PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 27 March 2012

(Extract from book 6)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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TUESDAY, 27 MARCH 2012

Tuesday, 27 March 2012

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

JAMES 'JIM' STYNES, OAM

The PRESIDENT — On this day I am going to call members to their feet for a minute's silence in respect of the late Jimmy Stynes. James Stynes, who we all know as either Jim or Jimmy, and who was the holder, as members would be aware, of a Medal of the Order of Australia, passed away on 20 March at the age of 45, which was way too young for a man of his ability and inspiration. His passing is a great loss to everyone.

The football story of Jim Stynes is a remarkable one, covering 264 games with the Melbourne Football Club between 1987 and 1998 and including the highest honour for a player in the game — that is, winning the Brownlow Medal for best and fairest player, which Jim did in 1991. Jim Stynes had been a promising Gaelic football player back in his home country, the Republic of Ireland. He was brought to Australia as a very young man, at age 18, in an extraordinary and audacious experiment, the architect of which was Ron Barassi, to see if some Irish footballers could be recruited to our game. Jim Stynes and a compatriot of his, Sean Wight, established themselves as two of the finest footballers in Melbourne Football Club's history, and Stynes went on to become a legend of the game, as we know. Both men were total novices to our game but distinguished themselves well.

Whilst Jim Stynes was recognised for his football ability and what he achieved on the field, the state funeral accorded him this morning was more a tribute to the things he did in his adopted country and community. This man, using his skills and celebrity as an AFL footballer, went on to establish one of the very important organisations that deals with young people, particularly young people who are at risk or experiencing troubles in our community. Jim was extraordinary in terms of the inspiration he provided to so many people through his work in schools and the community and in speaking at so many engagements.

I knew Jim very well — not as well, obviously, as many of the people who were at St Paul's Cathedral this morning — and on one occasion he came to this place and I had a meeting with him. He was upstairs in the dining room waiting for me. I was 3 minutes late to the meeting because I got waylaid by somebody on the way. Jim was sitting there writing in a notebook — writing one of his books. It occurred to me that anybody else with a 3-minute delay on a meeting would have been looking around the room at the scenery or at who else was in the room. But not Jim Stynes; he would not waste a minute. He actually sat there writing one of his books. Maybe he had a bit of an inkling that his life was not going to be a long one. It was not, but it was certainly a life that left a significant impression on many people.

It is true that no-one in the history of the AFL, and I dare say in the community, particularly in respect of those who deal with young people, has ever walked as tall as Jim Stynes. We all strive to do our best in the community, and he is one of the people who inspires us as he inspired so many other people right across the community.

On this occasion, following his state funeral this morning, I am sure I speak on behalf of all members when I say our thoughts and prayers are very much with his wife, Samantha, his children, Matisse and Tiernan, his parents, Brian Stynes and Teresa Davy, the rest of the Stynes family and all those in his extensive coterie of friends. He built many very strong relationships with people right across the community, far beyond the football club which he loved so dearly and which he came back in recent times to be president of.

I ask members to join with me and stand, as a tribute, for a minute's silence in memory of Jim Stynes.

Honourable members stood in their places.

ROYAL ASSENT

Message read advising royal assent on 20 March to:

Building Amendment Act 2012
Carers Recognition Act 2012
City of Melbourne Amendment (Environmental Upgrade Agreements) Act 2012
Control of Weapons and Firearms Acts Amendment Act 2012
Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Act 2012.

QUESTIONS WITHOUT NOTICE

Nurses: enterprise bargaining

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I ask the minister: after the conclusion, or close to the

conclusion, of the enterprise bargaining negotiations with nurses which involved a dispute between the government and the ANF (Australian Nursing Federation) running for over 120 days, can the minister outline to the Parliament and, very importantly, to the Victorian community the nature of the so-called productivity improvements that he negotiated with nurses in their enterprise bargaining agreement (EBA), and also what the costs are to the budget contained within the agreement?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and indicate that there was a long-running dispute with the ANF union. The government and the Victorian Hospitals Industrial Association (VHIA) were prepared to negotiate. I want to pay tribute, in the first instance, to the work of Commissioner Gooley, who did very good work in bringing the parties together over a lengthy period. This was a slow process, which I think the community will understand; I think the community will also understand that we have achieved a good result. The result will be good for Victorians; it will be good for taxpayers — —

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — I am telling you. It will be good for taxpayers; it will be good for the nursing federation and nurses across the state. There will be additional benefits to strengthen the professionalism of nurses. There will also be additional productivity offsets. The arrangements are within budget.

Mr Jennings interjected.

Hon. D. M. DAVIS — Just be patient, Mr Jennings. I am giving you a very complete and full answer, and you should be very calm and relaxed.

Mr Jennings — If you can give me one detail in 4 minutes, I'll be amazed.

Hon. D. M. DAVIS — Would you like me to go for 4 minutes, would you? I can do that if that would — —

Mr Jennings — You will.

Hon. D. M. DAVIS — This is a good deal for Victorians; it is a good deal for nurses; it is a good deal for taxpayers. It is within the government's wages envelope and arrangements of 2.5 per cent plus productivity. There are significant productivity offsets that have been negotiated.

Hon. M. P. Pakula — And they are?

Hon. D. M. DAVIS — Just wait patiently, Mr Pakula, and I will explain where the situation is at the moment.

Let me be clear here: this is within government wages policy — a 2.5 per cent salary outcome, with additional benefits for nurses that have been negotiated against productivity offsets. I indicate that the enterprise bargaining agreement, the document, has been worked through between the ANF and the VHIA. They are at present consulting with their stakeholders and will release the document very soon. The government has taken the view through the conciliation process that it respects that and respects the positions of the respective parties to the negotiation. Mr Jennings will have to wait just a tiny little bit longer, and he will see the details of a fully negotiated enterprise bargaining agreement.

I make the point that under the last government the EBA was not fully funded, and health services were clobbered by additional costs. They were clobbered by additional costs that were unfunded. They were required to pick up the additional costs out of their budget. That is not the case with this deal. This deal will be fully funded. This deal will be a set of arrangements that will put Victorian nursing in a good position and also put taxpayers and Victorian patients in a strong position. This is a deal that is good for taxpayers, good for nurses and good for our health system. It is a deal that has been negotiated within government wages policy and with productivity offsets.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — The minister actually turned me into a fortune teller in relation to the fact that I knew he was not going to give me any details, as I interjected, which he did not, and he asked me to ask him subsequent questions to get any details. Where I was wrong was that he spoke for only 3½ minutes, as distinct from 4 minutes. Now the minister might be a good fortune teller because my supplementary question relates to the nature of the budget allocations to fund the nurses EBA. Given that he failed to reduce nurse numbers as he had originally intended, will he make other savings in the hospital sector to pay for the fact that he did not reduce the nurses workforce, as he had sought to do at the beginning of the negotiations?

The PRESIDENT — Order! I will allow the question, but I must say that it does stray a fair way in terms of being a supplementary. In terms of the responsiveness of the minister to the original question, I think it bends it a fair way.

Hon. D. M. DAVIS (Minister for Health) — The premise of the member's question is wrong. The government and VHIA at no point sought to reduce the number of nurses. We have always envisaged that there would be more nurses in the system as we went forward, and indeed there will be more nurses as we go forward, so the basis or premise that the member begins with is quite wrong.

Automotive industry: government support

Mr KOCH (Western Victoria) — My question without notice is to the Minister for Employment and Industrial Relations, and I ask: can the minister inform the house of any recent developments with major automotive manufacturers here in Victoria?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am thankful to the member, who has a strong interest in the automotive sector and the connection it has to employment in Victoria. The Victorian government worked very hard with the commonwealth government and GM Holden (GMH) to negotiate a package to keep this leading manufacturer, Holden, operating in Australia and to sustain vital elements of the automotive industry in Victoria. It is important that Holden is here to stay as a manufacturer. The global industry is going through some big changes, with China, India and other high-volume producers coming on stream in a very significant way.

In January we announced, as members would know, a joint agreement with the commonwealth and Ford to secure the future of Fords operations at Geelong and Broadmeadows through until at least 2016. We are already starting to see the benefits. I remind those opposite that the Australian-built Ford Territory SUV will feature at the Ford stand at this week's 33rd Bangkok International Motor Show. This will showcase the Territory; but it is not just a Territory, it is a seven-seater. It has seven seats, and that is fantastic. The Ford company expects an enthusiastic reaction from the Thai public for this seven-seater, which will hopefully signal great future opportunities for the Territory in growing markets.

Likewise, we made the commitment to ensure that GMH in Victoria could compete successfully with the world's best. In our discussions with the company and the commonwealth we have focused on ensuring that Victoria maintains its edge in key capabilities like design and engineering. We have proposed a substantial financial commitment towards securing the future of the design and engineering centre at Fishermans Bend, and part of this package will see GMH engineers and designers secure more work in GMH's global supply chain. Beyond that, we will continue to press for commitments from the commonwealth and the company on next generation technologies for the engine plant at Fishermans Bend.

Honourable members interjecting.

The PRESIDENT — Order! I am sure Mr Pakula can discuss with the whip the importance of the question that he keeps putting by way of interjection and perhaps get it on the record. If he cannot achieve that, perhaps Mr Somyurek might be able to get one of his interjection questions on the record by going through the whip rather than via a shouting match. The minister to continue.

Hon. R. A. DALLA-RIVA — Unlike those opposite, we understand the importance of design and research development. We understand the importance of the supply chains. Many of the supply chains are small family companies, but they need to transform themselves so they are able to compete in selling parts to local producers and also through the global auto supply chain and to other areas like defence, aerospace et cetera. However, they all need some help, and that is why we stand by the industry during this period of transformation.

Ours is a modest, responsible and tightly targeted contribution. We recognise that it is a highly competitive global industry, yet it is aimed at producing the best possible outcome for automotive manufacturing in Victoria and for the businesses that supply the industry.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — To counter those members opposite who are yelling, I refer to an article in the *Australian Financial Review* about Labor's employment spokesman, Tim Pallas, the member for Tarneit in the Assembly, who, rather than supporting our efforts to secure GMH design and engineering, was out there generating what you could only class as ill-informed speculation about Holden designers moving to Adelaide. There he was quoted on page 7 of the AFR as talking about sending manufacturing jobs to the only Labor state left on the mainland. It only goes to prove that the commitment of Mr Pallas and his colleagues to Victorian jobs and industry runs a very poor second to their allegiance to their Labor mates.

Hazardous waste: management

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Planning. If Mr Guy

remembers his history, he will know that from the time of the proposed Werribee toxic dump, which was part of the downfall of the Kennett government, to the time of the proposed Nowingi toxic dump, which was part of the downfall of the Brumby government, there has been a very long and difficult community campaign and dialogue around the long-term plan for the treatment of hazardous wastes. After an extensive process, the Hazardous Wastes Siting Advisory Committee came up with guidelines for buffers of 200 metres for a primary exclusion zone and 2000 metres for a secondary exclusion zone. There is no doubt that in the case of amendment C125 those buffers have been abandoned and have also been significantly reduced at the Innova site in Altona and the Renex site in Dandenong South. I am sure that those communities and many other communities would like to know whether the original buffers recommended by the Hazardous Waste Siting Advisory Committee have now been abandoned for any future proposals.

Hon. M. J. GUY (Minister for Planning) — Mr Barber is quite right. I do know my history very well, and, like Mr Dalla-Riva, I watched it being made on the weekend. I wonder how Mr Barber — —

Mr Lenders interjected.

Hon. M. J. GUY — How is that carbon tax going, John? How is that carbon tax going for you? It is working well.

The PRESIDENT — Order! I can understand the enthusiasm of some for Saturday's result and the — —

Mr Leane — The Storm.

The PRESIDENT — Order! That was a good result — Billy Slater is doing very well. I think he can take the Dally M Medal now.

I also understand that the opposition might well want to defend its circumstances. Therefore today could well be a period of some heightened emotions in this chamber. As you know, I am not keen to see that sort of activity in here. As an absolute bottom line, as has been the position of previous presiding officers, I am not prepared to have members of this house referred to by their first names, particularly in the context where it is thought to be a disparaging remark.

I ask that Mr Guy withdraw his reference to Mr Lenders in the way that he made it and that he return to the question that Mr Barber asked. Mr Barber has certainly not participated in the subsequent debate, and I think he is awaiting an answer to his question.

Hon. M. J. GUY — Mr Barber will indeed get an answer to his question as I proceed with it.

The PRESIDENT — Order! I ask Mr Guy to withdraw the comment.

Hon. M. J. GUY — I withdraw; I apologise.

Mr Finn — He is not a John?

Hon. M. J. GUY — Good point, Mr Finn. As I was saying, the key issue in relation to the C125 amendment, which I note is listed for debate tomorrow — —

Mr Leane interjected.

Hon. M. J. GUY — I was going to take Mr Leane's interjection on numbers and make reference to certain numbers, but I will leave that one. The key issue with the facility that is being permitted in the city of Greater Dandenong is that if it is not to go in the facility that is designated, where else would the Greens — or indeed the Labor Party, from its comments in the local paper — like me to put it? Should I put it in Eltham?

Mr Somyurek — In an industrial 1 zone.

Hon. M. J. GUY — Is Mr Somyurek suggesting Tullamarine? Is that Labor policy now — Tullamarine? Is that Greens policy? Or it could be left on the building sites where it is taken from, in the outer urban growth areas. Is that the policy of the intellectual left, which stands opposite us on this side of the chamber?

I simply say that there is an issue that needs to be solved, and this government is going to get on with solving it. However, it is not going to come at the expense of creating a vast number of new sites across the metropolitan area, which is clearly what is now being advocated by those opposite and the Australian Greens. If the Australian Greens or the Australian Labor Party want to find alternative places to put industrial waste that is being taken, in some cases naturally — natural waste — out of the ground, then they may make a suggestion to me very quickly. Do they suggest the western suburbs? Caroline Springs? Werribee?

Ms Broad — Fix it!

Hon. M. J. GUY — I am fixing it, Ms Broad. That is the point. I take up your interjection. I am fixing it, and you are opposing the fix. If you want to be a loudmouth about it and if you have an opinion about it, then why do you not give me an alternative? But I do not have an alternative. I have fixed it, Mr Jennings.

You can do your plays at Trades Hall Council, but I fixed it, friend!

Those opposite are opposing it. If the Labor Party wants to put toxic waste through the outer urban areas of Melbourne, that is a very interesting suggestion. We have a facility that has been approved for class A waste and has been ticked off by the relevant authorities. This government has solved the problem. We will not see that material sitting in growth areas, which is clearly what the Labor Party and, by way of obvious support, the Greens want to happen.

Supplementary question

Mr BARBER (Northern Metropolitan) — I am in some difficulty, because it was an extraordinarily argumentative answer. What I was really asking the minister was: by what criteria would he select future sites? And there will be such future proposals coming forward. We are quite clear that the work of the Hazardous Waste Siting Advisory Committee should be retained, not abandoned, and that is why I am keen to find out from the minister what other facilities he is currently considering that might also fail, if you like, the buffer zone test put forward by that committee, which had to do its work under such extraordinary difficulty and which, from our point of view, had actually reached a resolution.

Hon. M. J. GUY (Minister for Planning) — I understand Mr Barber is inviting me to suggest other sites. I simply say I am not suggesting or thinking of other locations — in fact quite to the contrary. By way of what Mr Barber says was argumentativeness and what I say was being responsive to an interjection during my substantive question when I was asked, 'Why don't you fix it?', I simply said this was a solution to a problem that is obviously in existence around the metropolitan area.

Mr Barber — So this is the site to end all, is it?

Hon. M. J. GUY — If the Greens would like to suggest Brunswick — —

Mr Barber interjected.

Hon. M. J. GUY — If Mr Barber would like to suggest Northcote, or if he would like to suggest other areas of the state — —

Mr Somyurek — Why do you hate the south-east?

Hon. M. J. GUY — Why does Mr Somyurek hate Northcote? Why does he hate Eltham and Yan Yean? Why does Labor hate Ivanhoe?

Mr Somyurek interjected.

Hon. M. J. GUY — Why does he hate Macleod? Why does Mr Somyurek hate the northern suburbs? I say clearly: the Baillieu government has found a solution; the opposition just wants to create more problems.

Carbon tax: Ambulance Victoria

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Health, who is also the Minister for Ageing. I ask: can the minister inform the house of the impact of the commonwealth government's carbon tax on Ambulance Victoria?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for his interest in Ambulance Victoria. As many in this chamber will know, I am increasingly concerned about the impact of the commonwealth carbon tax on health services in Victoria. I particularly want to draw the house's attention to table 5 in the commonwealth government's papers that relate to treatment of transport.

Mr Barber — Where's your health report?

Hon. D. M. DAVIS — Just wait patiently! I am going to give some of it now, so just wait patiently. That is where we are going. Table 5 talks about aviation fuels, and it states:

> As fuel tax credits are not available for aviation fuels, domestic aviation fuel excise will be increased by an amount equivalent to the effect of placing the carbon price on aviation fuel in order to provide an effective carbon price for aviation.
>
> Changes to aviation excise will apply to fuels acquired after 1 July 2012.

Mr Barber pointed to studies I had undertaken, and I will indicate that the total aviation — —

Mr Barber — Table it!

Hon. D. M. DAVIS — Just be patient! I am going to give it bit by bit. Total aviation fuel was reported as 3270 kilolitres per annum. This was held to be flat across the forecast period — and I quote from the said study:

> The assumed energy density for aviation fuel was 33.1 gigajoules per kilolitre, and the assumed emission factor was 72 kilograms per gigajoule for scope 1 emissions and 5.3 kilograms — —

Hon. M. P. Pakula — On a point of order, President, I draw your attention to order of the day 6, 'Carbon tax impact on health services', and I ask you

for a ruling on whether the minister's answer offends the provisions about anticipation.

Hon. D. M. DAVIS — On the point of order, President, there has been a longstanding approach of reasonable latitude. This is clearly a point of interest in the community, and I make the point that if Mr Pakula is so sensitive about the impact of the carbon tax on air ambulance operations, then he should be very concerned about the impact, because it will be a tax on the air ambulance. That is what is going to happen. There will be hundreds of thousands of dollars in tax on the air ambulance.

Hon. M. P. Pakula — Further on the point of order, President, Mr Davis can rant and rave. It is not my fault if he does not understand the standing orders.

The PRESIDENT — Order! Is order of the day 6 what Mr Pakula has drawn attention to?

Honourable members interjecting.

Hon. D. M. DAVIS — Further on the point of order, President, it may help you to know that the document relates to health services, meaning hospitals and related matters. This is a very specific question about Air Ambulance Victoria, which is not necessarily covered by the motion.

The PRESIDENT — Order! My apologies for having some difficulty in dealing with this, but I had been given a notice paper for some weeks ago — and so have a number of other members — which is why there was some confusion. Now I have the correct one, and Mr Pakula is correct that it is order of the day 6 to which he is referring.

It is true that members are not entitled to anticipate a later debate in terms of matters that are likely to be key issues in that debate. I am mindful of the fact that I do not think the question went to some of the matters Mr Davis is now taking up in his response. I think he has honed it down to some areas that I would have thought were broader than the question that was asked, so I dare say that Mr Davis is about to return to different matters in respect of his answer and in response to Mr O'Donohue's question and that he has simply been using the material to this point to provide some context for the response he is making. In that sense I take the view that his response will probably not anticipate the matters covered by order of the day 6, but I will listen carefully.

Hon. D. M. DAVIS — As I indicated in the process of that point of order, I am concerned about the impact particularly on air ambulance services. The air ambulance service is a particularly important service for country Victoria. I make the point that King Air B200C planes are under contract now to Air Ambulance Victoria, and the contract runs to May 2021. Those air ambulances, as well as the helicopters, will need to use aviation fuel over the forthcoming period.

It is clear that the commonwealth's carbon tax arrangements will directly impact on air ambulance costs; they will directly impact on the fuel costs for those air ambulance services. I am not sure that anyone in this chamber wants to see additional costs loaded directly onto Air Ambulance Victoria. I am not sure that anyone wants to see patients impacted by higher carbon tax costs through the aviation fuel excise increase that Prime Minister Gillard is planning to put on the air ambulance service in Victoria and in other states. I make the point that this cost will go straight to the bottom line of ambulance services in this state.

Mr Lenders — On a point of order, President, on a further matter of anticipation, I draw your attention to the notice paper today. Notice of motion 24, standing in Mr Davis's own name, specifically notes the federal-state financial arrangements negotiated by Mr Davis's Premier and lauds their success in dealing with growth in the health system. Again on the subject of anticipation, I say that notice of motion 24 is about the exact areas Mr Davis is touching on and he is anticipating that motion as well.

Hon. D. M. DAVIS — On the point of order, President, notice of motion 24, as the member outlines, does deal with the agreement by the Council of Australian Governments, but ambulances are not a part of that deal in any way whatsoever. These costs will go straight to the bottom line of ambulance services. There will be hundreds of thousands of dollars in carbon costs every year — going from $340 000 to $430 000.

The PRESIDENT — Order! The minister has gone from responding to a point of order to debating the issue, and points of order are not a matter for debate. I am concerned that, because I did not have the notices in front of me, a fair bit of debate that took place would not really stand the test for points of order. I had more sympathy for Mr Pakula's point of order on this occasion, and it was pretty close in terms of the matters it raised.

In respect of the point of order raised by Mr Lenders, there are two matters. The first one is that, on my quick reading, the notice does not talk about ambulance services, although they are part of health services. That is where I was at when considering Mr Pakula's point

of order. On my quick reading I do not think ambulance services are specifically covered by this notice of motion.

The second, more important thing perhaps in terms of the anticipation rule, is whether or not the house would expect to actually debate the motion today. I do not believe that is the case, based on the order of business I understand we are likely to proceed with this day. From that point of view also I am not sure that this point of order would satisfy the anticipation rule. Mr Pakula's point was much closer.

Hon. D. M. DAVIS — The fact is that the commonwealth's approach with the carbon tax will lead to higher excise costs for air ambulance services, which means it will lead to higher costs for air ambulance services. There is no compensation. There is no support from the commonwealth for this commonwealth tax on ambulance services. This is an extraordinary decision by the commonwealth, to put a tax on air ambulance services. It will hit those needing to be transported urgently, and particularly country Victorians, who will bear the brunt of the commonwealth tax on ambulance services.

Mildura Base Hospital: future

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I note that last week the Premier made the suggestion that he is generally open to the concept of public asset sales to fund infrastructure, and I also note the current challenge the government faces to keep up with the infrastructure and health-care needs of the people of Mildura, who had their hospital privatised in the Kennett era, and I ask: how is the government going to guarantee that health investment keeps up with the needs of the people of Mildura into the future in light of the privatised service delivery model which is currently being renegotiated?

Hon. D. M. DAVIS (Minister for Health) — It is a matter of public record that the contract in Mildura is up for negotiation. That negotiation is obviously a commercial matter that will be part of a general process to examine the best outcomes for the people of Mildura. As part of that process I have made sure that additional data on Mildura is available for the first time. The health ministers of the previous government — Mr Andrews, the member for Mulgrave in the Assembly, Ms Pike, the member for Melbourne in the Assembly, and others, kept secret the data regarding the Mildura hospital. I have released that additional data on Mildura in a timely way. That data shows very clearly that the Mildura hospital has performed well — arguably better than many equivalent regional services but at least as well. In that sense the service has been a very good service in Mildura.

I make the point that the government also has additional capital that it is intending to put into the service. The $5 million for the upgrade of the emergency department at Mildura hospital was an important election commitment, which I note was never matched by the Labor Party and has not been matched by the Labor Party to this day. Further, there is additional joint commonwealth-state funding that will go into that hospital to provide additional capacity in the emergency department and additional support for mental health patients at Mildura hospital.

Mildura Base Hospital is an important hospital. It services a distant area of the state. The government is very determined to make sure that the health services in Mildura are of the highest quality. Mildura takes a number of patients from across the border in New South Wales and some patients from South Australia, so there is additional load there. The hospital provides a very good quality service. It is a service that has stood the test of time and a service that, on examination of its performance, stands as being at least as good and arguably better than equivalent regional health services elsewhere in Victoria.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I was pleased to hear that the minister has referred to investments into the future, paid for by the state and by the commonwealth. I congratulate him on that. My question was in relation to the continuing concern about whether it keeps up with demand. In light of those investments and the need for ongoing investments, can the minister rule in or rule out the reacquisition of the hospital as a public sector service in the future?

Hon. D. M. DAVIS (Minister for Health) — As the member will understand, I am not going to enter into excessive discussion about a commercial negotiation that is under way, pursuant to a lease where the government has obligations. The government will discharge its obligations in the arrangements to the letter. I have no doubt that the member would not want me to in any way step away from the contractual arrangements that are in place and the obligations that the government and the department have in that respect.

I welcome the member's new-found support for additional capital allocation, and I make the point that his government did not support the additional capital allocation of $5 million that we announced as an

election commitment and did not match it in the election campaign. I welcome his belated change of heart in supporting the additional $5 million that the coalition committed to in the previous budget for Mildura hospital. That is very important.

Housing: work and learning centres

Mr ONDARCHIE (Northern Metropolitan) — I have a question this afternoon for the Minister for Housing, who is also the Minister for Children and Early Childhood Development. Can the minister update the house on the implementation of her election commitment to create five work and learning centres on public housing estates?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question and his ongoing interest in the work and learning centres policy of the government and the welfare of public housing tenants in Victoria. Last Thursday I was delighted to open the first of five work and learning centres that the government committed to at the last election. As the Premier and I announced last October, the first two of these will be in Carlton and Geelong. It is part of a $4.6 million election commitment to improve the employment opportunities and living standards of public housing tenants.

The first work and learning centre to be opened is located at the Church of All Nations in Carlton and is operated by the Brotherhood of St Laurence in partnership with the Church of All Nations. This fantastic facility will house the Carlton Work and Learning Centre, which will provide opportunities for tenants to gain assistance in finding work, developing job-ready skills and accessing information and resources that help individuals enter the workforce. We know that people who do not have a job can be excluded not only economically but also socially. This can cause people to become trapped in a cycle of disadvantage and to become isolated and withdrawn. Training, education and ultimately employment — the ability to maintain a stable job — can help people break out of this cycle.

I am very pleased to be delivering this program in partnership with the Brotherhood of St Laurence and the Church of All Nations, which understand the importance of a hand up rather than a handout. The Church of All Nations has been active in the Carlton community for many years and has established strong ties with the local community through a range of successful programs.

I am delighted to report that the Carlton Work and Learning Centre is already kicking goals and that great results have already been achieved. The work and learning centre is creating relationships with local training organisations, including the Complex Training Academy, which has asked the work and learning centre to train and place security guard positions through the public tenant employment program. The work and learning centre held information sessions, and 35 interested tenants attended those information sessions. The Complex Training Academy is now assessing those applicants for training needs and potential placement into real jobs. It is extremely pleasing to see these great results happening so early in this program.

Last Thursday I was also pleased to be joined by Mr Ondarchie, who, as the chair of the community liaison committee for the redevelopment of the Carlton estate, is a familiar face at the Carlton estate. I will be officially opening the Geelong Work and Learning Centre soon, and announcements about the locations of a further three work and learning centres will be made shortly.

Victorian cancer plan: funding

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. The minister is aware that the four-year $150 million funding announced in the 2008–09 budget to establish the Victorian cancer plan, which was designed to increase survival rates by 10 per cent by 2015, included an allocation of $45.2 million in the 2011–12 budget, and the strategy requires a further allocation in the forward estimates of this year's budget. Can the minister guarantee that the cancer plan will continue, through that funding, to be provided for in the forward allocation and estimates?

Hon. D. M. DAVIS (Minister for Health) — I think the member, being a former minister, well understands that you cannot pre-empt the budget. I am not sure exactly what day budget day is this year — what date in May is it?

Hon. G. K. Rich-Phillips interjected.

Hon. D. M. DAVIS — It is 2 May. I will give Mr Jennings a tip: he will read the budget, with the rest of Victoria, on 2 May.

An honourable member — It is 1 May.

Hon. D. M. DAVIS — It is 1 May. I am sorry; I have given the wrong date. Either way, in the first week of May the budget will be delivered in the normal way,

and I can promise Mr Jennings that I will even walk him through a little bit of it if he wants me to on the day — just some steps on the budget at the time it is delivered. Let me be quite clear: the government is very committed to cancer services and to ensuring that Victorians have the best possible cancer services.

We brought to fruition the Victorian Comprehensive Cancer Centre, which was initially a project of the previous government, as I have said in this chamber before. At $1.042 billion, the VCCC is a remarkable project that will deliver better cancer services, better research services and better results in terms of cancer into the future for Victorians. That is a very clear sign of our commitment to cancer services into the future. That is now on the public record, and I put this matter to the chamber. Indeed if Jennings wishes to quickly go online, I would urge him to look at the website, where he will see a webcam that will give him quarter-hourly updates of the construction process at the VCCC site. He will be able to see the diggers as they are digging down to the base of the VCCC.

Mr Jennings — Do they only dig down?

Hon. D. M. DAVIS — No, when they are finished digging down, Mr Jennings, they will then start to lay the concrete and they will build up. I have learnt this about construction; clearly Mr Jennings has yet to learn this about the construction process, so he might benefit from watching the webcam for some time and keeping close tabs on the progress of the building of the new Victorian Comprehensive Cancer Centre.

My point here is that the government is committed to providing good cancer services for Victoria. In terms of budget announcements, Mr Jennings, like other Victorians, can wait until the first week of May.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I thank the minister for his offer to share quality time with me on budget day, and I will take it up. But I ask the minister: given that he was not aware of the imminent budget date and given that this is actually a potential concern for the Victorian Cancer Agency, the Victorian Cancer Biobank and other services within the cancer plan, does he have a contingency plan to wind down those services if in fact he is not successful in the coming month and in the delivery of the appropriate funding into the future? Has he a plan in place to deal with that contingency?

Hon. D. M. DAVIS (Minister for Health) — I think I have answered the question fully. Budget day is in the first week of May, and the member will see the details of the state government's budget at that time. In terms of our commitment to cancer services, I pointed to some very specific matters that relate to a strong and ongoing commitment to quality cancer services in Victoria.

Skills training: federal funding

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Peter Hall. Last week Prime Minister Gillard announced the commonwealth government's proposed funding allocations to the states for skills training. I ask the minister if he can advise the house of how Victoria has fared under those proposals.

Hon. P. R. HALL (Minister for Higher Education and Skills) — We did not fare too well. That is the short answer to Ms Crozier's question. Despite the shadow minister for skills and apprenticeships claiming there would be a boost to skills funding in Victoria, that was not the case. The funding proposal put forward by the Prime Minister last week came in two components. If you add together the two funding components suggested for the state of Victoria in 2011–12, you find that the resulting figure is $458 million. But if you look at the proposals put forward by the Prime Minister this year for 2012–13, then you see that the Victorian share equates to $404 million — a difference of $54 million.

The fact of the matter is that the proposed funding arrangement between the states and the commonwealth means that Victoria will lose $54 million for skills training over the next 12 months. That equates to about 20 000 training places in Victoria. Given the way the economy is and the investment that is needed in skills training, the gap is going to be hard to fill here in Victoria.

Hon. M. P. Pakula interjected.

Hon. P. R. HALL — Mr Pakula says perhaps the government is not such a good advocate in terms of this. These negotiations will be settled through a Council of Australian Governments agreement under national partnerships, as Mr Pakula knows, and I can assure him that Victoria will go in there and argue very strongly for a better share of the funding that is needed for skills training in this state, so it is not all over, Red Rover; there is time to go yet, and we will keep arguing this point of view.

It is important to note that one of the conditions attached to these training dollars was that each state had to implement a training entitlement for people undertaking training. In Victoria we have had that

entitlement in place for some time. To its credit, the introduction of the training entitlement occurred when the previous government was in place. We more than match the condition that says each state must have a training entitlement to a certificate III level. There is now an entitlement for people who are upskilling to train to a diploma or advanced diploma level.

The agreement also suggests that states should have income-contingent loan schemes. Victoria has piloted income-contingent loan schemes for VET (vocational education and training) for the last two or three years. Those who are studying for a diploma or an advanced diploma can access VET fee help, and only when their income-earning ability reaches certain levels will they be required to pay. I suggest that something Victoria will be arguing is that this income-contingent loan scheme should be extended to certificate III and certificate IV levels now, because it is quite ludicrous that through VET fee help it is now cheaper to do a diploma than it is to do an apprenticeship. That seems ludicrous to me. If we can assist more people in lower level training, then the state and the economy of Australia will be far the better for it.

While we will continue to negotiate with the federal government on getting our fair share of training dollars, it is disappointing that Victoria will in fact receive $54 million less in the year ahead than it received from the commonwealth government for training this year.

Bendigo hospital: future

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. Given the Premier's current enthusiasm for potential public asset sales in Victoria, can the minister rule out the total privatisation of the Bendigo hospital redevelopment which is currently under way?

Hon. D. M. DAVIS (Minister for Health) — Can I just be very clear — —

Honourable members interjecting.

Hon. D. M. DAVIS — Just calm down, and let us be very clear about these matters. The Bendigo hospital redevelopment is the largest health project in country Victoria's history. At $632 million, it is $102 million larger than Labor's commitment. The government has an expression of interest process that is already well advanced, and indeed two important groups that have international experience have been short-listed. A request for tender process will occur within the normal PPP (public private partnership) process, and that process is well advanced, as I think the member probably well knows.

The pity about the Bendigo project is that Labor has consistently opposed a larger hospital. The member for Bendigo East in the Assembly is, to my knowledge, the only local member of Parliament who has consistently advocated for a smaller hospital with fewer services in her area. It is extraordinary and culpable. It is about time she got with the program and said, 'I want a strong hospital. I want a hospital that will return the very best outcome for my community'. That is my point. I might add, as a point of genuine generosity on this matter, I understand the member gave birth yesterday, and we wish her and her baby well.

On the matter of the Bendigo hospital, I make the point that it is time the Bendigo members got with the program; it is time they went for the bigger hospital and for the $102 million scale-up under the PPP process as it was begun and continued through — and it will continue through. I look forward to the bids that come back, ultimately, from the two tenderers and to seeing the analysis of those bids. I look forward to the opportunity to provide the biggest health project in country Victoria's history, a project that is $102 million bigger than Labor's project. Labor needs to finally get over its resistance and say it wants the big project and not the small project for Bendigo that those two local Labor members for Bendigo continue to advocate for.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — During the minister's answer one of his backbenchers was encouraging me to refine my supplementary question, and I will refine it. Can the minister rule out the health service of Bendigo hospital being privatised as an extension of the current arrangements in accordance with his Premier's direction?

Hon. D. M. DAVIS (Minister for Health) — I think the member's premise is again wrong on this. What I can say is that the PPP process continues under the same arrangements that existed under Labor. There will be a public health service in Bendigo that will have a public component, and the health service under the PPP rules will be delivered in the normal way. We look forward to a larger health service than Labor would have delivered under the same rules and the same arrangements that existed under Labor without change.

Information and communications technology: government initiatives

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Technology, the Honourable Gordon Rich-Phillips. I ask the minister: what is the Baillieu-Ryan government doing to increase innovation and productivity through the use of ICT in Victorian businesses?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr O'Brien for his question and for his interest in innovation in the Victorian economy, because innovation is one of the key drivers of productivity in the Victorian economy and one of the key things that the government needs to promote if strong economic growth is to continue in this state.

Last year I was pleased to release Victoria's Technology Plan for the Future, which brings together the potential of ICT, biotechnology and small technology under one plan for the first time. The plan had two key streams. One was industry development, and the other was driving technology-enabled innovation in the broader economy.

In accordance with that element of the plan, earlier this month I was pleased to release the Digital Futures Fund. The Digital Futures Fund is designed to support collaborative projects within the Victorian economy that are targeted at driving productivity, driving growth and driving competitiveness among industries in Victoria. The Digital Futures Fund will provide support particularly to projects involving small to medium businesses, or SMEs. Each project will require the involvement of two SMEs and can bring together industry bodies, community organisations, universities, TAFEs and research institutions and leverage off those institutions to develop projects which drive innovation in the economy.

We are looking at opportunities in data mining analytics, cloud computing, cyber security and a range of key areas for the Victorian economy. The program has now opened. Expressions of interest are being sought, and the opportunity to submit them will close on 12 April this year. I look forward to seeing some innovative ideas come forward from SMEs in Victoria which we can use to help drive productivity and innovation in the Victorian economy in coming years.

REVIEW OF CLIMATE CHANGE ACT 2010

Government response

Hon. D. M. DAVIS (Minister for Health), by leave, presented report.

Laid on table.

Ordered to be considered next day on motion of Mr BARBER (Northern Metropolitan).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Statute Law Revision Bill 2012

Mr O'DONOHUE (Eastern Victoria) presented report, together with an appendix.

Laid on table.

Ordered to be printed.

Statute Law Repeals Bill 2012

Mr O'DONOHUE (Eastern Victoria) presented report, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 5

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 5 of 2012, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Australian Crime Commission — Report, 2010–11.

Climate Change Act 2010 —

Report on Climate Change and Greenhouse Gas Emissions in Victoria pursuant to section 17 of the Act.

Review of the Climate Change Act 2010, pursuant to section 19 of the Act, December 2011.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2012.

Crown Land (Reserves) Act 1978 — Minister's Order of 9 March 2012 giving approval to the granting of a licence at Maldon Historic Area.

Gambling Regulation Act 2003 — Fixed Term Ban Order of 14 March 2012 under section 2.5A.9 of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 6.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2011.

Municipal Association of Victoria Insurance — Report, 2010–11.

National Environment Protection Council — Report, 2010–11.

Office of Police Integrity — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2010–11.

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

Brimbank Planning Scheme — Amendments C93 and C138.

Glenelg Planning Scheme — Amendment C65.

Greater Bendigo Planning Scheme — Amendments C109, C120, C137 and C150.

Greater Shepparton Planning Scheme — Amendment C136 Part 1.

Loddon Planning Scheme — Amendment C27.

Melton Planning Scheme — Amendment C118.

Mount Alexander Planning Scheme — Amendment C45.

Moyne Planning Scheme — Amendment C42.

Surf Coast Planning Scheme — Amendment C72.

Swan Hill Planning Scheme — Amendment C33.

Wyndham Planning Scheme — Amendment C158.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Accepted Farming Practice for the Welfare of Pigs (Revision 2).

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2010–11.

A Statutory Rule under the Legal Profession Act 2004 — No. 19.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 14, 18 and 19.

Legislative Instruments and related documents under section 16B in respect of a Contaminated Stock Order of 20 March 2012 made under section 48 of the Agriculture and Veterinary Chemicals (Control of Use) Act 1992.

Sustainability and Environment Department — Report under section 30L of the Surveillance Devices Act 1999, 2010–11.

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Resources Legislation Amendment Act 2011 — except for Parts 3 and 6 — 20 March 2012 — *(Gazette No. S91, 20 March 2012).*

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 27 March from the Minister for Planning.

Letter at page 1686.

NOTICES OF MOTION

Notices of motion given.

Hon. D. M. DAVIS having given notice of motion:

Mr Viney — On a point of order, President, I desire clarification as to why a bill is being referred to the references committee rather than the legislation committee.

The PRESIDENT — Order! It was the legislation committee.

Mr Viney — He said 'references committee'.

The PRESIDENT — Order! At the moment we are dealing with notices of motion. That legislation will be dealt with either later today or on Thursday.

Further notices of motion given.

Mr KOCH having given notice of motion:

The PRESIDENT — Order! I ask Mr Koch if that matter was framed in the form of giving notice of that motion.

Mr KOCH — Yes.

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, 28 March 2012:

(1) notice of motion 237 standing in name of Mr Lenders relating to the banning of 'Dorothy Dix' questions;

(2) notice of motion 257 standing in the name of Mr Barber to introduce the Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012;

(3) notice of motion given this day by Ms Hartland to revoke amendment C125 to the Greater Dandenong planning scheme;

(4) order of the day 15, consideration of minister's answer to a question without notice relating to WorkCover premiums;

(5) notice of motion 251 standing in the name of Mr Barber relating to the provision of the 2012 *Network Revenue Protection Plan*;

(6) notice of motion 216 standing in the name of Ms Mikakos relating to funding for the Take a Break occasional child-care program; and

(7) notice of motion 286 standing in the name of Ms Pennicuik relating to the provision of the 'Comperio' report.

Motion agreed to.

MEMBERS STATEMENTS

Shrine of Remembrance: parliamentary visit

Mr ELASMAR (Northern Metropolitan) — On Friday, 9 March, on the kind invitation of the President of this house, together with several parliamentary colleagues I toured the Shrine of Remembrance in St Kilda Road. The chairman, Air Vice-Marshal Chris Spence, and the chief executive of the shrine, Mr Denis Baguley, gave us a guided tour of this beautiful monument. We viewed two new contemporary and very interesting exhibitions about World War II. I highly recommend a visit to the Shrine of Remembrance to all Victorians, especially our young people, who should understand the sacrifices made by their predecessors to keep Australia strong and free from oppression. These new exhibitions complement the existing Anzac legacy of our brave men and women of the fighting forces.

Greek Independence Day

Mr ELASMAR — On another matter, on 24 March I attended the celebration of Greek national day organised by the Centre of Greek Ex-Servicemen's Elderly Citizens Club of Darebin and District in conjunction with the City of Darebin at the Preston town hall. The Greek and Australian flags were flown together at full mast. The ceremony was well attended by members of various Greek clubs in Darebin. Along with my colleague Jenny Mikakos and the local federal member for Batman, Martin Ferguson, I was honoured to place a wreath at the war memorial in memory of Greek-Australian casualties. I congratulate the organisers, the Darebin mayor and council officers for providing splendid refreshments after the ceremony.

Communications towers: Western Victoria Region constituent

Mr RAMSAY (Western Victoria) — I bring to the attention of the house the plight of a farmer in Warrnambool, John Howard, who in 2006 was notified of a planning permit application to erect two communications towers in close proximity to his residential property. While he objected to the application, the permit was approved by the Moyne Shire Council. An objection was raised by a wind farm operator that the proposed siting of the communications towers was within 800 metres of a proposed turbine, which it was suggested would cause electrical interference. The town planner at the time then made a verbal amendment to the planning permit to resite the communications towers away from the proposed wind turbine, closer to Mr Howard's residence. The communications towers were then erected without Mr Howard's knowledge and without the council re-approving the amended permit.

Mr Howard believes that his private home has now been affected by electrical interference from the communications towers. Such has been the interference that he has had to move out of his home and live elsewhere. Over the years, Mr Howard has sought justice, to have some appreciation of his concerns shown, to have those concerns addressed and to have the legality of the verbal amendment challenged by the courts. Through many court battles and a Victorian Civil and Administrative Tribunal ruling, Mr Howard has been unsuccessful in challenging the system that has driven him out of his home. My understanding is that the issue is still being negotiated by the Moyne shire's insurers.

This set of circumstances was brought to the attention of this chamber by my predecessor, John Vogels, MLC, and Peter Kavanagh, MLC, another former member for Western Victoria Region, and it is now being raised by me. Regardless of who is at fault in this sorry saga, we owe it to Mr Howard to give him some sense of justice and faith that the laws of this land offer protection to private citizens. I urge the Moyne Shire Council and Mr Howard to find a suitable settlement.

Niddrie electorate: by-election

Mr BARBER (Northern Metropolitan) — In the Niddrie by-election the Labor vote went down, the Greens vote went up and the Liberal Party went AWOL — and that pretty much sums up Victorian politics as it stands. We went to the people of Niddrie with a set of policies, and it is policies that the voters are looking for. The Labor Party wrapped the polling booths in so much red plastic that they looked like an artist's installation by Christo, but there was nothing on offer there for the voters.

Voters are seeking policies that will make a contribution to their everyday lives, including helping them beat their bills while cutting their carbon usage and meeting the most basic of needs — public transport to get them to and from work. The fact that millions of dollars are being ripped out of this community by poker machines is something that concerns many voters. Only the Greens are proposing to cut the losses to poker machines. Congratulations to our candidate Josie Lester and to the members of the Moonee Valley Greens, who ran an excellent campaign to which the Niddrie community has responded.

James 'Jim' Stynes, OAM

Ms MIKAKOS (Northern Metropolitan) — This morning I attended the very moving funeral of the late James 'Jim' Stynes, OAM, who, as many of us know, was well known not only for his stellar football career at the Melbourne Football Club but also for his involvement with various charities. It is for this reason in particular that I wish to pay tribute to him.

In 1994 Jim co-founded the Reach Foundation, recognising that all too often greatness in young people is hidden behind fear, anger or hurt. He believed that every young person should have the support and self-belief they need to fulfil their potential. Reach achieves this by creating safe and supportive places where teenagers can share their stories and experiences honestly. Every year his charity runs programs for more than 60 000 young Australians in more than 580 metropolitan and regional schools across the country.

Jim was recognised for his achievements with Reach and in the community through many awards, including Melburnian of the Year in 2010, a Medal of the Order of Australia, a Churchill Fellowship in 2007 and Victorian of the Year in 2001 and 2003. Jim also worked on a number of government advisory bodies, including the 1997 Victorian government's suicide task force and the federal Minister for Youth's youth advisory consultative committee. His most extraordinary football achievements included playing for the Melbourne Football Club in 264 games between 1987 and 1998. He was inducted into the AFL Hall of Fame in 2003, was the 1991 Brownlow medallist and became the president of the Melbourne Football Club in 2008.

Jim Stynes showed great courage during his protracted illness and was an inspiration to many cancer sufferers. I wish to extend my sincere condolences to Jim's family — his wife, Samantha, and his two children, Matisse and Tiernan. He was a remarkable man who inspired many, and I am sure he will be sadly missed.

James 'Jim' Stynes, OAM

Mrs PEULICH (South Eastern Metropolitan) — I rise today to honour the passing of Victorian legend Jim Stynes. Jim's commitment to Australian Rules Football, in particular the Melbourne Football Club, and to his beloved Reach Foundation along with his two-and-a-half-year health battle earnt him the respect of all Victorians. Jim played a pivotal role in securing a 30-year deal between the City of Casey and the Melbourne Football Club which has seen the Casey community benefit from a range of first-class education programs for the community. Jim was also a Medal of the Order of Australia recipient and both a Victorian of the Year and a Melburnian of the Year.

Jim Stynes was committed to what he believed in and epitomised honesty, integrity and passion. He will be sadly missed, but his legacy to the AFL and to the Casey and Victorian communities will last a very long time. We lost a remarkable Victorian who leaves behind a legacy on and off the football field. I share Australia's and Ireland's mourning, and our love goes to Jim's wife, Sam, and his children, Matisse and Tiernan.

Pope Shenouda III

Mrs PEULICH — My deepest sympathy also goes out to the Coptic community of Melbourne's south-east on the passing of Pope Shenouda III, who was the spiritual leader of the Middle East's largest Christian community and an inspirational figure. South Eastern Metropolitan Region, which I have the honour of representing in the Victorian Parliament, has a vibrant Coptic community, and my thoughts and prayers are with the members of that community as they mourn the passing of their spiritual leader. This is a great loss for the Coptic community and the Christian world as a whole. However, local community members stand beside the Coptic community and offer their full

support, led by significant community figures such as the mayor of Casey, Cr Sam Aziz. May Pope Shenouda III's vision for a better future continue to inspire all faith communities, including providing direction to Coptic Christians.

Mental health: advice line

Ms TIERNEY (Western Victoria) — The Baillieu government's decision to shut down Victoria's only dedicated 24-hour mental health advice line is nothing short of a disgrace. At a time when governments should be supporting vulnerable members of our community, the Baillieu government has seen fit to abolish, without consultation, a very important support service for those Victorians suffering mental illness. Figures released by the federal government's private health insurance ombudsman indicate that one in five Australians will experience some form of mental illness in their lifetime.

This decision is of particular concern to rural and regional Victorians, who, as data from the Department of Health's website suggests, were responsible for one-third of the 9500 calls received by the advice line. As reported on the ABC's Ballarat website, critics, who include many health professionals, are asking questions about why the service was so poorly promoted and why there is no replacement mental health triage service, when there is clear evidence that there is a need in the community. A spokesperson for the Minister for Mental Health, Mary Wooldridge, was recently quoted in the Warrnambool *Standard* as saying that the advice line has not met expectations. This begs the question: what expectations need to be met in order to provide critical support for country Victorians facing mental health issues?

The slash-and-burn approach by this government to the state's essential services will not be forgotten by country Victorians. This decision has been made simply to save money, and it will leave distressed Victorians without access to out-of-hours advice and support for mental health issues.

Anglesea: men's shed

Mr KOCH (Western Victoria) — I was pleased to represent the Minister for Community Services, Mary Wooldridge, in officially opening a new, purpose-built men's shed at Anglesea. Men's sheds allow men to be involved in their local community and help them to develop new skills, friendships and networks. They provide a place for camaraderie, collaboration and social connections, enabling men to work shoulder to shoulder with each other and their community. Studies have shown how important it is to support men at critical times in their lives, such as at retirement or during ill health or protracted periods of unemployment. Men's sheds provide a physical space with workbenches, tools and informal areas for conversation where men can connect, learn and work on local projects.

The Anglesea men's shed reflects the strong relationships within the community and local groups, including the Anglesea and District Community House and the Anglesea Bowling Club. Along with $50 000 from the Baillieu government, the bowls club contributed $24 000, the Shire of Surf Coast contributed $22 000 and the Anglesea community, including both Alcoa and the Bendigo Bank, donated generously towards the construction of this men's shed.

The efforts of many in the Anglesea community must also be acknowledged, and I thank them for their commitment to establish this facility. The men's shed program has seen a rapid expansion to more than 160 sheds across Victoria. The Baillieu government recognises that there is an ongoing need for more sheds and has committed a further $4 million to the men's shed program over the next three years.

Racing: regional track safety

Hon. M. P. PAKULA (Western Metropolitan) — On New Year's Day the much anticipated Hanging Rock picnic race meeting was abandoned after one race, when the winner almost fell and its jockey was almost dislodged. Safety concerns then meant that the traditional Australia Day meeting had to be moved to Kyneton. Last week the Benalla meeting was cancelled after potholes were discovered during race 2. Racing at Benalla has now been suspended for the balance of the 2011–12 season. Interestingly, on Saturday the Colac meeting was transferred to Terang because of the state of the track, with an accompanying media release from Racing Victoria stating, 'all Victorian tracks are inspected by an RV steward the day before a meeting'. It seems that those routine inspections have not been sufficient to identify problems such as those that have occurred at Hanging Rock and Benalla.

What needs to happen is that the minister must ensure that there is a comprehensive audit carried out as to the state and safety of regional race tracks, because it is clear that the routine inspections are not picking up all of the problems. These meetings are too important to local communities to be abandoned part-way through, and the safety of jockeys and horses is too important to be left to chance.

James 'Jim' Stynes, OAM

Mr P. DAVIS (Eastern Victoria) — I wish to make some brief comments about Jim Stynes, OAM, husband, father, friend, footballer, leader, mentor and acquaintance to some. As a member of the Melbourne Football Club, I am amongst many who feel the loss of Jim Stynes enormously, but it is felt no more than by those who were involved with Jim through his work with Reach. It is in that area of his life that he will leave, I suspect, the greatest legacy.

He touched many with his compassion, humility, integrity and character, and I have to say that the Victorian community is much more resilient for his selfless contribution to youth. It is often the case that we like to use examples of our experience, and in this case I can say with absolute sincerity that my brief personal encounters with Jim Stynes were such that I concur with the description of Jim at his state funeral today, where he was described as an 'honourable man'. I will long remember him.

Gaye Tripodi and Yvonne Jennings

Ms DARVENIZA (Northern Victoria) — Last Tuesday I was very pleased to catch up with Gaye Tripodi and Yvonne Jennings from Swan Hill. Both women were recently inducted into the 2012 Victorian Honour Roll of Women. Gaye Tripodi operates Murrawee Farms, a 600-hectare farm, with her husband. She is an industry leader and an advocate for horticulture in her community and across Victoria. Gaye has been instrumental in ensuring that a skilled seasonal labour workforce is available to the horticulture industry, and she successfully secured Swan Hill being one of only two Australian towns to pilot the Pacific Seasonal Worker Pilot Scheme. She has provided advocacy for and education to growers on issues affecting them, including grower productivity and funding opportunities.

Yvonne Jennings is the deputy mayor of Swan Hill Rural City Council. She has played a significant role in a number of community and regional organisations, and in 2009 she convened the Women on Farms workshop and forums. She has been awarded the Rural Industries Research and Development Corporation's Victorian Rural Woman of the Year award. Yvonne is passionate about promoting opportunities for women in regional Victoria, and she has been involved with a number of boards, including those of Australian Women in Agriculture, the Victorian Farmers Federation and the Ricegrowers Association of Australia.

The ACTING PRESIDENT (**Mr Ramsay**) — Time!

Carbon tax: economic impact

Mr ELSBURY (Western Metropolitan) — I was pleased to visit a cold storage unit in Laverton North last week, and I was chilled not only by the atmosphere within the cold storage but also by the story I heard about how much the carbon tax is going to impact on this business and ancillary businesses. Those ancillary businesses rely upon this cold storage for the service it provides, and those companies are also supplied with the labour force and technical expertise needed. The cold storage company has done everything it possibly can to reduce its power consumption, and now it is going to be hit with a carbon tax. It is not right. It is ripping the guts out of the western suburbs, and it is taking jobs away from people across the west.

Anzac Day: centenary

Mr ELSBURY — I join with people from across the community in denouncing the claims made last week that the Anzac Day celebrations in 2015 will somehow be divisive in this community. These commemorations are to celebrate the peace that was achieved at the end of the war. They are about bringing people together to say that the war is over and that we can live together in peace and harmony due to the hard-fought battles and the democracy that was defended.

James 'Jim' Stynes, OAM

Mr EIDEH (Western Metropolitan) — The sad passing last week of Mr Jim Stynes, OAM, was not just a tragedy for his family and his football club; it was also a tragedy for the state. Jim Stynes was far more than a footballer, a husband and a father. He was a man twice selected as Victorian of the Year because of who he was outside of football and because of his intense commitment to the people of his adopted land. He was a man who created the Reach for the Stars program, later simply called Reach, to inspire, to motivate and to help kids who would otherwise have been lost to the system.

As a solid supporter of the Essendon Football Club, I pay my respects to all at Melbourne Football Club over the loss of this great community hero. One example of his community contribution can be seen in Caroline Springs in my electorate, where they have just completed a program helping troubled youth to build self-esteem and cope with bullying. This is a program that is essential to the future of these kids, and it is all

thanks to the work that Jimmy Stynes began some two decades ago. We can do his legacy no greater honour than to continue that which he began.

I most humbly and sincerely request that the government consider how we, the Parliament of Victoria, can honour Jim Stynes and his legacy, not through creating trophies, naming halls or building statues, but through what he himself preferred to do — helping kids.

LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012

Second reading

Debate resumed from 15 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — I rise to indicate that the opposition will not be opposing this bill and to make some brief comments with regard to it. For the benefit of the minister in the chamber, I also indicate that we are unlikely to seek any amendments to this bill.

Hon. R. A. Dalla-Riva interjected.

Hon. M. P. PAKULA — I am revelling in the minister's delight.

Mr Elsbury — Don't call it too early.

Hon. M. P. PAKULA — Exactly. 'Don't call it too early', Mr Dalla-Riva. This is a bill that is fundamentally about enabling corporate legal practitioners, who are currently restricted to providing legal services either to their employer or as volunteers in community legal centres, to provide pro bono work in a broader range of circumstances. That is a change that organisations like the Public Interest Law Clearing House and others have been seeking in order to enable more practitioners to conduct pro bono work. It is a bill that enables the Legal Services Board of Victoria to exempt corporate legal practitioners who are undertaking pro bono work from the requirement for coverage by professional indemnity insurance. That change is required to facilitate the broader change the bill is seeking to make.

It is also a bill that does a few other things that could broadly be described as minor. It authorises the legal services commissioner — and I should disclose in the Parliament what I disclosed in the briefing, which is that a family member of mine is employed in the Office of the Legal Services Commissioner — —

Mrs Peulich — We know who.

Hon. M. P. PAKULA — Well, bully for you, Mrs Peulich! You know who.

It authorises the legal services commissioner to summarily dismiss a disciplinary complaint against a legal practitioner in circumstances where that practitioner has already been removed from the role. In an administrative sense, there is little point in continuing to force the legal services commissioner to deal with a complaint against a lawyer who has already been struck off — again a common-sense change.

It also removes from the legal services board a current annual reporting requirement that it certify that it has performed all of its legislative functions. As explained in the departmental briefing, this is an obligation that overlaps with other reporting requirements that the legal services board is already required to comply with.

The bill also makes judicial education a specific ground for discretionary funding under the Public Purpose Fund. I will say more about that in a few moments. With regard to the Public Notaries Act 2001, the bill states that an applicant for a public notary position must satisfy a fit and proper purpose test in order to be appointed as a public notary. Again that is more by way of clarification than by way of any particular change to the way the public notaries have been appointed up to this point.

In terms of the change to the way in which practitioners can take pro bono work, we think it is desirable that there be a broader range of circumstances in which legal practitioners can undertake pro bono work. We would say two further things about it. This legislative instrument would have been even better had government lawyers been freed up to undertake pro bono work in the same way that corporate lawyers have been. We are sure many of the government lawyers currently engaged in a whole range of disciplines within the public sector would happily undertake pro bono work if the legislation freed them up in the same way the government has freed up corporate lawyers.

We note that is a comment that has come from the Law Institute of Victoria. The law institute supports the removal of barriers for corporate lawyers, but its preferred position — one the opposition supports and endorses — is that all lawyers who hold practising certificates, including government lawyers, should be able to fully engage in pro bono work. As part of our commentary on this legislation we also note by the by that the Public Interest Law Clearing House is likewise

very supportive of initiatives that make it easier for corporate lawyers to engage in a wider range of pro bono opportunities.

The other point we would make on the bill is that it is not clear what impact, if any, these changes might have on community legal centres. Up to this point in time community legal centres have benefited — and in some cases have benefited a great deal — from having corporate lawyers come into their operations to conduct pro bono work. One of the potential ramifications of these changes is that those corporate lawyers who have up to this point been going into community legal centres to conduct that pro bono work will no longer necessarily need to do that. They will be able to conduct that pro bono work otherwise — without having to go into community legal centres — and I think the government, the Attorney-General and the Department of Justice need to keep a very close eye on whether this change depletes the skill set, the quality or the opportunities for training for those young lawyers who work in community legal centres and who have up to this point benefited from having corporate practitioners go into the centres to conduct that pro bono work. That is an important factor the government needs to keep an eye on.

It is also worth noting that the inclusion of judicial education as a ground for discretionary funding from the Public Purpose Fund caused the opposition considerable surprise. This is not so much because judicial education is of and by itself an unworthy use of the Public Purpose Fund but more because of the sort of commentary we heard from Mr Clark, who is now the Attorney-General, before the last election about what he described as the former government's raiding of the Public Purpose Fund to meet costs that had up until then been met by the government as part of funding the general operating expenses of the courts and the legal system. When Mr Clark was shadow Attorney-General he was declaiming at every opportunity about how the former government was raiding the Public Purpose Fund to fund legal aid. I note that in the new government's 16 months it has not made any change to the way the Public Purpose Fund is used for the provision of legal aid.

I also note that despite the massive increase in demand on the court system's resources that has been created by this government's changes to sentencing provisions — and that demand will continue to be created as the government's changes are rolled out and as more and more police hit the streets — there has not been any increase in legal aid funding. It is unfortunate that the changes being made today to enable more lawyers to work pro bono will sadly be very necessary, because as more cases are brought before the courts, as more people are charged and as fewer people become likely to plea-bargain — given the changes to sentencing — there is going to be an increased call on the resources of legal aid, one that at least so far has not been met by increased resources provided by the government.

I fear that in many circumstances people who would otherwise rely on legal aid to assist and support them as they confront the court system might be forced to rely on pro bono work done by corporate lawyers and others. It is therefore very interesting that what the now Attorney-General described before November 2010 as a raiding of the Public Purpose Fund is now seen as legitimate expenditure using the Public Purpose Fund. In fact this legislation expands the types of expenditure for which the Public Purpose Fund can be used — and this is without any more money or resources being put into legal aid.

Nevertheless, as I have indicated, the good in this bill outweighs the bad. The stakeholders in the legal fraternity — the law institute and the Public Interest Law Clearing House — and the opposition all accept that it is good that there will be more circumstances in which corporate lawyers can offer pro bono assistance. Our only regret, as I have indicated, is that this legislation does not go even further and make that capacity available to government lawyers.

Our only other regret is that in regard to the use of the Public Purpose Fund this government's actions do not match the rhetoric we heard from members opposite before the 2010 election, when they talked about raiding of the Public Purpose Fund and the need for increased funding of legal aid. Given the types of changes this government is making both to law enforcement and the way the courts need to deal with persons brought before them, a radical increase in legal aid funding is going to be necessary, and if we do not see it in the budget on 1 May, then woe betide the court system.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Legal Profession and Public Notaries Amendment Bill 2012, which makes a number of amendments to the Legal Profession Act 2004 and only one amendment to the Public Notaries Act 2001.

The major amendment to the Legal Profession Act removes from the act the restriction on lawyers taking pro bono work. It is currently the case in Victoria that lawyers are prohibited from undertaking pro bono work unless it is as a volunteer in a community legal centre (CLC). It is worth noting that Victoria is the only state

where lawyers are not able to undertake pro bono work outside of CLCs, so this is a very positive change. I understand it will free up some 2700 lawyers in Victoria and make them eligible to provide pro bono legal services to people who need them. In that respect it is a very modest change to the Legal Profession Act, but that change will have a positive effect on the lives of thousands of people who would otherwise not have access to legal advice or representation.

Some other small amendments are made by the bill, including changes to professional indemnity insurance. The bill provides that lawyers who work in a community legal centre are covered by the insurance of the centre, but lawyers undertaking pro bono work outside a community legal centre will now be covered by professional indemnity insurance. In particular clause 6 requires the Legal Practitioners Liability Committee, when determining professional indemnity insurance, to consider the revenue of law practices and the cost and difficulty of differentiating between types of law practices and the matters they handle, which seems a sensible change to me.

Other minor changes to the Legal Profession Act include amendments to allow the legal services commissioner to summarily dismiss a disciplinary complaint if the commissioner forms a view that it is not in the public interest to continue with or investigate the complaint because the subject of the complaint is an Australian legal practitioner whose name has been removed from the roll and also, at clause 9, to clarify the obligation of the legal services commissioner to conduct an investigation expeditiously. The bill inserts new sections to empower the legal services commissioner to suspend or take no further action in an investigation of a lawyer if the lawyer has been removed from the roll.

The bill also removes the requirement for the Legal Services Board of Victoria to provide an annual report, on the basis that this reporting obligation is onerous and unnecessary. I take it that that is what the LSB is saying, but it does not seem to me that the provision of an annual report is too onerous and unnecessary. The public should have the opportunity on an annual basis to find out what the legal services board is doing. However, the Greens will not oppose that provision.

As Mr Pakula said, the other minor amendment is to include judicial education as a purpose for which the LSB can grant funds from its Public Purpose Fund, with the approval of the Attorney-General. Currently the funds can be granted for law reform, legal education, legal research and any purpose relating to the legal profession or the law that the board considers appropriate. There are also quite a number of statute law revisions, minor and technical amendments and repeals of unnecessary provisions.

It is interesting too that part 3 of this bill makes the amendment to the Public Notaries Act to clarify that an applicant for an appointment as a public notary in Victoria must satisfy the board of examiners that he or she is a fit and proper person for appointment, which seems to almost be a given, but this provision clarifies that that test has to be satisfied.

I make this minor observation on the statement of compatibility. It talks about the amendments in clause 16, when in fact it means the amendments in clause 15. That is a mistake in the statement of compatibility with reference to the clauses. There is also a mistake in one of the sentences in the statement of compatibility. The sentence starts, ‘This addition enables to board, using its existing powers’; I am sure it should be, ‘This addition enables the board, using its existing powers’. These may seem like small things to raise, but in the previous sitting week I raised quite a few issues about the second-reading speech on the Control of Weapons and Firearms Acts Amendment Bill 2011. Mistakes were made in the second-reading speech for that bill which I regard as confusing at best and misleading at worst. I just point out that statements of compatibility and second-reading speeches are legal documents of the Parliament, and they should be proofread to make sure they do not have errors in them, even if they are small errors. Certainly referring to an incorrect clause is not a small error.

The main changes to the Legal Profession Act made by this bill are to free up lawyers to undertake pro bono work. We think that is a positive development that will no doubt, as I said, make legal services and advice available to thousands of people who otherwise would not have access to them, but it is worth also saying that this is not an alternative to properly funding Victoria Legal Aid and other legal services. That is a separate issue. I would not want the government to think that just because it is going ahead with this positive move — one that is supported by virtually everyone you speak to, apart from the Law Institute of Victoria, which has some comments to make, which I will go to in a moment — there does not still need to be adequate funding of legal aid. Certainly it has been raised with us by stakeholders that the current funding is not adequate, and Mr Pakula made the point, which I would reiterate, that the changes brought in by the government to the Infringements Act 2006 and other acts over the last 12 months are already having and will continue to have the effect of increasing the workload of legal aid. That

is an issue not touched on by this bill but an issue that is worth raising in the context of this bill.

I mentioned that the law institute had raised some issues. I would say that it is supporting the amendments made by the bill, but it said it would have preferred to have seen this addressed in the broader context of the national legal profession reform, particularly with respect to practising certificates for government lawyers. I presume those things will come when the national reforms come.

Hon. M. P. Pakula — If they come!

Ms PENNICUIK — Mr Pakula says, 'If'; certainly it has been raised by us that it is a long time coming, and that is a valid point raised by the law institute. On the other hand Victoria is the only state left where practising lawyers can only undertake pro bono work by volunteering through a community legal centre, and it is good to amend the legislation so that is not the case, and that brings us into line with other states in that regard.

The law institute also suggested that access to appropriate professional indemnity insurance be considered and that any barriers to access be addressed so that new section 3.5.4A to be inserted into the act does not have the unintended effect of limiting pro bono work in the event that appropriate insurance is not available. I am not quite sure what the answer to that is, but I am sure that the government is aware of the concerns. Perhaps Mr O'Brien, who is the lead speaker for the government, could elaborate on that issue as regards public indemnity insurance having the effect of limiting the ability to undertake pro bono work.

I will now talk about the work of the Public Interest Law Clearing House and the Australian Corporate Lawyers Association (ACLA) corporate pro bono project, which was launched in 2009. We contacted PILCH regarding its views on this bill. It is not only supportive of the bill but it has been actively advocating for the changes made by the bill. It is worth quoting from the practical findings of the PILCH-ACLA corporate pro bono project which were presented at the ACLA national conference on 25 November 2011:

> Marginalised and disadvantaged members in the community experience significant levels of unmet legal need. Pro bono legal practice plays an important and meaningful role in meeting that need. It impacts positively on the personal and professional experience of legal practice, and contributes to organisational objectives.

Further:

> There is a significant body of literature on unmet legal need, and this paper does not seek to provide a comprehensive summary of it. Suffice to indicate that access to justice system is hampered by barriers experienced by many in the community. Those barriers are not only financial, although that is a significant reason. Other barriers arise from circumstances, which are themselves contributing causes of legal issues, such as marginalisation, disadvantage, oppression and discrimination.
>
> There are a number of identifiable cohorts in the community that experience particular unmet legal need, including, for example, single parents, those on social security, the elderly, the homeless, prisoners, newly arrived persons and others from culturally and linguistically diverse communities … There are also identifiable areas of law in which need is experienced, including, for example, family law, employment law, fines, civil debt and immigration.
>
> Assisting those persons pro bono can be a simple matter of taking instructions and providing legal information or advice. For those people, their principal legal problem is that they do not understand their legal rights. In other cases, it may be appropriate to provide further case work, including negotiating or preparing correspondences, or prosecuting or defending claims, including test cases in the superior courts. This work is often undertaken or completed with the help of the legal assistance sector (legal aid commissions and community legal centres), barristers and the private legal profession acting pro bono.

That is the type of work that the amendments made by this bill will allow so that thousands of people who do not have access to legal advice and legal practice will now be able to access it. Also, the 2700 lawyers who want to participate in practising and providing that pro bono legal advice will be able to do so. I am sure many of those lawyers wish to use their skills, particularly in areas of public interest, to help those who need assistance in navigating the justice system.

The other point made in the PILCH-ACLA paper was that they first raised this legal reform in Victoria with the then Attorney-General, Mr Rob Hulls, in August 2009, and although he supported the concept he was not prepared to go ahead with it in advance of the national changes. They then approached the new Attorney-General, Mr Robert Clark, and he invited them to submit the proposal and duly said that he would support it, hence this bill.

PILCH also provided us with the corporate pro bono in Australia paper, which contains practical findings from its scheme and lists 13 projects that commenced under the scheme as at 21 September 2011. Without going into the names of the legal firms and the parties those lawyers assisted, some of the work included: providing legal advice to charities; contract review and governance advice; general commercial work undertaken for a foundation which supports children with special needs; taking referrals from the New South

Wales Cancer Council legal referral service; providing advice to residents from the Korean community; providing advice to Scouts Australia; placing secondees at legal centres providing legal advisory service to walk-in clients; providing legal services to the Brainchild Foundation, which assists children with brain tumours; taking referrals from PILCH, Good Return and other not-for-profit organisations and advising clients directly at Homeless Connect Australia and other events; providing legal advice to A Friend's Place, which is the National Centre for Childhood Grief and Youth Challenge Australia; acting as co-counsel with a lawyer from DLA Piper on action against the Victorian government in relation to kangaroo cull; and establishing and running the Korean community pro bono legal advice service. Those are the types of activities in which lawyers will be able to practise.

Before I conclude I would like to thank the Law Institute of Victoria, the Public Interest Law Clearing House and the Federation of Community Legal Centres Victoria for the advice they have provided to me on the numerous justice bills that I have had to deal with in the last five years. As part of their work they also look at legislation and write to the Attorney-General, to the shadow Attorney-General, to me and to other members of Parliament about that legislation. On a daily basis the Public Interest Law Clearing House, the Federation of Community Legal Centres and the various community legal centres throughout Victoria and throughout Australia assist clients who would otherwise not know their legal rights and how to implement them and who would otherwise not have access to that advice or to legal practitioners to assist them with the issues they confront. With those comments, I confirm the Greens will be supporting the legislation.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Legal Profession and Public Notaries Amendment Bill 2012. I commence by joining my parliamentary colleague from the Greens in congratulating our many providers of pro bono legal services on the tireless and excellent work that has been undertaken for many years. That includes the Federation of Community Legal Centres; specific community legal centres — such as Springvale Monash Legal Service, Monash-Oakleigh Legal Service, Fitzroy Legal Service, South-West Community Legal Centre at Warrnambool, Barwon Community Legal Service, Central Highlands Community Legal Centre, Melton Community Legal Centre and the Victorian Aboriginal Legal Service — and many other legal services and providers; corporate firms where individuals have been able to work in pro bono legal services in their spare time; and other law firms that presently engage in pro bono programs.

I am reminded of a particular program that was undertaken by a law firm called Middletons which involved setting up specific pro bono services with Anglicare in Gippsland. That is by way of example, but there are many others. There is also the Victorian Bar, the Public Interest Law Clearing House, the Environmental Defenders Office and the Law Institute of Victoria, as well as Victoria Legal Aid. I am also reminded of the many tireless workers I have known who have worked for the Victoria Legal Aid phone advice line, Parents Without Partners and other organisations dealing with inquiries from members of the community.

In relation to that, I should begin with a great lesson I was taught early in my transition from a law degree to practice by the Springvale Monash Legal Service, which undertakes an important and educative role — in relation to Monash University graduates anyway — through its professional legal practice program. The motto I believe they have pioneered, at least in conjunction with legal services, is to encourage self-help. An important part of providing access to justice in our community is to encourage the legal profession and those with legal training to assist others to help themselves as best they can. Notwithstanding the fact that 'as best they can' often should involve legal representation, at times it will involve self-representation both because it is a right and because of an individual's financial circumstances in many unfortunate cases.

An important aspect of the bill is that it will enable specifically corporate legal practitioners — in-house counsel — to engage in legal practice on a pro bono basis outside a community legal centre, subject to a requirement to be covered by appropriate professional indemnity insurance on terms and conditions approved by the Legal Services Board of Victoria. I will return to the aspect of indemnity insurance, as it is important.

Another important lesson drummed into me is that if you are offering pro bono services — pro bono being a shortening of the Latin phrase 'pro bono publico' meaning for the public good — it is your duty as a lawyer to provide those services to the best of your skill and ability, the same as you would for a paying client. There is to be no distinction. That can be a real issue for legal practitioners to manage in that it is the paying clients who pay not only your bills but very often the firm's bills. Many needy pro bono cases are difficult. They have been rejected by other forms of government assistance, such as an investigation by the Ombudsman, other government reviews and initial programs in the courts. They look to a pro bono legal service for assistance. That is why the professional indemnity

insurance requirements are very important, and the bill has been a careful response to that issue.

The bill also amends the Public Notaries Act 2001 to clarify that an applicant for appointment as a public notary in Victoria must satisfy the board of examiners that he or she is a fit and proper person for appointment. The bill also makes other changes to the Legal Profession Act 2004, which I will turn to shortly.

In relation to the issues of pro bono legal services, it is important to remember that many of those services come under greater stress in times of emergency. This has been a recent problem, probably most critically experienced in the aftermath of the bushfires in Victoria. Various bodies such as the Victorian Bar, the Public Interest Law Clearing House, the Law Institute of Victoria, the Environment Defenders Office and a number of private firms — I do not want to leave anyone out — quickly formed Bushfire Legal Help to provide on-the-ground services as best it could for people in a time of need. Similar initiatives were also undertaken in relation to the floods. This flexibility has not previously been available to corporations because a corporate practising certificate is limited to practice in-house on behalf of the corporation or in the practitioner's own time at a community legal service.

Clause 3 of the bill will substitute the definition of 'corporate legal practitioner' in section 1.2.1 of the Legal Profession Act. Clauses 4 and 5 permit such corporate legal practitioners to engage in legal practice on a pro bono basis. There are some issues in relation to resolution of the professional indemnity questions. This partly relates to the matters that were raised by Ms Pennicuik in her contribution. It is important to note that there are approximately 2700 corporate legal practitioners. This bill will in a sense free up the ability of those practitioners to do pro bono work while still acting for the corporation or within the employment of the corporation, but their public indemnity matters need to be resolved.

In relation to that, the requirement for corporate legal practitioners to hold professional indemnity insurance is not intended to be a hurdle, but rather the step by which the hurdle to these practitioners engaging in pro bono services is overcome. Without that professional indemnity insurance members of the public cannot have, as a matter of consumer protection, the reliability that goes with holding that insurance should a practitioner, despite their best endeavours or otherwise, fail — for the reasons I have outlined earlier that can occur in these cases — to live up to the standards of a reasonable practitioner or otherwise make a public indemnity situation arise.

The requirement for all practising certificate holders to be covered by appropriate professional indemnity insurance is a critical consumer protection mechanism. It is important that consumers be afforded appropriate compensation in circumstances where a legal practitioner has been negligent in the provision of those services, whether pro bono, for fee, for part fee or however. It is envisaged that, subject to the approval of the legal services board, corporate legal practitioners wishing to engage in legal practice on a pro bono basis will be able to avail themselves of a free insurance policy being set up by the National Pro Bono Resource Centre specifically for this type of practice. That is an encouragement, and it is another example of the corporate sector in a sense coming on board. The Department of Justice will then work with the legal services board to ensure that corporate legal practitioners wishing to undertake pro bono work are able to readily access appropriate indemnity insurance. As I have said, rather than being a hurdle it is the means by which the existing hurdle is overcome.

I should then just deal with some of the matters raised by Mr Pakula. I note that the opposition does not oppose the bill, but in his contribution to the debate Mr Pakula suggested that whilst he welcomed the bill he considered that it should also be extended to government lawyers in the same way as it is being extended to corporate lawyers. We thank the opposition for not opposing the bill, but I am advised — and I provide this advice to the house — that in many cases government lawyers also hold practising certificates as corporate legal practitioners of the type that are the subject of this very bill. Therefore government lawyers who hold such practising legal certificates will be empowered to work pro bono outside of a community legal centre in the same manner as other corporate legal practitioners — that is, in-house counsel. In that regard, on the advice I have been given, that situation will not arise in many practical cases.

I would also like to turn to some other aspects of the bill which are best summarised. They are short and concise, but they are discrete in the aspects they work on. The other amendments to the Legal Profession Act 2004 include, firstly, an amendment to the reporting powers of the legal services board under clause 12 of the bill, which removes the legislative obligation section, which is section 6.2.21(c). That provision required the board to report on whether or not it had performed all of its legislative functions in the reporting year. It is being removed for the reason that this reporting obligation is onerous and unnecessary.

To respond again to the question raised by the Greens, the removal of this requirement does not, as I think was

suggested — and if it was not, that is how I heard it anyway — mean the removal of the whole reporting requirements of the legal services board. There will still be a reporting requirement on the legal services board, but it will simply not have to report in relation to the specific matter of the performance of each of its functions.

In that regard, with this bill the government is again removing red tape. It is an important part of this government's implementation of its election commitment, which was to remove red tape. There is an important philosophical divide between our side of the house and many of our opponents on the other side on this matter, in that if one is to provide the best way of delivering services it is not always the case that one imposes lots of rules and obligations, but rather one empowers the community to best help itself. That is a philosophical difference between the sides of the house and something that we on this side of the house, if we are moving into more difficult economic times, will continually rely on. Reductions in red tape, as we can find them and as we can roll them out, will be very important and will enable, in an economic sense, this state to ride out its difficulties. These specific justice reforms will enable the profession to best get on with its job without having to deal with unnecessary and expensive reporting requirements, for example.

I would also like to go to Mr Pakula's second criticism — which may not have been precisely on the bill, but I know latitude is given in lead speeches — relating to the general law and order policies of this government and whether or not it had sufficiently matched them with resources. We have had this debate on previous bills, principally those very important pieces of legislation dealing with sentencing reforms, home detention abolition and other reforms that the coalition has brought in, including providing additional police and protective services officers, that endeavour to reduce crime in this state by restoring respect for law and order. We do not accept the assumption that somehow by doing that we will be creating unnecessary work for the courts. Yes, there may be work for the courts in bringing people to justice, and whether or not they are guilty will be a matter for the courts, but the purpose of this law and order agenda needs to be spelt out very clearly, and it has been. But given that it was raised again we will spell it out again.

The purpose of this agenda is to re-engender respect for law and order and therefore reduce crime. It primarily protects the community and therefore ultimately reduces the call on many government services, including hospitals, health care and police, and ultimately the legal services, if crime is prevented from the outset.

Turning to the next aspect of the bill in relation to disciplinary complaints, the bill will amend the disciplinary powers of the legal services commissioner by providing in clauses 8 to 10 that the legal services commissioner may summarily dismiss a complaint where the commissioner believes there is no public interest in taking further action on the complaint because the practitioner who is the subject of the complaint has already been struck off the Supreme Court roll. Similarly, the commissioner can take no further action in respect of an investigation under division 3 of part 4.4 where the commissioner considers it is in the public interest to do so because the practitioner has already been struck off the Supreme Court roll. That is another reform that will reduce unnecessary work by the legal services commissioner in circumstances where effectively the outcome has already been achieved, being that the practitioner has been struck off.

The next amendment is made via clause 6, which inserts a new paragraph into section 3.5.6(2) of the Legal Profession Act in order to clarify that the Legal Practitioners Liability Committee — or LPLC — may consider, in addition to the existing non-exhaustive considerations, the revenues of law practices when determining premiums and excesses in relation to contracts of professional indemnity insurance. Again that is another important reform to deliver sensible and effective allocation of premiums amongst various firms.

Clause 6 also substitutes existing section 3.5.6(2)(e) of the Legal Profession Act to align the wording of this clause with the wording of section 3.5.6(2)(a); it will oblige the LPLC to consider the costs and difficulty of differentiating between the different types of law practices and the costs and difficulty of differentiating between the different types of matters handled by law practices.

Clause 13 of the bill adds judicial education as a purpose for which the legal services board may grant money from the distribution account of the Public Purpose Fund with the approval of the Attorney-General. This is another important aspect that may not necessarily need to have been specifically added, but, given the importance of having allocations of funding appropriately documented and clearly within the head of power, it is important to add that aspect of judicial education.

The last two changes in the bill are to permit the legal services board to delegate certain functions in relation

to setting professional indemnity insurance requirements. It also makes amendments to the Legal Profession Act of a statute law revision nature in order to correct minor technical errors and to repeal unnecessary provisions.

I must thank and commend Ms Pennicuik, who has identified what I am advised is an error in the statement of compatibility. I think she mentioned two possible errors: we accept the first correction but not the second. As on my copy, the first error is that what is shown as clause 15 on the printed copy should be clause 16. I again commend Ms Pennicuik on her work. She is working up towards that honorary law degree that she once, I think, volunteered for. Either that or she is becoming a bush lawyer, which is another complimentary title I most frequently impose on the member for Rodney in the Assembly, Paul Weller. But it is important in relation to acting for other people that you do not do so unless you have appropriate public indemnity insurance and professional indemnity insurance. In relation to that error, it is well spotted and corrected for the record.

Finally, the bill also makes amendments to the Public Notaries Act 2001 to provide a new eligibility ground for appointment as a public notary. A person must not be appointed as a public notary unless they have satisfied the board of examiners that they are a fit and proper person for appointment. That is in clause 16, which will insert the new ground for eligibility into section 4 of the Public Notaries Act. Clause 17 amends section 5 of the Public Notaries Act to indicate the types of matters the board of examiners must have regard to when assessing the fitness and propriety of an applicant for appointment — namely, whether the applicant has been suspended from legal practice, whether the applicant has ever been found guilty of unsatisfactory professional conduct or professional misconduct as defined under the Legal Profession Act or any corresponding law or whether the applicant is subject to any outstanding disciplinary complaints within the meaning of the Legal Profession Act or a corresponding law. Clause 18 is a new transitional provision, which provides that the amendments made by clauses 16 and 17 apply only to a person who applies for a certificate of eligibility after the commencement of those sections.

In conclusion, we thank the opposition for not opposing the bill. The government commends the work of the various and many practitioners already conducting pro bono work. We welcome the extension of that capacity to the work of these new corporate legal practitioners, and we urge them to encourage their organisations to continue to operate in a community-minded way. When we are talking about hard times, about banks and service providers et cetera, it is important that all this goodwill in their legal departments also extends up the tree to the various corporate departments as we deal with a more challenging international economic environment. We look forward to further reductions in red tape and further reductions in crime as a result of the steady work of this Baillieu-Ryan coalition government.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Legal Profession and Public Notaries Amendment Bill 2012. As we have already heard — but it is well worth repeating — the purposes of the Legal Profession and Public Notaries Amendment Bill are to amend the Legal Profession Act 2004 to permit corporate legal practitioners to engage in legal practice on a pro bono basis — I repeat that part: pro bono; to change the annual reporting requirements of the Legal Services Board; to provide an additional basis on which the legal services commissioner may dismiss a disciplinary complaint; and to empower the commissioner to suspend or decide to take no further action in relation to an investigation.

Each and every aspect of this bill has the support of the opposition. That should not be a surprise to anyone, as the Australian Labor Party has always championed consumer rights, advocated for social justice and defended the rights of all people in our community. We support this bill because at long last — and as the next logical step for the Legal Profession Act, which Labor promoted — we progress towards improved standards of justice and supporting the community through allowing more lawyers to offer pro bono work. The sad part of the bill before us is, as the Law Institute of Victoria clearly identified, the failure to allow government lawyers to also offer pro bono work.

Pro bono means free. It means helping those who may not be able to afford lawyers and either fall outside the criteria for legal aid or simply need a high-quality lawyer. But, of course, there are those who do even more. I think, for example, of Sam Agricola, a resident of my electorate. He is president of the business association in St Albans, where he has a successful legal practice, and he is highly regarded as a competent and capable lawyer — one who gives 20 per cent of his time to pro bono work. That is extraordinary; it is a great positive for the legal profession. I hope more lawyers will consider how they can do even more for the community.

I would also like to pay my respects to the Public Interest Law Clearing House, where noted media identity Jon Faine has frequently contributed work in

the past, and the Federation of Community Legal Centres Victoria, which is noted for such great consumer lawyers as Denis Nelthorpe, who also lives in my electorate. These organisations are role models for pro bono work, helping others and putting justice and a fair go before anything else.

But there is another aspect of this bill which I do not believe I have heard about from any other speaker. I believe an indirect but positive consequence of the extension of pro bono services will be that senior very experienced lawyers will work alongside the less experienced — community legal centre lawyers and others — who will benefit significantly from their greater experience and expertise. Such mentoring can only improve the practice of law and the delivery of justice. There will also be the opposite effect, where senior in-house lawyers will learn a great deal about, dare I say, average, everyday problems. This knowledge will make them even better lawyers.

While the pro bono aspect of this bill is its key feature, the bill also makes a number of changes to the Legal Services Board of Victoria that will further enhance its operation. The opposition supports these reforms and commends the Attorney-General for bringing them before us. Changes to the Public Notaries Act 2004 are also a positive step forward, and the opposition will not be opposing them. While justices of the peace may be regarded as performing similar roles to notaries and at no cost, there is a critical distinction here: notaries have international recognition and are extremely important for members of migrant communities who need to have documents certified or witnessed before sending them overseas. The changes in this bill strengthen the already high standards for notaries and only add to that international recognition.

In conclusion, this bill takes many positive steps in the areas of justice and legal representation. While I support the bill, I am concerned that legal indemnity insurance could have been included and also that government lawyers should be allowed to perform pro bono work.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Legal Profession and Public Notaries Amendment Bill 2012. I commend my colleague Mr O'Brien and others in the house. Mr O'Brien summed it up when he said this bill is about assisting others and allowing lawyers to help whomever they can, particularly the needy and those who have difficult cases. Mr O'Brien is a lawyer from the bush rather than a bush lawyer. I welcome his contribution today.

The bill amends the Legal Profession Act 2004, and it removes the legislative restrictions that prevent corporate lawyers from volunteering their services for pro bono legal work other than with community legal centres. The definition of 'corporate legal practitioner' is amended to permit corporate lawyers, defined as in-house counsel for businesses, community organisations and government, to provide those pro bono legal services so long as they have a practising certificate and the required public indemnity insurance. The bill contains provisions for the Legal Services Board of Victoria to delegate functions in relation to setting professional indemnity insurance requirements.

The bill also reduces red tape, as Mr O'Brien talked about in his contribution. It allows the legal services commissioner to summarily dismiss or take no further action on an investigation of a disciplinary complaint where the commissioner considers there is no public interest in further action, based on the practitioner having already been struck off the Supreme Court roll.

The bill amends the Public Notaries Act 2001, as Mr Eideh pointed out, to make it clear that a person must satisfy the board of examiners that he or she is a fit and proper person for appointment. The factors that need to be taken into account by the board of examiners include whether the applicant has ever been suspended from legal practice, found guilty of unsatisfactory professional conduct as defined in the 2004 act or under a corresponding law, or has any outstanding disciplinary complaints.

This bill is evidence that the Baillieu government is committed to reducing regulatory burdens, boosting productivity and opening up opportunities. The restrictions currently in place are an unnecessary burden on the legal profession, and this bill removes that red tape. It enhances the ability of the legal profession to use its unique skills and knowledge for the benefit of the community.

Pro bono work is something that should be encouraged in the community. The previous legislation placed unnecessary restrictions on certain lawyers providing this service to the community. My previous role was in business, and my business provided pro bono services to organisations and individuals in need, including not-for-profit and community organisations, churches and people in difficult circumstances who needed support or who simply did not have the resources to fund their required level of support. That is what makes this such an interesting and important bill.

This bill allows often highly qualified lawyers to provide assistance to individuals or organisations who

have a meritorious claim but lack the resources to support their case. Mr O'Brien spoke a lot about that in the chamber not long ago. The bill also represents a win-win for the legal fraternity — reducing red tape through the removal of unnecessary regulation and expanding the scope of legal support available. An example, as Mr O'Brien touched on, is corporate lawyers providing assistance in cases of emergency such as floods and bushfires. The people in my electorate of Whittlesea still live with the effects of that tragic bushfire of 2009, as do communities such as Kinglake, Kinglake West, Strathewen, Arthurs Creek and Marysville. Here is an opportunity to support communities such as those.

Perhaps the final words of my contribution should be a quote from George Toussis, senior legal counsel for Hewlett-Packard Australia, who said:

> There is a great sense of satisfaction in being able to apply our skills to those less fortunate than ourselves.

That really goes to the nub of what this bill is all about. It is about supporting those who do not have the necessary resources to support themselves through the legal process. I commend this bill to the house, and I encourage its speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011

Second reading

Debate resumed from 15 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — The opposition does not oppose this bill. I am pleased to be able to speak on it, as it is a bill that originated some time ago as part of a SCAG (Standing Committee of Attorneys-General) process that was supported by the previous Labor government.

I note that it was only earlier today that the Leader of the Government gave notice that at the conclusion of the second-reading debate the bill would be referred to the Legal and Social Issues Legislation Committee, of which I am a member. The reasons for doing so are not clear; however, as a member of that committee I certainly welcome the opportunity to finally have a piece of legislation for this committee to consider. After 15 months of the Baillieu government and this upper house legislation committee being in operation, we finally have a piece of legislation to consider. I do wonder, however, whether there is some drafting flaw in the bill that has caused the government to refer the bill to the committee.

I particularly raise that issue in light of the fact that the bill was brought to the Parliament four months ago. It was introduced in the Legislative Assembly on 8 November 2011. If there had been a problem with the bill, there would have been ample opportunity for the government to have addressed that issue through proposing amendments in the Legislative Assembly. The bill has passed through the lower house, and it is now being debated in the Legislative Council.

I look forward to getting some further clarification as to the reasons why this bill is going to be sent to the committee, particularly, as I understand, as the Law Institute of Victoria has not raised any objections to the changes proposed in the bill. That was the advice the opposition received at the departmental briefing on this bill. As I understand it the law institute's position, which was expressed in 2009 to the Department of Justice, was that it did not believe there was any practical purpose being served by the adoption of the convention. If those at the institute think there is no purpose being served in this respect, it would be interesting to know what argument would be put in relation to why this bill should go to the Standing Committee on Legal and Social Issues Legislation Committee. I will certainly be seeking some clarification of those reasons from the government when the bill is discussed in the committee. I will be very keen to seek the views of the law institute and other legal professionals about the matter.

As I understand it, this is a relatively straightforward bill. It is significant, because wills have been a fundamental part of our legal landscape in the English legal system for millennia. The oldest known will in the world belonged to an Egyptian man and dates back to 2600 BC. I understand from the knowledgeable, authoritative source known as Wikipedia that the longest ever will was over 1000 pages long and the shortest was only 3 words long. Wikipedia says that the shortest known legal wills are those of Bimla Rishi of Delhi, India, who said 'All to son', and Karl Tausch of Germany, who said in his will, 'All to wife'. Both of those wills contained only three words. Writing those

three words is a pretty innovative way to dispose of your assets after your death. It usually takes a few more words than that, and during my time as a legal practitioner I had the opportunity to assist clients to prepare their wills. They are very important documents, because they provide an opportunity for people to plan for the future and make their wishes clear as to the transfer or disposal of one's property upon their death.

The issues which have given rise to the introduction of this bill to the Parliament are about the multicultural nature of our nation. Those issues are particularly relevant to our state of Victoria, which has a large multicultural community with over 40 per cent of residents either having been born overseas or having at least one parent who was born overseas. All of us have diverse electorates which have people from many different backgrounds, faiths and languages. My electorate of Northern Metropolitan Region is particularly diverse.

Many people who have migrated to Australia have decided to call Victoria home; however, they still have strong connections with their homelands, which include the ownership of land and other assets. For these Victorians to own an overseas property may not have impact on their day-to-day lives, but it may become a burden to them when they are seeking to create a will. At the moment many of these individuals would have legal expenses and would have to travel overseas, which is time consuming, in order to establish a separate will for the disposal of their assets. That may be financially impossible for many.

In response to this issue the International Institute for the Unification of Private Law, also known as UNIDROIT, developed an international convention on wills which was signed in Washington, DC, in 1973. As the Attorney-General outlined in the second-reading speech:

> UNIDROIT … is an intergovernmental organisation that formulates uniform law instruments aimed at harmonising and coordinating private laws between countries.

The convention aims to eliminate the issues that may arise when establishing a will across international borders, including where a person making a will wishes to deal with the disposal of assets in another country or when a person seeking to make a will has as their residence a country which is different to the country in which the will is to be executed. According to the International Institute for the Unification of Private Law there are currently around 20 signatories to this convention, which include Belgium, Bosnia and Herzegovina, Cyprus, Ecuador, France, Italy, Libya, Niger, Portugal and Slovenia. It is also in force in a number of Canadian states.

Under our Australian constitution, becoming a signatory to an international convention does not automatically mean that the convention becomes part of our domestic law, which is why this bill is before us. In July 2010 the decision was made by the Standing Committee of Attorneys-General to formally accede to this convention. It is necessary for each of the states and territories to formally adopt the provisions of the convention into state law. It was agreed at that SCAG meeting that all Australian jurisdictions would adopt this uniform law as their local law. Once this bill has passed in Victoria and other jurisdictions have passed their bills, we will be able to formally recognise international wills across Australian jurisdictions.

The bill amends the Wills Act 1997 to align Victorian law, and thus wills made under that act, with the uniform law of the convention. The bill includes the convention as a schedule to this bill. In particular, article 1 of the uniform law is a key provision. It provides that, irrespective of the place where a will is made, the location of the assets and the nationality, domicile or residence of the testator of the will, if it is made in the form of an international will complying with the provisions contained in this uniform law, the will is valid. It goes on to list a range of provisions which are very similar to those applying to making valid domestic wills — for example, the will needs to be made in writing, be properly witnessed et cetera. There are, however, some differences between what is required for making valid domestic wills and what is required for making international wills, and I will come to those in a moment.

The proclamation and commencement of this bill will occur after the convention has come into force — that is, as I understand it, six months after Australia accedes to the convention. Because every jurisdiction in the country needs to pass equivalent laws on this convention or uniform law, there is the real possibility that the provisions of this bill may not come into force for some time yet. However, once it comes into force, it will be very useful.

Clause 5 of the bill inserts a new division into the Wills Act, titled 'International wills', which includes a new section 19D. This proposed section outlines that the legal requirements for witnesses to wills, now including international wills, remain those as determined by Victorian law. The issues around the capacity of the will-maker, or testator, remain the same as they are under Victorian law. Issues to do with the construction of the terms of a will also are not changed. They

continue to be matters that are dealt with by existing Victorian law.

The main difference between the making of a will under Victorian law and the making of an international will comes as a result of new section 19C, headed 'Persons authorised to act in connection with international wills'. This new section specifies that international will-makers must also declare the will in the presence of an authorised person who must be a legal practitioner or a public notary. It also requires this authorised person to attach to the will a certificate verifying that all proper formalities have been undertaken in relation to its construction.

In conclusion, the opposition does not oppose this bill. As I said, it is part of a process that commenced whilst Labor was still in government. Once all the other jurisdictions have passed the uniform law and signed up to it in their respective parliaments, international wills will have legal validity under Victorian law and be recognised as a valid form of will by our courts and the courts of other states that will be party to this convention. It will be an important reform once it is adopted. I certainly look forward to hearing in the Legal and Social Issues Legislation Committee whether there are concerns that stakeholders have about this bill, because I am not aware of any at this point in time.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the bill and its referral to the Legal and Social Issues Legislation Committee. Like Ms Mikakos, I have only just been informed of that referral, and I am not quite sure of the reason or reasons for it. However, if there are issues — and I am interested to hear Mr O'Brien raise those issues during his contribution — it is good practice to refer bills to that committee.

This bill basically adopts into Victorian law the UNIDROIT (International Institute for the Unification of Private Law) Convention providing a Uniform Law on the Form of an International Will, which was signed in Washington, DC, on 26 October 1973. Model legislation on which this bill is based was agreed to by the Standing Committee of Attorneys-General in 2010.

The bill basically affords legal protection to and recognition of wills that have cross-border issues, such as those made by residents of countries other than that where the will was made or those where assets are located overseas. The convention provides a specific form for an international will which is additional to that for a domestic will, and that form will be recognised by courts that are parties to the convention. The form is inserted by clause 6 into the Wills Act 1997 as a schedule.

As far as we know, the countries that have ratified the convention include Belgium, Bosnia and Herzegovina, Canada, Cyprus, Ecuador, France, Italy, Libyan Arab Jamahiriya, Niger, Portugal, Slovenia and the former Yugoslavia. Others that have signed but not ratified the convention include Iran, Laos, the Russian Federation, Sierra Leone, the United Kingdom and the United States of America. I would be interested to learn if the government knows of any other countries that are planning to or are looking as if they are going to ratify the convention. Mr O'Brien might address that in his contribution.

All other matters related to wills — for example, legal capacity to make a will or the construction of the terms of a will — will continue to be dealt with under Victoria's existing Wills Act 1997. The main difference between wills prepared under this bill and those prepared under existing laws is that a will-maker must declare the international will in the presence of an authorised person who is an Australian legal practitioner or a public notary. Interestingly, public notaries are the subject of a bill that members have just debated. The authorised person must attach a certificate stating that the proper formalities have been performed, and that certificate makes the international will valid.

I was very interested in what Ms Mikakos had to say about the history of wills. It is very important that the desires and wishes of a person making a will are carried out. This bill will assist with the issues I mentioned before — that is, residents of countries other than where the will was made and where assets are located overseas. Ms Mikakos's contribution made me think of a historical will that I remember — that of William Shakespeare. He left his wife, Anne Hathaway, his second-best bed. That was taken by many people to be not the greatest thing he could have left his much-loved wife, but in fact when you look into the historical record someone's second-best bed was the best thing they could leave someone, so in fact it was a good thing that he left his wife, Anne Hathaway, his second-best bed. It is interesting that the will of William Shakespeare is one of the few documents about him that are extant. There are not a lot of documents that he signed during his life that are left, apart from a couple of legal documents for the purchase of property et cetera. That is why he is such a mysterious figure. I digress.

Returning to the bill, research by the Greens has not unearthed any issues with the bill except those that were raised by the Law Institute of Victoria, which I

will return to in a moment. UNIDROIT is an intergovernmental agency which is based in Rome, and its website states:

> Its purpose is to study needs and methods for modernising, harmonising and coordinating private and in particular commercial law as between states and groups of states and to formulate uniform law instruments, principles and rules to achieve those objectives.

This seems a good thing. It appears that through the agreement of the Standing Committee of Attorneys-General (SCAG) in 2010 that Australia is agreeing to cooperate in this exercise.

We know the Law Institute of Victoria wrote to the Department of Justice in August 2009 about this issue, and I have read the letter, but the main point of the letter was that complying with the convention was unnecessary. The letter states that when making an international will it is an onerous and time-consuming requirement to obtain a certificate from an authorised person, that the Wills Act already has foreign wills provisions which Victoria's jurisdiction extends over wills as in sections 17, 18 and 19 and that lawyers can practically operate under those provisions. The letter also makes the point that the Supreme Court of Victoria can adjudicate on the matter. At that time the law institute could see no practical purpose being served by the adoption of this convention. I think they were valid points to raise, and maybe they are points that can be raised if the bill is referred to the Standing Committee on Legal and Social Issues. I am not sure if the concerns and queries raised by the law institute remain its view, and it could certainly clarify them during any potential committee inquiry into the bill.

However, this is a legitimate international issue being dealt with cooperatively in Australia, and it would not be practically feasible for Victoria not to follow this path if every other Australian jurisdiction is following it. I would be interested to know if the government speaker could enlighten us as to the status of the other states of Australia with regard to implementing the provisions of the convention and the uniform legislation as agreed to by SCAG in 2010. With those comments, we will support the bill.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Wills Amendment (International Wills) Bill 2011, and I note that the opposition will not be opposing the bill nor opposing the anticipated motion to refer the bill at the conclusion of the second-reading debate to the Standing Committee on Legal and Social Issues, of which I am a member.

The bill has been well summarised by speakers in the other place and the speakers before me in this place. The bill amends the Wills Act 1997 to adopt the UNIDROIT (International Institute for the Unification of Private Law) Convention providing a Uniform Law on the Form of an International Will 1973, otherwise known as the convention or the uniform law. In doing so it also implements a decision of the Standing Committee of Attorneys-General, or SCAG, in July 2010, whereby all Australian states and territories agreed to adopt the uniform law into their local legislation. I am pleased to say Victoria is the first jurisdiction to bring a bill into its Parliament to adopt this very important international convention, or the uniform law, into its local legislation.

The primary objective of the convention is to eliminate problems that occur when you have cross-border issues affecting a will. Cross-border issues are issues that have concerned many members of The Nationals and my coalition colleagues for many years in many areas, and they extend to issues crossing borders beyond the state's jurisdiction to international borders and international assets. These issues can occur with a will where the will has been executed in an international jurisdiction, where the assets are located in an international jurisdiction or where the will-maker's country of residence is different to the country in which the will was executed.

The bill will provide a vehicle for international wills to be considered and enforced in accordance with the other countries and states that will adopt the uniform legislation. This arrangement works alongside the existing Wills Act and Victorian probate and will requirements, so that the international will in effect will be recognised in terms of probate. It is designed to sit alongside the existing regime. The sitting alongside aspect and the necessity of undertaking this exercise were the principal concerns of the Law Institute of Victoria. I am advised those concerns remain, but I will turn to that shortly.

An international will that complies with articles 2 and 5 of the uniform law will be recognised as a valid form of will by the states and countries that are party to the convention, irrespective of where the will was made and the location of the assets. The international laws operating in foreign countries will not have to be examined to determine whether the will has been properly executed.

Under this bill the formalities required for making an international will are similar to the requirement for other wills under the Wills Act — for example, they must be in writing and must be signed in the presence

of the will-maker and two witnesses. It is also important to note that article 6 states that the will must be signed on each page by the testator, or if they are unable to sign, by the person signing on his or her behalf, or if there is no other person, by the authorised person. In addition, each sheet must be numbered.

A key difference between an international will and another form of will is that the maker of the international will must also declare the will in the presence of an authorised person who must certify that the formalities required by the uniform law have been met. An authorised person's certificate is then attached to the international will. In the absence of contrary evidence, the certificate of the authorised person will be conclusive evidence of the formal validity of the will and will be accepted in Victorian courts. A uniform will does not deal with issues such as capacity of the will-maker; these remain a matter of evidence for the satisfaction primarily of the witnesses, those who draft wills and those responsible for the will's execution and the construction of the terms of the will.

The formalities required for a will to be an international will under the uniform law also require that the will cannot be a joint will, so each person must have a singular will. As I have said, the will must be in writing, it must be declared by the will-maker before two witnesses and an authorised person, and it must be signed by the will-maker and the signature acknowledged in the presence of two witnesses and the authorised person. If the will-maker is unable to sign the will, the authorised person must note on the will the reason for the will-maker's incapacity.

Those formalities in the uniform law will not affect the validity of a will under Victorian law if for some reason those signatures have not been properly executed under the international law or if the formalities have not been complied with. An international will will not necessarily be rendered invalid if those requirements have not been met. As I said, if it is rendered invalid because it does not comply with the required formalities, it may still be valid under Victorian law. By way of example, it may be a will to which foreign laws apply, the validity of which can be determined under division 6, part 2, of the Wills Act 1997.

I am receiving advice on this matter, but as far as I am aware Victoria is the first state in Australia to bring a bill like this into its Parliament. There are currently 12 state parties to the convention and an additional 8 signatories. The following state parties have legislation that has already come into effect: Belgium, Bosnia and Herzegovina, numerous Canadian provinces, Cyprus, Ecuador, France, Italy, Niger, Portugal, Slovenia and the former Yugoslavia. These are countries that will recognise international wills made in Australia, and they are countries whose international wills Australian jurisdictions will also recognise once the convention comes into force here. The following state parties have signed the convention, but it has not yet come into force: the Holy See, Iran, Laos, Russia, Sierra Leone, the United Kingdom and the United States of America. The United Kingdom has prepared legislation to adopt the uniform law in anticipation of the convention coming into force. The Australian Capital Territory has also introduced its own bill, and other states and territories are intending to proceed by mid to late 2012.

This takes me to an issue that has been raised by both Ms Mikakos and Ms Pennicuik — namely, the reasons for referral of this bill to the Legal and Social Issues Legislation Committee. I am advised that the reason is that Victoria is the leading state in the country in the adoption of uniform law and the law will not be able to come into effect until the other states have adopted it. It is important that legislation such as this, which is very beneficial, be given consideration. It is appropriate that this bill be referred to the committee so that its benefits as well as any potential criticisms or concerns can be considered. These include the concerns of the Law Institute of Victoria (LIV).

I will turn to some of matters that it has identified, but before doing so I should say that the Supreme Court and the Victorian Bar Council remain supportive of the bill. They have noted that the uniform law simply requires that the court be satisfied that the bill complies with the uniform law rather than the relevant foreign law. This issue removes the requirement to apply complex conflict-of-laws rules to determine the primary issue of whether the will is in a valid form.

The LIV and State Trustees both initially argued that it was not necessary for Victoria to adopt the uniform law, given the existing provisions in the Wills Act and the limited effect of the uniform law in only applying to the form of the will. State Trustees has reviewed the bill and advised that it will achieve the purpose of giving effect to the convention under the law of Victoria, that the bill clearly sets out the formality requirements for the making of an international will and that it gives a clear description of the persons authorised to act in connection with an international will. I can advise, though, that despite this decision by SCAG the LIV remains of the view that the international wills regime is unnecessary because it imposes more burdens and formalities on will-makers than are otherwise required under the Wills Act. The LIV also argues that the uniform law would be of limited benefit, given that

only certain countries are party to the convention and because complexities will still arise when considering the construction of a will executed in a foreign place.

In response to this, the thing to note is that all states and territories have agreed, through SCAG, to adopt the uniform law into their local laws to allow Australia to accede to the convention. We have a situation where we go with the rest of the states and territories or we sit on it alone. In relation to an international will that sits alongside it, the preferred thinking of the government is that it is best, whilst still protecting the existing regime, to adopt this law and allow this international will to be available to persons wishing to avail themselves of its benefits. This is simply an additional form of will; it is not mandatory. However, if a will-maker chooses to make their will an international will, they must meet the specific form and process requirements for that will to be valid, as is prescribed in the uniform legislation.

An international will may be an additional form of foreign will — that is, a will made overseas — but it will sit alongside other foreign wills recognised by the Wills Act. The Supreme Court will still be able to consider the validity of a foreign will that is not an international will. However, an international will will be made in compliance with the uniform law, which will remove the need for the court to determine whether jurisdictions' rules should be applied to determine whether the will was validly executed. As the uniform law goes only to the issue of the formality of a will to be admitted to probate in Victoria, it does not affect the substantive law to be applied to the administration of estates and assets in Victoria or the rules about the construction of wills.

The government considers it appropriate to send this bill to the Legislative Council committee for review so that it can consider these issues and other issues in relation to the detailed provisions of the bill. Given that Victoria has led the country by bringing this bill into its Parliament, hopefully it will enjoy careful consideration and an appropriate assessment or otherwise by that committee.

I wish also to support Ms Mikakos's comments and those of other speakers in relation to the importance of the bill in terms of its multicultural or international aspects and in relation to reconfirming Victoria's commitment to multiculturalism and the important issues that apply to all Victorians, whether they are of indigenous, colonial or recent immigrant heritage and whether or not they have assets within Victoria or overseas.

I was reminded again of the importance of fresh waves of understanding in the area of immigration in poignant terms today during the moving state funeral for the late Jim Stynes, which I attended. His brother Brian Stynes commenced and concluded his eulogy in Gaelic. As co-convenor of the Australian-Irish parliamentary friendship group and as a Melbourne supporter and great admirer of Jim's, along with everyone else, I found it was a moving ceremony. In relation to the specifics of this bill, something the late Jim Stynes said on the video that was played — I think it was his closing comment — sat with me as of great moment. It was that he had had a meeting with the Dalai Lama and that what he had gained from it and indeed from his illness was the importance of dealing with death as an essential and important part of life.

That is something that applies not just to the discussion of wills. The same committee of which I am a member, the Standing Committee on Legal and Social Issues, is also presently considering and debating issues in relation to organ donation, which is another aspect of morbid or black consideration relating to death and which is also important to be considered in furthering life. I would urge all Victorians to embrace Jim Stynes's words and deal with issues relating to death as bravely as they can and to bring forward discussions with their families in relation to aspects of assets and wills, whether they are within Victoria's jurisdiction or overseas. Certainly if one does not have any assets, one does not necessarily need to make a will, but when people leave behind assets unfortunately they can bring families into conflict. That has been particularly heartbreaking in relation to many farming families and communities. It is best dealt with through early discussions, family and estate planning, living wills and now the vehicle of the international will.

In conclusion I will pick up and continue the theme of quoting epitaphs started by the other co-convenor of the Australian-Irish group, Frank McGuire, the member for Broadmeadows in the other place. Rather than Shakespeare, I prefer to quote Spike Milligan's epitaph, which I remember. It is again a form of black humour, but it brings out the importance of having discussions in relation to death while a person is alive. His famous epitaph — and I will read it in Gaelic, so forgive me, because I do not know how to pronounce it in Gaelic — is: 'Dúirt mé leat go raibh mé breoite'. It means 'I told you I was ill'. I am reminded of another epitaph, which a friend of mine said was another Irish black-humoured epitaph or blessing: 'May you die in bed aged 99, or be shot by a jealous mistress'. I leave you, Acting President Finn, with that particular blessing, and I commend the — —

The ACTING PRESIDENT (**Mr Finn**) — Order! That could be construed as a reflection on the Chair. However, I will allow the member to continue.

Mr O'BRIEN — I meant it in goodwill, and if you do die in bed aged 99, that will be sufficient for many of us. May you contribute in this chamber long into those years, Acting President.

Returning to the bill, I note this is an important bill, one appropriate for referral to the Legislative Council committee. I commend it to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Wills Amendment (International Wills) Bill 2011. As my colleague Ms Mikakos already indicated to the house, we are not opposing the bill or the referral to the Legal and Social Issues Legislation Committee. The bill's objective is to standardise Victorian law, as it pertains to present-day Victorian wills under the existing Wills Act 1997, with the prevailing international conventions concerning cross-border protection of wills and with the 1973 uniform law on international wills.

The fact that a nation state is a signatory to an international convention does not automatically mean that the convention becomes local law. That is why Victoria, in conjunction with the rest of Australia, is standardising the international wills law. The passage of this bill will codify and uphold Victoria's commitment, made through the Standing Committee of Attorneys-General. It will represent, when joined with the bills of other Australian states and territories, finalisation of the recognition of the international wills convention and of Australia's accession to the convention. Put in plain English, this means an international will shall be recognised as valid by Victoria for the purposes of deceased estates, whether those estates are in Victoria or overseas and whether the deceased person who made the will lived here in Victoria or overseas.

Importantly, according to the International Institute for the Unification of Private Law, the convention is currently in force in Belgium, Bosnia and Herzegovina, Cyprus, Ecuador, France, Italy, Libya, Niger, Portugal and Slovenia. It is also in force in the following Canadian states: Manitoba, Newfoundland, Ontario, Alberta, Prince Edward Island, New Brunswick and Nova Scotia. Other signatories to the convention are: the Holy See, Iran, the Russian Federation, Sierra Leone, the United Kingdom and the United States of America.

It is important for families to know that their final wishes can be executed in a valid and legally enforceable document. I support the bill, and I am pleased the government has taken this step towards legislating uniform processes that will assist grieving families to rightfully access estates and/or property left by their predecessors. This legislation continues the momentum that was established under the previous government.

Ms CROZIER (Southern Metropolitan) — I also am pleased to rise and speak on the Wills Amendment (International Wills) Bill 2011. Other members in the chamber who are in support of this bill have raised the point that although it is relatively minor in terms of its technical nature, it will have major implications for many people throughout Victoria. I commend the Attorney-General for bringing it to Victoria's attention and into the Parliament last November. I understand the Australian Capital Territory has also adopted a similar bill, and other states are in the process of undertaking that as well and will be doing so later this year.

It was interesting to listen to Ms Mikakos's contribution and her opening remarks, in which she described the importance of a will. I think we would all agree that a will is extremely important, and I, like Mr O'Brien, highlight the importance of urging everybody to make a will. Ms Mikakos highlighted a definition from Wikipedia and gave a bit of background about how long wills have been in existence. It is quite fascinating to think that wills, or the process of wills, have been around for as long as they have and have stood the test of time. That was a very interesting bit of background information. In this day and age, when we live in a so-called global village where technology and communication are extremely important, this piece of legislation and this reform will enable the process of wills and will making to have more relevance to those people to whom it applies.

By way of background in relation to what this bill will do, as has already been highlighted, it amends the Wills Act 1997 to adopt into Victorian law the uniform law contained in the UNIDROIT (International Institute for the Unification of Private Law) Convention providing a Uniform Law on the Form of an International Will, a convention that was signed in Washington, DC, in 1973. The bill does this as part of Australia's responsibility under that convention. Australia has been a member of UNIDROIT since 1973.

The primary objective of the convention is to eliminate problems that arise when cross-border issues affect a will, where a will deals with assets located overseas or where the will-maker's country of residence is different

to the country in which the will is executed. This bill fulfils Victoria's obligation to the UNIDROIT Convention providing a Uniform Law on the Form of an International Will. It will enable Victoria to be in line with the law of the UNIDROIT member nations that are signatories to that convention.

As has been highlighted, a number of countries are signatories to the convention. The convention has been ratified in Belgium, Bosnia, Herzegovina, Cyprus, Ecuador, France, Italy, Nigeria, Portugal, Slovenia and some Canadian states. I also understand that the United States and the United Kingdom are signatories but have not yet ratified the convention. This convention pertains to a number of countries, and for the Victorian community — which is a large multicultural community made up of people from all parts of the world — it will give peace of mind to those people who can apply this legislation to those areas they may have come from. I think it was Ms Mikakos who reminded the chamber that 40 per cent of the residents of Victoria were either born overseas or have a parent who was born overseas, so this piece of legislation may potentially affect a significant number of people.

As has also been said, members all have electorates made up of large multicultural and diverse communities. Essentially, this aspect of the bill will enable those people to have peace of mind when they are disposing of and distributing those assets, should they have assets in other jurisdictions. It will give those people and their families the ability to distribute their assets and property in a far more succinct way.

As has also been highlighted, this legislation has been in train for some time. It was put in place back in July 2010, when there was a decision of the Standing Committee of Attorneys-General from all states and territories to adopt the uniform law into local legislation. It will allow Australia to formally accede to the convention, and it will provide a consistent approach to the recognition of international wills across all Australian jurisdictions. As has been highlighted, I think there is a time lapse of around six months for that to take place, as it needs all Australian jurisdictions to have passed similar laws. The convention states that that commencement should take place after a nation has acceded, so we look forward to other states and territories partaking in that process later this year.

Hon. M. P. Pakula — Partaking of.

Ms CROZIER — I thank Mr Pakula for that correction. This bill is a relatively straightforward, technical bill that will provide great peace of mind to many people across Victorian communities. It will provide a simplified process to individuals who have assets in multiple jurisdictions.

In conclusion, no matter where somebody has come from or the language they speak, it is good for them to know they are able to have an international will so that their assets and property will be disposed of in the manner they wish. I would urge all Victorians to ensure that they have a legitimate will to ensure that, following their death, their assets and wishes are recognised. I commend the bill to the house.

Hon. M. P. PAKULA (Western Metropolitan) — I rise to speak briefly on this bill, and I do so as part of the 40 per cent Ms Crozier referred to, because my mother was born in the former Union of Soviet Socialist Republics. It also just occurred to me as I listened to Ms Crozier summing up that I do not yet have a will of my own, which is probably an oversight.

Mrs Coote interjected.

Hon. M. P. PAKULA — I say to Mrs Coote that it is not a function of any eternal life fantasy; it is just a function of slackness on my part and the fact that I have very few assets to distribute.

Honourable members interjecting.

Hon. M. P. PAKULA — I will take all that on board, Mrs Coote. I am sure I will not require your assistance.

I want to address one element of this debate, which is the question of the referral to the Standing Committee on Legal and Social Issues Legislation Committee of this house. I want to address it because of what I see as the curious nature of this referral, even though the opposition will not be opposing it. In his contribution Mr O'Brien alluded to the reasons, it seems, for the referral — this being a beneficial bill, the benefits needing to be properly considered but also as a result of some potential criticism and concern particularly emanating from the Law Institute of Victoria.

My question, and I think it is one that has not been thoroughly addressed, is: what has changed? From the departmental briefing we had, it was pretty clear that any concerns the law institute had with this bill were fully known to the government before the bill was introduced into the other place. For the government to be aware of those concerns and to introduce the bill, pass it through the Assembly, second read it in the Council and then refer it on seems a bit curious. What we are left wondering is whether or not there is some other problem with the bill that the government has not yet revealed. Mr O'Brien made a point of the fact that

we are the first state to bring such a bill to Parliament. We hope, in being the first, the government has not, yet again, rushed it to the point where it requires alteration or rushed it without properly considering all the consequences. We do not have any greater clarity on that at this stage.

If, instead, it is simply because the government wants to use the committee process to assuage some of the concerns that have been raised by the law institute, that is of itself not a bad thing, but I simply make this point: if it is the case that the law institute has approached the government with concerns and the government has responded to those concerns by agreeing to send this bill to the relevant committee for more consideration, then I would say that stakeholders also approach the opposition and the Greens with concerns about bills all the time. We often raise those concerns in this place and ask the government, as a consequence of those concerns — whether they are raised by a stakeholder or whether they are concerns that we have raised ourselves — to send those bills to the relevant committee. On every occasion that the Greens or the opposition have asked for a bill to be referred to an upper house committee — whether it has been because of a concern that we ourselves have or whether it has been because of a concern raised with us by a stakeholder — that request has been denied by the government majority in this place.

Mrs Coote — You should be happy about that.

Hon. M. P. PAKULA — Mrs Coote said we should be happy about that. We are happy about the fact that the bill is going to the committee for further scrutiny; that is fine. If it is because there is a problem with the bill, it is incumbent on government speakers to confess to that. If it is simply because the law institute has raised concerns again — the concerns it raised before the bill was introduced, and there is nothing new about them as far as we know — that is great. If the government is referring this off because a stakeholder has gone to it and raised concerns about the bill, that is great.

Our point is that when a stakeholder comes to the Greens or the opposition with concerns and we raise those concerns in the Parliament, the government ought to agree to refer bills off in those circumstances as well. What is good for the goose is good for the gander. If a stakeholder raises a concern with the government and that causes the government to refer a bill off, why will the government never agree to refer bills off when those stakeholders raise those concerns with us and we reflect those concerns in our contributions in Parliament?

Mr O'Brien interjected.

Hon. M. P. PAKULA — Mr O'Brien says the law institute has raised it with us. It raised it with the department before the bill was introduced, but the point is that there has been no occasion on which the opposition or the Greens have come to this Parliament, advised the house of concerns that have been raised with us by stakeholders and suggested that a proper response to that would be the referral of a bill to the relevant upper house committee and the government has agreed to that. There have been only three occasions on which the government has agreed to refer a bill to an upper house committee, and on each of those occasions the motion has been moved by a member of the government.

We do not oppose the bill, and we do not oppose the referral; we just wish the government would treat stakeholder concerns raised with the Greens and the Labor Party in the same way that it treats concerns that are raised with it.

Mrs COOTE (Southern Metropolitan) — I have been looking forward to speaking on this bill, because it is an important bill and, as Mr Pakula said, there are a number of reflections we can all make in looking at it. It was particularly interesting to look at how this bill came about, its international ramifications and how that comes back to an issue that many people do not like to address. People do not want to think about making a will, because it shows up their vulnerability or their invincibility. It is one of those areas about which people think, 'That is not going to happen to me; I will do it later. I will fix this first, or I will do something else' — and then it is too late. The difficulty is, as Mr Elasmar said in his contribution, that problems are created for the people who are left behind, which is why it is seriously important to make certain that these issues are covered. For those reasons, I commend this bill that has been brought to this chamber.

It was an interesting bill to research and to look at. Mr O'Brien, on behalf of the government, did a terrific synopsis of the bill and went into great detail about the issues involved with the bill. However, there are some aspects that I would like to highlight to the chamber tonight.

The Wills Amendment (International Wills) Bill 2011 is going to help give peace of mind to many members of Victoria's multicultural communities, particularly those who may wish to have their estate go to family members living overseas when they pass on. In light of that, it is interesting to look at an article in the *Herald Sun* of 13 March about the number of pensions paid by

the Australian government to people overseas. It was in the vicinity of $600 million, which I thought was fairly excessive, as the article points out. The article had some important elements to it, one of which has implications and ramifications for the bill we are debating today because it shows the technical reason a bill such as this is important. In this article it says:

> A *Herald Sun* investigation has found about 75 000 Australians living abroad were sent federal government payments last year, including about 65 000 pensioners.

That is a lot of people living in all parts of the world, and if they are pensioners, the necessity of having a will is all the more relevant. The article goes on to say:

> Benefits are being sent to pensioners living in more than 70 different countries.

The highest number were in Italy, Greece and New Zealand. There is an interesting trend here. Senior Americans are moving offshore to live in the Bahamas and other areas because they want to have a better retirement. We are starting to see a trend in this country as well. We are seeing senior Australians, including senior Victorians, moving to the Philippines and to other places in Asia, including Indonesia. Of pensioners registered in Asia in June 2010, there were 91 in Indonesia, 73 in Vietnam, 320 in Thailand and 436 in the Philippines.

The reason pensioners are going to live in these places is that they can have a better lifestyle, but there will be a drawback. Presumably these people will have wills — we hope they have made wills. We hope the discussion and debate on this wills bill today will highlight for them the necessity of making certain that their affairs are in order. It is an interesting trend. I hope the people who are moving to these countries are going to be fit and well and happy, but I also hope that they have looked at making the proper arrangements here in Australia. Before I put down this *Herald Sun* article I will mention that it says:

> In 2000, $1.4 billion in pension payments flowed into Australia, more than four times the $310 million sent offshore. By 2010 this had fallen to $1.2 billion, little more than double the decade-high $571 million sent offshore that year.

The interesting issue here is that a lot of people from the UK living in Australia are on UK pensions, and arrangements have been made at the federal level on these issues. But that brings us back to this bill and to making quite certain that people's affairs are in order.

In July 2010 the Australian Standing Committee of Attorneys-General agreed to adopt the uniform law contained in the UNIDROIT (International Institute for the Unification of Private Law) Convention providing a Uniform Law on the Form of an International Will 1973. The history of this is quite interesting. It was initially created by the League of Nations back in 1926, but the collapse of the League of Nations during the Second World War meant that it needed to be re-established, and this occurred in 1940. The reason was that it was important that wills were recognised around the world. The International Institute for the Unification of Private Law, which is an independent intergovernmental organisation, is currently based in Rome.

There are 63 countries that have become signatories to this convention. A country has to opt in; it is not something which countries automatically become part of. Australia is becoming a signatory, alongside the US, the UK, Japan, some Canadian provinces and China, which are all signatories to this UNIDROIT convention. This bill fits very neatly within this, as the Standing Committee of Attorneys-General of Australia has recognised. As I just said, some of our largest trading partners are members.

In an increasingly international sphere where people are moving and living internationally far more frequently than they have ever done at any point in the past it is really important that their wills are recognised right around the world and that people can feel confident that should there be a mishap, things are going to be organised properly. We have two groups of people: we have pensioners who are choosing to live overseas, and we have people who came from another country to become Australian citizens and then returned to the lands from whence they came. We also have people who are moving with their jobs and people who have extended families all around the world. It all comes back to the importance of a will being an internationally recognised document, which is what we are discussing here.

We pride ourselves in Australia on being multicultural. It is very important that we understand our expatriates and non-residential Australians and help them to feel confident that Australia and Australia's laws are going to be able to protect them. All of the provinces in Canada, with the exception of Quebec, have acceded to the convention. Here in Australia Victoria is leading the way among the Australian states and territories. We are going to be one of the first to join the Australian government in ratifying the convention.

I want to detail what the convention means, because it is important to understand the technicalities that are ticked off when someone makes this type of a will.

When creating a will there are certain requirements that must be carried out before the will can be executed in Australia — for example, wills must be in writing, must be signed by the will-maker in the presence of two witnesses and must also be signed by the two witnesses. When executing a will these requirements must be met for the will to be valid. If the beneficiary lives overseas, they must prove that the will has been validly made before they can receive the proceeds of the estate. This is a very important aspect. It can be quite arduous because it requires them to prove that the will has been made correctly in Australia.

The uniform law in this convention means that in addition to the will being in writing and signed in the presence of two witnesses by the will-maker, it must also be signed by an authorised person. As I said, it is an arduous process, but it is an important process because the validity of the bill must be established. An authorised person could be a legal practitioner or a public notary. If someone is going to the effort of preparing a will, it is important that they get it right — they will want to get it right.

When an international will is created in Australia and carries the signature of an authorised person foreign courts will recognise that the will has been validly made in Australia and therefore the beneficiary will not have to undergo the lengthy procedure of proving this; it will just be accepted. That is a very important point. As members who have read the memorandum are aware, an international will that complies with the uniform law will be recognised as a valid form of will by the courts of other states that are party to the convention, irrespective of where the will was made, the location of assets or where the will-maker lives, and without the court having to examine the internal laws operating in foreign countries — that is to say, Victoria — to determine whether the will has been properly executed.

As has been mentioned before, it is important to note that in clause 2 the bill does not set out a specific date of commencement. This is because the bill will be proclaimed once the commonwealth has acceded to the convention, which will occur once all the states and territories have adopted the uniform law. It is very important to understand that Victoria is at the forefront of signing this convention. We believe it is very important. We have a huge multicultural community here in Victoria. We pride ourselves on this. So it is important and necessary for Victoria to take the lead in this regard. I was therefore very disappointed to hear Mr Pakula's contribution, in which he actually intimated that there may be some hidden agenda in this referral. There is no hidden agenda in our wanting to refer this bill off to the legislation committee. This is a very important piece of legislation. It is important that people have an opportunity to look at it. We are going to be leaders in the country on this issue, so we want to use the framework of this Parliament to send it off to the legislation committee to make quite certain that all avenues have been properly looked into.

Mr Pakula challenged us to confess that there were some sort of sinister undertones to this. There is no sinister undertone to this. Mr Pakula himself went on to say he believed the legislative committee process was a very good process and that in fact this was quite a good thing to happen, so he was a little bit duplicitous in his commentary. I think he was probably clutching at straws, trying to find something that was going to be bad about this bill so that he could criticise it, in true opposition form. But I have to say I am certain that upon reading the record of his contribution tomorrow people will find that on the whole, as the rest of the opposition members have said, the opposition will not be opposing this bill.

As I have said, Victoria has a very large multicultural and ethnically diverse population. People from all over the world have chosen Victoria as their home. A lot of people who have migrated here, as I have said before, have chosen to go back to the lands of their origin and to live overseas. But this bill will give them the peace of mind that when their will is executed their loved ones in foreign countries will not have the arduous task of proving that their will has been validly made. Instead there will be a straightforward process for their beneficiaries to receive their share of the estate.

In commending this bill to the house I also want to end on the note on which I began — that is, to encourage all people in this chamber to have a valid will.

Mr Jennings — Why don't we do one now?

Mrs COOTE — Mr Jennings asks, 'Why don't we do one now?'. We could — does he have a pen? I am sure we have enough witnesses. That would be extremely interesting for someone as wealthy as Mr Jennings; it would be very interesting to see. However, I do not mean to be derogatory towards this bill because in fact it is very important. I think young people — and Mr Jennings is a young person — are very dismissive about making a will. It is really important that people make a will; obviously it is not for the person who passes away, it is for their beneficiaries. It is really important that people's affairs are left in such a way that makes it easy for those for whom they care to be well looked after into the future. This bill enables that to occur.

This is certainly legislation with which Victoria can lead the way. I commend the bill to the house. It is a worthwhile exercise. It is important for us all to have had an opportunity to speak, to reflect upon making a will and to understand what that means. The other aspect that I wanted to mention very briefly is that it is not just a will that is important, but granting a medical power of attorney here in Victoria is also a very important part of sorting out your affairs, because you do not want your loved ones to have to deal with issues that might be too difficult for them into the future. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Wills Amendment (International Wills) Bill 2011, and it is a delight to follow the contribution of Mrs Coote again. It is my lucky day, because once you have followed someone with the skill and abilities of Mrs Coote you are often left with very little to say. However, just to make sure you are not disappointed, Acting President, I will have a bit to say on this bill today.

The bill amends the Wills Act 1997 to adopt into Victorian law the uniform law contained in the UNIDROIT — which is the International Institute for the Unification of Private Law — Convention providing a Uniform Law on the Form of an International Will 1973, part of the international wills convention, which was signed in Washington, DC, in 1973. UNIDROIT is an intergovernmental organisation that formulates uniform law instruments aimed at harmonising and coordinating private laws between countries. The international wills convention came into force on 9 February 1979 and currently has 12 state parties and an additional 8 signatories. These include the United Kingdom, the United States, Italy, France, Bosnia and numerous provinces in Canada. While Australia has been a member of UNIDROIT since 1973, it is not yet a signatory to the international wills convention.

As Mrs Coote told us, in July 2010 the Standing Committee of Attorneys-General (SCAG) agreed that all Australian states and territories would adopt the convention's uniform law into their local legislation to allow Australia to formally accede to the convention and to provide a consistent approach to the recognition of international wills across Australian jurisdictions.

This bill brings Victorian law and wills made under the existing Wills Act 1997 into line with the prevailing international conventions concerning the cross-border protection of wills and the Convention providing a Uniform Law on the Form of an International Will 1973. The bill gives expression to the international convention. The primary objective of the convention is to eliminate problems that arise when cross-border issues affect a will — for example, where a will deals with assets located overseas or where the will-maker's country of residence is different to the country in which the will is executed.

This will bring peace of mind to Victoria's multicultural community. I am from a migrant family. My parents were born in Ceylon, now known as Sri Lanka. Dad was born in Colombo, Mum was born in Kandy, and they emigrated here. There are a large number of Sri Lankans who live here in Victoria. In fact last Sunday the Sri Lankan community in Victoria — and I was a part of that — got to celebrate Sri Lankan New Year. But often we see older generations joining the younger migrants in Australia. Whether they be Nonna and Nonno, whether they be Yiayia or whether they be Papa G, often grandparents come here to Australia to join the younger generation. As the song well says — and I note Mrs Coote almost touched on *Advance Australia Fair* — we are one, but we are many, and from all the lands on earth we come.

Mrs Coote — Sing it.

Mr ONDARCHIE — I am not going to sing it.

This bill meets that primary objective of the convention to eliminate problems that arise when cross-border issues affect a will. It is based on the model prepared by the parliamentary counsel's committee at the request of SCAG. The international wills convention requires contracting states to introduce the uniform law on the form of an international will — the uniform law — into their own will. Contracting states must reproduce the actual text of the uniform law or translate it into the official language or languages of the state.

The uniform law provides for an additional form of a will, an international will, that sits alongside the other existing forms of a will. It complies with the uniform law that will be recognised as a valid form within the courts of other states that are party to the international wills convention, irrespective of where that will was made, the location of the assets or where the will-maker lives. Issues such as the capacity required of the will-maker or the construction of the terms of a will are matters that will continue to be dealt with by existing Victorian law.

The uniform law sets out requirements for the form of the will and the process for its execution. The formalities required for international wills executed under the uniform law are similar to the requirements for other wills under the Victorian Wills Act 1997. For

example, an international will must be made in writing and be signed by the will-maker in the presence of two other witnesses. The main difference is that the uniform law contains an additional requirement that the will-maker also declare the will in the presence of an authorised person, who is required to attach to the will a certificate to the effect that the proper formalities have been performed. This certificate, in the absence of contrary evidence, is conclusive evidence of the formal validity of the instrument as an international will.

In Australia an authorised person is any Australian legal practitioner or, as we have discussed this afternoon, a public notary. I think even members of Parliament can deal with that. The international wills convention allows contracting states to designate these authorised persons. Through SCAG, states and territories have agreed that authorised persons should have an understanding of local laws concerning wills and of the uniform law form requirements. The bill therefore designates Australian legal practitioners and public notaries as persons authorised to act in connection with international wills.

This bill is going to make it easier for our migrant population; it is going to make it easier for those who have come to this country and feel a little up in the air about the international standing of their wills. I am grateful that those in the house today are supporting this bill. It is a bill that, as I say, brings us together as a community and helps those who are a little concerned about how their wills will play out and be dealt with in Australia. I commend the bill to the house.

Motion agreed to.

Read second time.

Referral to committee

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

> That the Wills Amendment (International Wills) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 20 June 2012, and in particular to examine the practical benefits to Victorians of having a simplified process of recognition of international wills in Victoria, noting the large number of Victorians either born overseas or who have family residing overseas.

Ms PENNICUIK (Southern Metropolitan) — I want to make a few remarks in support of the motion, because I was not able to make them in response to Mr O'Brien's clarification as to why the bill is being referred to the Standing Committee on Legal and Social Issues. He said in his contribution that the main reason was that Victoria is the leading jurisdiction with regard to the enactment of these international wills provisions, and I have to take it at face value that that necessitates inquiry by the legal and social issues committee. He made the point that there is nothing wrong with the bill and that no issues have been raised in relation to it, notwithstanding the fact that some concerns have been raised by the Law Institute of Victoria. I am sure they will be examined during the committee inquiry.

I would like to say in support of this reference to the legal and social issues committee that the Greens are happy for bills to go to legislation committees and wish that more would go to those committees. I put on the record that we have tried to refer nine bills to those committees over the past year. Many stakeholders in the community had raised issues with those bills, but the government refused to send them to the committees. As I have said many times — and I do not want to repeat it ad nauseam — it would be good if this signalled a new dawn in which the government will agree to refer bills to committees for inquiry when significant issues are raised by either side of the house.

Motion agreed to.

JOINT SITTING OF PARLIAMENT

Victorian Responsible Gambling Foundation

The ACTING PRESIDENT (**Mr Finn**) — Order! I have received a letter from the Minister for Gaming requesting that arrangements be made for a joint sitting for the purpose of appointing three members to serve on the Victorian Responsible Gambling Foundation board. I have also received the following message from the Assembly:

> The Legislative Assembly has agreed to the following resolution:
>
> > That this house meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the board of the Victorian Responsible Gambling Foundation and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 28 March 2012, at 6.15 p.m.
>
> which is presented for the agreement of the Legislative Council.

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

> That the Council meet the Legislative Assembly for the purpose of sitting and voting together to elect three members for appointment to the board of the foundation and, as proposed by the Assembly, the place and time of such

meeting be the Legislative Assembly chamber on Wednesday, 28 March 2012, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Assembly informing them of resolution.

PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. P. R. Hall tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Port Bellarine Tourist Resort (Repeal) Bill 2012.

In my opinion, the Port Bellarine Tourist Resort (Repeal) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill proposes to end all arrangements made under the Port Bellarine Tourist Resort Act 1981 for the construction by Grawin Pty Ltd of a tourist resort and marina development on land west of Portarlington, without the state incurring any liability now or in the future.

The bill:

terminates the agreement between the state and Grawin Pty Ltd (Grawin) that forms schedule 1 to the Port Bellarine Tourist Resort Act 1981;

abolishes the committee of management created by the Port Bellarine Tourist Resort Act 1981 and terminates the Crown lease granted to Grawin by it in June 1985;

provides that no amount is payable by the state to any person for any loss or damage arising from or connected with the enactment of the act, and the state is not liable for any claims arising from or connected with the termination of the agreement or the Crown lease;

repeals the Port Bellarine Tourist Resort Act 1981 in its entirety.

Human rights issues

The bill does not raise any human rights issues because it does not affect the rights of any individuals, as the party to the agreement and the Crown lease that are terminated is a corporation.

Conclusion

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

Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Port Bellarine Tourist Resort (Repeal) Bill 2012 (the bill) will repeal the Port Bellarine Tourist Resort Act 1981 (the act), and end the agreement scheduled to the act and the Crown lease granted under the act.

The act was enacted to ratify and otherwise give effect to an agreement made in 1981 between the Hon. Rupert Hamer, then Premier of Victoria, on behalf of the state and Grawin Pty Ltd, to facilitate the development of a tourist resort and marina on land south-west of Portarlington township, known as Port Bellarine.

The agreement requires Grawin Pty Ltd to develop a tourist resort and marina, including canals and waterways to be constructed on the foreshore and in the resort, and tourist accommodation, including 1000 residential lots.

The development (being conceived in the late 1970s) is now out of step with contemporary policy settings and community expectations.

In particular, the environmental impacts of the development would be regarded as unacceptable in today's setting. For instance, the marina component of the development includes a significant amount of coastal dredging, and the development would likely be damaging to sensitive coastal environments.

In recognition of the likely adverse environmental impacts of the development, previous ministers for planning, including the immediate past minister, have determined that an environment effects statement would be required. The development would potentially have adverse impacts on coastal processes, Ramsar wetlands and associated flora and fauna, and marine and estuarine ecology.

The development fails to meet policy objectives in the *Victorian Coastal Strategy 2008*. The Victorian coastal strategy prohibits residential canal estates. It also discourages development that may result in disruption of shorelines,

coastal processes and habitat values. The Victorian coastal strategy also requires the impacts of climate change to be addressed in any development. The development fails to meet these requirements.

The development is also inconsistent with local strategic planning policy under the Greater Geelong planning scheme. The proposed development site is outside the Portarlington settlement boundary, which was put in place following extensive community consultation and a planning scheme amendment process.

For these reasons, the development, if it were to proceed, would fall considerably short of legitimate government and community expectations.

The state agreed to facilitate the development of the tourist resort, including by rezoning the subject land, and endeavouring to ensure all necessary licences and permits were granted by relevant authorities. The state met its obligation to rezone the land in 1983 and all the necessary approvals were issued by the relevant authorities by the mid-1980s. In the 30 years of the operation of the act, no works to progress the tourist resort have been undertaken on the site.

The development right granted by the act has never been acted on, and the development is now out of step with government and community expectations. The bill is required to bring this out-of-date agreement to an end.

The bill provides that the state will not be liable for any claims made by Grawin in connection with the ending of the act or the agreement or Crown lease, and that no compensation will be payable to Grawin.

As a gesture of good faith, however, the government intends to make an ex gratia payment to the company should the bill successfully pass through Parliament and the act be repealed. This payment would be a gift made by the state, an act of good faith in acknowledgement of the (albeit minor) steps the company has undertaken to fulfil its obligations under the terms of the act and agreement.

Repeal of the Port Bellarine Tourist Resort Act 1981 and termination of the agreement and associated Crown lease will eliminate the potential for an adverse planning, environmental and community outcome.

I commend the bill to the house.

Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Mr Leane.

Debate adjourned until next day.

ADJOURNMENT

Hon. D. M. DAVIS (Minister for Health) — I move:

That the house do now adjourn.

Trafalgar: abattoir closure

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for Peter Walsh, the Minister for Agriculture and Food Security. It concerns the L. E. Giles abattoir in Trafalgar. For over 60 years the Giles family has been serving the meat producers of Gippsland. The family started out serving farmers with a horse and cart, and it now runs a small abattoir. Many of the suppliers to Colin and Ray Giles are small local specialist producers of cattle, lambs, pigs and goats. The staff at the Giles abattoir were mainly locals, many of whom grew up around farms and stock animals and some of whom had been working in the Giles business for over a decade.

Late last year a photography student asked to take some photos inside the abattoir, to which the family consented. The footage was edited by Animals Australia and then given to PrimeSafe. PrimeSafe requested that Colin and Ray, both aged in their 70s, attend a meeting in Melbourne where, Colin recounts, they were pressured to hand in their licence or face legal action in the Supreme Court. Following the meeting PrimeSafe rang the Giles brothers three times asking whether they had yet sent in their licence.

Later, after reflecting on legal advice, the family sought to have their case considered through the Victorian Civil and Administrative Tribunal. Expected legal expenses of tens of thousands of dollars, however, resulted in the action being withdrawn and the abattoir staff being told that the business was closing and that they no longer had jobs. The Giles abattoir had successfully passed regular audits by PrimeSafe and its predecessor, the Victorian Meat Authority, over many decades of operation. The VMA had specifically seen and approved the abattoir's processing of pigs in pens, and the Giles family was not aware of any regulatory changes. The Department of Primary Industries is yet to release the findings of its investigation.

This is not about animal cruelty. It is a given that animal cruelty is not tolerable. This is about how the regulator applies the law and how small businesses and jobs can be protected and business owners advised of their obligations. I ask the minister to have PrimeSafe review its decision in relation to the L. E. Giles abattoir — specifically in this instance where advice was given verbally but then that advice was denied, as the Giles brothers claim — and to initiate a wider review of the processes and conduct of PrimeSafe. Further, I ask the minister to advise what plans he has to assist in the face of 25 jobs being lost in Trafalgar and what he intends to do to assist those small specialist

farmers who have now been put out significantly by the closure of the local abattoir.

This is an issue that I do not comfortably go into. All of us are horrified by animal cruelty, and it is not tolerable. What we see here is a small business and two elderly gentlemen, whom I have met. I visited Colin Giles and his family. I was also at a function at Trafalgar on Sunday where it was evident that the abattoir closure was probably the biggest issue in the local community. There must be a balance between cruelty and a response which closes down an abattoir. Some of these farmers now have to go to Melbourne if they want pigs or goats slaughtered, or they must go to Sale in the other direction.

The action I seek is for the minister to genuinely look at how this can be addressed. I ask that he explain to the Trafalgar community how those jobs can be restored and, in particular, give some comfort to members of this community that there will be a fair hearing and that they are not going to be told by Melbourne how to run their affairs.

Wind farms: government initiatives

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for Matthew Guy, the Minister for Planning, and relates to the Victorian wind energy industry. Labor failed to get anywhere near its target for wind-generated energy during its term in government. Labor's wind farm policy divided communities and denied them a voice, excluded local councils from the planning process and left a trail of collateral damage. The coalition's wind farm policy restores fairness and certainty to the planning process around wind farms, and it restores community rights by providing adequate buffer zones and meaningful consultation.

Contrary to the misinformation promulgated by Labor's scaremongering, Victoria's wind energy industry has not faltered due to these important policy changes. Victoria has five wind energy facilities with a combined total of around 200 turbines beginning construction this month. This investment is pushing ahead despite uncertainty within the renewable energy sector about Labor's carbon tax legislation and political uncertainty and growing concern over the forthcoming review of the 20 per cent by 2020 renewable energy target.

The Gillard government is yet to provide terms of reference for the renewable energy target review, and this is causing great uncertainty within the renewable energy industry. The forces at play here are complex, and our Labor counterparts are displaying ignorance, hypocrisy and a lack of understanding about this issue. Their open-slather approach to wind farms ignored the big picture to the same extent that they ignored community rights and wishes. As Parliamentary Secretary for Sustainability and Environment I am passionate about nurturing alternative and sustainable energy industries, but these industries can and must operate in a manner that protects community interests.

It is interesting to note that Labor's wind farm policy talked about environmentally acceptable locations, but what about community acceptable locations? Communities must have a voice in the process — and by that I mean a majority voice, not the voice of a vocal few with narrow agendas.

I commend Mr Guy on delivering planning policy that gives certainty and fairness to both Victoria's wind energy industry and the community. I ask that the minister continue to address the opposition's misinformation and scaremongering regarding this issue and that he also continue to promote and foster Victoria's important wind energy industry.

High Street Road, Wantirna: upgrade

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Treasurer, Kim Wells. As the member for Scoresby in the Assembly the minister made an election commitment to duplicate and revamp a section of High Street Road in Wantirna that falls inside his electorate. It is a section of about 1.4 kilometres and is between Stud Road and Burwood Highway. To the Treasurer's credit he did get some funds for preconstruction planning to deliver this project, but the action that I seek is funding for construction in the next budget. I ask that he get on with building this length of road, which he clearly committed to doing before the election.

Hampton Park: community renewal project

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Community Services. It is in relation to the Hampton Park community renewal project, which is a capacity-building program. I recently had the pleasure of accepting the minister's invitation to chair the strategic partnerships committee of the Hampton Park community renewal project. The committee is now looking at two key projects — that is, the community hall daytime activation project and the career guidance development program — which will be significant benefits to the Hampton Park community and require funding through the Community Renewal Flexible Fund.

The community hall daytime activation project will build an additional 48 square metres of dedicated storage space, complete with lockable storage units, that will increase the community's daytime use of the very popular Arthur Wren Hall in Hampton Park. The strategic partnerships committee believes extra storage space is required so that individual community groups such as, for example, the mothers group, the playgroup, the table tennis club and local primary schools can use it practicably and be able to store their materials and equipment for their regular use of the facility during the day. This seems to be the way to increase that usage.

The project will mean the expanded use of the hall by local community groups and various organisations, allow for additional daytime classes run by Hampton Park Community House to accommodate that increased demand and increase local community partnerships. It is a very worthwhile infrastructure project that will ensure that the Arthur Wren Hall is one of the most popular community halls in the city of Casey.

The second project is the career guidance development program, which is very important for the Hampton Park community and is intended to be a series of activities over two years to provide targeted people with mentoring career pathway services. It will provide career guidance to over 200 Hampton Park residents through the platform of the community house. It will provide one-on-one support, work readiness support, training and learning tailored to individual needs and aspirations, as well as post-placement support. The project is a partnership between Hampton Park Community House, local learning and training organisations as well as Job Services Australia providers, the Berwick Village Chamber of Commerce, the economic development unit and the Hampton Park Networking Group. It will increase the capacity of the local neighbourhood house to play more of a role in the education and training space; it will improve local employment services and provide one-on-one support to over 200 people in the community who need this support.

I ask the minister to favourably consider the application for that funding. The approval of the two key projects by the Victorian coalition government will ensure that Hampton Park has infrastructure in place to continue supporting the community beyond the community renewal program. Capacity building is the objective. This will increase the capacity in the future.

Planning: Freshwater Place

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Planning. It relates to residents I met who live at Freshwater Place, which is a 60-storey residential development in Southbank. They oppose a development application which is before the minister for a 275-metre, 71-storey tower, which, if the minister approves the application, will be within 8 metres of their building. It will block their views, it will block their sunlight and it will block their privacy.

Mrs Coote — Who are you talking about?

Mr TEE — Freshwater Place. The residents I spoke to had done their homework before they purchased their residences. They knew there was a design and development overlay which provided for a 24-metre setback and a 160-metre height limit for the southern section of the building and a 6-storey height limit for the northern part of the building. The development and design overlays provided them with the comfort they needed and protection of their views, sunlight and privacy. They knew they would be protected.

The application for a 71-storey tower was sent to the Minister for Planning for approval. On 16 November last year these residents wrote to the Minister for Planning to put their case and he has not — —

Mrs Coote — They've met him.

Mr TEE — Has he? My understanding is that the minister had not responded by the time of my meeting. I have a concern. The residents have a request that this issue be referred to an independent panel because they are concerned there is no process in place. They do not have access to a council; the minister is the planning authority. There are development controls in place that this development will override. They are concerned there will be no capacity for anyone with independent eyes to review their case and make sure that they get an opportunity to put their submissions to a responsible, independent authority — a person or a panel — to hear their case so they can receive the natural justice that they are entitled to.

Regional Rail Link Authority: West Footscray footbridges

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Public Transport, Mr Mulder. A month ago I spoke in this house of two local pedestrian and bicycle footbridges — the Rising Sun bridge and Footscray West station bridge — that are proposed to be demolished because of the regional rail project. These bridges link Footscray to seven communities. Their removal will result in a kilometre-long stretch of

residential area with no crossing to link the communities, no crossing to allow families to walk to child-care facilities and schools and no crossing to enable people to cycle to local shopping areas.

I read extracts from the local residents' letters to the minister which touched on the negative impacts this will have on communities. A month has passed since the minister received the bulk of these letters, yet he has not responded. This follows on from a bad precedent set by the minister earlier.

The government and the Regional Rail Link Authority have not bothered to tell residents that they propose to demolish their local bridges. Before the minister informed the community of the proposal, he received 73 letters from local residents raising concerns about it and calling for the retention of a footbridge. More letters followed. Residents found out about the proposal either from me or from the local media. They have not received responses to their letters to the minister.

This issue is about treating people with respect and consideration; it is about basic communication. These people are facing the potential loss of community links and the negative implications that will follow, yet the minister has not bothered to respond to their letters. They deserve a response to their concerns and questions. I ask the minister to treat these people with the respect they deserve and to respond to their letters.

Maltese Association Hobsons Bay: funding

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Multicultural Affairs and Citizenship. It concerns representations that have been made to me by the president of the Maltese Association Hobsons Bay, Joe Attard. I have to declare an interest as I am a life member of this particular organisation, as is Mr Elsbury. It is important that I put that on the record.

I have been approached by Mr Attard with regard to a proposal for work that is very much needed on the association's neighbourhood centre in Collins Avenue, Altona East. The association has a long-term lease for the centre, but the land and the building are owned by Hobsons Bay City Council. The building is estimated to be about 80 years old, and due to council neglect, so I am informed, it is now in need of significant maintenance work. The association has managed to keep the centre operational only because of work undertaken by members on a voluntary basis.

Hobsons Bay City Council has now acknowledged that the flooring in the centre has become unsafe. The association's large membership has placed loads on the floor such that it now needs to be replaced. The council is prepared to undertake this work and has raised a budget for it, but it also requires financial assistance from the Maltese Association Hobsons Bay. To add to that, the performing stage will have to be removed to accommodate the new flooring works, and again the association has been asked to raise funds for a new stage.

Members of the association have told me they do not understand why council has not provided for a new stage and why they have been left with the job of replacing it. The minister can see that that would put the association under some financial stress. Certainly that is what they tell me — that the association is in a spot of financial bother.

I am asking the minister to see if some funding is available to assist the Maltese Association Hobsons Bay in rejuvenating its neighbourhood centre. I am aware that there are enormous pressures on the budget and that the state of Victoria is suffering as a result of 11 years of Labor mismanagement, but I am asking the minister to investigate what is available and if any help can be afforded to the Maltese Association Hobsons Bay. As I said, I know the members of this association extremely well, and they are very enthusiastic about helping members of their local community. It would be a very worthy thing indeed if the minister were able to provide some assistance at their time of need.

Victorian volunteer small grants program: closure

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services, Peter Ryan. The matter I raise is the coalition government's decision to axe the Victorian volunteer small grants program. This will have a very significant impact on rural communities and community organisations and make it harder for them to recruit and train volunteers.

I am very disappointed that the coalition government has dumped this very important program. In the past month in the north-eastern region of my electorate alone we have had hundreds of volunteers representing a number of organisations working tirelessly in flood-affected communities, providing essential support to vulnerable residents. For example, more than 17 000 meals were served by local groups that have now been marginalised by this announcement. Cutting this $3 million program will have a devastating impact on the 1500 community houses, neighbourhood centres and small community organisations in northern Victoria

that rely on volunteers — not to mention what it will do to the community spirit and staff morale.

I will give some examples of just some of the types of organisations and a few of the community groups in northern Victoria that have received volunteer small grants. Carevan in Albury-Wodonga provides evening meals to homeless and disadvantaged families and trains its volunteers to help people access appropriate support services. Albury Wodonga Health used a grant for National Volunteer Week promotions. The Ovens and King Community Health Service used small volunteer grants to organise a regional gathering for its palliative care volunteers. Goulburn Valley Community Care and Emergency Relief hosted a special welcome day for individuals interested in becoming volunteers to help access and deliver services to clients with complex needs. The Felltimber Community Centre bought equipment and materials to allow volunteers to make curtains for housing department tenants. The Birchip Business and Learning Centre provided accredited training to skill up community members to become volunteers in local sports clubs and organisations. These are just a few of the types of organisations that have received and relied on those grants.

My specific request of the coalition government is that it immediately reinstate this important volunteer program so that community organisations can continue to deliver the support they currently provide right across Victoria and particularly in my electorate of Northern Victoria Region.

Melbourne City Council: elm trees

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Local Government, Jeanette Powell. I know that the minister is proud of the fact that Melbourne is the most livable city in the world and that she is particularly proud of our wonderful elm trees. The elm trees form a feature of marvellous Melbourne and are one of the reasons the city is continuously in the category of the top most livable cities of the world. In Europe the elm trees in the wonderful avenues died because of Dutch elm disease, but in Victoria the trees have been saved and we have the best avenues of elm trees in the world. St Kilda Road has one of the most beautiful avenues of elm trees in the world. It is really important to understand that. I know that the Lord Mayor, Robert Doyle, is also aware of this, and last week he reiterated his position on this on 3AW.

It seems that some people are causing some mischief. Recently Ian Shears held a meeting at which he said that heritage is not necessarily good and that under a Melbourne City Council plan the trees in Alexandra Avenue, Carlton, Jolimont and Domain Road would be replaced with native trees. Many of my constituents are up in arms about this. They are very proud of the elm trees in and around the Domain, along St Kilda Road, in the Botanic Gardens and all around that vicinity. We understand that the trees are getting older, that some of their limbs are falling off and that so many of them need to be replaced, but it is really important that we keep the character and heritage of our city by replacing the elm trees with elm trees.

Recently in the *Herald Sun* there was a letter about Mr Shears's meeting about the elm trees. It states:

> We were told that they were diseased, nearing the end of their life but overall too prominent and dominating. They have survived drought and the elm tree beetle to proudly survive and enhance our surrounding parks and streets.

That is what one of my constituents, Susan Holt, wrote.

The action I ask of the minister this evening is that she encourage the Lord Mayor, Robert Doyle, to continue Melbourne City Council's program of replacing diseased and unsafe elm trees with new elm trees in order to maintain Melbourne's reputation as the most livable city in the world.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have written responses to the adjournment debate matters raised by: Mr Finn on 7 February 2012, Ms Pulford on 7 February 2012, Mr Elsbury on 9 February 2012, Mr Lenders on 28 February 2012, Mr Ondarchie on 29 February 2012, Ms Darveniza on 29 February 2012, Mr Lenders on 1 March 2012 and Ms Mikakos on 1 March 2012.

A number of matters have been raised tonight. The first was by Mr Lenders for the attention of the Minister for Agriculture and Food Security regarding the L. E. Giles Abattoir in Trafalgar. The issue raised by Mr Lenders is very important, and I must admit I concur with his thoughts and comments on this particular matter. In particular he asked that the minister request that PrimeSafe review the decision to close that abattoir, and he also sought some assistance for workers who have lost jobs there. I will certainly convey that request to the Minister for Agriculture and Food Security.

Mrs Petrovich raised a matter for the Minister for Planning encouraging the minister to work on and further develop wind farm planning laws, and I will pass that request on.

Mr Leane raised a matter for the Treasurer seeking the delivery of a pre-election commitment in respect of infrastructure in his electorate, and I will pass that request on.

Mrs Peulich raised a matter for the Minister for Community Services encouraging the minister to look favourably upon a funding application for projects by the Hampton Park community renewal project. I will pass that matter on to the Minister for Community Services.

Mr Tee raised a matter for the Minister for Planning, Mr Guy, regarding Freshwater Place in Southbank. He requested that the planning application for a new construction in that area be referred to an independent planning panel, and I will pass that request on.

Ms Hartland raised a matter for the Minister for Public Transport regarding the proposed removal, as I understand it, of two bridges for pedestrians and cyclists. In particular she asked that the minister respond to representations made to him by local residents, and I will pass that request on.

Mr Finn raised a matter for the Minister for Multicultural Affairs and Citizenship, Mr Kotsiras, regarding the Maltese Association Hobsons Bay, and in particular he sought some advice as to whether there may be any funding available to assist that association with the rejuvenation of its neighbourhood centre, and I will pass that request on.

Ms Darveniza raised a matter for the Minister for Police and Emergency Services seeking the reinstatement of the volunteer small grants program. I will convey that request to the Deputy Premier.

Mrs Coote raised a matter for the Minister for Local Government regarding elm trees. I know we have Dutch elms and I am not sure whether the elm beetle is of Dutch extraction, but nevertheless I am aware that there is a significant problem. I might add that there is also a problem in some of our country communities. In Traralgon there was a need to replace some elm trees as well because of the elm beetle disease afflicting them. Mrs Coote made a very sensible request, asking the Minister for Local Government to encourage the Melbourne City Council, in particular the Lord Mayor, to ensure that the elm trees that are diseased and unsafe are replaced with new elm trees, and I will pass that matter on.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 6.29 p.m.

Minister for Planning

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File: 09/002874-01

Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe Wayne

I refer to the Legislative Council's resolutions of 14 March 2012 seeking the production of:

> *A copy of the Ports and Environs Advisory Committee report that, according to the Department of Planning and Community Development website, was submitted on 1 November 2010.*

The Government is in the process of responding to this resolution.

As the response to the report is yet to go though the cabinet process and it is appropriate that both the report and response are released simultaneously, the Government is not able to respond to the Council's resolution within the time period requested.
The Government will respond as soon as possible.

Yours sincerely

MATTHEW GUY MLC
Minister for Planning

27.3.12