the moment, so I am not going to take a walk through the middle of those negotiations. I will take the substance of Mr Lenders's question on notice and refer it to the Minister for Finance.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I appreciate Mr Rich-Phillips saying he will not deal with individual enterprise bargaining agreements. I appreciate that and do not in any way belittle that answer, but I ask him, as the minister representing the Minister for Finance and also wearing his hat as a member of the budget and expenditure review committee of cabinet, about the policy principle: does he, outside an enterprise bargaining agreement, take away rights without bargaining — that is, not giving anything away on any individual EBA? The question I ask is the principal question: above and beyond the 2.5 per cent that people are expected to negotiate wages given from the government, does he take away any entitlements other than through bargaining? It is a simple policy proposition. It does not in any way compromise an individual EBA. A simple yes or no: above and beyond the EBAs, does he take away entitlements?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question. Mr Lenders raised what are essentially hypothetical scenarios — —

Honourable members interjecting.

Hon. G. K. RICH-PHILLIPS — Undefined entitlements were talked about. As I indicated in my substantive answer, I will take it on notice for the Minister for Finance.

Retail sector: government initiatives

Mr FINN (Western Metropolitan) — My question without notice is to the Minister for Employment and Industrial Relations, and I ask: can the minister outline to the house the importance of improving the productivity and competitiveness of Victorian industry to generate high-value jobs and investment?

Honourable members interjecting.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. It may be difficult for the opposition to understand productivity, because it would not know what it means. We do know that the country and Victoria are facing difficult times for industry. Fewer are doing it tougher at present, as we know, than those in the retail sector in particular. We are seeing an industry confronting the challenges of soft consumer demand at home and intense competition globally, notably through online shopping. Yet for all the challenges, this state remains an attractive place to invest and to employ. I note the no. 1 livable city status that we achieved this week, even after 10 years of the previous government not achieving it.

I also note the recent comments of the managing director of retail giant Costco Australia, Patrick Noone. He was praising the announcement by my colleague Minister Guy of a new and more flexible approach by the Baillieu government on the location of bulky goods stores. Mr Noone told the *Australian Financial Review* — —

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — They do not want to hear the good news. He said, 'It means Victoria wants to do business', and that is exactly what it is about. In the same report the executive director of the Bulky Goods Retail Association, Phillippa Kelly, said, 'This will mean hundreds of millions of dollars of investment in Victoria over time'.

There have been other votes of confidence in the vibrancy of retailing here in Victoria from some of the giants of the retail industry. We have seen the recent opening of Zara in the heart of the Bourke Street mall. Later this year we will see TopShop make its first foray into the Australian market with new premises at the Jam Factory in Chapel Street, which Mrs Coote is very keen to see. Together they will count for hundreds of jobs. Sadly it is a fact of life that we are currently seeing some smaller retailers cut trading hours and cut staff. They are saying that they are doing so because they are struggling to meet wages conditions and entitlements under the modern award system as prescribed by Labor's Fair Work Act.

The 4 August draft report on the retail sector by the commonwealth's Productivity Commission has touched on these themes. It found that trading hours were proving restrictive and disadvantageous for retailers, employees and consumers alike. It found that workplace legislation and instruments were too rigid in relation to wages and entitlements as well as discouraging productivity.

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — We have Mr Pakula asking what we are going to do about it. I will tell him what I did. Mr Pakula takes a point. On 10 August I raised this issue with the workplace relations federal minister, Senator Evans. I asked that he take on board the concerns being raised by industry and bring forward with greater urgency the commonwealth's review of the operations of the Fair Work Act.

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — That is what I did. Mr Pakula might not like it, but that is what I did. I sought the minister's assurance that the states and other key stakeholders would be fully consulted, because I think it is important that the commonwealth government engage with all stakeholders, not just the trade union movement. It should sit down and listen to the concerns of all stakeholders.

I subsequently wrote to Senator Evans and to my counterparts in the other states seeking that they have these issues of labour productivity brought to the fore of the ministerial council agenda. That is what we are doing. We are about productivity and competitiveness for Victorians.

QUESTIONS ON NOTICE

Answers

Hon. M. P. PAKULA (Western Metropolitan) — With some reluctance I again raise for the Leader of the Government questions on notice 108 and 114. It is today six months since those questions were asked: 108 of the Premier and 114 of Minister Mulder. Nine other ministers were asked similar questions with regard to nine other departments, and all of them replied weeks if not months ago. It is amazing that the Premier, who has talked about openness, cannot answer a question that Minister Walsh answered on 22 March and

Minister Hall answered on 4 April. Mr Davis will no doubt talk about the thousands of questions on notice. That might be a partial answer explaining why newer questions on notice might not be answered in time, but it cannot explain why questions that were asked on 1 March have still not been answered. This is the eighth time I have raised it.

Hon. R. A. Dalla-Riva interjected.

Hon. M. P. PAKULA — Can I take up Mr Dalla-Riva's interjection, President?

The PRESIDENT — Order! I would prefer that the member not do that.

Hon. M. P. PAKULA — This the eighth time — —

Hon. R. A. Dalla-Riva interjected.

Hon. M. P. PAKULA — I am going to have to, President. I became the Minister for Public Transport in January 2010 and in the following 10 months the question that was asked by Mr Koch was never raised by Mr Koch with me in the Parliament. If it had been raised — —

Hon. D. M. Davis interjected.

Hon. M. P. PAKULA — If it had been raised, it would have been answered, but what we are now dealing with is the fact that I have raised this with the minister on eight occasions, and the last time I raised it his comment was that there was some movement in getting the answer. I have written to the Premier and Minister Mulder, and for the eighth time I ask: can I have a response from the minister concerning the whereabouts of the answers to questions 108 and 114?

Hon. D. M. DAVIS (Minister for Health) — As I have indicated to the member, I will follow up those questions on notice, and I have done so. I will again pursue them on his behalf, and I will do so cheerfully and with some enthusiasm. I make the point that question 351 is now a famous question, and a question that he could have answered. I make that point, but I think a number of people in the present opposition who were ministers at a previous time will understand that sometimes it takes a little time to encourage lower house colleagues to respond as quickly as we would always like. I will again pursue those answers on the member's behalf. I will do so very willingly and will respond in due course.

Sitting suspended 12.55 p.m. until 2.02 p.m.

ACCIDENT TOWING SERVICES AMENDMENT BILL 2011

Second reading

Debate resumed.

Mrs COOTE (Southern Metropolitan) — I speak today on the Accident Towing Services Amendment Bill 2011 basically to reiterate to this chamber that this is another example of the Baillieu government's push for safety on our streets and on public transport. It basically exemplifies our whole governmental approach to safety. I think members will remember the time when tow-truck operators were called ambulance chasers and used to be the first to arrive on the scene of any tragic accident. They would hinder the emergency services people, which was a major concern, and they would be ruthless, which also created concern. We have come a long way from that time, and this legislation will make our towing industry more accountable and safer. Tow-truck operators will have their place in difficult circumstances. They will know they have to be properly licensed and accountable. When we need to have our cars towed for whatever reason we are going to feel that we can have that done safely.

I will just mention some of the other achievements of the Baillieu government in the short time it has been in office. Not that I need to, but I remind members of this chamber that we had a very long and in-depth debate on protective services officers on Tuesday of this week. This issue of PSOs relates to safety on our streets and on public transport, and it is a very important measure taken by this government, as is the publishing of where the safety cameras are on a weekly basis. The Minister for Police and Emergency Services, Peter Ryan, has made certain that everyone knows where the cameras are so that hopefully drivers will drive safely all the time. We have seen a number of pieces of legislation that are about safety, and this is another such piece. It builds on a theme of safety that the coalition made an election promise, and it is something we want to support and work with.

When we had the clearways issues under the former government, the tow-truck operators used to be there on the dot of the time when people's cars needed to be towed away. They would be lining up, ready to take those vehicles away, meaning that many unsuspecting shoppers would come out to find their cars being towed away. I do not blame the tow-truck operators, and they are now losing significant business, because those clearway arrangements have been altered, which is another measure the Baillieu government has put in place.

This bill amends the Accident Towing Services Act 2007 to implement certain recommendations made by the Essential Services Commission in its 2010 report entitled *Review of Accident Towing and Storage Fees — Final Report*. The bill's second aspect is to make other changes to the Accident Towing Services Act 2007 to improve its operation. Other members who have spoken on this bill have gone over its technicalities. I want to indicate my support for the bill. I believe that anything that can make our streets and community safer is to be commended.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

FARM DEBT MEDIATION BILL 2011

Second reading

Debate resumed from 18 August; motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Mr LENDERS (Southern Metropolitan) — At the outset I advise the house that the opposition will not be opposing the Farm Debt Mediation Bill 2011. I will make some remarks about the bill and then pose a few questions to the Minister for Higher Education and Skills, Mr Hall, who is the representative in the Council of the Minister for Agriculture and Food Security. I request that he answer them when summing up.

This bill was an election commitment of the incoming government, and the opposition acknowledges that. As we saw in the minister's second-reading speech and also in the comments of the opposition in the Legislative Assembly, this bill is quite light on. In the end we are talking about a regulation that allows, if we look at the New South Wales figures, probably between 70 and 100 farmers to have, by right, mediation if there is a dispute between them and their banks. In a policy sense this is worthy, but it is worth noting that this already exists in practice. I have been advised that 12 of the 14 banks that operate in regional Victoria already offer this service as a matter of course. In the state of New South Wales this service is required by legislation to be in place. It is a government election commitment, a worthy policy initiative and one that the opposition, as I said, does not oppose.

The questions I ask of the minister, though, revolve around how this will be reported. The government is fulfilling an election commitment — it gets a tick for that — but I find it interesting that this is adding to the regulatory burden of the state, in that banks will be required to meet a prescribed form of mediation, yet there has been no regulatory impact statement. We hear a lot from the Premier and Treasurer about boosting productivity and reducing red-tape cost burdens on business, so my first question to the minister is: why is there not a regulatory impact statement with this amount of new regulation? The minister's answer will probably be, 'It's an election commitment, and we're in a hurry'. I put to him that it is those sorts of responses from government over time that have added a lot of regulatory burden to the community.

The second thing I ask the minister is: what sort of performance regime do we expect to have in this system? We have mandated mediation when there is a dispute between a banker and a farmer — that is the policy intent of the government, and the opposition does not oppose it — but the question is: how will it be reported on? I make the assumption, and I invite the minister to comment, that this will be one of those measures that the small business commissioner, who has been tasked with doing this, will report in budget paper 3. Presumably we will see something that says, 'Successful mediations — 80 per cent', or whatever the target is, and those types of things. In the interests of reporting the effectiveness of this, I am interested that we see that coming forward. I am interested in seeing the key performance indicators and the minister's comments on why a regulatory impact statement was not done.

I will keep my remarks brief because, as I said, this is a small piece of legislation to enshrine into law what is in effect the status quo in regional Victoria. The final thing I will talk about — the one policy issue I have some anxiety about, and I mentioned this just the other day in debate on the Domestic Animals Amendment (Restricted Breeds) Bill 2011 — is that the Minister for Agriculture and Food Security has a penchant for coming to the Parliament with law-making powers that are not disallowable. I think Mr Hall will get used to this being a feature of committee stages and discussions between him and me.

We have a fee that is set for the mediation. Mediation is a good thing, but the fee is not at all disallowable by the Parliament. If a Labor Party minister had come into the Legislative Council saying, 'There is a fee for service

for citizens that is to be determined solely at the discretion of the minister and is not one the Parliament can disallow', that Labor minister would have been laughed out of this place. Yet for the second time in a week The Nationals Minister for Agriculture and Food Security is proposing that a power be given ultimately to him, or the small business commissioner on his behalf, to set a fee without any recourse to the Parliament.

These are questions for the minister. The opposition will not oppose the bill on the basis of these issues, but for consistency a framework around that would be of great help to the Parliament. While this may be only 70 to 100 people — and for those 70 to 100 people this is important — there is no regulatory impact statement and fees are being set without a disallowable instrument. This precedent is not one that we on this side of the house are particularly comfortable with.

Before I conclude my remarks I invite the minister to address in his summing up one final thing. While this policy is quite definitive, and we have no issue with that — it is farmers dealing with banks, and there are definitions for both of those — I put to the minister: what is the difference between a farmer having this mediation service versus, for example, a nurseryman, a milk bar proprietor or someone else in regional Victoria? In Mr Hall's electorate, if you go to a small country town, any town in Gippsland — pick Willow Grove, which is 10 or 20 kilometres out of Trafalgar — what is the difference between a small business man who lives on his property in Willow Grove and is very much dependent on the ebbs and flows of agriculture and has a dispute with his bank and then a farmer who lives 2 kilometres out of town?

The government has made a policy decision, and we are not suggesting that this should be stretched to that, but I am interested in how the minister would explain why this is confined purely to farming and not to rural communities, where people are equally affected by the vagaries of how farming goes. With that, I conclude my brief remarks on this modest bill, which the opposition does not oppose.

Mr BARBER (Northern Metropolitan) — The Greens will support the Farm Debt Mediation Bill 2011. There is great sympathy in the community for small businesses affected by floods, droughts and fires. All of us believe that at times like that small businesses should be given a fair go. The sensible rationale for this bill was natural disasters, but there is no nexus in the bill between natural disasters per se and the right to mediation in circumstances of financial difficulty. As the previous speaker said, it is provided to only one class of small business operators — that is, landowners involved in farming — if I have read the legislation correctly. It does not include the many allied businesses that we know experience exactly the same difficulties as farmers when drought conditions, let alone full-blown natural disasters, come through from time to time.

It is the view of the Greens that as a result of the impacts of climate change we are likely to see many more of these events, particularly in the farming regions of Victoria. We can expect longer periods of hot droughts and more intense rainfall bursts, having a direct impact on the land and also leading to flash flooding. With those generally drier and hotter conditions we would expect to see more frequent and severe fire weather, possibly leading to many more catastrophic wildfires. This is one small measure we can bring in to help people adapt to climate change, but in relation to farming and regional areas we need a vast array of new measures to cope with the effects that we have been seeing and those that we can reasonably predict to be coming.

We have consulted a number of relevant peak bodies in relation to this bill. The Australian Bankers Association has been supportive of the legislation so far. In fact Stephen Carroll, the ABA director of policy, told us that the department had consulted it extensively on the bill and that it had taken into account some of the ABA's areas of concern. The ABA's view is that if we are going to have legislation, then this is a more efficient way of doing it than the way it is done in the New South Wales jurisdiction. It believes that this will be the most efficient way to achieve it.

As noted, the industry offers mediation where it sees it is a good way to go about things. If there is a low take-up rate, it could even be because the bank was able to work with its client to sort out any issues prior to that stage. I have no reason to believe this practice will not continue. Mediation, the banks tell us, only really comes into play when that relationship breaks down. That could be for any number of reasons, but no doubt from where the banks sit it is because the customer is having issues.

The ABA's prime concern was that it thought farmers might think the government would intervene to reduce the level of indebtedness — that is, the debt plus the outstanding principal. That does not appear to be the way this legislation will work, but in any case negotiations in good faith and the time frames of the legislation would appear to address the concerns that could come from both sides. The ABA also told us that it would be advocating this form of legislation as a

model for other jurisdictions that do not currently have something similar, such as Tasmania and South Australia.

The ABA shared with us its view that one of the difficulties might be that politicians would market this legislation as a big stick. Clearly the legislation is not a big stick, but there might be politicians who want to market it that way. Some degree of bank bashing is pretty clearly part of politics, and that is not restricted to any particular political party so I am not going to point the finger. In my view there should be marketing of this legislation. There should also be some programs outside the legislation to assist farmers to develop financial literacy, because you have to understand a lot of things when you are a farmer and, like it is for a lot of people, numbers, balance sheets and financial instruments are not necessarily the most important things you need to know to run your business from day to day. It is only when a problem arises that suddenly you need to make yourself an expert in those things. Some government assistance would be a good thing — and the minister may be able to point to some that already exists — to help farmers expand their level of financial literacy to at least give them a fighting chance when they are sitting opposite someone whose full-time job relates to financial matters.

There is one thing worth noting, and that is that some of the measures in the legislation are not completely symmetrical. In relation to the exemption certificate given to the banks, they get three years whereas the farmers only get six months on a prohibition certificate — that is, prohibition from the bank taking further action against them. There is clearly a bit of an imbalance there.

As I have already noted, the wording of the pre-election commitment was all about natural disasters, but there is no nexus in this legislation. There is no regulatory impact statement. According to the government that is because it needs to get it up and running, as the exceptional circumstances financial assistance is soon to run out. My understanding is that we are dealing with legislation that might apply to only a small number of cases anyway, so I would have thought the government could keep an eye on those.

The costs of this scheme are important as they will no doubt, as is the way with banks, be handed by the banks back to all borrowers who take out a loan of the type that could be affected by the scheme. It is therefore worth us knowing that if there are to be extra costs associated with this, they will be factored into the price of loans. As is good practice in government these days, we need to understand the costs and benefits of particular measures, even when those costs and benefits are completely off the state government's balance sheet and they are just met between private individuals.

We have been told a number of other facts, including that 70 per cent of cases are settled, but we do not know the terms under which they are settled. That degree of satisfaction is not really written into law. Just because a dispute is finalised does not mean that the outcome is fair, that the farmer is happy with it or that the bank, for that matter, is happy with it, so we cannot simply use a crude metric such as the number of cases settled as the yardstick by which this legislation will be measured.

This is a good piece of legislation. I compliment The Nationals on bringing it forward as a policy and seeing it through quickly. It is always good when a political party ticks off on its promises. The next problem the government will have is that it will have to go and get some new promises. It needs to get an agenda. If you do it all in the first year, what will you do for your next three years, Mr Hall? You might just run out of ideas like the last government did, and that is when you start to go down.

Hon. P. R. Hall — I have plenty of ideas.

Mr BARBER — Mr Hall says he has plenty of ideas. Maybe these were the ideas that were in the environment policy, the transport policy or the health policy that the coalition never released before the election. Maybe they are in the secret policy document that is still floating around — —

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I am a little lost as to what Mr Barber's recent commentary has to do with the Farm Debt Mediation Bill 2011.

Mr BARBER — But it is good legislation, so I will end my remarks there. I hope the minister can shed light on the couple of small points that I raised along the way.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Farm Debt Mediation Bill 2011, which is a relatively simple but very important part of both coalition policy and the measures with which the Baillieu-Ryan coalition government is responding to the needs of all Victorians but in particular the agricultural sector, which is our farming community. It is members of this community, or as they are termed in the most recent government ministry allocation, our food and fibre producers, who will be the primary beneficiaries of this important piece of legislation.

The purpose of the bill, which is set out in clause 1, is to provide for the efficient and equitable resolution of farm debt disputes by requiring a creditor to provide a farmer with the option to mediate before taking possession of property or taking other enforcement action under a farm mortgage. This is an important policy which the coalition took to the 2010 election, and that is that financial institutions will be required to undergo farm debt mediation with food and fibre producers before they can initiate debt recovery proceedings.

In relation to the term 'food and fibre producers', which was queried in a contribution in the other place, it is used to identify the agricultural sector as an important industry that has sometimes been neglected in the context of the use of the more endearing but sometimes unappreciated term 'farmers'. Farmers and our farming community — —

Mr Barber interjected.

Mr O'BRIEN — I could give Mr Barber a lecture on farming any day.

Mr Barber interjected.

Mr O'BRIEN — I will give Mr Barber a lecture on farming as well. What he should do is listen to my contribution to the debate on this bill, and it may help him with the formulation of more of his policies in relation to matters of wind farms and other things.

In relation to the farming sector, one of the things it is important to remember, picking up on an aspect which was raised by Mr Lenders in his contribution, is that farms are more than just single entities in a single industry. Yes, they are our food and fibre producers, but they are also homes. They are pieces of land that have environmental significance. They have a particularly high asset value as a matter of property valuation, and they also have environmental, aesthetic, scenic, landscape and other values for those who are their present custodians, who in most cases for the majority of Victoria on a geographical scale are our farmers.

This picks up some of the queries that Mr Lenders raised fairly thoughtfully and Mr Barber interjected spasmodically — namely, why is the farming sector so important in relation to this type of provision, which is about the debts that farms carry? Just because they are such a large asset does not always mean that they have the same income-producing capability, and in terms of their value they move in different cycles in relation to the cycles of the economy. That means farmers can sometimes get into trouble with banks in situations where there are factors beyond their control, including the high Australian dollar and wool stockpiles. I mention wool stockpiles because they were a particular problem for the farming sector in the 1980s — my cousins lost their farm in Balranald — and resulted in New South Wales bringing in the 1994 bill on which the bill before the house is modelled.

The reason it is important to bring in a mediation option is that a debt problem or a mortgage repayment is not always something a farmer can immediately do anything about. Sometimes they need a bit of time. Sometimes they need other ways out. It is not always a question of whether you can pay your loan on a particular date. That does not mean that financial interests do not need to be secured and are not important. Banks need to be repaid in a commercial society, debts need to be repaid and mortgages need to be managed. But there are special instances that apply to the agricultural sector or farming communities, particularly to family farms, which remain the core of Victoria's farming community. It is the particular aspect of farming institutions that I think is very important in an economic sense, because the sorts of lessons of good farming practices, custodianship, success and care for the land that are passed on through families is a model that Australia has evolved and something that should be valued.

One last thing about mediation in relation to farming communities and farming disputes with banks is that there is sometimes more than one player, particularly in a family farming situation, and I will conclude on this shortly. A mediation offers an opportunity to bring in other aspects of a dispute. Sometimes there may be succession planning issues. There may well be proposed developments on the land; there may be wind farm proposals that may be able to be approved to provide a source of income for farmers — subject to their views about their neighbours and the sorts of things that are being debated all through western Victoria, with which I am very familiar and which will be resolved under this government by restoring decision making to local communities.

In concluding I return to the bill. To answer Mr Lenders's suggestion, there will not be an obligation to mediate; there will be an option to consider mediation. There is no way an outcome can be compelled in a mediation. Outcomes cannot be legislated, but the parties can be given a chance to go through alternative dispute resolution.

The last question that Mr Lenders asked — and I will leave the rest to Mr Hall — was in relation to retailers et cetera in country communities. In most cases they are protected under the Retail Tenancies Act 1997. Small

businesses are important too, and by introducing this bill in relation to the farming sector we are not saying that other sectors do not experience the same problems. Currently mediation is offered to small businesses through the Office of the Victorian Small Business Commissioner by the same parties who will be involved in the mediation procedures which will be set up under this bill. I hope that answers Mr Lenders's second question.

There are other aspects of the bill that I will briefly talk about. In relation to the availability of mediation, clause 8 requires a creditor to give a farmer written notice and wait at least 21 days from the giving of the notice before taking enforcement action. This is in addition to any other rights that may be in a mortgage or any complement to them. The notice will advise the farmer that the creditor intends to take enforcement action, that mediation is available and that the farmer has 21 days to take up the option to mediate. This is about setting up a process to give farmers the option to mediate. Where the farmer elects to take up that option, the farmer will notify the creditor in writing that they request mediation. The mediation process effectively can then begin with a prohibition notice, which prohibits any enforced selling while the mediation process exists.

The function of the mediator is to consider and resolve the dispute in the usual way, and that is set out in clause 20. I do not believe there is anything unusual in that process. The usual provisions will apply in relation to technicality and formality. Mediators are to proceed with as much informality as possible, respecting confidences that are communicated during the mediation et cetera.

Some questions were raised about what is a satisfactory mediation, and the figure of 72 per cent satisfactory mediations was mentioned. In many instances, because of the confidentiality of mediations, it is a matter of something being resolved to the satisfaction of the parties. But formally within the bill clause 4 defines 'satisfactory mediation' as meaning any of the following:

> … a mediation that has achieved a resolution of a farm debt dispute;
>
> … a mediation that has proceeded as far as it reasonably can in an attempt to achieve resolution of a farm debt dispute but has failed to resolve the dispute;
>
> … a prescribed mediation or a mediation belonging to a prescribed class of mediations.

This clause is important because it provides the standard by which exemption and prohibition certificates can be granted pursuant to the bill.

Clause 13, which is the prohibition certificates provision, provides that a farmer may apply to the small business commissioner for the issue of a prohibition certificate if the farmer is in default and has requested mediation and the creditor has refused or failed to respond to a request for mediation within 21 days of the farmer having made the request. The effect of the granting of the prohibition certificate is that, pursuant to clause 14, enforcement action cannot be taken by a creditor.

The exemption certificate, which is the next important certificate, provides for creditors to apply to the small business commissioner for an exemption certificate. Subsection 15(1) provides that such a certificate will be available to the creditor if:

> (a) the farmer is in default under the farm mortgage; and
>
> (b) a prohibition certificate is not in force in respect of the farm mortgage; and
>
> (c) satisfactory mediation —
>
> (i) has taken place …; or
>
> (ii) has not taken place as the farmer has refused to mediate; or
>
> (iii) has not taken place and at least 3 months have elapsed after a notice was given by the creditor … or any extended period …

This is a small step, and it will not resolve all disputes. It will not prevent foreclosures in the future, but it will give the parties a chance to consider, within a formal framework, that there may be a bit of time and another way to go in relation to an asset to a farming family. It is another way of thinking about saving the family farm.

Mr DRUM (Northern Victoria) — I appreciate the opportunity to rise and congratulate the government and the Minister for Agriculture and Food Security, Peter Walsh, on this bill. It represents another pre-election commitment that we are delivering on, and we are very proud that we have been able to get this done in our first year in office.

Over the last decade many farmers, through no fault of their own, have taken significant hits to their bottom line due to sustained periods of drought followed by the extremely damaging floods along with the effects of a record high Australian dollar, which is making it extremely difficult for many of our exporting food and

fibre producers. The high Australian dollar is making their industry much more difficult to operate in.

On top of the natural disasters and the Australian dollar — factors that are out of our control — we have had a federal government that has been not just not helping but actually making things worse. It is possibly the worst federal government in the nation's history, and a range of decisions have come out of Canberra that have increased the financial pressures that many farmers are facing.

We have seen the cutting of the exceptional circumstances grants to Victorian farmers, many of whom relied on that assistance throughout the drought. Farmers involved in the export cattle trade were affected by that trade with Indonesia being shut down without any warning. Trade was then all of a sudden restarted as if nothing had happened, which has left behind an incredibly damaged relationship with that trading partner that is going to cause ongoing difficulty. There has been the recent decision to drop the protocols around the importation of New Zealand apples — another good decision out of Canberra — which is putting more rural industries at risk. The threat of fire blight getting into this country is greater than ever before. These are just a few of the challenges facing our farming community which demonstrate farmers' inability to rely on the federal government for assistance.

In recent months the federal government has pulled the rug out from under farmers who were planning to exit the industry. There are many farmers out there who were prepared to take advantage of the $150 000 package that was put on the table by the federal government to help farmers to exit the industry. Many had made the extremely tough decision to exit and to look for other jobs and other housing opportunities whilst being able to maintain some degree of dignity. They had made that incredibly difficult decision based on the assistance that was available, and many of them had actually entered into but not yet signed contracts associated with leaving the industry. In those cases farmers are bound to continue down that path; however, the assistance package from the federal government has now been pulled. That is certainly going to make it very difficult for those farmers to find somewhere to live and opportunities to start another phase of their lives.

With all these issues to deal with, it is surprising that we still have an industry left at all. In this context we are introducing the Farm Debt Mediation Bill 2011. We are happy that we are able to help in a small way. Some things to point out include the fact that this bill is going to be modelled on the New South Wales debt mediation bill, that it is not going to be compulsory for farmers to undergo the mediation, that the Department of Primary Industries is going to help with the resourcing and background work and that the mediation services are going to be offered through the Rural Financial Counselling Service.

Not only is this going to be an economical method of addressing this significant problem, but it will also give farmers the peace of mind of knowing that if they are experiencing financial trouble, they are not going to have to live in fear that the phone will ring one day and a financial institution will be at the other end saying, 'We are now about to sell the farm'. Once this bill has been passed that fear will be gone. Farmers will be able to rest easy in the knowledge that while they are going through seasonal financial problems or sustained financial problems, they will have to be contacted and consulted, and in the event that things are getting very serious, any financial institution that has a loan against a mortgage of their property is going to have to enter into a mediation process in which all the various options that are available to both the financial institution and the farmer who has the debt will be discussed and worked through.

We are delighted that we have been able to bring this legislation forward. It has been a while coming. The commitment to it was put out there before the election. It is good to see that it has bipartisan, or tripartisan, support in the chamber. As I have said, it delivers on a promise made before the election. We believe this is a small but very important way that we can help the farming community continue to thrive and prosper.

We understand that it is a very risky industry and that sometimes those risks do not pay off, simply because of areas and issues beyond the control of the industry and the control of the workers within the industry. Sometimes those odds, bets and risks do not pay off, irrespective of how good the management may be. We understand that funds can dry up, and we now have a much more dignified process which the financial institutions will have to undertake before they can foreclose on any Victorian farms into the future.

Mr RAMSAY (Western Victoria) — I rise to support the Farm Debt Mediation Bill 2011. I congratulate our coalition partners for bringing forward this bill to this chamber, although that is not to say they are the only coalition partners that represent rural and regional Victoria. I also acknowledge both opposition parties — Labor and the Greens — for supporting the Farm Debt Mediation Bill 2011. I will be very quick in my contribution, as there have been a number of

speakers, and given that all sides in this chamber are supporting the bill, there is no need to drag out the contributions to the debate. However, there are a couple of things I want to say to right the wrongs that have been done in this chamber over the last week.

Broadly this act is to provide for the efficient and equitable resolution of farm debt disputes by requiring a creditor to provide a farmer with the option to mediate before taking possession of property or engaging in other enforcement measures under a farm mortgage. This is an important process that allows a farmer and a banker to stop and smell the roses and consider the options in an environment that allows for careful consideration of those options before any rash decisions are made under duress.

The squatter tag that Mr Lenders and Mr Pakula have used on me all week in this chamber — rather childishly, I suggest — is, I think, used on the basis of presuming to denigrate the occupation of farming. I cannot see any other reason why they would use that tag. I have been at a point which has faced many farmers: hopelessness of a financial ilk — not knowing which path I should take to preserve the family farm.

I will digress a little. My father died when I was 16 years old, and we faced significant, hefty death duty penalties in trying to save the farm under the federal government policy at the time. I took over the management of the farm in the 1982–83 drought, when wool prices were at an all-time low. I was trying to buy out family members at a time when the ANZ bank had ranked wool-growing as a high-risk occupation and was applying interest margins that further stressed the business. The opportunity this bill presents would have been welcome at that stage of my life.

That is why I find the squatter tag so offensive, as would other farmers across Victoria. It demeans the honest occupation of a food producer — a farmer who is an important link in the food chain. Why would Mr Lenders and Mr Pakula try to demean farmers? Is it because the farmers work hard on the land to provide food to put on the table for Australian families and for families around the globe? It is rather ironic that Mr Pakula and Mr Lenders most likely squat on property of greater real estate value than any farmer might hope to have. While Mr Pakula is nicely cocooned in a controlled environment of unionism, Mr Tee is doing his level best to force every farmer in Victoria to have a wind turbine in their backyard, whether they like it or not, so he can curl up in his suburban backyard, well away from the noise and intrusion, content that he has done his bit for the environment.

Mr Lenders — On a point of order, Acting President, I am relaxed about what Mr Ramsay wants to throw at me, but we are debating a bill on farm debt mediation. His views on what Mr Tee and Mr Pakula think in their private lives have nothing to do with the bill before us, which is a tripartisan-supported bill. I ask you to ask him to stick to the bill about farm debt mediation rather than wandering into what he thinks various Labor MPs think of wind turbines.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! There is no point of order as such, as Mr Ramsay was making a point in relation to a term he finds personally offensive, being 'squatter'. He has made his point about that, and I do not wish to add to or detract from those remarks. As an Acting President I am not necessarily familiar with all the terms that have been found to be offensive or not offensive. I know there is a list.

Mr Ramsay was responding in a way that he considered relevant to this bill because it is relevant to the issue of how farmers are treated and how they are to be considered. I understand that within that he sought to contrast his position with other members of the house, and in that regard he made his comments. No-one has taken offence at the comments.

In Mr Lenders's point of order there was a suggestion that Mr Ramsay was making comments in relation to the intentions of other members. I did not hear it that way; I did hear him make comments about land ownership, in a way, and then he proceeded to make comments about wind farms and wind farm policy. In that regard he was beginning to stray from the bill, in a sense, but in a way that I must confess I did as well in response to interjections. However, he is straying from the bill, and in his time I ask him to come back to the bill. I understand he is making a particular point in relation to the label he found personally offensive, but I ask him to come back to the bill.

Mr Lenders — On a further point of order, Acting President, no-one in this chamber interjected, and Mr Pakula and Mr Tee are not here. Further to the point of order, Mr Ramsay is commenting on other members of Parliament when nobody in this house has interjected during his contribution and the two members he is apparently referring to are not in the chamber. That is my comment further to the point of order.

Mrs Peulich — On the point of order, Acting President, I seek that you rule Mr Lenders's point of order out of order. The comments made by Mr Ramsay were relevant to the broad theme of the legislation, including attitudes to people who live on the land.

Mr Lenders — People who live in Bentleigh!

Mrs Peulich — I was born on a farm. I have a greater connection to farming than Mr Lenders! I have heard Mr Lenders refer to Mr Ramsay as being from the squattocracy. Mr Ramsay has expressed to me his concern about the offensiveness of this term, and it is completely within his right to canvass those attitudes within this legislation.

Hon. P. R. Hall — On the point of order, Acting President, with the bill before us being a mediation bill, I might try to play a mediating role in respect of this point of order. In talking about this bill, Mr Ramsay was relating his personal experience and passion for the farming industry. His personal experience was relevant to farmers who might be in financial difficulty at some point in their career. Of course that passion has been excited by some interjections we have heard during the course of this week. I admit that those interjections have not come up in the course of this debate, but they have been evident throughout the chamber during the course of the week. It is customary that we make comments about other debates or other occurrences in the chamber when we are discussing a bill, but quite frankly a valid point was made in the point of order. However, I think we would best serve the interests of the house if we continued on with the debate without further protracted negotiation on this point of order.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! In this instance I will simply take the learned advice of Mr Hall, with his 22 years experience, and ask Mr Ramsay to resume his contribution. Formally there is no further point of order.

Mr RAMSAY — I am happy to take the directive of the Acting President, and I thank the Honourable Peter Hall for his advice on mediation techniques as well. The point I was trying to make was about whether the opposition thought it was funny or not to refer to farmers as squatters, a sort of derogatory term that has been used over the course of this week in this chamber. I do not find that term funny, helpful or productive, and it does not provide any sort of support for the industry we are discussing in relation to this bill that finds itself in troubled times — not all the time, but sometimes. Certainly it is most vulnerable when there is drought or flood, as we have heard already in relation to federal government support in interim subsidies under exceptional circumstances.

I will also take your other directive on board, Acting President. I was going to say some lovely things about Mr Somyurek, but given he is not in the chamber, Mr Tee is blowing in the wind somewhere and I have been directed to keep to the passage of the bill — —

Mr Barber interjected.

Mr RAMSAY — Without Mr Barber's advice. I would like to add that the point of this whole story is that I find the opposition does not have a real understanding of the pressures in small business, including farming, and I guess the 'squatter' tag proves that. Perhaps I need to text the former Minister for Agriculture, Joe Helper, the member for Ripon in the other place, and see if those shiny-bum bureaucrats in the Labor Party could explain the real world to members of Parliament.

Going back to the bill, it was a key commitment of the coalition's before last year's election, and we are honouring that commitment. That is why we are standing here today. Farmers are under financial pressure though droughts and floods, particularly in the Sunraysia area.

Mr Lenders interjected.

Mr RAMSAY — If Mr Lenders wants me to finish quickly, I suggest he does not interject.

Banks and other creditors will be prevented from recovering farm mortgages held over farmland. The legislation will create a framework in which farm debt disputes can be discussed equitably with the assistance of an impartial mediator. The bill requires an allocation of $3.5 million over the next four years to the farm debt mediation scheme. Services will be provided through the small business commissioner. There is a similar scheme in New South Wales, but with fewer costs, and there have been agreed settlements in over 70 per cent of cases; 70 per cent of cases have been successful.

Clause 8 requires a creditor to give a farmer written notice and wait 21 days before taking enforcement action. Clause 9 allows a farmer within the 21-day period to notify the creditor that they request mediation in respect of the farm mortgage. Clause 10 requires a creditor to apply for mediation under clause 9 and may, in writing to the farmer, agree or refuse to mediate in respect of the farm debt. Clause 11 provides that where the department receives notice from the creditor under clause 10 that where the farmer and creditor can agree to mediate, the department must refer the details of the parties to the small business commissioner for mediation as soon as possible.

The important point of this bill is that it gives farmers and creditors the opportunity, under mediation and not

under duress, to discuss matters rationally in order to reach a reasonable outcome for both parties.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply, I first want to thank the opposition and the Greens for their support for this legislation. As has been said by all speakers, this is an important piece of legislation, and it is a very useful measure in which assistance will be provided to those who earn a living off the land and who find themselves in uncertain financial circumstances. I will attempt to address some of the issues raised during the course of the debate.

First of all, I will address the comments of Mr Lenders, who was the lead speaker for the opposition. He raised a number of matters, one of which goes to clause 24 of the bill, and that is the setting of the mediation session fee. I will come back to some of the other points he raised, but I will respond to that point first, given that Mr Barber also raised that point as a matter of issue in his contribution. The first point I make in respect of the process for setting the mediation session fee is that these are the same provisions, I am informed, that are used in the Retail Leases Act 2003 and the Owner Drivers and Forestry Contractors Act 2005, where the Office of the Victorian Small Business Commissioner plays the same type of mediator role. There is a sound argument for some consistency across three pieces of legislation, if it is the same role that is to be performed.

That is not to discount the need to address Mr Lenders's question as to why it was set in this way. Mr Barber also asked about this and asked why it did not give the opportunity for Parliament to have oversight, as it would have if it were set by regulation. In respect of that, further to the consistency across the three acts, one might argue that at least in this particular provision Parliament does have oversight of the maximum fee that can be set, because the legislation says that very clearly — that the small business commissioner must fix the fee not exceeding 50 fee units.

There is clearly another side to the extent of the maximum fee that can be set. I understand that it has been said in briefings to the opposition that the anticipated fee for this particular act is of the order of $195. That is the suggestion of what that fee should be set at, which I am also informed is the same fee paid under the Retail Leases Act 2003, but more than that, it is that which is set in the Owner Drivers and Forestry Contractors Act 2005. I know this bill does not go as far as Mr Lenders would like in terms of Parliament being able to disallow something that has been set by regulation, but at least it does have consistency across the three acts and at least Parliament has had oversight of the maximum level at which the fee can be set.

As Mr Lenders said during the course of this debate and during another debate this week, he and I share the view, as we have sat on opposition benches, that Parliament should be able to disallow regulations. I guess that view will remain, but as I said last time I will make sure that that view is conveyed in future deliberations of cabinet when we are considering legislation.

Mr Lenders also asked about how the information and the outcome of mediation processes — particularly where the key performance indicators have been met — might be reported and whether they would be reported in budget papers in particular. I understand that the annual report of the Office of the Victorian Small Business Commissioner reports against key performance indicators with regard to mediation under the Retail Leases Act 2003 and the Owner Drivers and Forestry Contractors Act 2005, and it will do the same under this act. There will be a reporting mechanism via the annual report of the small business commissioner.

I therefore wish to address the issue raised by Mr Lenders in relation to why this particular policy and the provisions of this bill apply only to farmers, as defined in the bill, and not to other rural-based commercial enterprises. He suggested, by way of example, a nursery or milk bar proprietor in a country town. There are three points I would make in response to that. The coalition's policy leading up to the last election was specifically confined to farmers. Beyond that, when framing this policy consideration was given to the fact that some people who operate businesses in country towns will fall into categories that come under the Retail Leases Act 2003. As such, a number of them would have mediation services provided to them under that particular act — not all of them, I admit, but at least some.

The other point to be made about this is that while businesses in country towns are certainly influenced by the health of the agricultural economy, and therefore their income is influenced by the income levels of farmers, farmers are probably not their only clients or customers. I would certainly be the first to admit that their income levels are affected by downturns or catastrophic events in the farming sector, but they are not affected by them entirely. Their income is not influenced totally by such conditions, so they are not affected to the same degree as farmers. For those reasons it was deemed that this particular policy should be applied just to farmers, as defined in the bill.

I think those are the issues that were raised by Mr Lenders. If there are any others, he should yell out by way of interjection and I will try to respond. Otherwise I am certainly happy to take any other points on notice and furnish him with a further reply.

I thank Mr Barber for the support of the Greens for the legislation, but I remind him that despite his complimentary remarks to The Nationals it is a coalition policy. As Mr Ramsay said with passion, all members of all parties in this chamber realise the importance of the farming sector and share that passion. I have addressed the regulatory impact statement and why this particular method was chosen.

The other point Mr Barber asked about was in relation to financial advice and financial literacy in the farming sector. In rural areas that particular service is largely provided by the Rural Financial Counselling Service, which is jointly funded by the federal and state governments across Australia. The Victorian government contributes to the cost of the Rural Financial Counselling Service. It is, I might add, an excellent service that is provided to farmers. In terms of providing financial advice and in part addressing financial literacy, I know the Rural Financial Counselling Service regularly holds public seminars and offers personal consultations to those within the farming sector who seek such financial advice.

I think that addresses the questions posed to me during the course of this debate. If there are questions that remain or that I have not adequately responded to, I again invite those members to contact me. I will furnish them with an answer to those further questions, if there are any, outside of the parliamentary process. With that, I suggest that the bill be read a second time.

Motion agreed to.

Read second time.

Third reading

Hon. P. R. HALL (Minister for Higher Education and Skills) — By leave, I move:

That the bill be now read a third time.

I again thank members of the chamber for their support of this bill.

Motion agreed to.

Read third time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011

Second reading

Debate resumed from 18 August; motion of Hon. D. M. DAVIS (Minister for Health).

Mr JENNINGS (South Eastern Metropolitan) — On behalf of the opposition I take the opportunity to speak on this piece of legislation, the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011. I indicate that it is the intention of the opposition to support the bill, which will help in its speedy passage through the Parliament.

Being mindful of the speedy nature of the passage of this bill leads me to see an implied joke in the second-reading speech. I do not think it was originally meant to be a joke, but the second-reading speech talks about the fact that the bill is being introduced because of the importance of making sure we do not fall behind in the regulatory process because of the slowness of national registration and designation of drugs and poisons in the schedule of the commonwealth act, which is the national standard. The joke, as it has turned out, is that the substances in question that led to the development of this bill and the types of substances that this bill can prescribe in the future were regulated by the commonwealth on 8 July this year, and since 8 July they have been on the schedule. As a consequence, they do not constitute the burning issue that they were seen to be when the second-reading speech was drafted.

However, one of the important elements of credibility in this piece of legislation is that it is drafted in an elegant fashion. Let us give credit where credit is due. The bill provides for an elegant, simple regulation that will enable the Victorian mental health minister, the minister who is responsible for the drugs and poisons schedule in Victoria, to make a registration prescribing drugs ahead of national listing. This will cover potential substances of which the mental health minister may be mindful that fall foul of the health standards that the government sees as appropriate for the prescription, availability and banning of certain drugs in the state of Victoria.

The regulation, the head of power that enables that to occur, is effectively what this bill does. The opposition supports the idea of having that head of power within Victorian statute. If you think about the regulatory model that applies in Victoria, we are somewhat out of kilter with other jurisdictions around the globe where often the norm is for drugs and poisons which may be

of concern to a government to be covered through a regulatory device. But that is not the legislative template in Victoria. In fact, we have gone down the path of inserting substances one by one into the primary act. Whilst that has provided us with some degree of certainty, confidence and legislative rigour, it may be shown over time — and that may be acknowledged by this current amendment — that that regulatory environment is a little prescriptive to keep up with the proliferation of new drugs and substances on the market or those that may be available in the future.

One of the important aspects about this issue that gave rise to regulatory concern in Europe and public concern in Australia, particularly in Western Australia, was the proliferation of chemically derived substances that replicate the effect of marijuana — in common vernacular terms, they replicate the natural high that comes through marijuana use. To circumvent legal restrictions on the availability of marijuana, these chemical compounds have been sold in the absence of a legislative or regulatory environment which prescribes their use as a legal alternative.

I refer to the reasons the government introduced this legislation and why the opposition supports it. I do not speak for Ms Hartland because I do not know what her view is on this subject. I will not even try to crystal-ball gaze about her view. I came very quickly to support the government's position on this matter not because I am a wowser — I am a wowser by temperament, but that was not the reason I was driven to support the legislation. I was concerned about the abuse of drugs and chemically derived substances that could be used for any purpose, whether that be for therapeutic or recreational purposes, or whatever use they are put to. I am of the view that we should know the downstream consequences of the effects of drugs. We should be absolutely crystal clear about them before they are legally available within jurisdictions such as Victoria and Australia. We should be aware and, to the best of our ability, be able to assess the consequences of using them.

When push comes to shove, the fundamental reason this series of compounds should be banned, proscribed or put on a list under Victorian and national law in Australia is that we are not aware of the potential downstream medical consequences of the use of these substances. I do not baulk from that position for one second. In fact there is evidence that has been brought to bear in various jurisdictions around the world, many in Europe. Assessments have been undertaken in Australia, and in the reasons published on 8 July, when the federal minister prescribed these substances, an explanation was given of the risks associated with these substances. It was indicated that some risks were immediately apparent, but there is no available research about the long-term consequences on a user of these substances in the years to come. There has been an application of the cautionary principle to that decision. I think that is a valid decision.

Coming back to the structure of the amendment before us and how it works in the legislative framework in Victoria, whilst the minister in Victoria may take some action to prescribe a certain substance, the head of power to enable that to occur endures. The explanatory memorandum and the second-reading speech may not make that totally clear. In fact on a first reading members might read those two things and think that the head of power exhausts after 12 months, but it does not. It is an enduring head of power. What lasts 12 months is the registration of any particular substance that is prescribed under that head of power, and that has a 12-month sunset. That 12-month sunset is, I believe, appropriate for a variety of reasons, primarily because under normal circumstances you would assume that various jurisdictions around Australia would contribute to a national framework and consideration of those matters.

If it is seen as a national issue, the substance in question would be prescribed under the national framework within that 12-month period. That is the primary reason it is appropriate for it to be seen in that light. If over time the Victorian government has taken action under this head of power and then subsequently research and validation of the use of any drug and its therapeutic or other benefits may seem to outweigh the risks and adverse effects associated with it, then the government would have the ability to remove it from the listing. Applying the cautionary principle of considering it a process of dynamic scrutiny and evaluation over time is an appropriate regulatory environment in which to deal with these issues and prospective issues into the future.

When you know a compound and what its trademark is, you can just ban it and put that in regulation or legislation. The Victorian government would have had this option, just as other jurisdictions have. The reason why that may be the appropriate thing to do as a one-off but not be the best way to deal with these matters in general is reflected in the attempts to deal with the product known colloquially as Kronic or Spice. They are two variations on the same theme of a compound that may be added to a vegetable product of some variety and inhaled by smoking it, similar to how people imbibe marijuana. The nature of those two products is that chemically they are similar to about 100 other known, pre-existing compounds that are slight variations of the chemical construct of those two

products. You might exhaust yourself and get a piece of legislation through the house to incorporate Kronic or Spice and come back next week to find there are 13 variations on the market.

That is one of the reasons why it is appropriate to have a generic head of power. That model is not only being picked up in this legislation but it has been recommended by health bodies in Europe, where it has been picked up by a number of jurisdictions. It seems to be a wise head of power to exercise in relation to these two products and also to products that may come online or onto the market.

In that phrase, 'online or onto the market', is another basket of issues. The ban on or restriction of availability of these substances will continue to be a major problem for this and any government that wants to ban products that may be available through online purchasing arrangements or may be able to be procured from other international marketplaces and arrive by mail. At this time the drug mule operation can probably operate legitimately through Australia Post. We need to take a bit of time to reflect on the best way that not only Victoria but also other jurisdictions can try to have effective controls in place through the customs regime or some other regime to reinforce the nature of this ban. At the moment there will need to be associated remedies to deal with the technology that enables these substances to be purchased and delivered through totally legitimate means. We need to effectively control those issues. I acknowledge that that is a challenge that the Victorian and Australian governments have to confront. I wish them and those who advise them on these matters of providing effective control well.

If I were not going to deal in the colloquial, I could provide documentary evidence to back up what I have been putting to the house. The evidence can be found through a variety of sources. I encourage anybody who doubts the veracity of what I have said to in the first instance track down the decision made in July by a delegate of the federal health minister. It outlines some of the scientific background of the international evaluation of risks and benefits as an explanation beyond the layperson's explanation that I have provided. There may potentially be some benefits associated with using these compounds, but at the moment there is a body of evidence to say that the cautionary principles should apply.

Many of the adverse effects of the use of these substances on vulnerable people in terms of exacerbating preconditions — preconditions of mental illness in particular, or making even worse the health of vulnerable people — create the environment for caution. Staying with the layperson's evaluation, anybody should be mindful of the damage that can be done to a person's health by inhaling or smoking a whole variety of substances. The adverse effects to the heart and lungs from smoking any substance is the starting point for people to realise that they may be placing themselves at risk by just that behaviour, let alone the other effects of the substance. That is compounded by a body of evidence that shows that a number of more extreme and chronic — there is no pun intended — adverse health conditions could develop in somebody who uses these substances.

The variety and availability of compounds are outlined in that decision from the commonwealth government. The approach that it has taken, as it turned out in a quite timely fashion, was appropriate. I know that the Victorian government will support that. I know that other jurisdictions across Australia are lining up, if they have not — —

Hon. D. M. Davis — WA has done it.

Mr JENNINGS — I am not sure what that comment was. I consider that the Victorian government's actions in this regard are appropriate. It has come up with an appropriate way of dealing with these matters by creating a head of power in a Victorian statute to enable this to occur. I think the ongoing challenges will be in the area of enforcement and in limiting the availability of these substances, which is a whole basket of issues that we probably will not have any great satisfaction in dealing with today, but we will continue to think about how that could be done. I know that the government's vigilance and determination in the whole drug-use space will go into a whole basket of new issues in the near future, so this will not be the only time we will be talking about these issues.

Today I have confidence in what the government has done and how it has gone about this. I encourage it to work collaboratively with medical bodies, law enforcement agencies, the customs system and the postal system to work out a way that it can be adequately enforced. Without that, the passage of this bill will be a pyrrhic victory. I wish this piece of legislation well.

Mrs COOTE (Southern Metropolitan) — This bill is another indication of the Baillieu government's powerful anti-drugs policy which was developed prior to the election last year and is now a reality being presented in legislation such as this.

At the outset, I thank Mr Jennings for his thoughtful contribution and the detail he has gone into to try to

explain the nature of this bill and its ramifications. To reiterate, this bill amends the Drugs, Poisons and Controlled Substances Act 1981 and creates a new regulation-making power to enable temporary amendments to the definition of 'drug of dependence' to be made from time to time. The bill will facilitate a commitment made by the Baillieu government to ban certain synthetic cannabinoids which have appeared on the Victorian market, and it will allow for the urgent banning of similar substances in the future.

Mr Jennings so rightly said in his contribution that the issue of banning drugs and substances here in Victoria — in fact anywhere in any jurisdiction across Australia — involves quite a complex arrangement between the commonwealth government and the state. One of the things I would like to take up with him is that he said the federal government had brought in a bill on 8 July dealing with issues of substances and the control of various illegal substances, intimating that this bill was not timely. I have to correct him and say that I think it is a case of the chicken and the egg. I think the commonwealth government brought its legislation in in a great hurry because of the way we had flagged this legislation, particularly in the Legislative Assembly. It was the commonwealth government playing catch-up with us. However, it is a complex issue which I will come back to in a moment.

Later in my contribution I will deal with some of the issues that Mr Jennings dealt with, but I think it is important to put on the record exactly what this bill is going to do. This bill has been proposed because the Victorian government was unable to react quickly to the emergence of synthetic cannabinoids in the market place. This gives the minister — in this case the Minister for Mental Health, Mary Wooldridge — the ability to add substances to the existing list of substances for which unauthorised possession is illegal.

What are synthetic cannabinoids? They are chemical substances that have similar effects to cannabis but are sufficiently structurally different to not be captured by the existing laws that make cannabis use illegal. Kronic — which is the brand name, to use Mr Jennings's term — is the drug that prompted this bill to be brought to the Parliament of Victoria. What is Kronic, and what is Spice? In many instances Kronic is dried herbs sprayed with a synthetic cannabinoid to replicate the effects of marijuana. It is readily available, and the contents of these substances, or the recipes, if you like, for these cannabinoids are strictly legal. However, just as a recipe for anything else that is legal can be changed overnight or very quickly, so too can the recipe for Kronic, Spice or whatever else is going to come up as the next synthetic drug on this illegal drugs market.

It is imperative that we are able to deal with these substances quickly. That is the essence of this bill: to be able to deal with these issues quickly and in a relevant way, because as we all know they come onto the market very quickly and they affect the people who take them in all sorts of ways. With this new power the minister will basically be able to add synthetic cannabinoids to the existing list of substances for which unauthorised possession is illegal. This will mean that serious criminal penalties will apply for possession, use or trafficking of these substances.

It is important to understand the Drugs, Poisons and Controlled Substances Act 1981, which we are amending here today, and its relationship with the commonwealth legislation because, as I said and as Mr Jennings also said, being able to react very quickly to any of these new substances that are coming up is the very essence of this bill. It is important that we show and send the message that we can deal with this through the law very quickly.

The Drugs, Poisons and Controlled Substances Act 1981 controls access to poisons and controlled substances via two mechanisms. These mechanisms act independently. The first mechanism in the act classifies poisons and controlled substances at schedules 1, 2, 3, 4, 5, 6, 7 and 8, and it classifies prohibited substances at schedule 9. The schedules relate to the poisons standard. Schedules 1 and 2, for example, deal with prescription medicine such as cold and flu preparations. Schedule 4 deals with stronger drugs such as antibiotics. Schedule 8 deals with really strong, opiate-based painkillers such as morphine; that gives some indication of how schedules 1, 2, 3, 4, 5, 6, 7, 8 or indeed 9, which deals with poisons, grade substances. They are added to the schedules through a national process. I hope members are beginning to understand that this is not a simple and easy methodology. It is quite a complex methodology that involves state and federal acts.

The second mechanism in the Drugs, Poisons and Controlled Substances Act 1981 regulates substances defined in the act as drugs of dependence. Drugs of dependence are defined as those in schedule 11 to the act, and substances are added to schedule 11 if they are subject to abuse, misuse and physical or psychological dependence. Examples of the drugs included in schedule 11 are things like heroin and ecstasy. These listings can be changed only by an amendment to the act. The bill introduces a new regulation-making power to allow the minister to add substances to the definition

of 'drug of dependence' by regulation pending an amendment to the act that would add that substance to schedule 11 within the subsequent 12 months.

In his contribution Mr Jennings spoke about these various substances and the 12-month sunset clause. It is quite complex, because the important thing that this is bound up with is the opportunity to get proper detailed research and data on the substances with which we are dealing.

It is important therefore to have a 12-month period where proper police, hospital and other data on these substances can be collected so we have a very good idea of what the effects and consequences of the substances are. As has been said already, given that these illegal and illicit synthetic substances are being produced very quickly on an ongoing basis, it is imperative that the minister have the opportunity to include them in these measures and be given time to properly monitor them. At that stage hopefully the commonwealth government will start to re-regulate, having a look at and putting into federal legislation the needed and proper mechanisms. This is an important element.

The cumbersome procedure between state and federal parliaments is recognised. It is important, as I said, that we get this legislation up today; it is vitally important that we make certain time is of the essence. The role of the commonwealth government is defined in the Therapeutic Goods Act 1989, a commonwealth act which allows the secretary of the commonwealth Department of Health and Ageing to classify substances through a process known as scheduling. The scheduling of substances allows restrictions to be placed on supply to the public in the interests of public health and safety. It aims to minimise the risks of poisoning from, and the misuse and abuse of, scheduled substances. There are safeguards, which include a single point of entry for scheduling policy that is applied nationally, two separate advisory committees, a single poisons standard and so on. Once again there is this interrelationship between the state and federal acts, and it is important to understand the necessity of this bill having its timeliness aspect.

We also have to take into consideration the poisons standard, which is a published document established under the commonwealth Therapeutic Goods Act 1989. That is also relevant when we in this state are dealing with schedule 9.

It is important to understand and answer Mr Jennings in relation to his issue about the commonwealth government bringing in its legislation. How does that issue relate? I am starting to run out of time, but there is quite a lot I wanted to say about Mr Jennings's contribution. The commonwealth decided to ban the possession and sale of synthetic cannabis included in products such as Kronic and similar substances. It is important to understand that the commonwealth decision to ban Kronic has no bearing on this bill and what it seeks to achieve. The Victorian regulation-making power will act as an interim power, effective for 12 months until the substances can be prescribed in legislation.

In the short time I have left I want to cover some of the other aspects Mr Jennings covered in his contribution. I pick up on the fact that he praised this legislation as being elegant; I took that onboard as a great compliment. It is indeed simple in the element of its timeliness; however, it is also a complicated matter to understand the relationship between the state and federal jurisdictions. Mr Jennings went on to say he felt there needed to be crystal clarity in terms of the influences and consequences of substances. I was a little unclear myself as to exactly where he was coming from in his contribution; however, I take the spirit of his contribution and understand that he recognised that having a 12-month sunset clause allowing for the research to be done and understood properly in this state and to examine the implications and consequences of these substances is a very important aspect. He said we need further work done. I would concur with that, and I believe that is provided for in the bill.

Mr Jennings talked at some length about the enduring head of power and how important that was. I think that is the essence of this bill. It is very important that the Minister for Mental Health have the opportunity to act very quickly, and as I said earlier, that is the essence of what this bill is about. Mr Jennings said it was a process of dynamic scrutiny, and I thought that was a very good term — a process of dynamic scrutiny. I would like to take that term onboard, and I thank Mr Jennings for it.

Mr Jennings raised the issue of enforcement and of synthetic drug materials coming through customs and Australia Post. This raises a very interesting issue, something that has been properly flagged today. I am certain the Minister for Mental Health, Mary Wooldridge, with her colleagues will have a closer look at and deal with this issue to see what can be done in Victoria to address it. It does relate to this bill.

I know Ms Hartland from the Greens has some amendments to put forward today. She has shown me the courtesy of speaking to me about those amendments. I know it will not come as any surprise to her for me to say that the government will not be

accepting her amendments, but I believe they raise important issues, and I thank her for working through some of those issues collaboratively with the government. It is important that they are raised, and I think it does the bill quite a lot of good to have that sort of scrutiny.

I commend this bill to the house. It builds up what is going to be a long and steady approach and helps to send the message to our community that the Baillieu government does not condone drugs and illegal substances under any circumstances. This is the beginning of legislation we are going to see emerging as the Baillieu government goes forward. We are building on policies we developed in opposition, and we want to make Victoria a much safer place for all vulnerable people in our state. Yesterday we had Overdose Awareness Day, and it was very tragic to listen to some of the personal stories recounted. We do not want to see such things happen. We want to make quite certain people are protected from these illegal substances and from the rapid way these synthetic drugs come onto the market. As I said, I commend the bill to the house.

Ms HARTLAND (Western Metropolitan) — I thank the two previous speakers, who went over the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011 in some detail. The bill creates a mechanism for the government to place temporary bans on drugs that are presently available over the counter in shops. The government wants to be able to act quickly to prevent the sale of these substances. The need for the new powers, according to the Minister for Mental Health, is that new drugs keep popping up to replace the illegal ones. Do members remember the arcade game Whac-a-Mole? As soon as you hit one drug with the prohibition hammer, two more drugs will pop up. The minister wants the power to test herself against the free market in a game of Whac-a-Mole to see who is faster: the minister with the mallet or the free market puppet popping up new drugs to replace the old ones.

This bill gives the minister the power to act quickly to ban a new drug for 12 months in Victoria. During those 12 months significant work will be done to have the drug banned permanently by having it listed on schedule 9 of the commonwealth legislation. If it is not listed, the temporary ban will lapse. The minister will not need any specific proof that the new substance is harmful; she must simply be satisfied that there is significant risk to the health of consumers or to public safety. The ability to act quickly and with limited proof is balanced, according to the government, by the ban being temporary.

On the face of it that seems reasonable up to a point, and up to a point we support it. On one hand the government is talking about removing only untested, unregulated and potentially dangerous substances from sale for 12 months. Personally I wish the government would also do that with genetically modified crops and other unregulated and novel substances to give the government time to consider labelling or other regulation. On the other hand legislation creates powers and penalties beyond what is necessary to satisfy the government's intentions. It is also likely to create unintended consequences. I ask that the amendment in my name be circulated, and I will speak to that amendment at an appropriate time.

Greens amendment circulated by Ms HARTLAND (Western Metropolitan) pursuant to standing orders.

Ms HARTLAND — The amendment will replace the penalties for possessing for personal use small quantities of substances banned under this power, making them identical to the penalties for marijuana use. Encouraging diversion programs or lower fines for personal use does not stand in the way of the intention of the legislation, which is for the government to act quickly to prohibit substances from sale, but it will prevent an unintended consequence of temporary bans — that is, people who are otherwise not causing any trouble ending up in lengthy court proceedings or even in jail because of the banning of a substance that was legal when they bought it over the counter and may very well become legal again after the temporary ban is lifted.

In my view drug addiction and drug abuse are serious health issues. That is my personal view and also Greens policy. Drug addiction and drug abuse sometimes involve illegal drugs, but more often they involve legal drugs and substances such as alcohol and tobacco.

Mr Jennings — That is where the government is going; it foreshadowed it today.

Ms HARTLAND — Thank you very much, Mr Jennings. We know this legislation will never be used to ban tobacco, even though tobacco is 'a significant risk to the health of consumers' under section 132AA(2). Why not? Because prohibition does not work. Instead we treat tobacco use as a health issue. We regulate the packaging, where it can be sold and to whom it can be sold. We regulate where it can be smoked, we encourage people who are smokers to quit and we tax the living daylights out of it.

Gradually the use of tobacco is declining, fortunately, and with it the harm caused by smoking is declining. This has been done without creating a significant black market. The legislation we have before us today, on the other hand, is a direct consequence of prohibition. Drug companies create novel substances to get around the prohibition, and the government must trot along behind, banning these new substances. If that is what the minister wants to do, we will not oppose it, subject to the Greens amendment proposing new clauses that will prevent unintended consequences.

I will take a moment to outline some elements of the Greens policy. Basically we want to bring drug traffickers, dealers and manufacturers within the criminal code but keep drug users out of court, out of jail and hopefully out of coffins. Harm minimisation is what we should be aiming for. The Greens policy does not support the legalisation of illegal drugs. It does support criminal penalties for drug dealers. Members can have a look at the Greens website if they would like to. The Greens support a criminal framework for drug regulation for illegal drug activity other than individual personal drug use. The Greens support fines and other interventions for personal use but not jail when there has been no other criminal behaviour. The Greens prefer diversion and treatment programs for personal use. The Greens also support serious penalties for driving while under the influence of alcohol and other drugs.

The Greens strongly support a trial in Victoria of a supervised injecting room. The program in Sydney has saved lives and has become popular with both locals and businesses because people are no longer shooting up in the streets. What has happened in the last 12 months in the city of Yarra would make it a perfect place to look at this.

Having said all that, there are some circumstances where we actively want prohibition. We would prohibit donations from tobacco and alcohol industries to political parties. Every day people die from alcohol and tobacco use and are injured in car accidents and violence related to alcohol. People fall prey to many diseases related to smoking. Politicians should not only be free but be seen to be free of any ties to alcohol and drug companies. I will speak to my amendments during the committee stage.

Mr SCHEFFER (Eastern Victoria) — Mr Jennings has already advised the house that the opposition will not be opposing the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011 and that we on this side agree with the government that the production, distribution and use of substances that have been produced in unauthorised or backyard laboratories and have been shown to be dangerous should be firstly understood and then controlled.

Previous speakers, and the Minister for Mental Health in her second-reading speech, have explained how the present arrangements between the commonwealth and the states to ensure a uniform national approach to controlling dangerous drugs are now under some pressure to respond quickly to the speed with which new versions of some synthetic drugs can be produced. I note that Mr Jennings indicated in his contribution that the drugs that instigated these amendments to the principal act are now listed on the commonwealth register. This legislation aims to provide the Victorian government and Parliament with the capacity to respond quickly to advice that a particular synthetic substance poses a risk to the community, and this may well prove to have future benefit.

The particular synthetic cannabinoids that have prompted the bill have been around for a decade or so, as I understand it, not only in Australia but also in other countries, and have gone under various names, including Kronic, Spice and K2. The attraction to users of synthetic cannabis is that the tests used to identify whether a person has been using marijuana cannot identify certain of these synthetic substitutes. The active ingredients in marijuana, as people know, are a component called THC and a range of cannabinoids. As I understand it, tests can pick up natural and synthetic THC but are unable to identify the synthetic substances that compounds such as Kronic use instead of THC. Not a lot is known about the effects of these synthetic cannabinoids or the risks in smoking them, and the legislation aims to enable the law to prohibit each area as it is developed and emerges into the illicit market.

This is a very difficult issue. There has been some debate over why these synthetic cannabinoid substances have been developed. One argument is that they are a consequence of the legal prohibition of marijuana, which has created an opening for the illicit development of alternative products that are legal, at least until the substances are themselves prohibited, after which a new version will be developed and so on, as the minister's second-reading speech indicated.

I have followed up, by way of investigation, a US website called K2 Incense, which sells K2 products. On this site it says that the particular products being marketed are not illegal. The K2 Incense website promises that it can do shipping drops to locations in over 30 countries. This is really clear evidence that we are dealing with what Mr Jennings alluded to, unless

the websites are exaggerating, of course, but I take them at face value — that is, an international production marketing system that is very difficult for individual nations to deal with in the public interest.

The difficult question, at least at the level of debate, is whether criminalising the possession and distribution of marijuana and synthetic cannabinoids drives control of the production and distribution system into the arms of international organised crime, which then controls what goes into these illicit and dangerous substances.

Governments have a responsibility to promote community safety and to protect against unacceptable risk. The prohibition of certain practices and products is a legitimate part of any state's toolkit in exercising this responsibility. The issue always turns on what course of action best reduces harm to individuals and to the community as a whole. Is it better to decriminalise or legalise a practice or product so that it can be regulated and better managed to reduce harm, or is it possible to effectively reduce or eliminate the practice through prohibition and policing?

The debate over whether cannabis is a dangerous drug has been with us for some time. There are those who say that in comparison with other drugs cannabis is relatively safe. But other evidence indicates, for example, that acute cannabis intoxication plays an adverse role in vehicle accidents, that smoking cannabis is associated with a higher cancer risk, that there is a link between cannabis use and schizophrenia and that there is also some evidence that cannabis use is linked to depression and can cause memory loss and decision-making impairment.

I guess I follow the precautionary principle, as I do with most areas of public policy. I believe that there is sufficient evidence to warrant the state taking action to reduce harm and that this legislation, while clearly operating in a very complex and problematic space, is consistent with the overall policy approach taken by successive Victorian governments.

But there is another issue here, and it relates to the relative importance of synthetic cannabinoid substances when compared to a range of substances that also pose serious risk to public health. I had a look at the most recent *Victorian Drug Statistics Handbook — Patterns of Drug Use and Related Harm in Victoria for the Period July 2008 to June 2009*. This document, as members would know, reports on the patterns of drug use and related harm in Victoria. As we know, alcohol and tobacco, both legal drugs, are far and away the most problematic and harmful of substances.

The handbook says that alcohol was the drug most widely used by Victorians in the year of the survey, particularly among males, with significant proportions drinking at levels that place them at risk of harm. The majority of Victorians identified as current drinkers, and almost half said they drank regularly. The number of alcohol-related hospitalisations increased. Amongst young people, alcohol use was relatively stable — at least not increasing, which is something.

The handbook also says that tobacco continued to account for a large portion of drug-related harm, being responsible for 58 per cent of all Victorian drug-related hospitalisations. One-fifth of the population are regular smokers, which is around 1.1 million people. By contrast, there was a decline in methamphetamine use among Victorians in 2007, the use of ecstasy and cocaine stabilised and the use of ice continue to decline as did the harm caused by these drugs. To run against that, the number of ambulance call-outs in this space increased, as did arrests.

Non-medical illicit benzodiazepine use was relatively uncommon in the general population, with only 2 per cent reporting use even though benzodiazepine-related ambulance attendances accounted for 19 per cent of all drug-related cases attended by Ambulance Victoria in metropolitan Melbourne. The handbook says that surveys indicated a very low prevalence of heroin and other opioid use among the Victorian general population in 2007. In conjunction with cannabis, in Melbourne heroin remained the most commonly used drug by people who regularly inject drugs, although the lowest frequency of recent use in injection was reported in 2009 compared with previous years.

The use of illicit party drugs, hallucinogens, inhalants and steroids is also generally reported as extremely low. Cannabis is reported in the handbook as the most commonly used illicit drug, but its use is also declining, particularly among young people aged between 16 and 24 and among secondary school students — and this is some good news. As well, cannabis calls to the DirectLine telephone counselling service in 2009 fell by 12 per cent, but cannabis-related ambulance attendances in metropolitan Melbourne increased by 23 per cent and hospital admissions increased by 21 per cent.

While every drug-related harm is deserving of attention and appropriate care, we need to keep in perspective the actual use of illicit drugs and the prevalence of emerging laboratory-produced synthetic substances. While it is true to say that many individuals, families and communities use illicit drugs and that use can be devastating, it is equally true that similar harms can

result from legal drugs such as alcohol and tobacco. All too often the media focuses on issues relating to illicit drugs because the stories of human misery are associated with the drama of crime and punishment. Clearly a more multifaceted public health approach is required than prohibiting a substance and punishing anyone producing, transmitting, possessing or using it.

Many drug addiction services offered across Victoria involve counselling, clinical services, pharmacological treatments and outreach services. They all share the characteristic of placing the individual and their family or support group at the centre of the treatment regimes. None of this is to say that people who commit drug crimes should not be dealt with according to the law, but this should always be done with the objective of minimising harm and reducing harmful drug use in the community. Overall this legislation makes an important contribution within the context of the holistic approach that has been the trend in Victorian drug policy.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise and speak on the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011. I, like other members in the chamber, do so because I am aware of and have seen the devastating effects of the misuse of drugs. It is one of those issues that is raising great concern in our communities. It is something that we, as a government, have a responsibility to address. That is what we are attempting to do in this instance, as has been outlined by previous speakers.

Like many within the community, I am concerned about not only the immediate health and social effects of drug abuse but also the longstanding adverse health and social effects that drug abuse can have on the individual and the subsequent impact on their families and our communities overall. I am pleased to say that the Baillieu government made the commitment to prohibit the possession of certain synthetic cannabinoids which have appeared on the Victorian market. The introduction of those prevention measures to prevent the uptake of drug use have been a priority for this government.

I commend the Baillieu government for taking this issue seriously. I also commend those other members in the house who have spoken on this bill and have similar concerns. Those concerns have been expressed not only by members of the government and other members in this house but also by leading health experts and other general members of the community. Taking action to protect the public safety of all Victorians is one of the main objectives of this government, and this bill will go some way towards achieving this along with our stance on law and order.

We have heard from Mrs Coote, Mr Jennings and others on what this bill will do. The bill will amend the Drugs, Poisons and Controlled Substances Act 1981 by creating a new regulation-making power which will enable temporary amendments to the definition of 'drug of dependence' to be made from time to time. I want to quickly speak about Ms Hartland's amendment. I know that she, like other members of the Greens, are concerned about the health and wellbeing of the Victorian community, but we cannot take a blanket approach to the issues covered by her amendment, and I think that is what the substance of Ms Hartland's amendment will do. As Mr Jennings and Mrs Coote have outlined, in essence this bill provides that we can take action as these new substances appear, because we do not know what will happen in the future.

The synthetic cannabinoids that this bill seeks to regulate are generally defined as a concoction of mixed herbs that have been impregnated or sprayed with chemicals. They sometimes take on a fruity flavour. The effects of these new smoking or inhaling blends mimic or replicate a marijuana-like experience. They are developed by people who are looking to have a similar experience to that resulting from using existing illicit drugs. However, even though they are similar in function to some illegal drugs due to their composition, they are not able to be classified as such. Therefore they escape the current regulatory framework under which other illegal drugs are defined. That is what this bill addresses.

It is a long time since I studied the pharmacological composition of drugs, but I understand that synthetic cannabinoids are a group of chemically unrelated structures that are pharmacologically similar to the active principal in cannabis — that being delta-9-tetrahydrocannabinol, which is also known as THC. What is very concerning from a health perspective is the health repercussions of synthetic cannabinoids, in particular their unpredictability. They are unpredictable due to their ability to change composition.

It is for this reason that drug manufacturers are constantly coming up with alternative compositions, each of which has a different impact, and it has been reported that at times these can be up to 10 times stronger than regular cannabis, having severe and subsequent health impacts. In relation to the health concerns, I know there are numerous reports and commentaries from a range of health professionals who have spoken at length about their concerns about the

long-lasting physical and mental health impacts of regular cannabis usage. It is the reporting on the true nature of usage of synthetic cannabinoids which has not yet been fully undertaken here in Victoria. However, what is known is that there are reports of significant usage in the community, particularly among our young, and there are reports of the harmful effects of these types of drugs being experienced in other jurisdictions around the country.

As I said, it is affecting a number of our young. The synthetic cannabinoids go by a variety of names, the most common being Kronic or Spice, but there are also names such as Voodoo, Kaos, Mango, Pineapple Express and Northern Lights. They go and on, and this is part of what we are trying to address here. These drugs change in nature and they change in name, and they become attractive for potential drug use or misuse in a recreational sense.

The effects and impacts of these drugs will vary, but as Mr Jennings pointed out, we cannot assess the consequences of them. We need to do that, and that is what this bill will attempt to do in trying to prohibit the uptake of these drugs. The effects are felt not only by the user but also by their families and the community at large. Research suggests that high levels of risk-taking behaviour and increases in crime, property damage and theft have been attributed to drug abuse. Anything we can do to minimise those effects in our communities will be beneficial.

These substances are easily attainable. They can be bought either online or in local retail stores which stock drug paraphernalia, and I know there are a number of retail outlets in my region that do this. There are a number of similar outlets across Victoria. There is a real concern in the community about the uptake of drug use and associated thefts. There has been a visible increase in graffiti within the region over recent years, as well as an increase in violent crime, which we have heard much about in relation to some of the policies we have brought forward.

Crime is often associated with offenders who are under the influence of some sort of substance, and that could be Kronic or Spice. Criminal behaviour may be a consequence of drug use — I am not saying it is, but it may be. Episodes of crime may be as a result of drug use, but the workplace environment can also be affected. There are reports that in some workplaces around the country the number of drug and alcohol-affected employees may be as high as 30 per cent. This has a huge effect on productivity. It is not just those effects on our community; there is an added load on our health system caused by drug-affected individuals. Mr Scheffer talked about ambulance call-outs, but there is also the increase in the number of attendances at emergency departments.

Synthetic cannabinoids were first proposed for therapeutic use to provide an alternative to many of the medications prescribed for terminally ill cancer and AIDS patients in the management of their treatment and pain. As a former nurse, I am very familiar with the pain and discomfort the terminally ill patient may suffer. I am pleased to say that pain management for many patients continues to improve, and it is my understanding that the use of synthetic cannabinoids is no longer required as part of pain management. But where synthetic cannabinoids were once used legitimately, that has switched to recreational use, and this is what this bill hopefully will address.

The subsequent health and public safety aspects associated with drug misuse are a major concern to this government and to governments and leading medical experts both here in Australia and around the world. It has been widely reported that the president of the Australian Medical Association Victoria, Dr Harry Hemley, has major concerns about synthetic cannabinoids. In a report in the *Geelong Advertiser* in June of this year he warned customers about the synthetic drug's effects on the body, which include:

> … anxiety, panic attacks, increased heart rates, paranoia, restlessness and poor concentration.

Dr Hemley is reported as saying that he:

> cautioned users that the drug could cause a psychotic state for people who are already suffering from a mental illness.
>
> 'Any recreational drugs that affect (the brain) we have concerns about,' Dr Hemley said.

It is very important to hear from a leading authority in this regard.

The marketing of these drugs is widespread, and they are easily accessible. Dr Hemley goes on to say:

> Given the drug's popularity retailers are wary about getting the fake marijuana banned. Geelong retailers are selling out their synthetic cannabis stock as more people are trying it out.

I am sure that scenario is not isolated to the Geelong region and that it is occurring in retail outlets across Victoria, but it is concerning that on a variety of websites the effects of Kronic are promoted as:

> An identical high, without the paranoia and moody comedowns. Kronic only lasts for around 2 hours and won't leave you drowsy in the period following.

Another synthetic cannabinoid, Purple Haze, is marketed in the following way:

> Purple Haze, perfect for the social smoker in a social scene. Part of a new range of Kronic blends, Purple Haze is the ideal product for kicking back with mates and having a good time.

While these websites boast that their products have no reported side effects or negative reports, I am not sure that people working in our health services and emergency departments would agree. Just a few weeks ago a 38-year-old Western Australian man died after suffering a heart attack moments after smoking synthetic cannabis. Of course we do not know what actually caused the heart attack, but it has been widely reported that there was some association.

I think it is extremely concerning that one of these websites claims that these drugs can fight depression. It says:

> Antidepressant legal drugs are rarely effective and are not reliable for treating depression. The side effects are also very deadly. Natural treatments, such as herbal highs, are more ideal to make a depressed person feel better and regain control of his physical and mental health.

That is a really alarming thing to have on a website, and I think it is a huge concern to many health experts, especially those in the area of mental illness. I know that governments of all persuasions are also concerned with the health and wellbeing of people with mental illnesses and would not support those comments in any form. Anything we can do to prevent increases in episodic mental illness or the exacerbation of mental illness should be done. It is not only in Victoria and other parts of the country that people are concerned about the effects of synthetic cannabis. The International Narcotics Control Board has expressed concern about access to these substances, and controls on access are being implemented.

We have gone over this bill in detail. Both Mrs Coote and Mr Jennings have outlined it. The scheduling of drugs is a complex aspect of dealing with drugs of dependence. It is very tightly regulated, as it should be, in this country. These substances change constantly and may not be able to be captured amongst those drugs that are scheduled, as Mrs Coote succinctly pointed out in her contribution to this debate.

It is very much the Victorian government's intention to continue to work with the commonwealth and other states around the country to achieve uniform laws relating to drugs, poisons and drugs of dependence and to really work on this issue that is currently before us. As it stands, the Victorian legislation does not allow for the quick, autonomous action that is required when dealing with the constantly changing nature of these synthetic cannabinoids. This bill will address and change that, and what the regulation will do is allow for that interim power that we have talked about to be effective for 12 months until the substances can be prescribed in the legislation and in commonwealth regulations.

In closing, I want to thank Mr Jennings and Mr Scheffer for their contributions. I know they have expressed their concerns on this issue, as has Ms Hartland on behalf of the Greens, and I thank Mr Jennings for having confidence in what the government is doing and supporting this bill. I commend the bill to the house.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and make a short contribution to the debate on the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011. As has already been said, the opposition is not opposing this bill. At the outset I point out that Labor promised at the last election to review the current situation with alcohol and other drugs, and I am pleased to see, with this bill before us today, that the coalition is following our lead in this regard.

I am very proud to be part of the former Labor government, which made a record investment in alcohol and drug services and had a whole-of-government approach to dealing with alcohol and drug services for the community. We invested some $510 million in alcohol and drug services from the time we came into office in 1999 until we left office. That was a very significant financial contribution to initiatives to address alcohol and drug issues for all Victorians. In that time we almost doubled the number of drug treatment beds that were available as well as seeing waiting times for alcohol and drug services decrease so that it was much easier for people to be able to access those services.

This bill, as has already been pointed out by a number of speakers, responds to the problems that have been demonstrated by new drugs entering the market — for example, the increase in and greater availability of synthetic cannabinoids. Mr Scheffer spoke at some length and in some detail about those drugs. We know they have very harmful side effects — in fact the side effects are very similar to, if not the same as, those experienced by people who use cannabinoids. They include things like severe paranoia, anxiety, panic attacks, poor working practice, concentration problems, high heart rate, agitation, restlessness — a whole series of quite harmful and debilitating side effects. The ability of people to carry out their work and be involved

in family life can be very much affected by these drugs, including the synthetic drugs that we have seen come onto the market more recently.

The bill amends the definition of 'drug of dependence' in the Drugs, Poisons and Controlled Substances Act 1981 and provides for a new regulation-making power that enables temporary amendments to the definition of 'drug of dependence', which can be made from time to time when it is deemed to be necessary for public safety. The purpose of the regulation-making power is to allow the making of regulations to enable control of new forms of drugs of dependence that may appear on the market and on our streets from time to time. This is for an interim period until legislation to ban these new drugs can be introduced into the Parliament. The opposition believes it is important that the government have the power to criminalise new drugs of dependence as they come onto the market, and we believe the 12-month sunset period is appropriate to allow Parliament to consider permanently listing the drugs.

In her contribution Mrs Coote talked in some detail about not only the synthetic cannabinoids that are coming onto the market but also a range of other products. She spoke about some of the problems that are associated with the effects that those drugs have not only on an individual but also on the broader community. She also talked about, in some cases, the production and distribution of these drugs.

In conclusion I believe the bill makes a contribution to community safety. It will give the government the ability to respond quite quickly when there is a need to ban a new drug that comes onto the market and onto our streets. As I said, the opposition is not opposing this bill.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011. I have to say that I do not know very much about drugs at all. My family would tell you that if you gave me half a Panadol, I would be in real trouble for the rest of the day. I do not know very much about drugs, but I have spent some time in this job learning about the effects of drugs.

Having been in the Parliament for just a short period of time, I have to say that I find the response of opposition members to this bill a little curious. They commence with the statement, 'We will not oppose this bill'. I think I would much rather that they said, 'We will support it'. I would much rather that they said, 'We will get behind this because it is a good initiative'. I find their response a little curious, but I suspect — and Mr Finn nods in agreement — that when it comes time for the vote, they will support us on this one.

I promise — and this will delight members of the chamber — I will not speak for very long on this.

Mrs Coote — I wanted to end the week on a high!

Mr ONDARCHIE — Mrs Coote says she wanted to end the week on a high. What an interesting comment, given the subject matter!

Just last week I spent some time with operational officers in Victoria Police, and they talked to me about the effects of drugs on our society. On Monday I spent some time in the emergency department of the Austin Hospital. I spent about 2½ to 3 hours there with the staff, and I thank Dr Simon Judkins and his staff for their time and for allowing me to spend time with them. I learnt a lot about the public health system and, importantly, about the effects that drugs have on our community and their impact on our health system. I had a chance to speak to some of the ambos who were there at the time, and they talked to me a lot about what they endure in their work helping people who have taken drugs.

I have also spent time with organisations like Berry Street talking about homelessness, family violence, crime and all the things associated with the effects of drugs. In a sense I do not know much about drugs themselves, but I am starting to learn both as a dad and as a member of the community — and now as a member of this Parliament — more about the effects that drugs have on the community. I rise today to support this bill, and I commend the contributions thus far today from Mrs Coote and — this might surprise him — Mr Jennings. I commend Ms Crozier as well for the contribution she made to the debate. Ms Hartland also touched on some stuff that is very important to all of us in this chamber. I commend all of their work.

This bill gives the Minister for Health a regulation-making power to put in place a temporary prohibition on substances and their derivatives. The need for these powers has developed with the spread of the use of synthetic cannabinoids such as Spice and Kronic, which have been mentioned today. These mimic the effects of currently illicit substances such as marijuana. There might be other names for these things coming along, but this gives the minister a chance to put a stop to this. The bill is consistent with the Baillieu government's commitment to protecting the public safety of Victorians. I know the coalition government is strong on this. I know the Premier himself is very strong on ensuring public safety, and he is very strong

on knocking out the use of drugs amongst Victorians. The measure works in conjunction with the national regulatory scheme, which allows for consistency around the country.

The bill will allow for quick, autonomous action on emerging substances, and in a sense it future proofs the regulation of synthetic drugs. It allows our law to stay on top of drug makers by giving the government the power to move swiftly and ban new drugs as they emerge. It also combats the ability to have drugs enter the marketplace under some sort of legal guise. It is a chance to ban substances immediately — do it now! Stop them now; save Victorians before it is too late. It also works to prevent designer drugs gaining prevalence.

I am hoping the commonwealth government will catch up and get behind this bill in its regulatory regime. I could spend time critically analysing what the former government has done over the last 11 years around this issue.

Honourable members interjecting.

Mr ONDARCHIE — I say to the members who are interjecting right now that I am not going to do that. This bill stands on its own merit. It makes a lot of sense, and it is time for us as Victorians, irrespective of our political views, to get behind this, not to say that we will not oppose it but to say that we will support it, because it is time that we take back the streets and preserve the health, safety and wellbeing of all Victorians.

Mr RAMSAY (Western Victoria) — Like my colleague Mr Ondarchie I will also make a very quick contribution this afternoon. It is with some sadness that I rise to support the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011. I say 'with some sadness' not because I do not support the amendment but because we have to provide yet another regulation to enable temporary amendments to the definition of drugs of dependence to be made from time to time on the basis of risk to public health and safety. It is sad that we have a society that continually needs protection from itself. We, as legislators, are having to provide intervention in the form of acts and regulations that protect the most vulnerable in our society — our children and our youth. We are assuming responsibility for the health and safety of children while those who should take that role continually abdicate their responsibilities.

With this amendment the Baillieu government is reacting quickly and responsibly to respond to the emergence of synthetic substances similar to illegal drugs such as cannabis. If passed, it will enable prompt action to ensure that these substances are banned. This is consistent with the Baillieu government's very strong mantra of 'pre-election commitments'. With the endorsement of the Victorian people, this government will get tough on drugs and crime. It is pleasing to see a bipartisan approach to the emerging danger of synthetic cannabinoids. The shadow Minister for Mental Health, Gavin Jennings, has said he is jumping on the Kronic bandwagon and that this bill is an appropriate response.

Mr Jennings interjected.

Mr RAMSAY — I was saying that in support of Mr Jennings. I was not being critical of his terminology or his comments. I was merely emphasising that we have bipartisan support on this issue. I also support Mr Jennings's comments in relation to banning tobacco. I am a reformed smoker and one of the worst — —

Mr Jennings — You look better for it!

Mr RAMSAY — Thank you. I do have some sympathy for Mr Jennings's comments on that, but of course that is not what we are dealing with today. I apologise for my digression.

As chairman of the Drugs and Crime Prevention Committee, with its two concurrent inquiries running, I have heard many stories about the abuse of alcohol and drugs, which is leading to an increase in antisocial behaviour, including aggressive and violent activity both in domestic settings and public places, mainly in the younger demographic, which places a huge burden on not only our health system but also our law and order resources, and that comes at an enormous cost to the community.

Governments have a responsibility to act swiftly to stop access to not only the distribution of illicit drugs that are already legislated as banned substances but also those synthetic cannabinoids that have similar effects to cannabis but are structurally different and are not captured by existing laws. While many of our youth today live by the adage 'more is good', we as a community will be confronted by ongoing escalations in the use of substances that risk personal and public safety. Governments must have the capacity and flexibility to provide controls for access, use and distribution of substances that in some cases have been developed for medicinal therapy but have been altered or added to and abused recreationally rather than used medicinally. They can have side effects such as tremors, seizures and possible psychosis.

I note that the effect of the regulations made under this new power will not be to amend schedule 11 but to expand the scope of the definition of the term 'drug of dependence'. Importantly I also note that the criminal offences applicable to drugs of dependence will apply to substances subject to this proposed regulation, and that is a good thing.

Finally, I would like to inform the chamber that I am accompanying the Salvation Army this Saturday night to see firsthand the impacts of both drug and alcohol abuse through the CBD from midnight until 3 in the morning.

Mrs Coote — I hope I don't see you!

Mr RAMSAY — I hope I don't see anyone from this chamber! If I do, I will certainly report it in my next contribution.

Mrs Coote — Ms Hartland and I are going out on the town.

Ms Hartland — I'll have to have a nanna nap first!

Mr RAMSAY — I will particularly be looking for Ms Hartland. I commend the government on its get-tough-on-drug-abuse policy and on providing protection to Victorians against the serious impacts of substance abuse, and I commend this bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. D. M. DAVIS (Minister for Health) — I seek leave for Mrs Coote to sit at the table.

Leave granted.

Clauses 1 to 3 agreed to.

The ACTING PRESIDENT (**Mr Finn**) — Order! Ms Hartland has three proposed new clauses that could be moved at this point, but because the new clauses cross-reference provisions contained in clause 5 of this bill I propose that other clauses of the bill, including clause 5, be considered before the new clauses.

Clauses 4 to 6 agreed to.

New clauses

Ms HARTLAND (Western Metropolitan) — I do not intend to ask any other questions. I will just speak to these amendments, but before I do, I would like to say that because I am not someone who drinks, smokes or has ever used party drugs or any other substances, I am in the wowser class. However, my previous work was with chronic alcoholics and in a mental health team, so I too have seen the absolutely devastating effects of alcohol, tobacco and other illicit substances, which is why I am always very concerned when we have such legislation before us and why I have moved this amendment.

The amendments in my name provide for penalties for personal use of drugs proscribed under section 132AA of the principal act to be the same as the penalties that are presently imposed for marijuana use. I do not believe higher penalties for personal use are necessary to achieve the government's two stated objectives for the new powers, which are to act quickly and to create temporary bans on sales of these substances.

I considered moving an amendment to remove all penalties for personal use, because the speed at which the government may now act will create a unique set of circumstances in Victoria. As has been stated, people can go into a shop to buy these substances or even order them online. They could buy it on Tuesday and put it away, and on Wednesday it could become illegal. I think we are creating a very difficult situation. People are going to purchase it, and they are not necessarily going to use it straight away. Today it may be legal, and tomorrow it may not be. A person may be arrested for possessing or using a substance that they had no reason whatsoever to believe had been banned. Meanwhile the 12-month ban on the substance may lapse, with our hapless drug user still in court facing penalties for a drug which was legal when they bought it, was made illegal for a time and has become legal again.

I consider this to be a waste of the court's time and the police's limited resources. They ought to be doing other things. We could argue a case that any penalties for personal use would create more problems than they are worth. However, I decided against that option because we recognise that people sell and use illegal drugs, and we did not want to create a situation where one drug was favoured over another in the black market.

The penalties for cannabis use under the current drugs law provide for low fines to be imposed and, where appropriate, for adjourned bonds. This means referral to diversion programs and other measures that treat personal drug use, in the absence of any other crime, as a health issue. The government will still have the power to act quickly to ban new drugs as they arise. Penalties for the possession of large quantities of drugs, the sale of drugs, the manufacture of drugs or for driving under

the influence of these drugs will also not be affected by the Greens amendment.

New clause A

Ms HARTLAND (Western Metropolitan) — I move:

After Clause 4 insert the following new clauses —

'A Possession of a drug of dependence

(1) After section 73(1)(a) of the Principal Act **insert** —

"(ab) to a penalty of not more than 5 penalty units where the court is satisfied on the balance of probabilities that —

(i) the offence was committed in relation to a quantity of a drug of dependence prescribed in accordance with section 132AA that is not more than the small quantity applicable to that drug of dependence;

(ii) the offence was not committed for any purpose related to trafficking in the drug of dependence prescribed in accordance with section 132AA;".

(2) In section 73(1)(b) of the Principal Act after "paragraph (a)" **insert** "and paragraph (ab)".

Mr JENNINGS (South Eastern Metropolitan) — As I said by way of interjection and as I will now put on the public record, my preference would have been to hear how the government responded to the proposition put by Ms Hartland before I responded, given that at no stage prior to her moving the amendment did Ms Hartland raise it with me or other members of the opposition to discuss its relative merits. Members of the opposition will be interested in a detailed and fulsome response from the government.

The reticence that the opposition has to spontaneously agreeing to anything, including an amendment like this, comes from the fact that we want to have some confidence in the interlocking nature of legislation with the penalty provisions that already exist as well as having confidence in enforcement. We think the net outcome that Ms Hartland has said she is seeking to effect by her amendment is laudable. In fact as a matter of principle we are fairly comfortable with her objective.

We are also mindful of the relativity of the existing penalty clauses in the act that make very clear the differential weighting given to those who traffic drugs as opposed to those who have small quantities for personal use. Those relativities are already there. The logic that Ms Hartland was outlining in terms of replicating it here is sound, but we have not evaluated the potential effectiveness of this provision compared to the existing relativities, and we are reluctant to do it on the run. We think the relativities of these penalties should be appropriately considered and reflected on. We would encourage the government to do so and to make sure that the enforcement regime is consistent with the relative crimes that will now be put on the statute book as well as looking at the effectiveness of how they are going to be enforced and the wisdom of the way in which penalties will be applied.

We are totally comfortable with the logic of Ms Hartland's proposition. However, we are reluctant to jump into this space without considering it and without going through a process by which we would have the confidence to say that the net effect of her amendment would be as she believes it to be. We are reluctant to automatically jump in and support the amendment.

Ms HARTLAND (Western Metropolitan) — I apologise to Mr Jennings. Because of the illness of the Greens Whip this week, who normally always handles these matters for us, I have overlooked this. This is entirely my fault for not conveying this amendment to Mr Jennings.

Hon. D. M. DAVIS (Minister for Health) — I am pleased to consider Ms Hartland's amendment. I will pick up Mr Jennings's point. We too have seen this amendment relatively late, but nonetheless we seek to look at it on its merits. We think the relativities of penalties that have been struck are appropriate, that the relativities to the commonwealth arrangements are appropriate and that it is reasonable to proceed in the way the government has suggested. This is something we have thought about quite a lot. I know the minister in particular has given a great deal of thought to that. Under these circumstances we are not prepared to support the amendment, but I, like Mr Jennings, understand some of the points Ms Hartland has made.

Ms HARTLAND (Western Metropolitan) — I will ask one question of the minister. The point that I have raised that I am really concerned about is the situation of someone who buys the substance on Tuesday when it is legal and is then caught with it on Thursday when it has become illegal. How does the minister believe that is going to be dealt with?

Hon. D. M. DAVIS (Minister for Health) — I do not think people purchase these things with naivety. The reality is it is important to send a clear signal, and as we understand, this legislation gives the minister the

ability to respond quickly as things proceed. On balance, that is the right way to approach it.

Ms HARTLAND (Western Metropolitan) — I am quite concerned about that because, yes, someone might be naive, but it could happen that when someone purchases a substance it is legal but when they are picked up with it, it is illegal. I need some assurances about how that is going to be dealt with. I have been quite clear that that is my main concern. Someone could end up in a legal process for something that they purchased when it was still legal. I understand why the government needs to work quickly on this, as has been outlined by all the speakers.

Hon. D. M. DAVIS (Minister for Health) — I can speak personally on this. I discussed some of the mechanics of some of these points with other health ministers at the national health ministers conference. In Western Australia, where they have acted on a number of these points, the situation Ms Hartland has outlined has occurred. It does not appear to have become a particular problem in practice.

Committee divided on new clause:

Ayes, 2

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

Noes, 33

Atkinson, Mr	Leane, Mr
Broad, Ms	Lenders, Mr
Coote, Mrs	Lovell, Ms
Crozier, Ms	O'Brien, Mr (*Teller*)
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Ondarchie, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Elsbury, Mr	Scheffer, Mr
Finn, Mr	Somyurek, Mr
Guy, Mr	Tarlamis, Mr (*Teller*)
Hall, Mr	Tee, Mr
Jennings, Mr	Tierney, Ms
Koch, Mr	

Pair

Pennicuik, Ms	Pakula, Mr

New clause negatived.

New clause B

Ms HARTLAND (Western Metropolitan) — I move:

B Use of drug of dependence

After section 75(a) of the Principal Act **insert** —

"(ab) where the court is satisfied on the balance of probabilities that the offence was committed in relation to a drug of dependence prescribed in accordance with section 132AA — to a penalty of not more than 5 penalty units; and".

I have outlined the reasons for all these amendments, so I will just formally move them.

Hon. D. M. DAVIS (Minister for Health) — I think in our earlier discussion we made clear our points on these amendments.

New clause negatived.

New clause C

Ms HARTLAND (Western Metropolitan) — I move:

C Adjourned bonds to be given in certain cases

In section 76(1)(ab) of the Principal Act after "Schedule Eleven" **insert** "or a drug of dependence prescribed in accordance with section 132AA".'.

New clause negatived.

Reported to the house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips 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 Practitioner Regulation National Law (Victoria) Amendment Bill 2011.

In my opinion, the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011, as introduced to the Legislative Council, 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 bill amends the Health Practitioner Regulation National Law (Victoria) Act 2009 to insert a provision that provides as follows: a person wishing to appeal against an 'appellable decision' under section 199 of the Health Practitioner Regulation National Law 2009 may do so by lodging an application with the Victorian Civil and Administrative Tribunal for a review of that decision; and such application must be lodged within 28 days of the person being informed of the relevant 'appellable decision'.

Human rights issues

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

This bill limits the right to a fair hearing, in section 24 of the charter act; however, I consider the limitations on the right to be reasonable in a free and democratic society for the purposes of section 7(2), having regard to the factors set out below.

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

(a) the nature of the right being limited

The right to a fair hearing is a formal, procedural right.

(b) the importance of the purpose of the limitation

The purpose of the limitation on the right to lodge an appeal is to provide certainty in relation to when an appeal against a decision may be commenced. Failure to specify a time frame means that an appeal may be lodged at any time following a decision, possibly years after the decision has been made. This creates unnecessary uncertainty and potential costs for national boards. Increased certainty about when an appeal may be commenced may also encourage more expeditious hearing and resolution of appeals, which would benefit both practitioners and national boards.

(c) the nature and extent of the limitation

The bill imposes a strictly formal limitation on the right to appeal a decision. The period of 28 days is reasonable and is consistent with other jurisdictions in the national registration and accreditation scheme for the health professions. The time limit does not constitute a substantive limitation on the right to a fair hearing. The bill does not alter or restrict the range of decisions that can be appealed under the Health Practitioner Regulation National Law (Victoria) Act 2009, nor does it change the basis on which the Victorian Civil and Administrative Tribunal will conduct a review of the decision.

Under the Victorian Civil and Administrative Tribunal Act 1998, the Victorian Civil and Administrative Tribunal will have discretion to accept an application for review of a decision outside the 28-day time frame. This would allow consideration of any particular circumstances that would render the time limit unreasonable, such that it constituted a substantive limitation on a person's right to a fair hearing.

The bill contains appropriate transitional provisions to ensure that no person is disadvantaged by the introduction of the time limit for making an appeal. That is, no person will be disadvantaged when compared with other practitioners in Victoria who are registered under the Health Practitioner Regulation National Law 2009.

(d) the relationship between the limitation and its purpose

The limitation on the right to appeal a decision is directly related to the purpose of the provision, described in section (b) above.

(e) any less restrictive means reasonably available to achieve its purpose

The purpose of the provision is to provide certainty about the time period during which appeals can be made. A less restrictive means to do this would be to allow a longer period after a decision is made for the commencement of an appeal. However, if the time period were longer the benefit of the provision would be diluted.

(f) any other relevant factors

Conclusion

The bill engages but does not limit the right to a fair hearing outlined in section 24 of the charter act.

Hon. David Davis, MP
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

When the Health Practitioner Regulation National Law came into effect on 1 July 2010, more than 85 health practitioner registration boards, in eight states and territories, were replaced by one national agency and 10 national boards corresponding to 10 health professions: chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology.

Almost 140 000 Victorian health practitioners from the 10 professions transferred to national registration under the national scheme, allowing practitioners to register once and practise anywhere in Australia.

Although workforce mobility is a desirable outcome of national registration, the overriding objective of the national

scheme is the protection of the public. The 10 national boards established by the national law have a responsibility to ensure that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered. At the same time, it is a guiding principle of the national scheme that a national board may place restrictions on the practice of health professionals only if it is necessary to ensure health services are provided safely and are of an appropriate quality.

In line with this guiding principle, and to adhere to the principles of natural justice, the national law provides a right of appeal to the responsible tribunal for a practitioner who is the subject of certain decisions by a national board. For example, a national board may refuse to register a practitioner, or may attach conditions to a practitioner's registration. The national law, as it applies in Victoria, provides that the Victorian Civil and Administrative Tribunal (VCAT) is the responsible tribunal for practitioners registered in Victoria. However, unlike the national law as it applies in other states and territories, the Victorian national law does not specify a time period within which such an appeal must be lodged with VCAT.

All states and territories agreed during framing of the national law that a time limit of 28 days should apply for lodgement of appeals arising from the national scheme and that this should be incorporated into each jurisdiction's local law, either in the statute by which the jurisdiction adopted the national law or in the legislation that established that jurisdiction's responsible tribunal. However, no such time limit is specified in the Victorian national law or in the Victorian Administrative Appeals Tribunal Act 1998 (Vic).

This bill, consistent with the agreement between the jurisdictions at the time of the framing of the national law, imposes a time limit of 28 days for the lodgement of an appeal by a practitioner against a decision of a national board made under the national law. To ensure that no practitioners' rights are affected without their knowledge, the commencement date for the introduction of the limitation period will be 1 July 2012. This will allow sufficient time for practitioners to be informed of the introduction of the 28-day limit.

The government expects that every statutory decision made by a national health registration board will be made in accordance with the principles and objectives of the national scheme. Decisions must be transparent, accountable, timely and fair. In conclusion, this bill reaffirms the government's commitment to ensuring the safe provision of high-quality health care and the equitable and efficient regulation of the health workforce. Over time, the improvements to health regulation will further strengthen the health professions.

I commend the bill to the house.

Debate adjourned on motion of Mr JENNINGS (South Eastern Metropolitan).

Debate adjourned until Thursday, 8 September.

ROAD SAFETY CAMERA COMMISSIONER BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips 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 Road Safety Camera Commissioner Bill 2011.

In my opinion, the Road Safety Camera Commissioner Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill establishes the first Victorian road safety camera commissioner, who will be appointed by Governor in Council.

The commissioner will have three key roles:

quality assurance and reporting;

investigations and review;

complaints management.

The bill will give the commissioner the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the performance of his or her functions.

Human rights issues

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

The bill does not engage or limit any of the rights under the charter act.

Conclusion

There are no human rights protected by the charter that are relevant to the bill.

The Hon. Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill establishes the first ever independent Victorian road safety camera commissioner. This government came into office with a clear commitment to promoting increased transparency of the road safety camera system, as well as enhanced accountability for that system.

Together with the audit of the road safety camera system by the Victorian Auditor-General, I consider that this bill will increase the public's confidence in the camera system. Increased public confidence is important — when people understand clearly that the cameras are accurate and only catch those doing the wrong thing, it can lead to behaviour change that includes drivers being more likely to take a careful approach to keeping within the speed limit and obeying traffic signals, which in turn will promote improved road safety outcomes.

To increase accountability, the road safety camera commissioner will monitor and review the integrity and efficiency of Victoria's road safety camera system. To increase transparency, he or she will provide credible expert advice about road safety camera operations to Parliament and the community.

The scope of the road safety camera commissioner will include all facets of the automated road safety camera network, including intersection cameras, fixed freeway cameras and mobile cameras. It will not cover handheld radar devices used by Victoria Police. These devices are not automated road safety cameras but devices which use radar technology to detect speeding drivers. These handheld devices are managed and operated exclusively by members of Victoria Police who issue on-the-spot fines to speeding drivers.

The commissioner will be appointed by the Governor in Council and will have three key roles. Firstly, the commissioner will undertake a quality assurance and reporting function. This will involve review and assessment of the operation of the road safety camera system, undertaken at least every 12 months. It will also involve the regular review of the information made available about the camera system by the Department of Justice.

Secondly, the commissioner will have an investigation and review function and the ability to publish findings and recommendations in the commissioner's annual report.

Thirdly, the commissioner will have a complaints management function. The commissioner will be able to receive complaints from any person aggrieved by the road safety camera system. However, it is not intended that the new commissioner will investigate individual complaints or seek to intervene in individual infringement cases. There are existing, effective mechanisms whereby individuals can seek a review of their infringements through Victoria Police, the courts and the Victorian Ombudsman and this will not change. Individual complaints will continue to be managed through these mechanisms.

The commissioner will perform a new role in relation to complaints. He or she will be able to investigate complaints about the road safety camera system itself, in a systematic context. This means the commissioner may investigate an issue where one or more individual complaints point to a systemic problem requiring attention. This new, systemic review role has been a gap in the overall system of road safety camera system assurance, which will be addressed by the powers of the new commissioner.

It is important for the commissioner to be and remain independent, impartial and objective. The commissioner will report annually to Parliament. The commissioner will have direct control over his or her investigations and recommendations. Those who run the camera systems will be under the full scrutiny of the independent commissioner.

The bill empowers the commissioner to take actions and request information as necessary to carry out his or her role and functions.

The bill envisages that the commissioner may form a reference group made up of experts from fields including road safety research, road safety engineering and road safety camera technology. The functions of the reference group would include advising the commissioner about various aspects of the road safety camera system.

Through this bill, the key role that road safety cameras play in road safety will be emphasised. The increased accountability for, and transparency of, the road safety camera system will help to build the public's confidence in that system, further encouraging drivers to stick to the speed limit and obey the law. This bill reflects the government's real commitment to the safety of Victorians on our roads and to ensuring the ongoing integrity of the road safety camera system.

I commend the bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 8 September.

SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips 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 Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011.

In my opinion, the Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011, as introduced to the Legislative Council, 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 bill amends the Corrections Act 1986 and the Sentencing Act 1991 to repeal provisions relating to home detention orders and provides for consequential and transitional amendments.

Human rights issues

The abolition of home detention as a discretionary mode of serving a sentence of imprisonment engages the protection against retrospective criminal laws in s 27 of the Charter Act.

Protection against retrospective criminal laws (s 27)

Section 27(2) of the charter act provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

Clause 19 repeals subdivision (2A) of division 2 of part 3 of the Sentencing Act 1991. The effect of this amendment is to remove the power of a court to impose a sentence of imprisonment and order that it be served by way of home detention. Clause 6 repeals division 4 of part 8 of the Corrections Act 1986, which removes the power of the Adult Parole Board to make a home detention order in respect of a prisoner. While home detention orders currently in force are unaffected, this amendment engages s 27(2) of the charter act because it removes the availability of home detention for offenders who have not yet been sentenced and could have qualified for home detention, and for prisoners who could have been eligible for such an order during the course of their sentence.

In my opinion the bill does not infringe the protection against a retrospective penalty for two reasons.

Firstly, the home detention scheme is not a penalty in itself, but rather a means of administering the penalty set by the sentencing judge. It is a discretionary order that is granted by the court during sentencing if satisfied that the offender is eligible for such an order and it is desirable to do so in the circumstances or by the Adult Parole Board if a prisoner has served a certain period of their sentence and is being held under minimum security conditions. It is only granted to offenders who are facing or currently serving imprisonment and satisfy certain criteria. The bill itself does not alter any provision which criminalises an offence or prescribes the penalty that could be imposed for it.

Secondly, the words 'penalty that applied' in s 27(2) of the charter act have been interpreted by comparative jurisdictions as referring to the maximum penalty which a court was authorised to impose at the time an offence was committed. The right has been read as requiring that no penalty be imposed on a person that is greater than the maximum penalty that could have been imposed on that person at the time that the offence was committed. This means that the protection against retrospective penalty as framed in the charter act is not concerned with what would have been the likely penalty imposed on an offender had he or she been sentenced shortly after committing an offence. It is not a guarantee for a lesser penalty. Rather, it is a protection against changes in the law which increase a penalty above the maximum prescription that existed at the time of the offence.

Accordingly, although the amendments prevent an eligible offender from being granted a less severe form of penalty in the form of a home detention order, either at the time of sentencing or while serving a period of imprisonment, the amendments do not limit s 27(2) of the charter act because they do not alter an offender's liability for the more severe penalty of imprisonment for the entire duration of their sentence, which would have existed at the time of the offence. The maximum penalty prescribed by law to any offence that qualifies for a home detention order is unchanged by these amendments.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

The Hon. Richard Dalla-Riva, MLC

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

I inform the house that the bill has had minor amendments made in the lower house to correct errors or discrepancies found in the bill.

Incorporated speech as follows:

The Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011 will amend the Sentencing Act 1991 and the Corrections Act 1986 to remove home detention from the Victorian statute book.

There are currently two types of home detention orders that may be made.

The first may be made under the Sentencing Act 1991, where a court may order that a sentence of imprisonment of not more than a year is to be served by way of home detention.

The second is available under the Corrections Act 1986, where the Adult Parole Board may order that a minimum-security-rated prisoner who has served at least two-thirds of their minimum term of imprisonment and are within six months of their earliest release date may serve the remainder of their sentence under home detention.

The government went to the election in November 2010 with a clear commitment to abolish home detention as part of its law and order policy, and this bill fulfils this commitment.

The aim of the government's policy of abolishing home detention is to ensure truth in sentencing and restore the community's confidence that jail means jail.

The government has further concerns about the impact that home detention has on families, and on women in particular, by not only shifting the cost of imprisoning offenders from the state to the family of the prisoner, but by pressuring partners of offenders to consent to a home detention order which then effectively confines them to their home with an offender.

The abolition of home detention will promote truth and transparency in sentencing. Currently, prisoners may be released for up to six months on home detention before they have served the minimum sentence set by the court. The government believes that minimum sentences set by courts should not be subverted by early release on home detention. Parole is available for prisoners to be released after their minimum sentence, allowing the prisoner to be released subject to a range of conditions to assist their reintegration into the community. When appropriate, release on parole is the best and most transparent method of ensuring that offenders are supervised and supported during the transition to release.

Even when home detention is ordered by a court, the current laws still refer to home detention as though it were a prison sentence, and the government believes this is clearly a fiction.

Abolition of home detention is part of a suite of commitments that the government presented to the Victorian community before and during the 2010 election, designed to simplify and clarify sentencing practices. These polices include the abolition of suspended sentences and the establishment of a new order to be served in the community. In the period after the repeal of home detention until the commencement of the new order, courts will be able to impose a fine, a sentence of imprisonment, or impose an existing form of intermediate and community-based order (for example an intensive correction order).

The government's policy of abolishing home detention was clearly expressed well before the 2010 election. Where no order has been made at the commencement date of this legislation in relation to an offender, including but not limited to circumstances where the court has sought an assessment report, or the offender has applied to the Adult Parole Board for a home detention order, the bill provides that a home detention order cannot be made.

The bill will preserve existing home detention orders made by the courts or the Adult Parole Board at the date of commencement of legislation, so that these will be permitted to run their course.

I commend the bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 8 September.

TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips 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 Transport Legislation Amendment (Public Transport Safety) Bill 2011.

In my opinion, the Transport Legislation Amendment (Public Transport Safety) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The main purposes of this bill are to promote public transport safety, to limit the regulatory burden on transport operators and to provide a means of resolving potential conflicts between decisions of rail and road safety regulators.

In the rail sector, the bill achieves its aims by —

aligning safety management requirements applying to rail operators with national provisions;

clarifying the application of rail safety duties during loading and unloading operations; and

ensuring that Victoria can enter into reciprocal agreements with transport ministers of other states and territories so rail safety regulators can act cooperatively, thereby reducing the regulatory burden on the rail industry.

In the bus sector, the bill reduces the regulatory burden by —

allowing registered operators of minibuses to continue to use drivers with probationary driver licences where this is currently the case to avoid increasing the regulatory burden on operators who provide services for disabled people and other vulnerable people following implementation of the Bus Safety Act 2009, which came into effect on 31 December 2010; and

providing greater flexibility in scheduling compulsory bus safety inspections; and

providing the director, transport safety, with greater flexibility in deciding to accredit persons holding convictions for fraud and dishonesty offences that are over 10 years old for the purposes of the bus safety accreditation scheme.

The bill introduces a dispute resolution mechanism where transport safety regulators have a difference of opinion where jurisdiction is shared, and that difference of opinion cannot otherwise be resolved, to avoid regulated bodies being caught in a stalemate between regulators.

The definition of a rail safety work infringement offence is also amended by the bill so that the concentration of alcohol in blood or breath is correctly stated and the offence is properly enforceable.

Human rights issues

The bill does not raise any human rights issues.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise any human rights issues.

The Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The main purposes of this bill are to promote public transport safety, to limit the regulatory burden on transport operators and to provide a means of resolving potential conflicts between decisions of rail and road safety regulators.

These purposes are achieved by a range of practical measures. The bill recognises that to obtain the best regulatory and safety outcomes, legislation must take account of the practical realities involved in effective regulation.

The bill responds to the Victorian Ombudsman's December 2010 report (*Investigation into the Issuing of Infringement Notices to Public Transport Users and Related Matters*) which noted significant underreporting of incidents involving authorised officers used on the rail, bus and tram networks. The changes made by the bill tighten government scrutiny and oversight of passenger transport companies such as Metro Trains Melbourne and Yarra Trams in their management of authorised officers.

The bill supports the department's ability to take action against authorised officers involved in adverse incidents by reducing reporting times from 14 days to 48 hours after an incident occurs. The Department of Transport will also be able to serve improvement notices requiring passenger transport companies to take steps to improve their management performance.

In the rail sector, the bill achieves its aims by —

aligning safety management requirements applying to rail operators with national provisions;

clarifying the application of rail safety duties during loading and unloading operations; and

ensuring that Victoria can enter into reciprocal agreements with transport ministers of other states and territories so rail safety regulators can act cooperatively, thereby reducing the regulatory burden on the rail industry.

In the bus sector, the bill reduces the regulatory burden by —

allowing registered operators of minibuses to continue to use drivers with probationary driver licences where this is currently the case to avoid increasing the regulatory burden on operators who provide services for disabled people and other vulnerable people following implementation of the Bus Safety Act 2009, which came into effect on 31 December 2010; and

providing greater flexibility in scheduling compulsory bus safety inspections; and

providing the director, transport safety, with greater flexibility in deciding to accredit persons holding convictions for fraud and dishonesty offences that are over 10 years old for the purposes of the bus safety accreditation scheme.

The bill introduces a dispute resolution mechanism where transport safety regulators have a difference of opinion where jurisdiction is shared, and that difference of opinion cannot otherwise be resolved, to avoid regulated bodies being caught in a stalemate between regulators.

The definition of a rail safety work infringement offence is also amended by the bill so that the concentration of alcohol in blood or breath is correctly stated and the offence is properly enforceable.

I commend the bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 8 September.

BUSINESS OF THE HOUSE

Adjournment

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the Council, at its rising, adjourn until Tuesday, 13 September 2011.

Motion agreed to.

ADJOURNMENT

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the house do now adjourn.

Manufacturing: government performance

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva, concerning the government's lack of action in supporting the Victorian manufacturing sector during these challenging times.

Today in question time the minister was caught out not having a policy on the biggest issue facing the Victorian manufacturing sector in the modern era — that is, the high Australian dollar. When I asked Mr Dalla-Riva in question time today to detail the policies — and I did say on numerous occasions 'besides the Victorian Competition and Efficiency Commission (VCEC) process' — the government has implemented to support the Victorian manufacturing sector to offset the competitive pressures of the high Australian dollar during the first 10 months of holding office, Mr Dalla-Riva could not detail any initiatives.

The failure by Mr Dalla-Riva to point to any measures initiated by the government to offset the high Australian dollar proves that the government is abdicating its responsibility to the hundreds of thousands of Victorians employed in the Victorian manufacturing industry, including the 25 000 manufacturing firms which operate in Victoria. There is a complete vacuum in leadership by the government at this critical juncture for the future of the Victorian manufacturing industry, despite the government having had the benefit of a very comprehensive and bipartisan Economic Development and Infrastructure Committee report into the Victorian manufacturing sector. This report was handed down in August 2010 and contains 45 recommendations. In fact the previous government did not even have time to respond to those recommendations.

Despite all this, the government launched another inquiry, this time through VCEC. It asked this cost-cutting and efficiency body to carry out a manufacturing inquiry. We have had two manufacturing inquiries in the space of six months, and I must add that the VCEC process still has not been concluded. In the meantime we have hundreds, if not thousands, of Victorians being retrenched from their employment in the Victorian manufacturing industry. This should be a matter of concern to the minister and the government.

The action I seek from the government is for it to stop dithering and to formulate and implement some serious and urgent policies to shield the Victorian manufacturing sector from the high Australian dollar before many more Victorians lose their jobs.

Australian Labor Party: political activity

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise concerns a matter I have canvassed in this chamber on numerous occasions, and that is the use of coercive power in order to procure a particular result. I think this is particularly disturbing when it comes to people who are elected to do a job in a democracy. We saw, for example, yesterday during a debate in the lower house on matters that were being pursued by the Labor Party, or parallel to that, an attack on people related to me.

On a related matter, but relevant to the ALP, I am concerned and wish to raise for the attention of the Attorney-General a matter to do with a report that I read indicating that senior Labor figures in Victoria were considering banning the Health Services Union from taking part in Labor's key policy and administrative forum, its state conference, at which I understand preselection rights are also determined.

I hope this sort of act is not a form of retribution against the Health Services Union following its decision, as announced by the national secretary, Kathy Jackson, to provide assistance to the New South Wales police inquiry into allegations against Mr Thomson, the federal member for Dobell. I hope this is not coercion and an attempt to pervert the course of justice.

I therefore call upon the Attorney-General to instigate an appropriate course of action to investigate whether this sort of coercive action or threat could constitute an attempt by the ALP to force a particular result and further add to the threats that have been directed towards Ms Jackson and to investigate whether it is in fact a perversion of the course of justice. I look forward to hearing the result of such an investigation.

Community sector: wages

Ms TIERNEY (Western Victoria) — My adjournment matter this afternoon is directed to the Premier, and it relates to equal pay for women in Victoria. Members in this place are well aware that our community service workers are an integral part of our communities. They are people who care for children, the vulnerable, the elderly and the disabled. The majority of our community service workers are women, and they have been underpaid because of their gender.

Victorian women heard Ted Baillieu state before last year's election that he would be a champion for pay equity, matching Labor's pledge to boost wages for community service workers, who were among the lowest paid in the state. The Minister for Community Services went even further in committing an elected coalition government to this promise by stating that that promise would be kept, whatever the cost. All Victorians have a right to be outraged at the Premier's absolute betrayal of our female community service workers through his latest decision to back away from the coalition's promise to deliver equal pay for women. It is an affront to women that the government has decided to threaten cuts to government services in an attempt to abrogate its responsibility to fix equal pay and resolve this important social justice issue.

The cynic in me tells me that the government's approach to this issue confirms that equal pay is most definitely a gender issue. In addition to this, the Baillieu government has made a submission to Fair Work Australia's equal opportunity case dismissing the role that gender played in pay equity despite the interim decision of Fair Work Australia, which found that gender certainly was a reason these workers were the lowest paid in the sector. This sheer betrayal and the shameless vote-grabbing exercise by the Baillieu government are disappointing to say the least, and they are clear for all to see.

I urge the Premier to keep the promise that he made to low-paid women in Victoria and reconsider the current government's position on the issue. I ask the Premier to recommit to pay equity in Victoria, including fully funding equal remuneration for community services workers. I take this opportunity to also thank the unions and the equal pay alliance partners for the function they held at Parliament House this morning. I note that not one member of the government bothered to attend.

Kurdish community centre: attacks

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Attorney-General. The Kurdish community in Australia comprises a group of people who in many cases have fled from some quite severe oppression in their homelands, which of course spread across the national borders of a number of different countries. In Australia they have found peace and sanctuary and have often been able to do things they could not do in other countries, such as identifying themselves as Kurds, speaking their own language and practising their own culture. I have participated in their cultural events.

However, for years now the Kurdish people have been subject to harassment and intimidation, and these incidents have been increasing both in severity and frequency. On 14 April this year their community centre, which I have attended on a number of occasions, was firebombed and burnt, and just a few weeks ago eight bullets were fired at the remains of the building. The members of the Kurdish community believe these attacks on them are politically motivated. They believe they are the victims of actions that may qualify as terrorism, an act of terrorism being an action done or threat of action made 'with the intention of advancing a political, religious or ideological cause' and the intention of intimidating the government or 'the public or a section of the public'. That definition is from our own Terrorism (Community Protection) Act 2003.

The fire has initially been investigated as arson, and I have written to both the police minister and the police commissioner about it. Correspondence is apparently going back and forth between them. As is so often the case, no-one seems to be telling me who can authorise me to be briefed and ask questions on this matter.

The Kurdish community's fear of a political motivation for these attacks brings them squarely under the responsibility of the Attorney-General. I ask him to investigate this matter, to work with both his federal counterpart and the Minister for Police and Emergency Services to investigate whether politically motivated violence is behind the terrible events we have been seeing and to meet with the members of the Kurdish community to hear directly from them their concerns and why they have taken the step they have.

Roads: truck trailer registration fees

Mr ELSBURY (Western Metropolitan) — Given the accolades that have been floating around today for acting presidents and the President alike, I would like to say to you, Acting President Finn, what a fantastic job you do in your role.

The matter I wish to raise this afternoon is for the attention of the Minister for Roads and relates to the

registration of truck trailers and the federal government's changes to the fee structures. B-double truck and trailer combinations have over many years become a widely used method of moving goods. The B-double configuration consists of the articulation of a small A-trailer and a standard size trailer following the A-trailer. The A-trailer is usually about 7.5 metres long and the B-trailer just under 14 metres. When a prime mover is added to tow that load the overall truck length can be around 25 metres. The A-trailer provides improved cargo capacity for a prime mover being driven under load, taking capacity to 34 pallets, an increase of 12 pallets on the average trailer. B-double truck configurations assist in reducing congestion, as their additional load capacity reduces the number of trucks needed to move the same amount of materials.

Given the almost manic attitude of the federal government to reducing carbon emissions — its measures include a tax which will actually reduce the capacity of businesses to reduce their emissions by purchasing new and more efficient equipment — it further beggars belief that fees are being increased on truck configurations which reduce emissions in the first instance and reduce congestion on our roads, reducing emissions still more. As a result of this new fee structure we will see more trucks on the road doing smaller deliveries, neither improving efficiency nor reducing environmental impact.

Three years ago the registration fee on an A-trailer was $1200, 18 months ago it went up to $3500 and now the amount is $6500, so there has been an increase of about 540 per cent. The federal government has increased the fee on A-trailers to the point where these methods of cargo movement have become no longer viable for smaller freight companies and owner-operators. I have also been advised that companies that rent out A-trailers have noted a dramatic drop in their use because the total rental cost no longer makes any sense given the additional charges for the trailers.

These concerns have come to my attention following meetings with logistics companies, warehouse businesses, trailer manufacturers and those involved in the construction and maintenance of prime movers. The industries which support the moving of freight and the truck companies themselves are feeling the pressure of this registration fee increase. I ask the minister to use all formal mechanisms available to him to raise the damaging effects of this fee increase with the appropriate federal authorities.

Foodbank Victoria: funding

Ms DARVENIZA (Northern Victoria) — I raise a matter for the attention of the Minister for Community Services, Mary Wooldridge. The matter I raise concerns the coalition government's decision to cut funding for rural relief workers at Foodbank Victoria, a charitable organisation and Victoria's biggest independent emergency relief resource centre, despite there being an increase in demand for these workers. The organisation's delivery of emergency relief to communities is an important part of the government's emergency response plan. The organisation distributes aid in times of crisis, and the rural relief workers are very much needed.

In 2009 the Labor government set up a program to support rural communities in crisis, providing annual funding of $425 000. This funding was used to employ five rural support workers based in Geelong, Bendigo, Horsham, Wodonga and Traralgon. The role of the workers is varied. They liaise with the 125 emergency relief programs throughout the state, teach organisations how to recruit and retain volunteers, establish food shares in communities and initiate community meal programs and school breakfast programs. They rescue food locally by working with businesses that are willing to donate food.

Rural support workers have the knowledge, skills and links with local food donors that enable them to access food quickly in times of great need or stress. They give communities quick access to food supplies in times of crisis, such as during the recent bushfire and flood disasters. It is of great concern to Victoria's rural communities, including those in my electorate of Northern Victoria Region, that the government has cut back annual funding from $425 000 to a mere $75 000. This equates to a loss of four workers in an already underresourced program.

The action I seek from the minister is that she urgently review the decision to cut funding for the scheme and commit to retain the existing workers, who support rural communities. The government is determined to cut the number of these important workers despite a recent survey that showed the state's rural communities programs were only meeting 66 per cent of the demand for emergency food supplies. I urge the minister to review the decision to cut this funding and to retain the existing workers who currently support regional communities.

Public transport: access

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Public Transport, Mr Mulder. Lack of local infrastructure in the west — bike lanes, bike parking and car parking — is a major barrier to public transport access. Some buses travel to railway stations, but some run as infrequently as every 40 minutes and it takes 20 to 35 minutes just to get to the station. Bicycle travel to train stations is often not viable as bicycle lanes to stations and the bicycle parking system, the Parkiteer bike cages, need to be expanded to meet demand.

For many there is therefore no option but to drive to the station, but once they get there they find that the car park is overflowing. Car parks at railway stations in the west, such as at Werribee, Hoppers Crossing and Laverton stations, are full by 6.15 a.m. or 6.30 a.m. The car park at Laverton station stretches all the way back to Aircraft station. Even if you want to drive to the station to catch a train, you cannot park your car, so you are left with no option but to keep driving all the way to the city. You are forced to spend money on fuel and other running costs, and in doing so you contribute to traffic congestion and carbon pollution.

On 21 April 2009, in response to large numbers of commuters being fined at Werribee station for not parking within designated parking bays, Mr Mulder was quoted by the *Wyndham Leader* as saying:

> Labor must provide an adequate number of sealed, line-marked car-parking spaces at Werribee railway station.

The *Wyndham Leader* also reported that he said:

> … only non-commuters who parked at the station should be fined …

And it further stated:

> Bona fide public transport users must not be penalised … for supporting public transport.

Now that he is in government I suggest he follows up on his word, takes action and delivers accessible train stations. One ultimate goal should be that there is no need to drive a car to a station because of the provision of adequate bicycle infrastructure and public transport services in these areas.

What is needed is an analysis of train stations across the west that identifies barriers and the most effective ways to fund priority developments to overcome these barriers. The analysis must look at bicycle routes, bicycle parking, car parking, bus routes, bus connections, including to regional rail link stations, and the needs of growing suburbs. In the meantime an immediate increase in car parking is absolutely needed. The action I seek is that the minister provide an immediate increase in the number of station car parks on western train lines and undertake the analysis that is needed.

Schools: Bannockburn

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Education, Martin Dixon. The minister would be aware of a number of Victorian regional areas experiencing rapidly growing populations. This of course leads to a desire for new school facilities to be established in those areas. I note that the recent budget provided initial funding for the establishment of a new school in Torquay in the form of funds for purchasing a suitable site. Golden Plains shire is another area within the western region experiencing rapid population growth. With almost 19 000 residents across 56 communities and 16 townships, Golden Plains is one of the fastest growing municipalities in Victoria. It has a consistent population growth rate of around 2.5 per cent per annum, and that is expected to continue over the next 10 years.

Growth continues to be driven by young families who have taken advantage of the lifestyle and employment opportunities in the Golden Plains shire, with easy access to major centres such as Ballarat, Geelong and Melbourne. According to Australian Bureau of Statistics census data, young families with children now make up approximately 45 per cent of all family types in the Golden Plains shire. In fact the shire now has the highest proportion in Victoria of its population in the 0–4 age group, at 6.6 per cent. It is presently growing at such a rate that it is the fastest growing regional shire — or provincial shire, as it calls itself — although it does have a very dispersed population, with Bannockburn being the largest centre within the shire.

As a result of this strong population growth, existing early childhood and primary school facilities in the shire are nearing capacity, particularly in Bannockburn, as one of the shire's major centres. In conversations with the Golden Plains Shire Council I was told that a significant number of school students daily are transported by bus out of Bannockburn to schools in and around Geelong. Some young people spend up to 3 hours travelling on the bus. This means an early start and a late finish to their school day and leaves them with little option for after-school activities.

Accordingly a P–12 school is the shire's no. 1 priority. The ideal site would seem to be the existing site of the

Bannockburn Primary School. I visited the site, and it is well suited, being next to indoor sporting facilities. I ask the minister, who I know has recently visited and met with the principal of Bannockburn Primary School, to inform the house as to the current situation regarding the establishment of a P–12 school in Bannockburn.

Firewood: collection permits

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Mr Walsh. He is now the fourth minister I have sought action from in regard to the matter I raise tonight, which is the firewood policy press release put out in November by Wendy Lovell, the Minister for Housing, regarding East Gippsland, where among other things there was a promise of free firewood for communities where there is no reticulated natural gas.

To recap, the press release was put on the government website and the Liberal Party website and then taken down. It was only when a constituent from East Gippsland alerted me to the press release that I raised an adjournment matter for Mr Smith, the Minister for Environment and Climate Change. Then he came out and honoured the election commitment and announced that there was firewood. Subsequently a media release from the minister was put on the government website earlier this week saying that there was free firewood everywhere. Then of course, once it was pointed out that that was not the case, the press release was taken down from the government website, as well as a series of documents about firewood policy, and another lot were reinstated on the government website — all within the course of this week.

In the process I have already raised in this house what the consequences have been for small businesses that have lost revenue. I have raised in this house for the Minister for Innovation, Services and Small Business and for the Minister for Roads the consequences of unsafe collection of firewood on roadsides and the views of VicRoads and the Municipal Association of Victoria. Tonight I am raising for the Minister for Agriculture and Food Security the effects on foresters, who at the moment are producing forest products for sale as firewood and, in a non-competitive manner, have had the rug pulled out from under their feet because the government has just wiped aside competition policy and completely removed their market.

Clearly it is a good thing for a government to honour its policy of providing free firewood. But the action I seek from the Minister for Agriculture and Food Security is that he try to salvage from this mishmash of a firewood policy what the Minister for Environment and Climate Change, the Minister for Roads and the Minister for Innovation, Services and Small Business have failed to do — that is, create some certainty for citizens of this state about the nature of the government's policy.

I genuinely hope that in the future I do not have to raise for the Minister for Local Government an adjournment matter about where local government fits into this. From the fourth minister to date I am seeking action to provide certainty to Victoria's citizens about this ill-thought-out, poorly executed policy announced in November by Ms Lovell in Gippsland and what the consequences are for the rest of the state. The action I seek from the agriculture minister is that he add certainty for the forestry industry so people in it know where they stand.

Bendigo hospital: construction

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Health, David Davis. I am delighted that today the government has called for expressions of interest in the new, bigger $630 million Bendigo hospital. The project will create in the vicinity of 735 construction industry jobs, over 500 of which will be maintained for more than three years during the peak construction period. As people are aware, the new hospital will provide world-class health services for people in the Bendigo region. It will have an integrated cancer centre, which the previous government turned its back on, and a new psychiatric inpatient facility, which will be warmly received by people suffering mental health issues. There will also be a new hub specialising in rural health care which will work in cooperation with the universities in the Bendigo Health precinct.

My request of the minister is that he provide me with an estimate of the labour force that will be sourced from within and around Bendigo. It is expected that a large percentage of the jobs will be able to be filled by local tradesmen. The information will be difficult to provide because the contracts have not yet been awarded, and I suppose the percentage of local tradesmen will depend on which companies win the respective contracts. However, I would be keen to look at some of the best estimates based on other major projects around this state and other major projects that have taken place in other jurisdictions that I am sure the minister would be aware of, although I do not think anything quite as big as this $630 million project has ever been contemplated to be built in regional Victoria, whether it be a hospital or any other project. I certainly do not think with a major project of the size of this hospital we will be able to call just on local people. It will be more than

10 times the size of the recently built Bendigo Bank major office.

I wonder if the minister would also be able to tell me how the announcement calling for expressions of interest places the project in terms of overall time lines. I know members of the previous government are concerned that we may not be able to build the hospital on time.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Mr Somyurek raised a matter for the attention of the Minister for Manufacturing, Exports and Trade regarding what Mr Somyurek said was the need for the Victorian minister to address the issue of exchange rate impacts on the manufacturing sector. I think this is probably beyond the scope of state policy, but I will pass that on to the Minister for Manufacturing, Exports and Trade.

Mrs Peulich raised a matter for the attention of the Attorney-General with respect to actions that the ALP may be taking against the Health Services Union and whether that invoked an issue of attempting to pervert the course of justice. I will refer that matter to the Attorney-General.

Ms Tierney raised a matter for the attention of the Premier with respect to the equal pay case for the community services sector, and I will refer that on to the Premier.

Mr Barber raised a matter for the attention of the Attorney-General in relation to attacks which have occurred on the Kurdish community, in particular a Kurdish community centre. Mr Barber has asked that the Attorney-General investigate those attacks in the context of whether they relate to politically motivated violence or indeed give rise to offences under terrorism legislation in Victoria. I will refer that matter to the Attorney-General.

Mr Elsbury raised an issue for the Minister for Roads with regard to the commonwealth government's imposition of substantially higher registration fees on B-doubles and other heavy truck trailers. I will refer that to the Minister for Public Transport.

Ms Darveniza raised a matter for the attention of the Minister for Community Services with respect to rural support workers, and I will refer that to Minister Wooldridge.

Ms Hartland also raised a matter for the Minister for Public Transport with respect to access to train stations in the west. She particularly raised the issue of car parking in relation to those train stations, and I will refer that to the Minister for Public Transport.

Mr O'Brien raised a matter for the attention of the Minister for Education in relation to the establishment of a P–12 school in Bannockburn. He is seeking an update on progress of the establishment of a P–12 for Bannockburn. I will pass that on to the Minister for Education.

Mr Lenders raised a matter for the attention of the Minister for Agriculture and Food Security with respect to the government delivering on its election commitment to remove permits for the collection of firewood, which was announced by the Minister for Environment and Climate Change this week. This is a matter that Mr Lenders has raised a number of times; he is very interested in the policy. He has stopped short of endorsing it, but I guess we cannot expect everything. I will pass that on to the Minister for Agriculture and Food Security.

Finally, Mr Drum raised a matter for the attention of the Minister for Health highlighting the government's announcement today of a project around the Bendigo hospital and the creation of 700-odd construction jobs on that site. Mr Drum is seeking information from the Minister for Health as to what opportunities will be created for the local workforce in Bendigo through the construction of the hospital. I am sure that the Minister for Health, who will oversee this massive hospital project, will be delighted to talk to Mr Drum about opportunities for local suppliers in Bendigo for that project.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 5.34 p.m. until Tuesday, 13 September.