PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 16 September 2010

(Extract from book 13)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer, Minister for Information and Communication Technology, and Minister for Financial Services	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Industry and Trade	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Energy and Resources, and Minister for the Arts	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Community Development	The Hon. L. D'Ambrosio, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Planning and Minister for the Respect Agenda	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Public Transport and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education and Minister for Skills and Workforce Participation	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew [8]	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pandazopoulos, Mr John	Dandenong	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter [2]	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill [4]	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [9]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [5]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice [6]	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe [7]	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 13 February 2010
[5] Elected 28 June 2008
[6] Resigned 18 January 2010
[7] Resigned 25 August 2010
[8] Elected 15 September 2007
[9] Resigned 6 August 2007

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THURSDAY, 16 SEPTEMBER 2010

Thursday, 16 September 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

COMMUNITY SERVICES LONG SERVICE LEAVE BILL

Introduction and first reading

Ms NEVILLE (Minister for Community Services) — I move:

That I have leave to bring in a bill for an act to establish a scheme for portability of long service leave for employees carrying out particular community service activities.

Ms WOOLDRIDGE (Doncaster) — I ask the minister to provide a brief explanation of the bill to the house.

Ms NEVILLE (Minister for Community Services) — The bill will develop a portable long service leave scheme for the community services sector. It will support the sector in attracting and retaining a skilled workforce. A number of features are offered under the bill over and above the Long Service Leave Act.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 7, 88, 89 and 219 to 225 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Graham Street, Wonthaggi: traffic management

To the Legislative Assembly of Victoria:

Graham Street, Wonthaggi, is a main street and is used by drivers to access roads to Melbourne, Inverloch, Cape Paterson and South Dudley, and for people to visit shops. Including regular traffic, many heavy vehicles access Graham Street and this is creating safety issues for pedestrians trying to cross the road and also for vehicles reversing out of car parks. It has been observed that the construction of the desalination plant at Wonthaggi and the increasing number of tourists and shoppers to the Bass Coast region have significantly increased the flow of vehicular traffic along Graham Street.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Roads and Ports to support our petition and act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi, and to consider allocating an alternative route for heavy vehicles.

By Mr K. SMITH (Bass) (29 signatures).

Coleman–Stud roads–Harold Street, Wantirna South: safety

To the Legislative Assembly of Victoria:

This petition draws to the attention of the house the dangers posed to pedestrians and turning traffic due to obscured sight lines at the intersection of Coleman Road, Stud Road and Harold Street, Wantirna South.

The petitioners therefore request that the Legislative Assembly of Victoria resolve that the Minister for Roads and Ports undertakes an immediate review of the intersection in conjunction with VicRoads, including the consideration of right-turning arrows, with a view to ensuring the safe passage of all users of the intersection.

By Mrs VICTORIA (Bayswater) (705 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Assembly's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from $800 million to $2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are installed; and

findings by Melbourne University that many families will have to pay around $300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Assembly require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government mistakes in the smart meter project.

By Mrs FYFFE (Evelyn) (32 signatures).

Rail: Mildura line

To the Honourable Speaker and members of the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house for the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request for the passenger train to Mildura to be reinstated. People living in smaller towns need connectivity to larger towns for work, health, education, shopping and social activities.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

By Mr CRISP (Mildura) (40 signatures).

Mordialloc Creek: management

To the Legislative Assembly of Victoria:

The petition of the residents of the state electorates of Mordialloc, Carrum and Sandringham, the federal electorate of Isaacs and all users of the Mordialloc Creek draws to the attention of the house the environmental degradation at Mordialloc Creek.

The petitioners therefore request that the Brumby government take immediate and ongoing action to improve the environmental health of Mordialloc Creek, especially in reducing the silt build-up, and commit to a regular process of consultation and joint management with the community on matters affecting Mordialloc Creek.

By Mr THOMPSON (Sandringham) (1961 signatures).

Roads: Shepparton alternate route upgrade

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the attention of the house the urgent need for immediate safety upgrades to the Shepparton alternate route.

Prior to 1984 the road now known as the Shepparton alternate route was a no through road utilised by local traffic only and ended at the Broken River. By bridging the river it became the Shepparton alternate route and now diverts in excess of 6000 vehicles daily including semi, B-double and wide-load trucks from the centre of Shepparton as a crucial part of the Brisbane to Melbourne transport route. Two primary schools and a kindergarten with over 800 children between them utilise this road twice daily, increasing the risk of serious accidents and/or fatalities. No significant upgrades have been made to cater for the increased volume in traffic, and recent accidents have highlighted the dangers of travelling on this road, including the daily risks posed to over 100 residents and their families accessing their properties.

The petitioners therefore request that this house calls on the government to allocate funds to immediately:

widen the full length of the Shepparton alternate route, including piping or filling in of table drains on both sides of the Shepparton alternate route;

construct turning lanes on the Shepparton alternate route at high traffic intersections;

provide warning signs, flashing lights and reduced speed limits at school start and finish times.

By Mrs POWELL (Shepparton) (653 signatures).

Tabled.

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr K. SMITH (Bass).

Ordered that petition presented by honourable member for Sandringham be considered next day on motion of Mr THOMPSON (Sandringham).

Ordered that petition presented by honourable member for Bayswater be considered next day on motion of Mrs VICTORIA (Bayswater).

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).

Ordered that petition presented by honourable member for Evelyn be considered next day on motion of Mrs FYFFE (Evelyn).

OFFICE OF THE PUBLIC ADVOCATE

Report 2009–10

Mr BATCHELOR (Minister for Energy and Resources), by leave, presented report.

Tabled.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2010–11 (part 3)

Mr STENSHOLT (Burwood) presented report, together with appendices and an extract from proceedings.

Tabled.

Ordered to be printed.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

State government taxation and debt

Ms CAMPBELL (Pascoe Vale) presented final report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

COUNTY COURT OF VICTORIA

Report 2008–09

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Clerk:

Accident Compensation Conciliation Service — Report 2009–10

Adult Parole Board — Report 2009–10

Alexandra District Hospital — Report 2009–10

Alfred Health — Report 2009–10

Alpine Health — Report 2009–10

Austin Health — Report 2009–10

Australian Centre for the Moving Image — Report 2009–10

Australian Grand Prix Corporation — Report 2009–10

Bairnsdale Regional Health Service — Report 2009–10

Ballarat Health Services — Report 2009–10

Barwon Health — Report 2009–10

Barwon Region Water Corporation — Report 2009–10

Bass Coast Regional Health — Report 2009–10

Beaufort and Skipton Health Service — Report 2009–10

Beechworth Health Service — Report 2009–10

Benalla and District Memorial Hospital — Report 2009–10

Bendigo Health Care Group — Report 2009–10

Boort District Hospital — Report 2009–10

Building Commission — Report 2009–10

Calvary Health Care Bethlehem Ltd — Report 2009–10

Casterton Memorial Hospital — Report 2009–10

Castlemaine Health — Report 2009–10

Central Gippsland Health Service — Report 2009–10

Central Gippsland Region Water Corporation — Report 2009–10

Central Highlands Region Water Corporation — Report 2009–10

Cheltenham and Regional Cemeteries Trust — Report period ended 28 February 2010

Child Safety Commissioner — Report 2009–10

City West Water Ltd — Report 2009–10

Cobram District Health — Report 2009–10

Cohuna District Hospital — Report 2009–10

Colac Area Health — Report 2009–10

Coliban Region Water Corporation — Report 2009–10

Commissioner for Law Enforcement and Data Security, Office of — Report 2009–10

Community Visitors — Report 2009–10 under the *Mental Health Act 1986*, *Health Services Act 1988* and *Disability Act 2006* — Ordered to be printed

Confiscation Act 1997 — Asset Confiscation Operations Report 2009–10

Consumer Affairs Victoria — Report 2009–10 — Ordered to be printed

Coroners Court of Victoria — Report 2009–10

Coronial Council of Victoria — Report 1 November 2009 to 30 June 2010

Country Fire Authority — Report 2009–10

Dental Health Services Victoria — Report 2009–10 (two documents)

Disability Services Commissioner — Report 2009–10

Djerriwarrh Health Services — Report 2009–10

Dunmunkle Health Services — Report 2009–10

East Gippsland Region Water Corporation — Report 2009–10

East Grampians Health Service — Report 2009–10

East Wimmera Health Service — Report 2009–10

Eastern Health — Report 2009–10

Echuca Regional Health — Report 2009–10

Edenhope and District Memorial Hospital — Report 2009–10

Education and Early Childhood Development, Department of — Report 2009–10

Emerald Tourist Railway Board — Report 2009–10

Emergency Services Telecommunications Authority — Report 2009–10

Environment Protection Authority — Report 2009–10

Essential Services Commission — Report 2009–10

Fawkner Crematorium and Memorial Park — Report period ended 28 February 2010

Fed Square Pty Ltd — Report 2009–10

Financial Management Act 1994:

Reports from the Minister for Health that he had received the reports 2009–10 of:

Anderson's Creek Cemetery Trust

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Chinese Medicine Registration Board of Victoria

Chiropractors Registration Board of Victoria

Dental Practice Board of Victoria

Health Purchasing Victoria

Keilor Cemetery Trust

Lilydale Cemeteries Trust

Maldon Hospital

Medical Radiation Practitioners Board of Victoria

Mildura Cemetery Trust

Optometrists Registration Board of Victoria

Osteopaths Registration Board of Victoria

Pharmacy Board of Victoria

Physiotherapists Registration Board of Victoria

Podiatrists Registration Board of Victoria

Preston Cemetery Trust

Psychologists Registration Board of Victoria

Templestowe Cemetery Trust

Tweddle Child and Family Health Service

Victorian Assisted Reproduction Treatment Authority

Wyndham Cemeteries Trust

Report from the Minister for Housing that he had received the Report 2009–10 of the Registrar of Housing Agencies

Report from the Minister for Veterans' Affairs that he had received the Report 2009–10 of the Shrine of Remembrance

Report from the Minister for Women's Affairs that she had received the Report 2009–10 of the Queen Victoria Women's Centre

Food Safety Council — Report 2009–10

Forensic Leave Panel — Report 2009

Freedom of Information Act 1982 — Report 2009–10 of the Attorney-General on the operation of the Act

Geelong Cemeteries Trust — Report 2009–10

Geelong Performing Arts Centre Trust — Report 2009–10

Gippsland and Southern Rural Water Corporation — Report 2009–10

Gippsland Southern Health Service — Report 2009–10

Goulburn Valley Health — Report 2009–10

Goulburn Valley Region Water Corporation — Report 2009–10

Goulburn-Murray Rural Water Corporation — Report 2009–10

Grampians Wimmera Mallee Water Corporation — Report 2009–10

Greyhound Racing Victoria — Report 2009–10

Growth Areas Authority — Report 2009–10

Harness Racing Victoria — Report 2009–10

Health, Department of — Report 2009–10

Health Services Commissioner, Office of — Report 2009–10

Heathcote Health — Report 2009–10 (two documents)

Hepburn Health Service — Report 2009–10

Hesse Rural Health Service — Report 2009–10

Heywood Rural Health — Report 2009–10 (three documents)

Human Services, Department of — Report 2009–10

Inglewood and Districts Health Service — Report 2009–10

Innovation, Industry and Regional Development, Department of — Report 2009–10

Judicial College of Victoria — Report 2009–10

Kerang District Health — Report 2009–10

Kilmore and District Hospital — Report 2009–10

Kooweerup Regional Health Service — Report 2009–10

Kyabram and District Health Service — Report 2009–10

Kyneton District Health Service — Report 2009–10

Latrobe Regional Hospital — Report 2009–10

Legal Practitioners Liability Fund — Report 2009–10

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Legal Services Commissioner — Report 2009–10 — Ordered to be printed

Library Board of Victoria — Report 2009–10

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Lower Murray Urban and Rural Water Corporation — Report 2009–10

Mallee Track Health and Community Services — Report 2009–10

Mansfield District Hospital — Report 2009–10

Maryborough District Health Service — Report 2009–10

Medical Practitioners Board of Victoria — Report 2009–10

Melbourne Convention and Exhibition Trust — Report 2009–10

Melbourne Health — Report 2009–10

Melbourne Water Corporation — Report 2009–10

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2010 and Summary of Variations Notified between 24 June 2010 and 14 September 2010 — Ordered to be printed

Mental Health Review Board — Report 2009–10

Mercy Public Hospitals Inc — Report 2009–10

Metropolitan Fire and Emergency Services Board — Report 2009–10

Metropolitan Waste Management Group — Report 2009–10

Moyne Health Services — Report 2009–10

Municipal Association of Victoria — Report 2008–09

Museums Board of Victoria — Report 2009–10

Nathalia District Hospital — Report 2009–10

National Gallery of Victoria, Council of Trustees — Report 2009–10

Necropolis Springvale, Trustees of — Report period ended 28 February 2010

North East Region Water Corporation — Report 2009–10

Northeast Health Wangaratta — Report 2009–10

Northern Health — Report 2009–10

Northern Victoria Irrigation Renewal Project — 2009–10

Numurkah District Health Service — Report 2009–10

Nurses Board of Victoria — Report 200–10

Omeo District Health — Report 2009–10

Orbost Regional Health — Report 2009–10

Otway Health and Community Services — Report 2009–10 (two documents)

Parks Victoria — Report 2009–10

Peninsula Health — Report 2009–10

Peter MacCallum Cancer Centre — Report 2009–10

Planning and Community Development, Department of — Report 2009–10

Plumbing Industry Commission — Report 2009–10

Police Appeals Board — Report 2009–10

Police Integrity, Office of — Report 2009–10 — Ordered to be printed

Port of Hastings Corporation — Report 2009–10

Port of Melbourne Corporation — Report 2009–10

Portland District Health — Report 2009–10 (two documents)

Premier and Cabinet, Department of — Report 2009–10

Professional Standards Council Victoria — Report 2009–10 (two documents)

Public Prosecutions — Director, Committee and Office — Report 2009–10

Queen Elizabeth Centre — Report 2009–10

Racing Integrity Commissioner, Office of — Report 2009–10

Radiation Advisory Committee — Report 2009–10

Regional Development Victoria — Report 2009–10

Roads Corporation (VicRoads) — Report 2009–10

Robinvale District Health Services — Report 2009–10

Rochester and Elmore District Health Service — Report 2009–10

Royal Children's Hospital — Report 2009–10

Royal Victorian Eye and Ear Hospital — Report 2009–10

Royal Women's Hospital — Report 2009–10

Rural Finance Corporation of Victoria — Report 2009–10

Rural Northwest Health — Report 2009–10

Sentencing Advisory Council — Report 2009–10

Seymour District Memorial Hospital — Report 2009–10

South East Water Ltd — Report 2009–10

South Gippsland Hospital — Report 2009–10

South Gippsland Region Water Corporation — Report 2009–10

South West Healthcare — Report 2009–10

Southern and Eastern Integrated Transport Authority — Report 2009–10

Southern Health — Report 2009–10

Special Investigations Monitor, Office of — Report 2009–10

St Vincent's Hospital (Melbourne) Ltd — Report 2009–10 (two documents)

State Concessions and Hardship Programs — Report 2008–09 and 2009–10

State Electricity Commission of Victoria — Report 2009–10

State Services Authority — Report 2009–10

State Trustees Ltd — Report 2009–10

Statutory Rules under the following Acts:

Electoral Act 2002 — SR 87

Health Services Act 1988 — SR 88

Libraries Act 1988 — SR 89

Transport (Compliance and Miscellaneous) Act 1983 — SR 90

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 87, 88, 89, 90

Stawell Regional Health — Report 2009–10

Sustainability and Environment, Department of — Report 2009–10

Sustainability Victoria — Report 2009–10

Swan Hill District Health — Report 2009–10

Tallangatta Health Service — Report 2009–10 (two documents)

Terang and Mortlake Health Service — Report 2009–10

Timboon and District Healthcare Service — Report 2009–10

Tourism Victoria — Report 2009–10

Transport Accident Commission — Report 2009–10

Transport Ticketing Authority — Report 2009–10

Transport, Department of — Report 2009–10

Treasury and Finance, Department of — Report 2009–10

Treasury Corporation of Victoria — Report 2009–10

Upper Murray Health and Community Services — Report 2009–10 (two documents)

Victoria Law Foundation — Report 2009–10

Victoria Legal Aid — Report 2009–10

Victoria Police — Report 2009–10

Victoria State Emergency Service Authority — Report 2009–10

Victorian Arts Centre Trust — Report 2009–10

Victorian Civil and Administrative Tribunal — Report 2009–10

Victorian Competition and Efficiency Commission — Report 2009–10

Victorian Electoral Commission — Report 2009–10

Victorian Equal Opportunity and Human Rights Commission — Report 2009–10 — Ordered to be printed

Victorian Funds Management Corporation — Report 2009–10

Victorian Government Purchasing Board — Report 2009–10

Victorian Health Promotion Foundation — Report 2009–10

Victorian Industry Participation Policy — Report 2009–10

Victorian Institute of Forensic Medicine — Report 2009–10

Victorian Institute of Forensic Mental Health — Report 2009–10

Victorian Managed Insurance Authority — Report 2009–10

Victorian Multicultural Commission — Report 2009–10

Victorian Privacy Commissioner, Office of — Report 2009–10 — Ordered to be printed

Victorian Regional Channels Authority — Report 2009–10

Victorian Small Business Commissioner, Office of — Report 2009–10

Victorian Urban Development Authority — Report 2009–10

Victorian WorkCover Authority — Report 2009–10

V/Line Passenger Corporation — Report 2009–10

V/Line Passenger Pty Ltd — Report 2009–10

Wannon Region Water Corporation — Report 2009–10

Water Industry Act 1994 — Reports under s 77A (three reports)

West Gippsland Healthcare Group — Report 2009–10

West Wimmera Health Service — Report 2009–10

Western District Health Service — Report 2009–10

Western Health — Report 2009–10

Western Region Water Corporation — Report 2009–10

Westernport Region Water Corporation — Report 2009–10

Wimmera Health Care Group — Report 2009–10

Yarra Valley Water Ltd — Report 2009–10

Yarram and District Health Service — Report 2009–10

Yarrawonga District Health Service — Report 2009–10

Yea and District Memorial Hospital — Report 2009–10

Young Farmers' Finance Council — Report 2009–10

Youth Parole Board and Youth Residential Board — Report 2009–10

Zoological Parks and Gardens Board — Report 2009–10 (two documents)

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That the house, at its rising, adjourn until Tuesday, 5 October 2010.

Motion agreed to.

MEMBERS STATEMENTS

Queenscliff: boating facilities

Ms NEVILLE (Minister for Mental Health) — It was a pleasure to join with my colleague the Minister for Roads and Ports recently to officially open the Point Richards boat ramp at Portarlington. This is a project which has been important to the local community. It is one of the busiest boat ramps in the state, given the numbers of recreational fishers and boaters in the local community. The government provided $696 800 and the Bellarine bayside foreshore committee over $300 000.

There is a new jetty with a low-level landing and a four-lane boat ramp to improve access at low tide. A new 100-metre rock groyne and sand trap have been designed to collect seagrass and reduce the build-up of sand. New safety and navigation lighting has also been installed, making night-time and early morning access much safer. The new boat ramp provides residents and visitors with a safe, modern, state-of-the-art facility which will support the community's vibrant fishing and recreational boating activities.

Congratulations to members of the Bellarine Bayside Foreshore Committee of Management and Tim Page-Walker, the CEO, for their contribution, hard work and support of this important project.

I also acknowledge the work of the Australian Volunteer Coast Guard in Queenscliff, where I recently went to visit its facilities, which have been newly rebuilt following a devastating fire in 2007. I commend commander Gary Tomlins and all the volunteers for their hard work and dedication to keeping the community safe and raising funding for this important project.

Buses: route 626

Ms ASHER (Brighton) — I draw to the attention of the Minister for Public Transport the significant opposition to the new bus route 626, which will run through Brighton East, and I wish to convey my own opposition to it as well.

Bus route 626 is a new route, with services due to start at the end of September. However, the residents and the people who use this area of Brighton East object to the route. The route will run between Nepean Highway and Hawthorn Road, and the proposal is to use Milroy Street, Wairoa Avenue, Landcox Street and Union Street — and I have even heard an alternative of Lansdown Street being suggested, which is equally unacceptable to me.

The area is overwhelmingly residential, with narrow streets — two cars cannot pass each other when there are parked cars in the street — and heavy congestion, with Gardenvale Primary School in the area. What the Labor government wants to do is run up to 370 bus trips per week in this residential area. Whilst I welcome additional public transport in the Brighton electorate, this route should be on a main road, not through quiet residential streets.

The residents have not been consulted at all, which is a disgrace, and I am informed that the traffic study that was conducted was done at a time that was a joke. The residents are opposed to the bus route. They have signed petitions, and the residents in the affected streets have placed signs on their front fences. I urge the minister to limit the proposed route to main roads and get this bus out of residential streets.

Department of Primary Industries: science awards

Mr HELPER (Minister for Agriculture) — The Department of Primary Industries (DPI) science awards celebrate and acknowledge excellence in science and innovation in Victoria's regional communities and universities, as well as amongst the department's 1100 scientists and technical staff. Science, innovation and new technologies are central to the future growth

and development of Victoria's economy and its ability to cope with challenges such as those presented by climate change. My department is Victoria's largest science-based government agency, and it focuses its efforts on addressing the needs of our farmers and primary industries through ongoing research and development and by actively promoting the broad use of new technologies and practices on farms.

First presented in 1992, this year's awards will acknowledge winners in four specific categories: the Hugh McKay Future Farming Award for rural innovators, the Nancy Millis Postgraduate Award, the Daniel McAlpine DPI Science Award and the Samuel Wadham DPI Practice Change Award. I will again host an awards presentation event in the ANZ pavilion at the Victorian Arts Centre on Tuesday, 5 October. The event is timed to occur during the parliamentary dinner break, and an invitation to attend has been formally extended to all members. I urge all members to join me to celebrate the achievements of the finest innovators working today in Victoria's regional communities, universities and primary industries department.

Parks Victoria: waste disposal

Mr WALSH (Swan Hill) — On behalf of the community that I represent I again condemn the Brumby government and Parks Victoria for their failed carry in, carry out rubbish policy and for not providing bins for campers to put their rubbish in.

Last year the Murrabit Progress Association had to pay extra money to have its bins emptied because of the rubbish that campers had put in them. It sent a bill to the Minister for Environment and Climate Change, but he never paid that bill. We now have a proposal to put a temporary transfer station at Koondrook that will operate between the Melbourne Cup long weekend and Easter. The Gannawarra Shire Council has said it wants nothing to do with this proposal, and Cr Oscar Aertssen, a member of the council, has been quoted as saying, 'The word "pathetic" springs to mind when reading this proposal'.

What Parks Victoria has not realised regarding this proposal is that 95 per cent of people who go into the Gunbower State Forest and the Gunbower National Park come from the south — they never go through Koondrook. Parks Victoria has not done its research well. It is putting a bin in a place no-one will drive past. The council is committed to the rubbish dump being on Parks Victoria land and being managed by Parks Victoria rather than the responsibility being shifted to other organisations. The people of my electorate are sick of the Brumby government dumping its rubbish on us.

Australian Federal Police: Kurdish Association of Victoria raid

Mr CARLI (Brunswick) — In the early morning of 19 August there was a raid by the Australian Federal Police of the Kurdish Association of Victoria in Pascoe Vale. The federal police arrived in seven cars with police dogs and the media in tow. It was part of 17 raids that involved the Kurdish community in Melbourne, Sydney and Perth. The federal police made it clear at the time that they were not looking for any terrorist plot, that there was no threat to the public and that they were doing a longstanding study that had been going for a year of whether moneys from the Kurdish community were going to the Kurdish Workers Party.

The Kurdish association has denied those things, but has said quite clearly for a long time that it has been quite happy to assist in the investigations. During the raid there were no arrests and no interviews. All that was taken were some records, computers and books. The Kurdish community in the northern suburbs is concerned that this raid is criminalising the community.

The Kurdish association has been around since 1984. It meets the social and cultural needs of the Kurdish community and has been doing a good job. It has been funded by various governments for cultural and social activities. It provides language classes, dance classes and a lot of other activities. It was a shock to the association and to that community that those raids occurred.

Environment: container deposit legislation

Dr NAPTHINE (South-West Coast) — When I am in Melbourne I regularly walk along the Maribyrnong River near Flemington Racecourse, and I am disgusted by the amount of ugly litter in the river. The vast majority of this rubbish is discarded drink bottles. Similarly in rural Victoria the bulk of the litter which is the scourge of our roadsides is discarded bottles and cans.

This highlights the need for the introduction of container deposit legislation (CDL) in Victoria. Container deposit legislation works well in South Australia, which is the state adjoining my electorate, to significantly reduce littering on roadsides and other public areas and significantly increase the recycling of aluminium cans and glass and plastic bottles. Evidence published in an Australian Productivity Commission report on waste management shows that South

Australia had 50 to 70 per cent less beverage container litter than other states without CDL and that beverage container return and recycling rates are significantly higher in jurisdictions with effective CDL schemes.

The CDL scheme provides an opportunity for community groups to make a dollar from picking up bottles and cans and cleaning up the environment. The evidence is clear: we need real action to introduce CDL in Victoria. It is a Liberal Party and coalition policy. The only people who are reticent in this area are those in the Brumby Labor government.

Housing Week: Albert Park electorate

Mr FOLEY (Albert Park) — This week is Housing Week, when we celebrate the rights of our social and community housing tenants to safe, affordable and secure housing. We acknowledge that diversity in housing choices and access to not just a roof and walls but a home in a community is the anchor that allows us to participate more fully in society.

That is why we celebrate locally in the district of Albert Park from Southbank to Elwood the delivery of record investment in new and renovated social and community housing. There has been a combined state government and federal government investment of over $1.6 billion statewide, and it is currently delivering more than 5000 new homes and 2000 full-time jobs. In Albert Park we have more than 2500 community and social tenants. We acknowledge and embrace their contribution to our community. We see them not just as tenants but as critical members of our community who lead not just this week but every week of the year.

When celebrating Housing Week we need to particularly acknowledge the work done by the southern metropolitan team of the Office of Housing, St Kilda Community Housing, the South Port Community Housing Group, the Port Phillip Housing Association, the Park Towers Tenants Association, the Emerald Hill Tenants Association and the hundreds of fine citizens in the social and community housing sectors in the district that make up this critical part of our community.

Crime: city of Knox

Mr WAKELING (Ferntree Gully) — I would like to draw attention to new crime statistics released by Victoria Police last week. These statistics show that rates of assault, property damage, residential burglary and drug manufacturing, trafficking and cultivation all increased in Knox over the 2009–10 financial year. This government has had 11 years to take action and deal with crime. Instead it has dismally failed Knox residents. These statistics again reinforce the strong case for more police on our local streets and the need to adequately resource the Rowville police station to ensure that it is operational 24 hours a day.

Wellington–Lysterfield roads, Lysterfield: traffic lights

Mr WAKELING — I welcome the installation of traffic lights at the intersection of Wellington and Lysterfield roads in my electorate. I have been calling on the government to install these signals and increase the safety of this intersection for the last four years. In 2006 the then Minister for Transport, the member for Thomastown, was quoted as saying this intersection was 'the most hair-raising intersection you could ever imagine'. I am astounded at the level of contempt the government has shown Lysterfield residents by taking four years to complete this task, despite the fact that during the 2006 election the responsible minister acknowledged the road safety risk posed to all those who use it.

I am also interested to know why, despite the fact that works on the intersection appeared to be completed during the early weeks of the federal election campaign, the government has waited up to a month to activate the signals. I have raised this issue with the minister, and I await his reply.

Fairhills High School: VicMoves2010

Mr WAKELING — I would like to congratulate Fairhills High School on its recent success in the VicMoves2010 competition. The school was placed first in the level 1 section of its heat. Taking out eight major awards on the night is no doubt a fantastic reward for all the hard work of the students at Fairhills.

McKinnon Secondary College: musical revue and winter concert

Mr HUDSON (Bentleigh) — Recently I attended a musical revue and winter concert at McKinnon Secondary College. McKinnon has a well-deserved reputation for its musical program, and the revue gave students the opportunity to showcase the full repertoire of their talents.

The revue was a collection of vocal and dance performances from the last decade of McKinnon's musical productions, including *The Mikado*, *Chicago*, *Oklahoma!*, *Suessical* and *Grease*. A cast of 35 talented students worked tirelessly over four months to create an

entertaining show of polished vocal solos, dazzling dance numbers and energetic ensemble acts.

The students took us on a trip down memory lane with tremendous performances of such classics as *All That Jazz* from *Chicago*, the *Farmer and the Cow Man* and *I Can't Say No* from *Oklahoma*, *Amazing Mayzie* from *Seussical* and classics from *Grease* such as *Greased Lightning*, *Summer Nights*, *Mooning* and *We Go Together*. The grand finale comprised hits from *The Mikado* and *Hot Mikado*, including *We are Gentlemen of Japan*. One of the highlights was a fine solo performance by Tessa Ramanlal, who is an outstanding vocal talent.

The McKinnon students again demonstrated their outstanding musical depth with the annual winter concert at the Robert Blackwood Hall. This concert featured many of the school's ensembles, including orchestras, bands and singing groups. The grand finale involved more than 500 students on stage singing melodies from a range of classics. It was a fabulous performance. Congratulations to all the staff and students in the music program at McKinnon on a job well done.

Public transport: Gippsland East electorate

Mr INGRAM (Gippsland East) — I rise to call on the government to improve the public transport connections in Gippsland East. I would particularly like to raise an issue on which the East Gippsland Shire Council has been trying to get a response from the Department of Transport.

There have been a number of reviews of public transport in East Gippsland, including the East Gippsland corridor review, the Lakes transit bus review and the Bairnsdale and Paynesville bus services review. These have been done over a number of years. I will quote a letter from the shire:

> Throughout the department's reviews we have provided resources, support, participated and hosted various meetings and we now seek your advice and feedback on the status of each review.

The East Gippsland Shire Council wants to make sure that when these reviews are conducted they actually deliver outcomes. There have been important recommendations and findings from them. The Let's GET Connected Gippsland East transport project is a good project that started in East Gippsland and has provided many good suggestions about how to improve public transport connections for the people of my electorate.

One of the issues that is also important in East Gippsland is the return of the passenger rail service. It has been a great success. It has been an incredibly busy service. It is important that we improve the numbers of services to Bairnsdale and Stratford to allow more people to use this service. There are fairly simple solutions to that problem, and I encourage the government to implement the changes.

Macedon electorate: Bolinda and Darraweit Guim community events

Ms DUNCAN (Macedon) — I would like to acknowledge the work done in two small communities in the Macedon Ranges last Sunday. The first was at Bolinda, and I congratulate the Bolinda hall committee of management, particularly Ruth Green and her fellow committee members, for the successful staging of the Bolinda spring fair and daffodil show. It was a great turnout by the local community and a lovely family affair.

The second event in the community was at Darraweit Guim to celebrate the creation of its metal art garden, which was launched by the Minister for Arts. Under the guidance of local artist Woody Taylor local participants have designed and fashioned the sculptures of the garden using scrap metal and old farm machinery from the wider community. The project received a $14 200 grant through the Brumby Labor government's community partnerships program. It started in February and brought together long-term residents, local farmers, primary school students and new residents to create a gorgeous sculpture garden in the grounds of the local war memorial hall.

Special acknowledgement goes to Milton Southey, Brian Tobin, Woody Taylor — who is the artist in residence — Kevin Ryan, Rob Shelley, Mark James and Mark Spedding. Thanks also go to Christine Henshall and Viki Spedding for the afternoon tea.

Many of these people would not identify themselves as artists, but this project has enabled them to discover the artist within. To anyone driving through the lovely community of Darraweit Guim I recommend that they call in and have a look at this garden.

Floods: rural city of Wangaratta

Mr JASPER (Murray Valley) — The recent flood events in north-eastern Victoria have demonstrated that huge rain events can still occur, and for primary producers the current largely normal season following 8 to 10 years of dry and drought conditions should ensure higher financial returns. The management of the

floods in and around Wangaratta demonstrated that progress has been made in coordinating the emergency services, consisting of the State Emergency Service, the Country Fire Authority and Victoria Police, through the SES coordinator, Keith O'Brien, who performed his task with distinction.

There was also strong support provided through the Rural City of Wangaratta. The flood event demonstrated the protection provided to the rural city by the levee banks constructed in the late 1980s and further strengthened during the 1990s. Only one weakness was apparent at the Wilson Road area, where preventive repair work was implemented successfully. However, the repair bill for damage caused by the floods will reach tens of millions of dollars as local councils assess the costs of rebuilding roads, bridges, culverts and other infrastructure. It is therefore imperative that the state government provide a commitment to confirming funding support for major rectification works being undertaken by flood-affected municipalities.

The mayor of the Rural City of Wangaratta, Cr Anthony Griffiths, is quoted as saying that the rural city has lost eight bridges and major culverts and incurred damage to hundreds of kilometres of roads. The Victorian government Flood Recovery Ministerial Taskforce must act quickly to respond positively to support funding for major repair works.

Small business: regional roadshow

Mr HARDMAN (Seymour) — I rise to congratulate Business Victoria on its regional roadshow program for small business. This is a Brumby Labor government initiative, and the Minister for Small Business and the Minister for Regional and Rural Development should be congratulated for ensuring funding for this program. Let me say a big thankyou for the commitment of all the people from participating agencies and departments who make these events informative and worthwhile for participants. At the Flowerdale Estate, a wonderful conference centre in my electorate, last Wednesday local businesspeople were able to speak directly with state agencies like Business Victoria, the Small Business Mentoring Service, Industrial Relations Victoria, WorkSafe and federal government departments like IP Australia. It was fantastic to see these state and federal departments promoting their services to people in my local community.

The small business roadshow also includes Rob Hartnett as the guest speaker. Rob provides an inspirational, entertaining presentation, but more importantly he provides businesses with up-to-date information about marketing, including the use of social media. Having heard his talk three times over the years, every time I have learned something worthwhile and taken something away. This roadshow also included an interview with local business hero Simon Best, a successful real estate agent in Wallan. Rob interviewed Simon about his practice and his business, and Simon generously shared further great ideas that local business owners can implement in their own businesses. I encourage Business Victoria to continue this program and the ministers to continue funding it.

Kilsyth electorate: utility charges

Mr HODGETT (Kilsyth) — John Brumby's Labor government continues to ignore the basic services that families need. The costs of living continue to escalate under the Labor government, placing an enormous burden on local families in the electorate of Kilsyth. I constantly hear from families in Bayswater North, Croydon, Mooroolbark, Ringwood East, Croydon South, Montrose, Lilydale and Kilsyth that are dreadfully concerned about the rising costs of water, gas and electricity prices. Far too often local residents show me their water bills, where their actual water usage amounts to a few dollars worth because they have scrimped and saved every drop of water they can but the bills amount to hundreds of dollars. Concerns have been raised with the local water authority and the minister, but the Minister for Expensive Water does not care and could not be less interested in the load, worry and stress this places on local families.

Water, gas and electricity prices have been skyrocketing under the watch of the Brumby government while it has been wasting millions of taxpayers dollars on cost blow-outs such as the myki ticketing system, the smart meters rollout and the enormously expensive desalination plant. Water bill prices are going through the roof, and the smart meters fiasco has caused electricity bills to blow out. The cost of the smart meter project has blown out to more than double the initially stated amount, which was $800 million. The latest figure is as much as $2.25 billion.

The myki ticketing system was supposed to cost taxpayers $300 million. Labor did not want to buy an off-the-shelf system that works perfectly overseas. No; John Brumby wanted to build his own from scratch, and the current bill for this malfunctioning smartcard amounts to over $1.35 billion. The Brumby government has stopped listening to families and is ignoring the problems people are facing every day, and there is plenty to suggest that our utility bills will

continue to get higher. The question everyone is asking is: can we afford another four years of the Brumby Labor government?

Wales Street Primary School: MusArt festival

Ms RICHARDSON (Northcote) — On Saturday, 11 September, I had the great pleasure and privilege of officially opening Wales Street Primary School's annual music and arts festival. Around 2000 people came along to enjoy a day packed with musical entertainment and an art show displaying the talents of all the students as well as over 260 works by 62 artists. Among the bands performing were the fabulous Resonators from Northcote High School. There was also an art and craft stall selling handcrafted items from students, parents and friends.

My electorate has the largest number of artists of any electorate in Melbourne, and we are seeing this reflected in the quality of student work in all our primary schools, especially at Wales Street. It is no wonder, as the arts form an integral part of the Wales Street curriculum. With a visual arts specialist teacher and music specialist teachers, students from prep to grade 6 develop confidence, artistic expression and art appreciation.

The MusArt festival, as it is known, began in 2008 and is a credit to principal Chris Sexton and his staff. Art teacher Sherrill Libreri put together a spectacular student exhibition, while music teachers Amy Cecil and Katie Hull-Brown not only coordinated student performances but also ran musical workshops throughout the day. Locals Sue Lock and Bernadette Boundy gave art demonstrations, while Sophie Milne got everyone's hands dirty with her potter's wheel and Jessica Connell spun everyone out with her hula hoop routine.

Special thanks are due to the organising committee, comprising parent volunteers Cathy Lescun, Sophie Haralambakis, Sharon Duthie, Anne-Maree Montague and Maria Romnios. They have produced another great fundraising event for their school. I now have two more artworks to add to my collection of Wales Street art on display in my electorate office, Parliament House office and home.

Floods: infrastructure repair

Dr SYKES (Benalla) — The recent floods have caused massive damage to roads, bridges, waterways and private assets in many parts of north-eastern Victoria and elsewhere. The repair bill will run into tens of millions of dollars — way beyond the capacity of the already cash-strapped small rural councils, catchment management authorities (CMAs) and private land-holders. The Brumby government must immediately commit to making more funds available to support the restoration work, which has already commenced.

In the case of waterways, local CMA staff have worked their butts off to assess the damage and undertake immediate work where public assets are at risk and also to protect CMA-funded assets. CMA staff are also liaising with private land-holders to guide them in their self-funded restoration activities, and in very serious situations the CMA has undertaken work to protect private assets.

The Brumby government must review its funding and policies on waterway management, especially with respect to willow removal, bank protection and the limited protection of private assets such as irrigation pumps, which many land-holders have questioned.

I conclude by congratulating and thanking the many people involved in the flood response, especially the lead agency, the State Emergency Service, which was well supported by the police, the Country Fire Authority, local government, the local CMA, VicRoads, the Red Cross and many others. Community spirit is alive and well in northern Victoria.

Floods: Creswick

Mr HOWARD (Ballarat East) — After nearly 100 millimetres of rain overnight Creswick residents awoke on Saturday, 4 September, to find Creswick Creek and other watercourses flowing rapidly. By 10.00 a.m., when I visited Creswick, residents in Cushing Avenue and North Parade found their streets were already under water.

Over the next two hours the water level continued to rise, engulfing many homes, businesses and sporting clubs in Albert Street, Cushing Avenue, North Parade, Moore Street and Cambridge Street. By late afternoon the flood had receded, leaving those homes and other buildings waterlogged, full of mud and with their contents knocked over and damaged.

Over 100 people had to leave their homes with the support of State Emergency Services volunteers. While some were able to stay with family members, many were given accommodation at the Novotel Forest Resort Creswick, where Hepburn shire staff, DHS (Department of Human Services) staff and others provided ongoing advice and assistance. Over the following week, DHS staff provided emergency grants

of up to $1067 to around 60 households, and the Salvation Army and other many other groups provided food items and further support.

I visited some of the businesses and homes to talk with the owners about their experiences and to hear about their needs. I was pleased to see that Office of Housing staff were working hard to support Moore Street residents, and within days many homes had been recarpeted. Residents of other properties requiring more work were relocated to alternative accommodation.

Government: advertising

Mr McINTOSH (Kew) — In an act of rank hypocrisy the government last night gagged debate on the coalition's attempt to introduce a mirror image of the Premier's political advertising bill. In 1995 the Premier, as Leader of the Opposition, pledged to introduce a bill to end political advertising by government. At the time, he stated:

> We will introduce this legislation when in government. It will be the first piece of legislation we put through.

After 11 years of Labor government, Victorians are suffering from record hospital waiting lists, record taxes and charges, record levels of violent crime, and transport and road chaos while the Brumby government continues to splash out and spend record amounts of taxpayer cash on self-promotional advertising. So profligate has the Brumby government been that in 2008 it spent more on advertising than McDonald's, Village Cinemas, the major banks, Qantas and certain car manufacturers. The Brumby government is one of the country's top 10 advertisers, spending over $200 million this year and more than any other state, including New South Wales. Not only did the government gag debate last night but the Premier was too afraid to even front the division and vote, demonstrating yet again that he is not only a hypocrite but also a political coward.

Geelong and District Football League

Mr TREZISE (Geelong) — On Saturday I once again had the pleasure of attending the Geelong and District Football League grand final luncheon and game. In the end the grand final turned out to be a one-horse race, with Bell Post Hill easily accounting for Werribee, whilst in the A-grade netball final Winchelsea defeated Bell Post Hill.

I take this opportunity to congratulate all teams that participated and, importantly, the league itself, particularly its hardworking executive. The executive is led by Neville Whitley, OAM, who has done an absolutely massive business job in leading the league over more than two decades. He is ably assisted by the secretary, Alan Moore; the treasurer, Margaret Webb; and the vice-presidents, Geoff McLure, Darryl Jarvis, Steve Janssen, Kevin Caine and Andrew Downie. Under the guidance of Neville Whitley and his team, the league continues to go from strength to strength. The league today boasts 12 sides and provides football and netball activities as well as a social outlet for hundreds if not thousands of people. I take this opportunity to commend the Geelong and District Football League and congratulate it on another successful season.

Burwood electorate: women's self-defence and safety workshop

Mr STENSHOLT (Burwood) — As members may have read in last Thursday's *Herald Sun*, I recently hosted a women's self-defence and safety workshop in my electorate. As part of my proactive approach to the community I hosted a series of different forums for locals from my electorate, including a climate change forum, a water forum, a scams forum for seniors and a men's health forum, all of which were strongly attended.

The latest crime statistics show that locals from my electorate are living in an area of low and declining crime rates. The city of Boroondara has the lowest crime rate in Victoria, and in Ashburton crime fell by over 28 per cent in the last 12 months. However, it is important for all us to feel confident that we can avoid unsafe situations, improve personal safety and know something about self-defence. Some 60 to 70 women attended the session I referred to earlier, and they were very appreciative of the initiative. I would like to thank Senior Constable Carolyn Pethick from Victoria Police in Boroondara, who gave a presentation on common-sense safety tips, and Paul Veldman, a martial arts instructor, who provided a practical self-defence lesson. I would also like to thank Ashburton Support Services for allowing us the use of their hall. Due to strong interest from local women who appreciate this proactive approach and the focus on community safety, I now plan to run another workshop towards the end of September as part of being a local MP who stands up for our community.

Vietnamese Community in Australia: celebration

Mr DONNELLAN (Narre Warren North) — I want to congratulate the Victorian chapter of the Vietnamese Community in Australia on its celebration last night of the Vietnamese community's 35 years in Australia. The

event was held at the National Gallery of Victoria and was attended by the Premier and the Minister for Sport, Recreation and Youth Affairs. I congratulate Bon Nguyen, Phong Nguyen and the rest of the community for putting on such a marvellous event. I also congratulate the St Albans Primary School students who sang both the South Vietnamese and Australian national anthems in the Vietnamese language. Well done!

The ACTING SPEAKER (**Mr K. Smith**) — Order! The member's time has expired, and the time allocated for members statements has also expired.

EDUCATION AND CARE SERVICES NATIONAL LAW BILL

Second reading

Debate resumed from 2 September; motion of Ms MORAND (Minister for Children and Early Childhood Development).

Opposition amendments circulated by Ms WOOLDRIDGE (Doncaster) pursuant to standing orders.

Ms WOOLDRIDGE (Doncaster) — I am very pleased to be here today to speak on the Education and Care Services National Law Bill 2010 and at the outset wish to recognise the work of my colleague in the other place, Wendy Lovell, a member for Northern Victoria Region, and her leadership as the shadow Minister for Children and Early Childhood Development in arranging consultation with a wide range of community stakeholders to ensure their feedback and also briefings from the department.

Reforming early childhood education and care is an important process that we fully support. We know that the early years up to seven are an absolutely critical time in a child's life and are important in setting a lot of the groundwork for a child's future. That is why we support the intent of this bill. We must improve quality standards; we must improve the number and the qualifications of staff; we must ensure that the education provided meets the individual needs of the child; we have to reduce red tape; and we have to increase transparency for families and increase the quality of the facilities for children in their care and education environments.

However, we do have some concerns. They relate to the process by which we are debating the bill today. I will discuss them in more detail later, but I want to make it very clear at the outset that we support the intent of the bill, we support the improvement in quality and we support education that meets a child's needs and sets them up for a very important and valuable future.

The principal purpose of the bill is to provide a legislative framework for a national approach for regulation, assessment and quality improvement of early childhood education and care and outside school hours care. Under this legislation providers in the new system will operate under a new public rating system for education and care services. The bill also replaces the existing separate licensing and quality assurance processes for preschool — that is, kindergarten; long day care; family day care, and outside school hours care with a coordinated national process. Services not yet included under the national law, such as occasional care, three-year-old activity groups, limited hours services and early childhood intervention services, will be excluded through the regulatory process.

This bill has its roots in two previous Council of Australian Governments (COAG) agreements. The first agreement, reached in December 2007, sought to pursue substantial reform in the area of education, skills and early childhood development. Central to this was a commitment to develop and implement a new national quality agenda for education and early childhood care services across Australia. The second agreement, reached in December 2009, agreed to a national partnership agreement on the National Quality Agenda for Early Childhood Education and Care to establish a national quality framework, which will replace existing separate licensing and quality assurance processes from 1 January 2012. This framework is to be jointly governed.

The overall responsibility for the implementation of the centralised framework, including the setting of standards and regulations as well as approving learning frameworks, the rating and approvals system, setting fee structures and making board appointments, will rest with the Ministerial Council for Education, Early Childhood Development and Youth Affairs. Under the overarching supervision of the ministerial council, the Australian Children's Education and Care Quality Authority will undertake the day-to-day establishment and administration of the national quality framework. The authority will determine auditing arrangements, promote continuous improvement, publish ratings and guides and determine qualification levels of educators and officers. The board will consist of 13 members appointed by the consensus of the ministerial council. Of those 13 members, one will be appointed from each state and territory, with four nominations by the commonwealth. The chairperson is to be nominated by consensus of the ministerial council. The authority will

be funded through the establishment of the Australian Children's Education and Care Quality Authority Fund and the $11.5 million required to fund the authority will be split 50-50 between the states and the commonwealth. Victoria's contribution will be about $1.4 million.

State departments will also be tasked with administering the national quality framework. In Victoria the relevant department is the Department of Education and Early Childhood Development, which will be responsible for provider approvals, service approvals and supervisor certificates as well as monitoring and enforcement. These state authorities will also undertake the important task of assessing each service against the national quality standard and publishing the rating of each service.

Having outlined the general provisions of the bill, I believe it is important to note that, despite the nature of the bill, the government has limited the capacity of the sector to provide thorough and comprehensive comments. As is becoming customary under this Labor government, the bill before us today is required to be voted on despite a significant number of organisations not having had adequate time during which to offer comments on the legislation. This point was made by the Association of Independent Schools of Victoria in its submission of 8 September 2009, in which it expressed dismay:

> … at the speed in which COAG was undertaking its consultation process for the national reform agenda on early childhood education and development.

This sentiment has been recently backed by the Child Care Centres Association of Victoria (CCCAV) in a submission to the shadow minister, where it said:

> It is bizarre to expect the sector to absorb the bill, collect evidence, and then provide meaningful responses in the short time available. Presumably because the government wants to rush it through before the election, the sector is given roughly two weeks before the bill is to be debated.
>
> This is ridiculous.

The association went on to say:

> CCCAV seeks your support in delaying the passage of this bill, so that proper analysis and consultation can inform its design.

This comment is echoed by many others. It is a substantial bill covering very important reforms and it was second read in this Parliament only two weeks ago. It is not a sector that has a lot of capacity to put everything aside to look at this far-reaching legislation, and it is very concerned about the process. For that reason, I move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until:
>
> (1) there has been adequate time for proper consultation on the contents of the bill with the community and with affected stakeholders; and
>
> (2) the assessment tool and the regulations are finalised and fully costed'.

I ask that my reasoned amendment be circulated.

It is crucial that a bill that fundamentally impacts upon such a vital industry not be rushed through without due and proper consideration. Some people might be concerned that this will delay passage of the bill. However, opposition members do not believe this legislation should be rushed through Parliament but rather should be subject to further consultation and a full cost analysis. Further, the measures are not due to come into force until 2012, so there is time to do this appropriately.

The regulations will go out for consultation from December 2010 until February 2011 and will include staff qualifications and staff-to-child ratios and rating levels, all of which are very important to the industry, but we have not even seen the final regulations yet. An economic analysis into the regulatory arrangements undertaken by Access Economics back in July 2009 have not been reliable, and Access Economics has said that we will not be able to have final costings because we do not have the final regulations.

We do not know what the economic impact will be. A year ago, in its August 2009 *Annual Review of Regulatory Burdens on Business — Social and Economic Infrastructure Services*, the Productivity Commission, referring to the regulatory impact statement (RIS), said:

> Child-care services have not been provided with any estimates of the costs and benefits of the enhanced regulatory framework via the consultation RIS.

When the regulations are going to control the fundamentals of the system such as child-to-staff ratios, we think this is a real concern. We have a situation where the government is claiming that the bill will add $12.85 per week to the cost of child care while private child-care providers are claiming that the bill could add up to $35 per day to the cost of child care.

There was a recent article in the *Herald Sun* of 25 August with the headline 'Child-care fees may rise up to $35 a day'. It says:

> 'This is a classic case of well-intentioned initiatives having unintended consequences, which, in this case, will see families priced out of well-regulated, quality care and into unregulated backyard care' …

That is a quote from the chief executive of the Child Care Centres Association of Victoria.

We want to make sure there is a thorough and thoughtful process so that we consider not only the obvious consequences but also the unintended consequences and we know the full economic impact of these changes. Having such a significant discrepancy without the clarification of independent analysis is testament to the way we consistently see the Labor government implementing policy. Time and again regulations that are going to make a significant impact are not seen when we debate a bill.

Melbourne already has the second most expensive daily charge for child care in Australia. To expect that struggling families will be able to afford such a significant price increase shows that this government is very out of touch.

There was another article in the editorial section of the *Herald Sun* of 25 August, and I would like to quote from it. It states:

> Following hard on the heels of the federal government's failure to honour its child-care election promises, parents have been dealt another blow.
>
> Daily child-care fees are set to jump under a series of changes to staff ratios and qualifications in the industry by the federal and state governments.
>
> It is a cost many parents will struggle to carry once all the measures are implemented.

Such is the level of confusion that no Australian government has been able to make appropriately considered responses to these claims and to the surveys done in the industry. One review carried out by Guild Accountants in New South Wales indicated that 36 per cent of centres will reduce the number of children in child care in that state alone. It is typical of this Labor government to preach the need for more child-care places while suffocating the very industry that provides those places.

Another area in which it is becoming customary for this Labor government to be selling Victoria short is in Council of Australian Governments agreements. While we have heard about the perceived benefits of the proposed legislation and the efficiencies associated with national coordination and cooperation, the government has failed to acknowledge that surrendering the state's autonomy in this area can have some difficulties. For example, I noted earlier that the national agency would include a guaranteed board member from each state. What the government has not articulated is why this is in Victoria's best interest, having consideration for the fact that around a quarter of Australia's services are located in Victoria.

Another issue in this area is the requirement for all regulation to have unanimous support. As we are all aware, different states have different issues and different ways of doing things. This legislation essentially revokes Victoria's ability to act as it sees fit to address and solve an identified issue in Victoria without the approval of other states. This one-size-fits-all approach is not necessarily always going to be in the best interests of Victoria. Where another state disagrees with a policy or regulatory position emanating from Victoria, the question must be asked as to whether the right of other states to veto exceeds our right to do what we think best for the children of this state.

Obvious concerns will be raised by the government in relation to this being a national agreement and the ability of Victoria to go it alone, but we have seen many instances where this government has been prepared to stand up for Victoria in national agreements. The excuse that this is a national agreement and that Victoria cannot do something separate does not hold up in this case. We have recently seen it in terms of home and community care services, where there was a push for a national agreement, and Victoria has actually stepped outside that agreement. We believe the Labor government must stand up for Victoria in relation to these areas.

There is also serious concern about the ability to train a sufficient workforce in the instance that the final regulations incorporate reduced child-to-staff ratios. The Ministerial Council for Federal Financial Relations has stated on early childhood education that between December 2010 and June 2013 in Victoria only 150 new early education teachers are going to be trained with the four-year degree. The government needs to give a guarantee that it will ensure that provisions are in place to ensure that the regulatory obligations along the lines of student-staff ratios are able to be readily met by service providers in that there is the staff available to meet those ratios.

I also note the concerns of the Association of Independent Schools of Victoria with respect to the issue of staff training, which has stated:

> ... reskilling or upskilling of teachers and carers in the ELC environment will increase staffing costs, not only as a result of better qualifications but also as cover during those periods

where staff are required to take time off to undertake those studies.

What we see is a sector overall under massive pressure.

Once again an article from the *Herald Sun* of 11 September 2010 headlined 'Our kids can't find a kinder — Toddler population swamps authorities' outlines that parents are incredibly frustrated that children are missing kindergarten places because this government has not anticipated, catered for or supported enough kindergarten places to take account of the increasing birth rates and the increasing number of children seeking to access those services. We know that the earlier a child has access to education the better it is for them in future life. However, in Moreland council, for example, there are 178 children on a waiting list just to access kindergarten. At Newlands preschool in Coburg North there are 50 on the list waiting to get a place for next year because there are not enough places. The article goes on to describe the situation in Camberwell, where only one mum out of seven had received a place for a three-year-old just because of the dates on which the child was born.

Beyond concerns around Australian autonomy, financial ambiguity and staffing is the issue of accountability. I want to make absolutely clear that by signing away Victorian responsibilities, this government does not absolve itself of responsibility for outcomes for children in Victoria. The care of Victorian children still lies clearly at the feet of the Victorian government, regardless of how much responsibility it wishes to shed.

The provision of transparent reporting is of crucial importance. I was surprised that the bill contained no requirement for the annual report of the Australian Children's Education and Care Quality Authority (ACECQA) to be tabled in the Victorian Parliament. Instead it is only to be published in one jurisdiction at the discretion of the ministerial council. It seems ludicrous that the Victorian government would not only sign away its responsibilities but would also fail to have the results of these actions put before the Parliament.

The amendments have been circulated, and they relate to two issues: the first is that the annual report be tabled in all jurisdictions to ensure that Victoria has access to the report as it becomes available. It is the expectation of the coalition that the Victorian Parliament will have firsthand access to the annual report of the system that the government seeks to sign our responsibilities over to. The second aspect of the bill that is causing great concern is that although disallowance of a regulation is available by either house of the Parliament, it must have majority support from other jurisdictions. We have concerns that this will also mean that Victoria cannot take those actions, as I outlined earlier, to ensure that we are protecting our interests and the interests of Victorian children. The second part of the amendment I am circulating means that the regulations will be disallowable by either house of the Victorian Parliament without requiring that we have the majority of jurisdictions support that position.

As I said at the outset, we believe it is important to take action in relation to early childhood education and care. Quality is absolutely important, facilities are important and the ability of staff to have individualised plans for children with differing needs is absolutely critical, but we have very great concerns about this process. We have concerns that the sector has not had the opportunity to understand the hundreds of pages of legislation. We have concerns that we are signing off some of our responsibilities without the important oversight of the Victorian Parliament and the ability to make some decisions in relation to Victorian children without other jurisdictions having a say on that.

In the first instance, as I have said, we believe this bill should be halted at this point. Consultation should take place and we should get input from the sector to enable us to understand the financial implications for families of this very important bill. If the reasoned amendment is not successful, the Victorian Parliament should table the annual report of ACECQA and disallowance of regulations should be allowed by the Parliament without the support of a majority of other jurisdictions.

I hope the government will consider these amendments in the spirit of ensuring that Victorian children get the best education and that the Victorian Parliament and the Victorian people have the best opportunity to oversight this process to ensure that it is happening. On that basis I look forward to the support of the government in relation to the amendments, and I look forward to supporting this bill through the Parliament.

Mr HOWARD (Ballarat East) — I will be speaking to the bill initially and I will make a few comments in regard to why I do not support the amendments. I am pleased to speak in favour of the Education and Care Services National Law Bill. As we have heard, the bill has been well developed over a period of time and it is agreed to by all jurisdictions through the Ministerial Council for Education, Early Childhood Development and Youth Affairs. There is now a wealth of evidence highlighting the lifelong impacts that quality early childhood education and care can have. Positive early childhood experiences are linked to better developmental, social, educational and health outcomes — it is obviously quite important. We need to

be fully aware of adapting appropriate standards in this area, ensuring that we have good facilities and well-trained people who are caring for children in these areas.

The Victorian government is very proud to once again be at the forefront of the national reforms. The member for Doncaster said we could step apart from the agreements made at the national level, and that is clearly true, but in this case it is not in our interest to do that; in this case we have shown leadership right through the process. We have driven these reforms because we think they are highly important, and we have not only driven the philosophies but we have also provided the detail and done a lot of the work to help make this agreement. We have agreed to host this legislation, and, once passed in Victoria, it will be enacted by reference by other states and territories, except Western Australia, which will pass corresponding legislation.

Long day care, family day care, outside school hours care and kindergarten preschool services will fall under this legislation from 1 January 2012. Other services will remain for the time being under the Children's Services Act 1996. The bill is the result of a national partnership agreement on the National Quality Agenda for Early Childhood Education and Care agreed to by the Council of Australian Governments in December 2009. The national partnership agreement was informed by considerable consultation and analysis which looked at the costs of the implementation of this legislation. I will talk about that in detail later.

However, at the centre of this agreement is the national quality framework. The main elements of the national quality framework that this legislation sets in place are: an agreed national quality standard for early childhood and outside school hours care services, including prescribed educator-to-child ratios and staffing qualifications; a national ratings and assessment system; a streamlined regulatory regime; and the establishment of the Australian Children's Education and Care Quality Authority, a national authority to oversee the system and report to the Ministerial Council for Education, Early Childhood Development and Youth Affairs.

The national quality standard includes seven quality areas against which all services will be assessed and rated. These quality areas are: educational programs and practices; children's health and safety; physical environment; staffing arrangements, including educator-to-child ratios and qualifications; relationships with children; collaborative partnerships with families and communities; and leadership and service management. The publication of these ratings will provide parents with more information as they make decisions about the best education and care options for their children.

Another key element of the bill is the elimination of the duplication we have previously seen between state and federal authorities, so there will be one streamlined system of accreditation which is nationally consistent. The bill provides a national approach to regulation, assessment and quality improvement for education and care services and replaces all the existing separate licensing and quality assurance processes.

While there is scope to bring in more service types under the national quality framework in the future, it is clearly not intended that the informal arrangements that parents might enter into for the care of their children be impacted by the reforms. They can continue as is; it is understood that they will be informal arrangements. But with named groups of formal care providers we need to ensure that they are managed to an established level of quality and that they follow national standards.

These changes will significantly reduce the regulatory burden for these various providers, because they will fall under the one national streamlined framework. Until now there have been two separate sets of requirements at both the federal and the state levels that many of these providers have had to work under. Under the bill a provider approval is valid across all participating jurisdictions and is not subject to ongoing renewal. That provides substantial benefits to providers operating across multiple jurisdictions.

Likewise, certification for supervisors will also be nationally recognised and perpetual. That will reduce a significant barrier to an increasingly mobile workforce so that practitioners of early childhood care can move interstate and know their standards will be recognised. When placed together with nationally consistent assessment and rating procedures, these national approvals provide for not only stability and certainty but also a shared accountability for ensuring the quality of education and care services across Australia. The benefits that will come from the reforms contained in this bill will be wide-ranging and long lasting.

I want to respond to the reasoned amendment moved by the member for Doncaster, which reflects her argument that there has not been enough consultation in regard to this piece of legislation. This piece of legislation goes way back to January 2009, when a report of the expert advisory panel on quality early childhood education and care was first released. Since that time the development of the national partnership agreement, from which the

bill flows, has been informed by a consultation regulation impact statement released by the federal government in July of 2009 — well over a year ago. The consultation that took place as part of this process included a number of public forums and information sessions which were attended by more than 1700 people as well as peak body sessions involving more than 100 people. There were 341 written submissions received along with approximately 3000 letters and almost 3000 online survey responses.

The Victorian government also undertook a small business impact statement, on which key stakeholders have been consulted. Throughout the development of the bill there have been a number of national stakeholder reference group meetings. The reference group includes representatives of private child-care providers, unions, peak bodies representing child care, and schools. There have also been a number of meetings in Victoria of the Victorian early childhood reference group, with one of these meetings focusing entirely on the policy in this bill. And the Victorian government conducted 34 information sessions around the state to encourage responses to the Council of Australian Government consultation process.

A great deal of consultation has already taken place, and there will be further consultation because the regulations relating to this law are expected to be released later this year, after at least a 10-week consultation period. So there is going to be further consultation about the detail of the regulations. Consultation, of course, does not mean that everyone will agree. There might be some private providers who do not want to provide the appropriate ratio level of staffing. But we believe it is appropriate to set these ratio levels for staffing in child-care facilities. We want to see good quality, and we want to see this national standard developed. The Victorian government has led the way with this process. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me pleasure to rise to speak on the Education and Care Services National Law Bill of 2010. This bill seeks to create a national law to implement a uniformed approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care.

I endorse the comments made by the member for Doncaster in her great work and representation as shadow minister with respect to the bill before us. I take the opportunity to also support the reasoned amendment proposed by the member for Doncaster as well as the supporting amendments.

As the member for Doncaster outlined, I ask: how have we come to where we are today? There is some background to the creation of this national law. In December 2007 the Council of Australian Governments (COAG) agreed to pursue substantial reform in the area of education, skills and early childhood development. As part of that, an agenda was established and a commitment was given to the development and implementation of a new national quality agenda, better known as NQA. Further to that, in December 2009 COAG endorsed the national partnership agreement on the national quality agenda for early childhood education and care. That was done to establish a unified national quality framework for early childhood education and care and school-aged care. This sought to replace existing separate licensing and quality assurance processes from 1 January 2012.

As the member for Doncaster said, the intent of the legislation before us is one that the coalition supports. However, the methodology in reaching this goal requires further consideration and debate. There is no doubt that quality children's services and early childhood education are vital to the social and educational wellbeing of our future generations. Times have changed, and with many more parents now working more children are placed in education and care services than previously. As parents we entrust our children to the people who provide these services, and it is imperative that there are quality education and care services for children.

It is interesting to note that the second-reading speech refers to statistics in relation to the increase in the use of child care and the number of parents who are participating in the workforce. If you look at the second-reading speech, you will see that it talks about a significant increase in women's workforce participation, with more than 60 per cent of mothers with dependent children now being in paid jobs as compared with 40 per cent in 1985 — a substantial increase. Across Australia the proportion of children in formal child care increased from 14 per cent in 1996 to 23 per cent in 2009, again a substantial increase. Added to this, the average time children spent in care also increased substantially over that period of time.

Whether it be preschool or kindergarten, outside school hours care, family day care or long day care, those services are certainly in much more demand than they were many years ago. It therefore makes sense to undertake a national approach to providing a regulated system in respect of early childhood education and care. Indeed the main purpose of the bill is to provide regulation, assessment and quality improvement for early childhood education and care and outside school

hours care. As I mentioned previously, it does this by replacing existing separate licensing and quality assurance processes for preschools, long day care, family day care and outside school hours care. The bill also seeks to establish a public rating system for education and care services, and that is important for the reasons I have just outlined.

What is the new quality standard and what elements are considered within it? The second-reading speech refers to a range of principles, if you like, in seven key areas — leadership and service management; collaborative partnerships with families and communities; staffing arrangements, including mandated educator-to-child ratios and qualifications; children's health and safety; educational program and practice, including the development of programs based on an approved learning framework and taking into account each child's strengths, capabilities, culture, interests and experiences; and some other important aspects.

As I said, the intent of all those things is fine; however, there are concerns over the specific details of what the actual regulations might be and the associated costings. These are important elements, as is community consultation on the proposed regulations. It is expected that the regulations will be developed by December this year and that consultation will occur from December 2010 to the end of February 2011. Those regulations will contain all the key elements I have just mentioned.

In respect of the amendments proposed by the member for Doncaster, the reasoned amendment talks about not reading this bill a second time until consultation has taken place, and the member for Ballarat East quoted the member for Doncaster as saying it was her opinion that not enough consultation had occurred. That is not quite correct; the member for Doncaster pointed out that those within the sector had advocated more consultation and stated that not enough consultation had occurred. That is a key point to make within the debate.

The other amendments proposed by the member for Doncaster go to the core issue of annual reports. At the moment the bill seeks to have the annual report tabled in a single jurisdiction, to be determined at the discretion of the ministerial council. We would submit that annual reports should be tabled in all jurisdictions, as pointed out by the member for Doncaster.

Further aspects of the bill deal with the national quality framework. The national quality framework is a jointly governed national system with a three-tiered governance structure that includes the Ministerial Council for Education, Early Childhood Development and Youth Affairs, the Australian Children's Education and Care Quality Authority and state and territory regulatory authorities. The ministerial council has overall responsibility for the implementation and administration of the national quality framework, including the setting of standards, regulations, approval-of-learning frameworks, the rating approval system, fee structures and the appointment of the ACECQA board.

The member for Doncaster spoke about the board itself. It will consist of 13 members appointed by consensus of the ministerial council. As we know, one member will be appointed from each state and territory and four from nominations by the commonwealth. As the member for Doncaster pointed out, it may be the case that only one Victorian is appointed to the board through this process. However, it is important to note that Victoria makes up 25 per cent of early childhood education and care services across the nation. I am not sure that having about 25 per cent of services but only 1 out of 13 board members means equality.

In terms of the bill itself, we have expressed some of our concerns through the reasoned amendment and the other amendments to be proposed by the member for Doncaster. One of the concerns from the parents' perspective is the potential for an increase in the cost of child care through the implementation of the system. We all recognise that there will be some increase in fees for parents, that is a given, but in this case there is a lack of knowledge about the regulations in detail and what they might mean, and therefore there is uncertainty about the costs that will be imposed on parents.

As I said, there is no doubt that the intent of the bill is heading in the right direction. However, we fear there may be some unintended consequences. The reasoned amendment and the other amendments to be proposed by the member for Doncaster are sensible, and one would hope that the government will consider them, not only to ensure the wellbeing of children by having the best possible system in place but also to make sure that children have the best access to services.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Education and Care Services National Law Bill. This bill will ensure for the first time that there is consistency in the provision of early education and care right across Australia. That consistency in the quality of care will make a real difference to the lives of children.

If members look at the evidence, they can see it is absolutely clear — positive early childhood experiences

make a substantial difference over the course of a lifetime. The research that has been undertaken is interesting: for example, research was undertaken by the Sure Start program in the United Kingdom in 2004 into the effective provision of preschool education. The project showed that preschool experience not only enhances the all-round development of children but, most importantly, that children from disadvantaged backgrounds significantly benefit from good quality preschool experiences, especially when they are with children from different social backgrounds.

What is most interesting is the effect of quality in preschools. High-quality preschooling results in much better intellectual, social and behavioural development in children. The research shows that children make more progress in those services that have staff with high qualifications. Quality places that have warm interactive relationships with children and trained managers and trained staff result in the better educational and social development of children.

The case for government investment in improving children's life chances is clear. For every dollar we invest in the early years we will see a return to the community of up to $17. That return will come by way of improving children's life changes, improving the economy and reducing poverty and disadvantage. We will see those benefits in the form of health benefits, educational improvement and direct improvements to the productivity of the economy. That is why raising the bar and raising the quality of services is so important. The result of the research is clear — there are good economic and social reasons for providing good quality early childhood services.

This bill is important because for the first time long day care and preschool care will be subject to the same quality requirements under the new national quality standard. In the past what we have used as a proxy for quality has been staff training and addressing the size of the groups that staff supervise. But this framework takes us beyond that; it takes us to the things that will really make a difference to children by defining seven key quality areas that have to be taken into account and assessed. They include educational programs and practices of the centre; children's health and safety; the physical environment; staffing arrangements, including staff-to-child ratios and the qualifications of staff; the quality of the relationships staff have with children; the quality of the partnerships they develop with families and communities; and the leadership and service management of that centre.

The member for Doncaster suggested there has not been adequate consultation on this question and that the introduction of the bill should be delayed until further consultation has taken place. In terms of the question of staff ratios, in Victoria there has been an enormous amount of consultation. There has also been consultation on the key features of this bill, but we need to remember two things: firstly, the regulations will flesh out in much more detail how this bill will affect the operations of individual centres. It is in that area through a 10-week consultation process that those involved with every centre and every kindergarten will have the opportunity to talk about how the regulations should be framed to give effect to the key provisions of this bill. Secondly, these provisions do not come into force for several years — that is, they come into place from 2014–16. There will be four years to enable those at centres to make necessary adjustments to give effect to this bill.

In Victoria we already have in place a new standard and a new ratio of 1 to 4 staff to children under two years of age. We will introduce a new standard of 1 to 4 staff to children who are between two and three years of age — that is down from a ratio of 1 to 5. There is a new standard that will apply nationally in relation to children who are three years of age and over of 1 to 11.

The importance of this system is not just the requirement of quality but the fact that information will be made available to parents so they can look at the rating of the services they are using in their local area and see how well those services are providing education and care to their children against national standards. It will also be a tool for those services; it will be a tool for the educators and managers of those services to enable them to look at the areas in which they can improve the quality of care they are providing. This will help to guide the development of quality improvement plans within those services.

Inevitably, there are enforcement powers. I know the approach will be developmental; it will be about encouraging services to lift their quality. But there are also powers to prosecute, to issue penalties and compliance notices, to suspend or cancel the approvals for centres to operate and, in extreme cases, to close or evacuate services. We have seen this in the aged care sector. We have seen that in extreme circumstances this needs to be done. The same standards and compliance provisions should apply to the care of vulnerable children whose futures can often be shaped by the quality of the care experience they have.

These new quality provisions will have significant implications for the workforce; we recognise that. That is why the Victorian government is providing $3.6 million in scholarships to encourage staff currently

working in the long day care area to increase their qualifications to a degree, diploma or certificate III level. We are also providing $1.9 million to encourage teachers to work in hard-to-staff kindergarten programs, such as in long day care centres and small rural kindergartens.

It is fair to say that the Brumby Labor government has led the way in early childhood reforms over the last six years. That is evident when you see that some of the initiatives — Best Start, the focus on children's services hubs, the increased staff-to-child ratios and the development of this landmark legislation — have been led by Victoria and picked up in other states. Once this legislation is passed it will be enacted by reference by other states and territories except Western Australia, which tends always to go its own way but will pass corresponding legislation.

We as a Parliament can be proud of the new benchmarks that we are setting here. We should be proud that we are setting new standards for the care of our children. It builds on this government's proud record of increasing funding to kindergarten services by 225 per cent since we have been in government. It follows on from the increase in per capita funding for four-year-old kindergarten from $949 per child to $1963 per child, or over two-thirds of the average yearly kindergarten fees. It also follows on from the increase in kindergarten fee subsidies from $100 to $820 for health-care card holders so that four-year olds from low-income families can have access to kindergarten for free. It is a great record. This is tremendous legislation. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the Education and Care Services National Law Bill 2010. The purpose of the bill is to create a national law to regulate education and care services for children. The Nationals in coalition are supporting the reasoned amendment moved by the member for Doncaster. Although we support the intent of the bill, we have some concerns with it.

The background to this bill is that the Australian Council of Governments agreed to pursue substantial reform in the area of education, skills and early childhood development, and a central component of that was a commitment to the development and implementation of a new national quality agenda for Australia. In 2009 the Council of Australian Governments agreed to a partnership to make all this happen, and the national quality framework was established.

The main provisions set out the principal objective of the bill, which is to provide that national approach to regulation, assessment and quality improvement. The national quality framework is a jointly governed national system with a three-tiered government structure that includes the ministerial council, the Australian Children's Education and Care Quality Authority and the state and territory authorities. The ministerial council has overall responsibility for the framework's implementation and administration. The Australian Children's Education and Care Quality Authority is a new national authority, the functions of which will include the implementation and administration of the national quality framework. The regulatory authorities are the state departments, which will be responsible for administering the national quality framework.

There will be assessments and ratings. There will also be regulations, and that is one area that we do have a concern about. It is expected that these regulations will be developed by December 2010 and that consultations will occur between now and then. The Australian Children's Education and Care Quality fund will be established. It will be contributed to on a 50-50 basis by the states and territories and the commonwealth.

There are some issues that need discussion, including affordability and the impacts of the costs on child care. There are some concerns about what those costs will be, both in the public and the private sectors. The regulations are still to be finalised, and one of our proposed amendments relates to those regulations; we would like them to be disallowable by Parliament. Another concern is the quality of staff and the ability to get the staff training under way, particularly in country areas. Also the number of educators that will be needed in 2016 is a challenge that will have to be met.

The criteria for quality assessment is a tool that is yet to be finalised. The draft assessment tool used to conduct the trials has failed to produce the desired results, and the tool is being refined. The final assessment will not be defined in legislation or regulations but will be just part of the policy document of the minister's office advisers, and it can be easily changed. This will present some issues for country areas as well.

We all want what is best for children. The value of preschool education is well recognised. However, I need to make a plea for some of our rural kinders. We want participation in preschool education through kindergartens, yet some children are being denied that because of the fundraising burden, and that is sad. Parents want their children to have the preschool experience, but in small rural areas that access is at risk,

and to go to another kindergarten for that preschool experience may be just too far to travel.

I have three small rural kindergartens in my electorate that are struggling. They are in Nangiloc-Colignan, Werrimull and Underbool. They are all remote areas. This is a difficult issue to manage. The kindergartens in Mildura, which is a major centre in my electorate, have the other problem: they will be struggling to comply with the 15-hour requirement because of the number of children they have and the size of their facilities. Within an area of 100 to 150 square kilometres there will be both ends of the spectrum: some people will be able to get a greater preschool experience, which is something we all support, but the kindergartens will also have the problem of how to make the timetable work and how to fit the children into the facilities; and then just 1½ hours down the road there will be the problem of small enrolments, and the rising costs of that extra 15-hour commitment as well as the costs burdens added by this legislation will make that difficult.

Although there has been some fee assistance, parents are left to raise a great deal of the money within their communities. Nangiloc-Colignan is certainly a good case in point. There are around seven families involved, and with the 15-hour commitment and now this new commitment those seven families and the rest of that community will need to raise close to $30 000 a year to keep their preschool operational. That is a huge and exhausting commitment for those communities. It is such that a number of parents are making the decision not to be involved in that preschool education experience because they do not want to be involved in the work to make the local kinder work. That is a sad situation, because if they do not maintain that kinder, then the rest of the local children's education will be put at risk. They will be starting from behind, and sometimes it is difficult to catch up. It puts pressure on the education system when such children join mainstream education and have to pick up that deficit that has occurred at the preschool level.

We are supporting the delay proposed by the reasoned amendment — in my particular case because we need the issue of the small kinders to be resolved, let alone the issue of child care. I know a number of small kinders have looked at going into child care to try to make it work. That is another difficulty in that they just do not have the numbers yet they have the need. We also have a great challenge with kindergarten committees in that they generally change their members regularly. In fact is it not unusual for a parent to spend just one term on a committee, so there is high rate of changeover and a low continuity of experience. We will have to work hard, particularly with these smaller communities — and even with the larger ones — to have them prepared for these changes. Every year we are going to have to help them to do the preparation they will need, even if it will not directly impact on their children at the time because they will have gone through the preschool experience.

So with those comments I note that we are supporting the reasoned amendment as well as the amendments on the disallowance of regulations and the requirement that there be an annual report tabled in all jurisdictions.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Education and Care Services National Law Bill 2010. I know there are a number of other members who wish to speak so I will keep my comments brief. This bill represents a commitment by this government and this Parliament to the equality between men and women and the provision of high-quality education and care services to children. One of the great challenges for modern society is how the state regulates the activities in this area in order to ensure that women have a chance to balance work and family life. It is a very important and difficult subject that our Parliament faces.

One of the critical issues for me is that women who choose to work should have confidence in the quality and level of services that are being provided in both care and education for young children so that they can choose to work and express themselves through work, safe in the knowledge that their children are in good hands and the care and educational services that are being provided to them meet the needs of their children and give them the best chance in life. This bill and the establishment of the national regulatory framework relating to early education and care — long day care, family day care, preschool and care outside of school hours — will help to provide that. The advancement in women's rights where women now can realistically, in many cases, seek to balance career and family life has been one of the great achievements of Australian society in the last 50 years. I believe this bill, by improving the services and by establishing a more comprehensive and better regulatory framework for these education and care services, is another advancement we have made on a path that we have not yet finished following. I am pleased that this government supports giving women and children greater rights in our community. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to make a contribution to debate on the Education and Care Services National Law Bill 2010. The bill seeks to achieve a national standard in the provision of early

education and care in long day care, family day care, preschool and care outside of school hours. I have listened to the contributions of the last couple of speakers. The member for Mildura outlined concerns in his electorate that reflect the concerns in the electorate of Benalla, which relate to the implementation of ideals that I certainly subscribe to — the concern about the detail of how the national standard might impact on the provision of these services in our country communities. That is why we are saying we need more time to consult and understand the potential implications. As outlined by the member for Mildura, the idea of having improved qualifications for people who are educating our young children is highly desirable, as is the idea of having fewer children per staff member looking after them. Both of those ideals will deliver a higher quality outcome for our children, but the problem is that that has some practical implications at a local level.

One is cost: many of our smaller country kindergartens' parent committees are often involved in fundraising to meet their operating costs. That is despite there being a skewing of the funding arrangements to attempt to address the needs of those smaller kindergartens. There is also the issue of the availability of qualified staff to do the work in smaller communities. Another issue is the challenge of fluctuating numbers, particularly in our smaller communities. About three or four years ago in the King Valley there were major concerns about the provision of kindergarten services based at Moyhu but servicing families further up the valley, including Whitfield, Edi and Cheshunt. In that situation with their fluctuating population their numbers got low. There was great difficulty in funding the ongoing provision of services. Then fortunately a lot of families with young children came into the area, and now the services are in fine shape. The ups and downs — the fluctuating numbers — provide particular difficulty for management of kindergartens and child care in small country communities. There was also a similar situation in Euroa a couple of years ago with child-care and kindergarten services, but that has now been sorted out because of an increase in numbers.

Another situation we have in my electorate in dealing with the provision of adequate child-care services — the standards of which this bill is seeking to achieve and improve — is exemplified at Mansfield, where everyone agrees there is a community need for a substantial increase in the child-care facilities. The state government and the minister have an interest in kicking in money to help meet the costs of an approximately $2 million facility. The problem is that the local community, through the local rural council, is having great difficulty in raising the $1.5 million or so that it needs to put on the table to make this dream become a reality. That is an issue which is widespread in the electorate of Benalla, where our local government and communities have great difficulty in finding the money to match the grants from the state government because they just do not have the money. We have small rate bases and high costs for basic expenses of roads and bridges, and we just do not have the money to match the funding offers that might be coming from elsewhere. Until that problem is addressed, until we can change the funding arrangements and get serious money into communities such as Mansfield, our young country people will miss out on the opportunities that this legislation is seeking to ensure are provided across the board.

I have also been involved recently in a situation with the Nagambie preschool and child-care centre. Nagambie is a great and growing community centred around Lake Nagambie, but it is being bypassed. Nagambie has many young families and needs an increased preschool capacity. The Nagambie centre is very fortunate to have plenty of well-qualified staff; its problem is the provision of bricks and mortar and of a roof over the kinder to allow it to grow its capacity. It also needs to meet the required ratio of staff to young people and staff members need to meet the increased qualification levels that are required. The Nagambie centre needs a couple of hundred thousand dollars from external sources to overcome the issues it has. Unless that need is addressed, the ideals of the bill will not be achieved.

The other situation that is near and dear to my heart is the well-identified serious social disadvantage issue in Benalla. The community and government agencies have recognised that issue, and we are attempting to address it in many ways, one of which is by providing a good education for young people because we know that education is the passport out of poverty. We know that the sooner you educate young children, the better the results will be. That means early childhood education — educating children from just about the moment they are born.

There is a community initiative in Benalla to tackle this. There has been good support in one sense, in that the Brumby government kicked in $100 000, which was certainly welcome, and an offer of a couple of hundred thousand dollars more, provided that the community raises money. However, that is not the input that is required to address Benalla's social disadvantage and its child-care and preschool education requirements. We are talking about megabucks. The amount involved in addressing these issues is not going to be measured in hundreds of thousands of dollars but in millions of dollars over decades to get on top of this problem.

We need to ensure that there is a long-term financial commitment to enable our community in Benalla to achieve what is intended to be achieved through this legislation. I have had conversations with the Department of Planning and Community Development and the minister responsible. I have also had some brief conversations with the Minister for Children and Early Childhood Development, who is at the table. We need to take this beyond conversation and on to action. The other part of this process of getting people a passport out of poverty is to ensure that other actions are taken in relation to the public housing sector in Benalla. That is where we need the Office of Housing to come on board. I have had conversations with the agency, but again we have to move beyond conversation to action.

As others have said, the intention of this bill is supported by members on this side of the house, and certainly by me. However, as I outlined in my presentation, there are a number of issues that are going to inhibit the ability or the intention of this bill to be implemented. To a large extent these issues come down to money — a significant amount of money — because our country communities do not have the capacity to find the matching dollars that are often expected when funding comes from state government for capital upgrades. Similarly, we need to build into our system recognition of fluctuating numbers, particularly in our small country communities. That issue needs to be accommodated.

As the minister is at the table, I should say that in Mansfield there has been an attempt to accommodate the short-term issues of providing child-care services there and some flexibility demonstrated by the minister and her staff, but again I stress that for a long-term solution we need serious money on the table, measured in millions of dollars over many years. I call on the Brumby government to make that level of commitment in order to ensure that these ideals can be achieved for all young people in Victoria, including those that I represent in the electorate of Benalla.

Ms HENNESSY (Altona) — I rise to make a contribution to the debate on the Education and Care Services National Law Bill. I am very happy to speak in support of this bill, because I think it symbolises this government's ongoing commitment to national harmonisation and the reduction of regulation that hampers rather than helps good policy outcomes. More importantly, it also symbolises our commitment to the children of this state, because education is our government's no. 1 priority. However, our interest in education is not limited just to school years. We understand that investing in the early years of a child's life is one of the most critical and crucial investments that a government can make. Investing in early childhood and education care services has compelling social and economic imperatives. More importantly, it is fundamentally the right thing to do.

I will keep my comments brief, as I am aware that we are about to move into the consideration-in-detail stage, but I want briefly to make an observation about the shifts in demographics that underlie this. We have seen the workforce participation rates of women increase. We have seen incredible population growth. We are also seeing a rise in the birthrate in this country. That has meant that we have more children now attending education and care services. More than 60 per cent of mothers with dependent children are now in paid jobs. The proportion and hours of children in child care has grown. In light of this we need to assure ourselves that this is a quality experience and that we do not miss this opportunity to invest in our children to support the fulfilment of their potential.

I have been both a stay-at-home mum as well as someone who has had to climb that sometimes seemingly impossible mountain of trying to combine work and family. We often talk about achieving balance, but I think for most working parents it feels more like a collision. All parents want what is in the best interests of their children. I believe it is one of the fundamental responsibilities of government to ensure that we meet the aspirations of all parents in terms of ensuring that they are able to provide a quality education and care for their children, particularly when this occurs outside the home. For many parents the choices about care and education arrangements on behalf of their children are incredibly difficult decisions to make. When you are a new parent, it is very difficult to assess the quality of those choices because one is often not quite sure what one is looking for. I feel confident this bill will increase the assurance that such parents have.

I support increased staff-to-child ratios because I believe they will ensure that each child is provided with more individual care and attention. Introducing the requirement for higher staff qualifications will also encourage investment in staff, and it represents an important acknowledgement that the work done in the education and care sector is important. It is work that has an intellectual and academic basis and requires ongoing development and expertise.

I am familiar with one of the children's centres in my electorate, the Laverton children's centre, which is passionately and capably led by Kate Kirner. It is a community-based centre that does amazing things with a group of children who are diverse in both their needs

and their aspirations. Recently I had the pleasure of meeting with a couple of staff members there who were undertaking additional study to obtain their qualifications. Some of these staff were also trying to combine work and study with their family responsibilities. Their study was being supported by the Laverton community centre; it understands the importance of supporting staff and their professional and skills development. We are also incredibly committed to trying to lift the capability of the education and care sector in the west. The Laverton children's centre undertook this initiative influenced by the national direction, and they are very well placed to bring their experience, their instincts and their aspirations for our children back into the services that support local children and parents.

I take issue with some of the points raised by speakers on the other side of the house suggesting that this bill is like a tidal wave. Many of the staff providing children's services in my electorate feel passionate about lifting the quality of these services. They have been engaged in a lengthy period of consultation. They have confidence that through the development of regulations there will be opportunities for further engagement, and they believe that all levels of government need to accept responsibility and provide levels of management around infrastructure and support.

Providing optimal conditions at the beginning of a child's educational and developmental journey is absolutely essential, and it is a commitment this government is not going to walk away from as we face the inevitable challenges and opportunities that implementation of this great reform will deliver. Most pertinently, I hope this reform heralds the beginning of building a deeper respect and value for those who work in the care sector, particularly early childhood development. We know from all the research and evidence that it is an investment that pays off in spades. I would also like to commend the minister for her ongoing leadership, commitment and passion in relation to this topic. I wish the bill a speedy passage through the house.

Mr BURGESS (Hastings) — It is a great pleasure to rise to speak on a matter as important as the material that the Education and Care Services National Law Bill 2010 deals with. The principle objectives of the bill are to: create national law to implement a uniform approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care; replace existing separate licensing and quality assurance processes for preschools, long day care, family day care and outside school hours care; and establish a public rating system for education and care facilities. Occasional care, three-year-old activity groups, limited hours services and early childhood intervention services will be excluded from the regulations.

The NQF (national quality framework) will be a jointly governed national system with a three-tiered governance structure that includes the Ministerial Council for Education, Early Childhood Development and Youth Affairs, the Australian Children's Education and Care Quality Authority (ACECQA) and state and territory regulatory authorities. The ministerial council has overall responsibility for the implementation and administration of the NQF, including the setting of standards; regulations; approving learning frameworks; the rating and approval system; fee structures and the appointment of the board of ACECQA.

The bill sets up the Australian Children's Education and Care Quality Authority, a new national authority whose functions will include: the implementation and administration of the NQF; determining auditing arrangements; promoting continuous improvement; publishing ratings of services; publishing guides and resources; and determining qualifications to be held by educators and authorised officers. The board will consist of up to 13 members appointed by consensus of the ministerial council. One member will be appointed from each state and territory and four from nominations by the commonwealth. The chairperson is to be nominated by a consensus of the ministerial council.

State departments, as the regulatory authorities, will be responsible for administering the NQF, including approval of provider approvals, service approvals and supervisor certificates, as well as monitoring and enforcing the national law and reviewing and investigating complaints. The regulatory authority will be responsible for assessing each service against the national quality standard, which includes seven quality areas, and establishing a service's rating. An application for the highest rating can only be granted by the national authority. The national authority will be responsible for publishing the rating of each service. It is expected that the regulations will be developed by 2010 and that consultation will occur from late December 2010 to February 2011.

The ACECQA will be funded through the establishment of this fund. Funding will be contributed on a 50-50 basis by states and territories and the commonwealth. Total running costs for the ACECQA are estimated to be about $11.5 million per annum, with Victoria's share based on a 25 per cent share of state costs, being around $1.44 million. Licensing fees amounting to 10 per cent will also go to this body.

The government claims the national quality agenda reforms will increase the cost of child care by $12.85 per week. However, some of the providers are warning that it could be greater than that. In something as critical as early years education for our children this is something we should be more certain of, because when children miss out on a quality education in the early years they struggle to recover in later years. That is something the government should pay great heed to, and it should make sure we cover that in greater detail than has been done to this point.

The criteria for the quality assessment tool has also not been finalised. The draft assessment tool that was used to conduct trials has failed to produce the desired results, and the tool is still being refined. The final assessment tool will also not be defined in the legislation or regulations. It will be part of a policy document that the minister's office advises can be more easily changed.

I would like to refer to an article written by Caroline Milburn that appeared in the *A*ge of 16 November 2009. In that article Ms Milburn talks about a warning from a UK educator that Australia should not sacrifice quality for quantity in its kindergartens, and says:

> Australia should try to learn from Britain's mistakes in rolling out its plan to give all four-year-olds access to kindergarten, a visiting educator has warned.
>
> Professor Iram Siraj-Blatchford, an internationally renowned early childhood researcher, says some of the £24 billion ($A45 billion) the British government has spent over the past 12 years establishing preschools has been wasted. This is because the government focused on how to rapidly expand services, with not enough attention given to quality.
>
> 'In the UK we decided to improve quantity first, then ratchet up the quality', says Professor Siraj-Blatchford, co-author of a study tracking the preschool and school experiences of 3000 British children since 1997.
>
> 'But the research we're doing is showing that low-quality services don't add value to a child's development. If programs are low quality, it's better if the child stays at home'.

Later in the article Professor Siraj-Blatchford is reported as saying:

> … the test of Australia's fledgling reforms will be whether the federal government adopts a long-term investment strategy for early childhood education. Britain's overhaul of early childhood services has been driven by 10 and 20-year strategy documents produced by Treasury.
>
> The director of the E4Kids project, Professor Collette Tayler, chair of early childhood education and care at Melbourne University, would like to see a similar approach adopted by Australia's Treasury. She says: 'As far as I'm aware, there is no Treasury paper looking at long-term planning to gear up a quality, early childhood agenda. We've got a double challenge in Australia to build up quantity and at the same time ensure we're implementing the new quality agenda'.

The article is clearly supportive of the attempts to increase the quality at the same time as the increased quantity of early years education is provided, but emphasises that the quality should not give way to the quantity and there is a very real risk of that occurring at the moment. That is one of the reasons why the member for Doncaster has moved her reasoned amendment suggesting that we should wait for further consultation to occur within the community. The Liberal-National party coalition supports the intent of the legislation to adopt this national law and improve quality standards, but it seems that the government is rushing it through the Parliament, and this is not something that should be rushed.

The early childhood years have a direct relationship to both the educational and life outcomes of children. It is an area where legislators would be wise to hasten slowly. The measures are not due to be implemented until 2012 and therefore there should be no barrier to the government's acceptance of the reasoned amendment moved by the member for Doncaster that would allow further time for proper community consultation.

There are all sorts of pitfalls for early childhood development and learning, and in particular there are ramifications at federal, state and local government levels. There are two issues occurring in my electorate that are impacting on early childhood learning at the moment. One is the move by the Mornington Peninsula Shire Council to relocate the Somerville Preschool on Frankston-Flinders Road in Somerville to within the school environment, and in doing so it will be moving an established World War II memorial that is very near and dear to the local community and in particular a wonderful local lady, Leila Shaw. The conflict that has arisen over the balancing of the outcome for the children as opposed to the other things that are very important to the community needs to be considered and taken into account when these decisions are being made. From my perspective, these decisions have been made by the council with very little, if any, effective consultation.

Another issue has developed at the Baxter Preschool, again involving the Mornington Peninsula Shire Council, where Sharon Howell, of the preschool, has run into all sorts of road blocks with the council. The council had committed to upgrading the facilities, then for some unknown reason it has put that upgrading back another 12 months, which makes it very difficult for the preschool to get funding to establish other

worthwhile things for the children who attend that excellent establishment. Legislators and all levels of government need to take these things more into account.

Mr PERERA (Cranbourne) — I rise to speak in support of the Education and Care Services National Law Bill and I will also address the reasoned amendment of the member for Doncaster, which says that the bill should not be read a second time now. The amendment has not been thought through and the argument is not substantiated. The member for Ballarat East put on the record the whole consultation process, and therefore I do not intend to go through it again. However, I would like to mention that the Victorian government also undertook a small business impact statement, in which process key stakeholders were consulted. The Victorian government also conducted 34 information sessions.

We have one more sitting week in this term of Parliament, with a very busy legislative program. If this bill is not second read this week, the bill will lapse. The reforms have to be in place for implementation by 1 January 2012, and other jurisdictions have to pass legislation in reference to ours. The regulations relating to this law are expected to be released soon and will be subjected to a 10-week consultation period. The reasoned amendment is nothing other than a tactic to roll the reforms, and therefore I oppose it.

The legislation will establish a national approach to regulation, assessment and quality improvements, replacing existing licensing and quality assurance processes. We have come a long way as a nation in realising the socioeconomic benefits of aligning with our federal system to achieve common goals. Through national cooperation the bill delivers reforms that will give children the best possible start in life. It creates a legislative framework that encompasses quality in early childhood education, care and school-age care services. The collaboration of the commonwealth, states and territories to bring long day care, family day care, outside school hours care and preschool together to improve the quality of services and care represents a defining moment in childhood education, care and services in Australia.

The legislation will enable the development of better staff to child ratios and ensure consistent quality early learning services across Australia. A new quality framework with a new transparent ratings system will give families access to information about the quality of the early childhood education and care services in their neighbourhood so they can make informed choices about their child's care.

In Victoria we have a proud tradition of partnership in the provision of children's services across the state. In particular, the ongoing commitment to kindergarten and maternal and child health by the Victorian Labor government and local governments is something we on this side of the house are proud of. Kindergarten participation is another important milestone in the development of children. I am pleased to put on the record that across Victoria we have very high kindergarten participation rates of more than 92 per cent.

The Victorian government has pursued an agenda of reform in early childhood development for many years. We have committed $134 million to refurbish and construct children's services since 1999, including $55 million for children's centres where a range of services are provided under the one roof. I have recently had the pleasure of seeing one of these high-quality services in action. I was joined by the Minister for Children and Early Childhood Development at the opening of the Hunt Club Children's Centre where the implementation of much of the new national quality framework is already in place.

My electorate of Cranbourne is an attractive place for young families and first home buyers, as it offers moderately priced properties. About 40 per cent of my electorate falls into the Casey local government area. Casey, like Victoria in general, is undergoing the biggest baby boom in 20 years, with the number of births increasing by 40 per cent to almost 4000 in 2008–09 and many more families with young children moving into Casey. The City of Casey has Victoria's largest population of 0-to-4-year-old children, currently at 16 775, and the largest population of 5-to-14-year-old children, currently at 35 886.

In Casey 30.4 per cent of the population, 64 711 people, were born overseas and 22.1 per cent, 46 922, are from a non-English-speaking background. The newly opened Early Learning Centre Hunt Club in my electorate of Cranbourne, within the Casey local government area, will offer maximum convenience, flexibility and choice for parents by combining a range of integrated services that a family may need to help raise young children. The development of the centre and the co-location of agencies and services will provide a seamless integration of children's services.

The centre is situated within the Hunt Club estate, a rapidly growing new suburb in Cranbourne East, where the estimated number of children in the 0-to-4 age group is projected to grow from 492 to 3420 by 2016. The centre is situated on land which is adjacent to the

planned Hunt Club primary and secondary school. The school is due to open in 2011. The centre's integrated service model will include maternal and child health services, occasional care, kindergarten, family support, early childhood intervention services, playgroups, parenting services, community allied health services and community facilities. There is obvious value, therefore, in having children's centres where whole-of-family support can be provided at one location, integrating child health and family support services with child care. There is no denying the difference that positive childhood experience can make over the course of a lifetime.

Under the proposed national quality framework the significant change for Victoria is a move from the current staff-to-child ratio of 1 to 15 to a ratio of 1 to 11 for children three years of age and over. This brings Victoria into line with existing ratios in most other jurisdictions. In its children's service regulations 2009 Victoria has already set a standard under which from 1 January 2012 there will be a staff-to-child ratio of 1 to 4 for children under three years, and it will retain under the national system the ratio of 1 to 4 for children aged 25 months to 36 months.

Under the new reforms parents will have more information about the quality of services. A service's rating across the seven quality areas and an overall rating will be published on the 'MyChild' website. A key focus in the development of the national quality framework has been to strike a balance between improving the quality of services for children and families while minimising as far as possible the financial impact of these changes.

It is estimated that a family with an annual income of $80 000 or less with one child in long day care for 30 hours per week will face an out-of-pocket cost increase of $12.85 per week after child-care benefits. Of this $12.85, only $6.64 is attributable to the national quality framework and $41.40 to other increases not connected to the national quality framework. It is the government's belief that the balance has been achieved.

The Victorian Labor government's vision is that every young Victorian will thrive, learn and grow up to enjoy a productive, rewarding and fulfilling life while contributing to their local communities. I am only too pleased to support this bill.

Mr DELAHUNTY (Lowan) — I make a few brief comments on behalf of the Lowan electorate on this important bill, the Education and Care Services National Law Bill. As we know, its purpose is to create a national law, which will be hosted by the Victorian Parliament, to implement a uniform approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care. I have to declare an interest in this: I have three daughters-in-law who are involved in the education of people in Victoria. One of them is a preschool teacher in Melbourne.

As I have often said, education is vital to the development of a young person and also to our communities. Therefore, when I look at the main provisions of this bill — that is, to replace the existing separate licensing and quality assurance processes for preschools or kindergartens, long day care, family care and outside school hours care — I have to come out strongly and say that I support the reasoned amendment moved by the member for Doncaster, which provides that we need to have proper consultation on the contents of this bill.

This is a very extensive bill, covering nearly 270 pages, which has major ramifications for people within the community. We need to consult with the community and, importantly, with the affected stakeholders. We also need to have an assessment tool when the regulations are finalised and fully costed, because we know from consultation that there are concerns, particularly about the affordability of child care. The government has said that child care should cost around $12.85 a week; however, private child-care providers warn that costs could increase to $35 a day. The Child Care Centres Association of Victoria has raised serious concerns. Overall we need to ensure that we have quality education, quality services and quality care.

There are some major ramifications. In the Lowan electorate, the largest in the state, we have many child-care facilities and many preschool centres. I give credit particularly to people in some of those outer areas who have concerns and want to ensure that they have affordable and accessible preschool education. I give credit to Wimmera Uniting Care in the Hindmarsh shire, which has done a lot of work with the government of the day in trying to ensure that quality preschool education is given to people. Not only in those areas but across many other areas of my electorate there is concern about the lack of numbers and the lack of affordability. Preschool education committees put considerable effort into fund-raising, not only to provide facilities but also to provide funding for teachers. I do not think that should happen. Hopefully one day we will move to having teachers fully funded by government.

There are some concerns with the implementation of this Education and Care Services National Law Bill.

Western Australia has some concerns about it, so again this reasoned amendment needs to be supported as well as the amendments put forward by the member for Doncaster. With those few words I say again: please support the reasoned amendment put forward by the member for Doncaster.

Ms MORAND (Minister for Children and Early Childhood Development) — I want, first of all, to thank all members who made a contribution to this very important legislation, the Education and Care Services National Law Bill. This will mean that for the first time in Australia we will have a nationally consistent framework for the provision of children's services, and that is a very important goal and aim. It is particularly important in an era when we so much better understand the importance of early childhood development, the importance of quality of care on that development and the fact that the quality of care can have such a profound impact on the long-term prospects of children. It is also particularly important in an era when so many more children are attending long day care and when they are attending long day care for longer periods of time, and I referred to that in my second-reading speech.

We now have many children who spend many years in full-time child care in the years before they go to school, so it is very important that we have a nationally consistent approach to the quality provided in children's services. It is also important from the parents' perspective that they know wherever they go in Victoria or wherever they go in Australia there will be the same quality framework and the same approach. The same regulations will apply to whatever children's service their child is attending, and they can be confident that there will be a consistent quality standard in any children's service right around Australia.

We welcomed the COAG (Council of Australian Governments) commitment to have this new national quality legislation. It was the subject of many discussions at the ministerial council at which I participated. All states and territories have been involved in long discussions in the development of this legislation. The consultation, which was referred to by the member for Ballarat East, has occurred over a very long period of time. The development of the national partnership from which this bill flows was informed by a regulation impact statement released first in July 2009. The consultation included public forums which were attended by 1700 people; there was consultation with peak bodies, 341 written submissions, 3000 letters and 3000 online survey responses. We also undertook a small business impact statement, where again key stakeholders were consulted.

Throughout the development of this bill the national stakeholder reference group has been consulted three times. The reference group includes private child-care providers, unions, peak bodies representing child-care providers and also schools. There have also been three meetings of the Victorian reference group in the development of policy in this bill. After the bill was introduced two weeks ago there was a consultation with the members of our Victorian reference group, and none of those key organisations — the unions, Kindergarten Parents Victoria and Early Childhood Australia — had any concerns about a lack of consultation.

I want to refer to an article from the *Age* of 27 July 2010 which quoted Pam Cahir, who is the national chief executive of Early Childhood Australia, as saying 'There was enormous consultation'. She also said 'parents care more about quality than costs' and that staff rations were very important for children's development.

I also want to refer to the concern expressed by the member for Doncaster around costs. She quoted from the *Herald Sun* and the private child-care lobby but failed to quote from other organisations that are very important in representing interested children, and that includes community child-care organisations. I want to quote again from the chief executive of Early Childhood Australia, who said in an article in the *Age* of 12 August 2010:

> … it is untrue to say that cost increases … in implementing the COAG reforms will occur immediately and to suggest that in most services they will be as much as $65 per week. This is simply scaremongering.

In summing up, the other comment I make is about getting the legislation through in this term of the Parliament. It is very important, because we need time for the other states and territories to also introduce the legislation so we can set up the national authority so that everything is in place for this new reform to be implemented from January 2012. It is important that it gets through the Victorian Parliament so that other states and territories which have explicitly agreed to the specifics of this bill before the house can enact the legislation and we can have the authority set up in time for implementation on January 2012. I commend the bill to the house.

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

Ayes, 46

Allan, Ms	Hulls, Mr
Andrews, Mr	Kairouz, Ms

Barker, Ms
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Hennessy, Ms
Holding, Mr
Howard, Mr
Hudson, Mr
Languiller, Mr
Lim, Mr
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 32

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Amendment defeated.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 17 agreed to.

Schedule

The DEPUTY SPEAKER — Order! Before calling the member for Doncaster to move amendment 1, I advise that if amendment 1 is defeated, she cannot move amendment 2 as it is consequential.

Ms WOOLDRIDGE (Doncaster) — I move:

1. Schedule, clause 280, lines 15 to 17, omit "a participating jurisdiction determined by the Ministerial Council" and insert "each participating jurisdiction".

This amendment seeks to ensure that the annual report of the Australian Children's Education and Care Quality Authority (ACECQA) is tabled in this jurisdiction rather than there being just a requirement in the legislation that it be tabled in any one jurisdiction. The coalition believes it is important that we see the annual report and that the process of tabling the report in this Parliament is respected rather than it happening in another jurisdiction and only being placed on a website.

Today is an absolute example of that. Hundreds of annual reports have been tabled. While that is obviously all being done on the same day with a view to reducing the scrutiny that can be given to those annual reports, this Parliament values the ability to table annual reports and have them on the public record of the Parliament for the state so that members can scrutinise the detail of what is happening in this very important area of early childhood education and care.

We are moving this amendment today to ensure that the annual report of the ACECQA can be tabled in the Victorian Parliament and must be tabled in the Victorian Parliament when it becomes available.

Ms MORAND (Minister for Children and Early Childhood Development) — We will not be supporting this amendment by the member for Doncaster. There is no attempt to hide the annual report or the work of the new national body. In fact the bill explicitly requires the annual report to be published on the website. That gives the public, members of the opposition and all the stakeholders the opportunity to review the work of the new national authority, because it will be required to be published on the website.

But I am happy to give a commitment to the member for Doncaster to table the annual report in the Victorian Parliament in addition to it being available to the opposition on the website. An amendment is not necessary, but I am happy to give a commitment that we will table the annual report annually when it becomes available to us.

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

Ayes, 45

Allan, Ms
Andrews, Mr
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Kairouz, Ms
Languiller, Mr
Lim, Mr
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr

Duncan, Ms
Eren, Mr
Foley, Mr
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Hennessy, Ms
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Pallas, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 32

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Amendment defeated.

The DEPUTY SPEAKER — Order! Before calling the member for Doncaster to move amendment 3, I advise that if amendment 3 is not agreed to, she cannot move the remainder of her amendments as they are consequential.

Ms WOOLDRIDGE (Doncaster) — I move:

3. Schedule, clause 303, page 221, lines 1 to 10, omit all the words and expressions on these lines.

This amendment goes to the heart of the Westminster system of Parliament. It is about the rights of Victorians and the rights of the Victorian Parliament — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! If members are not staying in the chamber, I ask them to move out quickly and quietly and to show a bit of respect to the member for Doncaster.

Ms WOOLDRIDGE — This amendment is saying that the Victorian Parliament must and should have a say in relation to the regulations that affect early childhood education and care in Victoria. Under the existing bill there is an ability to disallow regulations, but only if the majority of states agree to it. What we are terribly concerned about is that this could lead to a poorer outcome for Victoria's children than we in the Victorian Parliament aspire to for them. Standards could be set that are lower than the current ones, and that could bring us down in terms of the quality of education and care that our children receive.

We understand the arguments for a nationally consistent framework, but we do not believe the Victorian Parliament should hand over the full responsibility for the regulation of Victoria's early childhood education and care services to a national body. We do not support the disallowance only being able to be made by a majority of jurisdictions. In order to ensure the protection of Victorian children and the highest quality of care in these very important services for them, we believe the services must be under the responsibility of the Victorian Parliament. It must be able to say whether the regulations that have been set are at an acceptable level and whether they are what we aspire to for our children. This is about the Victorian Parliament exercising its rights to review regulations that affect Victorian providers and children.

We only have 1 vote out of 13 in the ministerial council, which plays an important role. We believe the Victorian Parliament must have the ultimate say. It is not as if — —

The DEPUTY SPEAKER — Order! The level of interjection in the chamber is far too high. If members do not wish to listen, I ask them to leave the chamber quietly.

Ms WOOLDRIDGE — Many of our laws have disallowances. Such provisions are very rarely used by the Parliament, but we believe it is absolutely critical for Victorians, and most importantly for Victorian children, that we retain this authority to disallow regulations so that we can maximise the outcomes for our children. As we said, it is the early years that are so incredibly critical for a child's ultimate development and the fulfilment of their potential in the future. We want to retain that authority within the Victorian Parliament to make sure Victorian children have the best opportunities in life and in their future.

Ms MORAND (Minister for Children and Early Childhood Development) — We will not be supporting this amendment. The whole point of having a nationally consistent law is to have a nationally consistent standard. The bill's approach to disallowance is completely consistent with other models for nationally applied laws.

The ministerial council has agreed to this national law by consensus. What would be the point in agreeing at the ministerial council level to a consistent national

standard by regulation if a state may independently make a disallowance of that regulation? This national law is all about having consistent standards wherever you are in Victoria or Australia.

In relation to the board — the new national authority — it is not so much a representative authority as an authority that has the expertise and representation from those who are important to be able to provide advice to the ministerial council on the standards. It is the ministerial council that sets the standards, not the representative board. The ministerial council is represented by the minister. When this legislation is passed the regulations will be put to the ministerial council later this year; then they will be put out for further consultation. We do not support this amendment.

Mr McINTOSH (Kew) — The situation is that the member for Doncaster has put the case very eloquently — this is about the supremacy of this Parliament. We are obliged to not only represent our constituencies but also to do the best thing for the people of Victoria. The idea of a national scheme in relation to the protection of children is to be supported, but the most important thing is that the regulatory mechanism that implements the best thing for Australian children may not necessarily be in the best interests of Victoria. It may be a rare circumstance, but we should be doing things in the best interests, as we see it, for the children of Victoria. If that is different from what happens in Queensland or in New South Wales, so be it. These rare circumstances are why the member for Doncaster moved these proposed amendments that would allow a disallowance of those regulations: so we would retain that supremacy to do the best thing for the people of Victoria.

Importantly, there is a precedent for this issue. In a previous bill, the Livestock Management Bill, there was a similar national scheme in relation to livestock management. The upper house amended that bill to include a disallowance motion. The government accepted it. There is perhaps the same sort of precedent with this bill in relation to the Livestock Management Bill. That precedent should be adopted in this circumstance to allow the process to proceed where we retain that absolute right in certain circumstances to assert that supremacy of this Parliament to determine what is in the best interests of the people of Victoria.

The situation in Western Australia is that while the Western Australian government is going along and running a parallel scheme, it has determined it will sit outside the national scheme, and it has passed similar legislation retaining its absolute right not only in relation to regulations but in relation to legislation. For those reasons I support the amendments moved by the member for Doncaster.

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

Ayes, 45

Allan, Ms	Kairouz, Ms
Andrews, Mr	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lupton, Mr
Brooks, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Morand, Ms
Carli, Mr	Munt, Ms
Crutchfield, Mr	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Donnellan, Mr	Noonan, Mr
Duncan, Ms	Pallas, Mr
Eren, Mr	Perera, Mr
Foley, Mr	Pike, Ms
Green, Ms	Richardson, Ms
Hardman, Mr	Robinson, Mr
Harkness, Dr	Scott, Mr
Helper, Mr	Seitz, Mr
Hennessy, Ms	Stensholt, Mr
Holding, Mr	Thomson, Ms
Howard, Mr	Trezise, Mr
Hudson, Mr	Wynne, Mr
Hulls, Mr	

Noes, 32

Asher, Ms	Napthine, Dr
Baillieu, Mr	Northe, Mr
Blackwood, Mr	O'Brien, Mr
Burgess, Mr	Powell, Mrs
Clark, Mr	Ryan, Mr
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms

Amendment defeated.

Schedule agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

JUDICIAL COMMISSION OF VICTORIA BILL

Second reading

Debate resumed from 2 September; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Judicial Commission of Victoria Bill is a bill to establish the Judicial Commission of Victoria to investigate complaints about the conduct and health of the judiciary and other court and tribunal officers. The commission will also take over the legal education functions of the Judicial College of Victoria.

The handling of complaints against judges, magistrates and other court and tribunal officers is an important and sensitive issue. Unfortunately there are problems from time to time with individual judges and magistrates, and I have raised examples of that in this house and publicly. The vast bulk of our judges, magistrates and Victorian Civil and Administrative Tribunal (VCAT) members work hard and diligently under the pressure of huge volumes of work and in cramped and inadequate facilities and having to cope with the massive delays and frustrations caused by the Attorney-General's bungled court IT projects, like the integrated courts management system.

However, there are times when the wrong thing is done and litigants suffer as a result. A magistrate may refuse to allow a victim to present their victim impact statement, a judge may say something inappropriate or offensive in court or there may be unacceptable delays in the delivery of a judgement. There needs to be a fair and effective handling of legitimate complaints when court or tribunal officers do not do the right thing. At present such complaints are handled by the heads of jurisdiction. This puts a huge workload on the heads of jurisdiction that takes them away from doing their job as judges, and it also creates an impression and raises a legitimate concern among complainants that their complaints are being decided in club and being brushed aside rather than taken seriously.

The leaders of Victoria's judiciary are fully aware of these problems and have been calling on the government for a long time to take action. Until recently it was the government that was resisting strongly. The Attorney-General had to be dragged kicking and screaming to include even a brief reference to a judicial complaints body in his justice statement mark 2. As I said in this house last October, there needs to be a better mechanism than we have at present to deal with such complaints. There needs to be a greater role for the heads of jurisdiction to handle and hopefully resolve complaints at first instance, but there also needs to be a further body to deal with instances where the heads of jurisdiction cannot resolve a matter or a complainant remains dissatisfied. That further body must be a body that commands the respect of both the judiciary and the public. It must be completely independent of government. As I said last year, it would be completely inappropriate on both counts for officers of the Department of Justice to have any say in the supervision of the judiciary of our state.

Almost a year on we now have the bill before the house. However, the structure proposed by the bill has major problems. The coalition parties have three core concerns in particular: firstly, the power the bill would give to the Attorney-General to continue his undermining of the independence of the judiciary; secondly, the structure of the proposed commission is cumbersome, inefficient and open to a perception of a lack of impartiality in certain cases; and thirdly, the undermining of the Judicial College of Victoria by merging it with the complaints function. The bill as introduced to the house and the government's explanation of it also leave unanswered many questions about the relationship between the proposed Judicial Commission of Victoria and the government's proposed Victorian integrity and anticorruption commission.

Let me turn now to some of the detailed provisions of the bill. Clause 4 establishes the Judicial Commission of Victoria, with a board consisting of the Chief Justice of Victoria, the Chief Judge of the County Court, the Chief Magistrate, the President of the Children's Court, the State Coroner, the President of VCAT and four non-judges appointed by the Attorney-General, of whom two must have expertise in organisational development or education services delivery and the other two must not be lawyers. The chief justice is chair of the commission. Clause 125 of the bill abolishes the Judicial College of Victoria, and the commission will take over all of its functions under clause 142. Clause 142(2) provides that the two appointed members of the college board will become commission board members.

The CEO of the commission will be appointed by the Governor in Council on recommendation of the Attorney-General after consultation with the commission by virtue of clause 20. The initial CEO will be the current CEO of the Judicial College of Victoria under clause 142(3). Clause 25 of the bill provides that the CEO may report separately to the Attorney-General on any matter. Clause 19(2) provides that the commission will be an administrative office of the

Department of Justice, with the CEO as its head, and the staff will be public servants engaged by the CEO.

Clause 28 of the bill provides that members of the public will be able to make complaints to the commission about a judicial officer. A matter about a judicial officer may also be referred by the head of jurisdiction under clause 29 or by the Attorney-General under clause 30. Clause 35 will require the commission to investigate a matter, and it must dismiss it if it is outside of its responsibilities — for example, if it is about the private life of an officer and could not reasonably be considered to affect the exercise of functions or the suitability of the officer or if the complaint is vexatious. Otherwise clause 38 will require the commission to investigate further.

Clause 39 provides that the Attorney-General or the head of jurisdiction may request the commission to investigate a health issue that may significantly affect the ability of a judicial officer to perform their functions. The commission must cause the matter to be investigated and decide whether to require a medical examination. If the commission considers a medical issue may significantly affect the judicial officer's performance, the commission may refer the issue to the head of jurisdiction or refer the matter for further investigation with a view to removal pursuant to clause 44. The commission must also report on the matter to the Attorney-General, if the Attorney-General has referred the issue to it.

Clause 46 provides that the relevant authority as defined by the bill, who is usually the head of jurisdiction, may stand down an officer under investigation if the issue is such as may justify removal from office. Clause 57 provides that the commission may refer a judge or magistrate to an investigating panel if the issue warrants removal or else must decide itself whether a complaint is substantiated. If it decides a complaint is substantiated, it must give a report to the head of jurisdiction and to the Attorney-General if the Attorney-General referred the issue. Under clause 68 the head of jurisdiction may counsel an officer, require further training or take further steps. If the commission refers an issue to an investigating panel, the panel must investigate. If the panel considers the issue may warrant dismissal, it must give a report to the Governor in Council with copies to the Attorney-General, the commission, the head of jurisdiction, the complainant and the judicial officer. Under clause 66 the Attorney-General must lay a report before Parliament as soon as practicable.

The bill provides that an investigating panel consists of three members appointed by the commission, with one chosen from a pool that the bill describes as being nominated by Parliament and two being judges or former judges. Pursuant to clause 84 the bill provides that the Legislative Assembly may nominate a pool of four people after seeking the views of the Legislative Council. The commission may refer a matter concerning a judicial registrar or VCAT officer to an investigator or else must decide whether a complaint is substantiated. There are similar provisions in relation to judicial registrars and VCAT officers to those in relation to the investigation of judges, save that an investigator's report goes to the Attorney-General, and the Attorney-General may recommend dismissal to the Governor in Council under part 6 of the bill. The investigator is to be a judge or lawyer of five years standing.

The bill also provides that the commission may delegate its role in relation to a judicial registrar or a VCAT officer to what the bill describes as an 'official committee'. Clause 119 of the bill requires the commission to provide information to the Attorney-General if an issue is substantiated and may provide information in any other case provided it is not contrary to the public interest. Clause 120 provides the commission may also make information public.

Let me turn now to the first of the core concerns of the coalition parties about this bill — namely, the power it gives to the Attorney-General to continue his undermining of the independence of the judiciary. The Attorney-General has form on this matter. In October last year he launched an extraordinary attack on the judges of Victoria, precipitating news headlines such as 'Frosty judges told to warm up with public', 'Hulls plans to get tough on judges' behaviour', 'Judiciary urged to defend itself' and 'Jolt for judges'. The Attorney-General went to the media suggesting that he was the one to lead a campaign to require judges to improve their behaviour when in fact the complete opposite was the situation.

These were attacks on the abilities, independence and commitment of our judiciary that the Attorney-General deliberately engineered by briefing print outlets on the speech that he was to deliver on the following day. He left the Chief Justice of Victoria in the position of having to abandon her intended speech and instead stand up and defend her fellow judges and magistrates against the Attorney-General's unprincipled and unjustified attack. The consequences of that attack included undermining community confidence in the judiciary, damaging judicial morale and acting as a disincentive for potential candidates to accept appointment.

The Attorney-General's conduct in relation to the judiciary has been matched by his conduct in other areas of his portfolio in undermining independent institutions. He has axed the position of the independent chair of the Victorian Equal Opportunity and Human Rights Commission and sought to totally scrap the independent membership of the Victoria Law Foundation and replace it entirely with his own nominees. When he was partially frustrated in that attempt by the Parliament he then had the nerve to appoint his own former press secretary as one of his nominees to the foundation. We have also seen him seek to bring the entire judiciary increasingly under the administrative control of the Department of Justice and thus under the control of the Attorney-General. This was roundly condemned by then Justice T. H. Smith in a speech he gave to the Judicial Conference of Australia colloquium in 2006 when he said:

> We should be thankful that the courts are no longer called 'business unit 19', but they and their functions are not identified as 'system elements' and are seen within the DOJ behemoth to be:
>
> > merely entities within entities in partnership with other entities and a large number of business units; and
> >
> > indistinguishable from any other entities.

Justice Smith then went on to document some of the practical day-to-day consequences of the policies of the Department of Justice and the Attorney-General and how they interfered with the proper operation of the courts — for example, the way the Department of Justice would block judges' access to particular websites, prohibit the sending or receipt of certain types email or email attachments and prohibit the installation of software on court computers, and he also referred to the department's insisting on reducing the staff available at the courts to assist judicial officers and court staff, and a more centralised control of programs and facilities to be provided to judicial officers.

Not only have the Attorney-General's attacks on our judiciary shown an appalling disregard for its independence, they have also raised serious concerns about the integrity of the Attorney-General himself, because in indicating that he was pushing for reforms that were being resisted by the judges he was claiming the complete opposite of the facts. The Chief Justice made that clear in her response when she said:

> …the judiciary itself has urged the Victorian Attorney for some time to reconsider the legislation and pressed for the need for the establishment of a judicial commission in Victoria. In the earlier drafts of the justice statement 2 published by the Victorian Attorney, the template for the future direction of the judiciary and legal reform, the prospect of a judicial commission was not included. However, following urging from the Victorian judiciary, in particular the Chief Judge of the County Court, the Victorian Attorney resolved to include the subject of a judicial commission in the statement.

The government's misrepresentations of the situation have been compounded subsequently by the government's response to the Proust-Allen review, which falsely linked the issue of establishment of a complaints body to the issue of corruption. The government media release of 2 June outlining the government's intention to establish a judicial commission concluded by saying:

> The announcement forms part of the Brumby Labor government's response to the review of Victoria's integrity and anticorruption system by special commissioner Elizabeth Proust and public sector standards commissioner Peter Allen.

This linking is repeated in the annual report of the Department of Justice at page 18, which talks about the establishment of the commission following the review of Victoria's integrity and anticorruption system.

Fortunately the number of instances of judicial complaints in Victoria relating to allegations of corruption or serious misconduct have been extremely limited. The vast bulk of the complaints against the judiciary relate to performance matters, with no suggestion whatsoever of corruption. It is offensive to the judiciary and a further unjustified attack on it for the government to be linking the issues in the way that it has.

Coming to the bill itself, it has a number of provisions which give the Attorney-General entirely unjustified power to interfere and intervene in the operations of the commission, which is supposed to be an independent body. For a start the bill provides that the CEO of the commission is to be determined on the Attorney-General's recommendation, with consultation and nothing more than consultation with the commission. In other words, the Attorney-General is to be given power to impose the Attorney-General's choice on a body which is supposed to be independent.

The bill also provides that it is the CEO who is to employ the staff, who are to be public servants. It is not clear whether they are intended to be Department of Justice staff, staff recruited independently or staff who transfer from the Department of Justice. In any event they are staff to be appointed by a CEO who in turn has been appointed on the recommendation of the Attorney-General.

The staffing arrangements in some respects are similar to the ones that have been inflicted on our courts, which were the subject of the very strong criticism by

Justice Smith. The position is in contrast to the position under the current Judicial College of Victoria legislation, which in section 16 provides simply that

> (1) A chief executive officer of the College must be employed under Part 3 of the Public Administration Act …
>
> (2) Subject to the … budget, as many other employees as are necessary … may be employed under Part 3 of the Public Administration Act …

I gather it is argued that by making the commission an administrative office and making the CEO the head that is supposed to confer a greater status and independence than exist presently, but in fact the opposite is the case for the reasons that I have given.

Just to drive home the point that the CEO is intended to be the Attorney-General's person inside the commission, clause 25 of the bill provides that the CEO may make any reports to the Attorney-General that he or she thinks necessary or desirable on any matters relevant to the poor performance of the commission's functions. In other words, it is intended that the CEO will bypass the board of the commission and report directly to the Attorney-General. So much for the independence of this body that should be entirely independent of executive government. The interference is compounded by the fact that clause 22 of the bill fetters the guidelines for judicial conduct that may be made by the commission by requiring them to be not inconsistent with the regulations. This means that in effect the government is giving itself the power to tell judges how to behave.

Similarly, there is an extraordinary power in clause 39 for the Attorney-General to require — not request or refer, but require — a health investigation of a judicial officer. It is perfectly appropriate for reasonable health checks to be organised by the Attorney-General of potential appointees to judicial office. However, once persons have been appointed, issues of health and questions about capacity to perform can and should be handled entirely independently of the Attorney-General. The Attorney-General should have no role in intervening in issues regarding the health and capacity of judicial officers, save for a capacity to refer on to the commission an issue that may have been raised with the Attorney-General. There are also numerous provisions in the bill under which the Attorney-General can receive extensive information about complaints in health and other issues, even if dismissal is not involved, which go far beyond what seems appropriate for the Attorney-General — that is, to be updated on matters about which he or she may legitimately be asked.

The second major concern of the coalition is the structure of the commission, which is cumbersome and inefficient and creates potential conflicts of interest in various cases. It is a large and top-heavy body for investigating complaints. One of the key potential benefits of establishing a separate complaints body should be to cut the workload and free up the time of heads of jurisdiction such as the chief justice, the chief judge and the Chief Magistrate so that they can get on with court work.

Instead, what this bill is going to end up meaning is that not only will heads of jurisdiction have to deal with problems in their own jurisdiction but they are likely to have to deal with problems in everybody else's jurisdiction as well. Increasingly it is going to take them away from their capacity to ensure that our courts are running smoothly. This is going to compound the numerous delays and problems in our court system, which were featured even today in the annual report of the County Court and which may well be featured in the annual reports of other courts.

It is expected that there are going to be around 300 complaints per year requiring investigation in Victoria — approximately 150 each in relation to the Magistrates Court and VCAT and perhaps 10 or so in relation to the County Court and the Supreme Court. As I said earlier, almost none of these are expected to be about crime, corruption or other dismissal issues.

The bill will require that virtually all decisions about judges and magistrates are going to have to be made by the board of the commission itself. There is a power to delegate decisions to an official committee in relation to judicial registrars and VCAT officers but not judges or magistrates. I observe in passing the continued anomaly of deeming judicial registrars to be judicial officers but separating them from judges in relation to how complaints are handled.

The New South Wales equivalent judicial commission deals with about 100 complaints per year, of which around 50 are substantiated. However, the New South Wales body does not cover tribunals. The New South Wales body has to meet approximately 11 times a year and requires extensive involvement from judicial members. It is expected that under the Victorian bill there will be a similar meeting requirement imposed on all six heads of jurisdiction in Victoria — a substantially greater demand on time than that of the current Judicial College of Victoria.

There is also a particular issue created by the structure of the commission in relation to complaints about heads of jurisdiction. In effect, they will be members of a

board that is required to sit in judgement over their own conduct. Of course they will take all appropriate steps to absent themselves if there are complaints related to them, but that highlights the awkwardness of the structure. It should also be mentioned that by the operation of the bill there is no power for anybody else to stand down a head of jurisdiction if the need arises while an investigation is proceeding.

The third area of concern the coalition parties have is that the bill undermines the good work of the Judicial College of Victoria in judicial education by merging the Judicial College of Victoria with the complaints handling function. That concern exists on two levels. The first level is a conceptual issue and relates to whether the two functions should be handled by the one body; there are a range of views on that. It seems to me that there is a serious risk that it will undermine judicial confidence and the clear focus of a judicial education body if that same body is responsible for handling complaints.

Regardless of one's view on that issue, the other crucial aspect is the effect on the costing of and funding for judicial education. In short, it seems that the government may be intending to try to have at least part of the complaints handling function of the commission handled out of money that has previously been provided for judicial education, rather than providing the funding that is needed. The coalition parties asked the government expressly for information about the funding issues involved. We asked what the cost of establishing and operating the commission was and how much of that cost was being provided by the government as new funding. The response was as follows:

> The judicial college is a standing body that has ongoing funding. The bill provides that the judicial commission is the successor of the judicial college and funding that is allocated to the college for its education function would be provided to the commission after the commission is established. The government will ensure that the commission receives sufficient additional funds to achieve all of its statutory functions.

In other words the answer was, 'We are going to provide enough money — don't ask us how much is involved'. We hear lots of talk about costing of announcements. This is a classic announcement from the government where it has provided absolutely no costing whatsoever for this policy initiative. I wrote back to the relevant officers in the department saying, 'Could you let me know what the current amount of annual funding for the Judicial College of Victoria is, and could you also let me know what additional funds the government intends to provide to the commission so it can achieve all of its statutory functions?'. Up until the time I came into the house for this debate I had not received a reply to that request.

It goes back to the words of the Chief Justice of Victoria last year when she said:

> Of course, a judicial commission will not come cheaply for the government … A judicial commission model will be a multimillion-dollar proposal …

This apparent threat to the funding of the judicial college comes amidst broader concerns from the judicial college about this legislation. Those concerns are set out very starkly in the annual report of the judicial college tabled today, where the chief justice writes:

> The board is extremely disappointed by the announcement. Judicial education provided through the college must not be compromised through management of complaints. It is important that Victorian judicial officers see the college as a creative and innovative institution that enriches the quality of their judgement.

So we have the judicial college, comprising the heads of jurisdiction, saying it is 'extremely disappointed' by the way the government has announced its proposed judicial commission.

There are further flow-on issues involved about who is going to pay for the work that needs to be done in carrying out investigations by the commission. I understand that in New South Wales funding is provided to acting judges or perhaps retired judges to handle some of the complaints. They are funded separately from the general funding of the New South Wales body. Is a similar approach to be followed here, and if so, how much funding will be available?

I now turn to the issue of the unanswered questions about the relationship between the commission and the government's proposed Victorian integrity and anticorruption commission (VIACC). As I said, the government has falsely linked the establishment of the commission to this issue and to the Proust-Allen review, whereas the main issue with the commission is in relation to performance matters that have nothing to do with corruption. However, in the handful of cases that may involve allegations of corruption we need to establish what the relationship between the two bodies is intended to be, and again we wrote to the government and asked for that to be confirmed. We were told:

> Clause 117 of the bill anticipates that the commission will be able to refer matters to the police or any other law enforcement or regulatory body for the purpose of, amongst other things, investigating criminal activity and seriously improper conduct.

> The interaction of the Judicial Commission of Victoria and the proposed Victorian integrity and anticorruption commission will be the subject of consultation and further consideration as the VIACC proposals are developed.

So we are still in the dark as to what the government's intentions are. It appears to be at least under contemplation by the government that corruption allegations against the judiciary will not be subject to the broad anticorruption commission but instead will only be able to be handled separately by the commission.

Answers are needed to questions such as: does the government propose that VIACC will be able to make a report that can provide grounds for removal by Parliament, or in such instances will the issue have to go back to the commission and to an independent panel before there can be grounds for removal? In other words, should the commission be the sole gatekeeper for any reports that lead to removal from office, or may VIACC be involved as well? It is certainly welcome that the Attorney-General is no longer to be the sole gatekeeper, but these other issues have to be resolved.

I mention some other points briefly: clause 32 enables complaints to be made even if they are the subject of proceedings in a court or other tribunal, which seems to give scope for collateral attack on judicial decisions despite the provisions of clause 36(1)(b). Under clause 39 it is not clear if the commission can require a medical examination where there is a complaint about the capacity of an officer under clause 28(d), (e) or (f). Clause 84 deals with the nomination of a pool of persons. Despite the government claiming that there will be a pool of persons nominated by the Parliament, in fact the nomination is by the Legislative Assembly. Clause 109 deals with the appointment of an investigator of a judicial registrar or VCAT officer, and provides the investigator may be a lawyer of only five years standing.

There are many unsatisfactory aspects of the bill. It is not acceptable in its current form; it needs more work and thought. Accordingly I move:

> That all words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to:
>
> (1) Provide for the outcome of further consultation regarding:
>
> (a) streamlining the structure of the board of the commission; and
>
> (b) retaining a separate Judicial College of Victoria.
>
> (2) Ensure the powers of the Attorney-General do not undermine the independence of the Judicial Commission'.

If the bill is passed in its current form, it will give the Attorney-General control of the commission through the appointment of a CEO who reports directly to him, furthering his undermining of the independence of the judiciary. It will cut across having a single independent broadbased anticorruption to investigate anyone in the public sector unless those issues are resolved. It will give the Attorney-General power to compel health investigations and obtain extensive information about judges. There is also a question about whether investigation of complaints should be under the control of existing judges rather than independent persons of high standing. This is too important an issue to be rushed. The Parliament should take the time to get it right.

Sitting suspended 1.03 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

The SPEAKER — Order! While it pains me to do so, I ask the Minister for Children and Early Childhood Development to take off her spectacular St Kilda scarf. The life of the Speaker is a very tough one. I ask members to remember that they are not at the footy; it is question time.

Government: advertising

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his statement in this house in 1995 when he said about his proposed political advertising bill:

> Members of the government parties will have the opportunity of showing some backbone and courage for once in their lives by supporting legislation that will save taxpayers money.

He further claimed:

> It will be the first piece of legislation we put through —

in government.

I ask: why did the Premier display neither backbone nor courage when he went missing last night as his government gagged and voted down the coalition's private members bill to end taxpayer-funded party political advertising, a bill which the Premier has failed to introduce despite having had 11 years to do so?

Mr BRUMBY (Premier) — As I have explained to the house previously, the vast majority of advertising which is under way in our state is about — —

Honourable members interjecting.

Mr BRUMBY — As I have indicated extensively in the house on previous occasions, the vast majority of the advertising that takes place in our state is about protecting public health and public safety.

In relation to the matter that the Leader of the Opposition raised, when this matter was debated in the other place, a member for Northern Victoria Region invited Mr David Davis, the Leader of the Opposition in that house, to make his views known in relation to specific campaigns and in the committee stage referred to campaigns to encourage parents to enrol their children in government schools, campaigns encouraging smokers to quit smoking, campaigns encouraging women to seek screening for cervical cancer, campaigns encouraging Victorians to join the Ambulance Victoria membership scheme, campaigns for the recruitment and retention of nurses in the public health system, campaigns warning Victorians of the dangers of bushfires, campaigns in relation to Victorians who may have problems with gambling urging them to seek help from the Gambling Help online service and campaigns informing Victorians about new penalties for carrying knives.

The member for Northern Victoria Region then asked the mover of the bill in the other place, Mr David Davis, about his attitudes to those campaigns. He replied, 'In my judgement, many of these campaigns are worthy'.

Desalination plant: progress

Ms GRALEY (Narre Warren South) — My question is to the Premier. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on the latest work being undertaken on the desalination plant?

Mr BRUMBY (Premier) — I thank the honourable member for her question. I joined her in Hallam this morning and noted her great support for the AFL program in schools and the funding that has been provided for the indigenous students who have been part of that great program. I thank the member for her question about the desalination plant and for her ongoing advocacy for local groups such as the Power Grid Option Group and her support of the desalination plant in general.

Earlier this morning I joined the Minister for Water to announce that local company Fytogreen had secured a $4.3 million contract to design, install and maintain a landscaped living green roof on top of the desalination plant in Wonthaggi. This green roof will cover 26 000 square metres, which will make it the largest green roof anywhere in the Southern Hemisphere. It will be planted exclusively with local indigenous plants — about 98 000 of them — which will be raised at a nursery in Carrum Downs and then replanted. This project will create a further 12 direct jobs, making the desalination plant one of the largest private sector projects under way in our state, having provided more than 3000 new jobs for Victorians. It is a great project.

As I have said before, the desalination plant is a water supply project that is designed to make sure that it meets the needs of our community for decades into the future, securing our state's economy and securing the future of our communities. It is a project not only for today but also for tomorrow and for decades to come. When we announced the desalination project Victoria was experiencing its 10th year of drought. Our dams were at record low levels, and many towns, including Wonthaggi and Geelong, were on stage 4 water restrictions.

When we announced our plan to build this plant in June 2007, it was widely applauded. The Australian Industry Group said:

> The initiatives will be a considerable boost to industry, which above all needs certainty of supply.

It was applauded across environment groups. The CEO of Environment Victoria, Kelly O'Shanassy, said:

> It can take pressure off our stressed rivers during drought.

It was also applauded across community groups. The Wonthaggi Business Association's president, Gordon Muller, in an article entitled 'The desal boom begins', said:

> If businesses owners aren't smiling, they should be!

It was a tough decision. In government we have made many tough decisions. We have made the right decisions for the long term, and we have stuck with them. This was supported — —

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast is warned.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby is warned. I ask the member for Bass to remember that he is at question time.

Mr BRUMBY — This was the right long-term decision for the state. The Australian Industry Group said at the time:

> Industry needs certainty that it will have ongoing access to water … This was the intention when the water infrastructure program was announced and we look forward to it being maintained.

That was Tim Piper of the Australian Industry Group on 5 February 2008.

VECCI (Victorian Employers Chamber of Commerce and Industry) pointed out in the Melbourne *Age* of 14 September 2009 that the government 'deserves plaudits for facilitating … water projects including the Wonthaggi desalination plant'.

An honourable member interjected.

Mr BRUMBY — I am sure VECCI will note the member's interjection with interest.

Lately our government — I am not sure whether I should read this — has received the backing of Barnaby Joyce, who is on the record as saying in the *Australian* of 13 August that 'he would like to invest hundreds of million dollars to promote "real action" to increase water supplies, including the construction of … desalination plants'.

The reality is that there are in excess of 5000 desalination plants in place across the world in around 200 countries. There are 240 desalination plants under construction today, as I speak. Some are in Australia — in Sydney, Brisbane and Adelaide. Perth is building its second desalination plant. Do you know what? Perth has just had its driest winter in 11 years. The reality is that the decision we took to build this plant was the right decision then — and it was the right decision for now, for next year and for decades to come.

We are in a state with an enviable quality of life. We have not been out of the top three livable cities in the world in the last decade. We have never been beaten by a city of our size. Global cities the size of Melbourne with a great quality of life need the security of water supply in the future. When late former Premier Dick Hamer talked about Victoria being the garden state, guess what he had in mind? He had in mind a state with secure water supplies for years and decades into the future.

Our government has taken the right decision — the tough decision, the appropriate decision and the responsible decision — to build the desal plant to give us a source of water that is non-rainfall dependent. We are proud to stand by our decision, unlike those opposite — the knockers and the blockers — who have walked away from all of the big decisions that we have had to make in this state, whether it be channel deepening, whether it be EastLink or whether it be now the desal plant. Here they are: the knockers and the blockers.

Honourable members interjecting.

Dr Napthine — On a point of order, Speaker, the Premier is now debating the question. We welcome the fact that the government has adopted our policy on a desalination plant. It is just a pity it is not open, honest and accountable in telling Victorians how much they are going to pay for it. The Premier is debating the question, and I ask you to bring him back to order.

The SPEAKER — Order! I uphold the point of order. The Premier is debating the question. I remind him that he has been speaking for a long time and that he should conclude his answer.

Mr BRUMBY — In response, here is another quote from *Hansard* of 13 February, 2007:

> My request of the minister is that he forget the commentary, forget the inevitability and just get on with building a desalination plant now.

That was the Deputy Leader of the Opposition!

Bushfires: fuel reduction

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the government's fuel reduction burning program for 2009–10 and his commitment on 14 February this year that 'We'll comfortably exceed the 150 000 (hectares) that was burnt in 08–09', and I ask: given that the DSE (Department of Sustainability and Environment) annual report reveals that the government actually burned only 146 000 hectares, is it not a fact that the Premier has broken yet another promise on bushfire preparation and is once again leaving Victoria dangerously unprepared?

Mr BRUMBY (Premier) — I had difficulty with that question in understanding the source of the quote and to what year it applied, but I have here the figures for the years of fuel reduction burning, which will take me less than a minute to put on the record in *Hansard*, which is probably instructive. In 1995–96 it was 72 000 — —

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. He is relating 1995 to the year that he promised the advertising bill. I think he is confused. The simple fact is this is a question regarding a commitment he made in the early part of this year that in fact has not been fulfilled, and I asked the Premier to explain why the government has broken another promise.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass is warned. He has a decision to make as to whether he stays at question time or whether he leaves. I will not warn the member for Bass again.

Mr Batchelor — On the point of order, Speaker, I put it to you that there is no point of order. The Premier had barely spoken more than five or six words before this disruptive point of order was taken. The Premier was asked to comment on year-to-year comparisons. The Premier is entitled in answering the question to put it into a particular context. He was asked to compare a period of time with commitments that were given. He is entitled to look at what has occurred in the past in relation to answering the question. Clearly the intent of the point of order was to cause disruption, and it should be ruled out of order.

Dr Napthine — On the point of order, Speaker, the question was quite succinct: it was about a promise made this year with respect to fuel reduction targets and a lack of achievements this year. It was about the current situation, not what happened 10 or 15 years ago. That is why the Premier is not being relevant to the question, and that is why you need to uphold the point of order made by the Leader of The Nationals — a very clear point of order. We have a situation in our federal Parliament where we are looking to try to make sure that n answering questions ministers are relevant to the questions asked. The Premier should be required to be relevant and to answer this question.

The SPEAKER — Order! As the member for South-West Coast knows, the Victorian Parliament has its own standards, traditions, practices and standing orders. I find it hard to uphold the point of order when the Premier had only just commenced his answer.

Mr BRUMBY — Speaker, I said it would take 1 minute to get it on the record, and I think it is instructive for the Parliament. If you look over the last 10 to 15 years, you see that for 1995–96 it was 72 000; 1996–97, 131 000; 1997–98, 40 000; 1998–99, 104 000; 1999–2000, 105 000; 2000–01, 65 000; 2001–02, 81 000; 2002–03, 49 000. The notes say that damp conditions in the east of the state and extremely dry conditions in the north-west and the north-east reduced the number of available burn days. In 2003–04 it was 90 000; 2004–05, 127 000; 2005–06, 49 000 — again members will recall the extremely difficult conditions; 2006–07, 138 000; 2007–08, 156 000; and the total for the last year, to which the honourable member referred, was 146 000.

In all these cases, over the last four years the government has exceeded the average of 130 000 hectares. The long-term average over the last 20 years has been 90 000, and in each of the last four years we have exceeded 130 000. But the reality is you can only — —

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew knows better. I warn the member for Kew.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. The question relates to his assertion that we would comfortably exceed 150 000 hectares, and as he has just read out, that has not happened. It is a broken promise. The question I asked was in relation to his explanation as to why it is so.

The SPEAKER — Order! I do not uphold the point of order. The Leader of The Nationals clearly mentioned two specific years: 2009–10 and 2008–09. I believe the Premier is responding in relation to the year 2008–09.

Mr BRUMBY — Speaker, the annual report of the DSE tabled today — which relates, by the way, to the 2009–10 year, so I do not have the 2008–09 annual report with me — shows at page 58 that the target in 2009–10 was 130 000 hectares. That was the target, and the amount of fuel reduction achieved was 146 000 hectares.

If I could add that in responding to the royal commission's report we recently announced that we would provide a further $382 million over the next four years to further increase the level of fuel reduction burning. That will enable us to more than double the amount of fuel reduced as we scale up to what will be that new target of 385 000 hectares. The new budget funding will enable us over the next four years to go to 275 000 hectares, and over the two years beyond that to go to 385 000 hectares.

In conclusion, if you put that in context, you see that the long-term average is 90 000 hectares, the average over the last year is 130 000 hectares, the target over the next

four years is 275 000 hectares, going up to 385 000 hectares. This was a specific recommendation of the commission, and it is one we embraced.

Water: government initiatives

Ms MARSHALL (Forest Hill) — My question is to the Minister for Water. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house what steps the government is taking to provide a secure water source for Victoria, and is he aware of any challenges?

Mr HOLDING (Minister for Water) — I thank the member for Forest Hill for her question, because I know she was very pleased to join with the Premier and me several weeks ago to announce the easing of water restrictions in Melbourne from stage 3 to stage 2, meaning that Victorians — Melburnians as well as people right across Victoria — are seeing the benefits of the state government's water plan now flowing to Victorian households and farmers right across the state. Of course they are seeing the benefit of strong inflows from rain and the benefit of the great water-saving efforts that Victorians have put in place.

But not all Victorians necessarily agree with the water plan and the projects in that plan that the government has been embarking upon. I was astonished, and I know the member for Forest Hill was also astonished last night to have her attention drawn to a claim that said that the Brumby government's water projects —

Mr Hodgett interjected.

The SPEAKER — Order! I warn the member for Kilsyth. I suggest that question time in the Parliament is hardly the place for comments like that.

Mr HOLDING — The claim was that the Brumby government's water projects were unjustified and that the water projects themselves 'were never needed'. Obviously the memorandum needs to get through to the member for South-West Coast, who just a few moments ago was on his feet claiming that the desalination plant was in fact the opposition's idea and that the government had embraced its policy. Now we are expected to believe that the government's water projects were never, ever, needed. This is an extraordinary claim.

This government certainly has, along with all Victorians, learned how devastating 13 years of drought can be to Victorian households, Victorian farmers and Victorian businesses. We know how devastating it has been to see irrigators on zero per cent allocations. We know how devastating it has been to see towns and cities on severe water restrictions. In fact it was in 2007 that some commentators were saying, 'What is the government's "What if it doesn't rain?" plan?'. Yet now we are expected to believe that the very water projects that are the centrepiece of the government's water plans were never, ever, needed.

What were other commentators saying in relation to the importance of the desalination plant? One commentator said:

> Victoria is running out of water; Melbourne is running out of water. It is his — —

the water minister's —

> job to ensure the supply of water for the state. He can do it in part by the construction of a desalination plant, and he needs to get on with it and show some urgency.

That was in 2007, yet now we are expected to believe that these projects were never, ever, needed.

Victorians know exactly what the state government's 'What if it doesn't rain?' plan is. Firstly, we are building Australia's largest desalination plant. The opposition parties said that we should have built it more urgently; they now say that it was never, ever, needed. We are upgrading Victoria's irrigation system and making the biggest investment in irrigation infrastructure in the state's history. They claimed that it would not save any water and that we should have fast-tracked the project; now they claim it was never, ever, needed.

Honourable members interjecting.

Dr Napthine — On a point of order, Speaker, the minister is debating the question. The opposition is happy to accommodate the minister on a debate on water plans. We would like to have a full debate on that and a full costing of those plans, but this is not the time to have that debate. I ask you to bring the minister back to order and have him answer the question in terms of government business.

The SPEAKER — Order! I uphold the point of order.

Mr HOLDING — It is hard to whistle and sing at the same time, that's for sure! We make it very clear that we support as part of our plan connecting the state with a statewide water grid. We would never say the water that has flowed into White Swan Reservoir in Ballarat and has enabled water restrictions to be eased there was never, ever needed. We would never say that the easing of water restrictions in Bendigo as a

consequence of the construction of the goldfields super-pipe — an absolutely critical part of the statewide water grid — was never, ever needed. The Nationals opposed the construction of the goldfields super-pipe every step of the way, and now they claim that it was never, ever needed.

The truth is that Victorians know exactly what has been needed to secure water supplies in this state for decades to come. Victorians know that we will have droughts in future years and in decades to come. Victorians know, despite the denials from those opposite, that our climate is changing and that we need to secure our water supplies for generations to come.

Victorians would never believe that having an insurance policy against future drought and climate change — of which the desalination plant is the centrepiece, underpinning our urban water supplies for decades to come — would never, ever be needed. Victorians would never believe or say that making the biggest investment in upgrading and modernising irrigation systems in northern Victoria so that we can save huge amounts of water and return desperately needed water to farmers and distressed river systems was never, ever needed.

Victorians support the investment that the state government is making in recycling projects in places like Bendigo and Ballarat with the Ballarat North water reclamation plant and the Epson-Spring Gully water recycling project. They know that the upgrades to the eastern treatment plant in Melbourne will supply desperately needed recycled water to many different projects across the state. They would never believe that those projects were never, ever needed.

When Victorians see these comments that the record investment we are making in securing the state's water supplies were never, ever needed, they know what hollow claims they are from those opposite. They know these projects are desperately needed. They know that this government had to implement a plan in 2007, after record low inflows in 2006, to secure the state's water supply. They know that we faced a water crisis, and they know that this government had to act.

Mr Ryan — On a point of order, Speaker, the minister is debating the question, and he should return to answering whatever it was he was asked.

The SPEAKER — Order! While I accept that the minister has been speaking for some time, I believe he was concluding his answer and I do not believe that at that stage he was debating the question. The minister, to conclude his answer.

Mr HOLDING — Victorian industry has welcomed our plan to safeguard the state's water supply, environmentalists have welcomed our plan to safeguard the state's water supply, and we know that more and more Victorians are recognising, and will recognise in years to come, the importance of the decisions we have made. The phrase that these projects 'were never, ever needed' will haunt those opposite until election day.

Timber industry: sustainable logging

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given the importance of Victoria's timber industry to our economy and to regional jobs, will the Premier give an ironclad guarantee that his government will continue to support long-term, sustainable native forest logging in Victoria's state forests?

Mr BRUMBY (Premier) — Our government has always taken a long-term and responsible view in relation to the forest industry. Over recent years we have created additional national parks in high-value forest areas across our state, and the aggregate area of land that has been available for logging from native forest has been reduced as we have moved to protect those areas of particularly high conservation value.

We have had a longstanding commitment to a sustainable logging industry. We have always supported that and taken a long-term view in relation to it, and I think we are now in the fortunate position in our state where we have a more sustainable forestry and logging industry based in our native forests but also a steadily increasing plantation resource, particularly in the west of the state. Our long-term goals remain unchanged — that is, to have a sustainable logging industry; one that ensures we have a future for high-value-add logging operations and paper operations but at the same time one that continues to protect our most sensitive and high-value environmental areas.

Water: government initiatives

Mr HOWARD (Ballarat East) — My question is to the Minister for Regional and Rural Development. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise what steps the government is taking to provide a secure water source for industry, and is she aware of any challenges?

Ms ALLAN (Minister for Regional and Rural Development) — Once again I thank the member for

Ballarat East for his question. I would like to inform the member for Ballarat East and the whole house that on 9 August 2007 this was said about the Premier:

> John Brumby will go down in history as the man who turned the nation's food bowl into a dust bowl …

Just how wrong can the Leader of The Nationals be?

It was because of the strong and decisive action taken by the Brumby Labor government that today farmers, businesses and families right across regional Victoria have greater water security and, most importantly, greater confidence about their future in regional Victoria. That is because only the Brumby Labor government has a comprehensive water plan — as we have heard from the Minister for Water and the Premier today — that has made significant investments in vital water infrastructure projects to support the state.

An important project in particular has been the $2 billion food bowl modernisation program, which as we know is about not only delivering a modern irrigation system for the food bowl but also securing more water for farmers, more water for businesses, more water for urban communities and more water for the environment. Far from being the dust bowl that the Leader of The Nationals was running around trying to predict in 2007 — he was cheerleading for this to be the case — we are now seeing that the food bowl modernisation program is a transformational regional economic development project that is now acting like a magnet, attracting new jobs and new investment into the region. Just one example — —

Mr Weller interjected.

Ms ALLAN — I hear the member for Rodney groan. Just one example is in Echuca in the electorate of the member for Rodney, where we have seen — —

Honourable members interjecting.

The SPEAKER — Order! The member for Rodney! The Minister for Water!

Ms ALLAN — The member for Rodney knows this project well. In Echuca the $21 million expansion of Fonterra's factory is securing 120 jobs there off the back of the great confidence that that is going into the region.

Honourable members interjecting.

Mr Weller — On a point of order, Speaker, the minister is obviously debating and making comments about me. What she is neglecting to say is that there was also a closure of a milk factory in Leitchville, where 80 jobs were lost.

The SPEAKER — Order! I advise the member for Rodney that taking a point of order does not allow him to then make a point in debate. I do, however, uphold the point of order.

Ms ALLAN — The member for Rodney knows there can be no debate about more jobs being created in regional Victoria and more jobs being created in the food bowl region — like the jobs being created in Echuca off the back of the great big magnet that is the food bowl modernisation project. We know that others in the region have labelled this project ill conceived, but I say to the member for Swan Hill that creating jobs, supporting local communities, providing more water for farmers and producers and bringing confidence back into the region is not ill conceived.

Another project that has already been referred to this afternoon by the Minister for Water is the goldfields super-pipe, which is a major project that is backing the major regional economies and regional communities of Ballarat and Bendigo. What a difference this project has made to those cities, ensuring that Ballarat and Bendigo have had water to manage their way through some difficult periods of time during the worst drought in our state's history. Without the leadership that has been shown by the Brumby Labor government in delivering the super-pipe for Bendigo and Ballarat, those cities would have been at grave risk of running out of water. A couple of summers ago Bendigo was at grave risk of running out of water, as was Ballarat last summer. That was a matter of deep concern; it was deeply concerning to those of us on this side of the house, but unfortunately it was not of deep concern to everyone.

This is what was said about the goldfields super-pipe project just last year 'the pipeline of course should never have been built'. Unlike regional Victoria's most senior Liberal member of Parliament, Sharman Stone, the federal member for Murray, the Brumby government believes in the super-pipe. We built it to support jobs and families in our regional centres. It is only the Brumby Labor government that remains committed to delivering these massively important projects and to providing greater water security for farmers, communities and the economy of regional Victoria. That is backing the future of those communities.

Timber industry: East Gippsland

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Agriculture. The

government's 2006 election commitment to the East Gippsland timber industry was for no net loss of resources or jobs and that its 45 000 hectares of old growth national parks deal was the end of excluding areas available for timber harvesting in East Gippsland. I ask: how can this commitment be honoured now, considering that the Department of Sustainability and Environment has released its draft East Gippsland forest management area zoning scheme, which shows an increase of over 117 000 hectares in the informal reserve system on top of the new parks?

Mr HELPER (Minister for Agriculture) — I thank the member for Gippsland East for his question. Every time I see the World Wildlife Fund's commercials that are currently running on television showing the terrible effects of Third World illegal logging I am proud to be part of a government that supports a sustainable timber industry in this state, be it the plantation industry or natural forestry.

I can assure the member for Gippsland East that the government stands by its commitment that there will be no net loss of resource and no net loss of jobs due to the creation of the new national park in East Gippsland. The new national park is now in place. For the information of the member for Gippsland East, the process included an industry transition task force to oversee the new reserve system in the east of the state.

I acknowledge that the member for Gippsland East was the only member of Parliament in this house who did not support the creation of the national park. I also acknowledge the member for Gippsland East's steadfast and enduring support for the timber industry as it provides jobs in his communities and right across the state and makes a significant contribution to the state's economic activity.

The review of the forest management zones, which the member for Gippsland East referred to, is a separate exercise — and it is a timely exercise, given that some of those temporary reserves have been in place for more than 20 years. The review of the temporary reserves system complies with the East Gippsland regional forestry agreement process. As the member for Gippsland East indicated, the draft maps are out for consultation. I stress the word 'consultation', and I know the member for Gippsland East and many in his community will make submissions and representations in relation to the draft maps to the forest management zones review. The government welcomes that input to the review.

The views that the industry transition task force has and will bring to the table will also be considered, along with the views and submissions from many interested members of the public and organisations across East Gippsland. I look forward to the finalisation of the review of the forest management zones and to their modernisation. I also look forward to keeping our commitment that there will be no net loss of resource and no loss of jobs due to the new national park in East Gippsland.

Racing: government support

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Racing. I refer to the Brumby government's commitment to make Victoria the best place to live, work and raise a family, and I ask: what steps is the government taking to support the Spring Racing Carnival, including any measures to provide a secure water source for our racing clubs?

Mr HULLS (Minister for Racing) — I thank the honourable member for his question. As members would know, the Spring Racing Carnival includes some of the most significant events on Australia's sporting and social calendar, particularly the Melbourne Cup. We know these events attract massive crowds and generate significant economic benefits for this state. According to Racing Victoria Ltd, last year's carnival attracted a gross economic benefit to Victoria of over $513 million and supported 3300 full-time equivalent jobs in Victoria. It is of huge economic benefit to this state.

The jewel in the crown of the Spring Racing Carnival is the Melbourne Cup. We would all be aware by now that 2010 marks the 150th running of the Melbourne Cup. It is going to be a sensational event. It is also the 80th anniversary of Phar Lap's 1930 Melbourne Cup victory and his unparalleled feat of winning four times at Flemington during cup week and the Cox Plate the week before.

As part of supporting the Spring Racing Carnival it was my pleasure this morning to unveil an extraordinary exhibit at Melbourne Museum, an exhibit that is going to attract hundreds of thousands of people over the coming months. That exhibit is the reunification of Phar Lap's skeleton with his hide for the first time since his untimely and — can I say — suspicious death in America in 1932. It is the first time that Big Red's skeleton has been loaned out of New Zealand since it arrived there in 1933. Make no bones about it, people will be flocking to the Phar Lap reunification exhibit just as they will be flocking to his year's Spring Racing Carnival to witness the best of what our world-class Victorian racing industry has to offer.

The Victorian racing industry is a national and international leader because of the very strong partnership between industry and the government, particularly through the $86 million Regional Racing Infrastructure Fund. The government has provided over $8 million in water-saving projects to the racing industry since 2001. That includes $1.7 million towards the installation of the synthetic track at Geelong, which I might say the shadow minister did not support; $210 000 for irrigation infrastructure and a dam upgrade at Ballarat Turf Club; $266 000 for the treated water pipeline project at Mornington Racing Club; $266 000 for the stormwater harvesting project at Geelong Racing Club; and $86 000 for water desalination plants at the Geelong and Sale greyhound racing clubs. These are just a few of the projects that are part of the broader Victorian plan to provide certainty about water well into the future — not just pointing up to the sky and praying for rain. Unlike the Phar Lap exhibition, we have not seen hide nor hair of a decent policy from those opposite when it comes to water.

This government will continue to support country racing, and we will continue to support drought-proofing projects like those I have mentioned. Just like the Phar Lap exhibition, those opposite should show some backbone and tell the people of Victoria what their plan is rather than just praying for rain.

In conclusion, I urge all Victorians to go to the museum to see the new Phar Lap exhibition. Phar Lap was probably the greatest racehorse this country has ever seen. He will be remembered forever for his 1930 Melbourne Cup win. He was certainly a better horse than the 1968 and 1969 Melbourne Cup winner, Rain Lover, and a much better horse than 1865 Melbourne Cup winner, Toryboy!

Crime: gangs

Mr CLARK (Box Hill) — My question without notice is to the Premier. Given today's media reports that the Comanchero bikie gang is actively involved in the sale and distribution of heroin in Melbourne, will the Premier commit to the introduction of legislation in Victoria to ban criminal bikie and other gangs, or is this yet another example of this government's soft-on-crime approach to dealing with criminal elements?

Mr BRUMBY (Premier) — I thank the member for Box Hill for his question. As I indicated to the media today in relation to issues that have been reported in the media this morning, we view — as does Victoria Police obviously — any reports or any indication of an increased number of heroin shipments into Australia via New South Wales or Victoria with great concern.

Many members of this house would remember the often difficult debates that we had in the 1990s and early on in our term of government about the sale of heroin and its impact in terms of death from overdoses, and I am pleased to say that in recent years we have certainly seen a significant reduction in the number of fatalities from heroin misuse in our state.

We view these things very seriously. Victoria Police is working with the New South Wales police and the Australian Federal Police in relation to those matters which have been canvassed in the media. In relation to laws to tackle these things, the reality is, I think, as the honourable member is aware, that we have what I believe to be, and what the Chief Commissioner of Police believes to be, the strongest organised crime laws in Australia. As I have said before, whether it be Asian triad gangs, motorcycle gangs or mafia gangs — it does not matter what sort of organised criminal activity it is — the reality is that the laws that are in place are designed to tackle all those issues of organised criminal activity.

Specifically, we have a strong asset confiscation regime that allows authorities to confiscate and sell property that is tainted by criminal activity. Whether that is any property or bikie property we have coercive questioning powers to assist in the investigation of organised criminal offences. We have legislation to prevent people from consorting for the purposes of organised crime, and we have surveillance devices, controlled operations, assumed identities and witness protection legislation as agreed by the leaders summit on terrorism and multijurisdictional crime in 2002. That was in 2002 under the former federal government, and I might say that not all jurisdictions have implemented these cross-border powers, but we have supported them fully.

I am advised by the Minister for Police and Emergency Services that Victoria Police continues to use all of these powers to target any individual or individuals who are involved in serious organised crime regardless of whether they belong to a motorcycle gang or any other form of organised criminal activity. Finally, as I have indicated, the Deputy Commissioner of Police confirmed recently that the government and the deputy commissioner and the police commissioner have been in some discussions about the possibility of anti-fortification laws to ensure that any organised criminal activity would be subject to the most stringent legislative regime. We have the toughest organised crime legislation in place across Australia, and it works effectively.

Water: sportsgrounds

Ms GREEN (Yan Yean) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house what steps the government is taking to provide a secure water source for sporting clubs, and is he aware of any challenges?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Yan Yean for her question. At the beginning of 2009 some members in this chamber dramatically predicted cancelled sports competitions right across Victoria due to the drought. The collapse of sport that those opposite predicted never came. It never came because instead of praying for rain, the Brumby government acted decisively in implementing the Victorian water plan, which included tens of millions of dollars for drought-proofing community sport. To date over 680 projects been funded, including the installation of water tanks, drought-proof grasses, synthetic surfaces, new irrigation systems and new recycled water connections. None of these projects would have been realised if the Brumby government had simply stood by and prayed for rain.

The Victorian Country Football League has reported three record-breaking country football seasons. Participation and crowds are at never before seen levels. These records would not have been broken if the Brumby government had stood by and prayed for rain. AFL Victoria posted a record participation figure last year for suburban footy, and that is set to be broken again this year. This would not have happened if the Brumby government had stood by and prayed for rain. Right across Victoria sport is as healthy as it has ever been, and one of the key reasons for that is the Brumby government's water plan.

I was asked about challenges. The one great challenge to community sport is ripping up our water plan and simply praying for rain. Today the Brumby government's water plan was described as a knee-jerk reaction. Contrast that with this view:

> I think all of us here will acknowledge that drier seasons will be with us as a matter of course well into the future, so it is imperative that we address these issues and make certain that we come up with a strategy that will enhance our sporting fields in dry climates.

Today our water plan was described as 'never needed'. Contrast that with this view:

> … services which are very helpful are … the Drought Relief for Community Sport and Recreation project … and the provision of water security for sports grounds through the summer.

Despite portraying vastly different policy positions, those quotes came from only one source — those opposite!

Honourable members interjecting.

Mr MERLINO — I just told you, you dills.

The SPEAKER — Order! The minister has specifically said that he is quoting, and I ask him to give the source of those quotes.

Mr MERLINO — The quote from Mrs Coote, a member for Southern Metropolitan Region in the other place, was made on 9 October 2007, and the quote from the member for Lowan came from his media release dated 3 June 2008. I am happy to provide those quotes to the house.

When the sun is shining the water plan is imperative and very helpful, according to Mrs Coote in the other place and the member for Lowan. But as soon as it rains, the water plan is 'a knee-jerk reaction' and was 'never, ever needed' according to the leader of The Nationals. That is not a plan. It is lazy, it is inept and it is deluded, but it is not a plan.

Dr Napthine — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to answering the question with respect to government business.

The SPEAKER — Order! I uphold the point of order. The minister is clearly debating the question, and I bring him back to answering it in the context of government business.

Mr MERLINO — The Brumby government's water plan has the strong backing of our state sporting associations. There is only one group in the community that does not understand this fact. If it were not for the Victorian water plan and the security and certainty that it provides, we would not be able to reduce water restrictions and we would not be able to enable the watering of every single sporting oval in Melbourne as we approach our summer sports season. You cannot have it both ways. You cannot do nothing — —

Honourable members interjecting.

Dr Napthine — On a point of order, Speaker, the minister is again debating the question. I ask you to bring him back to answering the question with respect to government business rather than continually trying to engage in debate.

The SPEAKER — Order! I uphold the point of order. I suggest to the minister that he has been speaking for some minutes now and should conclude his answer.

Mr MERLINO — I was asked about challenges, and the challenge to community sport is to rip up — —

Honourable members interjecting.

The SPEAKER — Order! The minister will not be shouted down. The minister repeated the question. The minister should now conclude his answer.

Mr MERLINO — In conclusion, I was asked about challenges. The challenge to community sport is to rip up the water plan. What that means is to do nothing. You cannot do nothing and at the same time ensure the future of sport in this state. This pray-for-rain position just confirms how ill equipped the opposition is to tackle the big issues facing our state.

JUDICIAL COMMISSION OF VICTORIA BILL

Second reading

Debate resumed.

Ms THOMSON (Footscray) — It is a pleasure to rise to support the Judicial Commission of Victoria Bill 2010, one of a long series of initiatives to bring about improvements in our judicial system and to ensure that we are keeping it up to date and reflective of community standards. This meets a commitment and a vision that we saw in justice statement 2, and it delivers on the Proust review's recommendations to set up a judicial integrity body. It also sits very well with the integrity and anticorruption commission that we are establishing in Victoria.

I want to talk a little about the member for Box Hill's questions and other matters that have been raised in debate. I think it is important in the time that I have available to cover some of those and to address the misconceptions evident in some of the points the member for Box Hill made during the debate today.

One of them was in relation to the Attorney-General's powers, particularly the appointment of a CEO. I want to clarify this point. The CEO will be a Governor in Council appointment. This is the same as for judicial appointments; they are Governor in Council appointments. If we are going to have a body that determines whether or not there is a case to be heard in relation to the conduct of the judiciary or other legal participants in the court system, it is appropriate and important that this person holds a position of an equivalent status. That is why the Attorney-General has the right to appoint; it is because it will be an appointment by the Governor in Council.

Let us not say the Attorney-General's powers are any greater, because that is not true. It is not interference with the court system as the member for Box Hill would have us believe. It is not taking away from the independence of the courts; in fact it is enhancing that independence. It is creating a body that will have on it not only the representation of all the heads of jurisdiction but also five non-judicial practitioners in order to ensure that this body has the confidence of the community.

We have had incidents, and even the member for Box Hill pointed to such incidents, where the reputation of the judiciary has been put into question because of the conduct of some individuals within the judiciary. It is only fair and reasonable that we ensure that the public has every confidence in the measures we put in place. Therefore it is important — which was another point made by the member for Box Hill — for the CEO to have the capacity to go directly to the Attorney-General with any matters of concern. We on this side of the house do not believe the CEO will be rushing to the door of the Attorney-General every 5 minutes, once a week, once a month or maybe even once a year. However, there is the capacity, if the CEO is concerned with the conduct of anyone on that commission or any of the practices of the commission, for the CEO to raise that with the Attorney-General so it can be rectified. This builds within it a protective measure for the confidence of the public that the commission will continue to conduct its operations in an appropriate way.

This is not disrespectful to judges. It is not disrespectful to those who will form the commission and the board of the commission. It is just a mechanism to ensure that at all stages the commission's integrity is never in dispute and that there is no perception of it ever being in dispute. I think that is a very important point that needs to be recognised by members opposite — that if we are going to do this properly, we need to ensure not only that the commission is doing the right thing but also that at all times it is seen to be doing the right thing. We have also recognised that there needs to be a system that the public can have confidence in — a body they know they can go to with a complaint. I think that is important.

I also want to go to the issue of a judicial officer's health. The member for Box Hill raised the issue that it

was fair and reasonable that the Attorney-General could ask a question in relation to health and appropriateness to serve based on health grounds for the appointment of a judge. After that there is no role or responsibility for the Attorney-General to ensure that members of our judiciary are able to perform their duties due to health circumstances. I, for one, do not want to see a situation where there is someone serving as a judicial officer who for health reasons should not be serving. This is common sense. If the Attorney-General has the right to have checks made on an appointee's health, he has the right to ask the commission whether or not there need to be health checks in relation to capacity to serve whilst a person is serving as a judge.

None of this determines whether that is going to occur. The commission can consider the request of the Attorney-General and say, 'We do not think this is an appropriate investigation for us to take'. On the other hand it may say, 'The Attorney-General has got a good point here, and we will investigate this matter'. It still remains in the power of the commission to determine whether it will investigate or not. I think that is the answer to the question asked by the member for Box Hill about the appropriateness of the Attorney-General making such a request.

The member for Box Hill also raised the issue of adequate resources. I want to put on the record that since 1999 there has been a massive boost to resources for the courts. We have increased the number of new judges, and we have opened and improved court facilities, and I will talk about that in a minute. We have increased the output spending of courts by over $200 million and have funded the appointment of 43 additional judicial officers. In the last year alone we have increased funding for the Victorian court system to a record $380.8 million, and in 2010 the budget allocated a further $62.3 million to fund six new judicial officers and reduce delays in the court system. I think the record speaks for itself. This body will be adequately funded to do the job that it needs to do, which is a function the government sees as being vitally important to ensure that the judicial system has the confidence of the community and that it represents society as it is today.

I also want to talk about some of the things that follow on from this. We have a record in strengthening the judicial system here, whether it be through alternative dispute resolution, increasing the number of female judges in the courts today or broadening the pool from which we pick judges now under the current Attorney-General. We have had the establishment of the Koori Court and the Drug Court. We are continually updating and upgrading our judicial system to meet the expectations of the community.

I also want to talk about the functions that come with the educational component that the member for Box Hill brought into question. The merging of our education facility and the functions of the commission are actually advantageous. The judicial college that was established to ensure that judges kept up to date so that sentencing and dealing with witnesses is done in a way appropriate to today's standards is very important, but it is also important to monitor what is occurring from the complaints side of things to ensure that the judicial college's work is up to date with what is occurring in practice.

You can see the connection between complaints to the commission and the way in which judges are prepared for their jobs. It is important that these links are made. I think it is common sense — and we would love the law to be based on common sense — that we are seeing a blending of those roles to ensure that the judicial college continues to instruct and assist judges to help them to meet the needs of the community as they make judgements and conduct themselves in hearing cases. It is most appropriate that they be part of the bill, and I support the bill.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Judicial Commission of Victoria Bill 2010. The Nationals in coalition are opposing the bill. I will be brief in order to allow others who are more qualified in the law than I to speak. In saying that, I thank the member for Box Hill, who has done a wonderful job in examining the bill in great depth.

The purpose of the bill is to establish the Judicial Commission of Victoria and to provide for the continuing education and professional development of judicial officers, judicial registrars and Victorian Civil and Administrative Tribunal officers. The bill also provides for the investigation of complaints, referrals and health requests regarding judicial officers, judicial registrars and VCAT officers. It will repeal the Judicial College of Victoria Act 2001 and make consequential and other amendments to other acts.

From my reading of the bill, I beg to differ from the member for Footscray on some of the issues she has raised, and I will now outline my concerns. The proposed commission is a large, top-heavy body to investigate complaints. It will tie up the time of senior judges, perhaps unnecessarily. It is likely that around 300 complaints a year will need to be investigated, almost all of which will be for the Magistrates Courts

and VCAT, with the likelihood of none being about crime, corruption or other dismissal issues.

The chief executive officer of the Judicial Commission of Victoria will be selected by the Attorney-General and will be able to report privately to the Attorney-General; this has the potential to undermine the independence of the commission. The Attorney-General can compel investigations into the health of judges. It is reasonable to require appropriate health checks of potential appointees, but once appointed their health issues should be handled independently.

The Attorney-General will receive extensive information about complaints and other issues, even if they do not lead to a dismissal. It appears that the government intends that corruption allegations against members of the judiciary will not be subject to the anticorruption commission but will instead be handled by the Judicial Commission of Victoria. The government has falsely linked the judiciary in Victoria to corruption and the Proust-Allen review, whereas judges have been pushing for years for a complaints body, which the Attorney-General has resisted.

The bill combines judicial education with the investigation of complaints and health issues, and there are concerns that the government is diverting funding from judicial education to pay for the commission and complaints investigations. All this goes to the heart of that old principle of the separation of powers. My concern with this bill is that we are eroding, albeit in small bits, that great principle of the separation of powers that all parliamentarians, judges and the police have had to abide by and that is a cornerstone of the way things work. With those comments I am resolute in my mind that this is not good legislation because of the threat to the principle of the separation of powers.

Mr INGRAM (Gippsland East) — I rise to speak on this bill and note the comments of members of the opposition. I understand it is a complex issue, and before the bill came before the Parliament I looked at the history of the Judicial Commission of New South Wales and some independent assessments of this process.

The issue of the separation of powers is a very difficult one. It is important that the law and the court system operate separately from the Parliament, but I also think there is another issue: we have seen in some states around Australia and internationally that some judges — thankfully a small number — have behaved inappropriately. There have been a small number of cases of this happening, probably more so in New South Wales than in Victoria.

The challenge of providing a mechanism for dealing with inappropriate behaviour by judges is one that clearly the government and the Parliament need to be very careful about. In my view, we need to provide a mechanism so that the community can feel confident that the court system and judges will always behave with the highest degree of accountability.

Having looked at the proposed legislation before the Parliament to establish the Judicial Commission of Victoria, I understand that there would be opposition to and concerns about it. In my view, on balance there needs to be a formal complaint mechanism established so that if there are complaints, they can be dealt with. It is interesting to examine the history of the New South Wales judicial commission. While I understand it has slightly different roles to those proposed in this bill — for example, it also looks at the consistency of judgements made in the courts — the vast majority of complaints about judicial officers are dismissed.

However, there needs to be a formal process so that those complaints can be dealt with — not by members of Parliament and not by the Attorney-General. I am sure all members of Parliament receive complaints at times about law officers or policemen engaging in inappropriate behaviour. Most often these complaints are vexatious and are not necessarily complaints that have any standing. However, there needs to be a formal process for dealing with them. We have a process for law enforcement officers now in which we as members of Parliament or the community can make complaints and they can be dealt with at arms-length from those particular officers.

In the past, that process in the legal system has been fairly clumsy. In extreme cases the Parliament has the power to remove judges, but that power would and should only ever be exercised at the extreme end of the spectrum. Thankfully it is not something that happens very often in any of the Westminster system parliaments.

Despite the concerns that have been expressed, it is my view that the bill before the house gets the balance right in providing the mechanism for complaints to be dealt with by the heads of the separate courts and by the head of a different court. I think it is important that we have a mechanism that allows complaints to be dealt with — not by us here but by the heads of the courts themselves. I support the bill.

Mr LUPTON (Prahran) — I am pleased to make some comments in support of the Judicial Commission of Victoria Bill. I think there has been a recognition over recent times of the need for an independent and robust process for dealing with complaints by members of the public in relation to the conduct of judicial officers. Historically there has not been any definite process for dealing with these sorts of issues, and they have been dealt with on something of an ad hoc basis from time to time, depending on the nature of the matters that have been raised. There is a recognition in the community that we need to have a system for dealing with complaints that the public can have confidence in and that has appropriate independence and appropriate robustness so that we can ensure that if complaints are made, they are properly heard and that where complaints are valid they are dealt with appropriately.

For that reason the government established the judicial conduct working group involving representatives of all of the jurisdictions in Victoria — all of our courts plus VCAT (Victorian Civil and Administrative Tribunal), along with departmental officers — which had extensive consultations with the courts, the Victorian Bar and the Law Institute of Victoria. The Judicial Commission of Victoria Bill is the result of that lengthy process, which also involved a discussion paper and the opportunity for different interested people and groups to make submissions.

One of the important principles that underlines this bill is that, while we are establishing an independent, transparent and robust complaints handling process, we must always make sure that the independence of the judiciary and the separation of powers under our constitutional processes are protected. This bill has been very carefully drafted so that the independence of the judiciary is not compromised and the separation of powers doctrine is understood and maintained. That is a very important principle, and we should not shy away from discussing it. It is important that it be clearly recognised by this Parliament and by the people of Victoria that those principles are important. The bill has been drafted very carefully in order to uphold those principles.

There is a recognition among our judicial officers in Victoria, as is also the case in other jurisdictions around Australia and overseas, that it is important, in order to maintain high standards of our judiciary and to maintain public confidence that those high standards are being maintained, that if complaints are made, they are handled in an appropriate manner — the sort of manner that this Judicial Commission of Victoria Bill will establish.

The commission, as we intend to establish it, will comprise the heads of the five Victorian courts and VCAT. They will serve alongside four non-judicial community members. I think it is important that we have that strong representation by the heads of our jurisdictions — the judges and, in the case of the Magistrates Court, the Chief Magistrate — who understand and administer the courts in Victoria, who know exactly how those courts run, who know the issues that judges need to confront and deal with, who know how those issues should be handled and who bring appropriate and proper expertise to this function.

It is also important that we have representation by non-judicial community members. That is also a relevant consideration because part of the function of the judicial commission is to make sure the community as a whole is better able to understand these processes, is involved and can have confidence that it is not simply the judiciary policing itself. That is one of the tenets underpinning this legislation.

The heads of the jurisdictions will also have expanded powers to manage their courts and respond to the commission's recommendations. In appropriate cases judicial officers will be able to be stood down from their official duties by the head of their jurisdiction whilst a complaint or a referral is being investigated.

Importantly, however, the bill does not change in any way the constitutionally entrenched processes for the removal of a judicial officer. A very high standard is demanded of our judicial officers — and rightly so — and if a judicial officer is to be removed, it can only be done on the grounds that are established in our constitutional processes. This legislation does not alter that in any way, shape or form. It is important to recognise that.

The other important issue that this bill deals with is that it will incorporate the current functions of the Judicial College of Victoria into the judicial commission. The judicial college delivers professional development to the Victorian judiciary. The combination of judicial complaints and judicial education being handled by one body has been a successful approach to these matters in New South Wales. We had a look at the way the system in New South Wales has been working in recent times, which combines those complaints and educational functions in one body. It works well. When one thinks it through, it seems logical that in addition to dealing with complaints by members of the public, the commission also needs to understand the way judicial officers undertake their duties, particularly the way they relate to people who come before the courts and

members of the public — whether they be parties or witnesses or appear in some other capacity.

It is probably true that almost all of the complaints that may be made to such a body are likely to be not about corruption or misconduct in that sense but rather about the way people feel they have been treated. They may not be happy with the way their matter was dealt with or the way they were dealt with in court when giving evidence, for example. Bringing the judicial commission functions and the educational functions together in one body will be a very useful and effective way to manage those sorts of issues and make sure that our courts and judicial officers are responsive to and respectful of the people who come before them — as, I hasten to add, I believe they are in the overwhelming majority of cases. I think it is important that those duties be effectively incorporated into this single body. As I said, it has worked well in New South Wales, and we believe it will work well here.

It is important to recognise while we are debating a bill to establish a judicial commission that what we have in Victoria is in fact a judiciary of very high calibre indeed. Some of the best and brightest of our legal profession have taken on the role of serving the public on our courts and tribunals, and they do a great public service for the people of this state. It is important that the judicial commission be seen in the light that it is being established in order to maintain the high standards that we expect and the high standards that our judiciary has and to make sure the public continues to have confidence in our courts and tribunals. It is important that the public hold our judiciary and our courts in high esteem so that there is confidence in our system and so that our system of justice works effectively and well in this state, as it does. I am sure this Judicial Commission of Victoria Bill will continue to preserve a fine judicial system in this state.

Mr McINTOSH (Kew) — From the outset I wish to say that I rise to support the reasoned amendment that has been circulated by the member for Box Hill. This bill goes some way to addressing many concerns of the community about providing a mechanism for making complaints against judges. As the member for Prahran said — and having been a member of the profession of which he is a former member, I can say I agree with him wholeheartedly — the reality is that the judiciary in our state is made up of men and women of the highest learning and highest calibre. My experience with judges over 14 years at the bar and 11 years in this place has been that nothing I have seen has dissuaded me from that view, and I am pleased the member for Prahran shares that view.

The genesis of this bill goes back four or five years, when I think it is fair to say the judges themselves began to realise they had a significant issue in relation to the need for an independent, transparent and cogent — if not robust, as the member for Prahran said — mechanism dealing with complaints. There have been a number of complaints made over the years. They are not large in number, but they provide a significant impost upon the time of the heads of jurisdictions in particular to deal with those complaints. The overwhelming majority of those complaints do not go to the issue of misbehaviour or misconduct in courts; they go to issues that could be potentially appellable, and complainants are informed of their legal right to appeal and invited to exercise those rights in a proper fashion to appeal a decision that has gone wrong.

Occasionally complaints are made about judges, magistrates and tribunal members that warrant some sort of mechanism that can address the problem so it does not repeat itself in further proceedings. Apropos of nothing, I would describe it as the old fireside chat when the head of jurisdiction would call in a judicial officer and perhaps say, 'Things could be done a little bit better than yelling or screaming at defence counsel or yelling and screaming at witnesses'. That sort of time has now gone, and judges themselves recognised this many years ago. The profession has also recognised that in a modern world there needs to be a transparent, independent process that could provide that mechanism.

The model looked at in relation to that need was the New South Wales model, where there is a merger of the judicial college into one body, the judicial commission, that has a complaints handling section. It is not a large section of the body, but it is an independent process whereby complaints can be properly investigated, and if someone has a right to exercise their appeal rights, they are invited to do that. Likewise, if there is some mechanism where further education or a further process could resolve the difficulty, it is addressed and done independently.

In relation to this body, I do not disagree with the idea that we need a proper, robust, independent and transparent mechanism for dealing with those few complaints that result from what might be described as misbehaviour in our judiciary. I also note that when you look at the courts themselves you see that there are a very small number of complaints in relation to the Supreme Court and the County Court, but once you get to the Magistrates Court the figure gets larger, and then of course it starts to burgeon out with the largest body, VCAT (Victorian Civil and Administrative Tribunal),

because of the large number of cases that are dealt with by the tribunal during the course of a year.

The concerns the opposition has are not in relation to the complaint-handling process. We are concerned that there is a merger in relation to the judicial college, which is highly regarded by the judiciary and the profession. The merger of the educative process of the judicial college with the complaints process is the system in New South Wales, but there is not consensus in Victoria as to that being the best model. There are strong advocates on both sides of the equation. I would like to see the Attorney-General resolve that to get some sort of consensus as to that mechanism.

There is also the question of this bill being rushed through the house fairly quickly, and there is the issue of proper resourcing. The opposition invited the government to provide it with information as to the increased allocation of resources to provide for the complaints mechanism. The government did respond, and we are very grateful for the detailed briefing and the very quick response, but it has not provided us with any specific details as to the extra resources the judicial commission will have for both the education function and also the body itself. However, we will live in hope that that may be provided.

In any event, the concern we have in relation to the body as structured is that extra resources should have been provided for, they should have been clearly understood at this stage of the bill and details on them should have been able to be provided to the Parliament in the usual way. As I said, in New South Wales the experience is that the resources are not large, and essentially it is not done through a board process but by an individual who reports to the board and has a staff that deals with the complaints. We are concerned that, unlike in New South Wales, where the various civil tribunals are not collected into one body and are not part of the judicial commission, in Victoria, because of the fact that VCAT, the Children's Court and the Coroners Court will be covered, there is the potential to increase to a dramatic level the commission's body of work in relation to the complaints mechanism.

I will take up a matter dealt with by the member for Footscray, which is the health issue. Other than as a result of a decision by both houses, judges cannot be dismissed. It has happened only once in the history of all the state and commonwealth courts in this country, so it is a rare exercise. In this state judges effectively have the job until they turn 70 years of age. There can be concerns raised about health issues with judges, particularly about their ability if they are suffering from any form of disability, whether physical, mental or otherwise, that could impact on their ability to discharge their job. There are perhaps precedents for that, but I do not need to discuss those. The issue is that the commission should do that, and it should not be done at the direction of the Attorney-General, once they are sitting judges. The Attorney-General, like anybody else, can officially be a complainant, but it should be the commission itself that does it.

There is also a concern about the enormous amount of work the commission will have to do. The Chief Justice of the Supreme Court, the Chief Judge of the County Court, the Chief Magistrate, the coroner, the head of the Children's Court and the head of VCAT will be required to sit there, deal with and effectively take responsibility for the disposition of each and every one of those complaints. That will dramatically increase their workload. Putting VCAT, the Coroners Court and the Children's Court into that bundle could dramatically increase the workloads of those heads of jurisdictions, an important part of whose jobs are clearly elsewhere in relation to dealing with cases that come before the courts.

We are also concerned about the fact that the Attorney-General can appoint the CEO, and that he or she — I should say she, because the current head of the judicial college will become the head of the judicial commission — will be reporting directly to the Attorney-General. That has a profound impact on the independence of the judiciary. In relation to misbehaviour, that could even amount to corruption. There is a real level of concern that this body that started off as a complaints mechanism, not as an anticorruption body, has been transmogrified by this whole corruption thing, the Proust-Allen report, that drew this commission into a mechanism for solving a problem created by this government by its not setting up an independent broadbased anticorruption commission in this state. This is not the way to go about it.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Judicial Commission of Victoria Bill 2010. This bill originates from justice statement 2, which outlines the government's commitment to explore processes to handle minor complaints of judicial misconduct and unprofessional behaviour as well as measures to address issues of ill health and competency if a judicial officer becomes unable to continue with a full range of judicial duties. The bill has been widely welcomed throughout the community, both in legal services and outside of that area.

There has been extensive public consultation. A judicial conduct working group was formed. That comprised

senior judicial officers from each of the courts and VCAT, together with the chief executive officer of the Judicial College of Victoria and departmental officers. The working group assisted the department in the development of a public discussion paper entitled *Investigating Complaints and Concerns Regarding Judicial Conduct*, in 2009.

The discussion paper outlined three possible options for reform. They were: firstly, retain the status quo — leave it as it is; secondly, increase or clarify the powers and duties of the heads of the courts; and thirdly, establish an independent body, external to the courts, to receive and investigate all complaints and concerns about judicial conduct. There was considerable interest in that. Twenty submissions were received, including contributions from the Magistrates Court of Victoria, the Ombudsman, the Tenants Union of Victoria, the Judicial College of Victoria, and a joint submission from the Law Institute of Victoria and the Victorian bar. As I mentioned earlier, submissions revealed almost unanimous support for the independent judicial college.

The bill establishes the Judicial Commission of Victoria with responsibility for investigating serious and less serious complaints and concerns about judicial officers, judicial registrars and members of VCAT; provides that the judicial commission will take over the current judicial education functions of the Judicial College of Victoria, which the member for Kew mentioned earlier; maintains the current constitutional protections for judicial officers; gives the heads of Victorian courts more power to ensure their respective jurisdictions perform efficiently; and provides powers to formally counsel and stand down a judicial officer in appropriate circumstances. As the member for Kew mentioned, it is based broadly on the New South Wales act but is in many ways quite different as well.

The member for Kew expressed some concern about the education capacities of the new body. I am not quite sure why because there is no indication in the bill that that will be cut in any way. Indeed, the education areas for the new commission are quite clearly defined. With respect to education it has the following functions: firstly, to provide professional development services for judicial officers, judicial registrars and VCAT officers; secondly, to provide education and training services for judicial officers, judicial registrars and VCAT officers; thirdly, to provide programs for the wellbeing of judicial officers, judicial registrars and VCAT officers; fourthly, to produce and maintain publications relating to the exercise of the functions of judicial officers, judicial registrars and VCAT officers; and finally, to provide, at the discretion of the commission and on a fee-for-service basis, judicial professional development services or continuing judicial education and training services to people who are not judicial officers, judicial registrars or VCAT officers. That gives a broad range of powers in relation to education in the judicial area.

The member for Kew also referred to the Proust report. This predates that report, and it is interesting that the Proust review referred to it. It noted that there were gaps in the jurisdictions of Victoria's integrity bodies, particularly for members of Parliament — which, of course, it deals with — staff employed by members of Parliament, and the judiciary. The review found that Victoria's integrity system would be more comprehensive if coverage was extended over those three additional classes of officials. Proust also noted:

> The review understands that the Attorney-General and judiciary are currently considering how to strengthen oversight of judicial conduct. In this context, the review has noted and supports the current work.

In fact this was a procedure that started before Proust, but fits in with the work of Proust in the end. So it covers that whole area, with the addition of the Proust recommendations, in relation to members of Parliament and staff employed by Parliament. The government now covers the whole area Proust referred to in her report.

It is quite an extensive bill. It clearly outlines the power of the Judicial Commission of Victoria. The fact that it has been widely supported by a broad range of the community shows that it is a body that people have been waiting for for a significant time. Once again, as in all areas there, its provisions in relation to penalties et cetera for wrongdoing will relate to a very small section of the judiciary. We have to keep that in mind as well, as earlier speakers have mentioned. I am pleased to support the bill and I hope it has a speedy passage through the house.

Ms ASHER (Brighton) — I also wish to say a few words in the debate on the Judicial Commission of Victoria Bill and support the member for Box Hill's reasoned amendment. The bill establishes the Judicial Commission of Victoria and its board membership, which includes the Chief Justice of Victoria, the Chief Judge of the County Court, the Chief Magistrate, the President of the Children's Court, the State Coroner, the President of the Victorian Civil and Administrative Tribunal (VCAT) and others, as has been spelt out by previous speakers.

I will briefly speak on an issue of significant community concern — that is, the current situation if one wishes to lodge a complaint about a particular

hearing, such as a VCAT hearing. The system is not satisfactory because other than in terribly serious cases which involve removal by Parliament, which has only happened once, if a member of the public wants to lodge a complaint of unfairness or whatever, they have to lodge it with the head of jurisdiction. I have an example at the moment in my electorate of Brighton that affects a group of residents who believe that there were irregularities in process and in fact. They have compiled a significant document that is intelligent and well argued — they are well-informed, educated people — and the only person to whom they can complain is the head of jurisdiction. I think that is a significant deficiency.

However, as has been articulated by the member for Box Hill, the model before the Parliament does not supply the answer. There are a range of serious concerns about this model, one of which is that the commission is not an independent judicial complaints body. We on this side of the house have argued for an independent broadbased commission against corruption to handle serious issues of corruption, and we have also argued that there should be an independent complaints body to look at judges and the judiciary. We have put that case for some time; judges themselves have been putting that case. There should be an independent body. The body that is presented in this bill by the Attorney-General does not meet that criterion. It is not independent. There are representatives of the judiciary on the board, as I said earlier. It cuts across the concept of a broadbased anticorruption commission. The Attorney-General appoints the CEO. The types of investigations, including in relation to health, are not what we had in mind. It is incredibly bureaucratic, and it combines an education and a complaints process. I understand where the government is coming from, but we just think it has got the model wrong.

Again I make the comment that the existing situation where members of the community can only complain to a head of jurisdiction is not suitable. In this era of scrutiny there should be an independent judiciary complaints body, and I hope that is acted on very shortly.

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

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

Ayes, 52

Allan, Ms	Ingram, Mr
Andrews, Mr	Kairouz, Ms
Barker, Ms	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Overington, Ms
Graley, Ms	Pallas, Mr
Green, Ms	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Richardson, Ms
Helper, Mr	Robinson, Mr
Hennessy, Ms	Scott, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thomson, Ms
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wynne, Mr

Noes, 30

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Smith, Mr K.
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Sykes, Dr
Dixon, Mr	Thompson, Mr
Fyffe, Mrs	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Amendment defeated.

House divided on motion:

Ayes, 53

Allan, Ms	Ingram, Mr
Andrews, Mr	Kairouz, Ms
Barker, Ms	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Neville, Ms

Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Hennessy, Ms
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Noonan, Mr
Overington, Ms
Pallas, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 31

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

Read second time.

Third reading

Motion agreed to by special majority.

Read third time.

ROAD SAFETY AMENDMENT (HOON DRIVING) BILL

Second reading

Debate resumed from 15 September; motion of Mr PALLAS (Minister for Roads and Ports).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

DISTINGUISHED VISITORS

The SPEAKER — Order! I acknowledge the presence in the gallery of the Ambassador of the Socialist Republic of Vietnam, His Excellency Mr Vinh Thanh Hoang, and the Consul General. Welcome to the Parliament of Victoria.

CONFISCATION AMENDMENT BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 57, line 9, omit all words and expressions on this line.

2. Clause 57, line 12, omit "20" and insert "10".

3. Clause 57, line 14, omit "20" and insert "10".

Mr ROBINSON (Minister for Consumer Affairs) — I move:

That the amendments be agreed to.

I move this motion with some reluctance, but the government accepts it is not feasible to secure the opposition parties' support of this amendment bill in the Legislative Assembly in the time remaining in the current Parliament. At the same time, we do not accept that the component of the bill that the Legislative Council has not supported is without merit. I will spend a moment digressing on this issue.

Briefly, the matter that was discussed at length in the Legislative Council following the bill's passage in this place was the proposal to allow off-the-plan proponents or developers to charge a deposit of up to 20 per cent, compared to the traditional flat rate of 10 per cent as provided by the Sale of Land Act on all property transactions in the state.

I suspect the reasoning that underpins the reform has been misunderstood. The government is aware, for example, that the off-the-plan industry — which is a

very significant and increasingly important employer in this state — experiences difficulties on occasions regarding financing, largely from banks, often over the period of time that the bank is required to finance a project until the project is completed and occupancy levels are achieved. At times the banks will tell developers they believe a 10 per cent deposit is too low to allow them to extend the finance that developers say is necessary.

In introducing the bill the government drafted the amendments in a way that would give individual developers a discretion as to where they felt the deposit level should be set. The government is not intending to allow that for all projects; off-the-plan projects will differ from case to case. We are not proposing that for every case the deposit would be set at 15 per cent or 17.5 per cent or 20 per cent. Rather we would give the developers the option to set the deposit level at where they thought it should be in order to satisfy both their objectives and the needs of those who are financing the projects.

We accept that the Legislative Council has not agreed to that part of the bill, and there is insufficient time for the matter to be reconsidered. Instead we will agree, with some reluctance, to allow the bill in its amended form to pass, but separately we propose to refer that aspect of the bill that has been objected to — that is, the deposits of up to 20 per cent — to an appropriate all-party parliamentary committee in the next Parliament, should the government be re-elected, with a view to having that all-party committee examine the proposal in greater detail, and thereafter we would hope for the matter to be reconsidered and agreed to in 2011.

The government strongly believes that any more passive consideration of the proposal by an all-party committee will lead to that outcome. I have discussed it with the shadow minister, the member for Malvern, and I understand he is agreeable to it. We think that is a common-sense way of proceeding from this point. We do not wish to waste the short amount of time the house has available to it before this Parliament winds up. With those few words, I indicate again that the government, with some reluctance, accepts the bill as it has been amended in the upper house.

Mr O'BRIEN (Malvern) — The opposition is pleased to support this bill, reflecting as it does the amendment moved in the other place by the opposition. The opposition took this action in the other place because we were concerned that this measure to increase the maximum deposit for off-the-plan properties would damage housing affordability and hurt the interests of consumers. We were fortified in that view by the statements of the Real Estate Institute of Victoria, which has expressed sentiments to that effect. It believes this measure would cause detriment to consumers and damage housing affordability.

Our friends in the other place were subject to the bizarre argument that was put by the Treasurer — that a measure which potentially doubles the deposit that property owners will have to pay to buy a property off the plan will somehow enhance housing affordability. That is one of the most bizarre ideas I have every heard! It is extraordinary that this man is in charge of the state's finances if that is his level of logic.

The other thing I would say is that the government misunderstands how development finance works. The minister was saying that there would not be a mandatory 20 per cent deposit for off-the-plan properties; it would simply be an option. The minister should be aware, if he is not already, that developers do not tend to sell finance for off-the-plan projects; the projects tend to be funded by banks, and banks will seek as much security as it is possible to obtain to protect their investments. It would not be a case of the developers necessarily wanting to have a 20 per cent deposit level but rather of the banks insisting on a 20 per cent deposit level where legislation allows it. Our concern is that this legislation would lead to a 20 per cent deposit being the new norm, the new standard for off-the-plan developments.

The government has rushed ahead with this proposal. We were not convinced that the government had undertaken the sorts of consultations with industry that we felt were necessary. We do not see the evidence behind the government's policy initiative that led to this proposal to double the deposits for off-the-plan properties. For that reason we took the action we did in the other place: we secured the support of a majority of the members in the other place, and as a consequence the matter is back before us today.

The minister has flagged that the government — in the unhappy event that it is returned to office on 27 November — intends to refer this matter to an all-party committee in the next Parliament. In the unhappy event that I remain on this side of the house in the next Parliament that is not something to which I would have any particular objection. The government may well have sound arguments for this measure; it has just failed to make them so far. I welcome the fact that the government is not prepared to delay the further passage of this important legislation by arguing about the council's decision to remove this increase in deposits for off-the-plan properties. The opposition will always stand up for housing affordability. We will

always stand up for the interests of consumers. This amendment reflects our support for consumers, and we therefore support this amendment before the Assembly.

Motion agreed to.

CONFISCATION AMENDMENT BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 5, line 5, after "proceeds of" insert "certain".

2. Clause 64, after line 16 insert —

'(2) In section 139A(1)(e) of the Principal Act, for "institutions." **substitute** "institutions; and".

(3) After section 139A(1)(e) of the Principal Act **insert** —

"(f) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by or on behalf of the Chief Commissioner of Police; and

(g) the number of forfeiture orders made under Division 1 of Part 3 on application by or on behalf of the Chief Commissioner of Police and the estimated value of the property that is forfeited in each case.".

(4) After section 139A(2)(e) of the Principal Act **insert** —

"(ea) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the law enforcement agency; and

(eb) the number of forfeiture orders made under Division 1 of Part 3 on application by the law enforcement agency and the estimated value of the property that is forfeited in each case; and".

(5) After section 139A(2) of the Principal Act **insert** —

"(2A) As soon as practicable after the end of each financial year, the DPP must submit a report to the Minister that includes the following information —

(a) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the DPP; and

(b) the number of forfeiture orders made under Division 1 of Part 3 on application by the DPP and the estimated value of the property that is forfeited in each case; and

(c) the number of forfeitures occurring under Division 2 of Part 3 and the estimated value of the property that is forfeited in each case; and

(d) the number of civil forfeiture orders made under Division 2 of Part 4 and the estimated value of the property that is forfeited in each case.".

(6) In section 139A(3) of the Principal Act, for "(1) and (2)" **substitute** "(1), (2) and (2A)".'.

Mr HULLS (Attorney-General) — I move:

That the amendments be disagreed with.

The reason the government is opposing the amendments requiring itemised reporting of forfeited property is threefold. In relation to the resourcing and administrative burden, it would be cumbersome, to say the least. It would require substantial police resources that could be used in policing and the Director of Public Prosecutions (DPP) more appropriately than by having property valued. Whilst it is true that the greatest value of forfeited property comprises high-value items such as real estate, the legislation also facilitates the forfeiture in the Magistrates Court of lower value items such as stolen goods, weapons, drug paraphernalia and the like. There are in excess of 2000 such forfeitures each year, and reporting on the value of these forfeitures in each case would involve voluminous paperwork and be extremely time consuming and administratively cumbersome. This is likely to take up considerable time that would be far better spent on operational policing tasks. I hope the opposition will agree that it is much better for the police to be out doing what they do best rather than spending a lot of administrative time valuing items that have been forfeited.

The amendments also impose reporting requirements on the DPP. The fact is that the DPP is not responsible for the sale of such items. As members of this place would know, many forfeited items such as drug paraphernalia and mobile phones are destroyed. Under the proposed amendments these items would need to be valued and reported, even though this is likely to be of questionable utility in tracking the scheme's performance because the items would be destroyed.

There are also some conceptual flaws in relation to the amendments. New section 139A(2) would require the DPP to report on the value of forfeited property. This is conceptually flawed because the DPP does not have property vested in him. In fact forfeited property vests in the Attorney-General and is sold by the asset confiscation operations or Victoria Police on the Attorney-General's behalf. The DPP is just not

involved in such sales. The amendment seeks to make the DPP responsible for something that he or she has no control over and for which the DPP is not legally responsible. It is conceptually flawed; and not just that — even if it were not, it would take up an enormous amount of the time of the DPP, whose job it is obviously, in the main, to prosecute on behalf of the state. I have no doubt that there has been no consultation with the DPP on this in any event. The amendment is conceptually flawed. It would be prohibitively costly, duplicative and a waste of the limited resources of the Office of Public Prosecutions to require the DPP to track and report on the value of forfeited property.

There are also some technical flaws in the proposed amendments; the reporting obligations do not align with the respective agency's statutory powers and obligations under the act. In this regard, proposed new section 139A(1)(f) requires the Chief Commissioner of Police to report on the number of civil forfeiture restraining orders made on his or her application. It actually requires the chief commissioner to report on the number of restraining orders made on his or her application — but the Chief Commissioner of Police is not empowered to apply for these orders. Again, it is technically flawed. The proposed new sections 139A(2)(ea) and (eb) require a prescribed law enforcement agency to report on restraining orders and civil forfeiture restraining orders made on its application and forfeiture orders made under division 1 of part 3. Obligations to report on civil forfeiture orders and automatic forfeiture under division 2 of part 3 have been omitted, so there are some technical flaws in relation to these amendments.

There are no proposed obligations for any agency to report on the value of pecuniary penalty orders. Without capturing these orders, the values reported under the Greens amendments would not fully account for all the moneys realised by the state in any event, so this would create inconsistencies and no doubt confusion with the aggregate data currently reported by the confiscation office, which includes both forfeited property and pecuniary penalty orders.

So, in a nutshell, these amendments are being opposed by the government. They would involve huge resourcing implications, and they are technically flawed. I am quite sure all members of this house would agree that the DPP and the police are better off getting on with the jobs they do rather than having to spend thousands and thousands of hours each year under these proposed amendments having individual items valued for really no worthwhile purpose. In any event, the amendments that are being proposed are technically flawed per se, and that is why the government is opposing them.

Mr CLARK (Box Hill) — If the house and the Victorian community had ever wanted a demonstration of how arrogant and out of touch the Attorney-General and the government have become, they need only have listened to the remarks that have just been addressed to the house by the Attorney-General. The Attorney-General has come up with every excuse and reason he can think of to avoid any improvement in accountability for what is going on in his government. A member for Southern Metropolitan Region in the Legislative Council, Sue Pennicuik, has come up with what is an eminently sensible proposition that there ought to be greater accountability for and an explanation of what is going on with the confiscation regime within this state.

Mr Hulls interjected.

The SPEAKER — Order! The Attorney-General!

Mr CLARK — That is a point that we on this side of the house also raised during the debate in the Assembly, but at the moment all the Attorney-General gives to the people of Victoria in terms of an explanation for what is going on with the asset confiscation regime is a flimsy report of about three pages entitled 'Asset confiscation operations — Report to the Attorney-General pursuant to the Confiscation Act 1997'.

In terms of data about what is happening with confiscation all we get is a single-page revenue summary. The latest version was tabled in Parliament today, and it shows a total annual revenue from asset forfeiture of $11.93 million for 2009–10 compared with $15.365 million for 2008–09. That is the sum total at the moment of the accountability of the government to the Parliament and the people of Victoria for the operation of this asset confiscation regime, which of course is a regime that the government urges upon the community as being successful in targeting crime, deterring crime and relieving criminals of the proceeds of their crime — all of which, as I remarked during the second-reading debate, are objectives which were boosted by those on our side of the house when we introduced the legislation initially back in 1997.

It is all very well to make these assertions, but the community is entitled to some details about what is going on. In particular, as I said during the second-reading debate, the community is entitled to some information that allows it to judge to what extent this legislation and its administration by the current

government are being successful in obtaining the proceeds and ill-gotten gains of the Mr Bigs of organised crime and to what extent the government is confiscating smaller amounts of assets from the small fry on the criminal scene. Ms Pennicuik came up with the reasonable proposition that as well as reporting on the total value of revenue being collected there should be some further information provided about the numbers of restraining orders and the values of the forfeitures. She has moved those amendments.

The government came up with some complaints about valuations in the Council. There were some amendments made to make it clear that we were talking about estimated values to overcome all the scaremongering that was coming from the government side about needing to get in sworn valuers for the value of knives and forks et cetera. Now the Attorney-General is dredging up every excuse he can find to avoid being more accountable to the community of Victoria. If he were fair dinkum about his concerns — —

Mr Hulls interjected.

Mr CLARK — What would you expect a reasonable Attorney-General to be doing in cases like this?

The SPEAKER — Order! The Attorney-General will cease interjecting in that manner.

Mr CLARK — If he were a reasonable and fair-minded person he would be standing up in this house and saying that he accepts the objectives that were being sought by Ms Pennicuik but that he thinks there are some problems with the format she has come up with and so proposes instead that we go about achieving these worthy objectives by different means. But no, he was not interested in actually solving problems; he was interested in avoiding accountability. He came up with a huge list of problems with these amendments. There was no attempt whatsoever to rectify them. There was no addressing of the substantive issue, which is: does he or does he not believe it is appropriate that more information be provided to the Victorian people about the numbers of forfeitures and values of individual forfeitures? He totally ducked that question. He gave a whole lot of reasons why he cannot do something to be more accountable, but he made no constructive attempt to engage in order to be more accountable.

I look forward to the member for Prahran, or whoever is next speaking on the government side, telling us where the government stands on this principle. Are government members saying they do not agree in principle with telling the Victorian people about the number of restraining orders that are being made? Are they saying they do not care in principle about disclosing the estimated values of particular confiscations? We have had none of that from the Attorney-General, so let us see if we can get it from the member for Prahran. Let us see if at least one government member is willing to try to come up with solutions rather than reasons to avoid accountability.

As I said at the outset, if you wanted a demonstration of how arrogant, out of touch and contemptuous of basic values this government has become, you need only look at the way the Attorney-General has reacted to these amendments. I call on the member for Prahran and other members of the house to urge the Attorney-General to come to his senses, to adjourn debate on this motion, and to sit down with Ms Pennicuik and us to come up with some variations to these amendments that will give Victorians a regime that will provide some decent, well-justified accountability as to the number of restraining orders that are being made and the value that is involved in individual orders. That way we can find out whether this regime is working effectively to deal with the Mr Bigs of organised crime or whether under the current Attorney-General's administration the government is failing to achieve those objectives, and failing, as it is in so many other areas, to crack down on crime — and this is yet another example of the current government's soft-on-crime policies.

Mr LUPTON (Prahran) — We have just been subjected to nearly 8 minutes of obfuscation from the shadow Attorney-General, where we really do not know whether the opposition is for this bill or against it. We know on this side of the house that we are for this bill. We support the Confiscation Amendment Bill because we want to make sure that people who gain from crime do not keep those ill-gotten gains. We want to make sure that we have a strong and robust confiscation-of-assets regime in this state, because we on this side of the house are tough on crime and on the causes of crime. That is what we are for and that is why we support this bill. That is why we do not support these ill-thought-out amendments that the shadow Attorney-General appears to have adopted on behalf of the Greens political party in the other place.

What we see here is a series of amendments which, if accepted, would divert valuable police resources away from police work, away from doing the work that we want police to do, away from police being out there on the street keeping people safe and protecting Victorians from crime. Instead of that, the opposition and the

Greens would want police resources diverted into valuing objects — —

Mr Hulls — Valuing spoons.

Mr LUPTON — Valuing spoons, as the Attorney-General says — valuing confiscated items instead of doing valuable police work. I recollect that it was not very long ago that this government announced how it was making sure that police who had been doing desk duties were going to be out there doing front-line police work on the street. What we see from the opposition is that it wants to take police off the street and make them bean counters. What a disgraceful position.

The government cannot support these amendments. They are ill thought out and ill conceived, and they will not work. We also see that the Director of Public Prosecutions, which has no role in the asset confiscation process as these amendments seem to imply, would be involved in the valuation process, thus diverting DPP resources away from the prosecution of criminal cases. Cases that should be prosecuted and brought to the criminal courts of this state would be delayed because DPP resources would be inappropriately and improperly diverted away from prosecuting criminal action and into the valuation of confiscated assets. It is a completely ill-thought-out, ill-conceived and illogical approach. What we want to do is make sure that we have the best, the strongest and the most robust asset confiscation scheme we can have. The opposition should be supporting this legislation, not ill-conceived and ill-thought-out amendments. We call on the opposition to stand for something for once and to get on board with this legislation, to support it and to reject these amendments.

Mr INGRAM (Gippsland East) — I will make a brief contribution on the amendments from the Legislative Council. Often what we see in this place is both sides of politics trying to paint things as black and white when there is an element of grey in the middle where common ground probably should be sought. As a matter of principle, amendments made in the council that aim to improve accountability or disclosure about confiscations are probably not a bad thing.

I think how those amendments are drafted and applied is a matter of principle. The number of different times the provisions of the legislation are used is justification, and the argument would be that larger confiscations in particular should be recorded individually. For example, in situations where someone involved in drugs has vehicles, houses or other assets confiscated, it would be worthwhile to record the rough value of those assets. If you are talking about the confiscation of small items, multiple items or a whole range of different cases, the level of detail that is required there would not be acceptable.

The principle of the matter is something all members of this place should support, but there should be an improved level of disclosure for this type of power. It is important that when we pass legislation through this place the appropriate disclosure and public accountability requirements are there. I do not think I can support the amendments as they are drafted, which is the challenge, but the principle should be supported.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Community services: Home Wise program

Ms ASHER (Brighton) — The issue I have is for the attention of the Minister for Community Services, and the action I am seeking of her is that she provide a report to the Parliament on the operation of the Home Wise program, including any assessments of rorting of this program.

This program applies to people who hold a pension card, concession card, health care card, veterans affairs pension card or gold card, and basically what it enables people to do is either get a new appliance or replace certain appliances if they are not working. In many instances the appliances relate to water — hot-water services, faulty toilets, water tanks, leaking gas or water pipes and washing machines — but other items such as fridges and cooktop stoves are also part of the program. I also want to draw the house's attention to the fact that if people want appliances changed, they qualify simply by holding one of those cards and lacking sufficient savings to pay for the repair or replacement of the appliance.

In 2007–08 this program cost the taxpayers $2.1 million; in 2008–09, $16.8 million; and in 2009–10, $17.6 million has been allocated to the replacement and repair of appliances. As I said, I am seeking from the minister an assessment as to whether

the scheme is running properly. It should be a good scheme, and in many circumstances there would be many worthy people who should have a repaired or new appliance; however, I believe the department is aware of significant problems with what should be a service for people in need. I have been told a number of claims are bogus and the guidelines are loose.

One of the guideline criteria is that unless there is a 100 per cent certainty the appliance is in full working order the applicant cannot be rejected. Another guideline reads:

> The client's living conditions are to be disregarded completely. Focus should be placed solely on the appliances in question as opposed to the collective value of the client's assets.

I have received a report of an instance where an appliance has been given away and then another one has been asked for. People are allowed under the rules of the scheme to ask for two appliances over a 10-year period, but it appears from my information that you can ask for two appliances very quickly.

It is good to have a water savings program and to have programs for people in need, but the minister needs to investigate whether there has been rorting of this particular program.

Energy: customer transfers

Ms BARKER (Oakleigh) — I wish to raise a matter with the Minister for Energy and Resources, and the action I seek is that the minister undertake discussions with the energy companies to ensure that clear information is made available in regard to inappropriate transfers of energy accounts.

In raising this matter I will outline one example which has been handled by my office on behalf of an elderly constituent. I am happy to give the details to the minister, but I will not name the constituent. On 22 July this year an elderly lady, whose first language is not English and who has difficulty both hearing and understanding telephone callers, came into my office with a letter from AGL advising her she was being charged a fee for transferring from AGL to Victoria Energy for both gas and electricity. At no time did she knowingly agree to be transferred to a new energy retailer.

My electorate officer contacted AGL and discussed the matter, and it was agreed that AGL would cancel the fee. After also speaking to Victoria Energy it was agreed the account would be transferred back to AGL. On 10 September last week this elderly lady again came into my office, as she had received a current account from Victoria Energy. She was of course confused and upset and did not know what to do. My electorate officer therefore contacted Victoria Energy on a 1300 number, and it was quite obvious that this was some kind of call centre and not in Australia. There was then a very long period of time spent on the phone requesting to speak to the supervisor and then a manager.

Following a very long time without proper discussion my electorate officer's name was added as an authorised person, and a request was made for a supervisor to call back. Eventually it was learnt that the file confirmed the call made on 22 July and that there was a note pending for the transfer back to AGL.

We were told that no fees would be charged, that the Victoria Energy account would be withdrawn and that AGL would re-bill as soon as the transfer was completed. I would like the house to note that it took all of Friday morning on the phone by my electorate officer to get to this point. We have now been informed the reason the transfer back to AGL is taking such a long time is because AGL has indicated that if the customer wants to transfer, they can stay with the new retailer. This is contrary to our original discussion with AGL in which it indicated it was happy to cancel the transfer fee as the customer would be having the transfer reversed.

My staff and I are always very willing to assist constituents, and I am very grateful that one of my staff has spent a great deal of time, and continues to spend time, trying to sort out a mess which should not have occurred in the first place. I am also very aware that these matters can be raised with the energy and water ombudsman, and this avenue is often used.

I am very concerned that this type of inappropriate behaviour of transferring accounts between companies with such a very difficult and lengthy process to reverse what should not have occurred in the first place is happening far too often. I am also very concerned that for elderly people in particular, who may have hearing loss and for whom English is not their first language, these types of phone calls and unauthorised transfers are confusing, upsetting and often very costly. They should not happen.

Roads: Lowan electorate

Mr DELAHUNTY (Lowan) — I wish to raise a matter for the attention of the Minister for Roads and Ports on behalf of the Lowan electorate. I request that the minister ensure that roads under the responsibility

of the state government are safe for motorists and bus and truck operators. As we all know, the Lowan electorate covers 34 500 square kilometres. It is about half the size of Ireland, and it is the largest electorate in the state, so country roads are vital to link our communities and to link our rural industries to outlets and export ports. Therefore maintaining a safe, efficient and sustainable road network for the transport of produce is critical to enabling western Victorians to stay connected.

I know from firsthand experience that there has been a significant deterioration in the roads under this state government. My office has been contacted by many truck drivers, motorists and concerned residents in western Victoria who say that the roads are breaking up and are extremely rough with increasing numbers of potholes — something metropolitan people know nothing about. The deterioration is making our roads less safe. Local government mayors, motorists and trucking companies have been reported in western Victorian newspapers as saying that these roads are disgusting, absolutely appalling, badly neglected and an absolute disgrace.

The front page of the Hamilton *Spectator* of Tuesday, 14 September, says it all under the headline 'Had a gutful'. The article is by Kristy McDonald and says there is a 'growing list of locals who are fed up with the lack of attention paid to Western District roads'. On page 2 of the same paper Kristy McDonald has another article, this time with the headline 'Glenelg Hwy drives motorists potty — inspection refused' It states:

> Victorian roads minister Tim Pallas and VicRoads regional director Robin Miles have both refused invitations to drive the pothole-plagued Glenelg Hwy.
>
> …
>
> Mr Pallas's office failed to respond to the invitation, while Mr Miles's office issued —

a statement.

There are many concerns about roads right across Victoria. Under the Road Management Act it is the responsibility of this government to ensure that the roads it is responsible for are safe. As all members know, if you spend money on country roads you save country lives. I call on the minister to take action, because we need to ensure that our roads are safe. On behalf of the Lowan electorate I ask that the minister ensure that those of our roads which are the responsibility of the state government are safe for motorists, bus operators and truck operators.

Roads: Seymour electorate

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Roads and Ports. The action I request is that the minister ensure that VicRoads takes immediate action to repair roads in the Seymour electorate, particularly around the Mitchell shire, which have been badly impacted by the recent heavy rainfall. I have made several representations to the minister on behalf of my constituents who are very concerned about potholes and the damage they are doing to their vehicles and about several spots where the road surface has not held up due to the fantastic rainfall we have received recently.

I have also spoken with the member for Macedon, who has serious issues in her electorate where major damage has been caused to road surfaces, which in turn is causing a great deal of angst for her constituents. I know the member for Macedon has made many representations to the minister and to VicRoads to ensure that something is done to address these important issues. I am aware that in the member's electorate the Lancefield Road is of particular concern. My constituents understand that the rainfall has created this situation, but they also feel strongly that urgent action should be taken to fix the potholes and the long-term issue of road surfaces which are breaking up in places. VicRoads has been out fixing the potholes with fixed resources as a result of the rain and floods, but people can see that in some instances this action has been quickly undone by the continuing wet weather, with potholes reappearing. The issue has become annoying and worrying for people who use these roads.

In several instances potholes have not been visible until the driver has committed to drive through, causing motorists to either take evasive action or hit the pothole and possibly damage their wheels and tyres. That has caused people to call my office or to write to me asking for something to be done urgently. I thank my constituents for their patience as VicRoads gets to the problems in their areas. I am told that some of the repair work, particularly at big intersections, requires significant traffic control measures. I know VicRoads is bringing in extra contractors to the region, but we need to make sure that these issues are addressed as soon as possible, whether it be the Goulburn Valley Highway through Trawool, which has developed potholes; the sides of the roads along the Upper Goulburn Road, which are breaking away; Anzac Avenue in Seymour, which has been badly impacted; the Northern Highway in Kilmore — especially travelling north from Union Street where there are significant potholes at the intersection there — and further north to the Broadford turnoff and through the middle of Wandong; or the

Kilmore-Epping Road. It is important that the problems in all these areas and any others that crop up are addressed.

Schools: Bannockburn

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Education in relation to the provision of an alternative education facility for children who wish to attend a non-government school in the Bannockburn area. I ask the minister to direct her department to ensure that the current Bannockburn Primary School not be classified as surplus to requirements and that it be retained within the Department of Education and Early Childhood Development whilst expressions of interest are sought from the non-government sector to provide an educational choice for families within the Bannockburn community. I indicate that at this point in time, should 27 November deliver a coalition government, that will be our intention.

Golden Plains shire is one of the fastest growing shires in the state, offering as it does a country lifestyle and environment. The government has committed to build a new P–9 school at Bannockburn to cater for the future growth of residents and families. As a result the current site will be vacated once the new school is built. It stands to reason, however, that some of the families that are currently residing in the Bannockburn area and some of those considering a move may wish to send their children to a non-government school. Given that this may be the case, at the present time families have no choice but to put their children on a bus and send them to non-government schools in Geelong. An ideal opportunity to provide such a choice has been presented with the decision to build a new P–9 school in Bannockburn, a project which has my absolute support. The decision will leave the current Bannockburn Primary School building surplus to requirements, and it would seem to be common sense to investigate the possibility of providing educational choice through the further use of this well-established facility. I believe there would be significant interest in this possibly from the Catholic education sector, for example, and a wide range of expressions of interest should be called for and evaluated on the basis of what each sector would provide to the community.

A new school would bring to the area the benefit of further employment opportunities for teachers and a diversity of curriculum and ideas. If possible communities outside our larger centres should have choices available to them in many areas, and one of the most important areas is education. In this particular case there is a viable opportunity to provide a choice to the Bannockburn community, and I believe we should take it up. An incoming coalition government would ensure that the primary school was retained and the provision of a non-government school fully explored. I call on the minister to match this commitment.

As I said, Bannockburn is a rapidly growing community. When I consider what is available at a number of other towns down the Princes Highway in my electorate that have both government and non-government schools, I can see that they provide a great deal of choice for the families who live in those communities — and of course they deliver a broader curriculum. This would be a great initiative for the people of Bannockburn, Lethbridge and other communities in that area. They would do fantastically out of this, and I am supporting it 100 per cent. I ask the government to provide the same level of support.

Housing: tenant community activities

Mr LANGUILLER (Derrimut) — The issue I wish to raise before the house today is one that is very dear to my heart. It relates to the community participation of public housing tenants. I call on the Minister for Housing to create opportunities for public housing tenants in my electorate in the western suburbs to participate in community activities. I call for the broad recognition of the contribution that public housing tenants make to our community at large.

The department of housing and community building has a dual focus. We all know the Brumby Labor government is currently in the midst of the biggest social housing build in decades. Over the next few years around 6500 new units of public and social housing will be built. We welcome the addition of these much-needed homes. We all know building a sense of home is about far more than merely having a roof over your head. That is why the Office of Housing has a strong focus on community building as well as building actual homes. Establishing a sense of home means being able to identify with and participate in a broader community. It is about having a sense of pride in the place you call home, and it is about establishing connections with neighbours and the surrounding community. I was privileged to be able to do that.

Public housing tenants are some of Victoria's most vulnerable people. All are low-income people, many have complex problems such as physical or mental illness and many are new migrants or refugees, as I was in the 1970s when I first came from Uruguay. I put on the record that I am often privileged to return to the Flemington high-rises and meet some of the tenants. Some tenants are there for a period of time and use the

flats as transitional homes; others stay there for a long time.

There are a number of migrants, like me, who benefit greatly from living in public housing, which provides a great stepping stone for migrants and refugees to make great social and economic contributions to the state. At these high-rises in particular there is a strong sense of community that develops not only within cultural communities but also across cultural communities. People from a range of diverse cultural backgrounds interact on a daily basis on the estates. The government has invested in building new homes and affordable housing for the most vulnerable.

I am delighted and proud to ask the Minister for Housing to provide an update of some of his initiatives that are currently under way to support and create opportunities for public housing tenants in the electorate of Derrimut and the broader western suburbs. It is a measure of a good democratic society and government, if I may say, to have the capacity to deliver decent, stable housing to everybody.

Arthurs Seat chairlift: future

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Environment and Climate Change, through the minister at the table, the Minister for Housing, regarding the Arthurs Seat chairlift. The action I seek is for the minister to come down to the Mornington Peninsula and make a statement to the community to clarify the immediate future of the chairlift.

The Arthurs Seat chairlift was a well-known tourist destination on the Mornington Peninsula. The tourism industry on the Mornington Peninsula is the most important industry in the area and employs many people; the flow-on effects throughout the local economy are huge. The chairlift has not been operating for four years now. It is fenced off, and it is an embarrassing eyesore. Often when I have been up at Arthurs Seat I have seen busloads of interstate and overseas tourists arriving. They just see this overgrown, fenced-off mess. It is quite embarrassing. It is just a waste of a great opportunity.

Parks Victoria called for expressions of interest earlier in the year. It received a number of them, but apparently no contract was able to be signed and no single tender actually got over the line. All of a sudden, out of nowhere, a new expression of interest process was announced with a closing date in 21 days, and I think the period expires next week. That is an incredibly short amount of time. The only difference in this process was that a 50-year lease was offered, which had not been previously offered. The period of 21 days is too short for anyone, especially any new consortium, to make a bid on this project.

It raises the questions which some of the locals have asked me: 'Does that mean the hidden agenda is just to close it? Will it all be too hard? Will it go away? Will the old one be pulled down, and will it revert to bush?'. Those questions have been asked because of that short amount of time allowed. Has Parks Victoria got a definite group in mind that is prepared to sign on the dotted line if that 50-year lease is made available? That 50-year lease is dependent on this place. Neither Parks Victoria nor this government cannot guarantee a 50-year lease, because it is up to the Parliament to pass that; therefore I do not think that is quite enough comfort for somebody who might sign on the dotted line.

It would probably be at least March 2011 before legislation could go through this place and receive assent. In the meantime, what is the future of the old chairlift? Can it be used in the interim? When will the new one be erected? How long will it take before it is up and running? If it is a 50-year lease, when will it be signed? There are a lot of unanswered questions about the future of the chairlift. Even though we have a new process, it has probably created more questions than answers.

Plenty Road, South Morang: duplication

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for him to expand the scope and budget of the already funded duplication of Plenty Road.

The South Morang and Mernda communities very much welcomed the announcement by the minister last year of $17 million to duplicate Plenty Road from Gordons Road to Hawkstowe Parade — a distance of 1.7 kilometres. The upgrade includes on-road bicycle lanes in both directions, upgraded lighting and traffic signals at the Lakes Boulevard and Hawkstowe Parade. It follows the $32 million duplication of Plenty Road between Centenary Drive and Gordons Road, completed in 2007.

Plenty Road is a vital north–south link running from inner Melbourne, through the northern suburbs and the Plenty Valley to the growing Whittlesea township. Planning and preconstruction works have begun on the duplication, with up to 100 jobs to be generated during the course of the project.

This latest upgrade continues the government's commitment to improve safety and accessibility along this key road corridor as the region experiences rapid residential and commercial growth. Traffic volumes in this section are about 15 500 vehicles per day, with 1 in 10 being larger vehicles. I am pleased to say that many of these are buses on the 572 and 562 routes, which have recently been expanded. These volumes are predicted to triple by 2031. I have had representations from community members urging further duplication beyond Hawkstowe Parade and past Provincial Meats, which is a thriving business where I and many locals shop for meat, fruit and vegetables, and groceries.

I want to thank Warwick Peters, the secretary of the Mernda Residents Association, for his representation and advocacy, and I agree with him that this further duplication makes sense and will improve safety and traffic flow. I am proud of what we have achieved in our road expansions in the area but not satisfied. We always need to make improvements. The Plenty Road funding is part of $1.9 billion allocated over 12 years to boost outer suburban roads under the Brumby Labor government's $38 billion Victorian transport plan.

Other projects to have been funded in the area are the duplication of Cooper Street, which will soon be triplicated as well; a $17 million bridge over the Greensborough bypass over Plenty Gorge; the Edgars Road extension to Cooper Street to the wholesale fruit and vegetable market site, which is going ahead in leaps and bounds; and the traffic signals installed at one of Melbourne's worst intersections, High Street–Epping Road–Cooper Street, and also at Plenty River Drive. I thank the minister for his work thus far but urge him to expand this worthwhile project, the scope of the Plenty Road duplication.

Manningham Park Primary School site: future

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Education. The action I seek is for the minister to meet with representatives of Bulleen Heights School to discuss the department's desire to sell part of the former Manningham Park Primary School site. As members might be aware, the Labor government forced the closure of Manningham Park Primary School at the end of last year, but in doing so it promised Bulleen Heights School that it would hand over to it the land and the building. Bulleen Heights School is in urgent need of extra space as the current site is far too small. However, it has been brought to my attention that this government wishes to break that promise and sell part of the school it promised it would give to the school.

We know that despite all this government's rhetoric about not closing schools it has closed schools. In the calendar year 2010 alone the government reaped over $50 million in sales of schools and school land. When the *Manningham Leader* approached the department, the spokesperson said Bulleen Heights School continues to host classes at the site and that:

> The adjoining former Templestowe High School site is surplus to the department's education needs …
>
> Part of the land has been sold to the Department of Health while the remainder will be disposed of according to government policy.

This response is very vague. It is causing much anxiety for staff and parents because the car park that is referred to is used by the parents to drop off students at the school. Manningham Road is a very busy road, and parents are unable to stop their cars, so they have to use the car park to drop off their kids. If that part of the school is sold, it will be detrimental to the Bulleen Heights School. However, it gets worse, because the government's website 'Land bank: aged care in Victoria', calls for tenders for an aged-care facility to be built on part of the site. The website states 'The proposed site was part of the Manningham Park Primary School'. The questions I ask are as follows: which site will be sold, which site has been given over for an aged-care facility and which site will be left to the school?

I ask the minister to visit the electorate, meet with Bulleen Heights School and give an undertaking, as she had done, that no part of the old Manningham Park Primary School site will be sold to primary developers. She made the promise and she closed the school, and now she has to keep her promise. Unless she does that the residents will once again see the arrogance of this government in promising one thing and then doing something else a few weeks later. I urge the minister to agree to a meeting with local residents.

Rail: Manor Lakes

Mr EREN (Lara) — I wish today to raise an important matter for the attention of the Minister for Public Transport. The matter I raise is in relation to the regional rail link in my electorate of Lara. As members may know, Manor Lakes is an area in the suburb of Wyndham Vale, which is experiencing rapid growth. In fact Wyndham Vale is one of the fastest growing regions in the whole nation. The action I am seeking is for the Minister for Public Transport to have his department investigate the feasibility of a full cutting through the corridor so as not to divide the community through Manor Lakes Boulevard.

The $4.3 billion regional rail link is a vitally important project that will deliver essential public transport connections for the area. It will provide a brand new rail line and two new stations, allowing many residents to access convenient train travel for the very first time, with its own dedicated train line and platform at Southern Cross railway station. With such a large project — the largest rail project in the nation — we need to make sure we do it right. Accordingly, after much consultation with them, members of the local community say they accept and appreciate the importance and benefits of the project but they have growing concerns in relation to the placement of the corridor for the regional rail link. The main concern voiced by the residents is the detrimental social impact a train line and overpass would have on a developing community. As such there would be an unpleasant visual outcome that would divide the community in two and cause some safety concerns for the nearby P–l2 specialist college, which would severely impair the result of all the hard work that has gone into developing this thriving new area.

For there to be less of a social impact on the residents of Wyndham Vale there needs to be a full cutting for the line. That would ensure we were listening to and acting on the community's needs while still providing the vital infrastructure that is needed. I understand this issue is of utmost importance to residents in my electorate, and I am committed to ensuring that I am a strong advocate on their behalf. Again, the action I am seeking is for the Minister for Public Transport to have his department investigate the feasibility of a full cutting through the corridor so as not to divide the community through Manor Lakes Boulevard.

Responses

Mr WYNNE (Minister for Housing) — I thank the member for Bulleen for his — —

Mr Kotsiras interjected.

Mr WYNNE — I am under duress here.

The SPEAKER — Order! I ask the minister and the member for Bulleen to keep matters away from the Greek Parliament.

Mr WYNNE — The member for Derrimut raised an issue about public and social housing. I want to acknowledge the member for Derrimut not only for his impeccable background as a public housing tenant himself but also for his long history of involvement in and commitment to public and social housing outcomes. As the Parliamentary Secretary for Human Services he has done a mighty job working with me and my colleagues very closely with public housing tenants right across both metropolitan Melbourne and regional Victoria.

The member for Derrimut mentioned that housing is not only about constructing homes but also about building communities and the capacity of those communities. I am pleased to report that in the member's electorate we have made some fantastic progress in the Nation Building construction program, which I know is broadly supported right across the house.

Thirteen homes have already reached completion in his electorate at a cost of $3.1 million. I am pleased to say that the excellent repair and maintenance program of close to $100 million we conducted in partnership with the federal Gillard government has resulted in 51 homes being renovated, breathing further life back into some properties there. That is a great outcome.

It is timely that we talk about housing, because this is Housing Week. Yesterday — Wednesday, 15 September — marked the commencement of Housing Week, and it will run to Wednesday, 22 September. This year marks the 14th year of Housing Week. It is an opportunity for us to pause to celebrate and recognise the extraordinary contribution that our public housing and community-managed housing tenants make right across the state — whether it is in metropolitan Melbourne, in the member for Lowan's electorate, in the member for Nepean's electorate or particularly in the member for Lara's electorate, which has a large conurbation of public and social housing. It is an opportunity for us to pause and work with those communities, congratulate them and pat them on the back for the extraordinary amount of work they do to sustain their communities. This year we have over 90 culturally diverse events being organised and run by public housing tenants with the financial support of the government.

This year's Housing Week has a theme of sustainability and ecofriendly living. All our tenants will receive an edition of *Over the Fence*, our tenant newsletter, which will provide them with timely advice on how to save energy in the home as well as on recycling and waste management. It will also contain some great writing on the environment that was part of a creative writing competition for tenants. I think tenants will very much look forward to reading the contributions of some of their own.

Housing Week is an open invitation for the whole of the community. I know that you, Speaker, will be

personally engaged in a number of housing projects in your electorate. One of the penultimate events in Housing Week is the Frances Penington Award, which was instigated not by this government but by the previous government. It is the annual award given to a public or community-managed housing tenant who has made an outstanding voluntary contribution to their local community. That event will be held, as you are well aware, Speaker, next Tuesday here at Parliament House. It is a fantastic event. We look forward to many members of Parliament being there on the day supporting tenants who have been nominated or put on the short list for the prestigious Penington award.

Housing Week is a fantastic opportunity for us to remember just how crucial public and social housing is. It is a timely reminder from the member for Derrimut that the business of government ought to be about ensuring that we have save, affordable and secure housing in this state. This government has a record investment in public and social housing in partnership with the federal government. Over the next couple of years 6500 units of public and social housing will be put on the ground. That will make a huge difference. Our investment in the private rental market is 7500 units of newly built housing subsidised at 20 per cent below the market rental value. That will make a huge difference to the private rental market. That is what this government is on about. I am pleased to be here tonight to answer the member for Derrimut's adjournment matter and also proud to be here as the Minister for Housing.

The member for Brighton raised a matter for the Minister for Community Development seeking the minister's intervention in relation to the low-cost appliance scheme. I will make sure that the minister is aware of the concern raised by the member for Brighton.

The member for Oakleigh raised a matter for the Minister for Energy and Resources seeking the minister's investigation of schemes that are operating in relation to the transfer of energy accounts, particularly for elderly residents, and the potential confusion and cost that occurs with those matters. It is a timely reminder. I will make sure the minister is aware of that.

The member for Lowan raised a matter for the Minister for Roads and Ports seeking support for the ongoing maintenance and safety of roads in his electorate. I will make sure the minister is aware of that.

The member for Seymour also raised a matter for the Minister for Roads and Ports seeking his support for the reconstruction of roads in the Mitchell shire that have been severely damaged due to the recent flood inundation. I will make sure the minister is aware of that.

The member for Polwarth raised a matter for the Minister for Education seeking the minister's support for the retention of the Bannockburn Primary School for potential use for non-government-school educational purposes.

The member for Nepean raised a matter for the Minister for Environment and Climate Change seeking that the minister resolve the question of the future of the Arthurs Seat chairlift. I will make sure the minister is aware of that.

The member for Yan Yean raised a matter for the Minister for Roads and Ports seeking the minister's support for the further duplication of Plenty Road up past Provincial Meats. I will make sure the minister is aware of that.

The member for Bulleen raised a matter for the Minister for Education seeking that the minister meet with Bulleen Heights Special School representatives to specifically address space requirements they have in the complex.

Finally, the member for Lara raised a matter for the Minister for Public Transport — he was with us — seeking the minister's support for the regional rail link through Manor Lakes, that great area down in the area of the member for Lara, to be resolved through a full cutting treatment so that the community there remains appropriately linked.

Speaker, that will do, if that is your will.

The SPEAKER — Order! The house is now adjourned.

House adjourned 5.18 p.m. until Tuesday, 5 October.