PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 27 May 2010

(Extract from book 7)

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By authority of the Victorian Government Printer

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Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

Standing Committee on Finance and Public Administration — Mr Barber, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee and Mr Viney.

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

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mrs Coote, Mr Leane and Ms Mikakos. (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee. (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson.

Education and Training Committee — (*Council*): Mr Elasmar and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mr Murphy and Mrs Petrovich. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn and Mr Scheffer. (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmar, Mr Guy and Ms Hartland. (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips. (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Mr Nardella and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

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Mr GAVIN JENNINGS

Leader of the Opposition:
Mr DAVID DAVIS

Deputy Leader of the Opposition:
Ms WENDY LOVELL

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Murphy, Mr Nathan[2]	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue[1]	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles[3]	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William[4]	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

[1] Appointed 3 February 2009
[2] Appointed 9 March 2010
[3] Resigned 1 March 2010
[4] Resigned 9 January 2009

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THURSDAY, 27 MAY 2010

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Thursday, 27 May 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.34 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

National Parks Act 1975 — Minister's notice of 20 May 2010 of consent to explore for petroleum in the Bay of Islands Coastal Park.

Parliamentary Committees Act 2003 — Government Response to the Road Safety Committee's Report on the Process of Development, Adoption and Implementation of Australian Design Rules.

MEMBERS STATEMENTS

Neighbourhood houses: child-care funding

Mrs PETROVICH (Northern Victoria) — I would like to raise an issue which has the potential to impact on all communities which have neighbourhood houses that run occasional child care. I have been contacted this week by a number of concerned neighbourhood house coordinators who have been advised that the commonwealth support for the neighbourhood house model for occasional care will be cut from 1 July 2010. This funding is worth around $1 million a year and covers 60 to 70 per cent of the federal government's Take a Break funding.

This announcement has come despite a recent survey showing that neighbourhood houses are doing a terrific job of rising to the challenges imposed by the new Children's Services Regulations 2009 and are fulfilling a great need of mums, particularly in rural areas where it is difficult to access child care let alone occasional care.

The Brumby Labor government has not yet announced how it will respond to this cut. My gravest fear is that it will scrap its component of the funding, leaving this great community service high and dry. This funding cut will affect a large number of families, particularly those from disadvantaged groups, who will no longer have access to affordable occasional child care.

What should also be considered is the impact this will have on employment and the viability of neighbourhood houses as vibrant community hubs. I ask the government to act to ensure this valuable service is not scrapped and that mums and dads who are in need of the opportunity to take a break are not denied it. After all, is it not Labor's slogan that Victoria is a 'Great place to live, work and raise a family'? If this is Labor's mission statement, then I ask it to practise what it preaches.

Liberal Party: candidates

Ms HUPPERT (Southern Metropolitan) — On Monday the Liberal candidate for the Assembly electorate of Prahran, Clem Newton-Brown, was involved in the hanging of an effigy of the Premier at an anti-clearways protest. The Liberal candidate for Prahran promoted and spoke at this protest. This is not the first time that the Liberal Party has resorted to extreme and grubby tactics in the pursuit of political gain. Recently in Geelong Liberal candidates smashed plates with the faces of the Premier and local Labor MPs on them. As the *Herald Sun* reported, one of those opposite, Ms Lovell, was involved in this. Liberal Party candidates seem to be putting more effort into cheap stunts in poor taste — —

Honourable members interjecting.

The PRESIDENT — Order! I remind the house that the convention is that 90-second statements provide an opportunity for people to raise any matter of concern, and generally people are given a little bit of licence and leeway.

Ms HUPPERT — The Liberal Party candidates seem to put more effort into cheap stunts in poor taste than they do in offering positive vision for Victoria. The Leader of the Opposition in the Assembly, Mr Baillieu, needs to stand up and take control of his party and his candidates and set out what is and is not appropriate for political debate. Mr Baillieu should probably distance himself from and reprimand the Liberal candidate for Prahran, or is this another example of Ted Baillieu showing weak leadership?

Honourable members interjecting.

The PRESIDENT — Order! I am going to express an opinion here. I daresay that there are going to be numerous occasions when members will use members 90-second statements particularly for politicising the forthcoming election and their candidates et cetera. If this is going to be the case and if this is going to be the response, it is going to get extremely difficult to manage in the house, so I suggest to all members in the house that when these matters are raised they just suck it up.

Mrs Peulich — Not when it is a breach of standing orders, President.

The PRESIDENT — Order! I will use standing orders.

Mrs Peulich — On a point of order, President, points of order were not enforced when clearly the member was reflecting on another member.

The PRESIDENT — Order! What is your point of order?

Mrs Peulich — The member was actually reflecting on a member of another chamber, the Leader of the Opposition, and I asked that she withdraw those remarks.

Honourable members interjecting.

The PRESIDENT — Order! We are off to a great start. In my judgement, the comments made with regard to the member in the other place were not objectionable or offensive. Therefore in my view there is no requirement for the withdrawal. Had they been offensive you are right, Mrs Peulich the request would have been made for the member to withdraw them. I just remind the house again that if this is going to be what people want with regard to 90-second statements, then be careful what you ask for. If people want to insist that standing orders be applied, they will be, to everyone, every time.

Mrs Peulich — Absolutely, President.

Public transport: Cann River

Mr P. DAVIS (Eastern Victoria) — What an interesting exchange. I did not know that 'suck it up' was a parliamentary expression, but in any event I wish to make some remarks concerning public transport in East Gippsland. I hope that members of the house will give me the courtesy of allowing me to express my concerns on behalf of residents of Cann River.

The residents of Cann River are still waiting for public transport solutions so that they might have a return daylight service to travel in the region between Cann River and Bairnsdale for business, sport, entertainment and family outings. Cann River township is situated on the Princes Highway at the junction of the Princes Highway, Sydney to Melbourne, and the Monaro Highway, Canberra to Cann River via Cooma-Bombala, New South Wales, to the Victorian border. Importantly, this has been an issue for a number of years, and it has been pursued tenaciously by Marion Marx, who has been lobbying for better public transport solutions since late 1994 and has been working with the East Gippsland shire. She has also been attempting, through V/Line, to have discussions about arranging for a return same-day service from Bairnsdale.

Public transport, to say the least, is sparse in a fairly sparsely populated area and Cann River community members suffer from the handicap of simply being — —

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

Freedom of information: Department of Transport

Mr BARBER (Northern Metropolitan) — In April last year I wrote a cheque for $22 and sent off a freedom of information request to the Department of Transport seeking Victoria's submissions to the national infrastructure priority list. More than a year later I started to receive those documents, which are in fact mini business cases for a whole range of different varieties of infrastructure — not just transport but energy and information technology as well.

It is an absolute disgrace that I had to drag the department to the courthouse steps before it released information which is unquestionably in the public interest. We are talking here about bids for tens of billions of dollars worth of infrastructure. The proof of my case for a public interest override was absolutely incontrovertible and in many cases came out of the mouths of government politicians and for that matter the infrastructure business itself.

Members of the government who come in here and talk about openness and transparency ought to choke on those words because the material that has now been released is the most basic requirement for the public to participate in a debate about infrastructure.

Budget: government initiatives

Mr SOMYUREK (South Eastern Metropolitan) — I rise to congratulate the Treasurer for once again handing down a well-balanced and responsible budget which maintains the state's AAA credit rating and at the same time delivers on key community services such as health, education and community safety.

This budget demonstrates that the fundamentals of the Victorian economy are so sound that the state has been somewhat impervious to the global financial crisis. The strength of the Victorian economy was demonstrated with the release earlier this month of a new report from the Australian Bureau of Statistics showing that 109 700 jobs have been created in Victoria in the past year, with 57 000 of those jobs being full-time.

Rail: Lynbrook station

Mr SOMYUREK — On another matter, I welcomed the announcement earlier this month that the Lynbrook train station is a step closer to being a reality.

Mrs Peulich — Thank me!

Mr SOMYUREK — I am thankful for the vigorous lobbying by Mrs Peulich as well. I am glad to say that tenders are now being called for construction firms to build the station through the $220 million New Stations in Growth Areas program. The new Lynbrook train station will be a significant addition to the communities of Lynbrook and Lyndhurst, where there are expected to be approximately 80 000 people living within 5 kilometres from the station by 2021. I declare an interest — —

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

Wind farms: government policy

Mr GUY (Northern Metropolitan) — I intend to talk about wind farms policy and may refer to the Minister for Agriculture and the members for South Barwon and Ballarat East in the Assembly — and Labor Party members opposite can just suck it up!

Why do Labor Party members hate country communities? Why do they hate locals having a say? Why do they want to sacrifice tourism assets? Why is it that the Labor Party would never approve wind farms on Windy Hill, 2 kilometres from the home of some Labor luminary but is happy to approve them within 2 kilometres of country residences? Why is it that the Municipal Association of Victoria says a 2-kilometre buffer is right? Why is it that a New South Wales parliamentary committee with members from various parties including the New South Wales Greens all support a 2-kilometre buffer? Why is it that the only recalcitrants appear to be Labor members, some with their own stacks in the industry, the companies that own these turbines? Why is it that Labor Party members hate country people? Why is it that Labor members who represent country Victoria do not live in their electorates? Why is it that country Labor members need a VicRoads directory to find their way to their own electorates?

It is because Labor members hate country communities and their reaction to wind farms policy. It gives country communities the right to decide what is built in their communities and is another example that the Victorian Labor Party, true to form, hates country Victoria.

Western Victoria Region: government initiatives

Ms TIERNEY (Western Victoria) — During the past few weeks I have met with many local government representatives and community groups to share the joy over successful projects and applications for future projects. These include a number of local men's sheds at Winchelsea, Anglesea and Camperdown. Local bowling clubs, Warrnambool Lawn Tennis Bowling Club and Derrinallum Bowling Club, both received $60 000. There is a new $125 000 tanker for the Barwon Downs Country Fire Authority unit, and there was the opening of the Barwon Downs History Centre and the celebration of the township's 100th anniversary. Anglesea Tennis Club's project to light up Anglesea tennis, and local playground redevelopments in Timboon and Dennington received $60 000 each. The Toolong community hall redevelopment that I mentioned yesterday received $110 000, and there was just under $232 000 for the Terang community fitness hub.

The Brumby Labor government continually expresses its support for rural and regional Victoria through funding programs such as the Small Towns Development Fund and the drought relief for community sport and recreation program which are funding Victorian community facilities. Throughout the 11 years of this state Labor government regional Victoria has been taken from a disregarded, ignored, continually overlooked part of this state under the Liberal government to a thriving, healthy and strong economic component of what makes this state the best place to work, live and raise a family. This government will continue to work with local councils, community groups and individuals.

Notting Hill Community Association: public open space

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I congratulate the Notting Hill Community Association for its dedication and hard work over a number of years to obtain public open space on the sites of the former Monash Primary School and Monash Secondary College. Despite this government's claim that it does not close schools, both schools were closed by Labor more than four years ago. Since then the local community has been seeking to have the adjoining school sites considered as one parcel of land and appropriate public open space set aside.

In early 2007 I made representation to the then Minister for Education, John Lenders, seeking the government's support for the preservation of an area equivalent to a

playing field or oval. After three years of delay, the City of Monash has finally approved a planning scheme amendment which will see 20 per cent of the primary school site preserved as public open space. While it is disappointing that it has taken three years to get this result, and the outcome is not large in terms of public open space, it is definitely preferable to having both sites completely covered by commercial or residential development. All credit for this achievement must go to the Notting Hill Community Association for maintaining this fight for so long.

The PRESIDENT — Order! Contrary to my previous advice, on reflection I suggest that the house maybe does not really have to suck it up.

Bendigo hospital: redevelopment

Ms BROAD (Northern Victoria) — On 4 May the Premier, John Brumby, visited Bendigo to announce $473 million towards the $528 million Bendigo hospital project. This investment by Labor is the single biggest investment by any government towards a regional hospital in Victoria's history. It will provide families with access to the health services they need in a brand-new hospital and is in addition to the $55 million first stage of the redevelopment of the hospital already funded by Labor.

Labor has delivered on the commitment it made to the Bendigo hospital at the 2006 election, following a great deal of hard work to plan the project by the board and staff of the hospital, with strong support from the local Labor members for Bendigo East and Bendigo West in the Assembly, Jacinta Allan and Bob Cameron, the Greater Bendigo City Council and the wider community. Their support is in marked contrast to the repeated refusal of the Liberal-Nationals coalition opposition to commit to funding Bendigo's new hospital.

Surely now the Liberal-Nationals opposition can make a decision to support the Bendigo community by at least matching Labor's investment in the Bendigo hospital. I challenge David Davis and Wendy Lovell to match Labor's commitment to Bendigo hospital, and I call on Donna Petrovich to stop undermining the Bendigo hospital by making mendacious statements.

VicRoads: cost recovery

Mr O'DONOHUE (Eastern Victoria) — Scanning through the transcripts of recent Public Accounts and Estimates Committee (PAEC) hearings I was surprised to read that funding for the Clyde Road, Berwick, duplication project, which is capitalised at $56 million, includes all VicRoads employee costs associated with the project such as project management, design and administration. This full cost recovery may help to explain the often significant difference between the government's advertised capital cost of a project and the tender project delivery price.

I was alerted to this issue by a constituent who emailed me with regard to the cost of sound barriers on the Princes Freeway between Berwick and Beaconsfield. He highlighted that the government had advertised the project cost as $12.3 million but the tendered cost of delivering and erecting the sound barriers was $4.3 million, leaving a question about the remaining $8 million and where and how it was spent.

The duplication of 1 kilometre of Clyde Road for $56 million without addressing the fundamental issue of grade separation is incredibly expensive for what it delivers. Can this partly be explained by anticipated cost recovery by VicRoads for its administrative costs?

I call on the minister to expand on the answers he and the department gave at the PAEC hearings and provide a full clarification for the Parliament and the Victorian community as to exactly how VicRoads measures its costs, how those costs are calculated when it is acting on behalf of third parties such as when it is delivering projects funded by the commonwealth and whether commercial rates are ever charged and therefore become a source of profit for VicRoads and the state. Project cost escalation is an important issue that the government has failed to address. This issue of capitalising VicRoads administrative and other costs may help to explain this problem. I look forward to the minister's clarification.

Liberal Party: Gippsland East electorate candidate

Mr O'DONOHUE — I congratulate Sonia Buckley who has been pre-selected as the Liberal candidate for the Assembly seat of Gippsland East. She will run a fantastic campaign. She is a sixth generation East Gippslander, and I wish her all the best.

Sunshine Hospital: redevelopment

Mr EIDEH (Western Metropolitan) — I rise to once again congratulate the Brumby Labor government on its commitment of an additional $90.5 million towards construction works at the Sunshine Hospital. This funding boost is part of the 2010 state budget, which delivers $2.3 billion to build state-of-the-art hospitals for Victorians and create more than 280 new jobs by 2013. Thanks to the government's record health

investment, patients in and around my electorate will have access to an extra 128 hospital beds, 30-day medical and chemotherapy chairs, a special nursery with eight extra cots as well as extra clinical support services.

This important redevelopment will enable about 22 000 additional patients to be treated at the Sunshine Hospital each year and will help meet rising demand for hospital services in my electorate. This significant commitment is the third investment delivered so far, with $73 million invested in 2008–09 and $20 million delivered in 2007–08. I am pleased to say this $90.5 million boost will go towards building the final stage of the Sunshine Hospital redevelopment and will include the first public radiotherapy service in Melbourne's west, allowing patients to receive treatment closer to home.

The Brumby Labor government is committed to protecting families in Melbourne's west by providing access to the very best facilities at locations close to home. I am proud to see such a great commitment to health in my electorate.

Environment: Blackburn site

Mr ATKINSON (Eastern Metropolitan) — I wish to make some comment on the former Caltex service station site, a neglected site at 24 Blackburn Road, Blackburn. This site has been derelict for over 12 years now, and it is a site that has been of great concern to the traders at the Blackburn shopping centre and to many residents in and around Blackburn, including one of their representative associations, the Blackburn Village Residents Group. I have presented a petition to this place this week in regard to the need for this site to be cleaned up, and I have to say that I am absolutely aghast that it has taken the Environment Protection Authority (EPA) so long to move so little distance in respect of this site.

For 12 years this site in Blackburn has remained neglected and derelict, leading to concern that the aged infrastructure of this disused service station might well be leaching into the groundwater and certainly concerns about the amenity effect on the area. I contacted the EPA and it said it was going to have a meeting of the parties in a few weeks time. A few weeks time! Frankly, this government, the minister responsible and the EPA ought to have got onto this issue many years ago and absolutely ought to get on to it this afternoon after my comments this morning, because it is simply not good enough for the residents of Blackburn to put up with this situation where this site remains derelict and where there is no action in terms of trying to clean it up.

Strathmerton Preschool: funding

Ms DARVENIZA (Northern Victoria) — I was very pleased last week to announce funding for the Strathmerton Preschool for renovation and refurbishment works. The Strathmerton kindergarten will receive $95 331 to improve wheelchair access, reinstate soft rubber and grass play areas, improve functionality and storage for its kitchen, office and equipment rooms, upgrade the air conditioning, internal and external painting, as well as new floors. These works have been identified by the kindergarten as important to help to maintain, grow and expand the service to meet the needs of families in the area.

Lake Mulwala Power Festival

Ms DARVENIZA — On another matter, I was also pleased to announce last week a grant for the annual Lake Mulwala Power Festival. Tourism events like this one are really the lifeblood of our unique towns and they help to inject funds into the local economies and to protect jobs. The grant will be used to promote the Lake Mulwala Power Festival, which is an annual event showcasing powerboats, hydroplanes and associated sports. It runs from 26 to 28 November and will also feature market stalls, outdoor displays and live entertainment. This event will encourage more and more people from around Australia and overseas to visit this regional part of Victoria and experience our culture, outstanding food and wine and beautiful wildlife and scenery.

Walk Bendigo project

Mr DRUM (Northern Victoria) — It is with some sadness that I note the City of Greater Bendigo is considering walking away from its Walk Bendigo project, a concept which has attracted national interest and which held great promise for the future of many of our cities. Walk Bendigo was a project under which pedestrians would have been given greater freedom in the heart of the city and which broke away from the idea that we had to keep designing our city around cars. The city committed to this about five years ago, based on groundbreaking work achieved by some European cities and a visit to Bendigo by Dr Rod Tolley of Staffordshire University, who prepared a report for Greater Bendigo council in 2007. Now after three years with the job only half done the city says there is no longer any political will to complete the project. It will probably stay half done for years. I think this is a disappointing day in the city's history.

The plan has attracted the interest of many cities, including Sydney, where the feeling was that if this worked in Bendigo, Sydney would be likely to follow. Walk Bendigo was designed to increase foot traffic, calm motor traffic, improve the way people use the city centre and, ultimately, boost commerce and public safety. There has been an impact in Europe, where these policies have been implemented. The sad thing is that in years to come another council — maybe a stronger, more visionary council — and another state government are almost certainly going to be forced to revisit this project and build a truly sustainable people and pedestrian-friendly city. Bendigo needs a point of difference to create an advantage to entice tourists and visitors to our city. Walk Bendigo could have given Bendigo this specific advantage.

Mr Kavanagh: comments

Mr MURPHY (Northern Metropolitan) — In the last sitting week Mr Kavanagh made an ill-informed speech in relation to asylum seekers in response to a speech I made about asylum seekers. He said:

> In fact the Australian Security Intelligence Organisation recently warned the federal government that four of the arrivals that it has allowed into mainland Australia are terrorists.

The advice I have received suggests that the MP might be confused about the *Oceanic Viking* cases. Four of the people from the *Oceanic Viking* caseload were found to be refugees but were the subject of adverse security assessment by the Australian Security Intelligence Organisation. They were not granted visas to Australia. They remain on Christmas Island in detention. None of the latest caseload of irregular maritime arrivals on the mainland, either in detention or those now granted visas, has received adverse security assessments. I would suggest that Mr Kavanagh's comments are dangerous, because he either knows too much and has falsely accused the asylum seekers in a speech, or he does not know enough and therefore needs to go back and research the case a little bit further.

Mr Finn — On a point of order, President, Mr Murphy has just made the very severe imputation against Mr Kavanagh. It is clearly in breach of the standing orders, and I ask him to withdraw.

The PRESIDENT — Order! Mr Finn may well be right, but that is a matter for Mr Kavanagh to determine. He is in the chamber and if he wants to object, he can. Mr Finn cannot object on his behalf whilst he is here.

Mr Kavanagh — On the point of order, President, I would like to thank Mr Finn, but I believe we should have a free range to express our opinions here. I do not request that Mr Murphy apologise or withdraw.

Yusuf

Mr KAVANAGH (Western Victoria) — Yusuf, formerly known as Cat Stevens, is due to make a concert tour of Australia next month. In the late 1980s a fatwa, or an order to murder, was famously placed against author Salman Rushdie. Although Yusuf now denies supporting the attempts to murder Salman Rushdie, he is on record at the time stating that he wanted to see Mr Rushdie burn — not just an effigy of him — and that he would like to have reported Mr Rushdie's whereabouts to those who wanted to murder him.

Through the assertion of copyright, Yusuf has also removed from the internet statements by Mr Rushdie that Yusuf wanted him dead. Yusuf has been evasive on this matter for years. I hereby call on the federal Minister for Immigration and Citizenship, Senator Evans, to deny Yusuf a visa to enter Australia unless he publicly and categorically states he does not and will not support the murder of any person for the expression of views no matter how offensive.

As a people devoted to free speech, do we not object to the use of threats or violence in the battle of ideas? Do we not say that offensive writing should be dealt with by debate, reason and criticism and not by threats and violence? As a people do Australians not stand for free speech and against the murder of those who write what may be offensive? If as a people we do not take stand on this, if we do not take a stand against threats of murder and intimidation of people for the expression of their views, then what do we take a stand against? And indeed what do we take a stand for?

Mrs Peulich — On a point of order, President, earlier you ruled that notwithstanding a breach of standing order 12.20, which provides that imputations and personal reflections on a member are highly disorderly, if a member himself or herself did not personally take offence and require that to be withdrawn, it would not need to be done. When Mr Finn took that point of order, Mr Kavanagh stood up and, in response to your guidance, indicated that he personally did not find it offensive.

However, I would ask you to reconsider as I think Mr Murphy's contribution in the 90-second statements was in breach of standing order 12.20 as it does impute an improper motive and personally reflects on a

member of Parliament. I suggest that that is a simple and straightforward breach of a standing order. It is highly disorderly and requires to be ruled upon without a member taking personal offence at such a breach of the standing order.

Mr Murphy — On the point of order, President, if it may assist you, I said at the start of my speech that I was responding to comments Mr Kavanagh made about me last sitting week. That was the reason for the speech.

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

Mr Murphy — If the honourable member was — —

The PRESIDENT — Order! Mr Murphy, please.

Mr Kavanagh — On the point of order, President, I say that I do find the comments offensive. In my opinion it is part of politics to be offended and therefore in the interests of free debate I do not require the member to withdraw his statement.

The PRESIDENT — Order! In response to the original point of order raised by Mrs Peulich, there are numerous examples within the presiding officers' rulings that demonstrate quite clearly that it is up to the member, and the member only, to take offence, make a point and have it withdrawn. Mrs Peulich can accept that or reject it, but that is my ruling and that is what is in the previous rulings.

Mrs Peulich — On a further point of order, President, there are numerous examples where a — —

The PRESIDENT — Order! Mrs Peulich, it is not further to the point of order. If Mrs Peulich has another point of order on a matter, fine, but I have ruled on that point of order.

Mrs Peulich — President, it is the right of every member of Parliament to raise a point of order and be heard, and I ask that I be heard.

The PRESIDENT — Order! Mrs Peulich is correct. She has been heard and the ruling has been made.

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

The PRESIDENT — Order! Mrs Peulich, that is the end of it. If she has another point of order on another matter, fine, but this matter is finished.

Mrs Peulich — On a point of order, President, I said, 'A further point of order, President'. It is not the same point of order.

The PRESIDENT — Order! I said if Mrs Peulich has another point of order on another matter, she should go right ahead.

Mrs Peulich — On a point of order, President, on many occasions matters are raised in another chamber where a member of Parliament takes up that matter on behalf of a member of Parliament who is not represented in that chamber. Often those points of order are upheld.

The PRESIDENT — Order! Mrs Peulich, one, is debating; and two, it is on exactly the same matter. This matter is over.

STATEMENTS ON REPORTS AND PAPERS

Ombudsman: child protection — out-of-home care

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to make statements on reports that have been tabled in this chamber. Unfortunately I will be talking first about the Ombudsman's report entitled *Own Motion Investigation into Child Protection — Out of Home Care*, which has been widely reported. It is symbolic of the Labor Party and the way it deals with issues. The Minister for Community Services, Ms Neville, at the Public Accounts and Estimates Committee gave evidence that could only be described as wishy-washy at best. This is reflected in the Ombudsman's report that was tabled yesterday.

Some of the words that have come out indicate that the processes that should have been adhered to by the minister have been totally and utterly ignored. It is important to recognise that when recommendations are made it is incumbent on the minister to reflect on and understand them. I refer to some of the statements, such as this on page 10:

> My investigation has found instances of children who have been physically and sexually assaulted.

On page 12 we see:

> Instances of abuse of children in out-of-home care continue to come to light and —

more importantly —

> the improvements I recommended in 2005 have not been adhered to in many cases.

Here we have the Ombudsman five years later saying that the report that should have been adopted has been totally ignored.

What I found fascinating is that the Ombudsman made 21 recommendations, as indicated on page 23, and one of the significant recommendations was not accepted by the secretary of the department. The recommendation was:

> … to transfer the registration of community service organisations from her department to an independent office.

It was ignored. Finally, the Ombudsman says:

> … it remains my view that the current arrangements are not appropriate.

It again indicates that the department sees itself as being more important than the children it is meant to protect. This report is a damning indictment of the state of out-of-home care in Victoria. Why does the government continue to ignore reports like this? I think it is because it is focused on other events.

Ombudsman: investigation into alleged improper conduct of councillors at Brimbank City Council

Mr DALLA-RIVA — I now go to the second report, which is on the Ombudsman's investigation into alleged improper conduct of councillors at Brimbank City Council. This report by the Ombudsman was released in 2009.

Recently further reports about the Brimbank City Council have come out. We have seen reports in the paper about Costas Socratous, who has been involved in what can only be described as blatant branch stacking. It reinforces why there needs to be an independent commission against corruption established in Victoria — so that allegations such as these can be independently investigated. It is no good having the ALP investigate matters. The Ombudsman did the right thing in investigating the conduct of councillors. There was a significant fallout from that and we are now seeing this.

When I read through the transcripts and heard what had occurred there, it was very clear there was a lot of evidence that could be provided to Victoria Police. As a former fraud squad detective, I know you can gain a lot of material from something like this. My understanding from reading the reports is that there could be a significant opportunity for the police to investigate any evidence of the improper use of electorate funds or other funds for ALP purposes.

It goes to the very issue of the investigation undertaken by the Ombudsman in May 2009 into the Brimbank City Council and the fact that this council was corrupt. It involved a corrupt environment. It involved corruption around that area. Now we find that a former ALP staffer was involved in branch stacking and the overall use of funds. As Mr Socratous said, 'An internal investigation by the ALP was futile'.

If you want an investigation, bring me the Ombudsman, bring me the police, bring me the Victorian Electoral Commission, but not the Labor Party, because it has done it before and everything was covered up, and I think Victorians are sick and tired of the continued cover-up. We need an independent crime commission and that — —

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

State of environment 2008: government response

Mr MURPHY (Northern Metropolitan) — The Victorian government's November 2009 response to the *State of the Environment Victoria 2008* recognises the threats facing Victoria's environment and has seriously considered the report's recommendations and key findings. Amongst other recommendations, the report identifies the key areas to be addressed as energy, water resources, materials, atmosphere, land and biodiversity, and inland waters.

The report notes that in submissions received from individuals, industry and organisations there were common themes around a deep concern about the seriousness of climate change, the willingness to significantly reduce greenhouse gas emissions and a desire to make the switch to renewable energy. These are all issues we must meet with urgency. Climate change and its impact upon humanity is a challenge that we collectively face like no other challenge before. By the end of this century we will likely see a radically transformed world that is much more hostile to the survival and flourishing of life.

No matter how hard it is to face, no matter how distressing the facts, we are going to have to deal with an environment that will change more rapidly than at any time in the history of this planet. It is believed that all we can do now is limit the change to minimise climate disruption. We have to accept the reality of climate change, but it does not mean we should do nothing. This is the new consciousness that all of us as public representatives must accept.

Cutting global emissions quickly and deeply may delay some of the worst effects of global warming, but it is highly likely that we have passed significant tipping points that we cannot come back from. It is likely that enough warming is now locked into the system to overwhelm any attempts we make to cut back on our carbon emissions. This should come as no surprise to us.

In 1965 the then US President, Lyndon Johnson, recognised that:

> This generation has altered the composition of the atmosphere on a global scale through … a steady increase in carbon dioxide from the burning of fossil fuels.

In 1989 the then British Conservative Prime Minister, Margaret Thatcher, delivered a speech to the United Nations imploring the international community to address the emerging dangers of global warming.

The time for debate on climate change is long gone. Reality is staring at us and we must act.

The accelerating rate of melting of the Arctic Sea has shocked scientists studying it, and many believe that summer ice will disappear entirely within the next decade or two. Mark Serreze, the director of the US National Snow and Ice Data Centre, has declared that:

> … Arctic ice is in its death spiral.

The dark water surface that will replace the reflective white one in summer will absorb more solar radiation, setting off a positive feedback process of further warming.

The Intergovernmental Panel on Climate Change's third assessment report in 2001 stated that global surface temperatures are projected to increase by anywhere between 1.4 and 5.8 degrees Celsius above pre-industrial levels over the period 1990 to 2100.

It is not a matter of if, but when. We must act to minimise the damage. A sustainable solution is required. Ezio Manzini, professor of industrial design at the Milan Polytechnic, notes that:

> Transition towards sustainability requires radical changes in the way we produce and consume and, more in general, in the way we live. In fact, we need to learn how to live better (the entire population of the planet) and, at the same time, reduce our ecological footprint and improve the quality of our social fabric. In this framework the link between the environmental and social dimensions of this problem clearly appears, showing that radical social innovation will be needed in order to move from current unsustainable models to new sustainable ones.

Manzini argues that given the urgency, dimension and complexity of the problem to be faced, we must conceive an articulated research program — a worldwide collaborative research program into design for sustainability.

It is through programs such as the Climate Communities grants program — a Victorian government initiative designed to promote and support local actions to tackle climate change — that Manzini's visions can be met. This program provides local groups and organisations across Victoria, such as Urban Reforestation situated in Docklands within my electorate, with information, advice and grants of up to $50 000 to take practical action on climate change in their own communities.

Urban Reforestation is the beginning of an urban farm and social innovation project aimed at enhancing sustainable lifestyles in cities. Urban Reforestation uses specific design knowledge to 'spark' social innovation. The community is actively involved in a design process of sustainable development, or what it likes to refer to as its 'blank canvas'. Co-design workshops, storytelling and knowledge sharing at the garden are forms of community engagement, and they are a social learning process. Participants have an opportunity to take up some ownership and provide urban reforestation with the local knowledge necessary to meet the needs of the individual community.

I congratulate the Minister for Environment and Climate Change on the formation of this policy and other similar policies that will give the community a real chance to tackle climate change in the coming years.

Rural and Regional Committee: regional centres of the future

Mr DRUM (Northern Victoria) — I speak to the Victorian government's response to the Rural and Regional Committee's inquiry into regional centres of the future. I must say it is a very disappointing response.

The committee's key recommendation 1 talks about the establishment of an advisory commission which would help the office of the Minister for Regional and Rural Development ensure that its legislation and regulations do not have a negative impact on the community. We wanted to work with the Regional Development Victoria (RDV) and Regional Development Australia (RDA) committees to ensure that they had the ability to give that erstwhile advice to the minister. However, the

government thinks that setting up a commission would be contrary to its role rather than supporting its role.

The committee made a range of recommendations pertaining to skills gaps which it had identified as a result of evidence given. With respect to the committee's recommendation that the government should determine which provider is going to be best able to make an impact on some of these skills gaps, the government has simply said that the programs it has in place are working. However, we know that the TAFE colleges, under the skills reforms this government has put forward, have had a disastrous year in regard to enrolments in diplomas and advanced diplomas. Again, the government is not aware of the realities out there in the world.

Recommendation 4 was based around the need to improve the flow of regional Victorians into tertiary education and specifically universities. Again, the government has acknowledged that it has done very little in advocating for a better outcome in relation to the youth allowance. According to the government's response, everything is fine and there is no need to offer support, even though it has in part provided support in this particular area.

Throughout its response the government refers to the regional strategic planning initiative (RSPI) as being the panacea for all the ills that currently exist within regional Victoria. We in opposition have not been privy to the planning process the government has put forward. The government has been telling us that the blueprint is going to be laid out for us and the regional strategic planning initiative is proceeding. We understand that it is. We have had people talk to us about how it is coming along. It seems to be quite optimistic of the government to effectively list this RSPI as the panacea to all problems.

In recommendation 10 the committee outlined its view that the RDA and RDV committees need to actually work across regions. The government's response refers to the ways it can work within the regions. It has totally missed the point. It is as if the government cannot find a bureaucrat that understands that we want the RDA and RDV committees to work within one region, across the borders and into other regions. The government's response totally misses the point.

The committee's recommendations following its inquiry into regional centres of the future provide opportunities for the government to truly engage in the community, to get involved in small business and to get involved in local government. The recommendation that governments get involved in business incubators was not supported. The committee looked at how overseas governments and universities can drive business incubators to give businesses the start-up they need — but again, it was not good enough for the government.

The government should acknowledge the inequity in the cost of utilities throughout regional Victoria, but it is not going to do anything about it.

The committee made recommendations to fix the planning scheme. No matter where the committee went, the first thing every local government member said to the committee was, 'We cannot operate within the planning scheme that this government has put before us; we simply cannot make amendments or alterations to the planning scheme'. And yet the government does not support anything the committee has suggested.

Quite simply this is an opportunity for the government to engage with regional Victoria, but it has shown how disconnected it is from regional Victoria. The committee heard evidence that regional centres are going to grow and the government needs to fix up areas such as planning and the inequities in the cost of utilities. It needs to address inequities in access to tertiary education and it needs to improve public transport within regional cities. This government believes that everything is going to be fixed up — —

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

Ombudsman: investigation into alleged improper conduct of councillors at Brimbank City Council

Mr FINN (Western Metropolitan) — In recent weeks we have seen on our televisions a reunion series of the program *Survivor*. One year down the track it might be appropriate to have a look at the Ombudsman's report *Whistleblowers Protection Act 2001 — Investigation into the Alleged Improper Conduct of Councillors at Brimbank City Council*. Perhaps we could call this 'Survivor Brimbank — the reunion'. It is important 12 months down the track to have a look at where some of the key players now find themselves after the damning recommendations and findings of the Ombudsman just one year ago.

Hakki Suleyman, who I am sure we all remember as the former electorate officer, branch stacker extraordinaire and general shonk, has left the office of Justin Madden. He still heads up the Migrant Resource Centre North West Region, which some have suggested is a major centre for branch-stacking activities in the western

suburbs. He may have changed shops, but he is still in the same business. He has been elected to the ALP national conference, which is the supreme policy-making body of the ALP. There is no doubt about it — when you get caught with your fingers in the till in the ALP they just kick you upstairs.

His daughter, Natalie Suleyman, the former mayor of Brimbank who ruled that city with an iron fist, failed miserably when attempting to enter this Parliament, as we recall. She now has found a job at long last. Despite what we are told by members of the ALP — that she has been ostracised within Labor ranks and they will not have a bar of her — guess where she is working? She is working for a Labor MP. She is now an electorate officer for Nathan Murphy. For all the nonsense the ALP talks about having cleaned up its act, it has taken her on board. The irony of ironies is that she now holds the position that was once held by Costas Socratous, the corruption whistleblower within the ALP. You cannot make this stuff up; this is the truth. You have to wonder whether Mr Murphy knows what she is up to in his electorate office, because Mr Madden did not have a clue what her father was up to in his.

Then there is Cr Sam David, the three-time mayor of Brimbank and close associate of Dr Andrew Theophanous, the convicted fraudster, and his wife, the former deputy mayor of Brimbank, Kathryn Eriksson. Cr David has accused former councillor colleague Costas Socratous of stealing $3000 from a western suburbs soccer club, despite the president and secretary of that club denying that there is any money missing or that they have seen former Cr Socratous for many years. Maybe it would be better for Cr David to answer some of the ongoing questions about his financial arrangements with Dr Theophanous around the time of the last mayoral election.

Then of course there is Mr Socratous himself, who has well and truly blown the whistle on what has been going on within the ALP in the western suburbs and indeed throughout Victoria for quite some years. On the front page of the *Age* last week he is reported as saying:

> … the money, up to $5500 a year, was provided to him for branch stacking through MPs' offices and via shadowy fundraising events.

He has:

> … named Mr —

Theo —

> Theophanous and state parliamentary secretary Telmo Languiller as architects of the long-running scheme.

Mr Socratous has well and truly told us all exactly what has been going on. This is not a surprise to me. It is not a surprise to anybody who has been keeping a close eye on what has been going on in the western suburbs for quite some time. This is just par for the course for the Labor Party in the west. This is the sort of corruption that passes as normal business for the Labor Party in the west. You might ask where Telmo Languiller and Theo Theophanous have gone. They know nothing! They were not there. They do not know anybody who was there. They did not see it happen. They do not know anybody who saw it happen. It was not them. That is what they will tell you. I wonder what this former minister and current parliamentary secretary are really up to. It is about time the truth saw the light of day. It is about time the cover-up was exposed. Justice is needed in Brimbank.

Western District Health Service: report 2009

Ms TIERNEY (Western Victoria) — I rise to make comment on the Western District Health Service annual report for 2009. It has been an absolute pleasure to read the report to Parliament because this service is a leader in providing health services to the local community. It is a leader in community access and the quality of care it provides. During the reporting period I had the pleasure of visiting the health service on a number of occasions. One time it was to have a look at the facilities around Coleraine. Of course that was a lobbying exercise. I was pleased to see the results of that in the recent state budget. I also attended Coleraine in August 2008 and was part of the unveiling of the new Coleraine independent living units. I did that with Ms Noelle McComb, the niece of M. B. Wishart, whose bequest contributed to the funding of that project.

One of the other significant elements of the service is the partnership that it has with Deakin University. That partnership brought about the establishment of the National Centre for Farmers Health in Hamilton. The centre conducts university research and service delivery and education and provides national leadership to improve the health and wellbeing of farmers, farm workers and their families across Australia. The centre evolved out of the Sustainable Farm Families program, which I will mention later. The centre was made possible through the financial contributions of the Helen and Geoff Handbury trust and the Victorian government's Future Farming strategy. During the reporting period the Sustainable Farming Families program began under the Brumby government's $205 million Future Farming strategy. This continued support is for the physical and mental health and wellbeing of farmers and their families. This program

runs workshops and focuses on practical steps to improve the lives of farming families. It also made a number of presentations to conferences in Canada during the reporting period and continued to roll out a number of programs. It continued to take a leading role in farmers' health in a range of workshops and took on an advocacy role in a range of forums. In relation to the Rural and Regional Committee's current inquiry into rural and regional disadvantage, which I am involved in, Sue Brumby provided an exemplary presentation to that committee in Portland a couple of months ago.

During the reporting period the service was also awarded the Premier's Primary Health Service of the Year award, which recognises leadership and excellence in the delivery of programs, focusing on health, wellbeing and safety. It also recognises innovative programs, including Sustainable Farming Families, women's, men's and youth health as well as community transport, to name a few. It provides outstanding community support, and that is well documented in the report in terms of the voluntary basis that underpins the support of the service. Of course it also plays a lead role in building sustainable partnerships, sharing knowledge, expertise and rolling out programs to other partners.

During the reporting period it also saw the reaccreditation of the Australian Council on Healthcare Standards for a further four years and the Coleraine campus of aged-care service for a further three years. It also received a significant award from the Minister for Health in respect of its community transport service as well as receiving $25.8 million for the redevelopment of the Coleraine Hospital, which I mentioned at the beginning of my statement. That will lead to the redevelopment of 10 acute beds and 27 residential beds in the primary care and emergency service area in the new purpose-built facility co-located with the refurbished Mackie Court. A new medical, allied health and dental centre will be constructed on the land adjacent to the new development. Congratulations to Jim Fletcher, the CEO, and Mary-Ann Brown, the board president. I thank all other board members, staff and volunteers of this wonderful service.

Ombudsman: investigation into alleged improper conduct of councillors at Brimbank City Council

Mrs PEULICH (South Eastern Metropolitan) — I wish to make further remarks on the Whistleblowers Protection Act 2001 investigation into the alleged improper conduct of councillors at Brimbank City Council of May 2009. I commend the most recently reported whistleblower and former councillor at Brimbank, Costas Socratous, for blowing the whistle on what is quite evidently corrupt Labor Party dealings and implicating members of Parliament. It raises a range of questions which need to be thoroughly investigated and answered.

It also shows how the Labor Party leaves no stone unturned to make sure everything is a fix. We see this happening at every level. We see it happening at a federal government level, at the Brumby state government level and at the local level, often involving other agencies. We see the rorting and manipulation of local government, which is an issue I have raised on many occasions, where a blind eye is turned to Labor mates, making sure that the fix for Labor is in place to the detriment of ratepayers, taxpayers and members of Parliament and other people who have a legitimate role as representatives and wish to be included in the lives of the constituents whom they have been elected to represent.

The most recent example of that was when, after I raised the issue of multicultural festival policies being developed by the City of Monash — which is served by a Labor Unity pact that dominates the politics on the Monash City Council, including a person who has a seat on the Council of Australian Governments in Cr Geoff Lake, and Stephen Demopoulos, who continues to work as an adviser to the Premier through Multicultural Affairs Victoria, amongst others, and which basically devises policy to exclude anyone who might be a Liberal MP — they sent out invitations to the local lower house MPs to be involved in a festival, knowing full well that they were all Labor, and excluding upper house MPs who have an legitimate and rightful — —

The ACTING PRESIDENT (**Ms Huppert**) — Order! Mrs Peulich has strayed from the topic of the report under consideration. I ask her to return to the Brimbank City Council report she was referring to earlier.

Mrs PEULICH — I am calling for other whistleblowers to be as courageous as former councillor Costas Socratous and to blow the whistle on corrupt Labor dealings wherever they may occur, whether it is in the City of Monash, the Brimbank City Council or any other level. What is more, after I raised this the Premier, John Brumby, sent me a reply to say — —

The ACTING PRESIDENT (**Ms Huppert**) — Order! Mrs Peulich — —

Mrs PEULICH — What do you want now? Do you want to shut me down?

The ACTING PRESIDENT (**Ms Huppert**) — Order! I ask that Mrs Peulich withdraw her last comment, and I ask again that she stay with the topic of the report she is speaking about this morning, which is quite specific.

Mrs PEULICH — What comment do you wish to be withdrawn?

The ACTING PRESIDENT (**Ms Huppert**) — Order! The comment regarding trying to shut me down is not an appropriate comment with respect to an Acting President.

Mrs PEULICH — On a point of order, Acting President, there have been many statements on reports and papers which have used a report as a starting — —

An honourable member interjected.

Mrs PEULICH — Excuse me, I am just at the point of taking a point of order!

The ACTING PRESIDENT (**Ms Huppert**) — Order! I asked for a comment to be withdrawn. I would appreciate it if the member would withdraw the comment rather than engage in debate.

Mrs PEULICH — I withdraw the comment which inferred that you were trying to shut me down — —

The ACTING PRESIDENT (**Ms Huppert**) — Order! Without qualification, please.

Mrs PEULICH — Did I qualify it?

The ACTING PRESIDENT (**Ms Huppert**) — Order! I ask Mrs Peulich to withdraw the comment without qualification and continue with her statement on the report rather than debate the matter.

Mrs PEULICH — I withdraw the comment the Acting President has found offensive.

Given that this report exposing Labor Party corruption was made possible under the Whistleblowers Protection Act 2001, I commend the work of Mr Costas Socratous in blowing the whistle on Labor Party branch stacking. Mr Socratous has reported the use of some mysterious funds to pay for Labor Party membership stacks in order to shore up the power bases of certain Labor MPs. This raises some issues about the source of those funds. Have they come from union sources — unions that are affiliated with various factions of the Labor Party? Have they come from secret donations that have not been declared — secret accounts? Have they come from other rorted sources?

I believe this is an area that needs very serious investigation. This has not been explained. I know there is a view that branch stacking activities may not necessarily come under the Ombudsman's jurisdiction, but the source of those funds, in the interests of probity, needs to be investigated and established. We need to make sure we know the full story and that a full explanation is provided in the public domain to make sure the Labor Party fix, which operates at every level, is stemmed and that corruption in this state is ended — —

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

Budget papers, 2010–11

Ms BROAD (Northern Victoria) — It gives me great pleasure this morning to rise to make some remarks on the budget papers 2010–11, prior to our consideration at a later date of the appropriation bill.

Mr D. Davis — You are allowed to do that, are you?

Ms BROAD — I can assure the Leader of the Opposition that I have sought advice about this matter — —

Mr D. Davis — It is just an unorthodox twist on the matter.

Ms BROAD — Perhaps it is, but the budget papers have been tabled in this house, and I welcome this opportunity under the rules of the house to make some remarks about the papers. Sadly, the Treasurer has left the chamber. However, this is a budget that, as a member representing Northern Victoria Region, I very much welcome. It is a budget that invests heavily in services for Victorian families, cuts taxes and builds for the future, including a record $4 billion boost to Victoria's hospitals and health system.

Through this budget the Brumby government is standing up for Victorian families by investing in our towns and regions, particularly in northern Victoria. As such it is a great result for local communities as the budget continues to invest heavily in health care, education and community safety — in other words, the essential services that underpin family life in regional Victoria.

I am also pleased to say that this is a budget which continues the AAA-rating record of the Labor

government. As a result of this AAA-rated economic management, the Brumby Labor government is able to continue to invest in the services that support families in our small rural towns as well as our regional cities. Coming out of the global financial crisis, the leading performance of the Victorian and Australian economies means that the government is in a position to make these very large and substantial investments, which I will come to.

I refer to the $4 billion boost to Victoria's health and hospital system, a record boost to investment in our vital health and hospital system. I referred earlier to the inclusion in this investment of the largest regional hospital project ever committed to by any government in regional Victoria, the new $473 million hospital for Bendigo.

Mr D. Davis interjected.

Ms BROAD — This comes on top of the earlier $55 million commitment to the hospital in Bendigo — a commitment, I might say, that the Liberal-National coalition still fails to match.

Mr D. Davis interjected.

Ms BROAD — The Leader of the Opposition in this place, who is also the Liberal spokesperson for health, despite being given many opportunities to commit to matching Labor's commitment to the new hospital in Bendigo, has passed up every one of those opportunities to match that commitment. Since he has so much to say by way of interjection this morning, I invite him again to match Labor's commitment to a new hospital in Bendigo. Let the record note that he has passed up — —

Mr D. Davis interjected.

The ACTING PRESIDENT (**Ms Huppert**) — Order! I have given Mr Davis a fair amount of leeway, but in this case the interjections have gone a bit far, and I ask that we be able to hear the rest of Ms Broad's statement without interruption.

Ms BROAD — I now refer to the investment in the budget in 1966 more police on the front line, an investment in making our communities, including communities in small rural towns and regional cities, safer. This is an investment of $561 million for 1700 additional front-line police as well as an investment of more than $112 million to redeploy 266 — —

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

Auditor-General: *Control of Invasive Plants and Animals in Victoria's Parks*

Mr P. DAVIS (Eastern Victoria) — I am delighted to have the opportunity to make some remarks on the Auditor-General's report entitled *Control of Invasive Plants and Animals in Victoria's Parks*. I am even more delighted that the minister responsible for this area of public policy is present in the chamber for a change. The reason I say that is that the minister will know full well that I have raised this matter time after time with him and his predecessors.

I have to say that it is interesting to do a very quick review of some of the government's own publications. The report of the Department of Sustainability and Environment entitled *National Parks Act — Annual Report 2009* has references to pest plant management:

> Pest plant management was again the largest program area for natural values management.
>
> …
>
> The Good Neighbour program funded a number of pest plant controls statewide in cooperative efforts with landowners.

I looked at the Parks Victoria annual report for 2008–09, and I quote from page 22:

> Pest plant management is the largest program area for healthy parks. Weeds represent one of the greatest threats to natural and agricultural values within Australia. They are considered second only to land clearing as a major cause of biodiversity loss.

I looked at the 2008 report on the state of the environment by the commissioner for environmental sustainability. I quote from page 247:

> Pest species, particularly weeds, continue to establish in Victoria and pose a major threat to biodiversity, landscape function, primary production and landscape aesthetics.

I thought it would be instructive to see what the Auditor-General had to say about the government's performance in this area and found that it is an indictment, a failure. The Auditor-General has delivered a stinging indictment of the government's management of national and state parks. The Auditor-General's report finds that public land management by the Department of Sustainability and Environment and Parks Victoria is poorly planned and hopelessly inadequate. The responsible agencies are shown to be totally incapable of protecting Victoria's 4 million hectares of public land contained within 68 national and state parks for future generations.

As I reminded the minister a moment ago, I have pointed out repeatedly the haphazard, ineffective

management of public land in recent years and I have sought to have more coordinated, more thorough and better managed programs in place for the care of our natural landscape. In particular my concern has been for the state of the vast area of public land in the far east of the state, where the virtually unchecked spread of weeds and pest animals, including wild dogs, is out of hand.

The Auditor-General's report entirely justifies my concern and warrants a complete overhaul of public land management. It also sends a clear message that there needs to be far more actual work done on the ground. People in Gippsland and East Gippsland will welcome this report, and it is essential that the government respond positively by implementing its recommendations.

The report says in respect of pest plants and animals:

> There are no park management plans or documents that provide park-level detail on threat priorities, the actions to manage these threats or sets out who is responsible for implementing any action. Nearly half of the plans are over a decade old and do not address new and emerging threats …

It singles out the approach of Parks Victoria, describing its planning for the management of invasive species as inadequate, limited by inconsistent application of the planning frameworks and risk assessments, poor data and increasing reliance on short-term funding to deal with long-term issues. Among its recommendations are that the responsible government agencies:

> … review and update their agreement to clearly assign responsibilities and respective roles for park management
>
> develop a performance framework to assess the effectiveness of Parks Victoria's invasive species management
>
> …
>
> implement planning frameworks that incorporate risk assessment consistently across state and national parks
>
> structure invasive species resource allocation so that it is transparent, and funding matches the extent and ongoing nature of the problem.

It also states that Parks Victoria should improve its park-level planning to introduce current park management plans for all state and national parks and should take specific actions to manage the threats, including targets, performance indicators and monitoring standards and have a system of clear documentation for implementing these activities.

In the words of the President of this house: Minister, suck it up!

Kangan Institute: report 2009

Mr EIDEH (Western Metropolitan) — In late 2008 the Brumby Labor government reaffirmed its commitment to responding to the changing needs of Victoria's industry and workforce when it launched its new skills reform agenda for Victoria under the Securing Jobs for Your Future — Skills for Victoria reform policy. The new skills system is designed to ensure that Victoria has the skilled workforce to meet our economic and social needs by supporting the development of a training system that increases student education and training opportunities in the areas and at the levels that are in demand.

Having read Kangan Batman institute of TAFE's most recent annual report I find it most appropriate to rise today and share with the house not only its real commitment to embracing the values that underpin the skills reform policy but its ability to continually provide quality vocational training to many of the students living in my electorate and indeed the broader Victorian community.

As one of Victoria's largest providers of vocational training and education, according to its annual report Kangan Batman has witnessed a healthy enrolment intake of over 40 000 students for the 2009 teaching period. This growth translates to an increase of 17.6 per cent in student numbers and reinforces Kangan Batman institute's position as a leading TAFE provider in vocational education and training.

Across its eight specialist campuses in metropolitan Melbourne, including in my electorate of Western Metropolitan Region, it has continued to provide the industry-based learning needed to produce highly skilled and employment-ready graduates across a broad range of disciplines, in particular in the automotive, aerospace and polymer industries. It is increasingly playing a more active role in business management education and training as demand for skills in the service provision industry increases in Victoria.

In response to the Council of Australian Governments outline of the areas of government action in developing a highly skilled population to meet the economic and social needs of Australia I am proud to say the Victorian government, under the leadership of the Premier, the Honourable John Brumby, is taking the lead when it comes to implementing training system reforms.

The Victorian government's reforms to Victoria's training system, Securing Jobs for Your Future — Skills for Victoria, provides $316 million in extra

funding over the next four years, making it a record amount of additional funding ever to be invested in the Victorian skills system. In real terms this will mean an increase in Victoria's training capacity through the provision of an additional 172 000 training places and opportunities for more providers to access government-subsidised places. The reform policy recognises the necessity for strong partnership with industry to ensure that training provision is responsive to individual and business needs.

The Kangan Batman institute of TAFE annual report for 2009 demonstrates its positive response to and active implementation of the skills reform policy during 2009. In fact, as accounted in its annual report, 2009 saw Kangan Institute's student numbers in diploma and advanced diploma courses increase by 25 per cent, which is 15 per cent above the state average. It has committed to operational reform that reflects its ability to meet the changing demands of the economic environment and this important government reform policy.

When I read the review by the CEO, Ray Griffiths, acknowledging the strong support offered to Kangan Institute by the former Minister for Skills and Workforce Participation, Jacinta Allan, and the staff of Skills Victoria, a division of the Department of Innovation, Industry and Regional Development, I felt proud to be part of a Labor government that is committed to supporting the provision of quality skills training. More importantly, it has made me appreciate the contributions that Kangan Institute and other TAFE providers make to Victoria's economic and social development and the importance of collaboration and partnership between government, training providers and industry in securing a skilled workforce for our fast-growing economy.

I congratulate Ray Griffiths and his board on their active approach and the department and staff at Skills Victoria for providing the support needed to realise the goals of the skills reform policy.

Ombudsman: child protection — out-of-home care

Mr O'DONOHUE (Eastern Victoria) — In November last year the Ombudsman released a report into an own-motion investigation into the Department of Human Services' child protection program. Earlier this week the Ombudsman released another report, this time an own-motion investigation into the child protection program's out-of-home care.

These two reports from the Ombudsman go into great detail about many of the issues being faced in the child protection system with particular reference to out-of-home care and other programs run by the department. The reports shine a light on the most vulnerable in our society. I do not pretend for a minute that managing this system is easy, but it must be the highest priority for government to protect the most vulnerable in our society. Who could be more vulnerable than children being shuffled from foster carer to foster carer, and as we learnt earlier this week, sometimes suffering abuse of the most heinous kind.

However, it is absolutely outrageous that the Minister for Community Services and the Premier have failed to heed the findings of previous reports. In this report the Ombudsman refers to recommendations made in 2005 which have not been followed and not been adopted. In the Standing Committee on Finance and Public Administration public hearings earlier this year it was confirmed that the government is failing to meet its statutory obligations pursuant to section 167 of the Children, Youth and Families Act to ensure that a case plan is provided in respect of a child within six weeks of the making of a court order. There are hundreds of cases where this has not occurred. We heard evidence from overworked case workers about staff turnover and a department struggling to cope with the demands placed upon it.

The Ombudsman's report tabled earlier this week raises a number of issues. At page 10 it states:

> My investigation has found instances of children who have:
>
> been physically and sexually assaulted by foster and kinship carers
>
> had limbs broken or been knocked unconscious by residential carers
>
> been physically assaulted or raped by other children
>
> been placed with adult 'friends' who have then engaged them in sexual acts
>
> engaged in prostitution while in care
>
> reported their carers selling drugs to other children.

It states on page 11:

> Results from external reviews of community service organisations' compliance with registration standards indicate that there are some community service organisations inconsistently or inadequately documenting carer screening processes and reference checks. In some cases the documentation was not sufficient to establish that the required checks occurred at all.

The report continues at page 12:

> In 2005 I made a number of recommendations to the department following my investigation into the circumstances surrounding a child who suffered serious injuries while in out-of-home care. However, instances of abuse of children in out-of-home care continue to come to light and the improvements I recommended in 2005 have not been adhered to in many cases.

Frankly, this is just not good enough. If these allegations were coming to light for the first time, if they were new developments, then perhaps there would be some understanding of the government's response to these allegations. But these allegations have been coming forward since before 2005. The Ombudsman's 2005 report made a number of recommendations, and Minister Neville, Premier Brumby and the Labor government have failed to adopt those recommendations and failed to provide adequate care to some of the most vulnerable people in our society.

Not only is it a failure to provide adequate care to some of the most vulnerable in our society but we have seen absolutely terrible things occur to children who are in desperate need of protection. Rather than being given protection, some of these children have been placed in situations that no doubt will scar them for life. It is an absolute tragedy and a travesty. One can only imagine the impact on these individuals, but it will be severe.

The Ombudsman states on page 13:

> Projections demonstrate that this year there may be 193 children in Victoria requiring care that the department cannot provide from the out-of-home care budget. Projections prior to the recent budget showed that by 2013–14 this number is likely to have reached 1048.

We have an escalating problem.

To conclude, this is a complex and difficult area, but the Ombudsman's report showed again that, despite all the rhetoric and claims about Labor being the party that protects the vulnerable, the very sad reality is that Premier Brumby, Minister Neville and the ALP have neglected and failed the most vulnerable in our society.

Ombudsman: investigation into alleged improper conduct of councillors at Brimbank City Council

Mr D. DAVIS (Southern Metropolitan) — Today I wish to make comment on the third item on the statement of reports, the Ombudsman's report on Brimbank City Council. Mr Finn has had a lot to say on this and I understand precisely his points, as has Mr Dalla-Riva, but I have to say it seems that matters of corruption inside the Australian Labor Party and the terrible misuse of funds by Labor Party members, from what Mr Costas Socratous has said publicly in the last few days, are widespread. This corruption inside the ALP is a terrible blight on our community; it is a blight on our democracy.

Mrs Peulich — A cancer.

Mr D. DAVIS — A cancer indeed, Mrs Peulich. I make the point that this set of allegations follows not only the Ombudsman's report but also earlier reports, debates in this chamber, public submissions and attempts by community groups to clean up the filth and the disgusting matters that have occurred throughout the ALP in this way. Senior Labor MPs and officials have turned a blind eye and are determined not to be associated with this in any public way, but the fact is that these matters go to the heart of the governance of this state. We know about the involvement of Mr Languiller as a result of comments by Mr Socratous in public media reports that have occurred over the last week or two.

Mr Socratous has done an unusual thing and something to the public's benefit. He has indicated the illegal and terrible activities that have been engaged in and has stated that he has undertaken these activities himself. These are not assertions or allegations; this is an individual who has said he has done the wrong thing and has named those who are complicit. Mr Theophanous, a former member of this chamber, who used to sit on the government front bench, rose to attack Mr Socratous. In fact he sacked him within a week of the Ombudsman's report in 2009 being tabled in this place; he sacked him because Mr Socratous was a whistleblower who had stood up, done the right thing and told the truth. Mr Theophanous, in a vindictive way, forced him out of his office.

I note the request that has been made in this chamber for Mr Languiller, the member for Derrimut in the Assembly, who has been directly mentioned by Mr Socratous, to step aside as parliamentary secretary because it is simply unacceptable to have a person involved in government administration with allegations of corruption and other matters hanging over him in this way. Premier Brumby's weakness and failure to deal with these issues is, I am afraid, a significant negative for him too. The fact is that Mr Brumby was a member for Doutta Galla Province in 1993 and was involved with those areas of the Labor Party through those western suburb areas. He would have known about and understood the terrible practices that have gone on there which have been pointed to in firsthand detail by Mr Socratous recently.

This corrupt activity within the ALP has to be stopped, because it impacts directly on the government of the

day. The Premier and his government's senior officials in the right-wing faction of the ALP owe their preselections and their whole livelihood to these corrupt practices that go right through the ALP. I have to say that the involvement of the state office and various state secretaries is an absolute disgrace. Mr Languiller should be ashamed of himself and he should be stood aside by the Premier if he will not resign or step aside himself until these allegations and issues are dealt with.

I make the point here that there is a need for an independent examination. It is not good enough for a corrupt ALP party structure to look at itself and say, 'We are all clear' as it has done before, sweeping it under the carpet in the interests of its members. No, this is a broader matter of community interest and there needs to be an independent investigation arising from the involvement of senior officials and members of Parliament in the corrupt and fraudulent activities that have been directly pointed to by Mr Costas Socratous. I make the point again that these are not just allegations. Mr Socratous has said, 'I did these things and I did them under the direction of Mr Theophanous and Mr Languiller and others'. In doing so, he made a very strong point — —

Mr Viney — On a point of order, Acting President, I have been listening carefully and Mr Davis has now moved into making quite specific allegations about a member in the other place. As he well knows, he can only do that by substantive motion and this is not a substantive motion before the house.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Viney is correct. According to standing order 12.20:

> All imputations of improper motives and all personal reflections on members will be considered highly disorderly.

I believe it is time for Mr Davis to finish his statement. That concludes statements on reports.

ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL

Second reading

Debate resumed from 25 May; motion of Mr LENDERS (Treasurer).

Ms HUPPERT (Southern Metropolitan) — I am delighted to rise to make a few brief comments in support of the Environment Protection Amendment (Landfill Levies) Bill 2010, a very brief bill but one with the potential to have a great impact on behaviours in our community and a bill which continues the implementation of the government's commitment to a reduction in the amount of waste generated and sent to landfill.

As members of the house will be aware, a lot of work has been done in recent years to encourage recycling and to increase the rates of recycling and resource reuse in the community through successful education programs and by a quite successful kerbside recycling program, as well as encouragement of recycling in places such as schools and workplaces. I must admit that this was evident at a recent craft fair I attended in my electorate where I was delighted to see that the organisers had set aside a number of stands devoted to ways of reusing materials in quite creative manners. It is good to see that this emphasis on recycling is permeating through all levels of the community.

Despite this, there is a continuing need to increase the rates of recycling and reduce waste in landfills, and this bill aims to achieve this by increasing the levies on landfill. Local councils, environment groups and industry have been calling for an increase in levies for a lengthy period of time. We know levies have been too low and increasing them is a way of increasing recycling. There has been a great deal of discussion between the Minister for Environment and Climate Change and local government about the future of waste management and the shared commitment of state and local governments to increasing recycling. This is one of those areas in which state and local governments can together make a great contribution.

The Premier's statement of government intentions for 2010 also indicated that the government was planning to increase landfill levies this year. The specific levies were announced in March, and that was done to give councils sufficient time to take into account the increase in levies in their budget preparation. The government's discussions with local government have played an important role in informing the government's approach to the levy. What the levy will do, as well as giving it an economic incentive to decrease waste, is raise money that will be used as an investment package to assist councils and business in tackling waste. Some of the ways in which the $54 million raised will be used are as follows.

There will be $14 million to support councils and recyclers with new resource recovery investments and initiatives to complement the levy and accelerate recycling; $5.5 million to assist councils in metropolitan Melbourne implement best practice waste collection and management systems in line with the metropolitan waste plan; $3 million to assist councils in

regional Victoria to implement a range of collection and waste management initiatives; and $6 million to establish a strike force to address illegal dumping, which will provide direct support to councils that are required to deal with this very difficult issue. This is on top of the government's commitment of $6 million to work with local governments to curb litter, which includes the rollout of recycling bins at sporting grounds, local shopping strips and on the transport network.

For those of us who regularly use the public transport system, it is a delight to see that there are separate bins for recycling and waste and this is reflected in many other places around the community. It is one of the great benefits from this encouragement that we see. This levy is not going to create any additional burden on councils, because it merely increases the rate of an existing levy.

One of the things that has been raised by members in both this house and the other is the fact that a number of councils have been using this increase in the levy as an excuse for raising their rates. I am sorry to say that my own local council, Glen Eira City Council, has also made some claims about the cost of the levy increase and has sought to gain some political mileage from the important action to increase recycling.

We know that councils will pass on a levy increase to households through council rates, but this will result in a very small increase in council rates, in the order of about 20 cents per week in the first year. This makes up a very small proportion of total council waste charges, which are about $124 per year per household, and an even smaller part of the total rates bill for a household. It would be very disappointing if councils used an increase of 20 cents per week or $9 per year to impose significant rate increases on Victorian families beyond the real impact of the levy.

As I pointed out before, the programs funded by the increased levies will help households and councils reduce the amount of waste going to landfill. It is also disappointing to see councils seeking to gain political benefit by opposing a measure which has had broad support for a long time and will deliver significant benefits to the Victorian economy, community and environment.

This is a bill which supports the environment and jobs for Victorians. A recent report of a study carried out by Access Economics states that it was found that, compared with the same amount of material going to landfill, every 10 000 tonnes of material recycled supports nine jobs. If the rates of recycling increase as anticipated, this will equate to the creation of 700 jobs in the next five years as well as supporting the existing 2000 jobs in the recycling and resource recovery sector.

This bill supports an important part of our economy, which is the recycling and reuse sector, and it will have an important environmental impact, as it aims to reduce the amount of waste going to landfill. I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to rise and make a contribution to the debate on the Environment Protection Amendment (Landfill Levies) Bill. I want to say from the outset that the opposition does not seek to oppose this bill. The reason our position is to not oppose it but not provide full-bodied support is that there are some areas of concern about the bill. The concern is principally around the relationship with local government and the cost-shifting burden that these levies impose on local government.

It is important to place on record that this represents yet another permutation or iteration of a waste minimisation strategy. Many aspects of this legislation are really laudable. I had personal experience in the waste management industry for three years, and I am fully apprised of what actually goes into landfills, the management of landfills and in fact what leaches out of landfills. Anything we can do to stop things being sunk into those holes is very important.

It is probably also worth commenting while we are talking about landfills that it is my understanding that a number of municipalities have defunct quarries on their balance sheets. They are actively seeking to fill up all those holes where the signature stone of Victoria, bluestone, has been extracted over generations of activity. Whilst we see that there is value in landfills, there will always be a bit of forward momentum and incentive to keep on filling those holes. Those points need to be taken into consideration. We need to find a way, if you like, of reducing the addiction to seeing a hole and thinking we will fill it with waste.

Of the millions of tonnes of waste that Victoria generates in a year, 4 million tonnes go to landfill. I am pleased to say that so far 6 million tonnes are actually recycled. What is really important is that the recyclable elements have a real market value. When wastepaper price fluctuations prevailed, I can remember that as we accrued massive mounds of paper there were often specialised ways of managing stockpiles of that wastepaper. All of a sudden we saw landscapes of wastepaper suddenly combusting. I cannot see how the emission into the atmosphere from the combustion of

hundreds of tonnes of wastepaper actually helps the environmental cause. The management of what actually happens and the market pressures for recyclable elements still need close attention, and we need to be responsive.

I understand that this new levy will actually harvest $200 million for the state government over a five-year period. If we get down to the tintacks of where we are, originally the levy started at $4 per tonne and then it was ratcheted up to $9 per tonne for the 2007–08 period, and that has been maintained. The forecast increase that will come through with the passing of this legislation takes it up to $30 per tonne for 2010–11. Implied in that is obviously the potential for further increases in the future.

Whilst so much of this is important, timely and laudable, I understand that we actually need the blunt instrument to wake up the community and industry to be more cognisant, more dedicated and more diligent about the management of waste. I subscribe to the principle that in nature there is no waste — everything is used; everything is recycled. Human activity generally and our consumer society in particular take away the opportunity for that to be a complete process. From time to time we need blunt instruments. This levy is a blunt instrument, in that the government wants to receive all the kudos for bringing this to bear but wants none of the downside.

I see that the Minister for Environment and Climate Change is sharing this debate with us in the chamber now. I will ask him whether he is prepared to stand beside local councils, particularly the ones in Eastern Metropolitan Region that have approached me — I represent nine councils in whole or in part in Eastern Metropolitan Region — when the councillors have to face their electors, the ratepayers of that municipality, and make announcements of substantial increases in their rates bases.

We are all concerned about this relentless cost-shifting process that government members indulge themselves in so they are never seen to be the bad guys. They are picking up the laudable side of the landfill levy and all the benefits that will flow from that, but none of the downside. That is what makes us in the opposition uncomfortable, and certainly makes local government uncomfortable, about this.

From the dialogue I have had about this with municipalities in Eastern Metropolitan Region, this is seen as a flagrant abuse of the agreement the government entered into in 2008 known as the *Victorian State-Local Government Agreement*. One of the submissions to me gave an outline of that 2008 agreement. It is worth pointing out while talking with alacrity about the government, cost shifting to local government that on all occasions it is wearing a noble and justifiable mantle. Everybody wants improved outcomes for environmental management; everybody wants waste minimised. People do not want landfills filled up with toxins that leach into groundwater and surface water and ruin soil for all time. When you take on a mantle of a populist cause — it is all motherhood stuff — but you hide the dark underbelly of it, you are actually shifting the dark side of it from the government and pushing it over to the hapless elected representatives in local government.

I just want to pick up on a comment made earlier by Ms Huppert. She was happy to castigate local government for making a stand on this issue of having to pick up the levy. Clearly, because Ms Huppert is in here as an appointee and has never faced electors, she cannot understand what it is like to face the electors as a local councillor. For local government it is all roads, rates and rubbish. This covers two big planks of the issues people largely make their case for when they stand for local government. She can adopt a kind of silky-smooth indifference to that because she has never faced the electors. I would like to see what her pitch is come the end of November this year.

The agreed principles of the *Victorian State-Local Government Agreement* of 2008 go like this:

i) Relations between state and local government should be conducted in a spirit of mutual respect with an emphasis on improving communication and cooperation.

ii) Local government is accountable to its local communities and its operational autonomy is recognised and supported.

How can it be done with alacrity and without consultation? What has rubbed the fur of local government operators and decision-makers in the wrong direction is that this went ahead without any consultation. This upset their budgeting process and came in at a very uncomfortable time for them to make adjustments and accommodate it. It probably was an extra cost — again, cost shifting — for them to bring in extra expertise and change over and make these adaptations. Who is bearing those costs? Local government is bearing those costs and local government will bear the opprobrium of the increase in the rate base.

The Maroondah City Council currently pays $9 per tonne, amounting to $170 000 per year. The levy increase to $30 will take its cost burden for the dispatch

of waste to landfills to $570 000. Let us dimension that. That is whacking a council with a $400 000 per year increase, and it represents 0.7 per cent of the total of its charges and rates.

It is difficult for councils to swallow, especially when people are elected on a platform of passing on increases in rates only when it is absolutely necessary. This is why consultation is important. For the City of Maroondah this represents a 233 per cent increase in its costs for the disposal of waste. It regards that as excessive. Of course it learnt about this through the government's means of announcing unpleasant things — that is, through a press release. Specifically the Maroondah council is still uncomfortable with the fact that this announcement coincided with the latter stages of its 2010–11 budget preparations.

Whilst this is important and timely and the levy is a blunt instrument that is needed to bring about better awareness, better compliance and a more diligent approach, it is still an insult to local government that the government failed to consult with it. There are a lot of local councils out there that are unhappy in spite of Ms Huppert's casual approach to this. I urge the government to desist putting its taxation collections onto other elected representatives. If they can see the wisdom of what the government is asking them to do and it is prepared to provide things that offset that cost in other ways so there does not have to be a straight process for it to be included in their rate burden, these things can be worked out, but clearly there has been a breakdown in communication with and a sense of respect for the dignity of decision-makers and elected representatives in local government.

We all want people to continue to put up their hands to be elected representatives in local government, because I understand it is still the third tier of government in this state. But they are the ones out there where, literally, the rubber hits the road or the rubbish bin might overflow or the recycling system is seen to be poor. They are the ones who manage the landfill; they are the ones who have to comply with the Environment Protection Authority requirements.

It is really quite upsetting if you look at this from the point of view that an important initiative has been tainted, because the government failed to consult and continues to trammel the rights of local government. What a pity such an important initiative is tainted in that way.

Mr DRUM (Northern Victoria) — I am delighted to contribute to the Environment Protection Amendment (Landfill Levies) Bill. There has been some keen interest from regional councils and some of the authorities, which are really concerned about the way the government has gone about putting this bill together.

This bill will create substantial increases in landfill levies. There is an argument out there that maybe there is scope to increase the landfill levies but in a smaller manner. However, it is the way that this has happened. These will be substantial increases in the vicinity of 400 per cent. Councils that have already put their budgetary line items in place for the 2010–11 year will now be faced with having to go back and rejig those and consider these substantial increases coming through. If they are already locked into contracts, they will have to honour those contracts, and that will cost them money.

Some councils say this has the ability to cost them $1 million a year. Some councils are saying that it is already too late because they are already committed to their current rate increase. They say they cannot go back and further increase their rates because they are uncertain how much of this money is going to be returned. Councils will collect this levy and they will pass the levy on, but they do not know how much is going to come back.

As Mrs Kronberg said, what a mockery this makes of the Victorian state and local government agreement that was signed in 2008. I refer to some of the wording used in that agreement:

> The Minister for Local Government on behalf of the Victorian government and the president of the Municipal Association of Victoria on behalf of Victorian councils … enter into this agreement … to strengthen state-local government relations by building a collaborative working relationship between state and local government and improving communication and consultation.

Yet the president of the Municipal Association of Victoria came out and said the bill is going to put a whole range of additional financial stresses onto local councils and there was no decent consultation on this bill. When it suits this government to trumpet how it is communicating and talking to other governments, it will let us all know that and it will shove it down our throats. However, when it goes about a standard cost-shifting process and it says, 'Let's increase the landfill; let's take an ugly duckling out there, such as landfill, and let's quadruple the costs associated with it; let's throw it at local government so it will bear the brunt of it; it will pick up the costs and become the agency that collects this money for us', then all of a sudden there is some lack of clarity about how much of these increased levies, which are collected by local

councils, is going to be returned to local areas in the form of improved resourcing and improved initiatives regarding landfill management.

There are three possible results of these increased costs. One potential outcome is that there will be significantly more revenue. If all the current practices and the current tonnages dumped in landfill areas continue along the same lines, there is going to be significantly more revenue raised by the government.

The second potential outcome is that there is going to be significantly less rubbish put into landfill. That is another option that could happen. If that happens, local governments have in effect said they are going to lose three to four employees. Ms Huppert said we are going to raise hundreds of millions of dollars and create 700 new jobs in the recycling industry. That may be the case, but this government throws around statements about job increases and job creation as kids throw around lollies at a Christmas party. It has no relevance and the government's claims about how many jobs it is going to create have no credibility. Never once does the government stop to think and say, 'Hang on, maybe in regional Victoria there are going to be some job losses, because if people are unable to access existing tips that have existing fees, then somehow or another they are going to have to avoid those landfill sites'.

Another possibility which I have been informed of is the substantial risk of a dramatic increase in illegal dumping. Councils have written to the coalition voicing their concerns that there is already far too much hard rubbish being dumped on the side of the road, into streams and in parklands. They can see that when you quadruple the fees for accessing tips, then obviously one of the really unwanted consequences of these changes is going to be the stark increase in people illegally dumping their rubbish on the side of the road.

Another possible issue regarding illegal dumping concerns landowners who might want to have an unlicensed or unregistered landfill site. A lot of farmers have disused quarries on their land. Some farmers have old dams they want to get filled in. Another range of negative options may result.

The government, with its city-centric views, does not realise that contractors and people with truckloads of rubbish might be tempted to go across the border. There could be negative impacts in Echuca and Wodonga, where the work of industries associated with landfill sites and recycling centres along the river will be in stark contrast with that of cheaper landfill sites across the river in New South Wales. The opportunity will be there for people to travel across the river and dump their rubbish in those cheaper landfill sites. The government has not even mentioned that. It is as if it does not know about it. It is simply off the radar. The government's inability to think about what might happen in regional Victoria is quite staggering.

Illegal dumping is going to not only take away revenue that could have been used if the dumping occurred at a registered tip site but it will also create an enormous cost for councils which will have to try to clean up this mess. None of this has been mentioned in the bill. None of it seems to have been acknowledged by the government. Yet the stark reality is that all these practices are taking place every day. There needs to be some sort of recognition about what goes on in the real world as opposed to what the government thinks happens in the utopian world where these bills are formulated before they become a part of our legislation.

We have a lack of consultation; we have an absolute disregard for the state and local government agreement. History tells us that when the government increases its levies there will be absolutely no correlation with the amount of money returned to local areas in terms of new initiatives.

About four years ago I travelled overseas with the parliamentary Environment and Natural Resources Committee. We looked at measures being used by overseas communities to minimise landfill. I do not think any of the committee's recommendations have been implemented by this government.

During that inquiry the committee was told that Australian companies were designing and making waste-to-energy systems that were being transported to American states and European countries. Those systems were converting domestic waste into energy. That energy was then put into the grid in those countries. Yet we cannot get anybody in Victoria or Australia to entertain this conversion. They are all still running scared as a result of the debate that took place in the 1970s and the 1980s surrounding high temperature incineration. No regard is given to the fact that these systems have improved dramatically, to the extent that they are now cleaner than natural gas-fired energy plants.

All we have heard are speeches filled with rhetoric. We have heard one politician talking about the big, fat, new tax that is going to be charged by local governments on behalf of the state government. No assurance has been given about the money being returned to local government in the form of initiatives or improved management practices. This is the government doing what it does best — using standover tactics and cost

shifting. It has said, 'Let's pick an ugly issue that people want to see finished; let's charge the hell out of it and make sure that builders will pay, domestic cleaners will pay and demolition companies will pay'. In the end the consumer will pay. This government will take the money with no guarantees that there will be improvements in the system we are operating within.

Mr JENNINGS (Minister for Environment and Climate Change) — I am pleased to have the opportunity to sum up. I was reminded about what a right of reply should mean in this context, and I will do my best, going back through the contributions that have been made by various speakers in this second-reading debate.

Let me start with Mr Drum, who was the last speaker. Mr Drum's contribution did not necessarily let the facts get in the way of a good story. He did not let a little bit of knowledge on how the recycling resource recovery industry might work get in the way of perpetuating a few stories. In fact, I will use an example from Mr Drum's contribution — the one that he cited — on waste-to-energy technologies. He purported himself to be an advocate of these technologies which might be developed in Victoria or Australia, which might be sold around the world but which have not been applied here.

One of the reasons those technologies are not applied here at the moment is because the relative cost of landfill disposal of waste is so low that the business viability of those technologies being applied, taken up and being commercially driven and getting a commercial return cannot be established. The logic behind the example cited by Mr Drum as being the type of technology that he wants, that we want as a community and that the Victorian government wants needs to be backed up by a combination of regulation and market mechanisms which will lead to that technology and that investment being taken up, and that is exactly why we are here.

The price of landfill has been so comparatively cheap that businesses cannot make a dollar from reprocessing and using it. That is the underlying logic behind the bill before the house. It is not, as has been indicated by Mr Drum and other speakers — including Mrs Kronberg, Mr Davis and I think at some point Acting President Peulich during her contribution to the debate — about a cost shift or an imposition on local government that was not telegraphed or that did not form part of a consistent development of public policy. It is consistent with the approach taken by the local government sector, which has been fantastic in trying to make sure that logistically we are geared up and have the right bins in place to enable our citizens to separate their waste material and to maximise the potential for this material to be recycled and reused. The local government sector has played a leadership role in Victoria for many years, and in fact it has been a fellow traveller in the desire to drive greater investment in and greater outcomes of resource recovery.

The extraordinary thing about the way in which one speaker after another indicated that this decision has come from outer space and landed at the doorstep of local government is that it could not be further from the truth. From the very day that I was given this portfolio — and it certainly preceded me — but certainly from August 2007 onwards — —

Mr Drum — Do you want the letters from the Municipal Association of Victoria?

Mr JENNINGS — Mr Drum might like to peddle a story and extrapolate to the nth degree the story that he has told, but I can tell him that I have personally met with representatives of local government through the prism of the waste management groups, of which they are the constituent members — both the metropolitan waste management group and the regional waste management group. I would imagine I would have met with that constituency of the order of 100 occasions between 2007 and the present day, and on every occasion we would have discussed the intention of the government to move progressively towards a landfill levy structure which would enable the relativity between the price of waste disposal into landfill and the business viability of resource recovery initiatives to be reduced by the introduction of a landfill levy. That was a subject that was discussed on every occasion. Every single conversation in relation to the regional waste management groups has been predicated on the notion that these matters be dealt with — every single one.

In the government's annual statement of intentions that was released in the first sitting week of this year, the intentions of the government to introduce an increase in landfill levies was flagged. There has been a dispute about what the relative cost impost may be. I appreciate that some efforts were made by various speakers — some more successfully than others — to separate the relative issues of the landfill levy from other broader issues that may apply to particular landfills and the quality of those landfills.

Some members were clearly able to separate the general issue and the general approach from the specific instances. I can understand that they are relative and contemporary issues, but overall the desire of the government through this policy is to make sure that it reduces the financial desirability of material

ending up in landfill, and that revenues from the new landfill levy are hypothecated in a way that also provides for greater enforcement, greater litter protection and actually supports the local government sector on the ground in being able to acquit those responsibilities. It has been publicly flagged that it is the government's intention to continue to support the local government sector in that degree of activity.

There have been a number of opportunistic assessments at the local government level of what the impost of this initiative and this measure would actually mean for the rate base of municipalities. I have been privy to extensive analysis on the basis of the waste stream per household in all the municipalities across Victoria and I am very mindful of what the imposition of the landfill levy would mean for all 79 municipalities across Victoria if the levy were to go onto the rate notices of ratepayers in those municipalities on a per household basis. On average that impost would be $10.76 in metropolitan Melbourne and $3.66 in rural and regional municipalities of Victoria.

An example of this in the metropolitan area is the Nillumbik shire, which is the low-water mark; in Nillumbik the ratepayers have relatively low volumes of material going into landfill. For the ratepayers of Nillumbik the average payment per household attributed to this increase in the landfill levy is $5.93. The high-water mark is the city of Glen Eira, where the apportionment would be an increase of $13.89. In the regional municipalities the low-water mark would be Moyne shire, where the average increase to ratepayers would be $1.83 and the highest would be the Strathbogie shire, which is $9.96.

A number of people who have contributed to this debate on behalf of municipalities have indicated that the impost of this measure on ratepayers may be in the order of hundreds of dollars. That is at least if not more than 10 orders of magnitude out from the reality; it is an overestimation of this increase on the rate base of those municipalities. You can understand it, because some municipalities are actually fighting other fights about landfill-related matters. The City of Casey is clearly one of those. It is trying to apportion the relative responsibility and cost structures for restoration and rehabilitation work that has been associated with the landfill in its municipality. Currently there is a quite active community debate going on about the relative apportionment of costs to that work. I am not going to use this debate to try to settle that matter but in Casey the dollar value of this initiative to ratepayers is $10.37 a year per household.

Mr Drum — Why should it cost households anything? I thought we were introducing a user-pays system.

Mr JENNINGS — Mr Drum, by interjection, has invited me to explain how this mechanism works. I can understand why this debate has perhaps not been as intellectually coherent as it might have been. How the levy works in terms of generating revenue for the state of Victoria is that there is a charge associated with the disposal of material into landfill and that is based upon an amount per tonne of material.

Mr Drum — It is collected at the dump site, the landfill site. It is an additional cost.

Mr JENNINGS — Yes, and it is returned to the state.

Mr Drum — And that is it?

Mr JENNINGS — Yes. The people who dispose of this material — and in most instances it would be disposed of either by the council or on behalf of the council through contractual arrangements that Mr Drum has referred to — would then apportion their costs of that material across their municipality on a per household basis and attribute it to ratepayers on the basis of the average per household cost of material that has ended up in the landfill levy. That is how you derive what the impact on households will be, even though households themselves would not directly pay this. That is actually how the landfill levy works in its cost structure: it is apportioned in the rate base back to ratepayers.

The interesting thing about this matter is that it is pretty clear that a number of municipalities have mobilised a whole degree of political support in the chamber and elsewhere in the name of an apportionment of the increase to rates far beyond that order of magnitude. My point is that if it is in the order of on average $10.76 per year per household in metropolitan Melbourne and $3.66 per year per household in rural and regional Victoria, then it is not an extremely large element of the rate increase that is currently being attributed to the budgets of local government.

Because of what I have outlined to the house and even though a number of people have perceived this as a cost shift and an imposition, my argument is that it is consistent with public policy discussions that have been had for a number of years. It was flagged in the statement of government intentions and people, some in the local government sector, have chosen to view it in that way because it actually contributes to a political

discussion that relates to political considerations other than the cost structure of the levy itself.

That is not to underestimate the costs that have been apportioned to any part of the community, whether households or industry. In fact the government is very sensitive to those issues. We are wanting to provide as much support to the Victorian community and industry as we possibly can. We have recognised that we need to hypothecate money back to industry to drive investment and assist it in making those changes. We understand that we have to support job creation in industries that people such as Mr Drum are apparently advocates of. We need to do some work to create the business circumstances to drive that investment and drive jobs.

We understand, and in fact we are reminded by Ms Hartland and others, that there is a greater number of jobs in resource recovery than in disposing of things as waste. If you think about it, you realise three jobs are associated with 10 000 tonnes of waste ending up in landfill. If you engaged in resource recovery, you would end up with nine jobs per 10 000 tonnes. The multiplier effect of resource recovery and recycling is three times that of leaving things to their natural devices and their ending up in landfill. That is the reason we are committing to this policy, that is the reason the government is introducing this bill and that is the reason we are supporting the local government sector. We would be disappointed if anybody felt inconvenienced or disenfranchised by that, but we think there are huge benefits to the Victorian economy and the Victorian environment from reducing the volume of waste going into landfill and driving jobs in resource recovery.

Motion agreed to.

Read second time.

Third reading

Mr JENNINGS (Minister for Environment and Climate Change) — By leave, I move:

That the bill be now read a third time.

I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Melbourne Markets: industrial dispute

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Industrial Relations. I refer to the Federal Court order that the Construction, Forestry, Mining and Energy Union must remove its blockade at the long-delayed wholesale fruit and vegetable market at Epping. Given that one of the minister's stated objectives of his portfolio is to establish a fair, cooperative and dynamic industrial relations environment in this state, has the minister had any discussions with his mates in the CFMEU towards resolving this damaging dispute, and if so, what were outcomes and when will the project recommence?

Hon. M. P. PAKULA (Minister for Industrial Relations) — I thank Mr Dalla-Riva for his question. The new wholesale market at Epping is going to be a fantastic project for Victoria. It will provide better facilities for wholesalers, growers and retailers and better occupational health and safety systems. It will create up to 600 jobs. Work began on the market last year, and proximity warehousing will be operational by 2012.

Clearly there has been an issue with the agreement that has been struck between the contractor for the operation and the Australian Workers Union, and some action has been taken by the CFMEU (Construction, Forestry, Mining and Energy Union) as a consequence of that and potentially in regard to other matters as well. I am taking a keen interest in that, as is the minister responsible for the conduct of the project, the Minister for Major Projects. I am aware that claims have been made against union organisers associated with the site and that the CFMEU has been in dispute with the contractors for some time.

I am also aware that, as has occurred with one or two other projects, the Australian Building and Construction Commission has taken a keen interest in the goings on at the wholesale market site, and as Mr Dalla-Riva has pointed out, the Federal Court has made specific orders restraining the CFMEU from gaining access to the site. That matter is now scheduled to be before the courts. A directions hearing has been scheduled for June, and given that the matter is before the courts, it is not appropriate for me to comment further.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I note the minister's response. Given the minister's reluctance to intervene in assisting in what is clearly an

industrial dispute within his portfolio, and also noting his evidence to the Public Accounts and Estimates Committee that he would not involve himself with the West Gate Bridge dispute, the desalination demarcation dispute and now this most recent dispute, I ask: can the minister detail precisely what it is that he actually does?

Mr Viney — On a point of order, President, I cannot see how that is a question relating to a matter which is specifically within the minister's portfolio responsibility.

Mr D. Davis — On the point of order, President, the question clearly relates directly to the minister's portfolio responsibilities. The fact that he does very little and the answer may be quite short is a separate point.

The PRESIDENT — Order! The member knows he cannot debate. I ask for the house's indulgence for 1 second. Given that I have just walked into the house, I ask Mr Dalla-Riva to do me the service of re-asking his supplementary question.

Mr DALLA-RIVA — In response to a question I asked the minister about a dispute and court order in relation to the CFMEU blockade at the long-delayed wholesale fruit and vegetable market at Epping and the apparent response by the minister that he would not involve himself in it, given that one of the stated objectives of his portfolio is to ensure a fair, cooperative and dynamic industrial relations environment in Victoria — —

Mr Viney interjected.

Mr DALLA-RIVA — You raised the point of order, Mr Viney.

Mr Viney interjected.

Mr DALLA-RIVA — You really are an idiot!

The PRESIDENT — Order! I asked for the member's supplementary question to be asked again to give me some assistance. I do not want all the background; I just want the supplementary.

Mr DALLA-RIVA — I gave the background to provide the context of the supplementary. I said in my supplementary that I noted the minister's response and the minister's reluctance to intervene in what is clearly an industrial dispute within his portfolio role. I also noted his evidence at PAEC that he would not involve himself in the West Gate Bridge dispute, the desalination demarcation dispute and now this most recent industrial relations dispute at the market. I ask: can the minister detail precisely what it is that he actually does in his portfolio?

The PRESIDENT — Order! Having listened to the supplementary question and having taken advice, I am convinced that it is not a genuine supplementary insofar as asking a supplementary in relation to the answer to the original question.

Buses: north-western suburbs

Mr VINEY (Eastern Victoria) — My question is to the Minister for Public Transport. Can the minister update the house on how the Brumby Labor government is investing in bus services for residents in Melbourne's growing north-western suburbs?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Viney for the question. I was pleased to recently announce a $2.8 million improvement package to target local bus routes, particularly in Melbourne's north-western suburbs. Those improvements will deliver new services, longer operating hours and provide, importantly, public transport to some areas of that part of Melbourne for the very first time. The improvement package followed community consultation and the completion of two local bus service reviews covering the municipalities of Hume, Melton, Brimbank and Moonee Valley. They were comprehensive reviews.

The package will include new bus networks for Melton and Sunbury and improved services for Caroline Springs, Moonee Ponds and Melbourne Airport. Many of the existing bus services in the outer north-west date back to a time when the area had a much smaller population. In coming months we will be introducing new and improved bus routes to cater for the transport needs of an area that has grown significantly in the past few years.

In the Melton township we are going to introduce a new bus service to improve public transport coverage to Micasa Rise and Roslyn Park and provide connections to Woodgrove shopping centre, Melton town centre and Melton station. We will provide a simplified and more direct bus route to Kurunjang, with connections to Woodgrove shopping centre, Melton town centre and Melton station, and we will provide a direct bus route to Melton West, with connections to Woodgrove shopping centre, Melton town centre and Melton station. We are also going to provide a simplified and more direct bus route to Arnolds Creek and Westlake, with connections to Woodgrove and Melton station as well. We will introduce a new bus service to improve public transport coverage to Brookfield. These

improvements will mean 474 additional bus trips a week in Melton. All of the local bus routes in Melton will operate until 9.00 p.m., seven days a week.

Additionally, in Caroline Springs — this is in addition to the new Caroline Springs growth area station — we are introducing a new bus route by early 2011, which will travel from Watergardens railway station to Rockbank-Middle Road. That new route will operate until 9.00 p.m., seven days a week, and give residents in some parts of Caroline Springs bus services for the very first time.

In Sunbury we will restructure and extend route 481 to provide services to Mount Lion, restructure and extend route 485 to provide services to Bradman Drive and Wilsons Lane, restructure route 487 to provide a more direct service from Killara Heights to Sunbury and extend route 488 to provide services to the developing area of Jacksons Hill. We will introduce a new bus route 489 to provide services to Canterbury Hills, Sunbury hospital and McEwen Drive. We will improve bus services from Sunbury and Moonee Ponds to Melbourne Airport. All up, there will be an extra 340 services per week in Sunbury. All the local bus routes in Sunbury will operate till 9.00 p.m., seven days a week.

All these upgrades for the outer north-west are the result of a lot of community consultation as part of the Brimbank–Melton and Brimbank–Hume–Melton–Moonee Valley bus service reviews. They will complement the SmartBus improvements that we have already made in the area. It has all been made possible due to or because of the $500 million earmarked for the improvement of local bus services across Melbourne as part of our $38 billion Victorian transport plan.

Rail: passenger safety

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Public Transport. Yesterday we all watched with horror at the surprisingly quickly available closed-circuit television footage of the toddler who rolled under a train at Tooronga station in Malvern. This was the second serious incident involving a toddler. I therefore ask: can the minister indicate to the house whether as a safety measure — that is, to ensure the safety of commuters — he or his department have analysed the risks and possible solutions for the prevention of further tragic incidents and, if there are such reports or analyses, will he release these for the community to examine?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Davis for the question. Let me say at the outset that yesterday's incident was a potential tragedy averted. It was a potential tragedy, I have got to say, averted by the quick action of an experienced train driver. He ought to be commended, and more about that in a moment.

The fact is that all new railway station platforms are constructed in a different way to those that have been built across the network over the previous century. They are built with the platform sloping away from the tracks. New platforms, as they are developed, are built in that way. As part of premium station upgrades, if that upgrade involves a rebuilding of the platform, then the platform, likewise, is built sloping away from the track. It is not my view, however, that it is practical from either a financial or timeliness point of view to rebuild every station platform to slope in the opposite direction to the direction in which they currently slope.

I have to say something about the driver. I spoke to him this morning, by the way. I rang him to both thank him for and congratulate him on his efforts and to receive from him information about what he saw and the point of time at which he was able to apply the emergency brake. It is fair to say that he was extremely vigilant. He noticed the pram rolling and was able to apply the emergency brake before the pram left the platform. I thought it was appropriate for me to have that conversation with him. I noticed this morning in the *Herald Sun* that he has been interviewed. His name is Steve Ryan. Mr Ryan, as quoted in the *Herald Sun*, appealed to commuters to take more care. I quote him:

> People need to take responsibility around the railway because it is a dangerous place and things can happen in an instant.

I have to say I could not agree more with Mr Ryan. It is not just about railway platforms. This applies everywhere that there are large, heavy, moving vehicles: at kerbsides, when interacting with motor vehicles, when interacting with trams and when potentially interacting with trains. Anyone, whether it is small children out of the reach of a parent, whether it is any kind of wheeled vehicle, whether it be a pram, a buggy, a shopping trolley or a wheelchair, people need to be extremely vigilant and take extreme care when they are around fast-moving, heavy vehicles that can cause enormous damage.

Yesterday's incident was entirely regrettable. We are, I think, as a community all very thankful that there was no serious harm done to the small child. Many of us in here are parents, and we all see those things and watch them with a degree of horror. I think we all say, 'There but for the grace of God'. But the reality is that across

our transport network — both public and private transport — it is simply not possible to foolproof every element of the public transport — or indeed the private transport — network, and people need to be extremely careful around our train network and around other parts of the network as well.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for his answer. As he correctly points out, this is a very serious matter. I too add my thanks to the train driver for his timely response.

I note from the way he responded to the question that the minister has obviously done some analysis of this. He was obviously aware of issues surrounding the platforms, the old and the new ones, so there has obviously been some analysis. I ask in that context: can the minister explain to the house whether Connex's plan to have glass barriers installed on railway platforms, as called for in its business plan for January 2009, was costed, and if so, will he release these costings to the public?

Hon. M. P. PAKULA (Minister for Public Transport) — I will not suggest that Mr Davis is being misleading. I suggest that he misunderstands the difference between a plan and an aspiration. There are some cities around the world which have plastic barriers on railway platforms, but those systems by and large have a uniform type of rolling stock. In other words, you have a — —

Mr Atkinson — Although the Siemens trains would stop in the right spot!

Hon. M. P. PAKULA — Mr Atkinson, I just do not think this is a laughing matter, frankly. There is a uniform kind of rolling stock, and that has nothing to do with whether it is a Siemens train and where it stops. It is about where the doors are located on the carriage. Some of us would have seen at some airports where a train can pull in and there is a plastic barrier which then has opening doors and the doors line up directly with the doors of the train. You can only do that where you have one kind of train, where all the doors are in the same spot.

We have in this state a combination of Comeng trains, Hitachi trains, Siemens trains and X'trapolis trains, all of which have different configurations, some of which have three doors per carriage and some of which have two doors per carriage. The practicality of having a barrier where there is, if you like, that alignment between where the entrances to the barriers would be and the entrances to the doors of the carriage would be, simply does not exist. In those circumstances it has not been deemed practical to have that set-up which exists in some parts of the world with a much more modern network and with a uniform train fleet.

Taxis: government initiatives

Ms HUPPERT (Southern Metropolitan) — My question is also for the Minister for Public Transport, Martin Pakula. Can the minister update the house on what the Brumby Labor government is doing to improve taxi rank safety for both passengers and drivers?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Huppert for the question. Last week I was joined by the Lord Mayor of Melbourne, Cr Robert Doyle, to announce the 13 councils across Victoria that will receive grants under the first stage of the four-year $4 million taxi rank safety program. We have allocated just under $1 million for the first round of funding. It is a program which shows our proactive approach to increasing safety not just for taxi passengers but for taxidrivers as well — drivers who want to be able to stop at safe, well-lit taxi ranks.

The funding that we have announced is going towards improving taxi rank infrastructure, whether it be lighting, CCTV (closed-circuit television) or pedestrian barriers. The taxi rank safety program is a good demonstration of the way the state government and local government can work together to deliver better taxi ranks for passengers and drivers alike, especially at night. Safer ranks mean that passengers can wait for a cab in a well-lit, secure area.

The sorts of improvements that are being funded through this round of the program include the installation of CCTV at designated taxi ranks that are chosen by local government, and improved passenger facilities, whether they be brighter lighting, shelters or seating. We want to see that people are able to wait for taxis safely and comfortably. Some councils are also using this funding to improve the road treatment in and around those taxi ranks.

We have been working closely with the lord mayor on this project. The City of Melbourne, as one example, is going to receive $50 000 towards a newly established Queen Street taxi rank. It is quite innovative. It is a bus stop during the day and a taxi rank at night. It is going to include pedestrian barriers, better signage and enhanced lighting. The lord mayor has also indicated that a safety officer will be present at the Queen Street rank to ensure that people can leave the city safely, quickly and effectively. That

location joins the existing Flinders Street rank as the second of eight planned CBD ranks to be implemented before the end of 2012–13. The Queen Street rank is the second busiest location in the city for ranks, behind Flinders Street, largely due to its position in front of the CQ nightclub. Permanent barriers, signage and improved lighting will all be installed before the end of next month.

For the benefit of the house, I advise that the other councils to receive grants are Frankston, Latrobe, Mornington Peninsula, Boroondara, Moonee Valley, Bass Coast, Glenelg, Moorabool, Stonnington, Wodonga, Hobsons Bay and Maribyrnong.

This is a program that builds on the safe taxi rank trial and a Monash University Accident Research Centre review of that trial, which highlighted the need for additional infrastructure at popular and busy taxi ranks. That is the first year of a four-year program. We have opened applications for the second round. They will be open until 25 June. The Victorian Taxi Directorate has written to all councils across the state asking them to apply, and I look forward to being able to announce the second round of funding later this year.

Schools: building program

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Treasurer. I refer to the bungled and mismanaged Building the Education Revolution program and note that the Treasurer refused to refer the BER program to the state Auditor-General on the grounds that it is a commonwealth project, despite him being responsible for ensuring that individual projects achieve value for money and despite the federal Auditor-General stating that he has no mandate to audit expenditure of federal funds by state agencies under the national partnership agreement. Given the Brumby government is responsible for ensuring that individual projects achieve value for money, will the Treasurer now reverse his position and ensure that the Victorian Auditor-General conducts an audit into the waste and mismanagement of Victoria's share of the BER program, and if not, at least provide some accountability to the public and school communities and an assurance that they are not being ripped off by making public a list of all projects funded in Victoria under the BER, outlining the costs and size of the projects, the management fees paid and the time line for completion of projects?

Mr LENDERS (Treasurer) — The first thing I will say to Mrs Peulich is that a leopard does not change its spots. The premise of Mrs Peulich's question — —

Mr D. Davis — On a point of order, President, the Treasurer knows he is not entitled to call people leopards.

The PRESIDENT — Order! I am unaware of the term being used before and therefore I am not quite sure whether it is unparliamentary or not. My instinct is that it is not in this instance, and I take into account the tone in which it was delivered. More importantly, I take note of the fact that Mrs Peulich herself did not take a point of order or express any offence. There is no point of order in my opinion.

Mr LENDERS — Every day the Leader of the Opposition is getting more and more like the federal Leader of the Opposition, Tony Abbott, taking a very monk-like posture. I say to Mrs Peulich that we start off — —

Honourable members interjecting.

Mr LENDERS — The premise of Mrs Peulich's question as I heard it was would I direct the Auditor-General. That was the opening part of Mrs Peulich's question. I say to Mrs Peulich and the house, the reason I used the analogy about spots before is that on this side of the house our starting point is not to go about directing the Auditor-General to do this or directing the Auditor-General to do that.

In 1999 we had an election fought on the powers of the Auditor-General, and this house and the Legislative Assembly voted in 2000 to enshrine the position of the Auditor-General as an independent officer of the Parliament who was not to be directed by ministers in what he did or did not do. I say to the house that I am not in the business, unlike ministers in the government of which Mrs Peulich was a part, of directing the Auditor-General, an independent officer of the Parliament, on what he should or should not do.

I will respond to the substantive question about will I direct the Auditor-General. Firstly, the answer is that under the Audit Act I have no power to direct — —

Mrs Peulich — On a point of order, President, I wonder whether perhaps the Treasurer has a hearing problem. The second part of my question was that the Treasurer should publicly release the information without referring to the Auditor-General.

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

Mr LENDERS — Firstly, under the Audit Act I have no power to direct an Auditor-General — —

Honourable members interjecting.

Mr LENDERS — I am responding to a direct question in the house about whether I will direct the Auditor-General to take a course of action. Firstly, for the information of the house, under the Audit Act I have no power to direct the Auditor-General to do what Mrs Peulich asked.

Honourable members interjecting.

Mr LENDERS — Mr Abbott's protégé is once again starting to get excited. I say in direct response to Mrs Peulich's question: I do not have the power to direct the Auditor-General, nor will I attempt to.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — My supplementary question is: can the Treasurer confirm that he is hiding the details of Victoria's BER program to prevent the public finding out about the millions the Brumby government is siphoning off from the BER program and keeping from needy and deserving schools?

Mr LENDERS (Treasurer) — I never cease to be amazed. The first part of the question asked whether I will direct the Auditor-General. The supplementary question then comes to, is there value for money for the works being done.

Firstly, I advise Mrs Peulich that if she looks at budget information paper 1, she will see expenditure for every school capital works program. It does not break it down to the level she wishes, I accept that, but she will see expenditure on every individual school program where these capital works projects have happened. She will see that firstly if she is actually looking for it. In the interests of transparency, that was something that was never published under the government of which she was a part and which nobbled the Auditor-General.

The second part of the Building the Education Revolution program that I will talk about is that the commonwealth, as part of the financial stimulus package to assist with defying and standing up to the global financial crisis, asked state and non-government schools to expend money on capital works in schools as a matter of expediency so that we would put in place those foot soldiers against the global financial crisis. Those jobs underpinned this state and this country in standing up to the global financial crisis.

What we saw was the commonwealth doing that. What we have is a program which is giving the opportunity to every primary school in Victoria, whether it be state or federal funds, to build capital works in their community which means that students in every primary school in Victoria have the opportunity to work in better facilities. But it is not just that. What we have seen is that communities across Victoria can share in those facilities. While I do not have the exact figure in front of me, I think it is in the order of about 1500 or 1600 primary schools in the government and non-government sectors that are actually seeing better resources in their schools today.

I welcome the initiative of the federal Labor government. I congratulate Julia Gillard, the Deputy Prime Minister, for introducing this initiative to deliver services into every community in Victoria. I congratulate the commonwealth for giving the resources to enable us to employ thousands upon thousands of tradies in those communities when they were most needed.

I note that the commonwealth Auditor-General will make his own commentaries on this. I note that the state Auditor-General, if he chooses to, has the authority to inquire into every single contract. He has the authority under powers this government gave him to inquire into any project he likes to. He has the ability to inquire into any decision made by government under powers that this Labor government gave him.

The outcome is that we have seen jobs, we have seen better facilities in schools and we have seen communities have access to public facilities that were never available in the past. I think the Building the Education Revolution program did what the commonwealth wanted it to do. It delivered jobs when it mattered and it has delivered resources for the long term. I am delighted that we, as a state, have been able to work with the commonwealth in delivering those in partnership with local communities under the time lines required in a way that we have never before seen in this country.

Information and communications technology: jobs

Mr LEANE (Eastern Metropolitan) — My question is to Minister Lenders in his role as Minister for Information and Communication Technology. Can the minister update the house on how the Brumby Labor government is facilitating jobs in information and communications technology and providing better ICT solutions for business?

Mr LENDERS (Minister for Information and Communication Technology) — I thank Mr Leane for his ongoing interest in jobs. Jobs are such an important

foundation for a civilised and growing society, and I am just delighted that members in this house, particularly the 19 members on this side, have this ongoing and abiding interest in jobs and what they can do in communities. Mr Leane asked specifically about ICT (information and communications technology) jobs, and I have had the privilege in this house to report on a number of jobs that have come in, particularly jobs that have come in through companies like Wipro, a large multinational company out of India that has established 100 jobs in Melbourne. If you think about it, an Indian ICT company coming and employing 100 people in Melbourne is a great achievement going forward. We have had Infosys with 90 jobs, Attra with 50 jobs, Kavair with 50 jobs — all ones I have reported on previously to this house. These build on more than 1250 new ICT jobs in Victoria.

What I am delighted to announce to Mr Leane and the house today is above and beyond these. The Premier at the Shanghai Expo just last week, in conjunction with the president of one of the largest international ICT companies, Huawei — for those who are unfamiliar with it, it is one of the fastest-growing companies in the world based in Shenzhen in China, across the border from Hong Kong — announced that Huawei is now establishing a global innovation centre in Victoria.

Mr Leane — Good.

Mr LENDERS — I am delighted Mr Leane is saying, 'Good'. He, unlike those opposite, who are sounding like and looking like Tony Abbott, more and more every day, is actually interested in jobs. What we are seeing now is 200 new jobs in Melbourne. If we visualise 200 jobs in Melbourne, we can look at this Legislative Council — I am not so sure that Huawei would want to employ everybody here — which comprises 40 people, multiply it by five and we actually get a picture of the job opportunities for 200 Victorians that come from this decision that the Premier managed to get from Huawei at the Shanghai Expo. It is 200 people who have an option to go to work in a high-paying, innovative ICT job of the future, and they will be able to do it in Victoria.

I am delighted that we are continuing to be able to see this important sector grow. I am delighted that international companies like Huawei are joining the increasing group of companies that are seeing Victoria as a place with a strong ICT sector, a strong number of graduates in the sector, increasing numbers of students in schools seeing this as an opportunity and seeing us as having the skills, the ICT, the stable government, the willingness to grow jobs and the enthusiasm for innovation that makes these international companies increasingly employ Victorians in Victoria. I am delighted to take Mr Leane's question, and I would be glad to take every question in this house on jobs in the state, because it is one of the things that make this state an even better place to live, to work in new jobs and to raise a family.

Budget: infrastructure funding

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. Does the Treasurer remain committed to using forecast budget surpluses to fund infrastructure as was claimed in the budget papers?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question. I am sure there will be a sting in the tail of his supplementary question, and I am waiting. I guess in simple terms the question is are we committed to using our forecast budget surpluses for future infrastructure? Yes. The only qualification I would put on this is that there is, as Mr Rich-Phillips well knows, a debt reduction plan. There is reduction in debt going forward, but overwhelmingly budget surpluses fund infrastructure.

When we were elected to government, the general government sector had an infrastructure spend of about $1 billion. Last year in the budget the general government and the public non-financial corporations and commonwealth money came to $11.5 billion. This year it will be $9.5 billion. That is our priority. We are prudent financial managers. We know if we are going to invest in infrastructure for the future, it needs to be paid for, and the most effective way of paying for that is clearly through budget surpluses as the central component of it, and the depreciation money through the budget. The answer to Mr Rich-Phillips, with that minor caveat of debt reduction, is yes.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for his very clear answer. Given the government has recently announced a change to suspended sentences, a policy that several months ago the Premier said would cost hundreds of millions of dollars to implement, I ask: where will the recurrent funding for that announcement come from?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips, and I am surprised that I anticipated his question. What I say to Mr Rich-Phillips is this. Firstly, as he knows with our budget, we seek appropriation in the budget each year for the running of departments and, as he well knows, in budgets the

narrative that goes through the budget papers describes what those things are going to be used for. If we talk about the abolition of suspended sentences so that jail means jail, if that is what the sentence is, or there are other options available for judges to go forward, we see a range of options available to the courts.

The Attorney-General has announced that he will bring a legislative package forward to make some of those alternative sentencing options available to the courts and to regulate this system, to streamline it and deal with it. The Attorney-General flagged, when he announced it, that there would be costs to that, and he was not going to quantify what those costs were at that time because the government has, firstly, not finalised all its policy detail on that. Those opposite selectively pick up various points of view.

Honourable members interjecting.

Mr LENDERS — If those opposite wish me to go through — I have no time limits and am quite happy to do it — the extraordinary initiatives of this Labor government on law and order, I can start with reversing the 1000 police that were cut out of the system by those opposite, who in 1996 said they were going to increase them but cut 1000 out, which goes something like flip-flop.

Mr D. Davis — On a point of order, President, the minister well knows that his task is to answer questions, not to debate points and not to attack the opposition about ancient times. Seriously he ought confine himself to answering questions and not debating the issue.

The PRESIDENT — Order! We are talking about ancient times; I keep hearing references to the Kirner government. I think it is fair to say that the Treasurer was in fact responding to an interjection by and large. Mr David Davis is correct that the minister's response should be relevant and not overtly critical, and I remind the minister of that.

Mr LENDERS — Thank you, President. This has all been very helpful, because I now know the factional divide: those who talk of the Kirner government are Mr Guy's people, and those who do not are Mr Davis's people.

But in response to the matter of police and public order, if opposition members through their interjections want me to go through the Premier's statements about extra money that has gone into the law-and-order system, I am quite happy to do that. Specifically in response to Mr Rich-Phillips, if he goes through the budget — and I know Mr Rich-Phillips has gone through the budget — he will find the resources that have gone into alternative sentencing operations and providing greater authority for the courts and more flexibility. A consequence of more police is that you catch more people who commit crimes and you have more people in your prison system. That is one of the consequences of a greater police force and greater law enforcement.

If Mr Rich-Phillips looks through the budget papers, what I am saying to him — —

Mr D. Davis interjected.

Mr LENDERS — Again, the monk opposite sometimes does not quite respond to these things. What I will say to Mr Rich-Phillips is this: firstly, if we talk about resources in the budget, he will notice there have been greater resources allocated in the budget for the operation of the courts. There is funding in the budget for more judges and more magistrates. If he looks at the law enforcement package, he will see that what we are talking of with alternative sentencing is a greater police presence, which we have delivered year on year.

Mr O'Donohue interjected.

Mr LENDERS — Mr O'Donohue may not have been born when Jeff Kennett made the promise of increasing police, but that was a promise made and it was broken. If we talk, firstly, on how to carry out the actions of the Sentencing Advisory Committee announced by the Attorney-General, there are a number of measures to take. He did not specify; he said we were doing more work on it, and we are coming up with a legislative package. But the basics are already in place for us to do more. There are more judges and more magistrates funded in this budget. There are more prison places in the men's and women's systems funded in this budget. There are more police funded in this budget. The exact quantity of the package that the Attorney-General brings to this Parliament will be fully costed when it comes to this Parliament.

But I say to Mr Rich-Phillips, if he looks through the existing budget, he will note that to carry out the actions of the Sentencing Advisory Committee, the areas we need to deal with are the judiciary and the prison system. In both of those areas extra resources have been committed in this budget.

I say to Mr Rich-Phillips that we will fund the important service delivery issues of administering the law. We will fund the important service delivery issues of education, health and transport. We will invest in infrastructure. And we will do it in an environment where we can balance the budget and invest in infrastructure in the future.

The government balancing its budget makes an interesting contrast with what happened in this house last night when nine members of the opposition called for us to spend more money on projects, and now the shadow finance minister is saying we are spending too much. We have a budget that is balanced and a budget that goes forward with infrastructure for the future.

Honourable members interjecting.

Mr LENDERS — There is not a provision for calming down wild hordes, but there are all these other things. I think it is a great budget for Victoria that positions us well for the future. Perhaps we need to move onto another stadium, beyond the rectangular stadium in the budget, to accommodate the noise opposite. I conclude my case, and I thank Mr Rich-Phillips for his question.

Planning: activity centres

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on recent investments made into activity centres in Melbourne's north?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Elasmar for his interest in these matters, particularly in the north of Melbourne where much investment is taking place under the Brumby Labor government. Last week I had the great privilege and great enjoyment to be at the opening of the Main Street extension in Broadmeadows. The great thing about that is it is a partnership between the Hume City Council and the Victorian government. It was a community event. Whilst the Main Street extension might not sound much more than an extension to a road, what is particularly important is what we see here, which is really bringing life back not only into the Broadmeadows retail strip but also that community centre and community hub around there.

This jointly funded $3.6 million project sees the extension of Main Street from Pearcedale Parade to Dimboola Road which will give priority to pedestrians and cyclists. Anybody who knows that precinct will know that the global learning centre has been a huge success and become quite a hub for community gathering. That road will be extended, and that will give greater priority to pedestrians, particularly with the landscaping arrangements and the connections to the other institutions, other organisations and other service buildings in that precinct. The road now extends down to what is for many known as quite a prominent building in Broadmeadows, the upgraded basketball stadium there. The urban realm in that area has also been enhanced by the investment.

I am also pleased to announce that in a matter of weeks we will be commencing a $1.83 million package of pedestrian, cycling and public realm works to complement the new street. What we will see is a connection through that main area from the station. That complements the work that will no doubt be undertaken in and around the Broadmeadows transport connection area.

In addition, I had the good fortune to be in Epping to announce $126 000 worth of funding for projects in Epping Central and around the station precinct. It is worth appreciating that as we see the rail extension to South Morang a lot of works in terms of roadworks, rail works, crossings and cuttings will enhance the public domain in those local areas and provide greater opportunity not only for transport requirements but also for community facilities, in particular the likes of walking, cycling and public transport connections, which can be supported in the local town centre.

I attended with my parliamentary colleague Ms Mikakos. She was particularly impressed with the works that have been — —

Mr Guy interjected.

Hon. J. M. MADDEN — I am sorry you missed it. Not only are those public roadworks fantastic in the Broadmeadows community and complementary to the more than $80 million invested in those major projects in Broadmeadows but we will also see an enormous amount of urban upgrade and renewal in that Epping corridor on the basis of the extension to the South Morang rail line.

What we are seeing in the north of Melbourne is investment on all fronts that gives communities, developers and councils greater certainty in what they can and cannot do in these areas. It will enhance our vibrant centres, attract more investment, boost the local economy and generate more local jobs. It also complements and reinforces Melbourne 2030 and Melbourne @ 5 Million to ensure that Victoria remains a better place to live, work and raise a family.

Wind farms: planning guidelines

Mr KAVANAGH (Western Victoria) — My question is to the Minister for Planning, Mr Madden, and relates to approval guidelines for wind farms. On 27 April this year, in rejecting The Sisters wind farm proposal near Mortlake, VCAT (Victorian Civil and Administrative Tribunal) determined that the

appropriate standards for making planning decisions on wind farms are the New Zealand standards of 2010 — an update of the 1998 New Zealand standards. The 2010 standards effectively offer marginally more protection to local residents than the outdated 1998 standards. The minister has called in the Yaloak South project, which is very similar in scale to The Sisters proposal and would probably not comply with the 2010 standard and would therefore probably not have got approval from VCAT. The Department of Planning and Community Development has, however, officially stated, as of two days ago, that, and I quote, 'the DPCD uses the New Zealand 1998 standard for determining wind farm standards'. Would it not be more appropriate in 2010 to apply 2010 standards rather than outdated, 12-year-old standards, even if this means that projects the minister might personally support might not go ahead?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Kavanagh's interest in these matters. There is a great deal of interest in the policy positions of parties in this state in relation to wind farms. There is interest on a number of fronts in relation to wind farms, particularly because, as Mr Kavanagh mentioned, of the new New Zealand standards for wind farms that have been introduced this year. We are particularly interested in those new standards, and we are committed as a government to ensuring that the best standards are introduced. We are currently undertaking work at a national level with other jurisdictions to make sure that any upgrade, update or consideration given to improving those standards is done on the basis of a national approach.

I recognise the interest of many people in the community in the introduction of the new New Zealand standards, and I am also very enthusiastic about that being undertaken. But we are committed to a national approach on wind farms and we are committed to having a national standard through agreements with other jurisdictions.

There will always be those who advocate strongly for or against wind farms for various reasons, and there is legitimacy on both fronts as to why people may or may not consider wind farms appropriate for whatever reason. I certainly welcome people's opportunity to have input to that. That is why I recently — —

Honourable members interjecting.

Hon. J. M. MADDEN — That is why I agreed to the request of the Moorabool shire to ensure that the cumulative impacts of the wind farm facilities that have been applied for or are being considered in its jurisdiction. I was conscious of the need to have cumulative impacts considered when you have a number of wind facilities located close to each other. As part of that there will be an opportunity for those who feel strongly one way or the other to make their representations to advisory committees in relation to these projects. Those matters can then be considered in a coordinated manner and in relation to the cumulative impacts.

As a government we have a great deal of enthusiasm for wind projects, but we also recognise the need to have them thoroughly considered, particularly on technical merit and technical grounds. We have also listened to local government, which has said to us — and said directly to me quite recently — that, given the technical requirements, the high degree of complexity and the need for significant investment in the assessment and monitoring of these applications and these facilities, it would prefer the government become the relevant authority for all projects, not just for projects of over 30 megawatts.

We have listened to communities and local governments in relation to this. We have certainly listened to the Moorabool shire's request to have these matters dealt with by the government. As such I have nominated that I will become the relevant authority.

It is also worth considering that there is a significant process by which an independent advisory committee will hear submissions, assess the technical merit on all fronts of these projects and provide advice to me and the department on these projects. I look forward to that. I recognise the issues they may raise may even include those new standards or relevant issues in relation to those standards.

Supplementary question

Mr KAVANAGH (Western Victoria) — I thank the minister for the answer. But is not the real reason that outdated standards are used because it may allow the department to say wind farms are a nuisance and even do damage to neighbouring properties?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Kavanagh's question. Can I just pick up on Mr Kavanagh's impression that wind farms might do damage to neighbours or to communities. That is a pejorative term that Mr Kavanagh has chosen to use which I do not think complements the needs and the matters that should be considered by communities and by the relevant authorities and the independent process by which these projects are assessed. Any project of any stature in any community that requires a planning

permit will allow people to make comment, and I think that comment is a good thing.

Some would say that wind farms are not good; some would say they are fantastic. I have an open mind on all fronts to any project that comes before me and that requires a decision. I would suggest that each project should be considered on its merits, should be considered appropriately by the independent panel and should be considered not only on its technical merits but also the justification in relation to the location and all those other issues that warrant consideration. That should determine whether a project is or is not a good project.

I expect that appropriate decisions will be made, on the basis of that advice. However, to suggest that all wind farm or wind turbine projects are damaging is one step too far, because at the end of the day, they provide jobs in local communities, they provide cleaner energy and they provide economic development across regional Victoria, not only for those immediate locations but for the other industries that maintain services and complement the industry in regional Victoria.

I recognise Mr Kavanagh's concern, and I realise there are those in the community who feel strongly about these projects. It is important to recognise that. I also recognise that there are people who feel strongly and positively towards these sorts of projects. Both of those positions have to be considered in relation to any project on its merits.

Honourable members interjecting.

Hon. J. M. MADDEN — It is interesting to hear the comments from the opposition members in relation to these projects. Straightaway they are taking a position where, obviously from the comments I have heard across the chamber today, they do not believe any wind farm project has any merit. We have seen that through the policy announcements made by Mr Baillieu recently, that he would be quite happy to stymie this fledgling industry at a time when it is more important than ever to deliver jobs to regional Victoria and, in relation to energy provision, not only into regional Victoria but more broadly into Victoria, clean energy which complements the traditional energy provision that has taken place in this state.

I recognise Mr Kavanagh's interest in these matters. I recognise that he has a particular view. I do not necessarily agree with that view. I believe that each project should be assessed on its merits and all the technical provisions that need to be considered. I also recognise from the comments made by the likes of Mr Finn and others on the opposition back benches and front benches that they have a jaundiced view of wind energy in this state. Unfortunately that jaundiced view has informed their policy position, which would kill wind energy in this state overnight.

Agriculture: global positioning system technology

Ms PULFORD (Western Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house on how the Brumby Labor government is taking action to increase the profitability of our farming industry by giving farmers access to the latest in global positioning technology?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Ms Pulford for her question and an opportunity to quickly, if the dynamic in the chamber permits, run through a very important commitment of our government to support productive capability across the Victorian landscape, particularly in the agricultural community but also in other forms of productive use, in construction and land use management, that would be afforded through the introduction of technology that provides and makes available very accurate GPS (global positioning system) information to people who want to undertake important work across the landscape.

As part of a collaborative between my department, the Department of Sustainability and Environment, regional development and the Department of Primary Industries, with a bit of support from the commonwealth, we have provided $7 million to establish 102 base stations across Victoria to make that information available to people within our agricultural community, in particular to use this GPS information to provide a greater degree of accuracy and efficiency in production. For instance, when you think that under normal circumstances a GPS system may be accurate somewhere within about a 20-metre framework, we are providing information in real time that is accurate within 2 centimetres. On the degree of accuracy, for anybody who has actually thought about how the technology could be used when they are driving a tractor, planting seeds or establishing furrow lines, or when they are harvesting or using pest and weed chemicals to reduce the impact of anti-productive activity, this is an extremely efficient form of the use of that technology.

The agricultural producer can take their hands off the wheel and let the GPS guide them accurately across the paddock to achieve far greater efficiencies. It is quite

extraordinary. In terms of the modelling we have undertaken, it may be increasing efficiency by 50 per cent. That is extraordinary, if you think about it, that over a 20-year period that may increase crop yields by something up to 50 per cent. It may add of the order of $400 million worth of agricultural activity which would be generated through the implementation and adoption of this technology.

That is pretty exciting for rural communities. We have experienced great receptivity in the rural community to this initiative. We have rolled it out through the Wimmera. We are currently rolling it out through Bendigo and the goldfields and Gippsland regions. Notwithstanding the scepticism, cynicism or complete neglect that is being expressed by the opposition side of the chamber, we understand that this will be well received by rural communities, and in fact add to their productivity, capability and economic wellbeing in the years to come.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 10 274, 10 275, 10 277–82, 10 400, 10 404, 10 411, 10 417, 10 668, 10 669, 10 871, 10 951, 11 043, 11 086, 11 379, 11 432, 11 554.

Sitting suspended 1.04 p.m. until 2.10 p.m.

THERAPEUTIC GOODS (VICTORIA) BILL

Second reading

Debate resumed from 15 April; motion of Mr LENDERS (Treasurer).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution on the Therapeutic Goods (Victoria) Bill 2010. In doing so, I indicate to the chamber that the opposition does not oppose this bill. In general it is a non-controversial bill. There are a couple of points that I will make about the therapeutic goods administration and the regulation of therapeutic goods on the way through, but I want to say that in general we do not oppose the bill.

I am aware that the Therapeutic Goods (Victoria) Act 1994 is in place at the moment, and this will be replaced with this bill when it becomes an act. It will reference the commonwealth legislation to ensure that it is consistent and has a national approach. It will apply commonwealth law covering the regulation of therapeutic goods by natural persons — that is, not corporations, which are currently not covered by the act. It will apply laws specific to Victoria that are not covered by the commonwealth act but are in the current act. The law effectively, you might want to say, plugs the gaps in areas that have developed where Victorian legislation is inconsistent with commonwealth legislation since 1994 through a series of incremental and in some cases minor changes.

The commonwealth constitution prevents commonwealth law covering unincorporated persons and leaves that regulation to the states. That set of provisions has meant, through a number of areas of government activity, various points of inconsistency and, as you might say, non-complete coverage as per the Corporations Act, for example, which is an act that can only cover corporations — that is, incorporated persons. This interplay between federal and state law can create all manner of inconsistencies and occasionally loopholes. It is something that particularly in this area of health that I am shadow minister for, you do see quite a large number of examples of these areas where one layer of regulation does not completely cover the matters.

I could give lots of examples of this. I spent some time on the phone the other day with a lovely woman named Norma. This is an example of where the state and federal pieces of legislation do not quite mesh and an issue of a gap arises. Norma moved into an independent living unit in Brighton in December 2005 that was owned by a private company, Eltham Family. She chose this place because it had higher levels of care available — hostel, nursing home, dementia and so forth — and at a later point paid $200 000. For the first five years they took $60 000. She pays an ongoing fee of $490 a month under the Retirement Villages Act in Victoria.

This is an example of that interaction between the federal and state not leading to consistent or ideal outcomes. She paid more than $120 000 to go into the village. She is considered to be a homeowner and so is not eligible for some forms of rent assistance. This interaction between state and federal laws can lead to all sorts of frustrations, and this bill is one of those that seeks to clean up an area of that type. Norma's only income is the age pension. She is still paying more than $100 a month for private health insurance. She cannot afford to buy food some weeks because she does not have enough money left over, but she is not considered to be a homeowner by anyone else and is unable to access certain forms of assistance because of that.

These areas of federal-state interaction are ones of concern. I want to put on the record that I think the therapeutic goods administration, the national body, needs to carefully look at itself from time to time.

There are a number of cases where its regulatory interventions have not been as consistent and thoughtful as they could have been, to the extent that Victoria is giving up some of its control, some of its leverage through these sorts of bills. There are of course occasional questions as to whether we fully trust national bodies to do the regulation. I am not sure that on every occasion a national body is the most effective way to do it. However, on this occasion whatever doubts people may have about the Therapeutic Goods Administration from time to time, I think this is the right step. For those reasons the opposition will not oppose this legislation.

Ms HARTLAND (Western Metropolitan) — I thank the previous speaker. This is a very straightforward bill and the Greens will be supporting it.

Ms HUPPERT (Southern Metropolitan) — The purpose of the Therapeutic Goods (Victoria) Bill is to promote and facilitate the development of a national system of controls relating to the quality, efficacy and timely availability of therapeutic goods to customers.

The Department of Health administers the current legislation, the Therapeutic Goods (Victoria) Act 1994. This was enacted in 1994, at which time it mirrored the commonwealth Therapeutic Goods Act 1989. As we have heard, the Victorian legislation deals with individuals who are operating in this sector of the economy whilst corporations are regulated by the commonwealth under its corporations power.

Since the Victorian legislation was enacted in 1994 there have been changes to the commonwealth legislation, and the Victorian legislation has not kept pace with those changes. In order to simplify the regulation of the sale of therapeutic goods this bill states that the commonwealth provisions will apply to Victoria for the time being — that is, the commonwealth act as it stands today, and with any amendments brought in over time, will apply in Victoria to the sale and supply of therapeutic goods by individuals.

The bill also contains provisions that allow Victoria to regulate therapeutic goods in the state in special circumstances that are specific to Victoria. It still retains a certain amount of flexibility for Victoria in terms of this important sector of the economy. The therapeutic goods bill also continues to allow Victoria to regulate the supply of therapeutic goods from vending machines and by hawkers. That will enable us to maintain strict controls that prevent children accessing therapeutic goods, which could be of danger to them.

Other jurisdictions — namely, New South Wales and Tasmania — have adopted the national system, which will ensure a consistent regulation of this industry across the country.

In relation to the enforcement of the provisions in the act, the provisions also state that commonwealth-authorised officers will be able to enforce the Victorian law because it is commonwealth law. This will make things much simpler for people operating in this sector of the economy as they will only have to deal with one set of enforcement provisions. With those few comments, I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL

Second reading

Debate resumed from 6 May; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr GUY (Northern Metropolitan) — It is my pleasure to rise on this Thursday afternoon to discuss the Fair Trading Amendment (Unfair Contract Terms) Bill 2010, a pretty straightforward bill which the opposition will not be opposing. I will, obviously, make some brief comments about the bill.

It should be noted that the purpose of this bill is to amend the Fair Trading Act 1999 in relation to unfair contract terms to align its provisions with the unfair contract terms provisions in the federal Trade Practices Amendment (Australian Consumer Law) Act 2010, which is scheduled to come into operation on 1 July this year. Members may be aware that the Victorian provisions relating to unfair contract terms contained in

part 2 of the bill we are debating today are different from the federal act. The bill seeks to amend Victorian law to make it compatible with the federal law.

Key changes to Victorian law that maintain consistency with the federal act that are worth mentioning include restricting the operation of the provisions to standard form contracts only, which is contained in clause 8 of the bill. We see the need for the requirement that for the terms of consumer contracts to be unfair they must be in a standard form contract. That is something which did not feature in the government's original legislation but is here today. We appreciate that consistency.

While I am talking about consistency I might mention that in terms of keeping laws between various states and jurisdictions similar, it is important that we maintain consistency across jurisdictions when it comes to a consumer law such as this. It is also important that we maintain consistency in law in relation to things like local government.

Earlier today the Treasurer announced that he was happy for Victoria to go back to having 210 councils, which I found, in the interests of consistency, very interesting. Then the Treasurer mentioned that the coalition, when in government, had sacked those councils, and he said, 'At least we did not do that'. He managed to forget Glen Eira as one example and a couple of others. You cannot be half pregnant — you sack one, you have sacked 1000. The reality is that this government did the same thing, but it seems the Treasurer has forgotten that.

Before I prompt Ms Mikakos to take a point of order I will continue with some other key points of the bill. Clause 6 of the bill exempts contract terms that set up an up-front price or define the main subject matter of the contract, which is important. It also requires detriment to be an element of what is an unfair contract term. That is contained in clause 7 of the bill. Clause 7 contains a substitute definition of 'unfair', and it is worthwhile to read this provision out in full, as it was read in the lower house by my colleague Mr O'Brien, the member for Malvern. It is central to the statutory definition of what an unfair consumer contract is. It provides:

> (1) A term of a consumer contract is unfair if —
>
> (a) it would cause significant imbalance in the parties' rights and obligations arising under the contract; and
>
> (b) it is not reasonably necessary in order to protect the legitimate interests of the party who would be advantaged by the term; and
>
> (c) it would cause detriment (whether financial or otherwise) to a party if it were to be applied or relied on.

They are important points in clause 7 of the bill.

Clause 9 of the bill removes the offences provision. That is obviously fairly important. The bill also provides that parties other than the director can seek an injunction or a declaration relating to an unfair contract term. That is contained in clauses 10 and 12 of the bill. I will have a look at those briefly. I think it is important to note that under clause 12 it is now not just the director who can apply; it also states that the director or a party to a consumer contract may apply to the Supreme Court, the County Court or the tribunal for an order declaring that a term of a contract is unfair.

This bill expands access to justice, which is supported by the coalition parties. Not only the director of fair trading but also other parties to a consumer contract will now be able to have access to the courts or the tribunal to seek an order declaring that a term of a contract is one the court deems to be unfair. That is something we obviously support.

I also note that amendments under clause 10 of the bill will mean that injunctions will be able to operate in relation to unfair terms. As I said, not only the director of fair trading but also other parties will be able to apply to the Supreme Court, the County Court or the tribunal — the tribunal in this case obviously being the Victorian Civil and Administrative Tribunal — for an injunction against a person or persons who are applying or relying on standard form consumer contracts.

The bill will also remove the presumption at law that a contract is a consumer contract. The bill seeks to replace the definition of 'standard form contract' with guidelines and apply a federal methodology for determining whether a contract term is unfair. The bill provides that contracts commenced before 1 July will continue to operate under current legislation, but when those contracts are renewed or varied they must comply with the legislation as amended. But, as I said earlier in my comments about councils, while we are little bit parochial in this chamber as state legislators — and why would you not be? We think Victoria is the best state in this country; it may have been dumbed down and run into the ground by the current mob, but we will repair that post-November 2010. The reality is we are keen to ensure that we do not limit Victoria's powers in terms of legislating our responsibilities for those people in our state.

We do have some concerns that the federal law is a better balanced piece of legislation than the law being

proposed, so amendments will improve the operation of the Victorian law. Some consumer groups have voiced to the coalition their preference for the Victorian law but accept that it must be brought into line with national legislation.

As I said at the start, the coalition does not oppose this bill. I have made a couple of points in relation to that, and I restate that the coalition will not be opposing the bill.

Mr BARBER (Northern Metropolitan) — I am sure the coalition will not be opposing the bill because it got exactly what it wanted out of it at the Senate level, where the Liberal and Labor parties sat down to craft the bill that they are now both clearly in favour of.

The bill partly repeals part 2B of the Fair Trading Act and also partly amends it to make it consistent with the commonwealth's recently passed Trade Practices Amendment (Australian Consumer Law) Act. Previously Victoria was the only jurisdiction to have legislated to protect consumers against parties that could use their market bargaining power or considerable resources to insert unfair terms into contracts. While part 2B of our Fair Trading Act has never been used in a court case, it has been used by Consumer Affairs Victoria to get parties to remove or not enforce some of their unfair terms. This is not simply an academic exercise.

We should commend the Victorian government — and I think the minister almost slid sideways off his chair when I said those words — for leading on this important issue in 2003. Sadly though, the breadth of the commonwealth legislation is not as wide as Victoria's benchmark, and this bill will wind back Victoria's consumer protection regime slightly to match the federal one. We would probably oppose a few of the measures in this bill if not for section 109 of the federal constitution, which says that, to the extent of any inconsistency between state and federal legislation, the federal rule would apply, and therefore our resistance to these measures would be redundant.

The key difference is that the national scheme only applies to standard form contracts whereas Victoria's law applies to any form of contract. Consumer Affairs Victoria can currently blacklist a type of unfair term, which would have the effect of negating any detrimental effect that such a term might have on a consumer. That black list is now going to be removed and replaced by what has been referred to as a 'grey list', whereby the minister through regulations can add to the list of what will be in section 32X. This will then be able to be used by a court to determine if the disputed term is in fact unfair. This is an amendment that the federal coalition pushed through the Senate.

The question of what are goods and services normally acquired for personal or domestic use was assessed objectively. Now the federal scheme requires the consumer to enter the witness stand to prove how they subjectively intended to acquire the good or service. We think the point of requiring the burdened consumer to spend more legal fees for no real purpose is an odd change. Finally, section 32Z is repealed. It allowed for penalties to be issued against parties attempting to enforce an unfair term.

There is one improved aspect: parties affected by an unfair term can take their grievances directly to the courts to seek an injunction. The director of Consumer Affairs Victoria will no longer be the gatekeeper. While the director and the Australian Competition and Consumer Commission can still run the case on behalf of the aggrieved, it does not mean that the affected person would be incapable of doing so. I note also that Senator Xenophon tried to move amendments that would allow consumer groups to seek a court's declaration on behalf of a client and that this proposition was also struck down by the Lib-Labs.

The Greens reluctantly support this bill. A nationwide consumer protection regime makes sense; it is just a shame that amendments agreed to by both the federal coalition and the federal government have determined that consumer protection in Victoria will be weaker as a result.

Ms MIKAKOS (Northern Metropolitan) — I am pleased to speak in support of the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. Victoria has had in place longstanding consumer legislation in the Fair Trading Act, which is the primary mechanism for consumer protection in this state. Consumer protection is, of course, vital to modern life, and I am proud to be part of a Brumby Labor government that seeks to protect the most vulnerable in our society and consumers from unscrupulous behaviour.

This bill makes amendments to the Fair Trading Act to bring it into line with national consumer protection legislation, the Australian Consumer Law, which is proposed to apply both nationally and as a law in Victoria from 1 January 2011. However, the national unfair contract terms provisions in the Australian Consumer Law will come into effect on 1 July 2010, six months ahead of schedule.

As a result this bill amends part 2B of the Fair Trading Act to ensure that Victorian and national unfair contract terms provisions are consistent for the six-month period between 1 July 2010 and 1 January 2011. From 1 January 2011 part 2B of the act will be replaced with the national unfair contract term provisions in the Australian Consumer Law.

Victoria is currently the only state in Australia that regulates unfair contract terms in consumer contracts. Therefore the Victorian law has heavily influenced the national approach. This bill seeks to ensure that businesses operating in Victoria and across other states are not subject to different legislative regimes when reviewing their contracts for potentially unfair terms and aims to provide greater clarity to consumers about their rights.

By and large the vast majority of small and large businesses across our state conduct themselves in an appropriate way and are mindful of the rights and concerns of their customers. However, I am sure all parliamentarians have had experiences at one time or another with local constituents who have had negative experiences with businesses that have sought to exploit them or take advantage of their naivety, their lack of knowledge about their rights or their lack of English skills. In responding to these types of issues, Consumer Affairs Victoria provides much-needed assistance in relation to unfair contracts and a range of consumer issues. My experience as a parliamentarian has been that Consumer Affairs Victoria provides a very useful service to people in our community in supporting them on these issues.

The consumer legislation relating to unfair terms seeks to put an end to contracts that benefit businesses over consumers, often in the form of terms that are tucked away in small print in standard contracts. It has been a long-held view of the Victorian Labor government that consumer protection needs to be achieved on a national scale. That is why we have been supporting efforts to achieve national uniformity through the Ministerial Council on Consumer Affairs. I am proud that this legislation is finally going through in this state and at a national level despite being put on hold for a long time by the former Howard federal government.

Key changes to the Victorian law to effect consistency with the Australian consumer law include limiting the operation of the provisions to standard form contracts only; exempting from the provisions contract terms that define the main subject matter of the contract; requiring detriment as an element of determining what is an unfair contract term; removing certain offence provisions; providing that parties other than the director of fair trading can seek an injunction or a declaration regarding an unfair contract term; and removing the presumption that a contract is a consumer contract.

I would just like to touch on some of these key features in relation to this bill, in particular the change to the definition of ‘consumer contract’ to bring it into line with the national definition. The current definition is based on an objective assessment of whether goods and services are ordinarily acquired for personal, domestic or household purposes. The national definition instead makes reference to the subjective intention of the individual who acquires the goods or services covered by the contract. In line with the national uniformity provisions, there will therefore no longer be a presumption that a contract is a consumer contract. The subjective nature of the new definition places individual seeking to establish that a term is unfair in the best position to prove the purpose of their acquisition under the standard form of contracts.

Another change contained in the legislation is that limiting the application of part 2B to standard form consumer contracts. The reason for this is consumers who enter into stand-alone contracts would have entered into negotiations and are therefore much more likely to have subjected the contracts to rigorous inspection and review. It is highly unusual for people to go off and negotiate their own contracts — most consumers are utilising standard form contracts.

In relation to the issue about the removal of the power to prescribe terms as unfair for the purposes of part 2B, I note that despite the Victorian legislation providing the power to do this, to date Victoria has not prescribed any terms as unfair. Instead the Victorian approach has been to encourage businesses to comply voluntarily with the unfair contract terms legislation without needing to prescribe unfair terms. In line with the national unfair contract terms legislation, which does not enable terms to be prescribed as unfair, the bill amends the Fair Trading Act to remove the power to prescribe a term as unfair for the purposes of part 2B, so I do not agree with Mr Barber’s contention that this is a step backwards for consumers.

In conclusion, I would like to congratulate the Minister for Consumer Affairs, Mr Tony Robinson, and all previous Labor consumer affairs ministers who have fought long and hard for these reforms. I think it is always a great step forward for our nation, a nation with a relatively small population, when we do achieve national uniformity across all our jurisdictions. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Planning) — By leave, I move:

That the bill be now read a third time.

I thank the members of the chamber for their contributions.

Motion agreed to.

Read third time.

CHILD EMPLOYMENT AMENDMENT BILL

Second reading

Debate resumed from 6 May; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to make a few remarks on the Child Employment Amendment Bill and note that the coalition parties will not be opposing this legislation. The purpose of this bill is to streamline the permit process for the employment of children — who are defined in the principal act as people under the age of 15 years — with a particular focus on the entertainment industry, and also to make changes to the powers of authorised officers.

It is ironic that we are dealing this week with legislation that seeks to regulate a relationship between a child and an employer at a time when the government's own statutory obligations with respect to children are coming under question. As we heard last week at the estimates hearing with the Minister for Children and Early Childhood Development and with the further disclosures from the Ombudsman this week, there is a great question mark over the capability of the government to deliver on its own statutory obligations. But it seems quite content to pass, as it did in 2003, quite controversial legislation with respect to the regulation of employment relationships between children and other parties.

This bill has essentially three primary purposes. One is to put in place more flexible arrangements for the employment of children in terms of the provision of permits under the Child Employment Act, with particular reference to making things more streamlined for the entertainment industry. It changes the requirement for police checks for employers to working-with-children checks, and it strengthens the compliance powers for child employment officers.

To deal with those issues in turn, with respect to matters surrounding the entertainment industry it has been of concern to that sector for some time that the existing provisions of the child employment legislation are very bureaucratic and cumbersome in their operations and do not accommodate the rapid way in which young people come to be employed and used in entertainment industry-type activities. An example was given by the shadow Minister for Industrial Relations, the member for Warrandyte in the other place, Ryan Smith, in his contribution on this legislation. I take this opportunity to commend him for the work he has done in consulting on this legislation, which is something I understand did not take place with the government in terms of consulting on the actual bill.

Mr Smith has undertaken extensive consultation, including with members of the entertainment industry. One of their concerns related to the fact that where they are engaging children for photo shoots for catalogues and so forth, the period between being commissioned to undertake a job and the child being used for the photographs can be a matter of days, and getting the necessary permits in place and the necessary approvals through the department, where necessary in relation to schools, is particularly cumbersome. This bill recognises that and assists in streamlining those particular provisions.

The bill also increases the powers of authorised officers provided under the child employment legislation. It increases the powers of officers to view employer documents, it adds powers to officers to give directions to employers if they believe there is an immediate risk to the child concerned and it increases the power to coercively interview those related to the employment of the child. So there is a substantial increase in the suite of powers that will be available to authorised officers. I do not know that it is something that has necessarily received the scrutiny that it should have, because it seems that the coercive powers being granted to authorised officers pursuant to this legislation are something that the Parliament would ordinarily provide only to authorised parties in extreme circumstances. I do not know that the government has made a case for those particular powers being required to be given to these officers in the types of scenarios that are envisaged by this legislation.

One issue the legislation does not address is a matter that has been raised by the coalition parties over a number of years now, and that is the need for an

independent child commissioner. It is a position we have held consistently for several years that an independent office of child commissioner — that is, independent from government — needs to be established to oversee the working-with-children regime. A reasonable extension of that would be the child employment regime. This is something the government has consistently resisted, and that is a regrettable position.

On the whole, the coalition considers these amendments an improvement to the existing legislation, particularly with respect to the employment of children in the entertainment industry, where the employment process takes place quite rapidly and can be for a very short time. Streamlining was necessary, and this bill goes some way to doing that. Accordingly we will not be opposing this bill.

Ms PULFORD (Western Victoria) — The Child Employment Act provides protections for children who participate in the workforce prior to the more typical age of entry — 15, 16 or 17 years of age. It does so because of the need to provide special protections to those young workers. In talking about the types of work and the types of children we are ensuring appropriate protection for in their workplaces, we are not talking about 14-year-olds or even 13-year-olds but very young children at the other end of the spectrum, such as the babies whose photos appear in catalogues advertising nappies and those fantastically comfortable-looking Bonds Wondersuits.

To provide an indication of scope, over the past five years almost 33 000 child employment permits have been issued in the period that the current scheme has been operating. In the last financial year, 3748 general child employment queries were received and 4705 permits were issued. As Mr Rich-Phillips indicated, a great deal of this work relates to the entertainment industry, and 87.5 per cent of permits issued have been for employment in the entertainment industry. The other major industry is newspaper and pamphlet delivery — and to those people we are very grateful that our newspaper is there at 7 o'clock in the morning, when we wander out to find out the news of the day — and also in some instances in retail, hospitality and accommodation services.

The Child Employment Act came into operation some six years ago. In that period of operation it has become apparent that there are opportunities to improve the way the system operates and also to harmonise the legislation with other child-related initiatives. In 2007 a departmental review was commenced to explore opportunities for improving the scheme's operation to ensure the best possible protection for children in employment and also to ensure a streamlined and sensible operation for employers providing that employment.

A great many organisations were consulted in the development of this bill, including a number of choirs that perform in Victoria, a great many unions and employer organisations, principals, carers, careers advisers, parents groups, many of the significant players in our entertainment industry, community and church groups and a number of other organisations that have traditionally employed large numbers of young people. It has been an extensive review that has sought to take into account the experiences of many employers and others who have an interest, as we all do, in providing the best possible protection for our children.

Options for reform were considered, and in a parallel but complementary conversation, discussion commenced at a national level about how to provide consistency across state borders. The reforms proposed in the bill will leave in place many of the current arrangements, including the restrictions on the type and hours of work, the ages that are regulated by the scheme and exemptions for family business. The bill seeks to strengthen protections for children in employment, reduce red tape for businesses and simplify the administration of the scheme.

The bill improves the permit system based on feedback from those who used the scheme. Specifically, special arrangements will apply for permits relating to work in the entertainment industry. This is, as I said, a key employer group. In fact this group of children is a large proportion of the children whose employment is governed by the arrangements in this legislation.

The definition of employment will be amended to ensure better coverage for children working in private and non-profit organisations for the engagement of children as direct employees or as contractors. These are the types of conversations we often have in this place about the relationships that occur in all our workplaces and the ways in which people enter into employment arrangements. The capacity for children to understand these things that are complicated even for grown-ups cannot possibly be expected to be the same.

An anomaly that this bill addresses is the general exclusion of not-for-profit organisations where the child is engaged as a common-law employee. I am told this includes child actors for not-for-profit theatre companies, for example, or situations where the child is a volunteer, say as a member of a choir.

The bill replaces police checks conducted under the child employment system with the working-with-children checks with which we have now all become very familiar. The working-with-children check arrangements have now had time to be well understood by the community, and we believe that this is an appropriate change. It is a more rigorous screening mechanism than police checks, and it is consistent with other checks of any kind required from any other organisation in the state when engaging with children in any number of ways. That seems to be a common-sense change.

The bill increases the penalties for an employer who employs a child without a permit. It also seeks to introduce some body corporate-level penalties. The bill improves compliance arrangements as well and introduces a new directions power for child employment officers to respond in circumstances where they believe there is an immediate and serious threat to a child's health, safety, moral or material welfare in employment. I am sure we would all hope that power will not need to be used often, if at all, but it is an important power and it is really important that the power exists.

This bill very much improves the operation of this area. It is based on feedback and consultation with a great many of the organisations that have an interest in the way this area is regulated. In addition to the introduction into the house of this legislation, the government also needs to engage in, and in fact lead, national discussions around child employment regulation in Australia.

The department is conducting a review of the mandatory code of practice for the employment of children in entertainment. As with any measure to ensure appropriate employment practices or any measure designed to ensure the protection and safety of Victorian children, we will always be responsive to improvements that can be made and ways in which these arrangements can provide the type of protection we would all expect. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Child Employment Amendment Bill before the house regulates an area of great importance to the public of Victoria — that is, the safeguarding of the health, safety and welfare of children under the age of 15 who are employed in the state of Victoria.

According to the second-reading speech, the existing Child Employment Act 2003 has played a vital role in protecting Victoria's children from harm in the workplace and has provided a sound framework to support positive and safe working experiences for children in Victoria, together with occupational health and safety laws.

While I do not necessarily dispute that, I think it is worth saying that our inquiries have found that knowledge of and compliance with the law is said to be low. A figure we were able to obtain was something like 27 per cent compliance with the current act. While the act is there and provides a sound framework, perhaps it is not that well complied with, which is a concern when you are talking about children under the age of 15 in employment.

The second-reading speech tells us that this bill will improve the existing child employment permit processes; introduce additional flexibility in permit processes for the entertainment industry; refine key conditions in the act to better target children in employment and employment-like situations; remove anomalies in the act; replace the current police check requirements for employers and supervisors with the working-with-children check for supervisors only, not employers — and employers actually hold the duty of care, not supervisors, particularly under occupational health and safety — and strengthen the compliance powers of child employment officers.

The second-reading speech goes on to say that employers will no longer need to nominate supervisors on permanent application but will instead be required to ensure that any supervisor holds a working-with-children check assessment notice. There is good and there is bad in that. There is a requirement to ensure that there is a working-with-children assessment notice, but there is no naming of the supervisor. I am not sure whether that is entirely a good or a bad move. Permits for employment outside school hours will now run for up to 24 months. I am not sure why that is, unless it is for the benefit of the employer.

In the entertainment industry where there can be multiple numbers of children employed by the same employer at the same time, they will now be able to be covered by the one permit. Again I am not sure how that is of benefit to individual children. It is a question I will be putting to the minister, because I intend to take this bill into the committee stage to clarify some of the provisions which I do not think have been clarified in the second-reading speech or the explanatory memorandum. In some cases they are not explained at all in the explanatory memorandum, and they are not mentioned at all in the second-reading speech. Even the questions I have put to the department have not been entirely answered either.

This area of regulation is very important because children are vulnerable to exploitation. That is why we have the Child Employment Act, to protect them from that exploitation.

The bill provides for child employment officers to vary employment particulars on permits where that is deemed appropriate, and that will increase flexibility for all parties, which I presume means children and employers. However, a lot of the assertions in the second-reading speech need more explanation in terms of how they are going to work.

I took an interest in this area, particularly when I worked at the Australian Council of Trade Unions. In looking into this bill in the last little while, since it appeared in the lower house, I went to the WorkSafe website, which has some occupational health and safety information about young workers. The WorkSafe website talks about workers in the 15 to 24-year-old group and not necessarily younger workers — that is, workers above 11 or 13 years and up to 15 years, which is the category of children in the workplaces to which this bill pertains.

The information on the WorkSafe website shows that young workers had the highest proportion of work-related injury — that is, 17 per cent higher than the average across all ages. Young workers also have a higher rate of hospitalisation — 21 per cent higher than other age groups. Young workers are at a higher risk of being injured because they are still developing physically and mentally; they lack the experience, knowledge and skills to understand the risks involved in the work they are doing; they undertake work that they are not able to do because they have not been properly trained or are not properly supervised; they may not be aware of their occupational health and safety rights and responsibilities and may not feel confident in themselves to ask questions or speak up if there is a problem, for fear of looking incapable or losing their job; and they may follow the lead of more experienced workers who do not always set a good occupational health and safety example in the workplace.

It is for this reason that the need for very close supervision of young workers is imperative. The WorkSafe Victoria *Your Health and Safety Guide to Managing Young Workers* provides guidance to employers. It states that an employer:

> … must ensure … that all employees, including young workers, have appropriate information, instruction, training and supervision to ensure their work is done safely and their health is not put at risk.
>
> …
>
> Supervisors should ensure that young workers are closely and competently supervised.

My experience in the occupational health and safety area is that this is not always the case, and that the supervision of young workers often leaves a lot to be desired. Even supervisors who think they are supervising young workers competently and closely are not always doing so, because often supervisors are not well trained in the need to understand the risks that young workers face just by the fact that they are young workers. They are not fully trained to understand all those aspects of young workers, so they do not necessarily supervise them as closely and competently as is needed.

That supervision needs to be on an ongoing basis with the supervisor being aware of the work requirements and appreciating the risks involved in the tasks that young workers are doing and the special category and vulnerabilities of young workers. That is only in terms of occupational health and safety; that does not go to the other hazards and risks in terms of the exploitation of young workers that can occur.

This bill makes some changes to the permit system which exists under the current act for working with children under 15 years of age. A question that has been raised in several quarters is why this particular provision was not extended to 15 and 16-year-olds, given that we recently passed a bill in this Parliament to raise the school leaving age. The reason I raise this is based on some comments I read from the government as to why that was not the case, because the Occupational Health and Safety Act and other acts apply.

One of the issues with child employment is the conflict between working time and school time, which is a very live issue for children who work. That was raised in submissions to a recent Senate committee on the work-life-study balance for students, which highlighted the negative impacts on study that can arise from work commitments. This is an issue that probably should be taken up at the Council of Australian Governments level, because we know COAG is currently looking at this issue.

Another issue that concerns me, and I will question the minister on it, is that family businesses will be exempt from the permit system. The list of family members has been broadened, and some groups have queried the reason for that. There is an exemption under the bill for supervisory requirements if the supervisor is a close relative. However, there needs to be a recognition that

family businesses and supervision by close relatives do not necessarily mean that the child will not be exploited; it does not necessarily mean that the child will not be put at risk of injury or that their health will not put at risk just because the business is a family business. In fact in some unfortunate cases that can be more of a risk.

My question to the minister will be: because of the exemptions under the bill, how is this bill going to deal with those particular issues with regard to children who are working in family businesses and who are younger than 15 years?

There is also an amendment in the bill to exempt children who are working for not-for-profit organisations in fundraising activities, such as door-to-door fundraising, from certain provisions under this bill. Again I think that is an area which needs some explanation, because that can be an area whereby children may feel obliged to work longer hours than they should. This needs clarification if there is an exemption in relation to that under the bill. Working for not-for-profit organisations in a door-to-door activity where there is no requirement for them to comply with certain provisions of the bill could lead to the exploitation of children. We just need to make sure that is not the case.

The Scrutiny of Acts and Regulations Committee has written to the minister about certain provisions in the bill. They basically went to clause 15, which removes some criteria that cover whether a child is fit for a certain type of employment. It leaves in place some criteria and adds other criteria regarding health, safety and welfare.

The Scrutiny of Acts and Regulations Committee queried whether, under this bill, that provided good enough protection for children. It also queried clause 33 in the bill whereby an officer of a corporation becomes liable for the offences of the corporation notwithstanding what actions that officer may or may not have taken with regard to a contravention of the act.

I think the tightening up or increasing of the compliance provisions in the act is good. There are just these particular issues which have been raised by the Scrutiny of Acts and Regulations Committee and some other matters I have mentioned that I would like some clarification on from the minister. I think it would be in the public interest to receive these clarifications in the committee stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order! I understand the committee has not been convened to consider any amendments on this occasion, but at least one member has some questions in respect of a number of provisions in the bill.

Ms PENNICUIK (Southern Metropolitan) — During our research into this bill we were unable to find a copy of the Allen Consulting Group report which this bill is apparently based on. A copy was forwarded to me just a little while ago. I note that the report was delivered to what was then Industrial Relations Victoria in January 2008. I am wondering why this bill has taken so long — more than two years — to get here. Given there is a national process under way — and in response to another question I wrote to the department about, departmental officers at a national level told me they were looking at harmonising child employment laws — why are we debating this bill and not waiting until that happens? Is the minister anticipating that that will happen this year? That is the question really.

Hon. M. P. PAKULA (Minister for Industrial Relations) — Ms Pennicuik has raised a number of issues. The Allen Consulting Group report was the basis upon which some of the original work on the bill was done and concerned some of the original consultations that were carried out with something like 60 or 70 different organisations. Ms Pennicuik may not have had an opportunity to read the report in detail, given she has just received it, but it suggests some more far-reaching changes than are contemplated by this bill.

It has been apparent, certainly in the time I have been Minister for Industrial Relations, that a number of different state governments have been looking at the area of child employment. The regulations and the systems that operate across state borders are quite different from one another. A number of employers who employ children operate across state boundaries. On that basis I asked for this matter to be placed on the agenda of the Workplace Relations Ministers Council, which it was, for both ministers and high-level officers to examine the possibility of national harmonisation. That work at the national level is, I would describe, in its infancy. Further work will be carried out at a high-level officers' group throughout 2010, but I would not anticipate that there would be a national law this year.

In regard to the other part of Ms Pennicuik's question, which was why we have a bill in this Parliament now, given that that process is going on, I suppose there are two reasons. Firstly, that process could well be a fairly long and complicated one. The difference between the laws across state boundaries is quite significant, and there is no guarantee that agreement will be reached. On that basis there is still a huge desire amongst a number of stakeholders for some improvements to be made to the system.

The judgement that I made and that was taken by my department was that we would proceed with a state bill to deal with those issues that could be dealt with — those that were, I suppose, less dislocating to the current framework and changes that could be made to the system without necessarily subjecting employers in particular to a massive round of change which would then potentially be followed by another massive range of change. We have made changes which will make the system easier to administer but do not compromise the opportunity for more wholesale change in the future as part of a national harmonisation.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Ms PENNICUIK (Southern Metropolitan) — I want to ask a question about clause 5, which may answer the question I have about clause 6. The question is about clause 5(2), where the definition of door-to-door selling 'does not include selling by the child of goods or services to raise funds for a non-profit organisation if the child is directly engaged by that organisation'. I want to know the rationale for that.

Hon. M. P. PAKULA (Minister for Industrial Relations) — Does Ms Pennicuik want to know why door-to-door selling is excluded or why the other parts are included?

Ms PENNICUIK (Southern Metropolitan) — I want to know why door-to-door selling is excluded. That is the question.

Hon. M. P. PAKULA (Minister for Industrial Relations) — Ms Pennicuik is right. There are, for instance, some guide organisations whose members might go door to door, selling cookies, biscuits or chocolates. That is the kind of activity that is contemplated by that provision.

Ms PENNICUIK (Southern Metropolitan) — I suppose what is behind my question is that that type of activity could be open to exploitation and a child could be injured et cetera doing those activities when engaged by a not-for-profit organisation. That is why I am asking the question.

Hon. M. P. PAKULA (Minister for Industrial Relations) — Girl Guide cookies is one way of describing it and school chocolate drives is another. I am advised that whilst it is removed from the definition in clause 5, under section 36 of the principal act parental supervision is still required. I hope that in those circumstances that provides Ms Pennicuik with some comfort in regard to the concern she has expressed.

Ms PENNICUIK (Southern Metropolitan) — Minister, it does not actually provide me with a lot of comfort because, as I understand it, it exempts the hours that a child is able to do this activity et cetera. Just being a not-for-profit organisation does not necessarily justify that particular exclusion. But you have told me the answer. I do not agree with the answer. However, the committee will be pleased to know that the same question applies to clause 6, so I do not need to ask the question on clause 6 now.

Clause agreed to; clauses 6 to 11 agreed to.

Clause 12

Ms PENNICUIK (Southern Metropolitan) — Clause 12 on page 14 talks about multiple children or occasions of employment. In effect it allows an employer to apply for a single permit in relation to multiple children if the employer wants to employ multiple children in a certain activity. I can see how that is convenient for the employer, but my question is: how does that safeguard necessarily the welfare of individual children, if they are listed on a permit as multiple children?

Hon. M. P. PAKULA (Minister for Industrial Relations) — If the last question could have been described as the chocolate drive clause, this is the Billy Elliot clause. The way this works is that this is really about paperwork reduction for the employer. Each child is still assessed individually and each child still receives their own individual piece of paper, but the employer has a single piece of paper with each child's name listed on it rather than 50 different pieces of paper.

Ms PENNICUIK (Southern Metropolitan) — For the public record and for the reassurance of the public, could the minister explain what is that piece of paper that each child will get to safeguard the child — as briefly as possible?

Hon. M. P. PAKULA (Minister for Industrial Relations) — As briefly as possible, each child has their own permit.

Ms PENNICUIK (Southern Metropolitan) — So they have a separate permit, even though the employer has a multiple permit?

Hon. M. P. PAKULA (Minister for Industrial Relations) — Yes; that is correct.

Clause agreed to; clauses 13 and 14 agreed to.

Clause 15

Ms PENNICUIK (Southern Metropolitan) — Clause 15 is one of the clauses that the Scrutiny of Acts and Regulations Committee wrote to the minister about. Clause 15 substitutes a new subsection 16(b), which is one of the criteria by which the secretary may grant a permit. That provision requires that 'the child is fit to be engaged in the proposed employment'. The committee said it considered that:

> … by changing the test for when children may be permitted to work, engage their … right 'to such protection as is in his or her best interests and is needed by him or her by reason of being a child'.

The committee went on to say:

> No explanation for these changes is provided in the statement of compatibility, second-reading speech or explanatory memorandum …

I would agree with that, and it is unfortunate. It just goes to my other comments over the three and a half years I have been here about what is omitted from statements of compatibility, explanatory memorandums and second-reading speeches. The committee said further:

> It may be that the explanation for the omission of the fitness requirement is the insertion of the word 'safety' into the first requirement, but the committee is concerned that this may not be an equivalent test.

It wrote to the minister, and I have his letter, in which he just said:

> In view of this test, it is not necessary to have a separate factor of 'fitness' and the removal of this subsection will not reduce existing protections for children in employment or the rigour of current assessment processes for permit applications.

Again that is just the minister saying that it is not needed. Could the minister explain for the public benefit why this particular provision was removed?

Hon. M. P. PAKULA (Minister for Industrial Relations) — Ms Pennicuik has asked and answered the question. I am not sure that there is much left for me to say. She is right in saying that the clause in the existing act refers to health, education, and moral and material welfare and that the child is fit to be engaged but makes no reference to safety. The new bill instead omits the term 'child is fit to be engaged' and includes the word 'safety'. It is important to note that the light work requirements of the act remain, so it has to be work that fits within the definition of that. The change in the language — and it is fundamentally a change in language — is more consistent with the language in the Child Employment Act. The purpose of the bill is to protect children under the age of 15 years from performing work that could be harmful to their health or safety, their moral or material welfare or development or their attendance at school or capacity to benefit from instructions, so the new clause fits better with the purposes provision.

The bill retains the strong investigative powers of the secretary regarding the application for a permit to carry out all the investigations and inquiries the secretary considers necessary to enable the proper consideration of the application. Under the bill the permit can be refused or cancelled if the secretary is not satisfied that the child's health or safety or educational, moral or material welfare is not affected or that they will not suffer from the employment.

In view of all those factors, my view is that it is not necessary to have a separate factor of fitness. Moreover, the removal of that and the insertion of safety and all those other measures to which I have just referred do not in my view reduce any of the existing protections for children or the rigour of the assessment process. Ms Pennicuik and I might just have a difference of opinion on that issue.

Ms PENNICUIK (Southern Metropolitan) — I understand what the minister is saying about all that. It gives a broad remit to the secretary. However, the provision that has been deleted adds another string to that bow, if you like. The minister mentioned the child as being fit to be engaged, and the provision refers to the child being fit to be engaged in the proposed employment. That gives the secretary a little bit more ability to look at the particular child and the particular type of employment, which I do not think is covered by taking out that original provision and making it general. I would like the minister to comment on that.

Hon. M. P. PAKULA (Minister for Industrial Relations) — In the drafting of the bill the view was taken that 'child is fit to be engaged in the proposed employment' was rather inexact terminology, and that the protection of the child's health and safety, along with the other protections, is a better understood definition. I put it to Ms Pennicuik that if under her definition the secretary would find that the child was not fit for that kind of work, then by that same test

people would expect that the secretary would find that the kind of work would not be suitable for that child on the grounds of health and safety, which is in the bill.

Ms PENNICUIK (Southern Metropolitan) — The minister and I will have to agree to disagree. Just for clarification, I was not proposing an either/or; I was proposing all of it be kept.

Clause agreed to; clauses 16 to 19 agreed to.

Clause 20

Ms PENNICUIK (Southern Metropolitan) — I have a question about clause 20, and it is in relation to proposed new section 19B(1)(a) on page 27. People who are exempted from getting a working-with-children check include a person who is closely related to the child they are supervising. I wonder why that is included, because anybody who supervises a child, notwithstanding their relationship to the child, should have a working-with-children check.

Hon. M. P. PAKULA (Minister for Industrial Relations) — You are not required to have a working-with-children check if you are, for instance, the mother or father of the child. Is Ms Pennicuik suggesting they ought to have a working-with-children check?

Ms PENNICUIK (Southern Metropolitan) — In terms of the widening of the reference in the bill to people who are related to a child to include uncles and aunts, as far as I can see that will become an issue.

Hon. M. P. PAKULA (Minister for Industrial Relations) — Yes. New section 19B(1)(a) is defined relatively tightly. It does not refer to a fourth cousin or distant relative. The judgement is if there is a family business and an aunt or uncle has their own niece or nephew working in the family business or a mother and father have their own children working in the family business, then they do not require a working-with-children check. I suspect the community at large would not imagine they would need to, in those circumstances.

Clause agreed to.

Clause 21

Ms PENNICUIK (Southern Metropolitan) — Clause 21 gives the secretary the override power on safeguards concerning the hours of work and rest breaks. We asked the department under what circumstances these provisions might apply and how often this power might be used, and the department provided a reasonable answer. Given that there is no explanation as to why that is there, the gist of that answer should be provided for the community.

Hon. M. P. PAKULA (Minister for Industrial Relations) — For the benefit of the committee and for ease of the circumstance, I note that Ms Pennicuik has indicated that she is relatively happy with the answer she has received. I will read it into the record:

> This situation is designed to address exceptional circumstances where it is in the interest of the child that the hours of work and rest break restrictions be varied.
>
> For example, where a child is permanently exempted from school by the Department of Education and Early Childhood Development to join the workforce at 14 years and 10 months of age (a situation which has arisen several times in the past few years), currently he or she cannot perform full-time work until his or her 15th birthday, due to the hours restrictions in the act. It may be appropriate, after assessing all salient factors, to vary the hours restrictions in such a case. Each application would be fully investigated and assessed in context.
>
> Safeguards on the use of this clause are built in to prevent its inappropriate use. The secretary must not vary the application of a condition, unless the secretary has regard to the effect of the proposed change on the child's health or safety or moral or material welfare or development or the child's attendance at school or capacity to benefit from instruction, and the views of the parent or guardian of the child and the employer or prospective employer of the child.

Clause agreed to; clauses 22 to 32 agreed to.

Clause 33

Ms PENNICUIK (Southern Metropolitan) — Clause 33, which inserts new sections 50A and 50B into the principal act, means that an officer of a body corporate would become liable for a contravention of the act if the person knew of a contravention. It seems very blunt and was not well explained, or was not explained at all, in the explanatory memorandum, and it was raised by the Scrutiny of Acts and Regulations Committee. This is just a technical, formal question to the minister. The letter he supplied me is addressed to Mr Carlo Carli, the member for Brunswick in the Assembly and chair of SARC, so I presume it is the same letter that he sent to the committee, and if he has sent it in response to the committee, it will be on the public record so there is no need for him to read it. I think the response he has given is a reasonable response to that very important issue that was raised by SARC.

Hon. M. P. PAKULA (Minister for Industrial Relations) — Thank you.

Clause agreed to; clauses 34 to 38 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. M. P. PAKULA (Minister for Industrial Relations) — I move:

That the bill be now read a third time.

I thank all members of the house for their contributions to the debate.

Motion agreed to.

Read third time.

HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 6 May; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Health and Human Services Legislation Amendment Bill 2010. The opposition will not oppose this bill.

This is, frankly, a machinery-type bill. It amends several acts to enable the continued operation and provision of services under the newly created Department of Health and the existing Department of Human Services. It establishes a body corporate known as the Secretary of the Department of Health; abolishes the body corporate known as the Secretary of the Department of Human Services; provides a vesting of property held by the Department of Human Services body corporate to the Secretary of the Department of Health body corporate; provides the Secretary of the Department of Health body corporate with certain delegation powers; provides the Secretary to the Department of Health body corporate with certain powers in relation to intellectual property; amends the Disability Act 2006 and the Children, Youth and Families Act 2005 to provide the Secretary of the Department of Human Services with certain powers; and provides the Secretary of the Department of Human Services with certain powers of delegation. There are a range of other bits and pieces that it does that are consequential on all those matters.

The opposition does not oppose these changes. It does believe that fundamentally this is stylistic stuff, window-dressing if you will. There is perhaps a realistic argument that the old Department of Human Services was too large, and that is an argument made by the Premier, but I will come back to what has been achieved by these changes in actual, practical outcome. There is a big difference between stylistic stuff, the window-dressing, the appearance in public and what has actually changed.

This is a government of spin. It is a government that is not focused on substance. It is a government that is focused on the public appearance of key matters, and this bill shows that in a very clear way.

We only need to see the announcements this week by the Ombudsman in the report he tabled yesterday in this Parliament on his own-motion investigation into child protection and out-of-home care to see that nothing has changed because of a change in the names of departments.

Mr Viney interjected.

Mr D. DAVIS — It is not actually irrelevant to the bill. The Premier said on radio this morning, Mr Viney — I heard him myself, so you might want to go and check the transcript — that one of the reasons for splitting the department was to make it more manageable and to enable it to focus on key areas like child protection. This is what he claimed. He named that specific area, and I am picking up comments made by the Premier on ABC radio this morning, so it is not irrelevant, Mr Viney. It is deeply relevant to the bill.

The central point I am making is that the Ombudsman tabled one report a while ago, and I cannot give the house the exact date. The department was split in anticipation of that negative report. That is the reality of what the Premier has done. He split the department as a response to a forthcoming and negative Ombudsman's report. Surprise, surprise! Under this government things have moved forward with the two new departments, but we have a second Ombudsman's report, tabled yesterday in this Parliament on out-of-home care, showing nothing has changed, nothing has been learnt and the Premier and his ministers, including the Minister for Community Services, Lisa Neville, have not learnt what they really need to do to respond to these terrible matters.

I want to make the point here that vulnerable children and the government's management of some of our most vulnerable children have been looked at by the Ombudsman, and according to his report — and it is a terrible report for those who have read all or parts of it — they are being bounced around between carers and

homes on Minister Neville's watch and that has added to the trauma and neglect that many of them already suffer. It is deeply clear that the figures involved here are very concerning.

If you look at data obtained through the freedom of information activities of the coalition, you see that eastern metropolitan figures reveal that 513 children were in out-of-home care. Of those 137 children in care in 2008–09, 44 children had three or more placements while in out-of-home care and 17 vulnerable children had been in care for less than a year and had more than three placements. The data shows that as of 30 June 2009, statewide the number of highly vulnerable children, those who were no longer able to live safely in their own homes, was 5246 in out-of-home care, a 10 per cent increase. These are damning figures when you look at the fact that the government has split the department, in the Premier's own words, 'in response to the need for the Department of Human Services in particular to focus'.

The opposition is not opposing this bill but it does think there is a significant amount of window-dressing going on here. Children have been shuffled around while in out-of-home care.

It is worth putting on the record here in the chamber as part of the debate on this bill some of the comments the Ombudsman has made. I want to read his recommendations on page 127, where he has recommended that:

> The department publish the analysis of quality-of-care data in the Department of Human Services annual report.

He recommends also that:

> The department complete an analysis of child against child abuse as was foreshadowed in 2007.

Again this is an area that the government has been tardy about. His recommendation 3 is that:

> The department incorporate allegations of child against child abuse into the guidelines for responding to quality of care concerns in out-of-home care.

His recommendation 4 is that:

> The department regularly review the new guidelines for responding to quality of care concerns in out-of-home care and provide training to child protection and community service organisation staff on the finalised guidelines.

Nothing could demonstrate more this government's reactive approach than the Ombudsman making clear that as he began his investigation the government sought to finalise the guidelines. The government had been operating on temporary guidelines, and when the Ombudsman started to investigate the government started to move. It was not the splitting of the department that forced movement; it was the Ombudsman's investigation.

His recommendation 5 is that:

> The department ensure that the principal child protection practitioner receives the analysis of critical incident reports relating to children in out-of-home care on a quarterly basis for review. A copy of the review and analysis to be forwarded to the Office of the Child Safety Commissioner.

In recommendation 6 he recommends that:

> The central quality-of-care unit regularly review outcomes of quality-of-care investigations and reviews to ensure consistency across regions.

There is considerable regional variation; there is no question about that. The Ombudsman further states:

> The outcomes of such analysis should be made available to the child safety commissioner.

I was heartened to see the child safety commissioner on television last night and hear him supporting the Ombudsman's position. It is very important that he act entirely independently of government. He needs to demonstrate that preparedness to criticise the government and to be quite strong in those criticisms where they are justified. If ever there was a case for strong criticism of this government, this is it.

The government's response has been very slow. Even in question time yesterday the Premier was very slow to understand that he had to take some responsibility here. The Minister for Community Services was very slow to say that she was sorry. It was later in the day that she came forward to apologise.

Mr Viney — She was not asked the question.

Mr D. DAVIS — No, she was not asked that question.

Mr Viney — How could she be slow in answering the question?

Mr D. DAVIS — She had press conferences and there had been other public statements. She had been on the radio in the morning — —

Honourable members interjecting.

Mr D. DAVIS — There was no inconsistency in my comments. I said the Premier was slow in question time. You can read *Hansard* and you will see that what I said was very carefully modulated. The fact is that the Minister for Community Services was slow to say sorry

on the Neil Mitchell radio show in the morning and the Premier was very slow in his responses during question time. The Minister for Community Services was prepared to say sorry after question time and when the Premier had made those statements.

On the availability of care, the Ombudsman states in recommendation 9:

> The department liaise with the government to develop models for projecting future resource demands for the out-of-home care system ….

I have to say that the government should get moving on this. It has been in power for 11 years and it has not dealt with these problems. It has split the department. The Premier claims that one reason for splitting the department was to enable a focus on child protection, and that is the substance of this bill. It was only when the Ombudsman started his investigation that the government started to finalise things such as the guidelines. Eleven years is a long wait. This government has no credibility on any of these issues.

On suitability of care, the Ombudsman states in recommendation 10:

> The department include data relating to the proportion of children less than 12 years of age who are placed in residential care and the proportion of children placed in home-based care in its annual report.

These annual reports by the departments are an absolute travesty. Increasingly data is stripped out of them.

Recommendation 11 is:

> The department instigate a program of regular data collection and analysis in relation to children with a disability in out-of-home care.

These are sensible recommendations from the Ombudsman.

Recommendation 12 is:

> The department develop specific procedures for monitoring the welfare and progress of individual children with intellectual disabilities who are placed in out-of-home care.

I hope the government is prepared to accept these recommendations and to really implement them. It is not enough for the government to mouth words. It is not enough for the government to do the window-dressing of changing the titles of the department, the letterhead, the business cards and even the phone number. It is not enough, I am afraid. The government is going to have to do much more and it is going to have to really deal with these issues.

Recommendation 15 is:

> The Department of Human Services and the Department of Education and Early Childhood Development provide me with a report on compliance with the key elements of the revised partnering agreement within six months of its commencement.

The Ombudsman talks about case management. I will not go through all these recommendations, but I do want it on the record that the government has failed in this very important area.

Recommendation 18 is that the department regularly audit compliance with procedures for leaving care and plan for young people exiting care six months prior to their planned exit from out-of-home care. The first audit should take place by 30 September 2010. We will be looking at it closely to see that these recommendations by the Ombudsman are in fact followed.

Recommendation 20 is that the department publish guidance regarding financial support following the completion of the review outlined in recommendation 19.

Recommendation 21 is that the Minister for Community Services examine mechanisms which would provide a greater level of security and transparency for the out-of-home care program.

These are reasonable recommendations made by the Ombudsman. They go a significant step towards improving the position of people in out-of-home care, but I still do not think the government completely understands the seriousness of these matters. It is not sufficient to simply change the badging of departments. The Premier seemed to be suggesting that this was a solution. I have to say it is not a solution. I hope the government takes on board what the Ombudsman said. I hope the Premier and the minister take the Ombudsman's recommendations seriously. I do not think a simple splitting of the department is the solution. The window-dressing involved has been shown in the last few days; it appeared to us in the first instance as hollow.

Ms HARTLAND (Western Metropolitan) — I thank the previous speaker for outlining a lot of the technicalities of this bill. This is a straightforward bill. There has been a separation into two government departments: a new Department of Health, which will cover health, mental health, drugs, nurse policy and aged-care services; and the Department of Human Services, which will comprise disability, housing, children, youth and families. This bill is straightforward. It ensures that the various bills that

cover the various departments are aligned, and the Greens support it and more straightforward bills. I think my next one is too!

Mr VINEY (Eastern Victoria) — I am disappointed in Ms Hartland; she has gone from speaking for 7 seconds on the previous bill to 35 seconds on this one. It is more than a quadrupling of time, and it is a good example of why we need time limits in this house. I came to this debate thinking I was going to try to better Ms Hartland's 7-second contribution by saying this was a machinery piece of legislation and we should be able to dispatch it fairly quickly. However, Mr David Davis has suggested we use what is a fundamental piece of legislation to get the corporate structures of the former Department of Human Services — now the Department of Health and the new Department of Human Services — in order so that there can be a better delivery of services in those areas. Mr Davis has used the opportunity to range over a number of issues in relation to the Ombudsman's report into child protection, which was tabled yesterday.

Firstly, let me say that, along with the rest of the government, I accept the Ombudsman's findings. Mr Davis said he heard the Premier on the radio this morning, so he would have heard the Premier, as I did, say that the government accepts all of the recommendations of the Ombudsman's report but one. The Premier gave a clear commitment that the government will be acting on those recommendations of the Ombudsman. It is disappointing in a debate on such a serious question of social policy as child protection to have fairly cheap and basic political point-scoring, as Mr Davis engaged in on this matter. It would be useful if we were able to have a more bipartisan approach on these matters. Mr Davis has clearly indicated in his contribution that he does not intend to make any kind of bipartisan contribution on these things, unlike a former minister in this area, Dr Napthine, the member for South-West Coast in the other place, who said on 26 November 1993 that there should be a bipartisan approach. I wish it were so because we all want to protect children. Some three years later he made the comment in the Legislative Assembly as Minister for Youth and Community Services:

> I believe the community of Victoria would be much better served if we had a bipartisan approach to this important issue and if we had positive and constructive comments.

He went on to say about the then government:

> The government welcomes constructive comments and approaches to improving child protection services. It is counterproductive merely to criticise rather than acknowledging the good work that is being done by the workers in the field.

Those words are similar to the words I heard the Premier utter on ABC radio 774 this morning. He went on to say:

> It is preferable to provide support, including moral support, to those workers by offering constructive suggestions about how the system can be made better.

Around that same time, on 19 September 1993, the *Age* reported as follows:

> The state government stood firm yesterday on its plan to cut more than $7 million from child protection services despite a senior judge's warning that the plan would damage the caring schemes for abused children.
>
> At the same time as it was calling for a bipartisan position the then Liberal government put forward the position to actually cut the services; it cut $7 million from the services at that time.

Mr Lenders — Who was the member for East Yarra at that time?

Mr VINEY — In 1993 — I am not sure; it might not have been Mr Davis. Mr Davis managed to come into the Parliament in 1996 on a reduced majority. There was a substantial swing; much greater than for any other member of that region.

The *Age* of 23 October 1996 reported:

> The state Minister for Youth and Community Services, Dr Denis Napthine, yesterday rejected calls for a royal commission on child protection, and accused a senior Family Court judge of making ill-informed remarks on the issue.

In true form, although the then Kennett Liberal government was calling for a bipartisan position, it did not support what it now wants in opposition. The *Australian* of 3 February 1999 reported:

> In late 1996 Mr Kennett's plan to review and reform Mr Baragwanath's office sparked an intense 18-month controversy. Critics charged that Mr Kennett was intent on nobbling Mr Baragwanath, whose reports on child protection —

among others —

> have frequently embarrassed and criticised the then government.

I thought I was going to make a short, sharp contribution on some improved administrative arrangements for the Department of Human Services and the Department of Health.

Ms Hartland interjected.

Mr VINEY — I notice the Greens concerns about the length of time. I look forward to their support of the reintroduction of time limits. Even after the reintroduction of time limits at 6½ minutes I would still be well under! What I thought would be a fairly short contribution on a piece of legislation that was about introducing the correct administrative arrangements for the split between the former Department of Human Services into the Department of Health and the new Department of Human Services has turned into a response that could have been better if we had had a bipartisan position in this state to support the government initiatives for the change of administrative arrangements in those departments and the workers in the field, people who do incredible work in one of the most stressful and difficult areas of community service delivery that you could imagine in this state.

I reiterate the government's position; we accept and welcome the Ombudsman's report. That is why it is this government that enshrined the position of the Auditor-General and the Ombudsman into the constitution and made them officers of this Parliament, with them directly reporting to this Parliament so that we can have this kind of analysis of government service delivery. We welcome the findings of the Ombudsman. The report makes a contribution to improving service delivery in a very difficult area of Victorian community services delivery. The government, as I said, has indicated that it accepts and will implement all but one of the recommendations in the Ombudsman's report.

In relation to the specifics of the bill, it is about establishing the appropriate corporate structures for the delivery of health and community services in the state of Victoria. I welcome the arrangements that are being made. I wish the bill a speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL

Second reading

Debate resumed from 15 April; motion of Mr LENDERS (Treasurer).

Mr HALL (Eastern Victoria) — It gives me pleasure this afternoon to speak on the Education and Training Further Amendment Bill and indicate at the outset that the opposition will not be opposing this piece of legislation. The legislation itself goes to a number of areas. Of course, it amends the Education and Training Reform Act, but some of the areas in which there are particular amendments relate to the Victorian Institute of Teaching. It also makes some changes to the use of the Victorian student number, a couple of minor changes in terms of ministerial ability to appoint temporary chairs to the Victorian Curriculum and Assessment Authority, and it also makes changes to the Mildura College Lands Act 1916 and a couple of acts associated with that particular matter in the Mildura district.

If I could first of all go to some of those changes relating to the Victorian Institute of Teaching. There is a fairly wide discussion of these in the ministerial second-reading speech. I will not repeat all the matters and arguments presented by the minister there, apart from saying that the introduction of a power enabling the institute to undertake police record checks on a continuing basis is supported by the coalition. It will mean that the Victorian Institute of Teaching will be updated if there is any offence or matter that may have some impact on the police record of somebody actively involved in the teaching profession. We think that is good.

The bill also makes some amendments enabling the Victorian Institute of Teaching to advise of any outcomes of disciplinary action and to place that information on the public register. The description does not go to any length on what those actions may entail. The register will show the status of the registration of teachers. It will indicate whether the registration is still current, or whether it has been amended in any form or suspended, so there will be some sort of additional data available which will list the status of a person's registration in respect of the list of teachers in this state.

There will also be an enlargement of the functions of the Victorian Institute of Teaching to include developing standards for higher levels of professional practice by teachers. This is a bit of a mystery; it is not well explained in the second-reading speech, and I am not quite sure what the higher levels of professional practice may be. If it is that they are intended to provide greater opportunities to improve the standards at which teachers practice or to gain additional qualifications that may assist them in plying their trade — —

Mr Lenders — It is just about how to use a whiteboard, is it not?

Mr HALL — It might be advisable to give me some decent pens to start with. If it is that it accredits programs that will assist teachers in what they do, then maybe that is a good thing. But it is not well explained in the second-reading speech and maybe at some stage during the debate or committee stage of this bill some elaboration could be given on that particular point.

There is also an amendment which will streamline the qualification requirements for non-practising teachers who wish to return to full registration. Again, there is not a lot of detail about how that process may be streamlined. It would certainly be of interest to people like me who may look in the future to go back and teach. I am not currently registered to teach, but I have qualifications which in the past would have led me to become a registered teacher. There need to be opportunities for people to return to teaching. If there are procedures that can be streamlined to assist them in doing that, then I think that is a good thing. However, this particular amendment and how it may work is not all that well explained in the second-reading speech.

There is an amendment which requires the institute to notify the director of public transport of certain determinations made by a formal hearing panel relating to teachers. This seemed to be a curious thing when we first looked at this bill. Why would the Department of Transport want to know anything that may affect a teacher's ability to be registered and undertake their teaching duties? Since it was explained to us that some teachers are also involved in the transport of students, particularly in country areas where a teacher may also hold a bus licence and therefore be able to convey students in a bus, it seems appropriate. If there is any material matter that would impact on a teacher's registration and their ability to associate themselves in any way with students and particularly to undertake something involved in the transportation of students, we consider it a sensible arrangement to notify the Department of Transport.

They are some of the main amendments relating to the Victorian Institute of Teaching and the registration of teachers. I am a bit bemused, because it was only very recently in another piece of legislation that there were some significant amendments to the act relating to this area, but we are coming back to do it again. I am not sure why it could not have all been done on one occasion rather than being spread over two pieces of legislation.

There are also some amendments relating to the use of the Victorian student number. We were told when the student number was first used in public and some private schools that it would ultimately be rolled out across the system and include students enrolled in other institutions, both public and private, in this state. Now we see that the Victorian student number is being rolled out to students in TAFE institutes and registered training organisations, those with adult community and further education providers and in the Catholic school education system.

While we have always said we need to be vigilant about how the Victorian student number is used, we well understand that a student is not restricted in their educational lifetime to one sector. Many students move between public and private sectors and from secondary schools to post-secondary institutions, and many people go back to study in their adult life as well. We have said all along that the Victorian student number has a useful purpose in tracking people's movements through the education system. As I have said, we just need to be careful that the ability to track somebody and monitor their progress is not abused in any way. We are not opposed to the extension of the use of the Victorian student number in other areas of the education sector.

Finally, this amendment bill also rewrites much of the legislation related to the Mildura College Lands Act. A number of amendments to the Mildura College Lands Act and those acts associated with it have been made by the Parliament over the years. Schools in Mildura — and there are quite a number of them — are the beneficiaries of a trust established by the Chaffey brothers in 1916, many years ago, when the act was first established. The schools in the Mildura area have benefited from a fairly generous bequest. The funding that flows from that bequest is about $90 for each student per year, so that is certainly a help for schools in the Mildura area.

I am delighted and pleased for my colleague the member for Mildura in the Assembly, Peter Crisp, that the government has accepted an amendment which the coalition proposed when the matter was debated in the other house. That was the inclusion of the Nangiloc Colignan and District Primary School in the schools that will benefit from this bequest. Mr Crisp argued long and hard for the inclusion of that school within the district where schools benefit from this trust. We are grateful that the government accepted that amendment and has now included that school in the list of beneficiaries. Mr Crisp has worked well for his community to bring about what is a very pleasing result.

With those few words, this piece of legislation, which makes amendments to three major areas of the Education and Training Reform Act, will not be opposed by the opposition parties. We believe the

amendments generally make good sense. There are, as I have indicated already, some matters on which we will keep a close watch, but in a general sense we are supportive of these directional changes in the bill and therefore will not oppose it.

Ms PENNICUIK (Southern Metropolitan) — The Education and Training Reform Further Amendment Bill before us comes close on the heels of the Education and Training Reform Amendment Bill, and many speakers have asked why they are not one bill. However, that is the case.

Mr Lenders — There has been only one speaker so far, and I don't think he raised it.

Ms PENNICUIK — There were other speakers in the other place.

Mr Lenders — Voices?

Ms PENNICUIK — Voices, yes. Going to the purposes of the bill, several are listed. The first of the main purposes are to amend the Education and Training Reform Act 2006:

> … to enlarge the functions of the Victorian Institute of Teaching to include developing standards for higher levels of professional practice by teachers …

In his contribution Mr Hall stole a bit of my thunder by saying there is a bit of a mystery as to what that actually means. It is not explained anywhere what that means, the rationale for it is not included anywhere and before my consultations with the two main teacher unions they did not even know it was going to be in there. The Australian Education Union in particular has concerns, once again, around expanding the functions of the Victorian Institute of Teaching (VIT).

Mr Lenders — Who did you work for before you were at the Australian Council of Trade Unions?

Ms PENNICUIK — The metalworkers, actually. The teachers are concerned in particular about the provision in clause 5 of the bill. They make the point that the VIT's recent consultations around the national teaching standards left a lot to be desired and that once again the voice of the practising teacher is missing at a state and federal level. The inclusion in the bill of this expanded function raises many questions that need to be answered.

In debate on the previous education reform bill many speakers, including Mr Hall and me, raised the concerns the profession has with the Victorian Institute of Teaching in its former and current role as an advocate for the profession, which was removed by the previous bill. The teaching profession has a lot of concerns about its ability to undertake those roles, let alone this new role, which will have a major impact on the teaching profession. The profession wonders how this new role and responsibility will be resourced. Will teachers have to bear the cost through having to pay increased fees to the Victorian Institute of Teaching to administer this function, particularly in light of the fact that the education department is withdrawing funding to the VIT?

The teachers make the point that there are industrial relations implications particularly around existing industrial grievances where standards are within the agreements. Questions also arise about what will be the purpose of the standards. How will they be used and how will they be assessed? As I mentioned, they were not even aware that the bill would allow the Victorian institute to develop standards. There are many implications for standards, payments and incremental parts of payments.

Basically teachers are not happy with its inclusion in the bill, particularly without any previous consultation or extensive consultation, which is what is needed when such a provision is going into a bill, when nobody really understands what we are talking about, what is aimed to be achieved, how that will be achieved and how that will be implemented in a fair way across the profession.

Notwithstanding my proposed amendment to remove clause 5 from the bill — and I am happy to have my amendments circulated — I would anticipate that this clause will probably, unless I can convince the coalition parties to support me, stay in the bill.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — My view would be that there is no rush to put the clause in the bill given that there is no real understanding about what these higher levels of professional practice actually mean within the teaching profession. Why has the clause been put in the bill? There is no need to rush into putting it in the bill.

Another amendment to the Education and Training Reform Act will provide for police checks to be carried out on teachers before and during registration, which is an issue we have been over before. Obviously police checks are required when working with children. I am not sure why we are not aligning this more with the Working with Children Act, but perhaps the minister could explain that during the committee stage given the

previous bill we debated on child employment is aligning itself with that act.

The bill will streamline the qualification requirements for non-practising teachers who wish to return to full registration, which seems reasonable. We want to be able to make it reasonably easy for people to reregister as teachers and not for it to be an onerous burden, especially when we have shortages of teachers in many areas. However, we need to make sure that people have the required qualifications and experience if they are going to teach in our state schools.

Another amendment will provide for additional particulars relating to sanctions placed on teachers to be contained in the register of teachers. That was an issue raised by the teaching unions as well, and part of that follows the concerns I raised during the debate on the Education and Training Reform Amendment Bill which conferred on the Victorian Institute of Teaching (VIT) the right to look into less than serious matters. Members will remember I tried to remove that provision when we were debating that bill because in my view that was not the role of the Victorian Institute of Teaching. Nevertheless that provision was in the previous bill and is now part of the act. Now we find a further provision in this bill which will allow for the publication of adverse findings about teachers, even though it appears this will only occur with matters arising from formal hearings. The conditions will be general in nature and not specific in terms of what is published about a bad teacher against their registration under the VIT.

Another amendment is to require the Victorian Institute of Teaching to notify the director of public transport of certain determinations made by a formal hearing panel in relation to teachers. That relates to teachers who are driving public transport vehicles, basically buses.

The bill makes consequential and miscellaneous amendments to the act. It is interesting to note that under clause 1 in the purposes section of the bill, the expansion of the Victorian student number (VSN) under clause 16 is not mentioned. This is a provision that will expand authorisation for the use of the VSN or related information to any employee of the Catholic Education Commission, or a Catholic education agency acting on behalf of the Catholic Education Commission, whose duties include the analysis and evaluation of information relating to students and to the Department of Innovation, Industry and Regional Development or the Department of Planning and Community Development. It is a significant expansion of the VSN which is not even mentioned in the purposes section of the bill.

Members will recall when the Greens proposed the introduction of the Victorian student number in 2008. I remind members that is a unique student identification that requires all students in Victoria who are being educated by a registered education and training provider, students from prep up to and including students aged 24 years, to be allocated a student number.

The Victorian student register will mean students will be registered on the register, but it will not specifically assist students to receive appropriate resources. The first question we ask then is: why will we have a student number if that is not what it will do? One of the stated aims of the VSN was to track students who had fallen through the cracks and may have been disengaged or may have been lost through the system. Apart from the privacy considerations and the expansion of the use of this number as a result of this bill, it seems to us that if you are collecting information about students such as name, address, gender, last enrolment and enrolment history, and you are looking to keep data and keep track of disengaged students — who may be disengaged because they have family, health or truancy issues, or all of the above — are they not the very students whose details are not going to be kept up to date on the Victorian student register? That is our question about the efficacy of the Victorian student register.

It is our contention that the Victorian student register will hold a lot of data on students who are engaged with the education system, who have not fallen through the cracks, who have provided the education department or the registered training provider with their name, address, gender and last known contact. We will have a vast array of information about students who have not fallen through the cracks, but the students who have these problems that I mentioned before will be falling through the cracks and the existence of a Victorian student number, if the details are not kept up on the register, will not assist those students in any way.

However, there are privacy concerns with the Victorian student number and with any unique identifier that follows people through a very significant part of their lives and which we predict will be used as an identification tool. As we can see, this bill is already expanding the groups of people who can have access to the information about students contained in the register of Victorian student numbers. The Greens will be seeking to remove clause 16 from the bill because of that. We did not support the Victorian student number in the first instance, and we still do not.

The bill also re-enacts the Mildura College Lands acts in the Education and Training Reform Act 2006. I understand the opposition parties have an amendment to expand the application of that particular provision, which the Greens will support.

There are some good things in the bill, such as the pro rata-ing of fees in a transitional period from September to the end of the year, which is helpful for students. Otherwise, there are some concerns with the expansion of the functions of the Victorian Institute of Teaching and the Victorian student number, which the Greens do not support.

Ms BROAD (Northern Victoria) — I rise to make some remarks in support of the Education and Training Reform Further Amendment Bill 2010. This bill will make a number of amendments to the Education and Training Reform Act 2006 to implement government policy and further improve the operation of the act. The main purposes of the bill are to amend the act in relation to certain operations of the Victorian Institute of Teaching; to amend the act in relation to certain operations of the Victorian student number, the Victorian Curriculum and Assessment Authority and for other purposes; and to update the Mildura College Lands Act 1916, make a number of changes to improve its operation and re-enact the provisions in the Education and Training Reform Act 2006. The 1916 act and two amending acts will be repealed. The bill also addresses minor anomalies to improve the operation of the act.

Victorians have the right to be confident in the expertise and professionalism of the teachers and leaders who are educating our children. The independence of the Victorian Institute of Teaching, a Labor initiative, and its charter of enhancing the quality and performance of the teaching profession contribute to the government's goal of creating a world-class education system which gives our children the best possible start in life and continues to lift standards of achievement for all young Victorians.

Under the reforms contained in this bill the powers of the institute will be expanded to enable the institute to further refine its operations in relation to regulating the teaching profession. Improved administrative processes will support the application of these additional powers, with the aim of reducing the administrative burden for teachers and facilitating more efficient service provision by the institute.

In relation to the issues raised by Ms Pennicuik, I indicate that the minister will be addressing those matters when he deals with the amendments, and I will leave those matters to one side for the minister to address at that time.

I now turn to the amendments relating to the Mildura schools land included in the bill. For the benefit of members of the Council who are unfamiliar with the history, in the 1880s two Canadian brothers, George and William Chaffey, established the Mildura Irrigation Colony. Prior to coming to Mildura the Chaffeys had established successful irrigation colonies in California. As part of their vision for Mildura, the brothers set aside one-fifteenth of their land to fund an agricultural college in the area.

In 1891 the Governor of Victoria, Lord Hopetoun, laid the foundation stone for the college but construction was never completed due to the financial difficulties experienced by the Chaffeys. In 1912 the state of Victoria opened the Mildura Agricultural High School on the site and the rental money received from the Chaffey land was provided to that school instead. This arrangement was subsequently formalised by the Mildura College Lands Act 1916. The school used the money to build classrooms in 1919, an assembly hall in 1939, a sports pavilion in 1958, a cafeteria annex in 1965 and a large gymnasium in 1967. The school also spent the money on new equipment and the maintenance of school grounds.

In 1970 the act was amended to distribute the money equally to three schools: the Mildura High School, as it was then known, Mildura Technical School and the Irymple Technical School. The act has been amended over the years to add other schools to the scheme, and today 30 government, independent and Catholic schools are beneficiaries. Importantly, the bill provides that they will all continue to be beneficiaries.

I attended the 30th anniversary celebrations of Sunraysia Institute of TAFE on Saturday, 15 May, in Mildura. Many persons associated with the history of Sunraysia TAFE were also in attendance and spoke in very glowing terms about the history of the Chaffey brothers and the legacy they left for the Mildura schools. It was very interesting to hear from some of the people who played a personal role in that history about their version of history and some of the ins and outs of that history.

The bill before the house, as I have said, will update the provisions of the 1916 act and re-enact them in the Education and Trading Reform Act 2006. The main changes are that survey plans will be used to show the land that is subject to the scheme instead of listing the land in the act — a more modern approach; the Governor in Council will be able to add or remove land

from the scheme when it is bought or sold; the list of beneficiary schools will be moved from the act into an order made by the Governor in Council; and a time limit of 28 days will be inserted for leaseholders wishing to apply to the Victorian Civil and Administrative Tribunal for a review of a rental valuation. These changes will bring the act into line with other legislation and significantly modernise the act.

These are common-sense amendments which will simplify the statute book and keep the law up-to-date without changing the main aspects and history of the scheme. The amendments will ensure that the generous contribution made by the Chaffey brothers continues to benefit education in the Mildura region well into the future.

I now wish to make some brief remarks about an amendment passed by the Legislative Assembly which has now been incorporated into the bill that is before the Council. This amendment provides that the beneficiary schools region will be expanded to the south-east past Red Cliffs. This paves the way for the Governor in Council to add the Nangiloc Colignan and District Primary School as a beneficiary of the trust.

The provisions of the bill introduced to the Parliament by the government were developed by a committee of beneficiaries — some 30 government, independent and Catholic schools — chaired by Mr Robert Biggs. The trustee company also made a significant contribution to developing the provisions of the bill introduced by the government. I wish to record my thanks to Mr Biggs, all the beneficiary schools and their representatives who participated in the process and the trustees for their work on behalf of the Mildura schools community.

I am advised that the amendment introduced by the member for Mildura and accepted by the government in good faith was not subject to consultation with the beneficiary schools. Beneficiary schools have raised with me their concern that the member for Mildura has acted in this way. The concern expressed to me is not in relation to future access to less than 1 per cent of funds by the students of Nangiloc. I wish to make that very clear. The concern that has been expressed to me is that the amendment was not developed through consultation with representatives of the beneficiaries. They are concerned that in the future this action could be repeated. I have assured the beneficiary schools that the Brumby government is committed to consultation with school communities and that the amendment was accepted by the government in the interests of securing passage of the bill and in good faith.

With that assurance to the beneficiary schools community in the Mildura area, I conclude by acknowledging the unique and substantial gift of the Chaffey brothers over 120 years ago, which continues to benefit the Mildura community to this day. I commend the bill to the Council.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

The DEPUTY PRESIDENT — Order! Ms Pennicuik has an amendment in which she is seeking to omit clause 5, so she will be inviting the committee to vote against it.

Mr KAVANAGH (Western Victoria) — I have a question about clause 5 before Ms Pennicuik puts her amendment. Could I just ask the minister what guarantee there is that the Victoria Institute of Teaching or the committee will have the expertise or qualifications to perform the functions that are given to them under clause 5?

Mr LENDERS (Treasurer) — The VIT at the moment is required to assess a general level of competency for teachers who enter the profession, and then under the Council of Australian Governments agreement there are high standards to be assessed. Mr Kavanagh asks about the level of confidence in the ability of the VIT to do that. I have absolute confidence that the VIT will recruit the appropriate people to administer these tests that have been agreed to under the COAG agreement. I can seek advice as to what particular procedures will be undertaken, but I have no doubt that the VIT, if given this task by the Parliament, will acquit that task.

Ms PENNICUIK (Southern Metropolitan) — I invite members to vote against this clause. I would like to ask the minister what is meant by the phrase 'standards for the recognition of higher levels of professional practice attained by teachers in Victorian schools'?

Mr LENDERS (Treasurer) — Firstly, I make the comment that the second-reading speech was not silent on this. Page 4 of the second-reading speech outlines that the Council of Australian Governments has set in

place a process to set those higher standards, and this bill seeks to give the authority to the Victorian Institute of Teaching to administer those standards. As is the case with many pieces of legislation and commonwealth standards, there is a power sought to administer standards that are part of an intergovernmental agreement. The actual standards have not yet been finalised. There are standards that have already been finalised by the commonwealth authorities, and this bill seeks to give the VIT the capacity to deal with them. The higher standards are those that come out of the COAG agreement.

Ms PENNICUIK (Southern Metropolitan) — The Victorian Institute of Teaching has struggled in terms of getting feedback from the profession to undertake the current tasks assigned to it. What extra resourcing does the government anticipate the VIT will need? That is similar to the question that Mr Kavanagh asked. What extra resources, what extra expertise and how is that going to be funded?

Mr LENDERS (Treasurer) — This is a fairly basic function of government. When the Parliament gives an authority the power to administer a particular area, in this case a federal or commonwealth standard, the CEO and board of the authority are tasked with doing that. They have resources to do the task that the Parliament has already given them. If they feel there is a need to seek more resources, that is something they will raise through the Minister for Education or the Department of Education and Early Childhood Development seeking extra resources. That will then come from that minister. She will either administer it through her department in the general sense, or will seek further resources to do it.

But the issue before the Parliament is: should the VIT be given the authority to carry out this standards component of a COAG agreement? That is what is being sought in the Parliament. Undoubtedly if the VIT is given those resources, it is given the authority to do that work and if it does not meet its performance measures, that is clearly an area that will be questioned in the appropriate estimates period. But this is seeking to give the VIT the authority to administer commonwealth standards. That is what is being sought here in the chamber today.

Ms PENNICUIK (Southern Metropolitan) — Is the minister saying there will be taxpayer resources for the VIT to carry out these extra functions?

Mr LENDERS (Treasurer) — That is not what I am saying. What I am saying is the VIT is tasked with exercising certain functions. It has a budget with which to carry out those tasks. I am not aware of the exact magnitude of what this new standard will do; that is advice I could certainly get from the Minister for Education. But VIT is tasked with that. Like any part of government, it has performance measures, and if it does not achieve those performance measures, then there is a series of accountabilities within government, which may include greater resources, which may include reprioritisation of resources, or which may include a range of options. The legislature is being asked to give powers to the VIT to carry out this COAG function, and I am very confident that the VIT will administer whatever functions it is tasked to do by either the legislature or the executive government.

Ms PENNICUIK (Southern Metropolitan) — The minister might be confident, but obviously the teaching profession is not. In its representations to me it is not confident in the ability of the VIT to carry out its current functions. Given the minister's answer to my previous question, is he saying that the VIT is part of government, or is the VIT becoming an independent organisation?

Mr LENDERS (Treasurer) — Chair, I will answer the question, but I am not quite sure how it relates to a clause in the piece of legislation to give authority to the VIT to carry out a COAG function. The Victorian Institute of Teaching is established by an act of Parliament. There are accountabilities to and from the minister as part of that act. In the governance of any of those arrangements there is an ultimate accountability to the Parliament through a minister for the administration of a body. There are always separate governance issues as to the policy and independence of a body, and that is not an unusual governance arrangement. But ultimately the VIT is accountable to the Parliament of Victoria, which funds it, so if for no other reason than through the funding.

The key issue here — and I understand members of Parliament are interested in the funding arrangements — is what the Parliament is being asked to do is give authority to the Victorian Institute of Teaching to administer a guideline that has been put in place, or procedures that have been put in place, by the Council of Australian Governments, to which Victoria is a signatory.

Ms PENNICUIK (Southern Metropolitan) — Can the minister clarify the funding arrangements for the Victorian Institute of Teaching? I am of the understanding that the government is withdrawing funding and that the Victorian Institute of Teaching will be funded by teacher registrations. The minister is now saying that there is government funding. What extent of

government funding is there or is there not? If there is an increased workload on the VIT, will that then mean that teacher registrations will have to rise to cover that? I am getting confused and I think everyone else is. If the minister could clarify it, it would be good.

Mr LENDERS (Treasurer) — I think Ms Pennicuik, as a member of the Public Accounts and Estimates Committee, well knows that funding can be funding that comes straight from the appropriation bill itself, or it can be funding that comes from special appropriations or what, in budgetary terms, is called the sale of goods and services, which means government bodies actually charge fees, whether it be a levy of members, whether it be a professional fee, whether it be a registration fee, or whether it be even things like the use of services. So they are technically funded by the state because they come under the authority of an act of Parliament on how they are funded.

The VIT's prime source of funding is clearly registration fees; there are no ifs or buts about that. But if the VIT does other tasks, it may from time to time receive other sources of funding, depending on what task it is asked to do, when it is asked to do it, whether it is being done of its own volition or whether it is being asked to do tasks by other parts of government. It will depend on the tasks being asked. Its core funding is clearly the registration fees.

I think the key point here — and if that is what it takes to persuade Ms Pennicuik to support a piece of legislation, it is obviously an absolutely legitimate part of the debate — and the question before this committee today is: should the Victorian Institute of Teaching be given the power to implement an outcome of the Council of Australian Governments? It is an interesting debate as to how it is funded. Ms Pennicuik is clearly seeking clarification on, and I will happily take on notice, the exact sources of funds for the Victorian Institute of Teaching. But the question before us today is: should it have the powers that Victoria has signed up to under the COAG agreement?

Ms PENNICUIK (Southern Metropolitan) — The minister started out with a very general answer to a specific question, which was about the funding of the Victorian Institute of Teaching, but he did get around to saying at the end of his very general answer to my specific question about the VIT that it is predominantly funded by teacher registrations and that at some time in the future there may be some extra funding.

The question as to whether the Victorian Institute of Teaching should be given this function is related to its funding and its resourcing. It is also related to the composition of that body and how it runs its affairs, which we can go into if necessary. I think it is enough to say that there has not been a lot of confidence from the profession. If the minister is asking me, 'Should this body be conferred these powers?', I would say, given the lack of confidence in the Victorian Institute of Teaching by the teaching profession at the moment, given the fact that teachers did not know that this particular extra function was going to be given to the VIT — teachers who will be impacted upon by these higher levels of professional practice, not only in a professional way but also in an industrial relations way, and who were not consulted — I would question what this legislation is doing.

I would like the minister to go back to the question of the funding. He has conceded it is funded basically by teacher registrations. What guarantee is he going to give those teachers that conferring this extra function on the Victorian Institute of Teachers, which the teachers do not want, is not going to result in their registrations going up to fund it?

Mr LENDERS (Treasurer) — Again, the committee is being asked to consider the question of whether the VIT should have the power to carry out the implementation of national standards that have been set by a COAG agreement. Ms Pennicuik asks questions about whether or not the teaching profession has confidence in the VIT. If that is a critical issue for her as to how she votes in this place, it is clearly her prerogative to make that an issue of whether she should vote for or against. She has flagged an amendment, so we know how she is going to vote.

Ms Pennicuik has a view of the VIT, which is obviously not a complimentary one. She says the teaching profession does not have a strong complimentary view of the VIT. What the government is seeking from the Parliament is for it to give the VIT a power to implement the COAG agreement. In the end that will be tested in this house, whether this house wishes to give it the power or not. If so, both chambers of the Parliament will have given it that power.

An assertion has been made about whether it has confidence or does not have confidence. There is an issue about whether the two teacher unions were consulted or not. I am advised there were meetings of the Victorian Independent Education Union and the Australian Education Union with departmental officers on this matter. I was not at the meeting so I cannot particularly say that people were consulted. What does consultation mean? Often consultation is deemed to be consensus rather than a discussion. However, I am informed there were meetings between the two teacher

unions and the department at which this legislation was dealt with. I was not at the meetings, so I cannot make the particular point as to whether this issue was raised or not.

Ms Pennicuik says she does not have faith in the VIT. I have a different view to her. We are asking it to carry out a task. In this particular instance we are seeking that the institute carry out these functions under the COAG agreement. The VIT has been funded. The primary source of funding is clearly from fees paid by teachers. There has also been government contributions from time to time to assist it with particular functions.

This is a level of professional accreditation which is not related to any industrial instrument. I am advised there have been discussions between the two teacher unions and the department. This is not related to any industrial instrument. They are things that are negotiated separately. It is a higher standard that COAG is seeking all the states and territories to legislate on. We, in good faith with the COAG agreement, have brought this piece of legislation to the Victorian Parliament, seeking its support to give that power to the VIT.

The DEPUTY PRESIDENT — Order! The minister has answered some of the concerns that have been expressed. The fundamental question that is asked by Ms Pennicuik is whether or not there will be an additional workload for the institute under this Council of Australian Governments requirement and, if so, how that additional workload is to be resourced. Is it to be resourced from member contributions, as is the current funding base, or is the government to put in additional funds to meet this extra workload? That is a valid question which Ms Pennicuik has put to the government in regard to this clause. The minister has satisfactorily answered the rest of the question or at least responded to it.

Mr LENDERS (Treasurer) — I am interested in the intervention from the Chair on this issue. I am pleased he has succinctly said what he thought has been answered and what needs answering. I can say to Ms Pennicuik and the committee that Ms Pennicuik is presumably asking me to give her some indication of what the Victorian Institute of Teaching fees will be in the future. I do not know the answer to that. What we have been asked here is to give the VIT powers. If the VIT has these powers, I am assuming the VIT will make a determination on how much resource is required. I am not aware of the answer to that. I do not imagine the basic function of the VIT is the basic accreditation of teachers. I do not imagine this will be a big task, but I am speculating here. At this stage it is a hypothetical arrangement. We have been asked to give it powers. The VIT receives funding from the government. It has some funding at the moment and it has some funding into the future. It gets funding for specific projects. Fundamentally it relies on these registration fees. I do not know the exact answer to the question of what it will mean. However, it is likely to be minor compared to the prime role it has at the moment, which is the basic accreditation of teachers. I cannot be more specific than that.

I can assure Ms Pennicuik that what this is seeking to do is to approve the professional standards and give an accreditation that is often not recognised. It has no link to industrial instruments. I imagine any consequence would be modest.

Ms PENNICUIK (Southern Metropolitan) — We could go round and round the mulberry bush on that issue, so I will let the minister's answer stand there.

I want to clarify that I do not have any personal issue with any person at the Victorian Institute of Teaching. I am concerned, as is the teaching profession, as to whether it is appropriately resourced and whether it has, notwithstanding the individual persons there, the actual expertise and ability to take on this extra function and the other extra functions that were conferred upon it by the previous bill. I have not heard an answer from the minister to assuage my concerns. It has been raised with us that some of the personnel at the VIT may not have the required expertise and experience to take on this extra function and the other functions. What role does the government have in making sure that the Victorian institution is able to take on this extra role?

Mr LENDERS (Treasurer) — Firstly, Victoria would not have agreed to it at COAG; secondly, the Minister for Education would not present a bill to this Parliament if she were not confident that the Victorian Institute of Teaching was capable of categorically addressing all these matters. The minister would not come to the Parliament and ask for powers to be given to a body that she did not think had the ability, resources and expertise to do the task and meet a deadline. The minister would not do that. That is my answer to Ms Pennicuik. I have full faith in the minister who has recommended this after having formed her own view on the advice of her department that this was all eminently doable.

Committee divided on clause:

Ayes, 34

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

Noes, 4

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

Clause agreed to.

Clause 6 agreed to.

Clause 7

Mr KAVANAGH (Western Victoria) — Under clause 7, which substitutes a new section 2.6.8, some people who are registered as non-practising teachers may be qualified to be teachers. How can a non-practising teacher such as those given token registration as a non-practising teacher be assumed to be qualified to teach?

Mr LENDERS (Treasurer) — I thank Mr Kavanagh for his question. I am advised that the clause he is referring to is not about a token registration. Using an example of maternity leave, it allows someone who is a registered teacher but is not practising for a period of time, to maintain that registration for that time while they are not practising. The language may appear a bit clumsy, but it deals with a registered teacher who is out of the classroom for a period of time, maternity leave being probably the most common example.

Clause agreed to; clauses 8 to 10 agreed to.

Clause 11

Mr KAVANAGH (Western Victoria) — Clause 11 requires that certain information on the outcome of a finding by a formal panel hearing or the cancellation of the registration by virtue of section 2.6.29 must be published on the Victorian Institute of Teaching register of teachers. Could that not lead to unfairness in many circumstances where a person who has been convicted or had adverse findings made improperly against him or her could be subject to having those allegations made public against him?

Mr LENDERS (Treasurer) — The provision Mr Kavanagh refers to is reasonably common in a range of professions such as nurses and doctors as well as teachers. It provides for something to be put on that site. All of that is subject to a review, so there are checks and balances put in place. It is there, it is subject to review and it is fairly common among professions in Victoria.

Ms PENNICUIK (Southern Metropolitan) — The second-reading speech mentioned that that means only the status of the registration. It would be useful, for the sake of the committee and the general public and teachers, for the minister to clarify what will actually be put up.

Mr LENDERS (Treasurer) — I am advised that it will be a tag that simply says whether the registration is suspended or there are conditions on it. That is what will be shown on the tag on the site.

Ms PENNICUIK (Southern Metropolitan) — So whether or not there are conditions, but not what the conditions are?

Mr LENDERS (Treasurer) — That is right, not what they are, but the fact that there are conditions.

Clause agreed to; clauses 12 to 15 agreed to.

Clause 16

The DEPUTY PRESIDENT — Order! In regard to clause 16, Ms Pennicuik is proposing an amendment, which again effectively invites the committee to vote against the proposition that I will put that the clause stand part of the bill. In other words, Ms Pennicuik is seeking to have the clause omitted from the bill.

Ms PENNICUIK (Southern Metropolitan) — I invite members to vote against this clause.

Clause 16 relates to the authorisation of the use of the Victorian student number (VSN) or related information and extends that usage to the Catholic education system basically, but clause 16(2) appears to extend that authorisation to the Department of Innovation, Industry and Regional Development (DIIRD) and the Department of Planning and Community Development (DPCD). My question is: why are those departments now being included in the authorisation of the VSN? I say that without wanting to repeat the second-reading

speech. Members can go back to the debate in 2008 on the bill to see the concerns the Greens had with the VSN. One of its concerns was function creep. We were concerned about the use of the Victorian student number being extended, which we were assured would not happen; we were assured it would be confined to education-related institutions, but here we find DIIRD and DPCD included.

Mr LENDERS (Treasurer) — Ms Pennicuik asked about this extension of authorisation with respect to the VSN for these three organisations. The inclusion of the Catholic Education Commission speaks for itself. DIIRD has been included because it holds the skills portfolio, which includes TAFEs. DPCD does seem like an interesting inclusion, but it has been included because it has responsibility for Adult, Community and Further Education (ACFE). The structure for these departments is the standard Parliamentary convention that it is extended to a department. Specifically it is for those functions: the ACFE functions of DPCD and the skills functions of DIIRD.

Ms PENNICUIK (Southern Metropolitan) — Notwithstanding the Treasurer's clarification of this matter, the Greens will be opposing this clause. We do not agree with the Victorian student number for a number of reasons, which I outlined in an earlier speech relating to this bill and also in a speech in 2008.

Committee divided on clause:

Ayes, 35

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms (*Teller*)
Davis, Mr D.	Murphy, Mr
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Pakula, Mr
Eideh, Mr	Petrovich, Mrs
Elasmar, Mr	Peulich, Mrs
Finn, Mr	Pulford, Ms
Guy, Mr	Rich-Phillips, Mr
Hall, Mr (*Teller*)	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Kavanagh, Mr	Tee, Mr
Koch, Mr	Tierney, Ms
Kronberg, Mrs	Viney, Mr
Leane, Mr	

Noes, 3

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

Clause agreed to.

Clauses 17 to 27 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL

Declared private

The PRESIDENT — Order! Having had the opportunity of examining this bill, in my opinion it is a private bill.

Mr LENDERS (Treasurer) — I move:

That this bill be dealt with as a public bill.

Motion agreed to.

Second reading

Debate resumed from 6 May; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr HALL (Eastern Victoria) — It is almost sacrilegious to amend an act which is dated 1899. It must be just about the oldest act on the statute book of the Victorian Parliament, and it is a quite interesting piece of legislation. The Minister for Planning has left the chamber, but I thought perhaps there should have been a heritage overlay applied to an 1899 act and that any amendments to it may therefore have been disallowable, or at least more complicated, but I note that the principal act has been amended on three occasions in its 111-year history, in 1984 and more recently in 2006 and 2007.

Being a rather historic bill it is interesting to look back at some of the provisions contained within it. I thought a preamble to a piece of legislation was a modern innovation, but this 1899 act has an interesting preamble in it. Looking through that preamble certainly takes you back to the setting one could imagine existed in 1899 and some of the language at that particular time. I will quote the last paragraph of the preamble:

> And whereas the said James Stokes and George William Rusden in view of the uncertainty of human life are desirous of providing for the permanent appropriation of the said premises so held by them as such trustees as aforesaid for the purposes of Mechanics' Institution and Circulating Library

> and of having the same incorporated and of providing for the future management of the said institution …

Interpret that!

Mr Dalla-Riva — It is very clear!

Mr HALL — It is very clear! It is colourful language, and, as I said, it is good to go back and read some of the provisions of such a historic act.

We are at the point in time this afternoon where we are making the fourth series of amendments to this historic piece of legislation. On this occasion these amendments are necessitated by the fact that premises at 140 High Street, Prahran, are at the moment occupied by Swinburne University of Technology but owned by the Prahran Mechanics Institute. We understand there is a lease arrangement between Swinburne University of Technology and the Prahran Mechanics Institute for that piece of land. The institute is desirous of selling that land and therefore formalising the arrangement that currently exists with Swinburne University, and so it is that this piece of legislation is required to enable the mechanics institute to sell that land to Swinburne university. Importantly, this amendment bill, while allowing for the sale of that land, will ensure that the proceeds of that sale of land be used to satisfy some of the original purposes of the legislation. That is an important safeguard.

The amendment bill also provides that in circumstances where the mechanics institute may see a need to sell other pieces of land in the future it will be able to do so, but, again, any proceeds will need to be reinvested for purposes that fit the purposes of the act itself.

The opposition is happy to support this amendment bill, knowing that the institute, particularly the president of the institute, whom my colleague Jeanette Powell, the shadow Minister for Local Government and member for Shepparton in the Assembly, has consulted, is satisfied that its provisions will benefit both the Prahran Mechanics Institute and the people it serves. Therefore we are happy to support the bill.

Ms HUPPERT (Southern Metropolitan) — I am delighted to rise to make a few brief comments in support of the Prahran Mechanics' Institute Amendment Bill, which deals with the Prahran Mechanics Institute — surprisingly enough! — and which is located within my electorate. The institute is a community-owned and community-run library, specialising in the history of Victoria and has approximately 20 000 books available for loan, providing an important resource for both its members and the community generally. The institute also operates the Prahran Mechanics Institute Press, which was established with a mechanics institute community partnership grant from the Department for Victorian Communities in 2004. This press operates on a not-for-profit basis, and its aim is to assist individuals and historical groups to publish works about the history of Victoria.

As we have heard, the mechanics institute has a long history. It was established in Prahran 156 years ago and opened its first building some two years after that in 1856. The mechanics institute was given legal status by the Prahran Mechanics' Institute Act 1899, which also provides for certain land to be vested in the institute. However, that act does not give the institute the power to buy and sell land.

Last year the institute reached a settlement in the legal proceedings it was involved in with Swinburne University of Technology, which provided for the sale of land at 140 High Street, Prahran, to the university for $5.9 million. It also permits the mechanics institute to continue in its current premises for up to five years at a peppercorn rent.

As I mentioned previously, the act does not currently give the institute the power to buy or sell land. Without the amendment effected by the bill, the legal settlement could not be given effect. This bill gives the institute the power to sell the High Street property and subsequently other land it owns if it decides it is appropriate to do so.

The bill also gives the institute the power to purchase additional land in a five-year period from 1 June 2011; in fact three separate land-holdings can be purchased if the institute forms the view that that is most appropriate. This will give the institute the ability to buy land to be used both for fulfilling its purposes and for the administration of its operations. It will allow the institute to secure its future, giving it flexibility to secure the premises that best meet its needs.

The bill also clarifies the key objectives of the institute. It does not change its objectives, which are currently set out in regulation, but merely establishes the objectives so that they are easily understood by members of the community. The objectives are to provide a circulating and reference library which includes works on state history and the history of state places, to organise and conduct educational activities for the benefit of members of the institute and the general public, and to encourage and facilitate historical and educational research.

I hope that with this bill the future of the Prahran Mechanics Institute, which is a valuable community organisation, will be secured. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens are pleased to support the Prahran Mechanics' Institute Amendment Bill 2010. This is the second time I have spoken on a Prahran Mechanics Institute amendment bill since I have been here. Ms Hartland has also spoken on a Prahran Mechanics Institute bill.

The principal act is 111 years old, as Mr Hall mentioned in his contribution. He read out the last part of the preamble to that act which says that Mr Stokes and Mr Rusden had pretty much put it to the government for the Prahran Mechanics Institute governing body to become an incorporated body. One of the people who had been responsible for the establishment and running of the Prahran Mechanics Institute, Mr Sargood, had died, and Mr Stokes and Mr Rusden foresaw the need to formalise the governing body of the Prahran Mechanics Institute so that it would become a body corporate and continue providing the services of a mechanics institute and circulating library, as it was operating at the time. That was very far-sighted of them.

I will not take up the time of the house by outlining in depth what the bill does, as it has already been set out by Mr Hall and Ms Huppert, but it basically changes the act to enable the Prahran Mechanics Institute to sell its premises at 140 High Street, Prahran, which I know quite well, Prahran being in Southern Metropolitan Region and not very far from where I live. I often go to Prahran for all sorts of reasons — shopping, meeting friends et cetera — and I have visited the Prahran Mechanics Institute on a number of occasions. At the moment the institute only receives nominal rent for the use of its premises from Swinburne University of Technology.

The bill allows the institute to sell its premises and acquire up to three other properties in the next few years to rearrange the way it operates for its purposes as an incorporated body. The funds it acquires from the sale of the land can only be used for those purposes. For those reasons, the Greens are pleased to support the bill.

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Planning) — By leave, I move:

That the bill be now read a third time.

I thank members of the chamber for their contributions.

Motion agreed to.

Read third time.

BUILDING AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Planning).

Statement of compatibility

Hon. J. M. MADDEN (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Building Amendment Bill 2010.

In my opinion, the Building Amendment Bill 2010 (the bill), as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will —

1. increase the maximum penalties for certain building and plumbing offences in the Building Act 1993 (Building Act) in order to:

   (a) improve the effective operation of the building sector by increasing compliance with building and occupancy permit requirements and notification of relevant parties such as owners, building surveyors and councils of building works;

   (b) raise building standards and improve the reputation of, and consumer confidence in, the building and plumbing industries by deterring non-compliance by a minority of people that engage in unprofessional behaviour or misconduct;

2. identify the Victorian Managed Insurance Authority (VMIA) as a designated insurer within the terms of section 137AA(2) to support the introduction of a government-underwritten

domestic building insurance scheme, funded by builder premiums and operated by the VMIA;

3. make minor technical amendments to the Building Act to enable registration or licensing in a class or classes of specialised plumbing work to be prescribed by regulation as a prerequisite to the registration and licensing in other specialised classes of plumbing; and

4. make a statute law revision to the House Contracts Guarantee (HIH) Act 2001.

Human rights issues

Increased penalties for certain building and plumbing offences under the act

In my view, the increased penalties in the bill only raise human rights issues to the extent that they amend a provision in the act which itself limits a charter right and where an increase in penalty has the effect of extending the rights limitation. I note that this is consistent with the view expressed by the Scrutiny of Acts and Regulations Committee regarding penalty increases (e.g. *Alert Digest* No. 12 page 30), as well as consistent with the absence of a distinct right in the charter guaranteeing the proportionality of penalties. I consider that only one clause of the bill, clause 24, raises a human rights issue.

Clause 24 and the right to be presumed innocent under section 25(1) of the charter

Section 25(1) provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. This right requires that the burden of establishing guilt is borne by the prosecuting authority. Accordingly, placing an onus on a defendant to rebut the existence of an element of a criminal offence may engage the right. Section 118(1) makes it an offence to fail to comply with an emergency order, and section 118(2) makes it an offence to occupy a building, land or place in contravention of an emergency order. Emergency orders are made by a municipal building surveyor when he or she considers this necessary because of a danger to life or property arising out of the condition or use or proposed use of a building, land or a place of public entertainment. It must be served on the owner and occupier of the building, land or place concerned without delay. However, section 118(3) of the act provides that it is a sufficient defence to a prosecution under section 118 in relation to occupation or use of a building for public entertainment if the defendant satisfies the court that he or she was unaware and ought not reasonably to have been aware of the fact that the public entertainment was the subject of an emergency order. In accordance with section 72 of the Criminal Procedure Act 2009, this defence imposes an evidential onus on the defendant. This means that the defendant must present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the defence. The prosecution must then rebut the defence beyond reasonable doubt in order to secure a conviction.

By imposing an evidential burden on the defendant to satisfy the court of this element of the offence, section 118(3) may be considered to limit the right to be presumed innocent. And, by significantly increasing the penalty for these offences, clause 24 of the bill potentially further limits the right. This is because the criminal penalty at stake has been held to be a relevant factor in assessing the human rights compatibility of reverse onus provisions. However, in my opinion, even taking account of the increased maximum penalty, any limitation on the right is reasonable and demonstrably justified under section 7(2) of the charter for the following reasons.

(1) Nature of right

It is well established that the right to be presumed innocent is not absolute and can be limited, provided that limitations are kept within reasonable limits.

(2) Importance of purpose of limitation

The reverse onus in question serves the important purpose of rendering prosecution an effective mechanism for ensuring compliance with emergency orders, which are made to avert danger to persons or property identified by a qualified surveyor. Knowledge of the factual basis for establishing the defence in section 118(3) will be within the possession of the defendant, and as such it would be impractical to require the prosecution to bear the full burden of establishing the absence of this defence. The increase in penalty is specifically required in order to ensure a sufficient deterrent effect.

(3) Nature and extent of the limitation and the relationship between the limitation and its purpose

Since knowledge of the factual basis for the defences will be within the possession of the defendant, it will not be unduly onerous for a defendant to point to sufficient evidence to discharge the evidential burden placed on him or her. Moreover, even though the penalty has been significantly increased, what is at stake for a defendant remains only conviction for a regulatory offence carrying a financial penalty and no prospect of imprisonment.

(4) Any less restrictive means

I consider that the new maximum penalty set by the bill is essential in order to restore an effective deterrent effect, in particular by ensuring that the penalty exceeds any potential commercial gains available through breach of the regulations. The sentencing process will ensure that penalties in individual cases are commensurate to the circumstances of the offence.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Justin Madden
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. J. M. MADDEN (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

The objective of the bill is to:

1. increase maximum penalties for certain building and plumbing offences in the Building Act 1993 (Building Act);

2. make minor technical amendments to the Building Act to enable registration or licensing in a class or classes of specialised plumbing work to be prescribed by regulation as a prerequisite to the registration and licensing in other classes of specialised plumbing work;

3. amend the Building Act to specifically identify the Victorian Managed Insurance Authority (VMIA) as a designated insurer within the terms of section 137AA(2) to support the introduction of a government-underwritten domestic building insurance scheme, funded by builder premiums and operated by the VMIA; and

4. make a statute law revision to the House Contracts Guarantee (HIH) Act 2001.

Increase in maximum penalties

The offences under the Building Act have been designed to ensure the effective operation of the building and plumbing industries and to protect consumers and the public generally from non-compliance. However, the penalties associated with the offences have not been reviewed since the act was passed in 1993 and since that time their deterrent effect has been reduced.

In considering which, if any, of the penalties should be reviewed a number of factors were taken into account, including key areas of non-compliance, the importance of compliance to the fundamental operation of the building regulatory regime and the potential safety and consumer implications that may result from non-compliance.

Increased penalties will improve the effective operation of the building sector by increasing compliance with building and occupancy permit requirements and notification requirements of relevant parties such as owners, building surveyors and councils of building works.

The review of maximum penalties will also deter non-compliance by a minority of people that engage in unprofessional behaviour or misconduct. This would raise building standards and improve the reputation of, and consumer confidence in, the building and plumbing industries.

The proposed maximum penalty increases will convey a strong message to the community that the government considers offences under the act to be a serious matter, whereas magistrates have previously commented on the low level of penalties provided for some offences and the importance of stronger deterrents to ensure the fundamental safety of buildings.

Any consideration of penalties should also ensure that the extent of the deterrence provided by the penalty is at a point where the benefit of not complying with the requirement is outweighed by the loss imposed by that penalty.

Where the benefit of non-compliance is not outweighed by the potential maximum penalty which could be imposed then people will not be deterred from offending. Recent examples related to the activities of two building surveyors who have had their registration cancelled illustrate why penalties need to be increased. In one case, the building surveyor had over 100 allegations of non-compliance with the Building Act covering 580 sites.

Minor technical amendments to the Building Act

These amendments are technical amendments designed to clarify the prerequisite for registration or licensing in a class or classes of specialised plumbing work.

Under the current provisions the registration or licensing in a class of plumbing work was only able to be prescribed as a requirement for registration or licensing in a class of specialised plumbing work. This amendment will enable registration or licensing in a class or classes of plumbing work or specialised plumbing work to be prescribed as a requirement.

Plumbing work is designated to be specialised plumbing work because of the safety implications associated with the carrying out of that work and in recognition of the particular skills considered to be required. Some classes of specialised plumbing work require as a prerequisite the additional specialised skills that can only be obtained by a person registered in another class of specialised plumbing work. The amendment will enable plumbers with the most relevant registration or licensing to be able to undertake a specialised class of plumbing work.

As most people would not know whether or not plumbing work has been undertaken properly until such time as the work fails it is important that only those people with the right expertise undertake the work. This is especially so in regard to specialised plumbing work where even more serious consequences can arise as a result of the work not being undertaken by the appropriately licensed or registered plumber.

Identify the Victorian Managed Insurance Authority (VMIA) as a designated insurer

The government will introduce a government-underwritten domestic building insurance scheme, funded by builder premiums and operated by the Victorian Managed Insurance Authority (VMIA). The scheme would be fully implemented by the end of 2011.

A building practitioner that is required to obtain insurance must obtain this insurance from a 'designated insurer' as defined under section 137AA of the Building Act 1993, and it is unclear whether the VMIA currently satisfies the requirements under this section.

The proposed bill will amend section 137AA of the Building Act 1993 to specifically identify the VMIA as a designated insurer within the terms of section 137AA(2) until a full legislative package is developed.

I commend the bill to the house.

Debate adjourned for Mr GUY (Northern Metropolitan) on motion of Ms Lovell.

Debate adjourned until Thursday, 3 June.

PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Environment and Climate Change) on motion of Hon. J. M. Madden.

Statement of compatibility

For Mr JENNINGS (Minister for Environment and Climate Change), Hon. J. M. Madden tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Parks and Crown Land Legislation (Mount Buffalo) Bill 2010 (the bill).

In my opinion, the Parks and Crown Land Legislation (Mount Buffalo) Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will:

amend the National Parks Act 1975 to extend the maximum lease term for designated areas in Mount Buffalo National Park and provide associated licensing powers;

amend certain offence and enforcement provisions in the National Parks Act 1975 relating to marine national parks and marine sanctuaries;

create new park and reserve areas under the National Parks Act 1975 and the Crown Land (Reserves) Act 1978, excise areas from existing parks and revoke certain permanent reservations; and

make other miscellaneous amendments to several acts, including the repealing of spent provisions and several statute law revisions.

Human rights issues

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

Section 12 — freedom of movement

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live. It includes the freedom from physical barriers and procedural impediments.

This right is relevant to clause 4 of the bill which substitutes section 31AA in the National Parks Act 1975 to enable the minister to lease land for certain purposes in three defined areas of Mount Buffalo National Park. The new section will enable the minister to grant a lease and, to that extent, engages the right to freedom of movement. The granting of a lease conveys a right to occupy an area or premises to the exclusion of others. This is discussed further in part 2 below.

It may be perceived that the creation of new park and reserve areas through amendments to the National Parks Act 1975 (by clauses 11–13) and the Crown Land (Reserves) Act 1978 (by clause 18) may limit the ability of a person to move freely within those areas. However, the bill does not create any restrictions on a person moving freely within the new park and reserve areas or within Victoria. Therefore, there is no limitation or restriction of the right protected under section 12 of the charter in this instance.

It may also be perceived that, because certain areas of land cease to be roads by virtue of part 3 of schedule one AAA of the National Parks Act 1975 (inserted by clause 9 of the bill), those provisions may limit access and the ability to move freely. However, those provisions simply change the status of the Crown land when it is included in particular parks. They do not create any restriction on persons moving freely in those areas of public land. Therefore, there is no limitation or restriction of the right protected under section 12 of the charter in this instance.

Lastly, an order under section 130 of the Fisheries Act 1995 which enables a court to prohibit a person, who has been convicted of an offence against that act, from undertaking various activities, may itself restrict a person's freedom of movement to some extent. This, however, is not a serious limitation of a person's rights and is only granted once the court has found on a balance of probabilities that the person is likely to commit an offence in the future. The limitation is accordingly reasonable and necessary in order to protect the environment. This is discussed further in part 2 below.

Section 19 — cultural rights

Section 19 provides for the right for Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

This right is relevant to clause 4 of the bill relating to the granting of leases in Mount Buffalo National Park, as described above. A lease conveys a right to occupy an area or premises to the exclusion of others. The substituted section 31AA of the National Parks Act 1975 will provide the power to grant a lease and to that extent engages cultural rights under section 19. The granting of a lease may limit cultural rights under section 19 because it may affect the ability of Aboriginal persons to conduct cultural ceremonies or activities within areas over which a lease is granted. This is discussed further in part 2 below.

Section 20 — property rights

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

Clause 17 of the bill (see proposed clause 5(c) of part 3 of the second schedule of the Crown Land (Reserves) Act 1978) provides that, in relation to certain new reserve areas under that act, when the reserve areas are created, the land forming the reserves is taken to be freed and discharged from all trusts,

limitations, reservations, restrictions, encumbrances, estates and interests.

Clause 22 of the bill provides that, when certain parts of permanent Crown land reservations are revoked, the land is taken to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests. However, clause 19(2) of the bill explicitly states that the particular interests listed in that clause will not be affected by the operation of clause 22.

Therefore, there are no known private interests in the land that will be affected by these provisions. There is accordingly no limitation or restriction of the right protected under section 20 of the charter.

Section 25 — the right to be presumed innocent

Section 25 of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to the law.

It may be perceived that this right is relevant to clause 8 of the bill. This clause will amend section 45C of the National Parks Act 1975 so that section 130 of the Fisheries Act 1995 will apply to certain fishing offences under the National Parks Act 1975 relating to marine national parks and marine sanctuaries as if they were offences under the Fisheries Act 1995. Section 130 of the Fisheries Act 1995 enables a court to impose an order prohibiting a person who has been convicted of an offence against that act from undertaking various activities if the court is satisfied that the offence is serious and the person is likely to commit further offences against the act if the order is not made.

Section 25 of the charter is not engaged because an order can only be granted against a person who has already been convicted of an offence under the act by a court once the Crown has proved beyond a reasonable doubt that that person is guilty. The making of the court order under section 130 is not a verdict on a person's guilt or innocence. Furthermore in terms of section 130(2), a court will only grant an order once it is satisfied on a balance of probabilities that the convicted offender is likely to commit another offence in the future. The requirement that the court first be satisfied on a balance of probabilities before granting the order is an additional safeguard of the rights of persons appearing before the court who will accordingly have the right to be heard on the matter.

The main purpose of the provision is to protect the marine environment through enforcement, and not to punish the person who is subject to the order.

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

Section 12 — freedom of movement — Mount Buffalo National Park leasing provisions

(a) the nature of the right being limited

The right to freedom of movement is a fundamental human right which protects against restrictions on people's ability to move freely within the state. In this instance, the limitation relates to public access to areas in Mount Buffalo National Park over which a lease is held.

(b) the importance of the purpose of the limitation

The Mount Buffalo Chalet is a heritage-listed building in Mount Buffalo National Park. Those willing to invest in the chalet, and in the Cresta Valley and Dingo Dell sites, require exclusive occupancy in the form of a lease.

(c) the nature and extent of the limitation

Where a lease is granted, the lessee is entitled to exclusive occupation and use of the property in accordance with the lease terms. The right to occupy and use the property endures throughout the term of the lease and is to the exclusion of all others. A lease may therefore limit the freedom of movement within areas over which a lease is granted.

Clause 4 of the bill (proposed section 31AA) provides for the minister to lease specified land in Mount Buffalo National Park for a period of up to 21 years or, in specified circumstances, up to 50 years. In the granting of a lease, the minister acts as a public authority and is subject to section 38 of the charter. Section 38 requires a public authority to give due consideration to charter rights when making a decision. As such, there is an obligation to consider charter rights on a case-by-case basis when leases are granted. When deciding whether the particular circumstances warrant granting a lease, the minister will need to give relevant consideration to the right to freedom of movement under section 12 of the charter.

(d) the relationship between the limitation and its purpose

Any limitation on the public's ability to enter and move freely within leased property is a direct consequence of granting a lease under the National Parks Act 1975.

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

There are no less restrictive means to achieve the purpose identified in (b) above, nor to ensure lessees are granted exclusive occupation of the leased property.

(f) any other relevant factors

It is intended that any lease granted would be for the purpose of providing for visitors to the park and that any restriction on people's movement would only be imposed to the extent necessary to fulfil the purpose of the lease.

Section 12 — freedom of movement — section 130 prohibition orders

(a) the nature of the right being limited

The right to freedom of movement is a fundamental human right which protects against restrictions on people's ability to move freely within the state. In this instance, the limitation relates to certain persons who have been convicted of a serious fishing-related offence under the National Parks Act 1975 in a marine national park or marine sanctuary. The order will limit those persons to whom the order relates from undertaking various activities in relation to fishing.

(b) the importance of the purpose of the limitation

Effective enforcement measures are vitally important to the sustainability of commercial fishing practices and to the preservation of protected marine life. Without effective enforcement measures, fisheries resources may become depleted so that they can no longer support sustainable commercial catches or provide recreational fishers with a

source of enjoyment. These measures are as relevant when dealing with the protection of marine national parks and marine sanctuaries where the importance of preserving these areas has been recognised in legislation and where all fishing has been prohibited by law.

(c) the nature and extent of the limitation

The order itself may restrict a person's freedom of movement insofar as it prohibits that person from undertaking various activities in relation to fishing. This limitation is only imposed on persons who have already been convicted beyond a reasonable doubt of an offence under the National Parks Act 1975 and only once a court is satisfied on a balance of probabilities that the convicted person is likely to commit another offence in the future. The extent of the prohibition (and freedom of movement) will depend on the extent of the court order, which will vary depending on the facts of each case.

(d) the relationship between the limitation and its purpose

Any limitation on the convicted person's right to move freely and conduct activities in relation to fishing freely is a direct consequence of the necessity to prohibit that person from committing another offence.

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

There are no less restrictive means to achieve the purpose of protecting the environment where there is a risk of convicted offenders committing more offences against the environment.

(f) any other relevant factors

The order will only be imposed on persons who are already convicted of an offence under the act and only after the court is satisfied on the balance of probabilities that the offender is likely to commit another offence in the future. The person accordingly has a right to be heard at this stage. Moreover the order is only restrictive as is necessary based on the facts of each case and the evidence before the court.

Section 19 — cultural rights — Mount Buffalo National Park leasing provisions

(a) the nature of the right being limited

Section 19(2) of the charter provides that Aboriginal people have distinct cultural rights and must not be denied the ability to enjoy their identity and culture, or to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

(b) the importance of the purpose of the limitation

The Mount Buffalo Chalet is a heritage-listed building in Mount Buffalo National Park. Those willing to invest in the chalet, and in the Cresta Valley and Dingo Dell sites, require exclusive occupancy in the form of a lease.

(c) the nature and extent of the limitation

Where a lease is granted, the lessee is entitled to exclusive occupation and use of the property in accordance with the lease terms. The right to occupy and use the property endures throughout the term of the lease and is to the exclusion of all others. A lease may therefore limit the ability of Aboriginal persons to conduct cultural ceremonies or activities within areas over which a lease is granted.

Clause 4 of the bill (proposed section 31AA) provides the power for the minister to lease specified land in Mount Buffalo National Park for a period of up to 21 years or, in specified circumstances, up to 50 years. In the granting of a lease, the minister acts as a public authority and is subject to section 38 of the charter. Section 38 requires a public authority to give due consideration to charter rights when making a decision. As such, there is an obligation to consider charter rights on a case-by-case basis when leases are granted. When deciding whether the particular circumstances warrant granting a lease, the minister will need to give relevant consideration to the cultural rights of Aboriginal people under section 19 of the charter.

(d) the relationship between the limitation and its purpose

Any limitation on the cultural rights of Aboriginal persons is a direct consequence of granting a lease under the National Parks Act 1975.

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

There are no less restrictive means to achieve the purpose identified in (b) above, nor to ensure lessees are granted exclusive occupation of the leased property.

(f) any other relevant factors

It is intended that any restriction on movement would be only that which is reasonable to fulfil the purpose of the lease.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although a lease may limit the right to freedom of movement under section 12 and cultural rights under section 19, the limitations are reasonable.

Gavin Jennings, MLC
Minister for Environment and Climate Change

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. J. M. MADDEN (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Parks and Crown Land Legislation (Amendment) Bill 2010 will primarily amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978. It has four main purposes:

to extend the maximum lease term for the Mount Buffalo Chalet, Cresta Valley and Dingo Dell sites in Mount Buffalo National Park;

to refine the offence and enforcement provisions applying to marine national parks and marine sanctuaries;

to add approximately 820 hectares to several existing parks and reserves; and

to revoke parts of four permanent Crown land reservations.

Amendments to the leasing provisions for the chalet and other areas in Mount Buffalo National Park

The Mount Buffalo Chalet celebrates its centenary this year. This cultural icon is a significant part of our cultural heritage, and many people have fond memories of their time staying there. The chalet is included on the Victorian Heritage Register and is one of the features identified in the listing of Mount Buffalo National Park on the commonwealth's National Heritage List as part of the Australian Alps national parks.

The government, along with the local and wider community, is keen to ensure a sound future for the chalet, a feature that recognises its cultural heritage significance and its location in one of Victoria's oldest and best loved national parks, as well as one that brings tourism, economic and employment benefits to north-east Victoria.

With these goals in mind, Parks Victoria has been running a public tender process to seek interested investors in the chalet along with the potentially complementary and ancillary sites at Cresta Valley and Dingo Dell. This process recognises the government's commitment to a lease term of up to 50 years, commensurate with the level of investment and the scale of any redevelopment proposed at the chalet. A lease term longer than the current 21 years is important in order to attract the necessary investment in the long-term future of the chalet.

The bill will insert new leasing (and associated licensing) provisions in the National Parks Act which will apply to the chalet, Cresta Valley and Dingo Dell. The provisions are similar to those enacted in 2009 for the quarantine station in Point Nepean National Park, another very significant heritage asset.

The new section 31AA will enable the minister, after consultation with the National Parks Advisory Council, to grant a lease over all or part of the specified land if satisfied that the purpose of the lease is not detrimental to the protection of the national park, including its historic, indigenous, cultural, natural and landscape features. A lease may be granted for the purpose of construction or occupation of buildings, including buildings for accommodation, but not for the purpose of residential or industrial use.

A lease may be granted for a term of more than 21 years and up to 50 years if, in addition to meeting the other specified requirements, the minister is satisfied that the proposed use, development, improvements or works are of a substantial nature and of a value which justifies the longer term, and the granting of the longer term lease is in the public interest.

The associated licensing provision — section 31AAB — will enable, for example, the licensing of infrastructure or other works associated with a lease in the general vicinity of the leased area.

Refinements to the offence and enforcement provisions relating to marine national parks and marine sanctuaries

The bill will make several amendments to the offence and enforcement provisions relating to marine national parks and marine sanctuaries.

The bill will amend the existing offence provisions to enable boats operating under a rock lobster fishery access licence carrying rock lobster to anchor overnight in a marine national park or marine sanctuary, provided that there are no rock lobster pots on board. This will mean that commercial rock lobster boats, particularly those operating out of Apollo Bay, will not need to travel long distances back to port each night after working their pots out at sea. An associated offence will be created to anchor or moor a boat in a marine national park or marine sanctuary with pots on board. The amendment will reduce the regulatory burden on rock lobster licence-holders but without diminishing the protection afforded to the parks and sanctuaries.

The bill will also create the offence of using commercial fishing equipment in a marine national park or marine sanctuary. This is intended to overcome difficulties that have been encountered in prosecuting the existing offences relating to taking or attempting to take fish for sale in a marine national park or marine sanctuary. A definition of 'use' is inserted in the National Parks Act which is consistent with the definition under the Fisheries Act 1995.

The bill will also enable an additional enforcement provision of the Fisheries Act — section 130 — to apply to serious fishing offences committed in marine national parks and marine sanctuaries under the National Parks Act as if they were offences under the Fisheries Act. Under section 130 of the Fisheries Act, a court is able to prevent a person who is convicted of a serious offence under that act from carrying out various activities associated with fishing. The legislative scheme, whereby various enforcement, legal proceedings and evidentiary provisions of the Fisheries Act apply to fishing offences in the parks and sanctuaries committed under the National Parks Act, aims to ensure that a common enforcement regime applies to similar offences committed under the two acts.

Alterations to existing parks and reserves

The bill will enhance the parks and reserves system by adding approximately 820 hectares to eight existing parks and reserves. It will also excise approximately 70 hectares from three parks. Most of the additions result from the acquisition of land, including several areas donated to the state for inclusion in the respective parks.

The largest additions are to Terrick Terrick and Greater Bendigo national parks. At Terrick Terrick, two areas totalling 468 hectares will be added to the park. The additions contain areas of high value, remnant native grasslands of the northern plains and will complement the protection afforded to other grassland areas within this significant national park.

The additions to Greater Bendigo National Park total 252 hectares and were donated or surrendered by Villawood Investments for inclusion in the park as biodiversity compensation for residential developments elsewhere or in exchange for native vegetation credits. The additions are

located in the Kamarooka section of the park and contain valuable areas of grassy woodland and mallee vegetation.

An area of 25 hectares will be added to Castlemaine Diggings National Heritage Park. This contains high quality box-ironbark forest purchased by the Mount Alexander Shire Council with the financial assistance of the Ross trust and subsequently donated to the state.

The bill will also add areas to the Great Otway National Park (12.5 hectares), Kinglake National Park (22 hectares), Gippsland Lakes Coastal Park (10 hectares), Numurkah Natural Features Reserve (18 hectares) and the Otway Forest Park (11.5 hectares). The additions comprise areas that have been purchased or donated for inclusion in particular parks or are small areas of Crown land which will consolidate park boundaries.

Three areas will be excised from three existing parks under the National Parks Act:

part of a runway approach path (71 hectares) at Mallacoota Aerodrome will be excised from Croajingolong National Park — the area requires ongoing clearing to meet the safety standards of the Civil Aviation Safety Authority, and its excision from the park is consistent with a recommendation of the former Land Conservation Council that the approach path should be managed as part of the aerodrome; and

two areas totalling approximately 1 hectare associated with legal access to freehold land will be excised from Kinglake National Park and Beechworth Historic Park.

The National Parks Advisory Council supports the proposed excisions and, in accordance with section 11 of the National Parks Act, has provided advice for tabling in Parliament.

Revocation of permanent Crown land reservations

The bill will revoke parts of four permanent Crown land reservations, totalling approximately 4.7 hectares:

approximately 2.6 hectares of the permanent public purposes reserve on the shore of Corio Bay at Geelong will be revoked to help rationalise and consolidate the status of Crown land that forms part of the proposed Geelong marine industry project;

two areas at the Shepparton Showgrounds Reserve totalling approximately 0.3 hectares will be revoked to help facilitate the upgrading of two roads in order to improve traffic access to redeveloped facilities at the showgrounds; and

approximately 1.8 hectares of the Swan Hill North Park recreation reserve will be revoked to enable the area to be sold to the Swan Hill Rural City Council for commercial development as part of the Swan Hill central commercial precinct.

Miscellaneous amendments

The bill will also make several miscellaneous amendments to the National Parks Act and the Crown Land (Reserves) Act, including the repeal of several spent provisions. It will also make statute law revisions to five land-related acts.

Conclusion

The bill will benefit the parks and reserves system across the state. It will help facilitate long-term investment in the historic Mount Buffalo Chalet, refine the enforcement regime operating over marine national parks and marine sanctuaries, and enhance several existing parks and reserves. It will also help facilitate several projects at Geelong, Shepparton and Swan Hill.

I commend the bill to the house.

Debate adjourned for Mr D. DAVIS (Southern Metropolitan) on motion of Ms Lovell.

Debate adjourned until Thursday, 3 June.

STATE TAXATION ACTS AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Treasurer) on motion of Hon. J. M. Madden.

Statement of compatibility

For Mr LENDERS (Treasurer), Hon. J. M. Madden tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the State Taxation Acts Amendment Bill 2010.

In my opinion, the State Taxation Acts Amendment Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the State Taxation Acts Amendment Bill 2010 is to amend the Duties Act 2000 (the Duties Act), the First Home Owner Grant Act 2000 (FHOG act), the Land Tax Act 2005 (Land Tax Act), the Payroll Tax Act 2007 (Payroll Tax Act), the Taxation Administration Act 1997 (TA act) and to repeal the Debits Tax Act 1995 (DT act), the Financial Institutions Duty Act 1982 (FID act) and the Business Franchise (Tobacco) Act 1974 (tobacco act).

In particular the bill will provide a land tax exemption during the construction of retirement villages and residential care facilities, aligns the threshold at which a higher rate of motor vehicle duty is charged with the commonwealth luxury car tax threshold, reduces the current payroll tax rate from 4.95 per cent to 4.90 per cent and repeals redundant legislation.

In addition, the bill changes the first home bonus (the bonus) by extending and retargeting the payment. The bonus is

discontinued for established homes and the amount payable is increased for first time buyers of new homes.

The bill also removes the power of the commissioner of state revenue (commissioner) to add to the statutory list of authorised recipients to whom he can disclose information by amending the regulations.

Finally, the bill allows the commissioner to establish a new online duties payment system.

Human rights issues

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

The bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human right, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

John Lenders, MP
Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. J. M. MADDEN (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

On 4 May 2010 the government handed down the 2010–11 budget. This budget sees a return to the Brumby Labor government's tax reform agenda after pausing last budget to focus on funding infrastructure and jobs in order to stave off the worst effects of the global financial crisis.

The Brumby Labor government is committed to providing a competitive taxation and business cost environment to grow the economy and jobs. Since 1999 this government has reduced the payroll tax rate on six occasions from 5.75 per cent to its current rate of 4.95 per cent. As part of the 2010–11 budget, a further cut of 0.05 per cent was announced to further reduce the payroll tax rate in Victoria to 4.90 per cent.

At 4.90 per cent Victoria's payroll tax rate is the outright second lowest payroll tax rate in Australia, and will save more than 30 000 Victorian businesses $193 million over four years. The benefits of this measure will flow on to all Victorians by driving new investment in our state and helping to create more Victorian jobs.

In the 2010–11 budget, the Victorian government also continued its commitment to addressing the issue of housing affordability through targeted assistance to first home buyers. The first home bonus was introduced as part of the 2004–05 budget to make buying a first home more affordable for Victorian families. The bonus was due to expire on 30 June 2010, but this year's budget provides for a retargeted first home bonus for contracts for the purchase of a new home entered into on or after 1 July 2010 and on or before 30 June 2011.

From 1 July 2010, the assistance available for first time buyers of new homes in Melbourne will increase from $11 000 to $13 000 and the assistance available for those purchasing a new home in regional Victoria will increase from $15 500 to $19 500.

These bonuses are in addition to the current $7000 first home owner grant. They bring the total assistance available to Victorian first home buyers to $20 000 on the purchase of a new home in Melbourne and $26 500 for new homes purchased in regional Victoria. The purchase of an established home will still attract the $7000 first home owners grant. The $20 000 that is available in metro Melbourne brings the first home buyers assistance in line with the $20 000 assistance available to eligible renters through the governments national rental affordability scheme.

This package of first home buyer assistance represents a more targeted approach aimed at creating jobs, boosting the economy and getting more Victorians into their own home. This package also builds on the overwhelming success of the regional first home bonus in creating jobs in regional Victoria and making it a better place to live, work and raise a family.

This bill also enacts another 2010–11 budget measure, which will see the current land tax exemption for retirement villages and residential care facilities, including supported residential services and residential services for disabled people, extended to exempt land on which a retirement village or residential care facility is being constructed for a maximum of two years. The government is committed to ensuring there is an adequate supply of aged and residential care facilities in Victoria. Extending the land tax exemption will reduce the cost of developing these facilities, encourage private investment to the sector and help to improve the accessibility and affordability of such facilities for Victorians who can no longer live at home.

The government is mindful of the need to reduce compliance costs by streamlining and reducing the complexity of Victoria's laws and the way they are administered. As part of the 2010–11 budget the government announced that from 1 July 2010 it would align the duty threshold for charging a higher rate of duty for new or near new passenger cars with the commonwealth luxury car tax threshold, which is indexed annually. Going forward this will ensure the threshold is adjusted in accordance with movements in the consumer price index and reduces any complexity that may have arisen by having different luxury car tax thresholds at a state and federal level.

This bill amends the Duties Act 2000 to provide the legislative framework for the payment of land transfer duty using an online system, which is currently under development by the State Revenue Office. Once this system is implemented it will result in significant administrative

savings by streamlining and modernising the way in which land transfer duty is paid.

This bill also advances the government's commitment to removing all old and redundant legislation from the Victorian statute book by repealing the Financial Institutions Duty Act 1982, the Debits Tax Act 1995, and the Business Franchise (Tobacco) Act 1974. The various taxes, duties and fees imposed by those acts have now been abolished and the legislation is no longer required. This measure will help maintain the relevance and currency of the Victorian statute book, which reduces compliance costs for taxpayers and their advisers.

Finally, this bill amends the Taxation Administration Act 1997 to remove the power to disclose taxation information to a person who is prescribed by the regulations. This amendment is intended to put beyond doubt that extending the scope of authorised disclosures is a matter for legislation, thereby guaranteeing the level of transparency and accountability expected where a law impacts on the rights of an individual. This is in line with the preferred approach advocated by the Office of the Victorian Privacy Commissioner.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Koch.

Debate adjourned until Thursday, 3 June.

TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. P. PAKULA (Minister for Public Transport) on motion of Hon. J. M. Madden.

Statement of compatibility

For Hon. M. P. PAKULA (Minister for Public Transport), Hon. J. M. Madden tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Transport Legislation Amendment (Ports Integration) Bill 2010.

In my opinion, the Transport Legislation Amendment (Ports Integration) Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill builds on the strong new direction for transport policy and legislation charted by the Transport Integration Act 2010. It recognises that Victoria's ports and shipping channels have a key role in delivering an integrated and sustainable transport system in Victoria.

The bill amalgamates the management of the ports of Hastings and Melbourne under the Port of Melbourne Corporation. The new integrated Port of Melbourne Corporation and the Victorian Regional Channels Authority are transferred to, and continued within, the contemporary Transport Integration Act framework.

In completing the unification of agencies in the transport portfolio, the bill extends the integration and sustainability objectives of the Transport Integration Act 2010 to the ports sector.

The proposals in the bill are consistent with the government's key ports strategy, Port Futures, which seeks to facilitate the delivery of an efficient, integrated and sustainable ports system that joins seamlessly with national transport and freight networks. The changes also build on *Freight Futures*, government's blueprint for the state's freight and logistics network.

Policy and operational unification is at the core of the 'one transport system' philosophy which underpins the Transport Integration Act. The bill extends this integrated system thinking to ports planning and management.

It is noteworthy that the bill applies the social and economic inclusion objective of the Transport Integration Act 2010 to the Port of Melbourne Corporation and the Victorian Regional Channels Authority.

Human rights issues

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

The bill has been assessed against the charter.

Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. A deprivation of property is in accordance with the law when the deprivation occurs under powers conferred by legislation which is formulated precisely and will not operate in an arbitrary manner.

Clause 202 engages this right by inserting new provisions 141F(c) and 141O(c) into the Transport Integration Act 2010. These provisions replace identical provisions in the Port Services Act 1995 which are being repealed by the bill. The provisions provide the Port of Melbourne Corporation and the VRCA with the power to remove impediments, obstructions and nuisances in a channel that are injurious to a river or seabed or that obstruct or tend to obstruct navigation.

These powers may engage the right to property if they are exercised to remove a person's property from a particular place. However, the powers can only be exercised in the limited circumstances set out by the bill, and are subject to obtaining any permit, consent or other authority required by or under any other act. Any deprivation of property under

these provisions would therefore occur in clearly delineated circumstances and would not be arbitrary in nature. In my opinion, these provisions therefore do not limit property rights.

Freedom of movement

The right to freedom of movement is protected by section 12 of the charter. This right is engaged by clause 202 of the bill, which inserts new divisions 3A and 3B into the Transport Integration Act 2010.

New section 141E(k) in division 3A will provide that one of the functions of the Port of Melbourne Corporation is to generally direct and control the movement of vessels in port of Melbourne waters and port of Hastings waters. New section 141M(1)(a)(iii) in division 3B inserts a similar function for the VRCA in relation to waters for which it is responsible.

These functions, in combination with section 152 of the Transport Integration Act 2010 (which grants the Port of Melbourne Corporation and the VRCA the power to do all things necessary and convenient to perform their functions), allow those bodies to control and direct the movement of vessels in the waters for which they are responsible. This limits the freedom of movement of the vessels' crews and passengers.

I note that these functions already exist under the Port Services Act 1995. The effect of the amendments is simply to move the functions from that act into the Transport Integration Act 2010.

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

The potential limitation on freedom of movement caused by clause 202 of the bill is considered below.

(a) the nature of the right being limited

The right to freedom of movement is not regarded as an absolute right in international law and can be subject to reasonable limitations.

(b) the importance of the purpose of the limitation

The purpose of the limitation is to ensure safe and efficient passage of vessels in Victorian waters. This is a highly important purpose that not only promotes economic efficiency, but also protects the charter right to security of the person.

(c) the nature and extent of the limitation

The bill does not extend the limitation any further than is currently the case under the Port Services Act 1995. The bill in fact places greater limitations on the exercise of the relevant powers than is currently the case by requiring that in performing their functions under the Transport Integration Act, the Port of Melbourne Corporation and VRCA must have regard to the transport system objectives and the decision-making principles set out in part 2 of the act. These objectives and principles require transport bodies to consider, amongst other things: efficiency and coordination of the transport system, public safety, health and wellbeing, economic prosperity, environmental sustainability, transport user perspectives, equity, and transparency. These requirements promote responsible exercise of powers under the act and protect against arbitrary interference with rights.

(d) the relationship between the limitation and its purpose

The limitation imposed is directly and rationally connected to its purpose.

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

In my opinion, there are no less restrictive means available to achieve this purpose.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the charter.

Martin Pakula, MP
Minister for Public Transport

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. J. M. MADDEN (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill affirms the critical role of Victoria's ports and shipping channels as part of an integrated and sustainable transport system.

It recognises that the ports and the broader transport system are connected and interdependent, and it aims to ensure integrated system thinking in port planning and management.

The bill completes the consolidation of Victoria's transport agencies within the modern policy framework in the Transport Integration Act 2010.

Management of the ports of Melbourne and Hastings is amalgamated under the Port of Melbourne Corporation, and the integrated entity is transferred into the new primary statute.

The Victorian Regional Channels Authority is also reconstituted in the new act.

The bill defines the Port of Melbourne Corporation and the Victorian Regional Channels Authority as 'transport corporations' and includes them in part 6 of the act with V/Line, VicTrack and the Linking Melbourne Authority.

Their charters are renewed to align them with the act's vision, objectives and principles for the transport system.

As a result, all agencies with a direct role in managing or regulating key elements of the state's land and water transport have been brought together under the same legislation and policy framework.

Integrated thinking

The bill is a major step in delivering the improved port governance arrangements outlined in *Port Futures*, the policy and strategy statement released by the government in August 2009.

These legislative changes are consistent with the policy and strategy settings in *Port Futures*, together with *Freight Futures*, the government's blueprint for the state's freight and logistics network, and the Victorian transport plan.

As the Minister for Public Transport stated when introducing the Transport Integration Bill:

> This bill represents a watershed in the evolution of transport policy and legislation in Victoria and Australia. It confirms an end of the 'old' thinking and outdated debates about transport.

In essence, the bill charts the government's new direction in transport policy and delivery, providing a framework for integrated thinking on the best ways to move people and goods across the state.

By integrating the expanded Port of Melbourne Corporation under the vision, objectives and principles in the Transport Integration Act, this bill charts the government's new direction in ports strategy and management.

It positions the ports of Melbourne and Hastings as essential components of an integrated and sustainable transport system.

Further, amalgamating the management of the two ports is considered the most effective way to direct and drive future development of the port of Hastings. This is central to the strategy to cope with projected growth in commercial shipping.

Economic significance

The economic significance of the ports has always been well recognised.

The port of Melbourne is the largest container and general cargo port in Australia. It was recently ranked in the world's top 50 container ports.

More than $85 billion in trade each year goes through the port of Melbourne alone.

Victoria's four ports — Melbourne, Hastings, Geelong and Portland — handle more than 99 per cent by volume and 90 per cent by value of our imports and exports.

The combined value of our international and coastal cargo in 2007–08 was $100 billion, representing more than 90 million mass tonnes of cargo carried by more than 4500 ships.

Importantly, while this bill reconstitutes the Port of Melbourne Corporation in the Transport Integration Act, it also continues the existing oversight by the Treasurer.

System-focused approach

Given the Victorian economy's reliance on port infrastructure and operations, *Port Futures* acknowledges that ports are a system in their own right. They need to be looked at in this way to ensure that their performance is optimised.

However, *Port Futures* also recognises that ports 'do not and cannot operate in isolation from the broader freight and logistics network within which they are located'.

Ports are intermodal freight hubs. Their main function is to connect the sea leg of freight journeys (as well as passenger journeys) to the land leg.

But ports cannot be located anywhere, because suitable sites around the Victorian coastline are very limited. So the land-based freight and logistics network has to be built, to a large extent, around these port hubs.

As our economy and population grow, and as our ports and transport system develop to deal with this growth, the challenges are increasingly complex.

A system-focused approach becomes more and more crucial.

These are among the main reasons why the ports and shipping channels should be regarded as part of a single, integrated transport system and brought within the scope of the Transport Integration Act.

The Port of Melbourne Corporation will be required, under the act, to make decisions having regard to the best interests of the transport system as a whole. It will share common goals with other transport bodies.

This is consistent with the directions outlined in *Port Futures*. For example, *Port Futures* foreshadows the need to 'review the charter of the Port of Melbourne Corporation to ensure that it is able to contribute effectively to the efficient operation of the international supply chain "beyond the port gate"'.

At the same time, other transport bodies will be required to have regard to the best interests of the ports. Integrated thinking means that ports and freight will be front and centre when a relevant transport decision is made.

The Port of Melbourne Corporation will also be required, under the act, to strengthen its focus on triple bottom line outcomes.

While the corporation's charter under the Port Services Act 1995 requires it to 'manage and develop the port of Melbourne in an economically, socially and environmentally sustainable manner', the vision, objectives and principles in the Transport Integration Act are more explicit and comprehensive.

The bill makes it clear that the Port of Melbourne Corporation, as a key arm of government, has a role in delivering social and environmental outcomes for the community in addition to its core economic focus.

Key elements of the bill

Part 1 of the bill describes its purpose and commencement arrangements.

Part 2 contains the amendments to the Transport Integration Act 2010, including the two new divisions (3A and 3B) inserted to continue the Port of Melbourne Corporation and the Victorian Regional Channels Authority and to set out their new objects and functions. It also makes some consequential amendments and statute law revisions.

Part 3 contains the amendments to the Port Services Act 1995, including part 2 provisions relating to port corporations.

Part 4 contains various consequential amendments to other acts.

Conclusion

This bill clearly establishes ports and shipping as key components in an integrated and sustainable transport system.

It sets up the governance and management of Victoria's ports and shipping channels to fulfil this critical role in the context of the economic, social and environmental challenges of the 21st century.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Ms Lovell.

Debate adjourned until Thursday, 3 June.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 8 June.

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

Rail: Shepparton line

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Public Transport and is in regard to train services between Shepparton and Melbourne, which are used by communities in the Goulburn and Murray regions. I request the minister undertake a feasibility study to investigate the potential for improving train services between Shepparton and Melbourne.

In recent weeks Greater Shepparton City Council has spoken out about the plight of the city's train services, which are among the worst in the state in terms of frequency. Passengers travelling between Shepparton and Melbourne have access to only three services on weekdays and two services on weekends. There are old locomotives hauling refurbished 1980s carriages and travelling at about 100 kilometres an hour — if the tracks are up to it.

Other regional areas, including Geelong, Ballarat, Bendigo and the Latrobe Valley, have V/Locity trains travelling up to 160 kilometres an hour, and an extra 401 services per week were added to those routes in 2005. The Shepparton line does not even have a service that gets you into Melbourne before the start of the business day as the first train arrives in Melbourne at 9.28 a.m. This not only prevents commuters using these services to live in Shepparton and work in Melbourne but also restricts businesses that want to send their staff to training sessions, which mostly commence at 9.00 a.m. Businesses then have the additional cost of overnight accommodation and their staff being away over two days.

During the AFL season there are additional V/Line services to Seymour on Friday and Saturday nights, but unfortunately these services terminate at Seymour, leaving many Shepparton-based football fans to make their own way for the remainder of the trip home to Shepparton. There are regular Friday and Saturday night trains that service football fans travelling between Melbourne and Bendigo, Geelong, Traralgon and Ballarat. Shepparton, a city of more than 60 000 residents, should also be afforded the same level of service.

Greater Shepparton City Council's chief executive officer, Phil Pearce, believes Shepparton deserves a fast rail service or at least a vastly improved service. Mr Pearce believes the current transport to and from Shepparton has limited the growth of the municipality and impacted on employment and access to health and education opportunities. He insists that Shepparton should not be disadvantaged compared to other regional centres. Shepparton is in a development corridor, but it has been completely overlooked by the Brumby Labor government.

According to Mr Pearce, Shepparton has not received the necessary passenger rail service to cater for current and anticipated population growth. The Brumby Labor government has neglected Shepparton and the Goulburn and Murray region, over the past 11 years. It is time for the minister to undertake a feasibility study to investigate the potential to improve train services between Shepparton and Melbourne.

Rail: Werribee line

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport. I have had a number of calls from

passengers who normally use trains on the Werribee line. It appears that yesterday a number of trains simply did not run. I have been told by passengers that there were no signs or announcements and that when they asked station staff, the staff did not know what was happening. I discussed this today with Clay Lucas from the *Age*, who sent me an email he had received from Metro Trains Melbourne which reads:

> Today we had a planned service change during the off peak on the Werribee line.
>
> The one-day trial involved running all 'stopping all station' services, however, express trains were cancelled. Morning or evening peak services were not affected.
>
> We are interested in extending frequency on lines in future, so with trials such as this we're trying to understand the dynamics and interactions between lines, and how our off-peak operations affect evening peak operations.
>
> The operational trial was done to essentially help us with future timetable design.
>
> Passengers were advised through our normal channels, our Platform 1 SMS service, as well as regular website updates.

People who contacted me said there were no announcements at the station, no signage and the staff did not know, so I am a bit confused about how people were informed of this. I also spoke to some people who said they had checked the website, but the information did not appear to be there. The action I ask of the minister is that he confirm if the government was aware that this trial would happen yesterday, whether station staff knew, how passengers were informed and, especially importantly, whether they knew beforehand that the trial would happen.

Timber industry: firewood strategy

Mr HALL (Eastern Victoria) — I wish to raise a matter for the attention of the Minister for Agriculture that concerns the Victorian government's firewood strategy. This is an important document eagerly awaited by constituents in the Gippsland region. Firewood remains a primary fuel source for heating and cooking purposes in many communities and towns in the Gippsland area. They have long awaited the finalisation and release of the firewood strategy, which will give operators a clearer outline of the availability of firewood supplies in the Gippsland region.

Originally we were told that the firewood strategy would be completed and released earlier this year. That time has come and gone. As recently as five weeks ago the advice from Minister Helper's office was that it would be released in two weeks time. Again, that deadline is three weeks overdue. Tonight I am calling on the minister to immediately release that firewood strategy. If its release is not imminent, then I request that the minister give me a firm commitment as to exactly why there has been a delay and when and where the firewood strategy is going to be released. I think it is very important that the government takes immediate action to release the strategy as soon as possible.

Rail: western Victoria

Mr KOCH (Western Victoria) — My matter is also for the Minister for Public Transport, and it relates to infrastructure that fails to adequately support our rail network in population hubs in western Victoria. The state government has touted investment in regional fast trains as providing people in communities such as Geelong and Ballarat with greater opportunity to use public transport and stronger links to Melbourne. It is widely recognised that the Brumby government avoids being up front and honest with the community. The expected time savings of the fast trains have been eroded by schedules which are unable to be maintained, a situation which is never highlighted.

During April 20 per cent of Geelong trains ran at least 6 minutes late. Trains on the Geelong line have officially run late for 43 consecutive months. V/Line has indicated that over 150 of the late services each month are due to track congestion between Werribee and Southern Cross Station. Commuters ask why this has not been corrected. I have travelled on the train between Geelong and Melbourne and I have been engaged firsthand in the public's frustration.

Infrastructure designed to promote the rail system needs ongoing upgrades. There are limited car parking facilities at Marshall, South Geelong, Geelong and North Geelong, and anyone attempting to park at these stations after 7.00 a.m. is frustrated and disappointed. A similar situation exists in Ballarat and at stations towards Melbourne. Many constituents have contacted my office expressing their dismay.

Interface councils do not fare any better. My office has received correspondence from Melton Shire Council outlining its concern with the inadequate parking and lighting provided to commuters at Melton station. Melton Shire Council has written to V/Line, which responded by acknowledging that providing parking at busy commuter stations remains an issue but said an increase in spaces is dependent on funding from the Department of Transport. To date, the required funding has not been forthcoming. The parking opportunities for commuters at Werribee and Bacchus Marsh are similarly challenged.

Despite the inadequate infrastructure supporting rail in western Victoria, we are being told that by 2014 a train will leave Geelong bound for Melbourne every 15 minutes during peak hour. Commuters rightly remain sceptical. Without the proper infrastructure in place the people wishing to board this future service will have nowhere to park, and once they get on the train they will have nowhere to sit and will be forced to stand as they await relief from track congestion.

My request is for the minister to put a workable strategy in place that supports fast rail infrastructure to growing regional cities and interface councils by allowing necessary timetabling, thus providing rail users with the certainty of a reliable service. Denying users this is poor management and policy.

Bendigo hospital: beds

Mrs PETROVICH (Northern Victoria) — Further to an adjournment matter I raised on Tuesday, I direct my adjournment matter to the Minister for Health. I refer to the issue of medical unit 1 of the Bendigo hospital which now lies deserted with increased security around access to this facility. The completion of this ward was announced in the Bendigo *Advertiser* by the Minister for Regional and Rural Development, Ms Jacinta Allan, on 12 March 2010 as part of a $50 million redevelopment. The completion of the ward was also promoted on Ms Allan's website. The same ward has been closed since 28 April, having been open for just over one month.

Mrs Peulich — Another hoax!

Mrs PETROVICH — Yes, exactly. When I viewed this ward last week it had been stripped of medical and administrative equipment and lay dormant and abandoned whilst the hospital experienced an influx of patients through the emergency department. The hospital was on pre-escalation and banked up with those patients. The tragedy of this is that an additional eight beds were available that remained unused in medical unit 1. These beds remained closed despite there being patients in the emergency department waiting for beds. How this can happen when we have beds and an apparent funding source I am not sure. If staffing is the issue, why are casual staff being sent home? Nursing students or the nursing pool could be used as a resource. To quote Ms Allan:

> These additional … beds will provide vital additional capacity for the hospital and will be of great assistance to Bendigo Health to meet the hospital needs of the local community.

Mrs Peulich — Phantom ward.

Mrs PETROVICH — It is a phantom ward, Mrs Peulich. I have concerns that this remains another case of smoke and mirrors by the Labor government and would like the immediate health requirements of Bendigo and surrounds to be addressed with some honesty. The community needs to have confidence that promises made around health infrastructure and funding are grounded in reality.

The action I seek from the minister is that he investigate through his office or department the circumstances or causes for closure of medical unit 1 at Bendigo hospital, the time frame for its reopening and that he provide an acquittal of funding for this facility.

Western suburbs: paediatric services

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Health. I note in the recent budget a considerable amount of money was provided for the Monash Medical Centre for what amounts to a new children's hospital. I congratulate the centre on that and wish it all the best — good on it! But I ask the question: what about us in the west? It seems we have missed out yet again.

Paediatric surgical services at the Sunshine Hospital, for example, are best described as pathetic. If children are in desperate need of paediatric care and they are taken to Sunshine Hospital, they are told immediately to go to the Royal Children's Hospital because the Sunshine Hospital is not capable of meeting their needs. It is a giant game of ping-pong, using children as balls, bouncing around the western suburbs between hospitals. It is totally unsatisfactory and I, for one, will not tolerate it any further.

Add to that the fact that in the western suburbs of Melbourne we have some of the fastest growing municipalities in Australia. Melton and Wyndham spring to mind as municipalities that are growing at an enormous rate, and depending on which day it is, Wyndham is frequently the fastest growing municipality in Australia.

Families coming into these areas in very large numbers also means there are children, because children are, generally speaking, part of families. These children need medical services. We do not want a monument to the minister, as is being built at the moment at Sunshine. We do not want operating theatres being built and used as office space, as has happened at Sunshine in the past. We need real paediatric services with surgery now.

I ask the Minister for Health to provide services similar to those being provided to Monash Medical Centre to either Sunshine Hospital or Werribee Mercy Hospital, or preferably both because the western suburbs, as I said, are growing at an extraordinary rate, and we need these services desperately.

Children in the west get sick too, in case the minister is not aware of that, and they deserve the same services as kids on the other side of Melbourne. Kids in the west should not be put in a second or third-class category. They deserve proper medical treatment as much as anybody else in Melbourne. I ask the minister to ensure immediately, as a matter of extreme urgency, that those services and proper medical care is provided to those children.

Wattletree Road, Eltham: traffic management

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Roads and Ports, and it centres on the concerns held by many members of the community in Eltham North and the Eltham North Primary School in particular. Residents and parents of schoolchildren in the Wattletree Road area have directly or through my agency been expressing their concern about the construction of the Wattletree Road bridge across Diamond Creek for two-and-a-half years now. The design for a two-lane bridge to carry traffic with wider-than-normal pedestrian and bicycle lanes running alongside was voted down by the Nillumbik Shire Council on Tuesday, 25 May.

Eltham North Primary School has building works about to start under a Building the Education Revolution-funded program; in addition, the school's roof is about to be replaced. There is the possibility of the commencement of a very large-scale development of up to 42 residences in a residential development across the road from the school, which is pending. The application was refused council approval, but an appeal is currently before the Victorian Civil and Administrative Tribunal, so there is every possibility that this large-scale residential development will add to the congestion in Wattletree Road.

Works for construction of the bridge and the original design have presented many problems for the community in going about their lives in safety and with access for vehicles to the school precinct. Should a new design for the bridge be presented in the coming months in response to community concerns for its impact on the environment, it is felt that the interval would be a splendid opportunity for a close examination of the needs of the school and the community and for the incorporation of solutions for its school drop-off and pick-up zones to ensure the safe passage of pedestrians, especially those travelling along Wattletree Road between Progress Road and the Eltham North Primary School. Reassessment of traffic management with the bridge's increased load-bearing capacity will introduce heavy vehicles and articulated vehicles to the area.

My request is for the minister to undertake a consultation process with the key stakeholders associated with this longstanding issue in order to have necessary solutions to the problems this new structure would foist on the community. It is felt the bridge design has been undertaken in isolation and with a complete disregard for the concerns of the local institutions and the residents.

Neighbourhood houses: child-care funding

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Children and Early Childhood Development in relation to a very sneaky Rudd government tax cut that has been imposed upon an occasional care program delivered through neighbourhood houses. It is a tax cut that Labor members of Parliament, at both the state and federal levels, have been very quiet about.

I was contacted by a neighbourhood house coordinator out of concern for the Take a Break (TAB) child-care program, which provides respite for parents and guardians of children aged from 0 to 6 years, enabling them to participate in a range of activities including recreational classes, activities et cetera. It is jointly funded by the Victorian and commonwealth governments and administered by the Department of Education and Early Childhood Development.

Unfortunately, in its 2010–11 budget the commonwealth government announced it was ceasing its support for the neighbourhood house-model occasional care from 1 July. In Victoria that funding is worth about $1 million a year and covers the federal government's share of the Take a Break child-care program, or roughly 60 to 70 per cent of the TAB funding. The rationale for ceasing this is unclear and obviously very disturbing, in particular to the many neighbourhood houses that provide very good quality occasional care for their clients.

The Association of Neighbourhood Houses and Learning Centres advises that there are three possible scenarios: the Victorian government could fill the gap; it could speak to the federal government and ask it to reverse its decision; or simply as a worst case scenario

the Victorian government could withdraws its share of funding too.

Obviously that is a great concern, in particular to the many community centres and neighbourhood houses that operate occasional care programs across my region. There are 10 such centres in the city of Kingston; I am not sure whether all of them offer occasional care, but many of them do. Certainly there are a number in the minister's own electorate including the Amaroo Neighbourhood Centre and Waverley Community Learning Centre, and in the adjoining electorate there is the Mulgrave neighbourhood house, all of which will be affected. There are a number in Frankston as well as in the city of Casey. Each and every electorate will be impacted. This will diminish what working mums can do in terms of the acquisition of skills and taking advantage of learning opportunities.

I ask the minister to do her job, and that is to deliver on what has been promised on her web page — support for this particular child-care program. Child care has not fared very well under Labor at either the state or federal level — —

Mr Finn — Nor have children.

Mrs PEULICH — And neither have children. I ask the minister to do her job or to give it up.

The DEPUTY PRESIDENT — Order! I will give the member 10 seconds to request an action from the minister rather than just saying she should do her job.

Mrs PEULICH — I did. I asked her to investigate what action can be taken to save the Take a Break program to ensure neighbourhood houses can continue operating it for the benefit of their clients. I covered that in my contribution.

Rail: Frankston line

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport, and it relates to the continued failure of rail services on the Frankston line. In particular I draw the minister's attention to a series of failures this week, on three days out of four during weekday peak operations. The first was the Monday evening failure on the Frankston line when commuters were stranded for 90 minutes on a stopped service apparently due to a points failure.

At 6.30 a.m. on Wednesday, between Patterson River and Chelsea stations, there was a failure of all the boom gates, which caused absolute traffic chaos along the Nepean Highway, on the side streets of the Nepean Highway and at all the intersections. Traffic was unable to get through any of the east–west crossings across the railway line because of the numerous failures of boom gates. In fact there were instances where commuters were shooting through the boom gates in order to get across because of the absolute traffic chaos. Today we have seen further failures on the Frankston line with trains delayed for 15 minutes due to track equipment failure at Carrum.

It is unacceptable to the commuters of Frankston to have significant failures on rail services three days out four this week. This week is an example of what is happening continually, and we are seeing appalling performance data being recorded for the Frankston line. Commuters in that area deserve better. I seek from the Minister for Public Transport that he expedite either infrastructure repairs or upgrades to ensure at least a basic level of reliability of train services for Frankston commuters.

Princes Highway, Genoa: Mallacoota signage

Mr P. DAVIS (Eastern Victoria) — I raise an issue for the attention of the Minister for Roads and Ports in respect of the need for improved tourism signage pointing to Mallacoota on the Princes Highway at Genoa. Given there are overlapping responsibilities on this matter, I suggest the matter could be sorted out by the minister's consulting with his colleague the Minister for Tourism and Major Events.

Recently the Mallacoota and District Business and Tourism Association has raised concern about the largely ineffectual highway signage to Mallacoota on the highway. The blue background signs do little more than point the way to Mallacoota and indicate in simple graphic images that it is place where visitors can find a feed or a bed. This substantially understates the magnificence of the natural attractions of Mallacoota and its environs. The 22-kilometre drive from the highway to the town takes in part of the Croajingolong National Park, offers views over the upper reaches of the lake and, finally, emerges with this scenic, historic township on one side of the road and the waters of Mallacoota Inlet on the other.

I specifically mention also the strategic location of Mallacoota from the perspective of travellers. Genoa, which is just 14 kilometres inside the Victorian border with New South Wales, and Mallacoota on the inlet and the far east coast, are in fact Victoria's eastern gateway destinations. This is country that was settled around the same time as south-west Victoria, and it inspired people like Henry Lawson, Banjo Paterson and C. J. Dennis. More recently, Tourism Australia and Parks Australia

were moved to declare it a national landscape as part of the Australian Coastal Wilderness. However, because of pettiness and bloody-mindedness on the part of VicRoads and Tourism Victoria, Mallacoota has been denied more appropriate signage. Specifically it wants a coloured sign with, as its centrepiece, an aerial photograph showing some of the main tourist features of the area.

I raised this matter with the Minister for Roads and Ports and the Minister for Tourism and Major Events in 2008, and the responses provided some optimism it could be resolved favourably. In particular, the Minister for Tourism and Major Events indicated the Mallacoota signs could be upgraded to state gateway level, which would allow for pictorial imagery. However, after lengthy negotiations the answer ended up being a predictable no. As a consequence, travellers continue to bypass the turnoff and Mallacoota is missing out on significant tourism. I therefore ask that the minister act to approve a level of highway signage for Mallacoota that will allow for a pictorial image, as envisaged by the local business and tourism association.

Ferny Creek Recreation Reserve: maintenance

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change and it concerns the Ferny Creek Recreation Reserve located adjacent to the beautiful Sherbrooke Forest. The Ferny Creek Recreation Reserve is managed and maintained by a volunteer community committee of management on behalf of the Department of Sustainability and Environment. It is on Crown land. The shire council has limited involvement with the reserve, and the work to maintain the reserve is left broadly to the committee of management. The committee does not receive any ongoing funding from the Department of Sustainability and Environment to maintain the reserve and relies on income generated from the hiring out of facilities at the reserve, such as the heated hall, the log cabin, the oval and the two tennis courts.

The committee has done its absolute best to maintain the assets of the reserve, given its limited fundraising capacity and the limited resources of the committee's volunteers. Unfortunately that management is now becoming more and more difficult as the infrastructure at the reserve deteriorates. It is getting to the point where intervention from the minister and the department is required to upgrade some of this ageing infrastructure. As an example, the heater in the hall recently broke down, which cost the committee roughly $3000 to replace, and some of the water mains also require replacement, which will cost between $4000 and $5000. Other works that are desperately needed are work to the car park, management upgrade of the log cabin and other works. The committee estimates that this will cost approximately $170 000, although this figure may be adjusted once market-competitive quotes are obtained.

The action I seek from the minister is that he recognise the excellent work the committee of management has done for the community and the money it has saved the taxpayer through its volunteers' time and efforts, fundraising and labour, and work with it to upgrade the necessary infrastructure and to ensure that the Ferny Creek Recreation Reserve remains a great place for the local community going forward.

Wind farms: Waubra

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Environment and Climate Change and relates to wind farms in the Waubra area. The Shire of Pyrenees and others have been calling on the Environment Protection Agency to visit Waubra and conduct an environmental safety study of the wind farms there. The Minister for Planning has recently stated publicly that the EPA will undertake an environmental study of Waubra's wind farms if it is invited to do so. It has been invited to do so many times. The action I seek is that the minister organise for the EPA to visit Waubra and undertake just such a study of whether the environment there is safe or not.

Israel: diplomatic relations

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Premier. It relates to the decision this week by the Prime Minister to expel an Israeli diplomat from Australia.

This surprising action has caused a great deal of concern among community leaders and the many members of this house who have enjoyed a strong and meaningful relationship with Israel and the Jewish community. This action frankly puts at risk that very relationship, which is one that has been fostered by many federal and state governments and by our Parliament, and other parliaments, over a long period. It was under the previous Kennett coalition government that the first memorandum of understanding was signed between Victoria and the Jewish National Fund to foster an exchange of ideas and research, particularly on environmental and water issues, between Israel and Victoria.

While one can understand that there is perhaps always going to be a reaction of some type in relation to the passport issue, most thought that a considered, diplomatic response would have been more appropriate than one designed to curry favour with those countries which could deliver Rudd a seat on the United Nations Security Council and which spells the abandonment of a longstanding, indeed beleaguered, ally.

It is therefore with real sincerity that I ask the Premier of Victoria and all Labor members of this house to stand up for that valued, important and close relationship between Israel — the Jewish people — and Australia, including and particularly Victoria. I call on the Premier to step forward and repudiate the failure of a more consistent and reasonable response to a close ally by the Prime Minister's conduct and to do deal with what has been called the worst disruption to bilateral relations in decades, and to do that by meeting, if necessary, with the Prime Minister to put the case for Victoria's longstanding relationship with the Jewish and Israeli communities.

Mr Finn — Hear, hear!

The DEPUTY PRESIDENT — Order! Mr Davis has won Mr Finn, but he has not won me. The fact is that I do not believe it is appropriate to expect the Premier to become a commentator on a federal decision. I do not believe that is a matter of state administration as such, notwithstanding that some of the sentiments expressed about the bipartisan support of the community in Victoria are an accurate reflection of my understanding of affairs in Victoria. But I certainly do not believe that it is an appropriate action to request of the Premier.

Mr D. Davis — On a point of order, Deputy President, I wonder if you might consider this, not necessarily now? I am happy to put before you precedents where state ministers have been requested in this Parliament to meet with federal ministers and put the case of Victoria and the Victorian community to federal ministers as they relate to these matters.

The DEPUTY PRESIDENT — Order! I do not need to consider it further because, whilst I accept what Mr Davis is saying in terms of previous representations sought by ministers to federal colleagues, in each case they have been in regard to a matter of administration and have therefore been relevant to the minister actually taking such action. In this case what Mr Davis is suggesting is that the Premier should go to the Prime Minister and make some representations on behalf of the Victorian community more broadly about the esteem in which the Jewish community is held in this state and perhaps to convey to him that there are concerns in that community about the decision that has been made.

I do not believe it appropriate that the Premier should be the emissary of that message in the context of this Parliament's direction, or indeed by invitation in the adjournment debate. Mr Davis has got his point across, but I do not accept it as an appropriate action. Therefore that matter will not proceed.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have eight written responses to adjournment debate matters from 3 February 2010 to 6 May 2010.

In relation to matters raised tonight, Ms Lovell raised the matter of train services between Melbourne and Shepparton. I will refer that matter to the Minister for Public Transport.

Colleen Hartland raised the Werribee line train services, particularly yesterday. I will refer that to the Minister for Public Transport.

Peter Hall raised the matter of the Victorian firewood strategy. I will refer that matter to the Minister for Agriculture.

David Koch raised the matter of train services in western Victoria. I will refer that to the Minister for Public Transport.

Donna Petrovich raised the matter of the Bendigo Health Care Group and associated issues. I will refer that to the Minister for Health.

Bernie Finn raised the matter of paediatric and children's hospital services. I will refer that matter to the Minister for Health.

Jan Kronberg raised the matter of a specific bridge in Eltham near the Eltham North Primary School. I will refer that to the Minister for Roads and Ports.

Inga Peulich raised the matter of neighbourhood houses and associated issues. I will refer that to the Minister for Children and Early Childhood Development.

Gordon Rich-Phillips raised the matter of Frankston rail line services. I will refer that matter to the Minister for Public Transport.

Philip Davis raised the matter of Mallacoota tourist signage. I will refer that to the Minister for Roads and Ports and, if necessary, to the Minister for Tourism and Major Events.

Edward O'Donohue raised the matter of the Ferny Creek Recreation Reserve, and I will refer that to the Minister for Environment and Climate Change.

Peter Kavanagh raised the matter of the Waubra wind farm and associated monitoring issues, and I will refer that matter to the Minister for Environment and Climate Change.

Ms Pennicuik — On a point of order, Deputy President, I would like to raise with the minister an outstanding adjournment matter from 16 September 2009 addressed to the Minister for Consumer Affairs regarding asbestos. Staff in my office spoke to the minister's office twice in February and also on 20 May requesting the response to that adjournment matter.

The DEPUTY PRESIDENT — Was there any communication with the minister's office such as a follow-up in writing, or was it just telephone calls to Minister Robinson's office?

Ms Pennicuik — They were telephone calls.

The DEPUTY PRESIDENT — Order! The practice is that we prefer a written reminder to the minister, but at any rate this response is well overdue.

Hon. J. M. MADDEN — I am happy to relay that message, through *Hansard*, to the relevant minister and to seek to have those matters addressed.

The DEPUTY PRESIDENT — Order! The house is now adjourned.

House adjourned 6.16 p.m. until Tuesday, 8 June.