PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 1 May 2012

(Extract from book 8)

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By authority of the Victorian Government Printer

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

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

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

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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.

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

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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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

CONTENTS

TUESDAY, 1 MAY 2012

Tuesday, 1 May 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

24 April

Accident Compensation Amendment (Repayments and Dividends) Act 2012
Victorian Inspectorate Amendment Act 2012

1 May

Associations Incorporation Reform Act 2012.

The PRESIDENT — I extend happy birthday greetings to Mr O'Donohue. I hope he has a fine day.

QUESTIONS WITHOUT NOTICE

Hospitals: waiting lists

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. After last year's budget the minister entered into contracts with hospitals across Victoria which saw the number of elective surgeries reduced by 9395 on the year before. This led to an increase in waiting lists, for instance, at the Royal Children's Hospital, which will have 1364 more patients on the waiting list at the end of this financial year compared to the year before. Is it the minister's intention to increase or decrease the waiting lists in the contracts this year?

Hon. D. M. DAVIS (Minister for Health) — I think this falls into the category of an immediate pre-budget question; it is a question that seeks to anticipate the forthcoming budget. I hasten to add that the member will not have very long to wait. In just a short time he will see the government's allocations and what is proposed for the forthcoming year.

The government is doing its very best to keep as much elective surgery and emergency department activity in our hospitals as it can so that they provide the very best service for Victorians. It will continue to do that in the forthcoming year, but I can indicate to the member that there is concern about the withdrawal of GST money by the commonwealth and the end of lapsing programs.

The commonwealth, as the President and others in this chamber well know, has taken billions of dollars from Victoria over the last two years. It has done it on two counts. One, which is in the commonwealth's control, is the share of GST that Victoria gets. Victoria gets an unfair share of the GST. It is also true to say — and I think this is not pre-empting the budget because these facts are publicly known at this point — that the economy nationally is providing less GST revenue, so there is some slowdown on that.

Additionally, I note that the commonwealth national partnership arrangements have not provided ongoing funding in some areas, so there is a reduction because of those matters. I hasten to add that the member will obviously await the budget with interest, as many in this chamber will.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — At an early stage of his response the minister indicated that the increase in the waiting lists for elective surgery at the Royal Children's Hospital, an increase of 1364 patients, was the best that he and the government could do. That was in the last financial year. Would he indicate that that would be a fine measure of the best the government could do if it increased the waiting list by a further 1400 patients next year?

Hon. D. M. DAVIS (Minister for Health) — The member well knows that he cannot verbal me like that and indicate that I have said things that I have not said. What I have said is that the government, our hospital system and our health-care services are doing the very best that they can. We are seeking to provide them with the maximum resources that we can through this year, as you would expect. The member will not have long to wait to see what is in the budget later this afternoon.

Aged care: federal policy

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Health, who is also the Minister for Ageing, the Honourable David Davis. Can the minister inform the house of the Victorian government's preliminary assessment of the impact on Victorian seniors of the commonwealth's announced changes to aged care?

Mr Jennings interjected.

Hon. D. M. DAVIS (Minister for Ageing) — I thank Mrs Coote for her question and her longstanding interest in providing better outcomes for older Victorians in our community. I note the shadow minister's extraordinary response in which he appears unconcerned about what has come down with the recent commonwealth package. The assessments of that

package have begun. There are still matters to be worked through, and I will certainly be consulting very widely. I have begun a number of those consultations, but there are further consultations to be undertaken concerning this package.

I know many in this chamber will view this package as positive on the one hand but negative on the other. On the one hand we see a very modest increase in spending; on the other hand we see a tightening of requirements and arrangements, and I make the point that the member opposite seems to be unconcerned about the impact on older Victorians.

I note that groups with significant responsibilities for those needing aged care, including Uniting Care Ageing, have come out and made a number of statements about these issues — for example, we know home care costs will increase. There will be more home care provided, which is welcome, better dementia care provided, which is welcome, and I am happy to put those things clearly on the record today, but I indicate concern, and have expressed preliminary concerns to this house before, about increased user charges that may hit some people harshly.

The figures that have been put out show that somebody on an income of $30 000 would pay $1800 currently; that will lift to $5029. For somebody on $40 000, which I do not believe is a high income in this day and age, the current payment would be $1800, and that is to go to $6800. I could go on, but I think the house understands the point I am making.

Mr Lenders interjected.

Hon. D. M. DAVIS — I think she is, and unlike you, Mr Lenders, she is concerned about harsh user charges that may be applied to older people at times of need.

Mr Jennings interjected.

Hon. D. M. DAVIS — I accept that the cost of living has gone up in recent years, Mr Jennings, particularly under your government, but I do not think the lift from $1800 to $6800 could possibly reflect a cost of living increase. Not even Mr Jennings could believe that.

I think the harsh imposition of user charges on people who are at a point where they need care is potentially very concerning. We know there is a risk that people may not get the care they need. They may not get either the home care or the residential care they need if these user charges are significantly ramped up by the commonwealth government. We are going to continue the consultation process. We are going to be talking to groups that represent and support older Victorians. We are going to be talking to further groups that seek to make points advocating for older Victorians, and we will be talking to a wide range of older Victorians to see whether they support the increase in user charges.

Minister for Health: comments

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Health. I refer to the minister's announcement last week regarding the Charlton hospital. On 18 April in this place, in response to a question from Ms Darveniza, the minister said he would not indicate what would or would not be in the budget and that Ms Darveniza would have to wait. I note that in response to the question from Mr Jennings today the minister has said the same thing to him. My question is: will the minister explain to the house why he pre-announced the Charlton hospital rebuild after indicating to Ms Darveniza and the Parliament that he would not?

Hon. D. M. DAVIS (Minister for Health) — I think the news at Charlton is welcome, and given the tough time the town has had, I thought the member would welcome such input.

Honourable members interjecting.

Hon. D. M. DAVIS — Members opposite did not really do very much. They did nothing, I have to say. It is good news that the commonwealth may well support this, but we look forward to providing a further step that will support the Charlton community. It is important to understand that the Charlton community has faced a very tough time. To give heart to the town and to provide a better outcome for the town, additional steps would be very welcome there. It is a clear fact that we purchased the land in Charlton. The land is in a good and well-located place. This was obviously known.

Mr Jennings — In Charlton.

Hon. D. M. DAVIS — Learmonth Street, Mr Jennings. My point is that I would have thought the members opposite would be very happy with the announcement, and I would have thought they would be pleased to welcome it.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — Allow me to put on the record that all members of the opposition are pleased with the announcement. However, having heard the minister's substantive

answer, I wonder if he would indicate whether it is his position that the importance of an issue, the hardship that an area has gone through or simple political advantage now justifies a minister misleading the house?

The PRESIDENT — Order! I regard Mr Pakula's supplementary question as argumentative, and I would ask him to rephrase it to delete the last reference.

Hon. M. P. PAKULA — Is it the position of the minister that he is entitled to give a member of this house one answer and then proceed to do something completely different the following week if circumstances justify it?

Hon. D. M. DAVIS (Minister for Health) — I think members of the house will welcome this announcement for Charlton, understanding very fully the tough time that the town has had, understanding the need to lift the heart of the town, to lift spirits in the town and to support the town in every way. Talking it down, as opposition members appear to want to do in a churlish and ungenerous way, does not bring credit on the member asking the question.

Housing: government initiatives

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Housing and Minister for Children and Early Childhood Development, the Honourable Wendy Lovell, and I ask: will the minister outline to the house steps she has taken to secure the future of public housing in Victoria after a decade of negligent management?

The PRESIDENT — Order! I am concerned about the argumentative nature of that last phrase when I have already pulled up Mr Pakula for using such a phrase. I am sure that the minister will address the question with regard to that comment.

Hon. W. A. LOVELL (Minister for Housing) — The Baillieu government is going about securing the future of public housing in this state. An Auditor-General's report handed down in the last few weeks was absolutely scathing about the management of public housing under the former Labor government.

The former Labor government's mismanagement of public housing has put the future of public housing at risk. The Auditor-General highlighted poor management and financial incompetence under the former Labor government, and overall he noted that the current system is not sustainable. Labor knew about this. It knew about it because the Attorney-General warned it not once but twice. It knew about it because the housing review board warned it several times. Labor knew about it because the Department of Treasury and Finance warned it, but the Labor government did not have the backbone to do anything about reforming public housing. It was prepared to let state assets decline and to put the future of public housing at risk.

Key players in that were the former Treasurer, who was an adviser in the Cain and Kirner governments; a former Minister for Housing, Candy Broad, who was also an adviser in the Cain and Kirner governments; and another former Minister for Housing, the member for Richmond in the Assembly, Richard Wynne, who was also an adviser in the Cain and Kirner governments. These were the advisers to the Guilty Party, and they make up the new Guilty Party — the Guilty Party that put the future of public housing in this state at risk.

Ms Broad — On a point of order, President, not that it is of any concern to me at all, but I think we have established that question time is a time for ministers to answer questions and to be responsive to questions, and not to simply lay into the opposition and former governments several times removed. I ask you to bring the minister back to answering the question.

The PRESIDENT — Order! The standing orders provide that in question time ministers should not overtly criticise the opposition and individual members of the opposition. The remarks that have been made are okay if the minister is moving back to the more substantive point of where the housing situation is in response to that question, but I take the point of order.

Hon. W. A. LOVELL — I can understand the member being upset at being part of the Guilty Party. But we have moved forward to secure the future of public housing in this state. Yesterday I released two discussion papers: the first is *Pathways to A Fair and Sustainable Social Housing System* in Victoria, and the second is *Social Housing — A Discussion Paper on the Options to Improve the Supply of Quality Housing*. The first paper discusses the current public housing system and looks at the key levers that can shape a more sustainable system. The second paper looks at the financial models that could potentially form the basis for growing the sector in a more financially stable way.

This government will now enter a three-month consultation phase with Victorians about these papers. We will hold a number of forums for the sector, the tenants and the community, and all members of the community can participate in the discussion. The papers are currently available on the Department of

Human Services website. I encourage members from the opposite side to read these papers and contribute to this debate, and I invite all interested people in the Victorian community to contribute to the discussion.

The coalition is committed to delivering a sustainable public housing system in this state. Since becoming minister, I have worked to clean up the mess that was left to me by the former government. In addition to the framework, I have also commissioned an independent third-party review of the finances of the housing and community building divisions, an independent third-party review of program expenditure and a comprehensive property condition audit of the entire portfolio. I have introduced better management practices that have reduced vacant stock and reduced turnaround times by 10 per cent. An audit of the vacant stock immediately returned 1000 properties to being tenanted. In addition, we have commissioned an evaluation of all the outstanding National Building projects that were more than 1000 units behind when we came to government. We are working to fix the mess left to us by the Brumby government.

Qantas: maintenance jobs

Mr LENDERS (Southern Metropolitan) — My question is to the Minister responsible for the Aviation Industry. I refer to reports today that 400 Qantas heavy maintenance jobs look likely to be axed from Tullamarine with a further 600 at risk at Avalon in favour of a purpose-built facility in Brisbane. Can the minister advise the house what level of investment is required to allow Victoria's aviation maintenance facilities to compete successfully with Queensland?

Hon. G. K. RICH-PHILLIPS (Minister responsible for the Aviation Industry) — I thank Mr Lenders for his question and for his interest in what is an important issue. Mr Lenders is quite right; there are over 1000 heavy maintenance jobs involved with Qantas here in Victoria, split between Avalon and Melbourne, and there is a further facility in Brisbane. In February Qantas announced that it would review heavy maintenance with a view to reducing from three down to possibly one heavy maintenance base located in Australia. Obviously the Victorian government has been closely working with Qantas since that announcement in February. The government continues its ongoing discussions with Qantas as Qantas moves towards making a decision as to which heavy maintenance operation it will continue to support.

Mr Lenders asked a question about the capital investment required at Avalon and/or Melbourne. Obviously those are matters that are commercial in confidence to Qantas. They are matters that the government is discussing with Qantas, but they are not matters that I propose to put in the public domain this afternoon.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer, which is a serious response, but given the uncertainty about jobs at the moment and, to be blunt, the lack of confidence of many in the government's ability to do anything, I ask: if the minister knows the information and will not give it, does that not diminish the confidence of Victorians that this government is actually dealing with a very serious issue?

Hon. G. K. RICH-PHILLIPS (Minister responsible for the Aviation Industry) — I do not accept the premise of Mr Lenders's question — the suggestion that splashing this issue over the front page of the newspaper is somehow going to get a better result for Qantas workers. That is not the way this government operates; it is not the way the government is going to deal with this issue. We are working towards getting an outcome for those more than 1000 Qantas workers to preserve as many of those jobs in Victoria as possible, given the review Qantas is undertaking. Conducting that on the front page of the newspaper is not the way to do it.

Teachers: reward payments

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister responsible for the Teaching Profession, and I ask: does the Baillieu government support performance pay for teachers and, if so, why has the minister been critical of the outgoing federal government's proposal to reward great teachers?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I thank the member for his question. The answer to the first part of his question is, yes — that is, that the Baillieu government does support performance pay for teachers and has continued with the performance pay trials initiated under the former government. The second year of those performance pay trials will conclude in May, the current month.

While I welcome the federal government's endorsement of the principle of performance pay, I have expressed some concern with the process in which the federal government proposes to deliver its Rewards for Great Teachers program. I say that because

essentially what is being offered under that program is that teachers would be able to submit themselves for accreditation at two standard levels, one being a lead teacher and one being a highly accomplished teacher. If they succeeded in being accredited, then teachers would receive for the term of the program a once-off payment of $10 000 for those who are classified as lead teachers and $7500 for those classified as highly accomplished.

The interesting thing about all of that is that the federal government has put $60 million on the table just to set up a framework within the states for the accreditation process. Victoria's share of that is $15 million.

The next step in that process is that teachers themselves would apply to be accredited, at a personal cost to them of up to $1440. The next step is that in the first year, 2013–14, there would be a distribution of $40 million across Australia, of which Victoria's share would be around $10 million, which would go to around 1200 Victorian teachers — that is, 2 per cent of our teaching workforce.

In response to Mr Finn's question, that is where my concerns lie — that the federal government is prepared to give Victoria $15 million to set up a bureaucracy that will distribute $10 million in reward funding. I suggest that that is a gross waste of money. Even if this plan were to go to a second year, and given that the second year would be 2014–15, there is no absolutely no guarantee that the current government will still be there at that time to make such a distribution. Even if there were a change of government, I am sure the process of distribution would be completely different.

What I have said to the federal Minister for School Education, Early Childhood and Youth, Mr Garrett, who is responsible for this scheme, is that he work with us, because there are ways in Victoria in which we can spread performance pay across a greater range of teachers than the 2 per cent proposed. In Victoria we have around 63 000 teachers, and of those I suggest there are many more than the 1200 proposed who are great teachers and deserving of some reward. In my discussions with Mr Garrett I have asked him to work with us, because Victoria already has a precedent under the trials initiated by the previous government, where 30 per cent of participating teachers in those trials have received reward payments. That can be distributed even further and more fairly across Victoria's many great teachers.

I am disappointed in the scheme proposed by the federal government, which is costly in its establishment and distributes little money. We can do better, because we need to reward the many great teachers we have in this state.

Ordered that answer be considered next day on motion of Mr LENDERS (Southern Metropolitan).

CMI Industrial: closure

Mr SOMYUREK (South Eastern Metropolitan) — I refer my question to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. The temporary closure of CMI Industrial caused enormous disruption to the Victorian car industry. When did the minister become aware that CMI was facing financial difficulties?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank Mr Somyurek for his question. As we know, he has been banished to the back lot for a while, but today he gets to ask a question.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — I am pleased that he is back in the fold, and I recognise some of the failed Brumby government ministers who are barking across the chamber as we speak.

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — Hello, Mr Pakula. How are you?

I have spoken often about the difficult global and structural challenges facing the automotive sector, in particular the impact of falling demand and production on the supply chain here in Victoria. CMI Industrial is a significant supplier, as Mr Somyurek would know, in the automotive business and has been experiencing financial difficulties in its business. It employs approximately 300 people in Victoria and has operations in Ballarat, Horsham, West Footscray and Campbellfield.

On 20 April CMI Industrial's Campbellfield facility stopped production as a result of a dispute over rent payment with its landlord. On Thursday, 26 April, Ford appointed McGrathNicol as the receiver and manager of CMI's Victorian operations, and CMI Industrial appointed Grant Thornton as the voluntary administrator. As a result, Ford Motor Company announced non-production days on 27 April and on 1 May due to the lack of component parts.

Unlike those who want to talk down the industry, I am pleased to inform the house that CMI Industrial is back

in production and that Ford will resume full production tomorrow. I am also pleased to report that this is in part due to the good work of my department in assisting in some very complex commercial negotiations involving Ford, the receiver and the landlord. These were difficult negotiations. The government's aim was always to restart production at the CMI plant as quickly as possible in order to minimise the stress to the workforce and to limit the disruption to the wider industry.

Late Friday afternoon a resolution of that dispute was achieved, but I make one point about the result: it was unhelpful at the time of the difficulty for those opposite and their mates in the union movement to be scaremongering about the job losses and factory closures. We said at the time that we stood ready to assist CMI Industrial in its restructuring — acknowledging its importance as a supplier to the automotive industry — and we have done so. Yet as we worked quietly behind the scenes — —

Mr Lenders — On a point of order, President, the minister has been going for 3¼ minutes, and the question was, 'When did he know?'. He has given the house a history lesson, which anybody could have read from the newspapers. I ask you to draw the minister to Mr Somyurek's specific question — 'When did he know?' — which he has not yet answered in 3¼ minutes.

Hon. D. M. Davis — On the point of order, President, the minister is clearly stepping through this matter, giving a full answer and the full sequence of events involved. It is true that some of these matters are in the public domain, but I think it is sometimes important to hear things in a structured way, with dates and times, in the sort of detail that the minister is providing.

Mr Elsbury interjected.

The PRESIDENT — Order! My first remark is that I do not think Mr Elsbury needs to be interjecting across the chamber. There is sufficient interest in this matter; we do not need to raise the heat on it.

It is true that the minister has been answering for some time, but my view from the Chair is that Mr Davis's position is right. The minister has provided the house with some very relevant information about a dispute that would be of concern and of interest to all members of this house. The minister has another 44 seconds. I would hope he might address the matter that was raised in the question as part of his overview of this matter.

Hon. R. A. DALLA-RIVA — As I said before, we were working behind the scenes to resolve an issue that was of a commercial nature. What we found was that we had the Australian Manufacturing Workers Union and Steve Dargavel out there, almost on an hourly basis, intent on putting down that company as we were trying to get it back into operation. What we ended up having — —

Ms Darveniza — What a load of rubbish!

Hon. R. A. DALLA-RIVA — You might bark that it is rubbish, but what we had was a clear objective to get this company back in operation. The objective of the opposition, the union membership and the union was to try to talk it down. There are still significant issues confronting this organisation. Redundancies have been announced, and again opposition members come in here to try — —

The PRESIDENT — Order! Thank you, Minister.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — The company claims that the minister had been aware of the difficulties facing CMI Industrial for several months before the actual lockout occurred. Can the minister outline to the house what specific action he took during those few months to try to avert the lockout occurring at CMI and the repercussions at Ford?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his supplementary question. As I said, there are still many difficulties confronting CMI Industrial. We have made it our point to get that company up and running. Enormous structural changes are occurring around the world and in Australia as a result of the automotive industry facing the looming challenges of the high Australian dollar and the carbon tax of Mr Somyurek's mates in Canberra.

Rather than talking down the industry, as a government we are assisting CMI Industrial to work through the enormous issues still confronting the company. We will continue to work through those issues, but we will not stand idly by and let the union movement and the opposition's union mates go out there, almost on an hourly basis, talking down the industry and trying to create some dilemma when we are trying to do the right thing by the workers of that company.

Australian Defence Apparel: combat armour

Mr DRUM (Northern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Richard Dalla-Riva. Can the minister update the

house on any new and innovative products that are being used to keep our armed forces safe?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question; it relates to an area that would be of most interest to Mr Drum. We are always talking about innovation in Victoria, particularly in the defence sector. Our election commitment was to strengthen the defence unit, and we are doing that as we speak. Just a fortnight ago, on 20 April, I went to Bendigo to visit Australian Defence Apparel (ADA). It has a fantastic facility. It is the largest producer of protective clothing, combat body armour and personal load carrying equipment, and it employs 200 people at its Coburg and Bendigo sites. I was pleased to announce that the Victorian coalition government will support ADA in Bendigo to manufacture new combat body armour that will be used by Australian and international defence forces.

Mr Jennings interjected.

Hon. R. A. DALLA-RIVA — Mr Jennings may laugh, but this is very important. Work is being done right here in Victoria, through ADA, to develop a unique ceramic technology. This was done in collaboration with the Defence Science and Technology Organisation, the Defence Materials Technology Centre, the Victorian Centre for Advanced Materials Manufacturing and the CSIRO. It relates exactly to where we are going with our manufacturing strategy of collaboration and networks.

This new body armour consists of lightweight thermal tiles that are a world first in defence innovation, developed right here in Victoria. Unlike the failed Brumby government ministers, this company was focused on achieving great outcomes for technology. And it had the technology advances, unlike Labor, which is bereft of any technology advances.

The PRESIDENT — Order! I do not need to hear gratuitous comments in the minister's answer. The reference to failed Brumby government ministers had absolutely nothing to do with the rest of the minister's answer, nor did his latest remark. We do not need those gratuitous comments. Really all it does is provoke interjections from the other side, and frankly I am sympathetic to their interjections if they are provoked with gratuitous comments. The minister is giving some good news to the house; I would suggest he focuses on that.

Hon. R. A. DALLA-RIVA — As I said, lightweight ceramic tiles have been developed at this fantastic location, of which Mr Drum would be aware. Why is this collaboration important? We said that we needed to ensure that our soldiers were protected, and this will mean that they will be able to not only meet their protection and armour requirements but also carry far less weight, making them better protected and more agile in the field. The body armour will be manufactured using leading-edge production techniques which will enable ADA to respond far more rapidly to the ever-changing demands of the Australian Defence Force by quickly developing new designs and ramping up production to meet surges in demand. There are other examples that are being produced there, which I cannot mention, which will also add less weight.

The other great news is that not only will this assist — —

An honourable member — The suit will add less weight?

Hon. R. A. DALLA-RIVA — It will assist not only with some of the light weights in terms of the body armour but also in terms of assisting police forces. The police force is an important force — —

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — Talking about light weights, the body armour is also able to be used by security forces around the world, making it a fantastic example of how we can develop the defence industries into the export market. This is an exciting development. It means that the defence force can now source this essential protective body armour cheaper and quicker than through suppliers from elsewhere in the world.

Ford Australia: production arrangements

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. In the minister's previous answer he indicated that CMI Industrial is not out of the woods yet. Can the minister indicate what contingencies are in place to ensure that Ford Australia's production can continue should CMI's difficulties return?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — That question really demonstrates why Mr Somyurek has been pushed into the background, because what members heard there was a talking down of a company that has just got back up.

Honourable members interjecting.

The PRESIDENT — Order! I do not feel disposed to rescue Mr Dalla-Riva this time because he provoked the opposition. He has also put a spin on Mr Somyurek's question which was not in his question. Perhaps Mr Dalla-Riva would like me to get him to read it again, because that was not his question.

Hon. R. A. DALLA-RIVA — I thank the President. I have not taken this position with CMI lightly. We have, as I have said, indicated that there are challenges facing CMI. For the benefit of members opposite, we have always said the manufacturing sector in Victoria has been facing enormous challenges. We have seen it recently with CMI, we have seen it recently with APV and we have seen it recently with General Motors and Ford. But what we are not going to do is talk down the industry. We are not going to sit here and say we are waiting for the next place to fall over so that Ford is in some difficulty. What we are doing is putting the policy framework right. We are doing the hard work behind the scenes, as I have said before, to try to ensure that companies like CMI remain viable into the future.

I indicated in my initial response earlier that there are still substantial challenges with CMI, and we are maintaining a dialogue with CMI. We are maintaining a dialogue not only with the receivers but also with those employees who have unfortunately been made redundant. This is, of course, difficult in the circumstances, but this government will continue to work with the three local car makers and the other stakeholders. We will continue to seek to ensure that the industry takes a cooperative approach to the company's restructuring, and it might help if Labor and its union mates did the same.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — This is a bit unusual, but I would like to use my supplementary question to clarify the minister's answer. What contingencies has the minister put in place to ensure that Ford's production can continue should CMI's difficulties return? The minister did not answer the question.

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — As has been reported widely in the papers, CMI has receivers appointed at the direction of Ford. It has also had administrators appointed voluntarily by the previous owner, and those processes are in place to ensure that CMI remains a viable tier 1 supplier to Ford and other automotive manufacturers.

Planning: population growth

Mr ELSBURY (Western Metropolitan) — My question this afternoon is to the Minister for Planning, the Honourable Matthew Guy, and I ask: can the minister inform the house of any recent action the Baillieu government has taken to continue to manage Victoria's strong population growth?

Hon. M. J. GUY (Minister for Planning) — I notice Mr Pakula is a little fiery today, and why would he not be on May Day? I am not surprised, and I note that some of his colleagues, two down, who of course were not part of the leaked letter scandal from Daniel Andrews's office, are as well. But I will leave that to him.

The PRESIDENT — Order! I do not know whether Mr Guy would like to answer the question that Mr Elsbury posed, but he is very close to not being able to answer it, because he is about to leave the chamber. That language was most unparliamentary; it was repeated twice, and it was totally unnecessary. I ask Mr Guy to withdraw.

Hon. M. J. GUY — I withdraw.

Mr Lenders — On a point of order, President, Mr Elsbury asked a specific question about government administration, and Mr Guy commenced his answer, line after line, commenting on what he saw as things happening in an opposition party. His question was on government administration, and he instantly strayed into commentary on another party. I ask you to bring him back to the question.

The PRESIDENT — Order! I am sure Mr Guy was about to get to the substantive answer to Mr Elsbury's question.

Hon. M. J. GUY — As Mr Lenders would know, I have 4 minutes to answer a question and can answer the question as I please, and that is what I intend to do. In the 3 minutes and 38 seconds left, let me tell the commos opposite about the — —

An honourable member — Comrades.

Hon. M. J. GUY — Comrades? Comrades? I hear 'comrades', President, used by those opposite about what this government is doing in relation — —

Honourable members interjecting.

Hon. M. J. GUY — Come on again!

Mr Lenders — On a point of order, President, again Mr Guy is flouting the procedures of the house. He is

not addressing members in the terms that the standing orders require, and his comment that he can answer the question however he likes — and I paraphrase him — is totally flouting the standing orders, which are quite specific and say that a minister must be relevant and that a minister cannot stray into condemning other parties. I ask you to apply the standing orders to Mr Guy and ask him to answer the question on government administration and not give a commentary on other parties.

The PRESIDENT — Order! As I have said before on the subject of references to members of the opposition, certain words are fine at different times, but at other times, depending on the way they are used, they can be disparaging. If they are, they fall foul of our standing orders and our expectations of the way questions are to be answered in light of those standing orders. I think it would be in the best interests of the house if Mr Guy were to address the substantive matter that Mr Elsbury raised, which I am sure is a matter of great interest to all members of this house.

Hon. M. J. GUY — Of course you are right, President. I will be using the 3 minutes and 15 seconds I have left of my 4 minutes to answer it.

I have much pleasure in informing the house of action from the Baillieu government through the population projections contained in *Victoria in Future 2012*, which was recently released. Those projections give a great indication of how the city and the state are going to grow over the next 30 to 40 years and what this government is doing right now to put in place mechanisms to accommodate that growth and to ensure that that growth benefits not only Melbourne but all of Victoria — all of our regions and all of country Victoria.

Let me talk about a number of particular areas as examples. As the house knows, for the inner city area of Melbourne we have put forward proposals to expand the capital city zone for greater population — opposed by the opposition. We have put in place plans and will soon announce rezonings and move forward with the Fishermans Bend urban renewal project — considered a thought bubble by the opposition, and opposed. In growth areas we have moved forward with the logical inclusions program soon to be released — opposed by the opposition, but favoured by their spokesman in government; bizarre! In activities areas, we have defined activities area boundaries very clearly. We have moved forward and will soon introduce a process of code-assessed planning to accommodate *Victoria in Future* population projections — opposed by Labor in opposition, favoured in government. Flip-flop, flip-flop! Its members do not know what they are doing. There is Justin Madden, the member for Essendon in the Assembly, with a law degree, who is now — —

Mr Lenders — My point of order, President, is again that Mr Elsbury's question was specifically about government administration, but Mr Guy continues on his quest to contrast between the government and others. The question was on government administration, and I ask you to bring Mr Guy back to an answer on government administration rather than a commentary on others.

The PRESIDENT — Order! On this occasion the point of order is on less solid grounds than the previous points of order in so much as Mr Guy is addressing a range of policies. He is not just going over previous ground but is referring to policies that he would see as relevant to addressing population growth. Perhaps this one is in the eyes of the beholder. On this occasion Mr Guy's answer to the question has been relevant to the question put, and the matters he has been talking about offer opportunities to address the population growth posed in the question.

Hon. M. J. GUY — I will continue to explain what the Baillieu government is doing to accommodate the major population growth which is forecast for the future. People opposite do not like hearing the answer, but they are going to get used to it, because these are the answers and this is the truth.

The capital city zone being offered to regional centres was opposed by this man from the opposition but favoured by a number of opposition members. That included Wodonga. The works-in-kind legislation brought forward by this Parliament enabled infrastructure to be brought forward at a time of residential growth. It was opposed by the opposition but brought forward for the right reasons.

We are doing everything a responsible government should be doing to accommodate population growth, to make sure that population growth is managed and to make sure that Melbourne does not become a one-size-fits-all construction zone for the apologists for Melbourne 2030, which destroyed our city, wrecked neighbourhood character and which Labor still does not resile from. In fact, should its members be elected, they will bring it back.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 235, 491, 599, 8150, 8176, 8235, 8237–8, 8252, 8258 and 8263.

PETITIONS

Following petition presented to house:

Recreational shooting: ducks

To the Legislative Council of Victoria

The petition of the residents of Victoria draws the attention of the Legislative Council to the cruel, environmentally unsustainable and socially unacceptable practice of recreational duck shooting.

The petitioners therefore request that the Legislative Council of Victoria follows the governments of Western Australia, New South Wales and Queensland and permanently bans the recreational shooting of Australian native waterbirds in Victoria.

By Ms PENNICUIK (Southern Metropolitan) (706 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012

Introduction and first reading

Hon. P. R. HALL (Minister for Higher Education and Skills), by leave, introduced a bill for an act to amend the Education and Training Reform Act 2006 and various university acts and for other purposes.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 7 of 2012, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk.

Crown Land (Reserves) Act 1978 —

Minister's Order of 4 April 2012 giving approval to the granting of a lease at Mount Martha Public Park Reserve.

Minister's Order of 11 April 2012 giving approval to the granting of a lease at Albert Park Reserve.

Minister's Order of 11 April 2012 giving approval to the granting of a licence at Phillip Island Nature Park.

Minister's Order of 17 April 2012 giving approval to the granting of licences at Sandringham Beach Park Reserve.

Gambling Regulation Act 2003 — Amendment to the Keno Licence pursuant to section 6A.3.23 of the Act.

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

Ballarat Planning Scheme — Amendment C104.

Banyule Planning Scheme — Amendment C78.

Benalla Planning Scheme — Amendment C5.

Boroondara Planning Scheme — Amendment C170.

Cardinia Planning Scheme — Amendment C163.

Darebin Planning Scheme — Amendment C87.

Knox Planning Scheme — Amendment C116.

Melbourne Planning Scheme — Amendment C168.

Monash Planning Scheme — Amendments C66 and C88.

Moyne Planning Scheme — Amendment C47.

A Statutory Rule under the Road Safety Act 1986 — No. 26.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 20 and 26.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 2 May 2012:

(1) notice of motion 321 standing in the name of Mr Lenders referring a matter to the Environment and Natural Resources Committee;

(2) notice of motion given this day by Mr Barber relating to privacy issues in relation to the use of Goulburn-Murray Water's customer database;

(3) notice of motion given this day by Mr Barber relating to the production of certain documents in relation to the Goulburn-Murray irrigation district update;

(4) notice of motion 333 standing in the name of Mr Tee relating to the provision of the Ports and Environs Advisory Committee report;

(5) notice of motion given this day by Ms Pennicuik relating to the production of documents in relation to the Independent Broad-based Anti-corruption Commission consultation panel; and

(6) notice of motion 332 standing in the name of Mr Lenders relating to a report on the financial impacts of the federal government's clean energy legislation.

Motion agreed to.

PRODUCTION OF DOCUMENTS

Notices of motion: concurrent debate

Ms PENNICUIK (Southern Metropolitan) — On behalf of Mr Barber, by leave, I move:

That this house authorises the President to permit the notices of motion given this day by me, relating to the production of documents concerning a letter from the Minister for Water regarding the Goulburn-Murray irrigation district update and calling on the privacy commissioner to investigate any use of Goulburn-Murray Water's customer database, to be moved and debated concurrently.

Motion agreed to.

MEMBERS STATEMENTS

Republic of Lebanon: presidential visit

Mr ELASMAR (Northern Metropolitan) — My members statement today concerns the recent official visit to Australia by His Excellency General Michel Sleiman, President of Lebanon. It was the first official visit to Australia by a Lebanese head of state. I would like to express my deep appreciation to the President and to my parliamentary colleagues for the warm welcome they extended to the official party and for organising a tour of this beautiful Parliament House and later an afternoon tea in honour of President Sleiman's visit. My sincere thanks to all.

Anzac Day: Northern Metropolitan Region

Mr ELASMAR — I attended two commemoration services, one held by the Ivanhoe RSL and one at the Northern Health Bundoora Extended Care Centre in Bundoora. On Sunday, 22 April, I was proud to walk to the shrine in Ivanhoe and lay a wreath in honour of the Anzacs who fought and died for our freedom in the First World War, known as the war to end all wars.

On Monday, 23 April, along with my parliamentary colleagues Craig Ondarchie and Colin Brooks, the member for Bundoora in the Assembly, and members of the Darebin RSL, I attended the Northern Health Bundoora Extended Care Centre to pay homage and lay a wreath at the service organised by the centre in collaboration with the Darebin RSL. Many of the aged residents of the centre and a contingent from the 3rd Battalion, Royal Australian Regiment, were also in attendance. Lest we forget.

Eltham cenotaph: relocation

Mrs KRONBERG (Eastern Metropolitan) — My congratulations go out to the splendid, hardworking members of the Eltham community cenotaph committee who have successfully relocated the Eltham cenotaph from the old Eltham RSL site. The cenotaph is now located within the precinct of the Eltham war memorial buildings and adjacent to the Eltham war memorial gates — a lasting memorial.

I wish to place on record the extraordinary work of the chairman, Alan Field, OAM, former Australia Day citizen of the year and volunteer of the year, for his vision and leadership. Alan was ably supported by the dedicated team of local community leaders, especially those from the recently amalgamated Eltham and Montmorency RSLs, including president Bill McKenna, secretary Alex Smith, junior vice-president Neil Mayes and John Cohen, and a host of Eltham and district community stakeholders, including schools, service clubs, police, emergency services, scouts and guides, church groups and citizens of Eltham.

The relocation task was an arduous and frustrating one for the inspired committee members who toiled for over

two years to see their dream realised. The committee and others worked hard to gain the support of Nillumbik Shire Council, whose earlier propositions would have seen the cenotaph moved away from Main Road, Eltham. I am grateful for the grant of $10 000 from Hugh Delahunty, the Minister for Veterans' Affairs, as the state government's contribution towards the cenotaph's relocation.

The dawn service was held at the cenotaph this Anzac Day and was a wonderful tribute to fallen servicemen and servicewomen. To me it seemed that the difficult conditions, howling rain and driving wind sharpened the community's remembrance experience and became a form of communion with the suffering of our brave servicemen and women at Gallipoli, in the two world wars and in the past and current theatres of conflict. Lest we forget.

Richard 'Dick' Wearmouth

Ms TIERNEY (Western Victoria) — I take this opportunity to speak of Richard 'Dick' Wearmouth, who passed away on 5 April this year. In 1944, aged 18, Dick began playing football with Footscray Football Club where he won a Gardiner Medal for the best and fairest in the Victorian Football League reserve competition in his very first year. After taking a one-year break to serve in the Royal Australian Air Force, Dick went on to have an impressive 100-game VFL career in which he represented Victoria and finished 12th in the 1951 Brownlow Medal count.

In 1945 Dick married Joyce, and together they had five children. Dick's success in the football world continued when his family moved to Terang, with Dick coaching the local team to three successive grand finals, two of which the team won. When he retired, the Hampden league president was quoted as saying, 'As Donald Bradman is to Australian cricket, so also is Dick Wearmouth to Hampden league football'.

Dick was a Terang institution. He worked at Montgomery and Bradshaw before running his own milk bar and working on various farms. He always enjoyed a walk around the township of Terang with Joyce, his wife of 64 years. He was described by his family as a generous, quiet and peace-loving humanitarian, possessing four great loves: his wife and family, football, horseracing and the Australian Labor Party. Dick served as secretary of the Terang ALP branch for many years.

I pass my condolences on to Dick's wife, Joyce, and their children, Jillian, Ron, Richard, Judith and Jackie. Dick was a wonderful and accomplished man who will be greatly missed by everyone close to him and by those in the Terang township and the wider district.

Country Fire Authority: Deans Marsh brigade

Mr RAMSAY (Western Victoria) — My statement today is in response to a pleasant duty I had on Sunday, 22 April, when I represented the Minister for Police and Emergency Services, the Honourable Peter Ryan, and the Minister for Roads, Terry Mulder, in handing over to the Deans Marsh fire brigade the keys of a brand-new, state-of-the-art $340 000 Country Fire Authority (CFA) heavy tanker fire truck. It gave me great joy to do so as I served with the Deans Marsh brigade on Ash Wednesday. I note that during 1983, for those who remember, we lost a member of the brigade, 25 homes, 55 farm buildings and many head of livestock in the Deans Marsh district. I also served with the Birregurra brigade at that time.

I thank the Minister for Police and Emergency Services, Peter Ryan, for his work on the volunteer charter for CFA volunteers, of which Deans Marsh has 44. I also thank the Baillieu government for introducing the strategic fuel reduction burn-offs over the last season. I thank the Baillieu government for its sensible policy on firewood collection in reserves where fuel loads have built up over a decade. I thank the Baillieu government for reviewing the native vegetation framework, which is in stark contrast to the loony Greens policy of 'Lock the gates and leave it'. I also thank the Baillieu government for reforming the fire services levy, which hopefully in the future will provide equity in the funding of those services for all the community.

Rail: South Morang

Ms MIKAKOS (Northern Metropolitan) — On 20 April I visited the now completed South Morang train station together with the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, and the members for Yan Yean, Mill Park and Thomastown in the Assembly, Danielle Green, Lily D'Ambrosio and Bronwyn Halfpenny. It was disappointing to hear the Minister for Public Transport, Terry Mulder, seek to claim credit for this project, a project that was initiated by Labor and funded by Labor. The Baillieu government made many promises around public transport infrastructure at the last election. So far it has failed to deliver any new major public transport infrastructure projects, particularly in Melbourne's north. Instead it has dumped the Victorian transport plan and scrapped the former Labor government's commitment to upgrade 20 stations to premium status.

Charles La Trobe College: official opening

Ms MIKAKOS — On another matter, on 24 April I attended the official opening of Charles La Trobe College, together with the member for Ivanhoe in the Assembly, Anthony Carbines, and the federal member for Jagajaga and Minister for Families, Community Services and Indigenous Affairs, Jenny Macklin. The opening also involved the launch of Quantum Victoria, a centre which specialises in maths, science, technology and engineering. I was very impressed with the new buildings and state-of-the-art facilities, and I am proud to say that this project was funded with $12 million by the previous Brumby Labor government. In addition, the federal Labor government provided $4.2 million. This school has developed a very strong relationship with nearby La Trobe University, developing a pathway for students to continue their maths and science education at tertiary level.

Flowerdale: tree-planting ceremony

Ms MIKAKOS — On 29 April I attended a commemorative ceremony for the victims of the February 2009 bushfires at Flag Pole Hill, Flowerdale. This was organised by the president of the Pontian Federation Panagia Soumela of Australia and New Zealand, Mr Onoufrios Gorozidis. I congratulate him and his committee. The ceremony involved the planting of an olive tree in memory of each of the bushfire victims. The olive trees were selected as symbols of strength, resilience and longevity.

Budget: city of Casey

Mrs PEULICH (South Eastern Metropolitan) — I rise in amazement this afternoon after reading online last night the state budget wish list of the four Labor MPs in the Assembly who represent the city of Casey: Mr Donnellan, the member for Narre Warren North; Ms Graley, the member for Narre Warren South; Mr Holding, the member for Lyndhurst; and Mr Perera, the member for Cranbourne. After Labor's trail of waste and mismanagement across every portfolio, which left Casey residents stranded on platforms and sitting in bottlenecks for years, the missing-in-action Casey Labor MPs have suddenly awoken from their 11 years of slumber.

The member for Narre Warren North, Luke Donnellan, said road funding was a priority because many roads and intersections across Casey need to be upgraded. The question is: why do they need to be upgraded? Because it was Labor that failed to deliver road funding needed to keep pace with population growth and left the Casey community facing hundreds of millions of dollars in road infrastructure backlog. Mr Donnellan wants a toilet at Hallam station. Labor failed to build one in the 11 years it was in charge of Victoria's finances but it expects the first-term coalition government to flush away the mess it left behind.

The member for Cranbourne, Jude Perera, known in the local community as the ghost of Cranbourne, is now bemoaning the fact that the Cranbourne East railway station has not been built, yet he fails to outline that it was the Bracks and Brumby governments that said the Cranbourne East railway station was 'no longer a priority', just as Mr Perera said that the bus service to Cranbourne East was a sufficient substitute for the train service extension.

The member for Narre Warren South, Judith Graley, called for more beds at Casey hospital, yet failed to face up to the wounds left behind after 11 years of Labor's inaction, caused by her own side. The member for Lyndhurst, Tim Holding, called for more employment, especially in the manufacturing sector. He failed to outline that the greatest threat to jobs in Victoria is the absence of federal leadership and the introduction of the Labor carbon tax. If Labor had wasted less, Casey residents would have more.

The coalition government's state budget delivers for the city of Casey, and it will be welcomed by the residents.

Mr Lenders — On a point of order, Acting President, I am intrigued that Mrs Peulich is referring to the coalition government's budget delivered today when the budget papers have not yet been tabled in this house.

Mrs Peulich — They are available.

Mr Lenders — If they are available, I withdraw my point of order.

University of Melbourne: Dookie campus dairy

Ms DARVENIZA (Northern Victoria) — I take this opportunity to welcome the announcement by the University of Melbourne that it will spend $2.5 million on a new, state-of-the-art dairy at its Dookie campus. This will keep the facility at the forefront of farm research and development. Dookie is Australia's second oldest agricultural college, and the working dairy has been an integral part of the teaching and training facilities. The investment will help the university to pursue research projects that will meet the needs of the future dairy industry and significantly improve dairy operations.

The new dairy will have leading-edge milking infrastructure that will be used to demonstrate innovative dairy practices to farmers and students. The development has been planned in consultation with the dairy industry and takes into account already identified areas of research. These include optimising animal nutrition, maximising welfare, modifying behaviour and stock management, and securing water efficiencies in operations. Development of the dairy is expected to start in June and will take a year to complete. It is a very welcome announcement.

Regional Victoria Living Expo

Mr DRUM (Northern Victoria) — It was a great pleasure last weekend to go through the Regional Victoria Living Expo at Jeff's Shed. Forty-eight regional councils were represented, all showing why people should move from Melbourne to take up residence in the regions, whether it be looking at potential employment, investment or housing opportunities. It was a great initiative that the Deputy Premier, Peter Ryan, took from a concept and brought to reality. He needs to be congratulated for that, as do the 48 regional councils, which all put on great displays over the weekend. We know that the benefits associated with people moving from Melbourne will help the regions and take pressure off Melbourne.

Budget: Northern Victoria Region

Mr DRUM — On a second issue, I have looked at the budget papers. Golden Square Primary School will receive $5 million for a new school. This coming together of two schools will be a great fillip for the people of Golden Square, who had their schools merged without a new building — another Labor promise that was not funded by the previous government. Also, Castlemaine Secondary College has had $7 million allocated to it. I congratulate the school communities, the principals and school councils on the way they have been able to deal with the coalition government to make sure that these new schools will be a reality in the very near future. Along with $10 million being allocated to the hospital at Castlemaine, these promises are great.

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

Anzac Day: commemoration

Mr EIDEH (Western Metropolitan) — I wish to make a statement on the occasion of Anzac Day 2012. 'Lest we forget' are the words that end every Anzac Day ceremony, but the meaning of these sacred words is enduring. Their essence is one of reverence and their purpose is to respect those who gave so much, so that each of us could be where we are today.

On Anzac Day this year I had the honour of attending two very special services. Together with the President of this chamber, the Speaker from the other place, ministers and other parliamentary colleagues, I attended the Anzac Day mass at St Patrick's Cathedral. The principal celebrant was the Most Reverend Denis Hart, Archbishop of Melbourne.

Later that afternoon, together with the Honourable Justin Madden, the member for Essendon in the Assembly, and the new member for Niddrie in the other place, Ben Carroll, Colleen Hartland of this chamber and a Liberal senator for Victoria, Scott Ryan, I had the further honour of attending a service at Moonee Ponds beneath a stunning cenotaph — which is one of the most beautiful in the state — at a well-organised service held by the Essendon RSL and the City of Moonee Valley.

I must confess to my sadness at that ceremony. For while it was very well attended and very special in many ways, we could see the fading health of the veterans present. For someone who grew up in a totally different environment, I cannot describe how humble I felt being among the veterans who gave so much to make this nation what it is today. There is no more I can say at this time than: lest we forget.

Disability services: national insurance scheme

Ms HARTLAND (Western Metropolitan) — Yesterday I attended a rally at Federation Square for the NDIS — the national disability insurance scheme — and thousands of people were there supporting this cause. There were people with a disability, carers and workers in the sector all calling on the government to get on with the job and to bring in the NDIS.

It was very pleasing at that rally to hear the Prime Minister announce that the commonwealth government would in fact bring it forward by a year. The NDIS has obvious cross-party support. Yesterday the Minister for Mental Health, the Honourable Mary Wooldridge, spoke, the federal Attorney-General, the Honourable Nicola Roxon, spoke, and I attended the rally representing the Greens.

Mrs Coote — I was there.

Ms HARTLAND — Excellent. I am very glad Mrs Coote was there. I am sorry that I could not see her. It was an excellent rally, and I knew she would be there, because the NDIS has cross-party support. That

is why it is a bit disappointing to me that Mr Hockey, the federal member for North Sydney, continually asks, 'How are we going to fund this?', 'What is going to happen?', and so on. I would urge him to stop being negative about this scheme.

I am not a carer. I do not have a child with a disability, but I am more than happy to pay a tax that would help my friends who do have children with disabilities. I know that people in all parties — especially in this house — support the NDIS, and the federal government should be congratulated on bringing it on.

JUSTICE LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 19 April; motion of Hon. D. M. DAVIS (Minister for Health).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to rise to speak on the Justice Legislation Amendment Bill 2012 and to indicate that the opposition will not be opposing the bill. This is a relatively minor bill that makes a number of non-critical, functional amendments to a range of matters in the justice system. There are a few matters that the opposition has some concerns about, which I will address after I have gone through the key elements of the bill.

The bill amends a number of acts: the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000. I will briefly deal with these one by one, because as members would be aware my colleague, the member for Altona in the other place, has gone through these matters in some detail, as did the Attorney-General, in his second-reading speech.

In regard to the Children, Youth and Families Act, the bill changes who can appoint a dispute resolution convenor in the Children's Court. At the moment it is a Governor in Council appointment on the recommendation of the Attorney-General. The bill before the Parliament today amends that so that the President of the Children's Court can appoint and remove dispute resolution convenors. That is a sensible change. It is one which transfers the onus for satisfaction with character, qualifications and experience from the Attorney-General to the President of the Children's Court, and of course it is the President of the Children's Court who will ultimately be responsible for these individuals. It is the court itself that will bear the brunt of any errors made by those individuals, and in the opposition's view in those circumstances it is appropriate that it be the President of the Children's Court that makes those appointments and dismisses those convenors where appropriate. That is a sensible amendment and one the opposition supports.

In regard to the County Court Act, this bill replaces the previous method of setting fees, and it gives the Governor in Council the power to make regulations with respect to fees for civil matters in the County Court. Again that is a change which brings procedures in the County Court into line with procedures in other courts and jurisdictions. I understand it is a change which the County Court itself welcomes and which His Honour Judge Rozenes, the Chief Judge of the County Court, is comfortable with and supports. In those circumstances the opposition has no difficulty with that change either.

The Liquor Control Reform Act 1998 is being amended somewhat retrospectively to a date in February; that is something I will say more about when I have gone through the main provisions of the bill. Fundamentally the bill corrects a reference to the director of liquor licensing in the Victorian Commission for Gambling and Liquor Regulation Act 2011. It allows a statute law revision to that act to clarify a reference in that act to the director of liquor licensing. I will say more about that in a moment. We are not opposing the revision, but obviously whenever retrospective changes are made to pieces of legislation there ought to be a very good reason for that, and those sorts of changes are supported rarely and only in unusual circumstances. As I said, I will make some more comments about that in a moment.

In regard to the Magistrates' Court Act 1989, the bill changes the way in which an accused is determined to be eligible for referral to the assessment and referral court (ARC) list. As some members will be aware, that is a list which is available to accused persons who are found to have cognitive impairments. In determining eligibility to be dealt with via that list, the court needs to have regard to any assessment made of the accused by a person who has the appropriate clinical qualifications to make that assessment and the appropriate experience in relation to the impairment that the accused might have. The bill clarifies section 4T(4) of the Magistrates' Court Act to include a specification that a clinical support plan must have regard to both the diagnostic and functional criteria of the accused as well as other relevant factors. The bill also specifies that the annual report of the Magistrates

Court is to include information about the operation of the assessment and referral court list as outlined in clause 7(3).

The bill also gives the chief magistrate the power to separate the ARC list into various sublists. That is an operational matter; it gives the chief magistrate more operational flexibility. Again that is a common-sense change, because it allows magistrates to use some discretion and it gives them some ability to deal with the needs or requirements that might arise in regard to different kinds of impairment.

The last major change in the bill is to the Victorian Law Reform Commission Act 2000. The bill removes the requirement that the chair of the Victorian Law Reform Commission be a full-time appointment, so it allows a person to be appointed as chair of the Victorian Law Reform Commission on a part-time basis. We do not believe this is a desirable change, and I will say more about that as well.

There are a number of changes in the bill that are of minor import and a couple that are of more serious import. In terms of the opposition's critique of or views on this bill, as I have already indicated, a number of the provisions of the bill are not controversial but are common-sense changes which are supported by relevant stakeholders, including the County and Magistrates courts. They are to be welcomed. But as I have indicated in regard to the amendments to the Liquor Control Reform Act, a number of those technical amendments are retrospective. We sought a briefing from the government about those changes. We asked a number of questions of the department and of the Attorney-General's staff at a briefing that was held some weeks ago in regard to these retrospective changes, and we were told that without these amendments there is a risk that certain decisions that have been made since the commencement of that act could be brought into question.

The act referred to is the Victorian Commission for Gambling and Liquor Regulation Act 2011, which was discussed in this Parliament only months ago. We have the spectacle today of an act that has only just passed not only having to be amended but having to be amended retrospectively to fix errors that were made in the drafting of that bill before it very recently came to the Parliament. The difficulty that opposition members have is that we are none the wiser about the certain decisions that might be called into question if retrospective changes are not made. We are still in the dark about what those undescribed certain decisions are and how they would be called into question without the retrospective change, and we do not know why those risks were not foreseen when the original bill was brought to the Parliament. So yet again — and not for the first time this term — we are presented with retrospective clauses in legislation to resolve either shoddy or rushed drafting of bills by this government.

I can tell Mr O'Brien that whenever there was a necessity for Labor legislation to be rectified in the previous Parliament, members of the then opposition, the Liberal-National parties, were absolutely merciless in their descriptions of various ministers and their competence. I will not be as merciless or as personal as members of the then opposition were, but I will make the point that we indicated at the time that that legislation was rushed, that it was sloppy and that it was incomplete. We were pooh-poohed by government speakers at the time. The fact that yet again the government needs to bring before this Parliament not just legislation to amend mistakes but legislation to amend mistakes retrospectively is very unfortunate.

Whilst we are talking about the Minister for Gaming's independent Victorian Commission for Gambling and Liquor Regulation (VCGLR), it is also worth taking this opportunity to remind the house that, as a result of the actions of the Minister for Gaming, the independent gaming regulator is not as independent as it once was. This is the independent gaming regulator that cannot meet with me as shadow minister for gaming and racing, and I assume cannot meet with the Greens party and its gaming spokesperson, not only without the approval of the minister's office but without a member of the minister's office being present in the room while such a meeting takes place.

Before members of the government get up to say, 'We are just doing to you what you did to us', I want to assist them and make sure that they do not inadvertently fall into the trap of misleading the house. I want Mr O'Brien and other speakers to know and to be fully aware that when the Minister for Gaming, Mr O'Brien, was the shadow minister for gaming he met with the then Victorian Commission for Gambling Regulation chair, Mr Dunn, and then VCGR CEO, Mr Cohen, on numerous occasions without anybody from the former government being present, in the full knowledge of the former government but without any need for its approval. It was a matter of common practice for the VCGR chair and CEO to brief the then opposition — —

Mr O'Brien — On a point of order, Acting President, the member is straying wide of the bill. I know that he has some latitude, but we are going into who met whom in relation to previous circumstances. I ask that the member be brought back to the bill.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I do not uphold that point of order. Mr Pakula is the lead speaker, and I did not see that he was venturing too far from his contribution.

Hon. M. P. PAKULA — Thank you, Acting President. I appreciate the ruling. Let me put Mr O'Brien's mind at ease. I do not intend to go on about it, but let me again remind him that I am making these comments for his benefit. I am making the comments so that when he makes his contribution he does not inadvertently suggest that what is occurring now is exactly what occurred in the past, but having assisted him, I will now desist from assisting him any further.

Let me simply make the point that as the shadow minister for gaming I have been denied the opportunity to be briefed by the so-called independent regulator, the Victorian Commission for Gambling and Liquor Regulation unless a member of the minister's staff is present in the room. As ministers who are former shadow ministers would be well aware — and would accept, I think, if they were honest with themselves — it is untenable for any opposition spokesperson to be able to be briefed by an independent agency only if there are members of the minister's staff present. No self-respecting shadow minister would accept a briefing on those terms, and the consequence is that I cannot be briefed by the VCGLR, the so-called independent regulator, until the government's position on this matter changes.

I need to very briefly compare it unfavourably to other institutions that operate within my portfolio responsibilities which quite happily brief me without the minister's office being present. I suspect they do so in the full knowledge of their minister, so if this edict is supposedly government wide, I do not know why that is able to occur, and if exceptions can be made by other agencies, surely they can be made by the so-called independent gambling regulator. I look forward to Mr O'Brien, or any other government speaker, indicating exactly why retrospective legislation is necessary to indicate which decisions would have been brought into question without retrospective legislation and exactly how those decisions would be brought into question if we did not make this retrospective change today.

In regard to the changes to the Victorian Law Reform Commission Act 2000, as I have indicated, those changes are regrettable. I think the Victorian Law Reform Commission has been well served by having a full-time chair. I understand that Mr Jones is the interim chair, but the outgoing chair, Mr Rees, who left that job in the recent past, did an outstanding job as a full-time chair. There can be part-time board members — that is appropriate — but given the dignity of the office of the Victorian Law Reform Commission, the importance of the work it carries out and the ongoing interest from all sides of politics in law reform, it is the opposition's view that it would be preferable that the position of chair of the Victorian Law Reform Commission continue to be a full-time position.

I understand the government's desire to widen the field of prospective candidates for chair of the Victorian Law Reform Commission, but I say to the government if someone is not available on a full-time basis, perhaps it is better to find somebody else. I do not believe, and the opposition does not believe, the role of the Victorian Law Reform Commission chair ought to be shaped or moulded to fit the lifestyle of any particular individual. I think it is the prerogative of the government to indicate that the job is a full-time job and that anyone who is interested in applying for that job needs to understand that it is on that basis. I think it goes against the many years of productive, innovative work that has been done by the Law Reform Commission to now downgrade the position of chair to a part-time role.

Let me note for the record budget paper 3 at page 179 in the budget that has either just been handed down or is in the process of being handed down — I am not sure which. I know Mr O'Brien is incredibly well acquainted with the performance measurements in the budget, having served, as I have, on the Public Accounts and Estimates Committee for some time. If you look at the law reform projects conducted by the Victorian Law Reform Commission, you see the target for 2011–12 was four. The expected outcome for 2011–12 is that it will complete only two. My concern is that that trend will only be exacerbated by reducing or downgrading the role of the chair of the Victorian Law Reform Commission from a full-time role to a part-time role.

Going back to where I began, the bill contains a range of sensible minor changes to a number of other pieces of legislation. The majority of those changes are supported by the relevant stakeholders. I am concerned about the two matters that I have noted, being the retrospective change to the Liquor Control Reform Act and the change to the Victorian Law Reform Commission Act. I am equally concerned about the ongoing refusal of the minister to change his position in regard to briefings by the VCGLR for the opposition, but those concerns are not sufficient to cause the opposition to oppose the bill, so we will not.

Ms PENNICUIK (Southern Metropolitan) — The Justice Legislation Amendment Bill 2012 is an omnibus bill, albeit a small omnibus bill. It makes amendments to five acts: the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000.

The amendments to the Children, Youth and Families Act under clause 3 allow for the President of the Children's Court of Victoria to appoint a dispute resolution convenor instead of that appointment needing to be made by the Governor in Council. We are supportive of that amendment. The president is clearly in a position to ascertain if a person is of good character and has appropriate qualifications and experience to be a dispute resolution convenor.

The president's appointment of these convenors also allows for more direct streamlining of the appointments process and also the dismissal of those convenors. Most of the convenors are registrars who are already employed full time to work in the court. Sessional convenors may be appointed as appropriate from time to time, particularly in regional areas, to meet the dispute resolution conference requirements of the Children's Court.

The amendments to the County Court Act 1958 under clause 5 provide the Governor in Council with a regulation-making power with respect to fees payable for any matter in the court and fees payable regarding bailiffs in relation to the execution of a warrant or other process. These powers granted to the Governor in Council may be exercised by providing for specific fees, maximum or minimum fees, fees that vary according to value or time or class of matter, fees by way of a percentage of the amount of a demand, the manner of payment of fees or the times when fees are to be paid. We support this amendment also, because it will make the County Court provisions consistent with the provisions in the other court jurisdictions in relation to making regulations for court fees.

The amendments to the Liquor Control Reform Act 1998 are pretty straightforward, but, as Mr Pakula mentioned, they introduce retrospectivity, even if it is for only a very short time — a matter of a couple of months. The amendments basically clarify a reference to the director of liquor licensing under the act. The previous powers are the same as the powers that will exist from now on. I echo what Mr Pakula said, that Mr O'Brien should elucidate the reasons for that to the house.

I also take the opportunity to say that there have been many times when legislation has come before the house and we have raised concerns regarding provisions and attempted to amend provisions but the government has not accepted those amendments, even when it has been clear that the amendments would improve the clarity of a bill or a provision in a bill. Such was the case with the legislation to which this amending bill refers. I suspect there are other cases where mistakes have been made — and Mr O'Brien would know, because he is often sitting opposite me when I refer to them. Many of them relate to justice bills or consumer bills. I suggest this will not be the last time a bill comes before the house to amend legislation because of that.

Mr O'Brien might remember that in the last sitting week, or the sitting week before, I referred to a statement of compatibility that contained references to incorrect clauses of the bill, and I shared my concern regarding that. The statement of compatibility is a legal document per se in respect of the bill, so it should be accurate. I do not know what the processes are, but there should be better proofreading of bills to make sure that these mistakes are not made. Then we would not need to have these types of retrospective amendments put to the house, and we would all prefer not to be supporting retrospectivity in bills.

The bill also amends the Magistrates' Court Act 1989. Clause 7 of the bill refers to the assessment and referral court (ARC) list, and clause 8 is about eligibility criteria. The assessment and referral court list relates to the criminal division of the Magistrates Court and is available to offenders who have cognitive impairments, including mental illness, intellectual disability, acquired brain injury, autism spectrum disorder or a neurological impairment, such as dementia.

The bill makes four amendments. It clarifies that the Magistrates Court must have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment of the accused; it inserts an additional power which will allow the Chief Magistrate to create separate hearing lists and hear matters that relate to particular impairments where this may be required and also clarifies that the Chief Magistrate can make any other arrangements for the needs or requirements of persons with particular impairments; it specifies that information about the operation of the ARC list is to be included in the annual report of the court; and it clarifies that an individual support plan must have regard to the particular functional and diagnostic criteria that apply to the accused, as well as to other relevant facts. These amendments will ensure that offenders with different

forms of impairment have their different needs and circumstances taken into account and that the Parliament and the community are kept informed about the operation of the ARC list.

It appears that these are good amendments which will assist the Magistrates Court in dealing with people with the impairments I have just listed when they come before the court. They need that extra assistance and consideration when they appear before the court. It is also worth saying that there are too many people in our prisons who have these particular impairments.

As I have mentioned in debates on other pieces of legislation that have come before us in the last 18 months, it is a great pity that the government has moved to take away sentencing options for all offenders. In particular I am concerned that it may have a greater effect on these types of offenders and that we will see an increase in the number of people with these types of impairments in our prison system. That would be a very unfortunate development. Rather than providing $670 million for a new prison to be built in the west of Melbourne, which we read about in the budget papers today, what the government should be doing, as well as assisting the court in these matters, is reducing the number of people who are in prison and making better use of non-custodial sentences so that we do not need a new prison.

The final amendment is to the Victorian Law Reform Commission Act 2000. It is a straightforward amendment which removes the mandatory requirement for the chair of the commission to be a full-time appointee, allowing for the appointment of a part-time chairperson. While we will not oppose that, we do not necessarily understand that it is a burning necessity. As Mr Pakula outlined, the commission has benefited from having a full-time chair and full-time board members as well. We support the good work that has been done by the Victorian Law Reform Commission. Even though this amendment will no doubt come into force with the passage of and assent to this bill, I hope the tradition will be to keep the chair as a full-time position. With those remarks the Greens will support the bill.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak in support of the Justice Legislation Amendment Bill 2012, another important bill that further enhances the reforms the Baillieu-Ryan coalition government has made and is continuing to make to support the justice system in Victoria, including support for those persons who come before that system.

To take up a point made by the Greens, the Attorney-General's second-reading speech outlined that the government is taking up a position that is contrary to a lock 'em up and forget 'em approach. Yes, we will protect the community in appropriate cases, but in relation to the assessment and referral court (ARC) system, this bill is all about providing more tailored support services for those who have mental impairments and other conditions requiring additional support.

Likewise, in taking up another point of the Greens in relation to community correction orders, the government is providing and has provided a much more flexible system than was available under the previous government's sentencing regime. It allows a greater use of prisoners' time in terms of their ability to work outside on appropriate community correction orders. That provides valuable work for the community, reduces recidivism and, to return to the bill, enables prisoners to get the appropriate assessment and referral support services that they need.

The five acts the bill amends are the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000. As the mechanical operation of the bill has been outlined by Mr Pakula, I will not dwell on those aspects of it.

I will start with the amendments that will be made in relation to the assessment and referral court list — or the ARC list — of the Magistrates Court. The bill will clarify the procedural framework of the list in four ways. Firstly, it will clarify that the court must also have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that the accused may have.

Secondly, it will insert an additional power to allow the Chief Magistrate to create separate hearing lists and hear matters that relate to a particular impairment where this may be required. This amendment will also clarify that the Chief Magistrate may make any other arrangement for the needs or requirements of persons with a particular impairment.

Thirdly, it will introduce mandatory reporting requirements for information that must be included in the court's annual report.

Fourthly, it will clarify that an individual support plan must have regard to the particular functional and diagnostic criteria that apply to the accused as well as

other relevant facts. This has well been well outlined by speakers in the other place, including by my Nationals colleagues Mr Northe and Mr Bull, the members for Morwell and Gippsland East in the Assembly, who have particular interest and involvement in the program in their electorates.

The ARC list is a specialist court list which was established in 2010 and developed by the Department of Justice and the Magistrates Court to meet the requirements of offenders with cognitive impairments. In opposition the coalition certainly supported the establishment of the list but raised particular concerns. We commend the Attorney-General for bringing to the house in a timely manner legislation that seeks to deal with those concerns. We support the role of the courts and those working in the courts in this particularly difficult area, which involves balancing the needs of protecting the community, protecting the individual and, often, protecting carers and those closest to the individual in cases of mental health problems by providing appropriately tailored assessment and referral.

It is a far cry from where we have come in the criminal justice system in this state. I was reminded to pick up on and further respond to the contribution of the Greens on this issue by a copy of a DVD that was recently produced with funding provided by the Premier in his capacity as Minister for the Arts to the Friends of J Ward in Ararat in Western Victoria Region. The video is called *J Ward upon Reflection*, and it is a very insightful analysis of the way we used to incarcerate people who were called criminally insane, often in circumstances where they had not committed a crime at all and in circumstances that were tragic for their families.

I am reminded of the closing remarks of one of the interviewees, who is a relation of mine, Mr Brian O'Brien. He talked about his uncle's wasted life, which was very sad. It was, in one word, an injustice. This government has moved a long way from that history in supporting the ARC system and with this bill is taking these reforms further.

Dealing secondly with the amendments to the County Court Act in part 3 of the bill, clauses 4 and 5 will replace the outdated procedure for setting fees in the County Court by order and modernise the legislation by making the County Court consistent with the Supreme Court and the Magistrates Court jurisdictions in relation to the manner of regulations for court fees. These amendments are supported by the County Court, which is headed by Judge Rozenes, as has been said, and will bring the court into line with the practices of the Magistrates Court and the Supreme Court.

A third aspect of the bill is that clause 3 will improve the Children's Court appointment processes by enabling dispute resolution convenors to be appointed by the President of the Children's Court of Victoria. The current process presents significant hurdles for the efficient allocation of resources in the Children's Court. I again note the comments by Mr Pakula endorsing this as a sensible means of giving greater flexibility and power to the court. I pick up the comment made by Mr Bull that this measure will be of great assistance in regional courts with regard to managing workloads.

That takes us to the fourth aspect of the bill, which relates to the requirements for the chair of the Victorian Law Reform Commission, which are amended by clauses 10 and 11. The government will allow a part-time chair to be appointed. This is not about necessarily requiring that there be a part-time chair; rather it is about providing sufficient flexibility. The amendments will give the option to appoint part-time and/or full-time commissioners, provide greater flexibility for the commission's governance arrangements and ensure that it has as wide a pool as possible from which to choose a new chairperson at the expiry of the term of the most recent chairperson.

I note the comments in an article in the *Age* today supporting the latest referral to the Victorian Law Reform Commission by the Attorney-General in relation to the increasing problems surrounding wills. I look forward to the Victorian Law Reform Commission continuing its work and I note the supporting role the government has played in its provision to the VLRC.

Fifthly, the bill will make a statute law revision amendment to the Liquor Control Reform Act. The bill will retrospectively amend the terminology to give the new Victorian Commission for Gambling and Liquor Regulation all the regulatory powers of the former director of liquor licensing. It will correct a reference to the director that should be to the commission. The commission commenced on the 6 February 2012.

Statute law reform bills come before the house from time to time — in fact, there is one on the notice paper for debate this week. We all regret typographical and other errors being made in legislation. I do not wish to take up Mr Pakula's invitation and seek to blame any particular fault on the previous government or on this government or to pick up the suggestion of the Greens about getting to the bottom of this. As I understand it, whenever there has been a typographical error parliamentary counsel over many years has worked

diligently to find out how it has happened and to ensure that it does not happen again, if possible. That is one of the reasons statute law revision bills are brought forward from time to time. In this instance it is convenient to make this correction as an amendment in this bill.

I will endeavour to answer some of Mr Pakula's questions about doubts in relation to the Liquor Control Reform Act and why those doubts have been expressed. The amendments in the bill are to remove doubts, but that does not mean those doubts are valid. The amendments are to ensure that doubt is removed. For example, clause 6 will make five amendments substituting the word 'commission' for previous references to the director of liquor licensing. The first of those amendments, in clause 6(1), amends section 78(2)(a) of the Liquor Control Reform Act. This provision also refers to section 77(2) of the act. Section 77 relates to applications by the Australian Grand Prix Corporation for the grant of a limited licence and requires such applications to be accompanied by plans of the proposed area of the licensed premises.

Section 78 allows the Chief Commissioner of Police to object to such an application within 21 days of when notice was given of the application. This amendment removes any doubt regarding any potential objection by the Chief Commissioner of Police to the Victorian Commission for Gambling and Liquor Regulation between 6 February 2012 and now. Similarly, it removes any doubt in relation to decisions made by the commission which have considered or relied upon an objection received from the Chief Commissioner of Police.

Clause 6(2) amends section 148ZT(1)(f) of the Liquor Control Reform Act 1998. The purpose of the clause is to ensure that the commission provides appropriate information to a local council to ensure that the relevant provisions of the Building Act 1993 can be properly enforced. The amendment also removes any doubt that if the commission has issued a closure and evacuation notice in relation to a premises within a local council area and has disclosed information to a municipal building surveyor of the council, that information has been provided with the appropriate power.

This is in the nature of a statute law reform bill. There will be such a bill this week dealing with amendments that have been made from time to time.

In conclusion, I refer again to the support and services that will be provided in relation to the amendments to the ARC list procedures, and I again commend the Attorney-General and his department and staff for their continuing prudent, careful, responsible and timely administration of justice system legislation in this state.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Justice Legislation Amendment Bill 2012. My colleague Mr Pakula has already indicated to the house that the opposition is not opposing this bill.

By way of background, the bill undertakes five reforms. Some of the amendments are housekeeping matters that are minor in nature but are necessary; for example, the substitution of existing references to the director of liquor licensing in the Victorian Commission for Gambling and Liquor Regulation legislation and references to the commission itself. The amendment corrects drafting errors in the government's previous legislation, the Victorian Commission for Gambling and Liquor Regulation Act 2011, which referred incorrectly to the director of liquor licensing.

The bill also empowers the President of the Children's Court of Victoria to appoint dispute resolution convenors in place of the existing power, which is currently vested in the Governor in Council. The bill also provides the necessary power to enable the Governor in Council to set fees for civil matters heard in the County Court.

Given the stance this government is taking in relation to cutting back on services and personnel, I would hope that the financial resources are there to implement the reforms contained in the bill. These reforms deserve to be implemented. Many of the ills within our community today are caused by a lack of understanding or proper mechanisms to halt the decay.

The previous government established the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010. It provided for a specialist court list which was developed by the Department of Justice and the Magistrates Court of Victoria to address the needs of accused people who have a mental illness or cognitive disability. The bill provides that the Magistrates Court must take into account contributions by way of assessment reports provided by appropriately clinically qualified practitioners who have assessed defendants as to their disability or principal impairment, and refer them, if appropriate, to the specialist court law list.

There is a crisis at present within the criminal justice system. Drug and alcohol addiction is on the rise. Mental illness is not being identified or being dealt with in time, and we, as a society, need to address those issues at their core. Simply building another prison is

not tackling the problem. We need to do more in identifying cause and effect, and we need to arrest the current trends that are distressing and disturbing. Most importantly we must properly resource our justice system, which in turn has already identified what needs to be done.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011

Second reading

Debate resumed from 17 April; motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me great pleasure to rise to speak on the Australian Consumer Law and Fair Trading Bill 2011 and to indicate that the opposition will not be opposing the bill. I further indicate that the opposition is aware that Ms Pennicuik will be moving an amendment to the bill sometime later today and that we will not be supporting that amendment. I will make some comments on that a little later.

The bill is designed to restructure the Fair Trading Act 1999 and consolidate that and other consumer acts into one new consumer act. This is a worthwhile exercise. It has been pursued by governments, state and federal, for a reasonable period of time now. In those circumstances, given that the work that has been done by the government on this bill continues the work done by the previous government and previous Minister for Consumer Affairs, the opposition will certainly not be opposing it.

Just to provide some background to the house, at a 2009 Council of Australian Governments meeting, state, territory and commonwealth leaders signed off on an intergovernmental agreement for the Australian Consumer Law. Since the beginning of 2011 there has been a single national law for fair trading and consumer protection. It applies in all Australian jurisdictions, all sectors of the economy and to all Australian consumers and businesses. That law replaces previous commonwealth, state and territory consumer protection legislation in fair trading acts and the old commonwealth Trade Practices Act 1974, an act very dear to the hearts of union officials and former union officials across the nation with its famous section 45D. I wonder what that section is called now. Mr Guy might know. I understand that that act has been renamed the Competition and Consumer Act 2010.

In Victoria the Fair Trading Amendment (Australian Consumer Law) Bill 2010 applied the new Australian Consumer Law as a law of Victoria. It made related changes to the Fair Trading Act 1999 and inserted a new part 2 to provide that laws applying in Victoria include regulations that are made by the commonwealth for the purposes of Australian Consumer Law. I think most parliamentarians, and the many consumers who have benefited from it, would agree that the creation of the Australian Consumer Law was a watershed in unifying consumer protection across the country. Certainly the former Brumby Labor government was proud of being involved in the development and implementation of that law.

The bill we are debating today very much follows on from the work that was carried out by a former Minister for Consumer Affairs, Tony Robinson, the former member for Mitcham in the Assembly, who initiated — —

Mr Leane — A good man.

Hon. M. P. PAKULA — Indeed, a very good man, who I am sure is enjoying his post-political life very much. You are never reminded of that more than when you are in the midst of a sitting week.

It is important to note that the former Minister for Consumer Affairs initiated a project to modernise Victoria's consumer legislation which included identifying legislation that might be redundant or dated and providing plain English consumer protection legislation. These were very important reforms drafted for a more informed market of consumers. Consumers cannot enforce their rights and the protections available to them if they do not understand them and if the law is drafted in a way that is arcane or difficult to navigate. Plain English reform of consumer protection is an extremely important task for the Parliament to carry out.

The work by former Minister Robinson helped the previous government meet the commitment it made to modernise consumer legislation. By 2010 all laws had been reviewed and modernised. Over the previous 10 years the statute book and the regulatory burden on

business were reduced. All governments desire to ensure that the statute book is up to date and that unnecessary or outdated legislation which no longer serves any practical purpose does not continue to reside on the statute books. That was a key part of the project carried out by the former government through the good offices of the former minister.

The Australian Consumer Law commenced on 1 January 2011. It is a law which includes a new national unfair contract terms law that covers standard-form contracts. It also includes a new national law guaranteeing consumer rights when buying goods and services, which replaced the old law on conditions and warranties. Any of us who bought electrical products in the 1980s when we were growing up — an old walkman or stereo system — will recall the warranty cards which indicated the warranty was void or not applicable unless you filled out the warranty card and mailed it back. It was quite a challenge claiming on a warranty in those days.

Mr Elsbury — They used to do it for Atari games.

Hon. M. P. PAKULA — That is right. I was never fortunate enough to have an Atari game, Mr Elsbury, but I had friends who did — or should I say they certainly became much closer friends when I realised they had an Atari! Claiming on warranties back in the days when it was reliant on filling out a card, keeping a copy of the card and mailing it back was quite a challenge. You were never quite sure whether in fact your warranty would be honoured if you ever needed to claim on it.

The Australian Consumer Law contains a new national product safety law enforcement system and a new national law for unsolicited consumer agreements, which replaced pre-existing state and territory laws on door-to-door sales and other direct marketing. We have all seen how successful and appreciated 'Do not knock' and other campaigns of that nature are in protecting consumers from unnecessary, annoying or predatory behaviour from those seeking to market their wares. It is absolutely appropriate for organisations, corporations and others to endeavour to market their wares, but it is equally appropriate for consumers to be able to indicate very clearly when they do not want or appreciate that kind of approach and for that indication to be respected. To the extent that the Australian Consumer Law makes it easier for that indication to be respected, acknowledged and followed by those organisations, all the better.

The Australian Consumer Law also simplifies national rules for lay-by agreements, and we all appreciate making it easier to lay-by products, do we not!

Ms Pennicuik — Better than putting it on the credit card.

Hon. M. P. PAKULA — Ms Pennicuik says it is better than a credit card. Perhaps in certain circumstances that is the case. I for one am not celebrating making it easier to put products on lay-by, but maybe Mrs Coote has more experience of lay-bying.

Mrs Coote — Never on lay-by.

Hon. M. P. PAKULA — Mrs Coote says, 'Never on lay-by'. She does not need to! It is important to note that for transactions that occurred up until the end of 2010 the old state and territory laws continued to apply.

As part of the continuum created by the Australian Consumer Law we now have this bill before the house. It mainly re-enacts provisions in the Fair Trading Act 1999, but there are a number of additions. It implements the government's election commitment to promote protection for 'small business as consumer', including protections in the Australian Consumer Law allowing the director of Consumer Affairs Victoria to conciliate disputes between small business and suppliers. I note for the record that the Consumer Action Law Centre is interested to know whether the government is providing additional resources for complaints and conciliations. I assume the answer is here in the budget papers somewhere, but I have not yet had an opportunity to go through them in great detail.

Ms Pennicuik interjected.

Hon. M. P. PAKULA — Ms Pennicuik says, 'The answer is no'. I will have to take her at her word for the time being, but by the time the Minister for Consumer Affairs appears before the Public Accounts and Estimates Committee I am sure we will have all that information at hand, and perhaps we might be able to question him about that, obviously without pre-empting what those questions might be. It would be helpful to the house if the government's lead speaker could confirm for the house whether or not there are additional resources for complaints and conciliation given the increased scope of conciliation contemplated by this bill.

It is also important to talk for a moment about the Victorian Consumer Law Fund, which was created by the Fair Trading Amendment (Australian Consumer Law) Act 2010. Civil penalties awarded under the

Australian Consumer Law, to which I have already referred, are paid into that fund and, when ordered by a court, the fund will also be able to receive and distribute payments from defendants to redress non-party consumers who are entitled to refunds as a result of certain types of conduct that contravene the Australian Consumer Law and the provisions therein. Previously — and I think this goes to the question of the amendment to be moved by Ms Pennicuik — amounts from the fund could be paid as special purpose grants to not-for-profit organisations for purposes consistent with the objectives of the Australian Consumer Law. The bill removes the requirement that those special purpose grants be made only to not-for-profit organisations, which means that any person or organisation can apply to run educational initiatives consistent with Australian Consumer Law.

To the extent that amendments may be moved that seek to confine that to the previous situation, which is that not-for-profit organisations be the only organisations that can receive those grants, I sympathise with and appreciate the sentiment behind the amendments that are to be moved. However, I should indicate that whilst it would be the opposition's expectation that the vast preponderance of grants would continue to be to not-for-profit organisations, it is not beyond the realm of possibility or beyond conception that other organisations might also appropriately receive such grants. It is not difficult to conceive of a circumstance where an educational initiative consistent with the Australian Consumer Law might be run by an organisation which would not be described as a not-for-profit organisation.

Certainly the opposition will monitor very closely which organisations receive those grants. It would be our expectation that the vast majority of grants ought be directed towards not-for-profit organisations, as up to this point they have been required to be by legislation, but we will not support an amendment to that effect or to the effect that they continue to be exclusively directed towards not-for-profit organisations because, as I have indicated, there might well be circumstances where on some occasions it would be appropriate for those grants to go to someone else. We will be keeping a very close eye on that.

I think it is fair to say that the Consumer Action Law Centre is very concerned about the appropriateness of it no longer being strictly allowable for the grants to be made to the not-for-profit sector alone, and the Consumer Action Law Centre does a power of extremely good work for consumers. I take its concerns seriously; I know that Ms Pennicuik does as well, and I hope the government does too. The best way for the government to demonstrate that it takes those concerns seriously would be for it not to allow the alteration of this provision to lead to a situation where the grants overwhelmingly start going to for-profit organisations, to corporations or to other organisations outside the not-for-profit sector.

The bill also provides for the closure of the Victorian Consumer Credit Fund and for any residual funds to be placed into the Victorian Consumer Law Fund. We are advised that the consumer credit fund currently contains some $530 000. As I am sure members are aware, that fund was established by the Credit (Administration) Act 1984, and grants were for the purposes of providing education services about credit and education, advice or assistance to persons to whom credit has been, is or may be provided under credit contracts or research about the use of credit.

It might sound glib, but it would be wrong for anybody to underestimate how badly things can go wrong when credit is granted or accepted inappropriately. The stories of family breakdown, of trauma, of bankruptcy and to some extent of global economic collapse as the result of the inappropriate issuance of credit are well known to all of us. If anyone needs any more education or any more certainty about where the willy-nilly handing out of credit to persons who do not have the wherewithal to repay it can lead, they need only look at the economic chill winds that have circulated around the globe since 2008 as the subprime mortgage crisis in the United States impacted upon the banking systems around the world like a set of dominoes. Money spent on educating people about credit and providing advice or assistance to people about credit is money well spent.

The opposition certainly will not be opposing the bill. It is a streamlining of existing legislation into a more user-friendly form. It is a continuation of the work that has been done at a national level and by the previous government in terms of making national consumer law more user friendly and more accessible to the people who are the beneficiaries of that law. I have already indicated the opposition's position on the amendment. Whilst we will not be supporting it, we do say to the government that the provision that says that these grants can be made outside the not-for-profit sector ought to be used exceedingly sparingly. With those words I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support the Australian Consumer Law and Fair Trading Bill 2011 but will be moving an amendment to clause 136 of the bill. The bill is quite large — 269 pages, with 240 clauses and 7 schedules — so there is a lot to it, and members will

be very relieved that I will not be going through it in any great detail.

The bill introduces concepts under the Australian Consumer Law (ACL) that were not able to be introduced in other amendments to the Fair Trading Act 1999 during the life of the last Parliament because the Australian Consumer Law did not come into being until last year. This bill reorganises the pre-existing act, introduces the concepts under the Australian Consumer Law and reorganises the whole act in a way designed to be easier for people to navigate. The bill also repeals unnecessary sections of the Fair Trading Act and rewrites some sections to make them easier to understand. Those are all very good things, and to all intents and purposes we agree that the bill does what it is meant to do with respect to those particular aims of the rewriting.

However, I would like to draw attention to a couple of things. It seems a long time ago that a briefing on the bill was given to me and a staff member. That briefing seems lost in the mists of time, and because the bill was delayed I have had to go back through my notes. Nevertheless, I thank the minister's office and department for organising the briefing, which took us through the bill in detail so I was able to assure myself of the major provisions of the bill. We spent some time on clause 1(f), which states that a purpose of the bill is:

> to promote uniformity with the consumer laws of other jurisdictions through the interpretation and application of the Australian Consumer Law in Victoria consistently with those laws;

I am not sure this clause exactly and clearly articulates what it is apparently meant to articulate, which is that the Charter of Human Rights and Responsibilities does not override this legislation, and that is encapsulated in clause 1(f). We were told that is because Victoria has external pressures to interpret laws in accordance with the charter that the other states do not have and that the Australian Consumer Law should not be read in line with it if it would be inconsistent with the other states.

The rationale given for this was a Court of Appeal decision in a case involving a deregistered dentist claiming to be able to cure cancer with ozone injections. He argued his right to freedom of expression under the charter. This was a Court of Appeal case involving Operation Smile and the Hope Clinic. During the briefing on the legislation we were told that the trial judge was unclear on the position of the charter and found in favour of the argument. The Attorney-General submitted to the court that the right of freedom of expression is not absolute. If that is the case, we question why it needs to be clarified by the bill. I will be asking a couple of questions of the minister in regard to that during the committee stage, which I hope will not be too lengthy given I only have questions on this clause and possibly on another clause, which I will get to in a moment. There is nothing in the explanatory memorandum to explain the significant change to the law affecting human rights and, if there is a legitimate reason, it is not well explained in either the bill or the explanatory memorandum.

The next clause I want to draw attention to is clause 114, which changes the resolution powers of Consumer Affairs Victoria so that CAV can provide assistance to small business consumers. The clause refers to natural persons and other persons — that is, corporations or businesses as consumers. We were told at the briefing that this aligns the bill with the ACL definition of consumer and that the significant public interest test in the current Fair Trading Act 1999 is too high a hurdle for small business to gain assistance and is therefore not appropriate. We were also told that it is part of the government's general commitment to support small business. While we understand that small business can and does have issues or difficulties with larger businesses, we are concerned — as has been raised by the Consumer Action Law Centre and referred to by Mr Pakula — about the resourcing of Consumer Affairs Victoria to manage additional work in conciliating between small and large businesses, which we assume would be the majority of the disputes that come before it.

When we talked about this during the briefing we were told that it was impossible to tell how much extra work it would impose on Consumer Affairs Victoria and that it would use its existing procedures and resources to deal with the change. But you would have to say that if CAV, as I am sure it will, puts out information on its website and perhaps even mails out to small businesses and associations information about the changes to the act and the ability for it to act on their behalf, it will result in an increasing workload, because I cannot imagine that the changes will result in a lessening workload for ordinary consumers who are dealing with businesses, as is the case currently under the act.

It would be useful if a government speaker could go to this issue. It has been raised by both Mr Pakula and me and by stakeholders such as the Consumer Action Law Centre, which deals all the time with these cases and which represents consumers. It is an important question if it is going to result in a burgeoning workload for CAV.

The next clause I draw attention to is clause 136, which will allow payments from the Victorian Consumer Law

Fund to any person or organisation. Currently payments can only be made to a non-profit organisation. The fund is for:

(a) the purposes of improving consumer wellbeing, consumer protection or fair trading; or

(b) any other purpose consistent with the objects of the Australian Consumer Law (Victoria).

This clause largely re-enacts existing section 102D of the Fair Trading Act 1999 with this one significant change. We questioned the change during the briefing. The reason given for the change was that the government is committed to assisting small business and that this particular change will increase competition for grants and tenders and, hopefully, improve tenders. We were also told that the minister had raised this issue while in opposition saying that the for-profit organisations could equally perform the tasks that not-for-profit organisations perform. We were not given any examples of organisations or people who are eligible or who may be suitable to receive grants under the new provision, but I suggest the new provision is so open that anybody could apply for and receive a grant.

During the briefing I mentioned that it is the role of CAV to educate business as well as consumers. I am concerned that industry bodies and businesses will be able to receive grants from the fund when they are already far better resourced than the not-for-profit sector, which is set up in particular to assist ordinary consumers — that is, people who are dealing with businesses. Ordinary people do not have the wherewithal to deal with their disputes in the way that businesses can. That is what leads to my proposed amendment, which is to revert to the original position — that not-for-profit organisations would be the only organisations that represent the issues of consumers and people to receive grants from the fund. That is the status quo.

It is worth noting that the Victorian Consumer Law Fund will receive the assets that are currently in the Consumer Credit Fund, which is being wound up mainly because of the referral to the commonwealth of those powers to deal with consumer credit law. It is a good fund, but we would like to see it directed to the right recipients.

When Mr Pakula suggested the opposition would not be supporting my amendment he called on the government to continue the practice of not-for-profit organisations receiving grants from the fund. Under this legislation Coca-Cola or a large corporation of that ilk could be eligible for a grant from the fund, and I do not think that would be appropriate. I assume that is why it was set up in the way it was in the first place — that is, so that the people receiving the grants were able to provide the research, education and information on behalf of ordinary consumers.

This provision, which is a very small change to the principal act, will have a very big effect, and I am concerned it will not be a good effect. I say again that other for-profit organisations already have the wherewithal to distribute amongst their members the information that is produced by Consumer Affairs Victoria and that the type of research, information or education they may undertake or produce would not be of the same sort that is independently produced by the not-for-profit consumer law foundations, so it would be skewed. It is a concern that this change is being made to the act.

There are a couple of other clauses I will speak on. Clause 153 introduces a provision that states that a technical expert can attend an emergency search. We think that is a good provision. Clause (2)(j) includes a paragraph which expressly clarifies that the Victorian Civil and Administrative Tribunal judicial members — that is, not non-judicial members — can make orders for possession of land under their power to hear and determine disputes. The example given to us when we queried this provision was that it would apply if a mortgagor wanted to enforce a mortgage and the mortgagee claimed a breach of the Fair Trading Act and commenced a VCAT application. This provision clarifies that particular power for judicial members.

Clause 209 clarifies that the certificate under this provision is to be taken as evidence of non-compliance. That is a clarification because it is currently treated tentatively, as it is one step in establishing such proof.

The Greens will not oppose the bill. I wonder about the controversy surrounding the Associations Incorporation Reform Bill 2011 that passed through the Parliament last sitting week. Many amendments to that bill were put forward, and many concerns were raised about that bill by stakeholders in the community, including the Victorian Law Institute and the bar council. The Greens also raised concerns. There was the issue of which bill went first. I can remember suggesting in the briefing that the Australian Consumer Law and Fair Trading Bill be held up until the Associations Incorporation Reform Bill went through, but I am now concerned that there could be issues with the provisions in the bill we are discussing today because it refers to the Associations Incorporation Reform Bill, which, as we understand it, gives rise to a lot of problems. We are hoping the problems with the Associations Incorporation Reform Bill do not flow through to this

bill. It remains to be seen whether the government, in its consultations with the stakeholder group regarding the Associations Incorporation Reform Bill — which I understand are ongoing — will actually sort out those problems. With those remarks the Greens will support the bill.

Mr ELSBURY (Western Metropolitan) — It is my pleasure to rise this afternoon to speak in favour of the Australian Consumer Law and Fair Trading Bill 2011. This bill has been a long time coming, as Ms Pennicuik has pointed out. However, it is good to get things right the first time you put them up. This bill preserves all existing provisions of the Fair Trading Act 1999 in a restructured and renumbered format. It is somewhat similar to the legislation that Ms Pennicuik was referring to — the Associations Incorporation Reform Bill 2011 — which was a restructuring and simplification of legislation to allow it to be rendered in an easily read format.

Strangely enough there was a lot of chest beating from the opposition last week, especially from Mr Pakula, in relation to that legislation. Mr Pakula said, 'We must have this old legislation hanging off the back end of it. We must have these references, and we must have reference to the old legislation'. Yet today he stands up in this place and says the exact opposite about this bill; he says it is a good thing to reduce regulation and the burden on people having to read through legislation. He says it is a good thing to simplify the legislation. That is certainly what the legislation we are discussing today will do. It is also what is done by the Associations Incorporation Reform Bill, which was passed in the last sitting week.

This bill also removes references to repeal provisions of the Fair Trading Act. It amends certain provisions of the Fair Trading Act to clarify the jurisdiction of the Victorian Civil and Administrative Tribunal (VCAT) to make an enforceable order for the possession of land. It provides certification by the director of Consumer Affairs Victoria that the failure to comply with certain requirements is prima facie evidence of the failure to comply unless evidence to the contrary is added.

The bill amends the power of the Minister for Consumer Affairs to make special purpose grants from the Victorian Consumer Law Fund (VCLF) to enable organisations other than not-for-profit organisations or the directors to receive grants. It also amends the Credit (Administration) Act 1984 to effect the closure of the Consumer Credit Fund and the transfer of any residual income and liabilities to the VCLF. It improves the access of the small business sector to free dispute resolution services currently offered by Consumer Affairs Victoria and makes consequential amendments to other Victorian acts.

The bill has two main functions, and they are to repeal and re-enact the current Fair Trading Act and create the Australian Consumer Law and Fair Trading Act to make a number of amendments to improve the operation of certain existing provisions in the Fair Trading Act. We have a national scheme that came into play on 1 January. The laws that are currently used to administer consumer law in Victoria need a bit of tweaking to bring them into line with the new federal legislation. This bill will reorganise the Fair Trading Act to address structural disruptions caused by the introduction of the Australian Consumer Law, making the two pieces of legislation fit so there is a clear way of doing business here in Victoria. These changes will assist businesses and consumers looking to understand their fair trading rights and responsibilities by making it easier to use the legislation and setting out those rights and responsibilities.

As I mentioned earlier, the legislation will clarify VCAT's jurisdiction to make an enforceable order for the possession of land. This is important, because there has been some confusion out there in the legal fraternity as to whether or not VCAT actually has this power at its disposal. In the past VCAT has adjourned such cases involving an application for a land possession order and sent them to the County Court, thereby forcing the parties involved to lodge an application in multiple forums. It has added to the costs that people have to incur in their daily business when dealing with the fact that a person has not made their repayments for a certain item or for land and is being foreclosed on. This will help VCAT assist in those circumstances.

The bill allows for the director of Consumer Affairs Victoria to make orders in relation to any non-compliance with decisions he has made in the past. If someone has been told to change their practices in relation to the way they conduct their business but they continue to do their business the way they have always done it, totally ignoring the director of Consumer Affairs Victoria, the director could then issue a certificate as evidence.

Prior to this bill a court has not been able to view these certificates as evidence, as was intended. Instead the director has been required to prove that a person has not complied with a directive before a court will enforce an order. It is something like saying to someone, 'I want you to stop doing that', having them say, 'No, I won't stop doing that', and then you saying to the courts, 'They haven't done it', and still having to provide yet more proof that they have not done what was requested

of them in a lawful manner. It does not make sense to put the onus back on the umpire, Consumer Affairs Victoria, to say the person has broken the law and decided not to adhere to a directive to get back on track.

This legislation also introduces the Victorian Consumer Law Fund to allow grants to be issued to businesses. This fund is unique to Victorian legislation because no other state in Australia has such a consumer law fund. The fund provides for non-profit organisations with the aim of promoting the objectives of the Australian Consumer Law. It may be difficult to realise that businesses interact with consumers on a daily basis. It might even startle people to find out that there are some organisations, such as consultancies or even lawyers or accountants — and I like accountants; I married one — people with specialist skills in certain areas, who may be able to assist. Business organisations should be able to apply to receive funds from the Victorian Consumer Law Fund to assist their client base to avoid being in contravention of the law.

Ms Pennicuik made a glib statement about Coca-Cola applying for funds from this consumer fund. Coca-Cola may be able to sell a few extra pallets of Coke, but an organisation needs to be able to justify obtaining funds and say how they are being used to educate consumers in how to deal with certain situations in consumer law.

The special purpose grants must be used for the purposes of improving consumer wellbeing, consumer protection or fair trading or any other purpose consistent with the objectives of the Australian Consumer Law. They must improve consumer wellbeing through consumer empowerment and protection. They need to ensure that consumers are sufficiently well informed to benefit from and stimulate effective competition. They need to ensure that goods and services are safe and fit for the purposes for which they were sold and that unfair practices are prevented. They must meet the needs of consumers who are most vulnerable, provide accessible and timely redress where consumer detriment has occurred and promote proportionate risk-based enforcement.

I cannot think how Coca-Cola would actually do that. It may have been a glib statement by Ms Pennicuik. In any case, the grants would allow the local lawyer in the small office down the road who constantly has small claims coming across his desk to go out and educate the businesses in a town or suburb about the pitfalls of any particular part of consumer law that is not being adhered to.

Sometimes there will be disputes between small businesses, because small business are also consumers. This legislation introduces the ability for small businesses to be called consumers and therefore the ability for them to access the dispute resolution services available to any other consumer. This will not carry over to consumables or items for sale but will cover items purchased, whether it be equipment, furniture or whatever is needed to conduct the business; on those sorts of things they will be able to seek redress. There have been instances in the past when items have been purchased by a business and found to be unsatisfactory.

We have the situation where a business can be considered to be a consumer of products as well. The director of Consumer Affairs Victoria ultimately retains the discretion to accept or reject a dispute, regardless of whether any of the criteria have been met. Just because a request is made for a conciliation, it does not necessarily mean it will be granted. It could be that two businesses are quite happy to come to a conciliation but want to lawyer up, and that is not going to happen. Basically this is a process of bringing the two parties together in a room and getting them to discuss the issues that are set before them: what is the problem, how can it be resolved and how do we get there?

If people want to take a legal option, of course that is well and truly open to them, but if they think they can discuss these things in a civil way and without having to engage legal assistance, then certainly this is the way forward. We are very confident that Consumer Affairs Victoria will be able to use its resources to be able to make the right decisions about the disputes it will be getting involved with and about which ones it will say to people, ‘This is going well above and beyond the intention of this act and you need to seek legal recourse’.

This bill does a number of other things and I am running out of time to discuss them, but Consumer Affairs Victoria inspectors may inspect premises to investigate the supply of dangerous or banned goods. They can bring along experts to give them additional advice on whether things are as bad as they seem, or to enable them to access information that would not readily be available — for example, bringing along with them a computer technician or someone who understands the safety elements of a child’s toy, such as how to deal with choking, and that sort of thing. Also, mostly at New Year, inspectors may be dealing with fireworks, and they need to have a very careful hand when dealing with those sorts of things.

Debt collection is another area that will be covered, and there is a slight amendment in the bill where for a person found guilty of certain offences — such as assault, fraud, drug trafficking and that sort of thing —

the terminology will be changed to use the word 'convicted'. That is just to be able to cover off all the aspects and to close any possible loophole. I support this bill, and the government will not be supporting any amendments that have been put forward by any of the other parties.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Australian Consumer Law and Fair Trading Bill 2011. We support this bill, particularly because it follows a great line of consumer legislation that the Australian Labor Party has championed since the days of the second Premier John Cain in the 1980s.

This is a very lengthy bill, in a special sense, given the range of acts it seeks to amend. The main purposes of the bill include to promote and encourage fair trading practices and a competitive and fair market; to regulate trade practices; to provide for codes of practice; to provide for certain powers and functions of the director of Consumer Affairs Victoria; to extend the role with respect to small businesses and suppliers; to promote uniformity with consumer laws of other jurisdictions through the interpretation and application of the Australian Consumer Law in Victoria; and to regulate certain businesses. Further, it will repeal and re-enact the Fair Trading Act 1999; repeal the Disposal of Uncollected Goods Act 1961, the Carriers and Innkeepers Act 1958 and the Landlord and; and amend the Credit (Administration) Act 1984 to close the Consumer Credit Fund and transfer any funds to the new Victorian Consumer Law Fund.

Effectively, this bill will consolidate relevant consumer laws into one solitary and stand-alone act. It follows similar bills that have passed through the Parliament in recent years. Such reforms streamline consumer protections, reduce waste and duplication and save the community a large sum, as per statements from the Productivity Commission. It should be noted and acknowledged that most of these reforms are a direct result of community consultation initiated by the then Minister for Consumer Affairs, Tony Robinson, as a member of the former Labor government. He was diligent in his efforts to ensure greater consumer justice and fairness for all Victorians, and this bill, like others we have passed in recent times, is a direct consequence of his tireless efforts.

However, this bill goes further, into an area that concerns the opposition. It will include small businesses that have a dispute with their suppliers, and while this may be a worthy reform, and it certainly fulfils an election promise of the Baillieu government, we on this side of the house are deeply concerned that this government has not increased the resources that Consumer Affairs Victoria will require to adequately administer this additional role. We are particularly concerned as it plans to slash and burn the public service to make up for its inability to balance the books without causing pain and suffering.

I understand that small businesses can be victims of errant suppliers, but I fail to understand how a diminished staff at Consumer Affairs Victoria can take on additional duties and complete them all to a high standard. I state this with respect to the staff of one of the key social justice departments in the state, but we are talking about the largest sector of our state's economy. If small businesses can now take matters against other businesses to Consumer Affairs Victoria, how will that body cope with the potentially thousands of additional calls and claims each and every year? Will it defend those small business owners who believe they are poorly treated by larger and very well known companies? Will it protect farmers and — I ask this of our colleagues from The Nationals — in particular will it protect farmers who are squeezed by large multinationals who buy their products?

If the government claims that none of these problems will occur, it must have a foresight that no-one else in existence has. Certainly, as mentioned by other members, a number of consumer and legal groups have publicly noted their concerns about this aspect of this very long bill.

Another serious concern relates to the removal of the requirement that special purpose grants from the Victorian Consumer Law Fund be made only to not-for-profit organisations. It seems to open up the special purpose fund to other than the not-for-profit sector. I cannot see any justification for reducing the money that not-for-profit organisations will now receive as a direct consequence of this error in judgement by the Baillieu government. Where will such money now go? To profit-seeking businesses? To profit-centred individuals? Certainly there will be less for the not-for-profit sector — the wonderful volunteers, the community people who do so much for the people of Victoria. I call upon the government to consider the negative to which I have referred and the limitations in this bill and to come back to the house at some stage to purely and simply fix them. I support this bill, but I wish it were different in certain areas.

Mrs COOTE (Southern Metropolitan) — I have great pleasure this afternoon in speaking in the debate on the Australian Consumer Law and Fair Trading Bill 2011. I commend Michael O'Brien, the Minister for Consumer Affairs in the Baillieu coalition government, for bringing this bill to the Parliament. It is reflective of

the situation at this time. This important bill brings consumer law in Victoria in line with that in the other states, territories and jurisdictions in Australia. It recognises changes in business practices, predominantly in e-commerce, and looks at some of the challenges for small businesses and consumers in this particular area.

One of the aims of the Australian Consumer Law and Fair Trading Bill is to ensure that our state laws are aligned with federal laws and the laws of other states. The bill will eliminate further confusion with regard to unfair terms and business contracts and will help to create certainty for Victorian businesses that trade with customers interstate and for Victorian consumers who may purchase goods or services from interstate businesses. E-trading and e-commerce have brought with them an enormous change in the way people do business. In many instances they are very convenient. At a national level we have seen some interesting conversations about the implications of tax collection on goods and services that are ordered from overseas. That is not a debate for today, but it is important to note that this bill addresses the changes in the way that businesses in Victoria conduct their business today.

If we look back to a decade ago and the problems that were faced by some of the border towns, such as Albury-Wodonga, we know that people in these regions talked about how difficult it was doing business with someone who operated under totally different laws — divided by a river in this case. Luckily circumstances have changed, and e-commerce is going to bring more changes, so it is absolutely vital that we are in step with everybody else.

Victoria's consumer protection legislation, the Fair Trading Act 1999, has served its purpose well. Much of that act has been incorporated into this bill and is unchanged. There has been some renumbering to reorganise the act following various amendments that have been made to the legislation over the last decade. While this bill repeals the Fair Trading Act 1999, much of that act will be re-enacted with the passage of this legislation.

As Ms Pennicuik so rightly pointed out, this is a particularly long and complicated bill. It is 270 pages long, and just as Ms Pennicuik said she would not go through each provision individually, members will be relieved to hear that neither will I. However, it is important to get on record some of the things that will change, most notably the Australian Consumer Law.

The federal Parliament introduced the new Australian Consumer Law last year. That law aims to create nationally uniform consumer protection legislation to remove confusion between separate state jurisdictions, as a federal law should do. During his second-reading speech, Minister Michael O'Brien noted the bill specifically references the Australian Consumer Law that has been passed by the federal government.

This bill states in clause 1 that the purpose of the bill is to, among other things, promote uniformity with the consumer laws of other jurisdictions by interpreting and applying the Australian Consumer Law in Victoria in a manner that is consistent with that adopted in other jurisdictions. This means that the Victorian Civil and Administrative Tribunal and the courts will be able to apply legal principles used in court hearings interstate. That is an important provision, and it is important to understand the technicalities of it if our businesses are to operate efficiently and effectively. In turn this means we will have an approach consistent with that taken in other states, which will create certainty for consumers and traders alike. That certainty is important in times of major pressure, confusion and challenge, much of which is outside the jurisdiction of small businesses; certainly consumers have very little say.

Another particularly important part of this bill is the expansion of the Fair Trading Act. As I mentioned previously, this act has served its purpose extremely well, and it is important to acknowledge that. While much of that act is being re-enacted in this bill, some elements of the act have been enhanced or expanded.

One element that has been expanded is the requirement for a business to produce documents when demanded to by the director of consumer affairs. The director of consumer affairs could provide a written notice requiring a person to produce information, documents or evidence to prove that that person was complying with the Fair Trading Act. If they refused, the director could obtain a court order; however, they had to be able to prove that the trader being investigated had not complied. This was interpreted by the courts to mean that the director could only request documents if he or she could show that on the balance of probability an offence had occurred. The director required evidence to be able to demonstrate this, and the evidence would be held within the documents requested, so a trader who was non-compliant would refuse to fulfil the request because the documents provided the evidence. Then, because the trader refused to provide these documents and the evidence required by the director, the court would not issue an order to provide the director with the requested documents. I hope members in the chamber understand how complicated this process was. In effect a person being investigated by Consumer Affairs

Victoria could avoid scrutiny simply by not cooperating.

This bill changes all that. As the minister stated in his second-reading speech, 'certification by the director will be taken as evidence of non-compliance by the recipient of a notice issued by the director'. This sort of power could be seen as a dangerous step and an intrusion into civil liberties, but this government is keen to make certain that there are essential safeguards to prevent this power from being abused. I know when people burrow into this bill they will see that the safeguards are in place, and they will be pleased the minister has gone to that detail.

First of all, this power only applies where the director of consumer affairs is not bringing criminal proceedings against a trader but rather is trying to defuse the situation of a complaint against the trader. Secondly, it can be rebutted if the person facing the order can do two things: prove that they have complied with the request and/or have a reasonable excuse for not complying with the earlier request. This is a clarification which I think businesses are going to welcome.

Another element is the expansion of investigatory powers. As has been mentioned by previous speakers, most notably Mr Elsbury, one example would be that consumer affairs inspectors who are investigating a business have the general expertise and knowledge to perform their job. However, they often lack the specific expertise to perform certain tasks. Mr Elsbury spoke of the inspector faced with an IT situation and who perhaps does not understand all the intricacies of it.

If I can take that a little bit further, you could find, say, an inspector having to take away parts of a computer system to have it properly analysed. But if he takes someone with the relevant expertise with him, that can be done by the expert in situ and the trader will not have their business jeopardised more than is necessary. I am certain that businesses will be pleased to assist with this, because they will be able to continue to operate while the investigation is being conducted. It will help to streamline business and make certain that traders are not disadvantaged.

I know there is not much time left, and I think there is one other speaker to speak in the debate on this bill. In conclusion, it is important to know that the minister has correctly read the conditions at the moment and that he understands the concerns of businesses and consumers. He has seen that e-commerce is an issue. He understands that there needs to be clarity and simplicity, and the minister has addressed many of these issues. He has also taken into consideration the climate in which small business operates here in this country, and in Victoria in particular. We are still recovering from the global financial crisis. The ramifications have tentacles everywhere. We see it on a daily basis with small businesses particularly, and consumers are being pressed on all levels.

It is also very important and it would be remiss of me not to mention the carbon tax, because the iniquitous carbon tax is going to have an enormous impact right across the Victorian economy. It is going to have huge ramifications for small businesses and for consumers alike, and it is therefore very important that small businesses are given every opportunity to operate in the most viable and open and easy way they possibly can.

Minister O'Brien understands these consumer and business fears and is helping to streamline consumer protection legislation. The Baillieu coalition government is doing its part to restore confidence, and this Australian Consumer Law and Fair Trading Bill is one element of that. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to debate on the Australian Consumer Law and Fair Trading Bill 2011, and I would like to say first of all that my colleagues on this side have already indicated to the house that we are not opposing this bill.

The bill seeks to consolidate and update legislation relating to fairer treatment for all Victorian consumers. Amongst the many amendments to the bill is one for the establishment of a Victorian Consumer Law Fund. This fund will pay civil penalties awarded by a court under the Australian Consumer Law to consumers who are entitled to refunds as a result of conduct that contravenes specified Australian Consumer Law. The bill includes further benefits for consumers in Victoria, particularly small businesses, by providing them with better access to conciliation and mediation services, because many civil cases are able to be resolved through the timely intervention of professional mediators.

The fund will also be able to receive and distribute payments from defendants to redress non-party provisions. Amounts from the fund may also be paid as special purpose grants to not-for-profit organisations or to the director of Consumer Affairs Victoria to be used for purposes consistent with the objectives of the Australian Consumer Law.

This bill also broadens the eligibility of people to apply for assistance from the Victorian Consumer Law Fund, which was created by the passing of amendments to the

federal Fair Trading Act. The Victorian Consumer Credit Fund will be closed as a result of the transference of consumer credit laws to the federal jurisdiction. This fund played an effective role in consumer credit matters, but now that the Australian Consumer Law and the Victorian Consumer Law Fund are in place it is appropriate for the Consumer Credit Fund to be closed off.

These amendments are appropriate and timely. Their genesis was under the previous Labor government, and I wish this bill a speedy passage.

Mr RAMSAY (Western Victoria) — I rise to speak on the Australian Consumer Law and Fair Trading Bill 2011 and acknowledge that it has support from all parties in this chamber, but I understand there are to be some amendments from the Greens.

It is unfortunate that I cannot suggest that the timing of this bill is in response to the carbon tax to be introduced on 1 July. On the basis that it has absolutely no connection with that, I will move on.

The bill completes the integration of the Australian Consumer Law into Victorian law and delivers on the Victorian government's commitment to do that. The Australian Consumer Law came into effect on 1 January 2011, and it is timely that work be undertaken to restructure and consolidate the Fair Trading Act 1999.

As previous speakers have said, the bill is large in the number of pages and clauses, and many speakers have gone into detail about some of the ingredients of the clauses, so I do not intend to do that. What I intend to do is identify some of the key areas and close my contribution.

The past patchwork of consumer protection laws has not given businesses confidence in their rights and responsibilities under that legislation. It is good to see that a clearer, more logical structure of legislation such as this bill is being debated and that it retains some of the core elements that have worked well in the past, but makes the appropriate reforms to help and support small business.

This bill makes changes to the director of Consumer Affairs Victoria's powers to conciliate and mediate disputes. It removes limitations on the director's capacity to mediate on any dispute between a business, whether it is a consumer or a supplier. It covers small businesses not limited to the Australian Bureau of Statistics determination, and I refer to small businesses like cafes and restaurants. It is designed to assist businesses as consumers, and it broadens the Fair Trading Act.

The bill removes restrictions on provisions allowing payment of special purpose grants from the Victorian Consumer Law Fund. It also enables special purpose grants to be made to any person or organisation for purposes consistent with the objectives of the Australian Consumer Law. The bill transfers moneys from the Consumer Credit Fund to the Victorian Consumer Law Fund and provides that such moneys will continue to be applied for consumer protection purposes.

In relation to investigations of a business, this bill provides that an inspector conducting an emergency search can bring technical expertise on site to allow that inspection to continue without taking the records offsite. The bill also re-enacts the relevant functions of VCAT (Victorian Civil and Administrative Tribunal), thereby ensuring that Victorian consumers have continued access to the tribunal as a low-cost method of resolving disputes. The bill includes an amendment that reinforces the tribunal's power to make an order for possession of land in the course of a dispute between a consumer and trader, which is limited to a debtor under a loan agreement commencing proceedings to prevent a creditor from enforcing a mortgage to claim possession.

There are many more clauses I could go to in detail, but given the time constraints I just want to summarise. This bill has two main functions: to restructure the current Fair Trading Act 1999 and re-enact it as the Australian Consumer Law and Fair Trading Act 2011, and to make a number of amendments to improve the operation of certain existing provisions of the current act. The bill applies a single, national fair trading law in Victoria: the Australian Consumer Law, which took effect from 1 January 2011. It reorganises the Victorian Fair Trading Act to address the structural disruptions caused by the introduction of the Australian Consumer Law, and this will require consequential amendments to a number of acts that refer to the current Fair Trading Act. These changes will assist businesses and consumers looking to understand their fair trading rights and responsibilities by making clearer the legislation that sets out those rights and responsibilities, as I referred to before.

The bill also clarifies VCAT's power to make an enforceable order for the possession of land, particularly in relation to cases involving claims by banks against debtors, which I also covered before. VCAT has previously expressed doubt about whether it had the power to issue such an order; it will now have that power. Because of the ambiguity in the previous

act, VCAT has adjourned cases involving an application for a land possession order, sending them to the County Court and thereby forcing parties to lodge proceedings in multiple forums.

In summary, this bill provides clarity for small business, both for the consumer and the supplier. It is good to see the bill supported by all parties, and I commend it to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — My question on clause 1 goes to paragraph (f), which I referred to in the second-reading debate. I am sure the minister's advisers are aware of the question, which is in regard to the expression of clause 1(f) and how that relates to the Victorian Charter of Human Rights and Responsibilities with regard to free speech, which is what the clause allegedly refers to. The wording does not make that clear.

Hon. M. J. GUY (Minister for Planning) — In relation to Ms Pennicuik's question about clause 1, I am advised that paragraph (f) inserts a new purpose, which I think she referred to. That paragraph states that a purpose of the bill is to achieve uniformity with the consumer laws of other jurisdictions through the consistent interpretation and application of the ACL (Australian Consumer Law) in Victoria and other participating jurisdictions.

Clause 1(f) aims to overcome potential inconsistencies that may arise between the ACL as it is applied in Victoria and section 32 of the Charter of Human Rights and Responsibilities Act 2006. Section 32 requires that all statutory provisions be interpreted in a way that is compatible with human rights so far as it is possible to do so consistently with the purposes of those provisions. In practice this means that a provision of the ACL, the independent interpretation of which appears to be incompatible with human rights, may be read in an unintended way in order to bring it into line with the charter act. This raises the prospect of the relevant ACL provision being read in a different manner compared with its interpretation in other jurisdictions, thereby undermining the objective of having one body of consumer law applying throughout Australia. This also conflicts with section 15AA of the Acts Interpretation Act 1901, which is a commonwealth act that applies to the ACL in Victoria. Section 15AA requires preference to be given to statutory construction that promotes the purpose or object underlying the act in question, whether or not the purpose or object is expressly stated. The bill overcomes those issues by inserting a paragraph that requires preference to be given to the interpretation that best achieves the purpose of the ACL in Victoria. I know that is complex, but I hope it has answered Ms Pennicuik's question.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister. I think it outlines the practical technicalities. The minister is correct: it is complex. The follow-up question I have relates to the case that was given to me as an example, whereby somebody is asserting their right to freedom of expression. Somebody else may do the same thing. In a similar case, how would this provision play out? That is sort of what I am looking at. How would it affect the rights of that person in court?

Hon. M. J. GUY (Minister for Planning) — I am advised that the provision will operate to make sure that a court cannot interpret an ACL provision in Victoria differently to another jurisdiction's interpretation.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for that. I think that clarifies the position as I had understood it a bit more.

Clause agreed to; clauses 2 to 113 agreed to.

Clause 114

Ms PENNICUIK (Southern Metropolitan) — Clause 114 refers to conciliation and mediation. It is the clause that introduces the concept of a small business being a consumer for the purposes of the act. The question is not so much around the provision itself but the implementation of the provision. I and others referred to this in the second-reading debate in regard to the resources of Consumer Affairs Victoria. Given this provision will widen the number of people or organisations that can be eligible for mediation by CAV, one would have to assume it will result in a higher workload. My question to the minister is: has the department done any work as to expectations of greater workload, and, if a greater workload turns out to be the case, what extra resources will be provided for the implementation of this provision?

Hon. M. J. GUY (Minister for Planning) — I am advised that the small business service is not expected to affect access to CAV's dispute resolution service for consumers and tenants. CAV continues to implement

new ways of providing information and assistance to consumers, tenants and now small businesses. This includes through the website, through videos such as *Stevie's Scam School* videos and through targeted education activities. CAV has also recently introduced a new front-line dispute resolution service that enables more Victorians to be assisted to resolve their disputes. That service will also be available for small business consumers.

Ms PENNICUIK (Southern Metropolitan) — Then my only follow-up question is: will the minister be monitoring and evaluating any increase in workload that CAV experiences as a result of this provision?

Hon. M. J. GUY (Minister for Planning) — Yes, the minister will certainly be monitoring its progress and implementation to ensure that it is operating efficiently.

Clause agreed to; clauses 115 to 135 agreed to.

Clause 136

Ms PENNICUIK (Southern Metropolitan) — I move:

> Clause 136, page 130, lines 2 and 3, omit "any other person or organisation" and insert "a non-profit organisation".

Clause 136(2) provides that any payment under the Consumer Law Fund may be made to the director or any other person or organisation, whereas in the past payments were only open to not-for-profit organisations. As I said in the second-reading debate, that is the status quo under the previous act. The reason for this is that payments are made to assist with, as the provision says 'improving consumer wellbeing, consumer protection or fair trading' and for the purposes of education and research. Not-for-profit organisations are best able to do that on behalf of consumers, rather than businesses which could be conducting activities on behalf of their own vested interests and which already have the wherewithal to do so.

I know that speakers following me in the second-reading debate pooh-poohed my mention of corporations such as Coca-Cola, but there is nothing here stopping a corporation such as Coca-Cola from applying for and receiving money from the fund ostensibly to improve consumer wellbeing, consumer protection or fair trading. I also made the point that CAV, as the minister has already said in answer to my previous questions, puts out a lot of information which could easily be disseminated by a corporation or a large business to its own staff et cetera without having to apply for a grant.

It is obvious that organisations such as the Consumer Action Law Centre work on behalf of consumers. We need to make a distinction between ordinary people and businesses in terms of their ability to stand up for their rights, understand their rights and be educated. The research et cetera should be done on behalf of ordinary people and not on behalf of a business or a corporation. That is why, despite discussions I have had with the department and the minister's advisers, I still feel a good reason has not been put forward for opening up this fund. A not-for-profit organisation can of course include an association. For example, Mr Elsbury was talking about accountants. I presume the association representing accountants is a not-for-profit organisation, so it could apply, as could similar organisations. I am concerned that this provision opens it up to any business or corporation to also receive money from the fund. I commend my amendment to the house.

Hon. M. P. PAKULA (Western Metropolitan) — Thank you, Deputy President, for the opportunity to restate during the committee stage the position I put during the second-reading debate, which is that the opposition will not be supporting Ms Pennicuik's amendment. As I indicated, it is our view that the vast preponderance of grant money ought to continue to go to not-for-profit organisations, as has been the case as a consequence of legislation up until this point, but we see at least the possibility that there may well be worthwhile grant recipients who do not fall within the definition of a not-for-profit organisation. We would expect the organisations that receive grants in those circumstances to be a small fraction of the total grant pool. This is something that the opposition will monitor very closely, and I have had a conversation with the relevant shadow minister in that regard. We do not support the notion that it ought to be only not-for-profit organisations that can be the recipients of this grant money. It is in fact conceivable that there may be other organisations that do not fall within that definition that might in certain circumstances be appropriate recipients.

Ms PENNICUIK (Southern Metropolitan) — In response to Mr Pakula, and I know this is not a debate, it is interesting because that was the position of the previous act. It is a pity I do not have Mr Robinson, a former Minister for Consumer Affairs, in front of me to question in regard to that. I ask: what other organisations does the minister envisage would be receiving grants?

The DEPUTY PRESIDENT — Order! It is perfectly acceptable to speak more than once. It is a debate, Ms Pennicuik has moved an amendment and there is a question before the Chair. Does the minister want to respond to the supplementary or further question?

Hon. M. J. GUY (Minister for Planning) — At this stage, Deputy President, I would like to make a couple of comments in relation to clause 136 of the bill. Then I might take Ms Pennicuik's question and get her a response. I noted that Mr Pakula's comments and those of Ms Pennicuik are around clause 136, which, as I think Ms Pennicuik said, amends section 102D(2) of the Fair Trading Act to allow special purpose grants to be made out of Victorian Consumer Law funding in favour of the director of Consumer Affairs Victoria or to any other person or organisation. Currently grants from the fund can only be made to a not-for-profit organisation or to the director of CAV. The bill will enable special purpose grants to be made to any person or organisation for purposes consistent with the objectives of Australian Consumer Law. The change opens the door for other persons who are able to deliver consumer protection and education initiatives to apply for grants. It recognises that in many cases these services can be provided by businesses generally and there is no need to exclude any one class of business. I think that is similar to comments Mr Pakula has made. I think it is important that whoever is best placed to deliver the service is taken into account.

In proposing the amendment in the bill the government does not envisage a specific category of eligible for-profit organisations that may be candidates for special purpose grants. That may answer part of Ms Pennicuik's question. In any case, the question of whether an organisation's proposal meets the criteria imposed for a grant is the more important consideration. The government will not be supporting Ms Pennicuik's amendment, noting that the amendment proposed would have the effect of retaining the current drafting of section 102D(2), and I think I have just specified why we do not support the retention of that specific part of the current act.

The DEPUTY PRESIDENT — Order! Anything further?

Ms PENNICUIK (Southern Metropolitan) — I suggest that the minister partly answered the question, but if he has any more detail, I would be happy to hear it.

Hon. M. J. GUY (Minister for Planning) — I am just trying to keep Ms Pennicuik fully informed.

Ms Pennicuik — As I expect of Minister Guy.

Hon. M. J. GUY — That is the style of this government, as she should know. One of the points I noted from Ms Pennicuik's response to Mr Pakula was around any organisations that were in mind. There are obviously no organisations that I want to specifically name because, suffice to say, while people may apply for grants, it does not necessarily mean they will get them. I think that is important to point out at this point.

Ms PENNICUIK (Southern Metropolitan) — In response to what the minister said, I fully understand that just because they apply does not mean they will get a grant. But the point is that I am concerned that businesses, and large businesses, could apply and could get grants, thus taking away funds from not-for-profit organisations, which I think act more towards what we all understand as being the consumer interest rather than the business interest. I thank the minister.

Committee divided on amendment:

Ayes, 3

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

Noes, 37

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

Amendment negatived.

Clause agreed to; clauses 137 to 240 agreed to.

Schedules 1 to 7 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

Bells rung.

Members having assembled in chamber:

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

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

CARDINIA PLANNING SCHEME: AMENDMENT

Hon. M. J. GUY (Minister for Planning) — I move:

> That pursuant to section 46AH of the Planning and Environment Act 1987, Cardinia planning scheme amendment C146 be ratified.

In doing so, I would like to make a few short comments in relation to this ratification motion. As members would know, any changes to planning schemes involving the green wedge zoning, which we are looking at, require a ratification motion to pass both houses of the Parliament. As I said before, the amendment requires ratification under section 46AF(1) of the Planning and Environment Act, part 3AA, as it —

> … has the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into smaller lots than allowed for in the planning scheme.

This specific amendment is very minor. It affects the township of Cora Lynn, a small rural settlement located along the Bunyip River, 13 kilometres south-east of Pakenham. It contains approximately nine dwellings within its central area and is identified as a rural locality in the Cardinia planning scheme. The amendment applies to 445, 447, 460, 462–464 and 466 Bayles-Cora Lynn Road, 455 and 465 Bunyip River Road and 710 Nine Mile Road, Cora Lynn. The amendment rezones the above lots in the township of Cora Lynn from special use zone, which is schedule 1, horticultural preservation, to low-density residential. It applies a restructure overlay to the land, and amends the schedule to clause 81.01 to introduce the associated incorporated document *Cardinia Shire Council — Subdivision Restructure Plan* for the addresses I have just listed.

As I said, under the current zoning a planning permit is required to construct a dwelling and must be the only dwelling on the lot of a minimum of 10 hectares. The land at 460 Bayles-Cora Lynn Road and 462–464 Bayles-Cora Lynn Road does not meet these requirements, and therefore it would not be possible to construct a dwelling on either side under this zoning.

Cardinia Shire Council has requested authorisation for this amendment following council's identification of an opportunity to construct an additional dwelling on a larger parcel of land at 460 Bayles-Cora Lynn Road and on land at 462–464 Bayles-Cora Lynn Road. The land is not utilised currently for horticultural or farming practices as intended in the special use zone as it is effectively separated from an adjoining piece of agricultural land.

The purposes of the special use zone — schedule 1, horticultural preservation — relate to the use of the land for horticultural and agricultural purposes due to its high agricultural quality. The residential lots within Cora Lynn are not used for agricultural or horticultural purposes, and due to their small size it is unlikely they will be so used. The land at 460 Bayles-Cora Lynn Road comprises five lots containing one title with an area of approximately 2 hectares. The land at 462–464 Bayles-Cora Lynn Road has an area of approximately 7998 square metres and comprises two titles. The rezoning of the land to a low-density residential zone would allow the land within the township of Cora Lynn to be included in a zone that is thus reflective of its use and development of the land. It is noted that under this zoning it may still be possible to construct an additional dwelling on any of these lots, and this is not supported due to the limited infrastructure and access to services and facilities in this township.

Therefore the inclusion of the smaller lots in Cora Lynn township in a restructure overlay allows for the possibility of the construction of an additional dwelling at 460 Bayles-Cora Lynn Road and 462–464 Bayles-Cora Lynn Road whilst restricting the development of any other dwellings with the township area. As I said, this is a planning scheme amendment proposed by the Cardinia Shire Council, one that has been presented to the government and which requires the ratification motion through both houses of the Parliament in order for it to proceed.

Mr TEE (Eastern Metropolitan) — I too wish to make some remarks on the Cardinia planning scheme amendment, which impacts upon the development of our green wedge. We on this side of the house take this amendment very seriously because we are very cautious about any intrusion on the green wedges, which this is. We have considered the matter and have had a briefing about it. Indeed we have had a look at the independent panel report and the council's view on this matter, all of which are consistent.

The approach taken by both sides of the house has been a longstanding one of bipartisan support for green wedges, an innovation initially formalised by former Premier Hamer some 40-odd years ago. This is a longstanding arrangement that is very important to the Victorian community, so any proposed changes need to be carefully considered.

As we know, change can be incremental, so we think there is a risk that much more change will come before this chamber in terms of proposed changes to the green wedges. My concern, and the concern of the opposition, is that this amendment could be just the beginning. We know that in addition to this proposal there is a broader context which involves a number of reviews of the green wedges. Some three processes are in place, all of which will diminish the size of the green wedges and intrude upon public open space and take it away from Victorian families. Those reviews are nearing completion, and we know that green wedge councils have been asked to hand over land for development and that the process is complete.

We also know that the Growth Areas Authority's review has been completed and that that review has been handed over to the minister's hand-picked Logical Inclusions Advisory Committee. That report has been sitting with the minister for more than six months, and the process, which is still secret, is causing concern in local communities because communities are saying they are already concerned about a lack of infrastructure and that these reviews will result in greater and more development in areas where there is not sufficient infrastructure.

Finally, a review is being conducted by the Premier's office about land uses on green wedge land, which will again see a diminution in the protection of Victorian open space. Members of the opposition do not oppose this, but the community is somewhat concerned about the future because it is clear that the bipartisan approach taken towards green wedges is no longer in place, and we are concerned that changes to the green wedges will have devastating consequences for Victorians and for the future.

In terms of this planning scheme amendment, as I have said, members of the opposition have considered it carefully. We think the process has been good in the sense that it has been supported by a panel and by the local council, and we concur with the panel's findings and recommendations that what is occurring is a recognition that the land at Cora Lynn is not appropriately zoned and that this amendment will reflect a better zoning of the land. We concur that while the rezoning will result in an additional number of houses — a small number; I think about four — the actual number of blocks will be reduced. In one lot it will go from six blocks to two blocks.

We think on balance this is a minor change that reflects existing use. We are not concerned about it, but we are, along with people in the broader community, incredibly fearful for the future of the green wedges and will watch any changes with trepidation. We will come back to this place and again deal with green wedges in a way which causes all of us on this side of the chamber concern bordering on alarm. With those few words, as I said, we will not oppose this particular change, but we are fearful for the future.

Mr BARBER (Northern Metropolitan) — The Greens will support this amendment. It is notable that I think I just heard the Labor Party and the Liberal-Nationals coalition spend about as long debating this amendment involving a few hectares of land at the urban fringe as they did a previous amendment of the same class where tens of thousands of hectares were added to Melbourne's urban area.

Mr Tee — Do you support this?

Mr BARBER — Absolutely, Mr Tee. The Greens were the only party in the Parliament opposing that amendment. There is another notable difference: this planning scheme amendment went to a panel, went on exhibition, and people got to make objections or submissions in support. That did not happen with this massive sprawling of the city brought on by the former Labor government where, if you wanted to know what the new shape of the city was, you had to go down to the papers office and check out a copy of the planning maps and the amendment detail that went with it.

The Greens always pay close attention to changes that are made at the urban fringe. As a rule we do not support the ongoing expansion of the city. I think we have a bit more in common with The Nationals — that is, that we should be putting a limit on the size of this city and seeking some further development of regional centres. Of course that is a pipe dream of The Nationals, because you cannot expect to have urban

sprawl in the city and growth in regional areas; you have to have one or the other. Most people think Melbourne is getting too big for its own transport system, water supply, urban livability and the rest of it, and the Greens would certainly endorse a program, if one were to come forward from The Nationals, of encouraging more growth and development of our regional centres. Unfortunately I do not have the opportunity to discuss that further.

I suspect that maybe even the Minister for Planning, Mr Guy, is starting to regret supporting the amendment of the former Minister for Planning, the member for Essendon in the other place, Mr Madden, to include thousands of hectares. I am pretty sure the transport ministry is now aware that it is not going to have the funds to expand bus and other transport services out to these new and prospective suburbs. In fact it is having trouble keeping up with the Point Cooks of this world. For some reason Mr Elsbury is out there saying he is 'stoked' with this budget despite it not providing one single extra kilometre of bus services to his electorate or to my electorate, which I share with Mr Ondarchie. We have been searching the budget papers for public transport projects that would benefit the urban fringe. Not only have we not found any, we have not really found a public transport project, full stop, unless you count the car park at Warragul station and, as someone else noted, the safety upgrade of Puffing Billy. But that is unlikely to help Mr Elsbury's constituents whether they are in the old new growth areas or the new new growth areas or the growth areas that Mr Guy, the proposer of this motion, keeps pushing out further and further.

In any case we have the advantage of a panel report and a council-led exhibition process for this matter in front of us, the C146 amendment to the Cardinia planning scheme. From that we are informed that Cora Lynn is a small rural settlement on the Bunyip River. I spent some time in that part of the world while working as an agricultural labourer back in the day when my back was a bit stronger and I needed to earn money fast. In fact — —

Hon. P. R. Hall interjected.

Mr BARBER — If I started to list the agricultural labouring jobs I have done, Mr Hall, we would be here for quite a while.

Mrs Peulich interjected.

Mr BARBER — No, this was not in fact feeding milk to the baa-lambs at the Collingwood Children's Farm. I have toted bananas, and I have picked several varieties of fruit over a number of summers. Fencing is hard yakka, at least the way we did it with auger and crowbar upside down — —

Mr Drum interjected.

Mr BARBER — I used to use the crowbar as my plumb bob, actually, to get the fencing straight. I could go on, but I will not.

In this area there are a number of parcels zoned for horticultural preservation — that is, to preserve horticultural activities, which in that way are defunct. There are large areas on the Koo Wee Rup swamp that are for meeting Melbourne's and Victoria's food needs, but there was no voice from the Liberal Party and The Nationals when the Justin Madden planning scheme amendment rolled concrete over the top of them. I think those market gardeners will be heading down Gippsland way as the city continues to sprawl and overtake their properties.

It was the council in 2009 that prepared the amendment, including the land in the Cora Lynn settlement, which is in a low-density residential zone, and site-specific control in relation to the property at 460 Bayles-Cora Lynn Road in order to allow the second dwelling. Seven submissions were received. The panel considered the council's response to the strategic assessment guidelines and noted that it is effectively a site-specific amendment, which the panel found to be consistent with the guidelines. Clearly Cora Lynn is a rural settlement; we have many similar ones across Victoria with similar types of zoning and, let us say, planning challenges — that is, people living in residences close to town but on rather large blocks. We need to get the planning rules for those right and separate from the rules for broader scale rural properties which, in my view, should be protected from subdivision and the creeping expansion of residential development.

I am not quite sure what the government's overall view on that is; I only have the minister's planning policy to go on. He seems to support both subdivision and rural land protection, and we are yet to see exactly how he is going to strike that balance. Likewise we have a restructure overlay being brought in, as is often the case when we have old and inappropriate subdivisions from towns that in many cases were laid out even hundreds of years ago.

There are three properties. There is also 462 Bayles-Cora Lynn Road and 706 Nine Mile Road, the latter request being to bring that property into the no-density residential area. The council did not support

that submission and noted that the land was not under multiple titles nor isolated from farmland in the same manner as the other titles; therefore the panel agreed with the council's submission not to include it in the amendment. Beyond that, the panel noted there had been no review by council of the future of the Cora Lynn settlement itself beyond the identification of these two dwelling opportunities. The panel considered there is need for further strategic work in these small rural counties, and as I have just noted there are many other small towns across the landscape that have similar sorts of historic planning rules.

Accordingly the panel noted that it considered it would be inappropriate for it to expressly state in the restructure plan that no further dwellings can be supported but rather it would state that further strategic work is required. That is obviously a fairly small matter in all of this, but it was brought up as a recommendation by the panel. The Country Fire Authority requested a number of conditions on future development, and clearly those will also bring into account the changes that have been made in response to the bushfires royal commission. Therefore the recommendation of the panel was supported, and I trust the minister has brought forward a version of the amendment that faithfully reflects that.

Therefore the Greens will support this amendment. But I assure the house that whenever a change to the urban growth boundary or green wedge zonings comes before the Parliament, as they all must under the Planning and Environment Act 1987, the Greens will pay close attention to the matter and closely scrutinise what is being put forward on behalf of a broad constituency that is not made up of just property owners. The way this city functions in the future — its shape and form — and what we value about it, particularly green wedge land, is something we will pay close attention to.

Motion agreed to.

DISABILITY AMENDMENT BILL 2012

Second reading

Debate resumed from 19 April; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Mr DRUM (Northern Victoria) — In the last sitting week I had the opportunity to talk to the Disability Amendment Bill 2012 and give a reasonably extensive overview of what is contained in the bill. I would like to use the next 5 minutes to wrap up that contribution.

This Disability Amendment Bill builds on what we started in 2006 under the previous government. We took the Disability Bill 2006 to the Legislation Committee. We received a lot of input, and we went through the bill clause by clause and spoke to families about it, making sure that the broad spectrum of people involved in the disability sector were consulted. We came up with a solid policy that we thought was going to make the Disability Act 2006 better, and that is effectively what we are doing with this bill. We are hoping the amendments, even though some of them are quite technical and administrative in nature, will better reflect the original intent of the Disability Act.

While some of the practicalities of the bill have moved slightly away from the original intent — these are, effectively, our main issues — this bill aims to strengthen people's rights as well as cut red tape. It is hard to get those two things in balance, but we think this bill does that. We want to address any unintended consequences of the act to make sure that the original intention is kept intact. We are going to do that with this bill.

We are putting in place a streamlining of the assessment orders that are made by senior practitioners, and we are extending the jurisdiction of the disability services commissioner to include complaints about services that are contracted or funded under the act by the Secretary of the Department of Human Services. That is something the department has been calling for. When establishing a definition of 'residential service' to ensure that the intended services were covered by the definition some disability services were unintentionally excluded from that definition. This amendment will ensure that all people using residential services receive the same residential rights.

The bill is also going to deliver on the government's election commitment in relation to the cutting of red tape. It will limit the need for an independent person to review a behaviour support plan. The requirement for review was originally set in place without a time limit. Over time these support plans have come to be reported on on a quarterly basis, which seems to be unnecessary. These behaviour support plans are now going to be reviewed on an annual basis. That is certainly going to help. There has been some double reporting in the residential statements for respite houses as the information in the residential statement is sometimes duplicated when there is a respite agreement.

Whilst these amendments are small and technical in nature, we hope they will improve the operation of the Disability Act and that we will be able to enact a legislative scheme which will strengthen and reaffirm

the rights of people with a disability. At the same time we hope we will be able to reduce the administrative burden that has been placed on some disability service providers. With those few words in addition to the contribution that I was able to make in the house last sitting week, it is my hope that the bill will be given due consideration by all parties in the house and that we will be able to move it into legislation in the near future.

Ms MIKAKOS (Northern Metropolitan) — I welcome an opportunity to speak on the Disability Amendment Bill 2012, and I indicate to the house that I probably will not be concluding my contribution before the dinner break this evening.

Over the last decade in Victoria things have improved significantly for people with disabilities, their families and their carers. The previous Labor government made a significant investment in disability services to reflect its determination to ensure that people with a disability have the same opportunities in life as other members of our community and that they are included and valued by all of us. There was historic investment in services over successive budgets to help people with a disability, and Labor was able to provide accommodation or support to over 20 000 people with a disability in 2010, up from just over 8000 when Labor came to office in 1999.

I was also pleased and proud that we introduced the first autism state plan which took strong action to support families caring for people with autism spectrum disorder. But perhaps the most significant reform work of the previous government was through the development of the Victorian state disability plan and the introduction of the Disability Act 2006.

The Disability Act 2006 legally recognised Victorians with a disability, providing them with greater safeguards and protections. Together with the Victorian state disability plan, it set the policy and legislative framework for putting the needs of people with a disability at the core of our planning and decision making in this area. It shifted the focus from the disability provider to individuals and aimed to ensure that each and every one of those individuals had access to the same rights, opportunities and responsibilities as all citizens of Victoria. A former Minister for Community Services, Sherryl Garbutt, stated in her media release of 2006 that the reforms introduced would:

> … recognise times have changed and people with disabilities are no longer considered passive clients of services, but active citizens of our community with rights and responsibilities.

The act came about as a result of a review of the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991. After a two-year community consultation, the result was the Disability Act 2006. The act provides for a stronger whole-of-government, whole-of-community response to the rights and needs of people with a disability, and it also provides a framework for the provision of high-quality services and support for people with a disability.

The bill before us today seeks to make minor technical amendments to the principal act addressing a number of unintended consequences that have arisen in its operation since it commenced. The minister in her second-reading speech stated that:

> These amendments will not change the policy intent of the legislation.

Having just outlined Labor's significant policy and legislative reforms in the disability sector, I take this to be positive endorsement of our work. Improving our disability services sector continues to require a shared approach by government, families, communities and service providers. As is always the case with these types of partnerships, opportunities exist to strengthen and refine those approaches. It is for this reason that Labor will not be opposing this bill.

As I said earlier, this bill makes a range of minor technical amendments to the principal act. It seeks to clarify the definition of a residential service and change the eligibility requirements for membership of the Disability Services Board. The bill will also allow parents and/or guardians, who have previously been prohibited, to be members of the board.

Clause 9 of the bill provides for community visitors to be appointed generally rather than for particular regions as is currently the case. It also clarifies the requirements for councils in relation to disability action plans. Clause 15 removes the requirement for a disability service provider to give a residential statement when accommodation is provided to a person with a disability on a short-term basis for the purpose of providing respite to a carer of the person with a disability. I welcome this change for carers and families as it removes the extra task of completing detailed paperwork when all they need is a short break.

The bill also provides additional procedural matters in relation to possession orders and warrants of possession under clauses 32, 33 and 34. Clause 35 provides for an additional category of persons who may give consent to a disability service provider to manage the money of a resident, being a person who the service provider is

satisfied is a member of the resident's family or is otherwise a significant person in the life of the resident. This also includes someone who may informally manage or control the resident's money. The bill amends the way complaints are made in relation to contracted service providers and funded service providers, including giving the disability services commissioner jurisdiction over those complaints. The commissioner was created under the principal act to work with people with a disability and disability service providers to resolve complaints. Currently the commissioner has jurisdiction over complaints made by disability service providers, and under the act this relates only to registered bodies on the register of disability service providers. The changes in this bill will allow the commissioner to investigate complaints over a greater number of providers.

The bill also makes separate provision in relation to restrictive interventions used on a person for whom a treatment plan is made or is required to be made, and it changes the circumstances in which the presence of an independent person is required to be involved in a review of a behaviour support plan. It also provides for the approval of treatment plans by the senior practitioner and allows the Victorian Civil and Administrative Tribunal to make a determination in relation to the expiry of a supervision treatment order. It allows for the review of an assessment order by VCAT. The bill amends the Human Services (Complex Needs) Act 2009 to confer powers and functions under that act on the Secretary of the Department of Human Services (DHS). Currently these powers rest with the Secretary of the Department of Health.

While the bill seeks to streamline the processes for service delivery, I believe the recent announcement of 500 staff cutbacks in DHS will considerably impact on this outcome. As we have heard today in the state budget, there will now be an additional 600 public service cuts, and it remains to be seen what impact this will have on disability services in our state. Being able to deliver high-quality services may require a skilled workforce, but a workforce nonetheless. Individuals should not need to fit around our services simply because there is not enough staff available to provide for them. The Baillieu government's announcement of cuts to DHS staff is not the way to provide better support for individuals and their families.

Debate adjourned on motion of Ms MIKAKOS (Northern Metropolitan).

Debate adjourned until next day.

ADJOURNMENT

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the house do now adjourn.

Regional Development Victoria: location

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the attention of the Premier, and it deals with the location of Regional Development Victoria. A freedom of information request that I have seen showed that when RDV moved from what is now the Department of Business and Innovation to the Department of Planning and Community Development there was a cost of almost $1.6 million, of which one-third was billed to RDV.

This included fees for website migration of $21 000, migration of electronic records between departments of $88 000, removalists for CBD moves of $150 000, phone extension moves of $68 000, ergonomic assessment of $2681.82 and updating of My Grants branding of $22 727. All these things resulted in a billing to Regional Development Victoria of over half a million dollars, and the total cost to the taxpayer of the move was $1.6 million.

The move from the Department of Business and Innovation to the Department of Planning and Community Development is one that we on this side of the house condemned, but I congratulate the Baillieu government on moving Regional Development Victoria back to the Department of Business and Innovation, because that is where it should have been located for all the synergies that are there. I congratulate the government on the move.

The action I seek from the Premier tonight is that he undertake a business impact assessment before the government embarks on any more of these quixotic moves where you move part of a department from one place to the other, incur $1.598 million of expenses to move it and then presumably another $1.598 million to move it back to where it came from.

Mr Drum interjected.

Mr LENDERS — I can assure Mr Drum and the house that the $3 million spent on this episode could easily have been spent on sacking fewer public servants or building half a school or on assorted grant programs within Regional Development Victoria. It could have been spent on many things other than a $3 million frolic to move a group of public servants and their chairs

from one part of Melbourne back to the other, which cost regional Victoria $3 million.

I congratulate the Premier on having seen the error of his ways and moving RDV back to where it belongs. The action I seek is, before he goes off on this frolic again and before he makes the announcement, that he carry out a business impact assessment of the cost of such a move, because $3 million could be used for many functions in regional Victoria today rather than for public servants wheeling their chairs backwards and forwards around Melbourne as the Premier changes his mind.

Toorak Village: sculpture exhibition

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is also for the Premier, in his capacity as Minister for the Arts. I would like to commend him on establishing a very handy guide to the arts in Victoria. It is called *Cheap Arts Guide*, and it is a list of terrific places to go which cost under $25 and which all families can access right across Victoria. It is really commendable, and I encourage people in this chamber to tell their constituents about it. What I am seeking from the Premier this evening is to include the Toorak Village sculpture exhibition in the next edition of *Cheap Arts Guide*.

The sculpture exhibition in Toorak Village is an annual event that has been going for several years, and this year it was exemplary. There were 92 exhibits, and it is a great partnership between the businesses and traders in Toorak Village and up-and-coming artists.

Mr Lenders interjected.

Mrs COOTE — If Mr Lenders has not been there, I remind him that it is in our electorate. It was particularly pleasing to see the runner-up, Sarah Field, whose *Visions of Excess* series is exhibited in Hot Pinkys Beauty. The $10 000 prize is enormous — in fact, as the winning artist himself said, it is the biggest prize he has ever won and it is the first time he will ever be in profit in his years as an artist. The winning sculpture is by Adrian Spurr and is called *A Contemplation*, in wood, chair and metal. It is being exhibited at Haigh's Chocolates. I suggest people go and have a look.

Tony Fialides, who is the chairman of the Toorak Village Traders Association, is to be commended for continuing to drive this excellent exhibition. The council too has been particularly supportive of this exhibition. In fact in previous years it has bought sculptures from the exhibition to place in Toorak Road as permanent exhibits. These works are very good to look at.

Many people were there on the evening, including one of our colleagues, Baron Campbell-Tennant, who made a comment about *The Snail*, which is a very clever piece of sculpture on Toorak Road. As he said, 'The traffic in Toorak Road goes at such a snail's pace that it is a particularly good exhibit'. However, I would have to say that all the work is to be commended, as indeed are the partners and traders, including the very newly established Bank of Melbourne, who have been great supporters of this exhibition and great contributors this year. I also commend the Rotary Club of Toorak, which put on the refreshments for the evening and did, as it usually does, an exemplary job.

I commend the exhibition to everyone. It is on, and you had better be quick to go and have a look at it. I am sure everyone will be racing out to have a look at the sculptures in Toorak Village.

Ouyen P–12 College: funding

Ms BROAD (Northern Victoria) — The adjournment matter I raise tonight is for the attention of the Minister for Education, and it concerns Ouyen P–12 College in my electorate of Northern Victoria Region.

Ouyen P–12 College has been included by the Treasurer in the budget papers on a list of schools that he claims the Baillieu-Ryan government made election commitments to, despite the fact that no such election commitments were ever made to Ouyen college. We know that because the local lower house member for Mildura, Mr Peter Crisp, told people at the school in no uncertain terms that no election commitments were made to them and they would just have to wait.

Notwithstanding these inaccuracies, some funding has been allocated in the budget announced today by the Treasurer, and the action I seek from the Minister for Education is that he clarify for the school exactly how this funding is going to be allocated. There have been references today in announcements to some $5 million as the estimated investment to allow Ouyen P–12 College to complete its rebuild.

However, just $750 000 has been allocated in the 2012–13 budget, which is most certainly not sufficient to complete the building program. This is important, because, as I have raised in the house before, due to the fact that the school building program has not been completed, the school is split across two campuses divided by a railway line and a major highway, which parents, students, staff and the

principal have to cross many times a day. It is considered to be a serious safety issue. I have now received correspondence from Parents Victoria in relation to this safety hazard, and it is perfectly obvious that $750 000 is not going to fix this problem. For that reason I call on the Minister for Education to provide advice to the school community about when it can expect the full amount to be spent, not just promised, on completing this very important school project so that this safety hazard can be removed.

Gas: Bulla supply

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Energy and Resources, and I speak on behalf of the residents of Bulla. I must declare an interest because I am a resident of Bulla and have a very keen interest in the issue that I am raising tonight. For members who may not know, the tiny town of Bulla, a delightful little place, is about 25 minutes from where I am standing here in the houses of Parliament if we get a good run on the freeway. It is 2 minutes from Melbourne Airport and it is 10 minutes from the regional centre of Sunbury. It is hardly in the backblocks and it is hardly in the middle of the Nullarbor Plain. Yet surprisingly enough in 2012 a place so close to the city of Melbourne and so close to a major centre like Sunbury and the Melbourne international airport does not have a connection to natural gas. I am sure that will come as a surprise to many, as it came to me when I moved into Bulla almost five years ago.

It is a major drawback, and I can assure the house that bottled gas is extraordinarily expensive; in the heart of winter it can cost hundreds of dollars per week. I suppose we have a choice: we can spend that money on warming our homes and families or we can freeze. I know the option that I would prefer, but that is not necessarily the option that I can afford or other residents can afford. I strongly suspect, having spoken to a number of my neighbours, that local residents support a connection to natural gas. But it is my intention to establish this for a fact.

In order to do this I will be conducting a survey of the people of Bulla to ask them two questions: first, if they would like to be connected to natural gas, and then, how much they would be prepared to pay for connection, because I do not think we are unreasonable enough to believe that a connection would occur without some fee being paid to compensate whoever is responsible for that connection.

I ask the minister to provide — —

Ms Broad interjected.

Mr FINN — I am sorry, Ms Broad, I missed that.

Ms Broad — You don't know who is responsible for gas?

Mr FINN — The Minister for Energy and Resources is responsible.

Ms Broad — They are privately owned.

Mr FINN — I am aware of that, but the minister oversees these things. Ms Broad has been out of government for, what, 18 months — Less than 18 months — and she has lost touch with that fact already.

Mr Lenders interjected.

Mr FINN — I did not vote for it. It is very sad indeed. I ask the minister to provide assistance to residents in consideration of this survey. This information is important and will allow the people of Bulla to make an informed decision on this issue.

Sheahans Reserve, Bulleen: basketball stadium

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the Minister for Sport and Recreation, and it follows a meeting I had with Michele Timms about the Sheahans Road Basketball Stadium redevelopment. Ms Timms, as I am sure most members will know, is one of our most successful basketballers. She was captain of the Australian basketball team, and she was an Australian player for more than 16 years. She is currently assistant coach of the Opals, and she is getting them ready for the Olympics.

I met with Ms Timms in her capacity as patron of the Bulleen-Templestowe Basketball Club, where she is a coach, a role model and an inspiration. The facilities at which she coaches and where our Victorian Olympic basketballers are training, the Sheahans Road Reserve facilities, are completely inadequate. The stadium is the home court of the Boomers, who at a national level are one of our most successful teams. They were national premiers in 2011 and runners-up in 2009, 2010 and 2012, yet they are required to train at facilities which are hopelessly inadequate.

The current courts do not meet the appropriate safety standards. There are no changing rooms, so they need to use the toilets. There are no baby change rooms. There is minimal seating. The boot of Ms Timms's car provides a lot of the storage room, and there is a shortage of courts. This is a facility where some

11 000 basketballers train each week. It is a facility at which the numbers training could easily double to 22 000.

This is an important opportunity, and I ask the minister to meet with Ms Timms to discuss the proposed redevelopment, which will broaden the scope of the stadium to make it a broader education base to provide volunteer programs and a partnership with Box Hill. There are lots of opportunities here. Manningham City Council is very supportive — it has committed some $3 million to this project — but there is a requirement for state funding. I ask that the minister meet with Ms Timms, and probably with the council, to provide an opportunity for her to put what is a compelling case to redevelop this facility in a way that would make it an important park not only for this area but for women's basketball across the state.

Barwon Water: groundwater licence reporting

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Water. It has been brought to my attention that the reports undertaken by Barwon Water and provided to Southern Rural Water under the terms of its licence for the Gerangamete groundwater management area no. 893889 raise a few irregularities. The salinity reports for 2004–05 and 2005–06 are identical. It seems unlikely, and I think you would agree, President, that the salinity levels would be identical, therefore we would like to know why over two years the report seems to be the same.

Under the licence these reports are due to Southern Rural Water on 1 September each year, but the reporting for the 2004–05 year appears to have been done on 22 December 2005 — or later. This gives the appearance that the reporting for 2004–05 was backfilled from the 2005–06 report because no reporting for that year had occurred. Also, each of the reports from 2004–05 to 2010–11 contains relative residual draw-down maps where in each instance there are multiple cones of depression.

It is my understanding that cones of depression are only created when a borefield is directly above. As there is only one borefield in the Gerangamete area — and I have visited this area and seen some of the impacts that the draw down of groundwater has had on native vegetation — and multiple cones are shown, some being kilometres away from the borefield, it is unclear how this could be possible. In the 2009–10 report the deepest cone of depression does not even occur under the actual borefield. Curiouser and curiouser!

Finally, appendix F in the latest report, 2010–11, contains data for flows in Boundary Creek at the Yeodene stream flow gauge no. 233228 that varies considerably from the data on the VicWater data website for the same gauging station for the same period.

I request that the minister follow up these irregularities and confirm to the house whether he personally stands by these reports provided to Southern Rural Water as part of Barwon Water's compliance with its groundwater licence or whether some issues have occurred, in which case I ask that he explain what he intends to do about them.

Responses

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have written responses to adjournment debate matters raised by Ms Broad on 22 November 2011, Mrs Peulich on 8 February, Mr Barber on 29 February, Mr Scheffer on 15 March, Mr Lenders on 27 March and 28 March, Mrs Peulich also on 27 March, Mr Pakula on 28 March, and also on the same date, Mrs Petrovich.

In terms of the responses, I will refer the matter from Mr Lenders to the Premier, noting the interjections that were also made in relation to the desalination plant and the costs associated there.

Mrs Coote raised a matter for the Premier in his capacity as Minister for the Arts. I will refer that matter to the Premier.

Ms Broad interjected.

Hon. R. A. DALLA-RIVA — In answer to Ms Broad, who is interjecting across the chamber, I will refer her matter to the Minister for Education.

Mr Finn raised a very good matter for the Minister for Energy and Resources about a survey. I know his commitment to natural gas connection. I seem to recall somebody who sat on this side of the chamber saying he was going to get it done, but it never got done. I will refer that matter on.

Mr Tee raised a matter for the Minister for Sport and Recreation in relation to Ms Timms, and I will refer that on as a matter of importance.

Mr Barber also raised an interesting point for the Minister for Water about some background investigation in relation to Barwon Water. He provided some quite detailed information, which I am sure the Minister for Water will be interested to look at.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.49 p.m.