PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 27 July 2010

(Extract from book 10)

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
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Mr P. J. RYAN

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Mr P. L. WALSH

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Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
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Hennessy, Ms Jill [4]	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
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Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [8]	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	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] Elected 15 September 2007
[8] Resigned 6 August 2007

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TUESDAY, 27 JULY 2010

Tuesday, 27 July 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

CONDOLENCES

Milton Stanley Whiting, OAM

The SPEAKER — Order! I advise the house of the death of Milton Stanley Whiting, OAM, member of the Legislative Assembly for the electoral district of Mildura from 1962 to 1988.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I ask members to take their seats.

I shall convey a message of sympathy from the house to the relatives of the late Milton Stanley Whiting.

QUESTIONS WITHOUT NOTICE

Hazelwood power station: future

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. What is the cost of the staged closure of 25 per cent of the Hazelwood power station?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I must say the only comments that I have seen on this matter to date from opposition spokespersons show that they oppose the government's policy in this regard.

Honourable members interjecting.

The SPEAKER — Order! The Premier, without debate.

Mr BRUMBY — Yesterday I announced the government's white paper, and as part of that I have outlined the government's plan for the staged closure of the Hazelwood power station. This is a step which is necessary if we are to bring forward new gas generation in Victoria and if we are to create the right environment for renewable energy and, above all, if we are to make a meaningful contribution to tackling climate change in our state.

As I announced yesterday, the government will engage in discussions with the owners of the Hazelwood power station to ensure that an appropriate framework is agreed going forward. It is worth noting that with a carbon price and an emission trading scheme in place in Australia, as was proposed by the federal Labor government and voted down by the Liberal Party, Hazelwood — —

Mr Ryan interjected.

Mr BRUMBY — That's wrong, is it?

Honourable members interjecting.

The SPEAKER — Order! The Premier should ignore interjections.

Mr BRUMBY — The Hazelwood power station was slated for closure in 2016. The Liberal Party voted against that legislation and in doing so created a climate of uncertainty across Australia. What our climate change policy does — —

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. He has simply been asked a question of very narrow compass as to the cost of the closure of 25 per cent of Hazelwood. I ask you to have him answer that very simple question.

The SPEAKER — Order! While I uphold the point of order raised by the Leader of The Nationals, I remind him that it is not the Speaker's role to direct any minister or the Premier as to how to respond to a question. The Premier, without debate.

Mr BRUMBY — As I said, the government has made very clear in its action plan that it will begin these discussions with the owners of Hazelwood. The staged closure that has been announced is the right policy for our state, and I am surprised at the series of policy contradictions coming from those opposite in relation to this matter.

Economy: performance

Mr STENSHOLT (Burwood) — My question is also to the Premier, who has shown real leadership on the economy. I refer to the 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 how the Victorian economy is performing, and is he aware of any supportive comments in this area?

Mr BRUMBY (Premier) — I thank the member for Burwood for his question. Yesterday, in announcing the white paper on climate change, I made the point that Victoria is able to lead Australia in this policy area

because of the strength of our economy and the strength of our budget position.

A strong, well-managed economy with good investment, strong jobs growth and a sound budget position enables us to do things in health, education, climate change and social policy that could not be achieved with a weak budget position. These sentiments were reiterated just this week with the release of an Access Economics report in relation to the performance of Victoria and the other states and the Australian economy.

What Access Economics said in its report is a glowing endorsement of the Victorian economy. Paraphrasing a scene from a famous movie, Access Economics said the other states would be envious of what Victoria is having. Access Economics says that because:

> Victoria continues to chalk up enviable outcomes on key indicators. That includes jobs, where the state has racked up the fastest growth in Australia. And it includes housing construction, where Victoria has made the best effort of any state to keep up with demand, and where the leading indicators in housing, finance and building approvals suggest that the state will continue to outstrip Australian gains for a little while further.
>
> And not only has Victoria managed to outperform on these and other measures, but it has also managed to do that through both boom and bust. Remarkably, spending by businesses is now a bigger share of the state's economy than is true for Australia as a whole. This is a pretty impressive statistic amid the resource boom of recent years.

That is a glowing endorsement from Access Economics. The report goes on to say that Access Economics has revised up its projections of growth to 3.5 per cent and that for 2010–11 our growth will be the fastest in Australia of the non-resource states, second only to Western Australia, and further that we will be the fastest growing of the non-resource states for the next five years.

The reason Access Economics has said these things is: if you look at employment, you will see that 116 000 jobs were created over the last year, that business investment has grown at 8 per cent over the past decade and that under the economic framework we have put in place in Victoria the state has enjoyed the fastest productivity growth of any state in Australia over the last decade — and I am proud of that.

It is not just Access Economics. Deutsche Bank recently described Victoria's economic performance as 'stellar', and said:

> Victoria's recent economic performance has arguably been the strongest of any state.

The *Australian Financial Review* said recently:

> Victoria posted persistently best-in-class economic growth numbers through the worst of the global financial crisis, delivered a state budget ahead of all comers and has generated more jobs than any other Australian jurisdiction during the recovery so far.

One of the reasons we have been successful in generating jobs is that we have put the right plans and the right policies in place, whether that has been attracting investment, cutting WorkCover rates, cutting our payroll tax rates, cutting our land tax rates, the significant investment in schools and hospitals or projects like channel deepening. I visited that project again this morning with the Minister for Roads and Ports, and I am pleased to say that at its completion that project has come in at $248 million under budget.

Honourable members interjecting.

Mr BRUMBY — We hear the howls of opposition from the other side. We know we had to push forward with this project because it was the right thing to do for our state — it was the right thing in terms of jobs and the right thing in terms of the environment — and push forward with this project despite the strident opposition of those opposite. In relation to this project we were able to announce this morning that in the first six months of this calendar year we have seen month-on-month growth at the port of Melbourne of 15.8 per cent. We have seen strong export growth, strong growth in trades and, most importantly, we are seeing one ship every two days coming into our port using the full draft in the deepened channel. That is a good thing for the economy. It is also a good thing for the environment because these are the more modern ships that use less fuel per container, loaded and unloaded.

We have a good story to tell about the economy. It is a story about good budget management and about $11.5 billion worth of capital works. I am pleased that groups like Deutsche Bank and Access Economics have highlighted our economy as the best performing economy in Australia.

Hazelwood power station: future

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given that the federal minister for climate change has said that she does not know the cost of the staged closure of 25 per cent of the Hazelwood power station and that she has not seen any proposition from the Victorian government, what discussions has the Premier had with the Rudd and Gillard governments regarding the funding of a

package for the staged closure of 25 per cent of Hazelwood power station and what agreements have been reached?

Mr BRUMBY (Premier) — Later this week I will introduce into the Parliament the Climate Change Bill. That bill, which I will of course not canvass the detail of, will set out very clearly the target of our government to achieve a 20 per cent reduction in greenhouse gas emissions by 2020. The opposition will have the opportunity to either support or oppose that, but you would have to say from the comments to date that have been made — —

The SPEAKER — Order! The Premier should stop debating the question.

Mr BRUMBY — I was asked about the initiative in relation to the staged closure of Hazelwood. These things are central to achieving a 20 per cent reduction in greenhouse gas emissions by 2020. Our position is the right position in terms of tackling climate change and bringing on board new gas generation for our state. I repeat that the only comments we have seen to date from the state opposition, which have been reinforced today in question time, oppose this initiative of our government to slash greenhouse gas emissions in Victoria.

Mr O'Brien interjected.

The SPEAKER — Order! The member for Malvern can feel free to leave question time at any stage he would like to.

Climate change: government initiatives

Ms RICHARDSON (Northcote) — My question is to the Premier. I refer to the Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house how our government's strong leadership is keeping our economy strong so that we can take action on climate change?

Mr BRUMBY (Premier) — I thank the member for Northcote for her question and for her strong support in terms of tackling climate change, tackling greenhouse gas emissions and producing a cleaner economy and a cleaner environment for future generations. As I said earlier, we are able to take the steps we have announced in relation to the white paper because in Victoria we have a strong economy and a strong budget position. As a result we have been able to make the announcements we have made in relation to the white paper.

The announcements we released yesterday include the target of a 20 per cent reduction in greenhouse gas emissions. That is the strongest target across Australia and puts our government and our state in a leadership position in this area. The initiatives that will achieve this target include a new target of generating 5 per cent of energy capacity through solar power by 2020. That is equivalent to 2500 gigawatt hours, or more than 250 times the current level of solar power generation in Victoria.

When I announced this initiative last week in Bridgewater I pointed out that this will result in 5 to 10 new solar plants being built across the north and north-west of the state. This is a great commitment, not just in terms of improving our environment and not just in terms of dragging down greenhouse gas emissions but also in terms of driving new jobs and opportunities across country Victoria. I could find only one critic of this policy across the state, and that was the member for Malvern — the state opposition. This highlights the extraordinary policy contradictions within the opposition.

Here we have in our white paper a target of 5 per cent of solar energy by 2020 — a great thing, utilising the power of the sun to generate electricity without creating greenhouse gas emissions. We will build Victoria into the solar capital of Australia. In doing so we will generate new jobs and new opportunities across the north of the state.

As I said, we received overwhelming support from industry, environmental groups and local councils saying what a great thing this was. The only criticism we got was from state opposition members, who whinged and whined and attacked and opposed this policy. By the way, the only comments from the member for Malvern, apart from his opposition to the project, were factually wrong — —

The SPEAKER — Order! The Premier will not debate the question.

Mr BRUMBY — Other elements of the plan include, as I have announced and responded to in Parliament today, our plan for the staged closure of the Hazelwood power station, which is absolutely crucial to bring on new generation and to reduce greenhouse gas emissions in our state. Our Victorian energy efficiency target, which will set a goal of 5 million tonnes of carbon dioxide to be saved, will drive new investment in homes, new investment in small business and new investment in alternative technologies across the state.

The package we have announced will bring forward something like $6 billion to $10 billion of new investment across our state over the next decade. That will mean new investment in our suburbs, regional cities and country towns. It will mean new job opportunities — thousands of them — for young Victorians.

It is not surprising that we have had strong support from across Victoria. We have had strong support from environmental groups, particularly Environment Victoria, which has applauded our leadership and the 20 per cent target. We have had strong support from other groups like Friends of the Earth. We have had strong support from groups like the Victorian Council of Social Service, strong support from industry groups and local government, and strong support from, amongst others, the Bendigo Sustainability Group, congratulating the government and saying it believes 'that Victoria is now well and truly leading the way for Australia'.

We have shown strong leadership on this issue. Some weeks ago we released our Future Energy statement. Before the budget we released our Jobs for the Future Economy statement. Some months ago we released our white paper on land and biodiversity. If you put all of those together with the white paper, it gives us a platform to take our state forward, to cut greenhouse gas emissions by 20 per cent by 2020 and in the process give us not only a cleaner environment but also more investment and more jobs for future generations of Victorians.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the Leader of the Opposition, I acknowledge in the gallery a visiting MP from Queensland, Mr Andrew Cripps. Welcome to the state of Victoria.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Rail: infrastructure

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the asset management plan provided to the government as a part of the tender bid by Metro Trains Melbourne, where it says that aerial wiring at North Melbourne is 'ageing and … displaying signs of minimal planned maintenance and lack of renewal over many years', and I ask: why did the Premier allow this overhead wiring to fail today, causing massive disruption to the public transport network and commuters, and how could the Premier claim the community would see a difference from day one of a new operator, knowing the decaying state of power infrastructure for Melbourne's trains?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. It is probably the case that the Leader of the Opposition did not see in the media that on the weekend — on Saturday — I was in Maryborough and Creswick. Does he know what I was doing there? I was reopening the rail line that the former government closed.

Honourable members interjecting.

Mr BRUMBY — Oh, ho, ho, ho! That rail line was closed in 1993. We have reopened the Ararat line, we have reopened the Bairnsdale line — —

The SPEAKER — Order! The Premier should not debate the question.

Mr BRUMBY — At 4.55 this morning, as we know, the inner metropolitan rail network experienced a significant power outage as a train was entering service from Melbourne yard near Southern Cross station. The pantograph pulled down overhead wires, which caused knock-on impacts to train services across the metropolitan and V/Line networks.

Mr Burgess interjected.

The SPEAKER — Order! If the member for Hastings wishes to ask a question he should stand at the appropriate time and I will give him the call, otherwise I ask him to cease interjecting.

Mr BRUMBY — The reality is that the system needs more investment. Under the 2010–11 Metro Trains Melbourne maintenance and renewal program a record $220 million will be spent replacing 61 000 wooden sleepers with concrete, reconstructing 22 sets of points, laying 36 kilometres of new rail, reprofiling 140 kilometres of rail, replacing 27 kilometres of overhead contact wires, renewing equipment at three electrical substations, replacing 40 signal heads with new light-emitting diode signals and, finally, renewing 15 kilometres of field signal cabling to improve signal reliability. All of these things represent huge investments in our public transport system. All of these things — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth and the Leader of the Opposition will cease interjecting in that manner.

Mr BRUMBY — These are huge investments in our rail system, and I reiterate that, in contrast to the significant new investment that we are making, those opposite closed 6 rail lines, closed 26 stations and ran 1734 fewer services.

Climate change: government initiatives

Mr FOLEY (Albert Park) — My question is to the Minister for Energy and Resources. 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 update the house on how this government's climate change white paper is providing leadership in renewable energy strategies and whether there are any challenges?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Albert Park for his question and for his ongoing interest in tackling climate change, and in particular for his support for solar energy here in Victoria. Today's debates that have already taken place on this issue remind me of some information from Her Majesty's Treasury website in the UK — the UK's economics and finance ministry — quoting Sir Nicholas Stern, where it says that:

> …the benefits of strong, early action on climate change outweigh the costs.

We have known this for a long time; it is a pity the opposition has not heard of it.

Mr Burgess interjected.

The SPEAKER — Order! I warn the member for Hastings.

Mr Ryan interjected.

The SPEAKER — Order! I ask the Leader of The Nationals for some cooperation.

Mr BATCHELOR — Yesterday I joined the Premier and the Minister for Environment and Climate Change to help launch the government's climate change action plan. One of the key parts of this plan is to make Victoria the solar state — the leading state in solar generation. We are setting a target of some 5 per cent of Victoria's power to come from solar energy by 2020. This is estimated to be some 2500 gigawatt hours of solar power, and we have also set an interim target of some 500 gigawatt hours by 2014.

To achieve these targets we have announced a range of very important solar power policies designed to make all this happen. They include a new large solar feed-in tariff to provide an incentive for additional support for the construction of solar power stations. We have established a working group which will advise on what is needed to support medium-scale solar power. We have also of course announced the establishment of solar energy hubs that are designed to reduce the costs to communities of establishing solar clusters by buying in bulk both the hardware and the installation services.

This plan will also see, as the Premier announced in Parliament today, the establishment of between 5 and 10 large-scale solar plants across regional Victoria, bringing opportunities to regional Victoria in the order of $2 billion just from this solar power initiative. Because these new policies to achieve the target will be outside the federal renewable energy target, solar power will not crowd other investments under the national scheme — investments in wind, geothermal and wave power. All of this adds up to great news for regional Victoria.

The reaction has been very supportive. The Bendigo *Advertiser* stated:

> The state government's announcement of a plan to build up to 10 large-scale solar energy plants in the next 10 years is a step in the right direction for the renewable energy industry in this state.

It was not only the Bendigo *Advertiser* saying this. Matthew Warren from the Clean Energy Council is quoted as saying:

> Mr Brumby is to be congratulated for demonstrating real leadership in developing a world-class renewable energy industry in Victoria.

Members will recall that at the announcement of the solar initiative, which was hosted at Bridgewater, the manager of Silex Systems said:

> The announcement today by the Victorian Premier of a multitiered solar energy development strategy … sets the pace for the deployment of medium and large-scale solar power in Australia and the Asia-Pacific region.

It can be seen that on our side of the house we know the importance of renewable energy, and it is being supported by a whole host of important community organisations and regional newspapers. The house has also heard from the Premier about the support from environmental groups. The house has also heard the rejection of this initiative by the opposition. The opposition has opposed it, and it has not had — —

The SPEAKER — Order! The minister, without debate.

Mr BATCHELOR — We have a proud record in renewable energy. We introduced the renewable energy target, and we introduced the standard feed-in tariff and then the premium feed-in tariff. We have allocated funds to Silex Systems. We have a very proud record, and it has been supported widely in the past and today by community groups. On radio this morning a stakeholder said:

> … along with the rest of the community I think we always understood that there would be a phase-out of Hazelwood in the future. There's somewhat of a surprise that the government has announced this just yesterday.

When asked if it would be taken up as a policy after the next election, he went on to say:

> I think it is a task that all political parties need to pursue. We all want to see renewables be a big — —

An honourable member — Who's this?

Mr BATCHELOR — I'll tell you in a minute.

> We all want to see renewables … be a big part of our renewable, form a big part of our energy industry in the future, but we need to do it in a sustainable way …

This is the member for Morwell supporting the government's initiative while the rest of his team are absolutely opposing it.

The SPEAKER — Order! The minister should confine his comments to government business.

Mr BATCHELOR — Members can see that right across the state, even in Morwell from the local member, we are getting support for this initiative. But the real beneficiaries of this initiative will be those places in country Victoria and regional Victoria that welcome renewable energy because they understand with us that it not only reduces greenhouse gas emissions but provides important opportunities for business and for employment right across regional Victoria. That is why this initiative that has been announced today is truly regarded as real leadership provided by the Premier of Victoria.

Public transport: myki ticketing system

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to evidence given at last week's upper house select committee inquiry into train services, where it was stated that the government had considered dumping myki, and I ask: was this given consideration before or after the Premier decided to pour another $352 million of taxpayers money into myki, and will the Premier table advice provided to the government on the matter?

Mr BRUMBY (Premier) — I thank the honourable member for his question. As we know, myki is now operating on Melbourne trains, trams and buses, as well as on buses — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth had the opportunity to ask the question; he should show some respect and listen to the answer. I also ask the member for South-West Coast to control his level of interjection.

Mr BRUMBY — As I was saying, the system is in place on Melbourne's trains, trams and buses, as well as on buses in Geelong, Seymour, Ballarat, Bendigo, Warragul and the Latrobe Valley. That means that Melburnians can now choose to pay for trips on public transport using either the Metcard system or the myki system, because both are operating. As the Minister for Public Transport has said, we expect people to take up the system gradually. The minister has made it clear that Metcard will continue operating until at least Easter next year.

I know that not everyone is supportive of myki. I will name one person in particular. These were some comments that were published recently in the *Seymour Telegraph*:

> Myki offers great benefits for public transport users… there will be no more — —

Mr Mulder — On a point of order, Speaker, the Premier is quite clearly debating the question, and I ask you to bring him back to answering it.

The SPEAKER — Order! I do not uphold the point of order. I ask members of the opposition to remember that this is the chamber of the Legislative Assembly of the Victorian Parliament and to treat it with some respect.

Mr BRUMBY — There is actually a headline in the paper which states 'Our new ticketing system travels well'. The person concerned said:

> Myki offers great benefits for public transport users ... there will be no more searching for loose change or fussing with tickets, and best of all ... fares will be cheaper using myki ...

This person also said:

> It has been very well received so far; compared to the old system, this is a lot faster.

The person who made those comments is a Mr Michael Laker, who is the Liberal Party candidate for Seymour.

Dr Napthine interjected.

Mr BRUMBY — What was that, Denis? I missed that.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Narre Warren North. I ask members of the government to come to order. I ask the Premier to conclude his answer.

Mr BRUMBY — Again, that is a ringing endorsement of the system by the endorsed Liberal Party candidate for Seymour, Mike Laker.

Climate change: low-emission industries

Ms HENNESSY (Altona) — My question is for the Minister for Industry and Trade. I refer to the Brumby government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on what the Brumby government is doing to assist the development of low-emission industries in Victoria, and are there any challenges?

Ms ALLAN (Minister for Industry and Trade) — I thank the member for Altona for her question. As we have already heard in the house this afternoon, the leadership that has been shown this week by the Brumby Labor government in setting a target to reduce Victoria's carbon emissions by 20 per cent by 2020 is not just good for the environment, and of course it is very good for the environment, but also brings with it tremendous job opportunities that the Brumby government plans to capture for Victoria — more job opportunities for more Victorian families. That is why we are working very closely with industry to capture those job opportunities that are going to come from the anticipated $10 billion of new investment to this state in the new low-emission industries.

It is obvious that if you are bringing $10 billion of new investment into the state, that in turn will generate many jobs and many new industry opportunities here. That is why over the coming weeks we will be working with representatives from Victorian industry groups to maximise these opportunities for the state in every possible way, whether it be through the construction and supply side of the $2 billion worth of opportunities that are going to come from the investment that will come out of the establishment of Australia's first large-scale solar feed-in tariff or whether it be through the new clean business fund that is going to give businesses opportunities to reduce their emissions and also to cut costs.

However, there are also many opportunities to support our existing industries as they make the transition to a lower emission community and society. As the member for Altona knows very well, a good example of this has been how the Brumby government, with the federal government, has been working very closely with Toyota to secure investment in the production of the hybrid Camry at the Altona plant right here in Melbourne. Not only did we back this investment through support but we also backed it with a real commitment by committing to purchase 2000 of the vehicles for the Victorian government fleet. The member for Altona drives a hybrid; I am proud to say that I drive one too; and the Minister for Water drives one as well. They are great vehicles.

Honourable members interjecting.

The SPEAKER — Order! The Speaker also drives one.

Ms ALLAN — That is excellent to hear! It is pretty well understood that without the leadership and support shown by the Brumby government and the federal Labor government — if it were not for that support for the hybrid Camry being produced here in Melbourne — there is no doubt that 3000 jobs at the Toyota plant in Altona would have been lost to Thailand. That is the level of seriousness with which we understand this issue; these jobs were at risk of going from Altona to Thailand.

In the climate change white paper released just yesterday we are going further with our support for the automotive industry in Victoria. We are committed to reducing the emissions from the Victorian fleet by a further 20 per cent by 2015 through green procurement to help spur further industry development.

The member for Altona asked about challenges in this policy area. It may come as a bit of a shock to the member for Altona to learn that not everybody supports the Brumby government's backing of the 3000 workers at Toyota's Altona plant.

Honourable members interjecting.

Ms ALLAN — It does come as a bit of a shock, I know. Indeed some have said of this support that the investment in the hybrid Camry was 'shaky', that the thousands of jobs created were a 'failure' and that taxpayers money could have been spent more wisely. As I said, without the support shown by this

government and by the federal Labor government, these jobs were destined to go to Thailand. That demonstrates that we understand what is a good use of taxpayers funds — that is, keeping jobs here in Victoria.

Who would drive jobs to Bangkok? The member for Warrandyte and his leader, Bangkok Baillieu.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to conclude her answer.

Ms ALLAN — Certainly, Speaker. In concluding I would like to assure you and the house that the Brumby government is absolutely determined not to put the Victorian automotive industry into reverse and put the future of the industry at risk. As we have demonstrated once again this week, we are working hard to support the development of the low-emission automotive industry, and we are doing so, as I said at the outset, because it is good for the environment and because it is good for creating jobs here for Victorian families. The alternative would result in Altona workers reading headlines in the *Bangkok Post* that would say 'Baillieu's Bangkok jobs bonanza'.

Regional rail link: Footscray properties

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to the anger and distress of Footscray residents who were not consulted before his announcement that their homes would be bulldozed to make way for the regional rail link, and I ask: why did the Premier tell those at a self-promotional lunch of the government's plans before having the common decency to tell residents their homes were to be destroyed?

Mr BRUMBY (Premier) — I thank the honourable member for his question. The plans the government released in relation to WestLink, the truck action plan and the regional rail express project are vital plans for the future of our state. Whether it be the food bowl modernisation project, whether it be the desalination plant or whether it be the channel deepening, these projects are crucial for the long-term development of our state. The opposition may not support them — indeed it has opposed each of the projects I have mentioned in my answer — but these are nevertheless projects which are crucial to the long-term future of our state.

In relation to the announcement of those matters, as I have made clear on a number of occasions, the failure to communicate that to those residents is a matter of disappointment and regret for which I have apologised.

Water: restrictions and environmental flows

Mr LUPTON (Prahran) — 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 how eased water restrictions are helping Victorians to keep their gardens, sportsgrounds and public open spaces green and how the environment is also benefiting from the Brumby government's water plan?

Mr HOLDING (Minister for Water) — I thank the member for Prahran for his question. I was very pleased last week to join with the member for Yan Yean to announce the return of additional environmental flows — 12 billion litres for the Thomson River and an additional 10 billion litres of water for the Yarra River.

Honourable members interjecting.

Mr HOLDING — And, as the member for Brighton interjects, to release a few fish as well! We released six Macquarie perch into the river.

Mr Ryan — Name them!

Mr HOLDING — Name them? One of them looked suspiciously like the member for Bass! I do not know about the other five.

The SPEAKER — Order! The minister will come back to the question as asked.

Mr HOLDING — I am being distracted. I apologise, Speaker!

This is great news for the Thomson River and the Yarra River, because it returns the qualified environmental entitlement ahead of the trigger for when that water would otherwise have been returned, which would have been when Melbourne returned to stage 2 water restrictions.

Of course this is not the first time that the Thomson and Yarra rivers have benefited from the return of much-needed environmental flows. In April this year I was able to join with the Premier in announcing the return of 7 billion litres of environmental water to the Yarra River, 3 billion litres of environmental water to the Thomson River and 3 billion litres of water to the Bunyip and Tarago rivers.

Mr Delahunty interjected.

Mr HOLDING — The member for Lowan interjects and asks, 'What about the Murray?'. Of course under the Living Murray initiative Victoria

committed to returning 214 billion litres. We are in the process of delivering 223 billion litres of water under the Living Murray initiative, so we have exceeded our Living Murray initiative requirements. That is a most important milestone for Victoria and something that we are very pleased to have been able to achieve in partnership with other states that are delivering commitments under the Living Murray initiative.

But of course other rivers around Victoria are also benefiting from the return of much-needed environmental flows. With the completion of the Wimmera–Mallee pipeline we have been able to achieve the return of a natural base passing flow in the Wimmera River, which has occurred for the first time in 90 years. I know that with 83 billion litres of environmental water — —

Mr K. Smith — It's fallen out of the sky. It's called rain!

Mr HOLDING — The member for Bass points to the sky. In fact the 83 billion litres of water that has been set aside for the environment under the Wimmera–Mallee pipeline project is water that has been returned to stressed river systems in the Wimmera-Mallee region that would not have been available just simply because of rain: it is water that has been available because of the government's record investment in the Wimmera–Mallee pipeline project. That is the bottom line.

We have also been able to start the process for returning environmental water to the Moorabool River. This is very important as well because we are seeing the gradual return of environmental water to this river. This has become possible only because of this government's investment in the goldfields super-pipe project. In fact there were people who opposed the goldfields super-pipe and said we should have taken water from the Lal Lal Reservoir instead. If we had done that, that water would have come at the expense of the Moorabool River, and that river would now be under greater environmental stress than it already is. It is fantastic to see environmental water being returned to that system as well.

Of course 175 billion litres of environmental water will become available because of our investment, along with the commonwealth, in the food bowl modernisation project. That water will be retained in northern Victoria. That is great news for other river systems in northern Victoria that will benefit from that.

We decommissioned Lake Mokoan. That too is a very important environmental outcome, because it will ensure there is more environmental water available in the Broken River system. We are transforming the former Lake Mokoan site into one of the state's premier wetlands, and that also has important environmental consequences for that part of Victoria.

We are very pleased that just as urban communities are seeing water restrictions being eased right across Victoria, just as farmers are seeing more water becoming available, we are also seeing environmental flows returning to stressed river systems across Victoria. That is great news for the Thomson, Yarra, Bunyip, Tarago, Murray and Wimmera rivers. It is great news for the Snowy River, as we return water flows to that river because of our investment, along with New South Wales and the commonwealth government — a $150 million investment from Victoria — generating 212 billion litres in environmental flows into the Snowy River. It is great news for other rivers across Victoria.

We are not interested in putting dams on rivers and depriving the rivers of environmental flows. We are interested in investing in projects that return water to stressed river systems, result in great outcomes for communities and result in great outcomes for the environment.

TRADITIONAL OWNER SETTLEMENT BILL

Introduction and first reading

Mr BRUMBY (Premier) introduced a bill for an act to recognise traditional owner groups based on their traditional and cultural associations to certain land in Victoria, to provide for the making of agreements between the state and traditional owner groups, to recognise and confer rights on traditional owner groups as to access to or ownership or management of certain public land and as to decision-making rights and other rights that may be exercised in relation to the use and development of the land or natural resources on the land, to make any amendments that are necessary to other acts to ensure the agreements are effective, to make any related and consequential amendments to other acts and for other purposes.

Read first time.

CLIMATE CHANGE BILL

Introduction and first reading

Mr BRUMBY (Premier) introduced a bill for an act to provide a framework for action on climate change in Victoria, to set a target to reduce greenhouse gas emissions, to provide for forestry rights, carbon sequestration rights and soil carbon rights on land, to repeal the Forestry Rights Act 1996, to amend the Conservation, Forests and Lands Act 1987, the Environment Protection Act 1970, the Transport Integration Act 2010 and other acts and for other purposes.

Read first time.

MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Mineral Resources (Sustainable Development) Act 1990 and the Victorian Energy Efficiency Target Act 2007 and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to give a brief explanation as to the content of the bill.

Mr BATCHELOR (Minister for Energy and Resources) — This bill will ensure that Victoria's mineral resources are managed in a sustainable and responsible way, that they continue to contribute to the state's economic development and that they continue to contribute to employment within regional communities. The bill also makes arrangements in relation to the Victorian Energy Efficiency Target Act 2007 to improve the operations in a particular area in relation to certificate creation.

Motion agreed to.

Read first time.

LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr WYNNE (Minister for Local Government) — I move:

> That I have leave to bring in a bill for an act to amend the Local Government Act 1989, the City of Melbourne Act 2001, the Planning and Environment Act 1987 and other acts and for other purposes.

Mrs POWELL (Shepparton) — I ask the minister for a brief explanation as to the contents of the bill.

Mr WYNNE (Minister for Local Government) — This bill consolidates further matters that address conflict-of-interest provisions, which were subject to wide community consultation, as the shadow minister is aware. Those provisions have received the broad support of local government. The second purpose of the bill is to consequently amend the Local Government Act to deal with electoral representation reviews, and it also deals with amendments to the City of Melbourne Act to allow Melbourne City Council to enter into agreements with the owners of non-residential properties in relation to the greening of those buildings. Finally the bill deals with some amendments to the Planning and Environment Act in relation to the development assessment committees.

Motion agreed to.

Read first time.

PRIVATE SECURITY AMENDMENT BILL

Introduction and first reading

Mr CAMERON (Minister for Police and Emergency Services) — I move:

> That I have leave to bring in a bill for an act to amend the Private Security Act 2004 and for other purposes.

Mr RYAN (Leader of The Nationals) — I ask the minister for a brief explanation of the bill.

Mr CAMERON (Minister for Police and Emergency Services) — This bill is for the purpose of harmonising the industry as a result of the Council of Australian Governments agreement.

Motion agreed to.

Read first time.

TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That I have leave to bring in a bill for an act to amend the Transport Accident Act 1986 and to make further amendments to the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993, to make consequential amendments to certain other acts and for other purposes.

Mr WELLS (Scoresby) — I ask the minister for a brief explanation of this bill.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — This legislation will finalise some of the matters that arose out of the Hanks inquiry. It will also make some improvements to the transport accident compensation arrangements to improve the efficiency and the operation of that scheme; it makes a number of other amendments consequent to that and a number of other reforms.

Motion agreed to.

Read first time.

PLANT BIOSECURITY BILL

Introduction and first reading

Mr HELPER (Minister for Agriculture) — I move:

That I have leave to bring in a bill for an act to re-enact with amendments the laws relating to plant pest and disease control and plant product description, to repeal the Plant Health and Plant Products Act 1995 and for other purposes.

Mr WALSH (Swan Hill) — I ask the minister for a brief explanation of the bill.

Mr HELPER (Minister for Agriculture) — I will be glad to provide the member for Swan Hill with a brief explanation of this bill. In relation to plant pests this bill makes new provisions, including: firstly, an ability to declare an infected place; secondly, a requirement for a grower of a prescribed crop to apply for a property identification code; and thirdly, a broadening of the definition of vectors, or things, that can carry pests or disease.

Motion agreed to.

Read first time.

LIQUOR CONTROL REFORM AMENDMENT BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Liquor Control Reform Act 1998 and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation as to the content of the bill.

Mr ROBINSON (Minister for Consumer Affairs) — The bill will further the government's reform program in respect of liquor regulation and in particular strengthen and extend responsible service of alcohol training requirements, mandate the provision of free drinking water in licensed premises, exempt minor businesses from the need to be licensed and regulate licensed venues to provide sexually explicit entertainment.

Motion agreed to.

Read first time.

CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Fair Trading Act 1999, the Goods Act 1958 and other consumer acts, to repeal the Disposal of Uncollected Goods Act 1961, the Carriers and Innkeepers Act 1958, the Introduction Agents Act 1997, the Sale of Goods (Vienna Convention) Act 1987, the Sea-Carriage Documents Act 1998 and the Landlord and Tenant Act 1958 and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation as to the content of the bill.

Mr ROBINSON (Minister for Consumer Affairs) — The bill furthers the government's reform program in respect of modernising the legislation under the consumer affairs portfolio.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 59, 60, 117, 118, 190 to 195 and 211 to 223 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

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 Mr CRISP (Mildura) (8 signatures) and Mr NORTHE (Morwell) (340 signatures).

Rail: Mildura line

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

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (15 signatures).

Schools: regional and rural Victoria

To the Legislative Assembly of Victoria

The petition of residents of Victoria draws to the attention of the house the Brumby Labor government's failure to support education in regional Victoria. In particular:

that country secondary school retention rates (the percentage of students remaining at high school until year 12) have fallen from 72 per cent in 2002 to 67 per cent in 2009 compared to city schools that have remained at 85 per cent; and

that when Labor were elected in 1999, Victorian government education funding per person was the second highest of any state, but after 10 years of Labor, Victoria now spends least on education per person of any state in the nation.

The petitioners therefore request that the Legislative Assembly of Victoria require the Brumby Labor government to stop their neglect of regional education and provide schools, teachers and students with the resources and support they need to improve educational outcomes.

By Mr NORTHE (Morwell) (9 signatures).

Tabled.

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

Ordered that petitions presented by honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr CARLI (Brunswick) presented *Alert Digest* No. 10 of 2010 on:

Civil Procedure Bill

Energy and Resources Legislation Amendment Bill

Firearms and Other Acts Amendment Bill

Juries Amendment (Reform) Bill
Primary Industries Legislation Amendment Bill
Water Amendment (Victorian Environmental Water Holder) Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENT

Tabled by Clerk:

Constitution Act 1975 — Dispute Resolution reached on 19 July 2010 by the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill 2010.

TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL

Dispute resolution

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

That the house takes note of the dispute resolution reached on 19 July 2010 by the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill 2010.

Briefly speaking to this motion, the house has received the report back from the Dispute Resolution Committee.

Mr McIntosh — On a point of order, Speaker, the house does not have a copy of the motion we are about to deal with in relation to the report or a copy of the bill that is the subject of the dispute. I was wondering whether that is the normal process.

The SPEAKER — Order! The clerks will have the resolution copied immediately and distributed.

Mr BATCHELOR — Whilst that is happening, unless there is an objection, we will proceed with the debate. The opposition is represented in the chamber by members of the Dispute Resolution Committee, and those members are across the details, but of course the other members are not, and they will hear a report on that process.

The Dispute Resolution Committee is recommending to both houses of the Parliament that this bill — the Transport Legislation Amendment (Ports Integration) Bill — be passed. Members will recall that this particular piece of legislation has been passed by the Assembly but defeated in the other place. Subsequently this dispute has been referred to the Dispute Resolution Committee, and we are reporting back to the house on the outcome of that. After very lengthy consideration by the Dispute Resolution Committee, the committee is recommending the bill's passage. What we will be doing is providing an opportunity for debate through the take-note motion, and then subsequently we will be moving another motion that the bill be returned to the Legislative Council for its agreement as recommended by the Dispute Resolution Committee, and a message will be sent accordingly.

This bill that we are being asked to deal with is an important one. It reaffirms the critical role of the ports and shipping channels and the need for them to form part of an integrated and sustainable transport system. The bill delivers the last core element in the integration of our transport agencies here and seeks to do that within the modern policy framework set out in the Transport Integration Act that was passed earlier this year. The Transport Integration Act makes it clear that the whole of the transport system needs to be sustainable in economic, environmental and social terms.

Our plan is to achieve those objectives of the Transport Legislation Amendment (Ports Integration) Bill. Our plan is to integrate the port of Melbourne with the port of Hastings, as is outlined in the policy document *Port Futures*. The Port Futures policy sets out to deliver a sustainable ports system which includes the national transport and freight networks. This disputed bill underpins the fact that this port strategy is the most effective way to drive future development at the port of Hastings. Integrating the port of Melbourne and the port of Hastings will supplement the knowledge and capabilities of the Port of Hastings Corporation with the planning and technical resources of the Port of Melbourne Corporation. The four staff members of the current Port of Hastings Corporation will work with the new entity and will continue to be based at Hastings to retain the port's presence and local identity.

Mr Ingram — On a point of order, Speaker, it appears that this debate is really just setting up a motion for a debate about transmitting to the other place a bill that has gone through the dispute resolution process — that is, a fairly narrow debate about establishing that process. I seek some clarification to make sure we are not actually debating the transfer of the bill to the other place, which would be totally inappropriate when

members of this Parliament have not seen the proposed amendments.

The SPEAKER — Order! The debate at the moment is that the house take note of the dispute resolution reached on 19 July. What has been handed to members is the resolution that is the subject of the motion that is being dealt with at the moment.

Mr McIntosh — On a point of order, Speaker, the member for Gippsland East is perhaps correct. In the normal process you would expect the resolution and the schedule to be distributed to the house to enable members to ensure it is the bill that it has been recommended should be passed by both houses. This is a steep learning curve we are all going through. Given that the Dispute Resolution Committee has recommended that the bill be passed without amendment, that the house has dealt with that bill and that the significant detail of the bill has already been discussed, I am prepared to give the house a reasonable amount of latitude. I do not have that fiat, but I certainly will not raise any concern. Perhaps in future when such a resolution is discussed a copy of the resolution reached by the Dispute Resolution Committee and a copy of the bill, which in this case is a schedule to dispute resolution, should be provided.

I understand, after having a discussion with the Leader of the House today, that there was some ambiguity as to whether or not this resolution was going to be put before the house today or would have to lie over until a later stage. I think we are all keen to get it through today, but perhaps the administrative processes of the Parliament did not quite catch up with those earlier discussions that came to fruition only around lunchtime today. I think the member for Gippsland East made a very valid point in suggesting that at a time like this we need a copy of the bill and the resolution that was agreed to by the Dispute Resolution Committee. Having said that, as far as the opposition is concerned I am quite content to proceed on the current basis that at least we have the resolution, while noting that we do not have a copy of the bill in the chamber at this time and hoping that no constitutional point comes out of this at a later stage.

The SPEAKER — Order! Copies of the bill will be placed at the table for members who are in the house. They are being obtained at the moment.

Mr BATCHELOR — For the satisfaction of the member for Gippsland East in particular and perhaps other members of the house who are not members of the Dispute Resolution Committee, the bill we are referring to, which has just arrived at the table, is a bill that this house has previously dealt with in its entirety. It is the same bill and the intent of the Dispute Resolution Committee, by way of the resolution it passed, was that the bill we have previously passed, had access to, debated and sent to the other place again be sent to the other place without amendment. Given that resolution and that copies of the bill are now before the chamber, I think all procedural issues have been satisfied and we should be able to deal with the substantive nature of the legislation.

The SPEAKER — Order! I suggest, however, that the member for Gippsland East has highlighted a difficulty where perhaps full courtesy and respect has not been given to all members of the chamber and that we should address this at a later stage. This procedure is fine for today's purpose, but it highlights that sometimes we do not consider all members of the chamber.

Mr BATCHELOR — I think that is a fair comment, and the government can live with that. It is usually our course of action, and the member for Gippsland East could attest to that.

By way of explanation and introduction I had been outlining the background to this bill. I indicated that it was about integrating the port of Melbourne and the port of Hastings and that staff members would be retained. The port of Hastings must now be developed in a sustainable way and must be linked accordingly with roads, rail and other infrastructure. The port needs to be developed at the right time and in the right way, and the Transport Integration Act provides the platform to achieve this integrated and sustainable transport planning. The bill creates a clear obligation on the Port of Melbourne Corporation to use its resources for the benefit of Hastings and Victoria, and the functions of the charter of the Port of Melbourne Corporation include the requirement to commercially develop the port of Hastings.

Far from stifling the growth of Hastings as a vibrant economic asset, integration will ensure that the development of the port of Hastings is done in the right way at the right time and, importantly, for the right reasons. That is why we were strong in our determination and resolve both here in the Legislative Assembly and in the Dispute Resolution Committee, and the same will occur in the Legislative Council. As chair of the Dispute Resolution Committee, I thank the members of that committee for their support for this approach, and I wish this bill, when we get to the second foreshadowed motion, a speedy passage not only here but also in the other place.

Mr CLARK (Box Hill) — This is the third disputed bill sent by this house to the Dispute Resolution Committee; the previous two related to development assessment committees and the growth areas infrastructure contribution tax. The arrangements for the Dispute Resolution Committee in respect of the mechanism that is followed — the procedures under which the committee has to operate, the fact that it is required to conduct its activities in private and the fact that the government sends to the committee bills that have been defeated in the Council, with all the arguments that we have previously gone through as to the validity of that process — are all matters which remain just as unsatisfactory in terms of the current matter as they were with the previous two matters.

In relation to the particular subject of this dispute — the Transport Legislation Amendment (Ports Integration) Bill, which was defeated in the Legislative Council — the view of the opposition parties has been and remains that the port of Hastings and the Victorian community and economy will be much better served if the port of Hastings is developed as a freestanding and separate entity that is able to develop and flourish independently of the port of Melbourne and to offer to Victorian port users competition and choice with all the benefits that can flow from that.

In opposing the bill as introduced by the government we had hoped we might be able to bring the government to its senses on this issue, to persuade it to see the error of its ways and to ensure that an arrangement going forward would provide for an independent port of Hastings. There were options potentially available to achieve that, consistent with passing an amended form of the bill. For example, there is nothing to stop the government giving effect to its new framework for the transport sector while having two separate ports rather than having one combined corporation for the ports of Hastings and Melbourne. However, it became clear during the course of committee deliberations and other discussions that the government was intransigent on this matter.

I do not have to concern myself with the extent to which it would be in order to refer to what may have taken place in relation to the Dispute Resolution Committee, because the Minister for Energy and Resources has made absolutely clear in his remarks to the house today the government's position: it is determined that if it can have its way, Hastings will be combined with Melbourne and will lose its separate and independent status and potential, and as far as the views of the current government are concerned, they will be run as a single port entity.

It is clear that nothing the opposition parties do in relation to the bill we are currently considering will shift the government from that position. That being the case, and having exercised our best efforts to bring the government to see sense on this, we reached a conclusion that the government was determined to proceed on the course that the minister has referred to — that even if the bill remained defeated, the government would proceed down that course by using administrative arrangements anyway and would ensure that those who were appointed to the governing body of the port of Hastings would reflect government policy and would use those administrative arrangements to continue to subvert the interests of the port of Hastings and the interests of the Victorian community and shippers in a competitive port. It therefore became clear that in practical terms there was nothing to be gained by continuing to oppose the bill.

There is only one thing that is going to ensure for the Victorian community that the port of Hastings operates as an independent entity providing choice for Victorian shippers and keeping competitive pressure on all ports within Victoria, and that is to have a coalition government after 27 November. That will also ensure that attention is paid to the proper handling of environmental issues relating to the port of Hastings ahead of whatever may be put forward by the port corporations as to what their wishes are, which in our view is the appropriate and proper way that this should be done.

Environmental issues should be assessed by and through government rather than primarily by the proponents. Having those issues assessed in advance will give proponents certainty about what they can and cannot do. That process also will give the community assurance and an opportunity for people to properly debate and consider well in advance the environmental sensitivities and issues for Hastings and to make sure that those sensitivities and issues are properly accommodated and resolved with a framework for a flourishing port that will help provide for Victoria's future.

The government is refusing to budge on this issue. The position of the opposition is that its members will acquiesce on the resolution that has come back to the house. Our view is that Victorian voters will go to the next election and have a clear choice on this issue: those who would like to see an independent and flourishing port of Hastings within a context that has made proper provision for the environmental sensitivities of the port should vote for the coalition, and those who want to see Hastings continue to play second string to the port of Melbourne and who want to

continue to see the cast-offs of the port of Melbourne being dumped in Hastings should vote to continue the current government's period in office. For the time being let me say that as opposition members we have given the issue our best shot. We have been unable to move the government to see sense on this issue, which is why we are prepared to acquiesce in this dispute resolution.

Mr FOLEY (Albert Park) — I rise to speak on the resolution of the Dispute Resolution Committee relating to the Transport Legislation Amendment (Ports Integration) Bill. In doing so I acknowledge the comments made by the member for Box Hill, who put the coalition's position clearly — that is, opposition members do not support the intent of the proposition and are calling on the people of Victoria to decide the issue at the state election later in the year.

As my own electorate represents a fair slice of the port of Melbourne, the position of the Liberal-Nationals coalition on this issue, with the support of the Greens, has been the subject of considerable debate among my constituents. When you represent people who live in a community next door to a thriving port — a port that drives thousands of jobs for all Victorians and thousands of jobs in substantial parts of south-eastern Australia's rural and extractive industries — you have a much more focused position on this issue than those opposite.

Hopefully the Transport Legislation Amendment (Ports Integration) Bill will help deliver the government's Port Futures strategy and Freight Futures strategy as part of the government's overall Victorian transport plan. The very important goal of this government is to make sure that freight movements in and out of Victoria and Australia are made in the most efficient, coordinated and planned manner.

It is important to understand what the member for Box Hill means when he says that this issue is about competition and competitive pressures. Those opposite sought to privatise the port of Hastings when they were last in government, and they would try to do so again if the people of Victoria were to make the error of voting for them later this year. I call upon those opposite to rule out not only the privatisation of the port of Hastings but also the privatisation of the Port of Melbourne Corporation, and to make sure that the people of Port Melbourne can live, as they currently do, as good neighbours to a thriving port that underpins not just jobs and economic development in our state but a thriving, well-managed, well-run logistics sector of which this state should be proud. The port of Melbourne underpins economic development, jobs and the future of our state. Those opposite have been found out yet again to be the flip-flop, spineless leadership crew that they really are. I wish this bill a happy and speedy passage through the Parliament, and I look forward to the Liberal-Nationals coalition's support for it at every level. I call upon local representatives in my electorate to support this bill and its goals, and I look forward to its speedy passage.

Dr NAPTHINE (South-West Coast) — The resolution of the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill highlights the genuine problems with the process of dispute resolution and what a nonsense this whole process is. This dispute resolution process was put in place by the Labor government, and unfortunately the government has entrenched its provisions within the constitution, which can only be changed by a referendum.

I say this process is a nonsense because here we have a situation where a bill that was defeated by the democratically elected Legislative Council — the members of which were elected on the framework and the electoral system established in the constitutional change introduced by this Labor government — is now proceeding through the Parliament. It was a Labor government which restructured the Legislative Council by changing the constitution, and that democratically elected Legislative Council defeated this legislation. The Council did not defer the legislation or send it off to a committee; the Council's members voted on and defeated the legislation.

We now have a nonsensical situation in which legislation that has been defeated in the Legislative Council is being brought back from the dead by some obscure resurrectional process through the Dispute Resolution Committee. The process of legislation going through the Dispute Resolution Committee itself is very peculiar. It is absolutely secretive and contradictory to our open and democratic way of life in Victoria. The process should be anathema to anybody who believes in democracy and an openness. This Labor government has not only put in place the Dispute Resolution Committee but has entrenched the process so that it can only be changed by referendum. Even worse, the Dispute Resolution Committee is dominated by members of the government — in this case by Labor Party members who can have their way through this secret dispute resolution process to achieve whatever end they like, and that is what we are seeing here today.

The coalition does not oppose the motion before the house, but let me make it very clear that the coalition vehemently opposes the proposal in the Transport

Legislation Amendment (Ports Integration) Bill which will abolish the Port of Hastings Corporation and allow the Port of Melbourne Corporation to take over the management of the port of Hastings. The coalition's position on the future of the port of Hastings is crystal clear. We support an independent port of Hastings, and we support the growth and development of the port of Hastings as a major port for Victoria and Australia, including the import and export of containers through the port of Hastings. We support the competition between the port of Melbourne and the port of Hastings. We support the fast-tracking of the development of the port of Hastings, subject to the completion of comprehensive and independent environmental, economic and social impact studies. The coalition totally rejects the approach being undertaken by the Brumby Labor government. The Brumby Labor government's approach — —

Mr Foley — You voted against it.

Dr NAPTHINE — We did vote against the legislation in the upper house, and we defeated it.

The ACTING SPEAKER (**Mr Ingram**) — Order! The member for Albert Park should not interject in that manner across the chamber.

Dr NAPTHINE — The member for Albert Park is party — —

The ACTING SPEAKER (**Mr Ingram**) — Order! The member South-West Coast should not invite interjections.

Dr NAPTHINE — The government is party to a process through the Dispute Resolution Committee — the antidemocratic, secretive Dispute Resolution Committee — to try to resurrect a dead piece of legislation.

Let me go back a bit. The coalition totally rejects the approach being taken by the Brumby Labor government with regard to ports and the port of Melbourne and the port of Hastings. We reject the government's position, which says that no containers should be imported or exported through the port of Hastings until at least 2035.

That is the government's position as set out in *Port Futures*. That is the position it outlined when this legislation was debated, and we totally reject that. We totally reject the government's view that there should not be competition between the port of Hastings and the port of Melbourne on containers or any other type of trade. We totally reject the Labor Party's proposal to use the Stony Point–Frankston rail line to transport goods to and from the port of Hastings. We totally reject the Brumby government proposal for the unwanted and unsupported new rail line from Hastings through Pearcedale, Devon Meadows and Clyde to Gippsland. The coalition also opposes the Brumby government plan to put more trucks into our already overcrowded inner city areas around the port of Melbourne, and that is what it seems the member for Albert Park wants: he wants more trucks congesting the inner city, creating environmental concerns and congestion.

We want to develop the port of Hastings as a container port so that we will have genuine competition in our ports and so that we will be able to disperse the load between Hastings and Melbourne. We know that the container throughput in and out of Victorian ports is expected to quadruple over the next 25 years from 2 million to 8 million twenty-foot equivalent units. Under Labor we will have quadruple the number of containers going through the port of Melbourne on trucks in inner city areas until 2035. We know this because we know that in the recent budget the government abandoned its long-held policy set down in 1999 and 2000 of having 30 per cent of freight going to and from the ports by 2010. It absolutely abandoned that because it actually went from 20 per cent on rail in 2000 to 12.3 per cent in 2008. It went backwards. The government wants to put more goods on trucks going to and from the port of Melbourne and quadruple the trade through the port, creating pollution, environmental damage, congestion and enormous cost to the detriment of the quality of life of the people in inner Melbourne, such as the residents of the electorate of Albert Park and the people who live in Yarraville, Footscray and Newport. All those people will be affected by that.

What we need in the management of ports in Victoria is leadership, vision and competition. That is what the coalition will offer. As John Lines, managing director of ANL Lines, said in an email:

> The proposal to merge the ports of Melbourne and Hastings will create an even bigger monopoly … To be truly efficient and cost competitive, the ports and stevedores need real competition … not enhanced monopolistic protection dictated by government legislation.
>
> Why should the ports of Melbourne and Hastings be joined together? Why not develop and run them as separate entities providing real competition which would drive operating efficiencies? These would then flow through the whole transport chain.

It would provide efficiencies for all Victorians. It would provide benefits for the Victorian economy and the Australian economy. It would provide benefits for our exporters. It would provide benefits for our importers. It

would provide benefits in terms of jobs, growth and development in the Hastings and Western Port area, and it would take the congestion out of the inner city areas around the port of Melbourne, which this government wants to clog up with more and more trucks.

This is a retrograde policy position being put up by the Brumby Labor government. It is not in the interests of the economy of Victoria, it is not in the interests of jobs in Victoria and it is not in the interests of quality of life of people in Victoria. The coalition makes it very clear we oppose the amalgamation of the ports of Melbourne and Hastings, and we make it very clear that in government we will repeal the legislation that amalgamates those two ports. We will have an independent strong port of Hastings. We will fast-track the development of the port of Hastings, subject to environmental checks, subject to cost-benefit analyses and subject to social impact studies. We will develop the port of Hastings to provide genuine competition to in turn provide benefits to our importers, benefits to our exporters, benefits to our economy and benefits in terms of jobs. The coalition will provide the vision and the leadership to provide genuine competition in ports. That is why we want an independent port of Hastings.

Mr McINTOSH (Kew) — I want briefly to make a contribution on the process that the Dispute Resolution Committee (DRC) went through in relation to this matter. I do not want to go into detail of what transpired at the actual hearings, but as a member of that committee I say it is a matter of deep regret that to discuss a possible resolution of this matter the committee met only on the third week of what would eventually be a four-week process as set out under the constitution. The Acting Speaker would understand that one of the concerns is that the committee had only 30 days in which to reach a resolution. It failed to reach a resolution. That in itself can be a trigger for an early election, not only putting the people of Victoria to the expense of an early election but also subjecting them to the dislocation it would cause. Obviously the opposition is very keen to discuss these matters, as we have done on three previous occasions, and come to a satisfactory resolution.

At this stage we also acknowledge the member for Box Hill, who did an outstanding job of leading the opposition's position at the Dispute Resolution Committee hearing, and I am very grateful for the constant information that was able to be provided during the course of those three weeks leading up to the last — the only — meeting of the committee. As I said, it was a matter of deep regret that we got to the third week of a possible four-week issue before the first meeting occurred. It was unlike other meetings of the DRC, where there was an initial meeting to discuss the parameters of what was to be debated. Sometimes, as happened with the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill and the development assessment committee bill, both of which were very complicated bills, a very long process is involved. This bill is a little bit different in terms of complexity, but there was a degree of eagerness on the part of the opposition parties to deal with it. As I said, it is a matter of deep regret that we did not meet for a period of three weeks.

The only excuse that was given by the government for not meeting until the third week was that the minister was away — the minister was away lying on a beach in Fiji. That was what was given to me as the reason we did not meet for three weeks. I would have thought if this was so important that the minister would have made himself available so we could have met in the first week and had concrete discussions and possibly even resolved it at that stage. One of the significant issues for the opposition was that as we got closer and closer to that sword of Damocles we had to resolve the thing as quickly as possible. That took place at the one and only meeting of the committee, which was in the third week. It is deeply regrettable that the minister was prepared to hold up this whole process, which could easily have led to an early election, simply because he was on holiday lying on a beach in Fiji.

Mr Pallas — On a point of order, Acting Speaker, I believe the member for Kew has just misled the house.

The ACTING SPEAKER (**Mr Ingram**) — Order! There is no point of order; that can only be done by a substantive motion.

Mr PALLAS (Minister for Roads and Ports) — I would like to open first of all by indicating that this government is committed to an integrated ports strategy. Our solution in dealing with ports and their provision for the community is not simply about finding the quickest way by which you can sell them off, and if you cannot sell them off in the history of a government, you try to put them in a position of concession arrangements where effectively the ports are managed as concessionaires.

This government actually believes in a complementary port system. We also recognise in the Port Futures strategy that all of our ports have a specific and clearly enunciated position in respect of the way that they operate. We understand that the port of Portland, a port which has a potential over the next 20 years to increase its commercial capacity and its earnings by over

$1 billion, plays a very critical role. We have put in place a green triangle freight action plan, where we have been able to attract $20 million of funding by this state government, the federal government and of course the South Australian government as well.

This $20 million happens to be $20 million more than the member for South-West Coast has been able to deliver for his electorate. He has not proposed a strategy or plan for providing for improved freight movement within his community. Instead all we hear from the member for South-West Coast is how much he hates freight, trucks and the idea of a productive economy, and of course ports are at the heart of a productive economy in this state. We are at the heart of the productive economy of this nation. Victoria's ports, in particular the port of Melbourne, constitute the major ports in this country.

Let us remember that the port of Melbourne has demonstrated its capacity to deliver on major projects exceptionally well. I was pleased to be with the Premier today to announce a $248 million saving on the channel deepening project. That is all about having a clear appreciation of competence, capacity and delivery, and that is exactly what the port of Melbourne is capable of doing.

We have heard from the member for South-West Coast that the opposition is opposed to what we are doing, but inexplicably it is supporting this resolution. Where is the opposition's intestinal fortitude? If it actually believed in the principles it is advocating, why is it not doing something about it? Let it be writ large in this Parliament and throughout Victoria that when opposition members hold a point of principle they are cowards. They will not stand up for their principles. They will walk away from them. They sat here, they cajoled this Parliament, they extolled the virtues of their alternative plan and then in a moment of timidity and cowardice they walked away from it. It is left up to a government of intestinal fortitude, capacity and vision to actually get on with it, as opposed to those opposite whose principal objective in life is simply to find ways by which they can pick away at the government's capacity to deliver quality outcomes for the community.

We also hear the misleading and, quite frankly, disingenuous presentations from the opposition about my personal movements. We have heard from the member for Kew and his quite inaccurate assessment of my leave.

Mr McIntosh — Where were you?

Mr PALLAS — I was in Victoria, wandering around the wonders of Wilsons Promontory. Perhaps if members of the opposition had a little more work-life balance, they would get a little bit of sanity in their presentations. They clearly need it.

The government has a clear vision that it will merge the port of Melbourne with the port of Hastings. This is necessary because we know that the port of Melbourne has a book asset value of $17 billion-plus, or thereabouts. The practical effect of that is that we bring the capacity of the port of Melbourne to deliver a quality project for the people associated with the port of Hastings. This is instead of those opposite who are having it both ways. Their argument is 'We would like to deliver on Hastings in between 8 and 10 years'. I have produced publicly, and you will need to account for this in your election promises, a report — —

The ACTING SPEAKER (**Mr Ingram**) — Order! Through the Chair.

Mr PALLAS — Those opposite will need to produce a demonstration that they have $1.8 billion over the next 4 years. It is 8 to 10 years. We have given you the benefit of the doubt; let us make it 10 years.

The ACTING SPEAKER (**Mr Ingram**) — Order! The minister must refer his comments through the Chair and in the third person.

Mr PALLAS — I am having too much fun here, and I must pull myself back. Those opposite must identify $1.8 billion. We will hold you to account for it.

The ACTING SPEAKER (**Mr Ingram**) — Order! Through the Chair!

Mr PALLAS — We will hold those opposite to account . It is important they recognise that these things will not go away. I thank the member for South-West Coast for making it clear that the opposition is committed to disaggregating the ports again, so that cost is there. You will bear it, and you will have to account for it — —

An honourable member — Through the Chair!

Mr PALLAS — Sorry. Those opposite will bear it, and those opposite will have to account for it. The important thing is that these matters have not simply been identified by us but by Deloitte. We know those opposite have great respect for accounting firms. I heard the member for South-West Coast recently extolling the virtues of Ernst and Young, which firm recently put together a report that identified the value of

the Victorian transport plan. Freight futures and port futures are vital parts of the Victorian transport plan.

Of course there are some cynics in the community — —

An honourable member — Who?

Mr PALLAS — And I hear some voices that might constitute those who say we have not funded our plan. In 18 months of a 12-year plan $10.3 billion has been brought to book. These are real dollars delivering real projects right now. It is important for those opposite to recognise that as a government we are out there delivering real projects.

Honourable members interjecting.

The ACTING SPEAKER (**Mr Ingram**) — Order! Members of the opposition should cease interjecting across the table in that manner.

Mr PALLAS — It came down to three points from the member for South-West Coast. He put it this way: leadership, vision and competition. That is what those opposite stand for. We heard much about leadership and the opposition's position. Effectively members opposite said, 'We have a problem with the process. We do not like what you are trying to do. We are going to oppose it if we get into government, but we will support it now'. That is leadership for you — they are leading from behind. You can count on those opposite to be here when it does not matter. Their vision is 'Whatever it is that government is doing we oppose. We have no constructive alternative', and practically, given their point of view, you have to question whether the opposition has a constructive vision to move this state forward.

Competition was the opposition's final touchstone in the debate. Imagine, Acting Speaker, the port of Hastings in competition with the port of Melbourne. Here we have a port which is directly related to the employment of 14 000 people and which contributes 14.7 per cent of gross state product to this state's wealth. It would be up against the port of Hastings, which is a wonderful port with a great future but which has been left to its own devices and lacks capacity in terms of manpower — I think total employee numbers are four — and has an asset base of about $14 million, and the member wants competition. I have heard before about David and Goliath competitions, but this is preposterous. That is all we have heard from those opposite, but I am glad they have seen sense.

Mr DELAHUNTY (Lowan) — I have a few brief comments to make on the motion to take note of the resolution of the Dispute Resolution Committee. The previous speaker spoke about the port of Portland, and I want to respond to a couple of the comments he made in relation to leadership and vision. One of the words he omitted was 'commitment'. We all know this Brumby government is tired and out of touch — —

The ACTING SPEAKER (**Mr Ingram**) — Order! I have shown some latitude to speakers in this debate, but the member for Lowan needs to keep his comments to the motion before the chamber.

Mr DELAHUNTY — Equal opportunity, thank you. The minister spoke a lot about what this government has supposedly done, but the reality that has been highlighted is that the government has underfunded or not funded a lot of the things it has announced. The minister spoke about the green triangle freight action plan. In my folder I have a copy of a letter from Stuart Burdack, who is the chief executive officer of the Glenelg shire. I want to quote from the letter because it says that he is seeking support for immediate funding — —

Mr Batchelor — On a point of order, Acting Speaker, neither the port of Hastings nor the port of Melbourne are in the Glenelg shire, and I ask you to bring the member back to the motion.

Dr Napthine — On the point of order, Acting Speaker, in his contribution the Minister for Roads and Ports referred to the green triangle freight action plan. In the interest of fairness, I think it is appropriate that the member for Lowan be allowed to answer the issues raised by the minister.

The ACTING SPEAKER (**Mr Ingram**) — Order! The debate is a fairly narrow one. I uphold the point of order in that the member is clearly not speaking on the motion before the chamber. We need to make sure the debate — —

Mr K. Smith interjected.

The ACTING SPEAKER (**Mr Ingram**) — Order! The member for Bass should not interject. The member for Lowan on the motion before the house.

Mr DELAHUNTY — Thank you, Acting Speaker, I am disappointed by your ruling, but I have to accept it. We have had a lot of discussion here today about the ports of Melbourne and Hastings, and as — —

Dr Napthine — On a point of order, Acting Speaker, the resolution which is the subject of the motion before the house refers to schedule 1, which refers to the Transport Legislation Amendment (Ports

Integration) Bill. While a large part of that bill is about the integration of the ports of Hastings and Melbourne, clause 7 talks about the Transport Integration Act and the strategy and implementation plan, which refers to a whole range of transport plans right across Victoria and to transport bodies and how they need to implement those plans. I put it to you, Acting Speaker, that clause 7 includes the green triangle freight action plan as part of the proposed strategy and implementation plan as a part of the Transport Legislation Amendment (Ports Integration) Bill as set out in schedule 1 to the resolution, and I put it to you that what the member for Lowan is speaking about is absolutely relevant to this motion.

The ACTING SPEAKER (**Mr Ingram**) — Order! The motion before the house is set down on the sheet that is in the hands of members. As the member knows, it identifies the schedule. But, as I understand the process, we are debating the motion before the house. The member for Lowan on the motion before the house.

Mr DELAHUNTY — Again I am disappointed with your ruling, Acting Speaker, considering the latitude given to the previous speaker. But I will say that, like a lot of the ports across Victoria, the port of Melbourne and the port of Hastings are important for the movement of freight out of Victoria. A lot of people do not realise it but the largest number of products that go out through the port of Melbourne are agricultural products. It is not cars but agricultural products. Whether it is the port of Melbourne or the port of Hastings or other ports across the state, they are very important, and that is why we need this government to commit — not promise or talk about vision, but to commit — to the development of these ports. That includes the implementation of the green triangle freight action plan. As with everything else, this government has promised a lot but delivered little. It is tired and out of touch.

Motion agreed to.

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

> That the Transport Legislation Amendment (Ports Integration) Bill 2010 be returned to the Legislative Council for their agreement as recommended by the Dispute Resolution Committee in its resolution of 19 July 2010 and that a message be sent to the Legislative Council advising them accordingly.

Motion agreed to.

DOCUMENTS

Tabled by Clerk:

Fundraising Act 1998 — Exemption Order under s 16A

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rule 47 *(Gazettes S262 and S267, 1 July 2010)*

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Parliamentary Committees Act 2003 — Government response to the Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C90

Baw Baw — C76

Boroondara — C102

Brimbank — C106 Part 2, C106 Part 3, C135

Cardinia — C114, C121

Casey — C137

Corangamite — C18, C27

Darebin — C68, C110, C116

Glenelg — C53

Greater Dandenong — C111, C123

Greater Geelong — C213, C234

Greater Shepparton — C75

Hindmarsh — C8, C10

Kingston — C112

Knox — C70, C89, C91

Manningham — C63

Maribyrnong — C73 Part 2

Mildura — C44

Mitchell — C50, C65

Monash — C110

Moreland — C107

Mornington Peninsula — C144, C159

Nillumbik — C70

Northern Grampians — C32

Pyrenees — C25 Part 1

Surf Coast — C50

Towong — C21

Warrnambool — C62, C63, C67, C74

Whitehorse — C106, C137

Wodonga — C77

Yarra Ranges — C77

Planning and Environment Act 1987 — Urban Growth Boundary — Victoria Planning Provision Amendment VC68, explanatory documents and maps

Statutory Rules under the following Acts:

Accident Compensation Act 1985 — SR 61

Accident Towing Services Act 2007 — SR 63

Building Act 1993 — SRs 50, 51

Children, Youth and Families Act 2005 — SRs 55, 67

Conservation, Forests and Lands Act 1987 — SR 58

Conveyancers Act 2006 — SR 46

Country Fire Authority Act 1958 — SR 66

Criminal Procedure Act 2009 — SR 55

Electricity Safety Act 1998 — SR 47

Fair Trading Act 1999 — SR 45

Forests Act 1958 — SR 57

Guardianship and Administration Act 1986 — SR 69

Heritage Act 1995 — SR 65

Land Acquisition and Compensation Act 1986 — SR 44

Magistrates' Court Act 1989 — SR 43

Mineral Resources (Sustainable Development) Act 1990 — SR 56

National Parks Act 1975 — SR 60

Residential Tenancies Act 1997 — SR 49

Road Safety Act 1986 — SR 52

Subordinate Legislation Act 1994 — SRs 48, 64

Supreme Court Act 1986 — SRs 53, 54, 55

Tobacco Act 1987 — SR 62

Victorian Civil and Administrative Tribunal Act 1998 — SR 68

Zoological Parks and Gardens Act 1995 — SR 59

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 43, 48, 50, 51, 53, 54, 55, 59, 64, 66, 68

Ministers' exemption certificates in relation to Statutory Rules 41, 45, 52, 57, 58, 60

Ministers' infringements offence consultation certificates in relation to Statutory Rules 47, 56

Surveyor-General — Report 2009–10 on administration of the *Survey Co-ordination Act 1958*

Water Act 1989:

Abolition of Spring Hill Groundwater Supply Protection Area and Upper Loddon Water Supply Protection Area Order 2010

Declaration of Loddon Highlands Water Supply Protection Area (Groundwater) Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Building Amendment Act 2010 — Part 2 (except ss 39 and 40 and ss 47 and 48) — 16 July 2010 *(Gazette G28, 15 July 2010)*

Consumer Affairs Legislation Amendment Act 2010 — Part 2, Part 3 (except ss 4(1), 12, 14 and 15), ss 28 and 29, Part 6, ss 47 and 63, and the remaining provisions of Part 10 (except ss 82, 107 and 108) — 1 August 2010 — *(Gazette G29, 22 July 2010)*

Credit (Commonwealth Powers) Act 2010 — Remaining provisions of Part 3 (except s 20(2) and Division 15 of that Part) and Part 4 — 1 July 2010 *(Gazette G25, 24 June 2010)*

Education and Training Reform Amendment Act 2010 — Part 1, ss 4, 10, 44(1), 58, 59, 61 and Part 3 — 15 July 2010 *(Gazette G28, 15 July 2010)*

Education and Training Reform Further Amendment Act 2010 — Part 1, ss 4, 12, 15, 16, 20, 21, 22, 25 and Division 3 of Part 3 — 15 July 2010 *(Gazette G28, 15 July 2010)*

Energy and Resources Legislation Amendment Act 2009 — Sections 25 to 27, 29 and 42 — 30 June 2010 *(Gazette S255, 30 June 2010)*

Fair Trading Amendment (Unfair Contract Terms) Act 2010 — Whole Act — 1 July 2010 *(Gazette G25, 24 June 2010)*

Health and Human Services Legislation Amendment Act 2010 — Part 1, ss 11 and 16 and Part 6 — 23 June 2010; Remaining provisions — 1 July 2010 *(Gazette S235, 23 June 2010)*

Justice Legislation Amendment Act 2010 — Section 5, Part 3, Part 5, the remaining provisions of Part 7 (except Divisions 2 and 7 of that Part) and Part 8 — 26 June 2010; Part 6 — 1 July 2010 *(Gazette G25, 24 June 2010)*

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010 — Remaining provisions (except Divisions 1 and 2 and Part 2) — 1 July 2010 *(Gazette G26, 1 July 2010)*

La Trobe University Act 2009 — Whole Act — 1 July 2010 *(Gazette G25, 24 June 2010)*

Monash University Act 2009 — Whole Act — 1 July 2010 *(Gazette G25, 24 June 2010)*

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Remaining provisions of Parts 2 and 3 and ss 42(1) and 42(4) — 29 June 2010 *(Gazette G25, 24 June 2010);* Remaining provisions of Part 4 — 1 July 2010 — *(Gazette G26, 1 July 2010)*

Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — Whole Act (except ss 9, 10, 11, 12, 13, 16, 17 and 18) — 8 July 2010 *(Gazette G27, 8 July 2010)*

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010 — Remaining provisions — 1 July 2010 *(Gazette S242, 25 June 2010)*

Radiation Amendment Act 2010 — Whole Act — 13 July 2010 — *(Gazette G27, 8 July 2010)*

Royal Melbourne Institute of Technology Act 2010 — Whole Act — 1 September 2010 *(Gazette G25, 24 June 2010)*

Superannuation Legislation Amendment Act 2010 — Whole Act — 1 July 2010 — *(Gazette G26, 1 July 2010)*

Transport Integration Act 2010 — Whole Act — 1 July 2010 — *(Gazette S256, 30 June 2010)*

University of Ballarat Act 2010 — Whole Act — 1 July 2010 *(Gazette G25, 24 June 2010)*

University of Melbourne Act 2009 — Whole Act — 1 July 2010 *(Gazette G25, 24 June 2010)*

Victoria University Act 2010 — Whole Act — 1 September 2010 *(Gazette G25, 24 June 2010).*

ROYAL ASSENT

Messages read advising royal assent on 30 June to:

Appropriation (2010/2011) Bill *(Presented to the Governor by the Speaker)*
Appropriation (Parliament 2010/2011) Bill *(Presented to the Governor by the Speaker)*
Pharmacy Regulation Bill
Superannuation Legislation Amendment Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Civil Procedure Bill
Energy and Resources Legislation Amendment Bill
Juries Amendment (Reform) Bill
Primary Industries Legislation Amendment Bill.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 29 July 2010:

Associations Incorporation Amendment Bill 2010

Civil Procedure Bill 2010

Energy and Resources Legislation Amendment Bill 2010

Firearms and Other Acts Amendment Bill 2010

Juries Amendment (Reform) Bill 2010

Personal Safety Intervention Orders Bill 2010

Primary Industries Legislation Amendment Bill 2010.

In moving the government business program for this parliamentary week I have set out the legislative program the government would like to see the Legislative Assembly deal with during this sitting week. I point out to the house, by way of assistance regarding organisation, that we had intended to go down the list on the distributed notice paper; however, we intend to deal with the Associations Incorporation Amendment Bill 2010, which is the first item on the notice paper, not today but on Thursday. That will not affect the totality of the task.

It is an entirely achievable task in my view. There is sufficient time for well-structured and efficient debates. The program provides us with that opportunity. I have advised the other parties in this chamber of my intention to deal with and to process these bills today — to have a series of speakers and then to adjourn them, so that in the remaining time towards the end of the parliamentary week we may come back to those pieces of legislation that both sides would like to spend more time on or give priority to. In that context, I recommend this government business program motion to the house.

Mr McINTOSH (Kew) — The opposition will not oppose the government business program. However, I want to make a couple of observations in relation to the seven bills that are listed in the motion before the house. There is not yet any controversy that I apprehend, and I certainly would expect the debate on these bills to proceed without too much acrimony. There are a number of issues a number of members want to canvass on most of the matters.

I just want to highlight a practice that seems to be slipping into the government's program, which is to deal with second-reading speeches during the time that would normally be available to debate bills. Of course the usual practice would be to deal with those upon the interruption of business after 4.00 p.m. on a Thursday before we move on to the adjournment debate. This gives the house the opportunity of filling the time before that with debate on bills on the government business program. Interrupting the program to have second-reading speeches — and I apprehend from the Leader of the House that there will be some second-reading speeches dealt with in the normal debating time — takes time away from those debates.

The Leader of the House has indicated there will be some two to three speakers from either side, making potentially five or six speakers. However, it is up to the government to adjourn debates off when its members have the call. With that limited number of speakers, a significant number of speakers will miss out even if we come back to bills as the opposition sees fit. I acknowledge that in recent months the Leader of the House has been very accommodating in relation to coming back to those bills that the opposition would like to discuss further. That has been the practice in my experience. Regrettably that attitude has not always extended to requests to move to consideration-in-detail stages in case the opposition would like to move amendments.

Acting Speaker, when you have been sitting elsewhere in this chamber, perhaps you too would have liked to have moved certain amendments but were not given that opportunity; because we rarely ever go into the consideration-in-detail stage, that opportunity is not necessarily forthcoming.

But my concern is that the debating time of the chamber is taken up with the second reading of speeches, which is more to do with the ministers' own personal desires rather than with accommodating the rest of the chamber. The appropriate time for those second-reading speeches really should be 4 o'clock on Thursday afternoon. As I said, the opposition will not oppose the government business program.

Mr DELAHUNTY (Lowan) — I will just make a few comments from the point of view of The Nationals, who in coalition will also not oppose the government business program. I would like to just raise some concerns that, as the Leader of the House has outlined, we have seven bills to be debated this week. I note when I look down the list that the Primary Industries Legislation Amendment Bill is no. 7. Already we have six Nationals members who want to speak on that bill. We also have nine recently introduced bills that need to go through the second-reading stage. As the member for Kew said, that sometimes takes up the time for debating. We also have a new notice of motion to debate relating to planning provisions amendment VC68, which will no doubt also take some time. The Leader of the House said he believed it was an achievable task. The list of speakers is fairly extensive. The record is that in other sitting weeks we have not given every opportunity to members to speak on bills. After all, that is their most important role as members of Parliament: to come here from across rural and regional Victoria and take the opportunity to put forward the views of people from within their electorates.

There are many bills on this business program, including the Associations Incorporation Amendment Bill, the Personal Safety Intervention Orders Bill, the Energy and Resources Legislation Amendment Bill — there is a lot to be said about that — the Civil Procedure Bill, the Juries Amendment (Reform) Bill, the Firearms and Other Acts Amendment Bill, and also, as I said, the Primary Industries Legislation Amendment Bill.

One thing I have to say — and we do not want this debate to go for too long — is I am pleased to see in government business that order of the day 9 is getting closer to being debated. Order of the day 9 is the Water Amendment (Critical Water Infrastructure Projects) Bill of 2006! We are still to deal with the amendments of the Legislative Council. The bill of 2006 involves amendments of the Legislative Council. It has come from page 3 of the notice paper to page 2, and now it is sitting on the front page. One day we might get to debate the amendments to that legislation on critical water infrastructure projects that was introduced back in 2006.

With those few words, The Nationals in coalition are also not opposed to this government business program for this week.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution on the government business program as put by the Leader of the House. As has been stated, we on this side of the house will not oppose the government business program. We have those seven bills to get through: the Associations Incorporation Amendment Bill 2010, the Civil Procedure Bill 2010, the Energy and Resources Legislation Amendment Bill 2010, the Firearms and Other Acts Amendment Bill 2010, the Juries Amendment (Reform) Bill 2010, the Personal Safety Intervention Orders Bill 2010 and the Primary Industries Legislation Amendment Bill. I will refer to the orders of the day on the notice paper and

reiterate the comments made by the member for Lowan.

The Leader of the House has indicated the way we will tackle the government business program this week — namely, that we will get through lead speakers or certainly the first two or three speakers on the list. Whilst that will get us kicked off on those seven bills, I trust that adequate time will be made available to all speakers of the house to make their contributions to the debates on those seven bills. Time and again we see, as all the bills head towards that 4 o'clock deadline on the Thursday afternoon, that there are many speakers left on the speaking list who have prepared and who want to raise matters on behalf of their local constituents and electorates. Particularly on the seven bills that I have listed there will be a number of contributions.

In conclusion I too raise on behalf of the coalition order of the day 9, the Water Amendment (Critical Water Infrastructure Projects) Bill 2006, amendments from the Legislative Council. As a new member to this place I vividly recall, the 56th Parliament having been elected, that we were urgently called into this house to sit and deal with this bill. It raises the question of what is the government's definition of 'critical'. Could the Leader of the House please give us a hint whether this bill will come before the house before the state election?

Motion agreed to.

MEMBERS STATEMENTS

Princes Highway, Port Fairy: illuminated speed signs

Dr NAPTHINE (South-West Coast) — Firstly, I raise the urgent need to immediately install illuminated school speed zone signs on the Princes Highway at Port Fairy to protect students and their families who have to cross this very busy and very dangerous highway to attend Port Fairy Consolidated School and St Patrick's Primary School. The school crossing is near a very sharp bend on the highway, which makes it extremely dangerous. As we are all aware, the Princes Highway is a very busy road, with many large trucks, cars and tourist vehicles. Indeed one lollipop person has already withdrawn from the job of protecting this crossing because she feared for her own safety. Action is urgently needed to protect these children and families with solar-powered illuminated 40 kilometre school speed zone signs.

Taxes and charges: increases

Dr NAPTHINE — The second issue concerns the massive and ongoing increases in taxes and charges being imposed on local families and businesses by the Brumby Labor government. Since Labor was elected it has introduced 26 new taxes and charges and has significantly increased the burden of many existing taxes and charges. Families are struggling with big increases in electricity, gas and water charges. Local businesses face huge costs due to land tax rates and utility charges increases. Indeed one recycling business in my electorate has brought to my attention the effect of taxes on insurance premiums. It has an insurance premium of $3400, and then the fire services levy, the GST and stamp duty total $3700. The taxes and charges amount to more than the premium itself!

Arts: European Masters exhibition

Mr BATCHELOR (Minister for the Arts) — Last night I had much pleasure in hosting a parliamentary viewing of the Melbourne Winter Masterpieces exhibition, European Masters from the Städel Museum at the National Gallery of Victoria (NGV). European Masters brings together almost 100 works by 70 artists from one of Germany's oldest and most respected museums, the Städel Museum in Frankfurt. To date over 70 000 visitors have been to the NGV. Alongside marvellous works by Tischbein, Courbet, Picasso, van Gogh, Monet, Renoir, Degas, Rodin, Manet, Sisley, Cezanne, Moreau, Munch, Bonnard and Max Ernst, the exhibition introduces Australian audiences to rarely seen works by German Expressionist artists like Max Beckmann. They are all truly a revelation!

In 1937 the Städel Museum was plundered by the Nazis, who labelled the work as 'degenerate' and then confiscated some 655 paintings, drawings, prints and sculptures. Most of these were either destroyed or sold abroad. After the war the Städel managed to recover just six paintings, two of which are in this exhibition, including Franz Marc's *Dog Lying in the Snow* and Erich Heckel's *Landscape in Holstein*. When you see them you cannot help but think about the vast quantities of cultural artefacts that were lost during that war and those that are being lost now in conflicts around the world. The exhibition is here in Melbourne only because the Städel is undergoing major renovations. When the paintings return to Frankfurt they will never leave again, so I encourage everyone to visit.

Australian Labor Party: federal leadership

Mr K. SMITH (Bass) — What a time it has been since we last met just a few short weeks ago! We have

a new Prime Minister, a federal election due on 21 August and a change in direction. You might say we are 'moving forward'. What a joke! Here we have a new Prime Minister with blood on her hands from the knifing of her leader to enable her to take the top job. Deputy Prime Minister Julia Gillard and Treasurer Wayne Swan both swore allegiance to Kevin Rudd, even when they were conspiring with the union heavyweights behind his back to kill him off. How would you like to have them in the trenches with you?

But then the federal Labor government had lost its way, had it not? What has changed? Very little. We have just more lies and deceit. Both Gillard and Swan were members of the gang of four, along with Rudd, that made all the decisions in government and did not bother to tell their cabinet colleagues or backbenchers of their decisions or discuss them with them. And now Gillard says she wants us to forget the past and move forward. No wonder she wants us to forget. She want us to forget the four deaths, the 180 house fires and the $2.5 billion that was tied up in the insulation fiasco: the Building the Education Revolution — or should that be the Bungled Education Rort? — with billions of dollars lost on a big con: climate change, and the emission trading scheme, when Rudd, Swan, Gillard and Penny Wong were going to lead the world and then got done like a dinner in Copenhagen. It is no wonder that two of the most senior ministers, Lindsay Tanner and John Faulkner, pulled the pin. They at least went with some dignity, which is more than you can say about Kevin Rudd, who was knifed by those he had trusted the most.

Craigieburn Bowling Club: family day

Ms BEATTIE (Yuroke) — Today I rise to acknowledge the dedicated team at Craigieburn Bowling Club. On Sunday, 25 July, I attended the Craigieburn Bowling Club family day. The event was well attended and everyone, including myself, had a wonderful time. It was terrific to see such a broad mix of people from all walks of life attending the family day. I found that it was far from being a sport for retirees; the younger generation is developing a passion for bowls which can only strengthen the future of the sport. Indeed I had a 12-year-old young man telling me how to bowl. Last year the club had a major development when it laid new synthetic turf. Unfortunately this did not help my bowling, but that 12-year-old boy showed me what wonderful skills the young players have.

I would like to congratulate the Craigieburn Bowling Club president, Ray Ascenzo; the treasurer, Von Murphy; the secretary, John Makaronis; the vice-president, Ray Braswell; and the special organiser for the day, Liz Munro. I wish the Craigieburn Bowling Club all the very best for the future and hope it brings home a few more trophies for Craigieburn and Yuroke. I would also like to thank the entire organising committee; its members were out there on the barbecues. We had hamburgers and sausages, which is a great tradition at the Craigieburn Bowling Club. I commend the club to the house.

Regional and rural Victoria: government performance

Dr SYKES (Benalla) — A couple of weeks ago I attended a rally at Bright and was presented with a petition containing over 4000 signatures calling on the Brumby government to honour its commitments to improve health and aged-care facilities.

I then attended another rally where local cyclists presented me with a petition containing over 1000 signatures calling for sealing of the shoulders of the Great Alpine Road to make it safer for cyclists.

Last week I attended a meeting at Myrtleford where Ovens Valley irrigators were very concerned that they were going to have to endure more stringent water restrictions to ensure environmental flows in the Ovens River. This is going to impact severely on their lives, and yet the Brumby government has not committed one cent to assist them.

Elsewhere in the electorate the people of Kirwans Bridge are outraged at the closure of their bridge because the Strathbogie Shire Council cannot afford to fix it. Over the last couple of weeks there have been several meetings of angry ratepayers in the Strathbogie shire outraged at proposed rate increases of up to 35 per cent this year and next.

In Murrindindi shire the mayor has announced a funding shortfall of $12.6 million for bushfire recovery costs — a cost which local ratepayers simply cannot afford.

Given this situation I call upon the Premier to live up to his claim that he governs for all Victorians and to immediately commit the funds necessary to address these problems and the many others that impact on the quality of life of people living in country Victoria.

Buses: south-eastern suburbs

Ms LOBATO (Gembrook) — Last week I had the pleasure of hosting the Minister for Public Transport at the Cardinia Cultural Centre in Lakeside for the announcement of initiatives from the Cardinia, Casey and Greater Dandenong bus service review. The

minister announced a $4.8 million boost for the south-eastern suburbs that will establish 6 new bus routes and improvements to the routes and regularity of the 10 existing services. This is great news for new and developing communities, with improved access to local services, education, employment and entertainment. The new services and improvements will serve well the residents of many communities throughout Berwick, Beaconsfield and Pakenham, who are delighted with this investment.

Pakenham: Cardinia Road community centre

Ms LOBATO — I was also delighted to welcome the Minister for Community Development to Cardinia Road, where she announced a further investment in local services of $1.18 million towards a new community centre. The centre, which has been planned by Cardinia Shire Council in conjunction with local community organisations, will help meet this rapidly growing community's social, cultural, learning and recreational needs. The minister acknowledged that the new community in Lakeside is one of the fastest growing in the growth corridor, and she spoke of the importance of timely service delivery.

Residents spoke to me at the announcement about how they are moving from other established areas around the state and their preference for our new emerging and extremely well-serviced housing communities. Along with the community centre, residents are also thrilled that the Cardinia Road train station will be completed at the end of 2011. There certainly has never been a better time to live in Lakeside, Pakenham.

Economy: government performance

Mr WELLS (Scoresby) — This statement condemns the Brumby Labor government's poor economic management, in particular its failure to properly grow and expand the Victorian economy across all sectors over its 11 years in office and its continuing heavy overreliance on population growth and the housing and construction sector.

This failure has once again been confirmed by the July 2010 CommSec report, *State of the States — State and Territory Economic Rankings*. CommSec's lowly fifth ranking of Victoria out of the eight states and territories places Western Australia, the Australian Capital Territory, South Australia and the Northern Territory all above Victoria.

In its report, CommSec stated:

> Victoria is in fifth spot largely because historically high population growth is generating strong housing demand and construction.

It is of deep concern to the Victorian Liberal-Nationals coalition that Victoria has become a one-trick economy which relies too much on population growth in the housing and construction sector to drive economic activity.

Equally concerning is the fact that CommSec's assessment of Victoria's economic growth places the state at sixth out of the eight states and territories, with only Tasmania and New South Wales ranking marginally lower.

Under Labor, Victoria's once thriving manufacturing, agriculture and export industries have all suffered. Victoria's manufacturing sector continues to decline in the absence of any worthwhile, meaningful support and leadership of the sector by the Brumby government.

Labor has had 11 years to build a strong Victorian economy. It is time for a change.

Williamstown electorate: men's health

Mr NOONAN (Williamstown) — I rise to thank a number of people who gave their time last Wednesday evening to speak at a men's health and wellbeing forum at the Williamstown Sailing Club. Speakers at the forum included the Victorian Minister for Health, Daniel Andrews, national men's health ambassador Bill Noonan, the Heart Foundation's Julie-Anne McWhinnie, local GP Dr Murray Verso and AFL legend David Parkin.

The forum generated a great response, with more than 130 local people in attendance. Those who attended the session were advised that men in Victoria enjoy an excellent level of health compared with international benchmarks. However, when compared with women, men are more likely to have unhealthy lifestyles and premature deaths because of a range of lifestyle factors, including poor diet, excessive alcohol and tobacco use, lower rates of physical activity over age 35 and greater participation in a range of high-risk activities.

There were two pieces of good news for the attendees at the forum, the first being that simple lifestyle changes can help improve health and wellbeing outcomes for men and the second being that the Victorian government is currently developing the state's first ever men's health and wellbeing strategy. This valuable forum would not have been possible without the support of the Rotary Club of Williamstown and organisations such as MensLine,

Cancer Council Victoria, the Heart Foundation and the Prostate Cancer Foundation of Australia.

I also thank my staff, together with helpers Bill Pride and Wally Curran, for their assistance on the night.

Barmah National Park: forest thinning

Mr WELLER (Rodney) — I wish to bring to the attention of the house a matter which highlights the complete hypocrisy of this government and in particular the Minister for Environment and Climate Change, Gavin Jennings. Last month the minister presided over the proclamation of the new Barmah National Park, established under an environmental banner, with one of the aims being the protection of the river red gums. In the very same week the minister made his announcement, workers from his department were cutting a swathe through valuable red gums trees in a patch of the forest, in effect clear felling precious logs. The department has claimed this is part of an experimental forest-thinning process, but experienced bushmen describe it as the rape of a beautiful area of bush. Those same bushmen, who have been foresting in and caring for this magnificent forest for well over a century, were sickened and saddened to see what the minister had achieved in less than one week.

In terms of an environmental result, it is a complete disaster; in terms of winning public confidence for these new national parks, it is equally a disaster. If raping a beautiful section of this pristine forest, leaving the valuable timber to rot on the forest floor, building up fire fuel loads and placing no-entry signs around parks and forests to prevent public scrutiny of such action constitutes a good environmental outcome, as the minister has claimed, then our forests are doomed. And that is before we get to the issue of public safety, which was so clearly obvious last year when the same department and the same minister burnt 80 habitat red gum trees to the ground.

Eltham Redbacks Football Club: breast cancer fundraising

Mr HERBERT (Eltham) — I rise to congratulate the Eltham Redbacks Football Club and local residents of the Eltham electorate on raising over $600 for breast cancer research at a recent women's soccer charity match. On Friday, 16 July, more than 150 local residents braved a cold Melbourne winter's night to support their local club and at the same time contribute to the fight against breast cancer. The match was organised in support of my annual Eltham health awareness campaign, which this year focuses on women's health. On the night, pink was the colour of choice for players and spectators alike, as the Redbacks, supported by their club president, Cameron Lockhart, were instrumental in creating a vibrant and festive atmosphere for the match.

Despite eventually going down to the Yarra Jets 3 to 2, the Redbacks played with considerable spirit and fought to the very end, ensuring that the match went down to the final whistle. The highlight of the night was undoubtedly the half-time penalty shoot-out competition. Ten local footballers donated $20 each to take on the Redbacks senior men's goalkeeper for a chance to win a football signed by the entire Melbourne Victory team. The success of the event clearly demonstrates everything that is great about the Eltham area: local residents supporting a charity by supporting a fantastic local sporting club located in great facilities in a truly beautiful part of Melbourne.

Road safety: young drivers

Mrs FYFFE (Evelyn) — I recently sent out a letter to young voters in my electorate, and I have been very impressed by the well-thought-out comments I received from more than 300 of them. These comments highlight that this government's proposed changes to driving laws for under 25s are causing widespread concern. They feel they are being unfairly discriminated against, and they would have felt particularly so if the late-night curfew were still on the table, which would have unfairly circumscribed the ability of a person under 25 to travel to and from late night shifts and visit friends and family.

There is support from younger drivers for stronger impoundment laws when people are caught hooning and for the use of intelligent speed assist technology for repeat speeding offenders. There is mixed support for a reduction in the demerit point threshold, as many believe this unfairly punishes those who have not done anything wrong. A clear majority would like to see defensive driving taught in high school, so long as it is subsidised by the state government. Young drivers generally do not earn enough to pay for the course themselves; others do not work whilst they are completing their studies and therefore lack any disposable income. Young drivers accept that defensive driving would help build their skill level on the roads and make them better drivers. However, with the beginner defensive driving courses costing around $280 and the next level costing over $300, it is a cost that many will forgo in order to pay essential items such as registration, insurance and servicing.

Dorothy Pipkorn

Mr FOLEY (Albert Park) — I am pleased to advise the house that I recently had the pleasure of attending the 100th birthday celebration of one of St Kilda's leading citizens, Mrs Dorothy Pipkorn, which was celebrated in great style at a leading South Melbourne hotel restaurant. She celebrated this significant milestone with a wide circle of family and friends. Mrs Pipkorn dazzled all in attendance with her warmth, charm and wit. It is worthwhile noting that Mrs Pipkorn has seen enormous changes over the course of the 20th century and the beginning of the 21st century such as world wars, the Great Depression, the march of globalisation and other enormous social and economic changes that have made our society almost unrecognisable to the one she entered, yet throughout all that time Mrs Pipkorn has been a pillar of the community and has shown common decency to all she met throughout St Kilda, in which she has spent the overwhelming majority of her life.

Mrs Pipkorn has led in such areas as the former St Kilda city council's Cora Graves Senior Citizens Centre and the delivery of its men's services. She has provided support and assistance to many people across the St Kilda community over many years. On a personal level, Mrs Pipkorn, or Aunty Dot, as we know her in my family, was the lifelong friend of and co-conspirator with my own grandmother, with whom she started school. I look forward in 2011 to her sharing her 101st birthday with another great St Kilda community institution which has a long and proud tradition, Luna Park — and we look forward to that being 'just for fun' as well.

Buses: Knox-Maroondah-Yarra Ranges service review

Mr HODGETT (Kilsyth) — You have got to ask how much the Knox-Maroondah-Yarra Ranges bus service review cost the taxpayer and question whether it was value for money or another costly and mismanaged Brumby government stuff-up on public transport. Included in the recommendations report for the bus service review was a recommendation to implement a new route AF to operate between Mooroolbark railway station and Knox City. This route would serve Hawthory Road, local employment in Colchester Road, Bayswater North Primary School, Bayswater industrial estate, Bayswater station and Lewis Road to Knox City. The introduction of this route would allow direct access from Bayswater North to the nearest rail station, Bayswater, as well as providing a direct service to Knox City. It would also provide an accessible bus service to residents of Walmsley Friendship Village. Last week my staff contacted the Department of Transport to specifically 'inquire about route AF in the electorate of Kilsyth'. They were advised that if it were not included in the four-page summary report, there was no time frame or funding for any of the recommendations included in Booz and Company's recommendations report, which is over 300 pages in length. My staff inquired further regarding the purpose of the bus service reviews. The response was that it was a bit of a dream or vision for the future, with no time frame and no funding. It is another unfunded Brumby government dream. In a desperate attempt to announce something in the four-page summary report, the Labor government's action plan lists 'recent upgrades' that commenced as early as May 2007. What an absolute embarrassment for the Brumby government!

Kilsyth electorate: sports facilities funding

Mr HODGETT — I call on the Brumby government to support and fund two local projects in my electorate of Kilsyth. East Ringwood Junior Football Club requires a lighting upgrade at Glen Park and the South Croydon Junior Football Club and Eastfield Cricket Club are in need of a roof awning extension at Benson Oval. I strongly support these two projects, which are worthy of Sport and Recreation Victoria minor grants funding, which would enhance the facilities for these local sporting clubs.

Northern Football League: social responsibility programs

Mr BROOKS (Bundoora) — Today I wish to congratulate the Northern Football League for its efforts to engage the community in a local charity round and government-funded education programs. Our sports clubs have great influence in our community, so it is the effort of leagues such as the NFL that make all the difference. The NFL has supported causes such as: fighting violence against women; changing social behaviour among young people; and supporting charities in the local community. It recently received $15 000 in funding from the Brumby government to develop programs such as the AFL's respect and responsibility program, Fair Game, and the Accept Social Responsibility education program. The NFL was the only league to run the successful Fair Game program. More than half the league's players got involved by actively promoting the need for an inclusive environment at every club.

The Accept Social Responsibility education program was introduced in the NFL following a traumatic car accident in Mill Park in which five young lives were lost. The NFL also held a charity round with the

McGrath Foundation, White Ribbon Foundation and the Salvation Army. The McGrath Foundation was supported by a large crowd at the War Memorial Park in Greensborough, with the home side supporting the foundation in numerous ways.

On the same weekend Mill Park Football Club also held a charity day for the White Ribbon Foundation at Redleap Reserve. All spectators showed great support by purchasing white ribbons and wristbands and signing an oath to end violence against women. Members of the Northern Umpires Association also got involved by wearing a local Salvation Army branch shield. It is very pleasing to see local community organisations like the NFL showing leadership in the northern suburbs. I commend it on its efforts.

Melbourne Cabaret Festival

Mrs VICTORIA (Bayswater) — I was thrilled to be at the gala for the inaugural Melbourne Cabaret Festival. It is a wonderful addition to the performing arts scene in Victoria, and last weekend audiences had the chance to see some quality performances from outstanding artists. Congratulations to David Read, Neville Sice and all involved for their can-do attitude and passion for this art form.

University of Melbourne: faculty of the VCA and music

Mrs VICTORIA — After unforeseen and unending pressure on the University of Melbourne from the Victorian coalition and Save the VCA, the university has chosen to suspend the implementation of changes that would cripple creativity at the faculty of the VCA and music pending further review. The Premier says he is 'not resting on the issue'. The Victorian arts community wants to know details of the nature of the discussions with the federal government. For all we know, a telephone call to a staffer in Canberra from one of his staff may be all this unelected Premier is willing to do for the Victorian College of the Arts. The coalition confirms its promise that a Baillieu coalition government would support elite arts training in Victoria.

Bayswater South Primary School: bushfire memorial garden

Mrs VICTORIA — Last Friday I opened a Bushfire Memorial Garden at Bayswater South Primary School. Children from Marysville Primary School visited for the day and built on an association created shortly after the terrible events of Black Saturday. These two schools enjoy true friendship and it is wonderful to see the children working together. Congratulations to everyone involved in this project.

National Tree Day

Mrs VICTORIA — National Tree Day presents a fantastic opportunity for all Australians to play a role in caring for the environment. It teaches children and their parents that we can look after our planet by looking after our own backyard. Individuals can make a valuable contribution to the earth through this initiative. I am proud to be sponsoring the planting of nearly 2000 plants in my electorate this week.

Kevin Clarke

Ms GREEN (Yan Yean) — I rise to pay my respects to the family of Kevin Clarke, a man for whom I had enormous regard, who passed away on 29 June 2010 at the age of 80 after a valiant battle with cancer. I had the privilege of meeting Kevin in 2002 when he was the secretary of the City of Whittlesea Ratepayers Association and I was a young, inexperienced political candidate. We united to fight the then council's unmade roads strategy that was causing much distress to residents of Eden Park where Kev and his wife, Nola, lived at the time. I learnt from that fight that Kev hated injustice. He was one of those people the community always needs when things need doing. He was a teacher and principal and he never lost his passion for education and his interest in young people, which is why, to me, he seemed much younger than his 80 years. I was very sorry to miss the celebration of Kev's life in Porepunkah as I was in this chamber chairing Youth Parliament. Given Kev's commitment to young people, I like to think he would have commended the choice I made on that day.

I was very sad when Kev and Nola left Eden Park and moved to Porepunkah, but he kept in touch and I had the privilege of visiting their home overlooking beautiful Mount Buffalo. He wrote me letters and emails offering advice and wisdom, which I really valued early in my career. His passion for his community lives on in his children and grandchildren. I offer my condolences to Nola, Kerry, Larry, Will and Jack, and I commend their work for our much-afflicted bushfire-surviving community.

Milton Whiting, OAM

Mr CRISP (Mildura) — I wish to pay tribute to Milton Whiting, OAM, a former member for Mildura from 1962 to 1988. During his time as a member of Parliament Mildura grew from a country town to a regional city. Milton Whiting served as deputy leader of

the National Party for 12 years and served on a number of parliamentary committees. In addition to his service to the Parliament Milton was involved in Mallee Family Care and in 1981 was its first president. Prior to his time with Mallee Family Care the office that the local member was inevitably in was the district welfare service. It seemed that everyone knew and loved him and just about everyone knew how he had managed to help someone close to them. His involvement in politics, like most of his life, was accidental. In fact, to my knowledge, he was accident prone. He would tell you with wry pride that he only ever managed half a mission after enlisting with the Commonwealth Air Training Corps. Shot down in Holland in the course of his first mission, Milton was to spend the rest of the war as a prisoner of war.

Milton made considerable contributions to Mildura's life. This included not only his involvement with Mallee Family Care but he was instrumental in getting La Trobe University to Mildura and in the establishment of the inland botanical gardens. Milton was truly an extraordinary man and, in the words of Vernon Knight, 'We may never see his like again'.

Kevin Flint

Mr LANGUILLER (Derrimut) — I recently joined the chair of administrators in Brimbank, Peter Lewinsky, members of Kevin Flint's family and members of the community in the renaming of Cairnlea Park to the Kevin Flint Memorial Reserve in commemoration of the life of the late Mr Kevin P. Flint. Mr Flint was a resident of Deer Park for 45 years and worked tirelessly in the interests of the broader community.

In the early years when Deer Park was first being established, as they do even now, volunteers formed the backbone of our community. It was people like Mr Flint who helped the community grow and prosper. He was the founding member of the first community health centre in Australia, the Deer Park community health centre, in 1973. He was both president and secretary of local sporting clubs, the Deer Park football and cricket clubs, and was the vice-president and secretary of St Vincent de Paul in Deer Park.

Kevin's grandson, Sean McAlpine-Jones, said that charity work was of the utmost importance to Kevin. He assisted in working bees for activities such as building the scout hall in Deer Park as well as school facilities and various church projects. He received the following acknowledgements: life governor of the Deer Park community health centre in 1975; Citizen of Australia Award in January 1990; Lions Club community service award in September 1991; and a 20 years service community award for Deer Park community health centre in June 1973. Kevin worked at ICI (Imperial Chemical Industries) for 40 years from 1939 to 1979 and it is fitting that this park be named after him as Cairnlea is built on the former ICI site. We are proud of him.

Ferntree Gully electorate: government performance

Mr WAKELING (Ferntree Gully) — I wish to raise concern about the impact of the rising cost of government charges on seniors in the Ferntree Gully electorate. Whether it be the rising cost of water due to the desalination plant or the rising cost of electricity due to the implementation of smart meters or the proposed closure of part of the Hazelwood power plant, a number of residents are very concerned about the cost of basic utilities. Premier Brumby is clearly out of touch. Pensioners in my electorate are finding it increasingly hard to afford these essential services.

Many residents in my electorate are appalled at the sheer waste of money associated with the implementation of the myki ticketing system. One can only wonder what $1.35 billion could have delivered for my community. It could have delivered a significant increase in police numbers. It could have funded the Dorset Road extension and fixed the problems at the intersection of Boronia and Tormore roads. It could not only have funded the Rowville Road feasibility study but paid for the construction of the new line and new rolling stock.

Ferntree Gully electorate: Victoria Day awards

Mr WAKELING — Recently I had the pleasure of recognising a number of deserving volunteers at the annual Ferntree Gully Victoria Day award celebrations. I wish to pay tribute to the 46 deserving recipients for their dedication to our local community.

National Tree Day

Mr WAKELING — I have also recently been in the process of presenting a number of plants to various schools as part of the National Tree Day. This is a fantastic opportunity to instil the importance of the environment in local students. Those students have been very active in planting the trees and I look forward to helping them to plant them within their school facilities.

City of Frankston: council performance

Dr HARKNESS (Frankston) — There has never been a better time to live in Frankston, thanks to huge

investments by the state government. The stage 2 redevelopment of Frankston Hospital will be completed later this year; the Peninsula Link project, which is under way, will massively reduce travel times; four local schools have been funded this year to improve teaching and learning spaces; Frankston pier has been rejuvenated; Kananook Creek Boulevard is complete; children and families are enjoying the new Karingal Place hub; access to Frankston railway station has been improved; the Frankston Reservoir is now open, and the list goes on.

Unfortunately Frankston City Council has not been taking similar action. This council is all talk and no action. It wants an aquatic centre but will not accept a state government funding offer five times the amount normally provided. All talk, no action. It says it wants to fix the notorious intersection in Frankston's CAD (central activities district) but hands $1 million back to the state. It is all talk and no action. It wants to fix the appearance of streets in Frankston's CAD but does nothing. It is all talk and no action. It wants to improve the CAD but cannot commit to any plans for funding of its own. It is all talk and no action.

It says it supports senior members of the community, but without consultation it callously ripped out a partition at the Bruce Park Hall used by the Italian Senior Citizens Club of Frankston, which was funded and erected by club members. It says it cares about mobility and access issues, but it refuses to do anything about slowing traffic in Orwil Street to allow older people and families to cross the road. It is all talk and no action. The only action the council has taken is to spend $86 000 of ratepayers money and shift its responsibility for decision making to unelected political lobbyists.

The ACTING SPEAKER (**Mr K. Smith**) — Order! The member's time has expired.

PERSONAL SAFETY INTERVENTION ORDERS BILL

Second reading

Debate resumed from 9 June; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — This is a bill that attempts to address two issues and addresses both of them poorly. The bill attempts to introduce a reformed regime for protecting people from real and serious threats to their safety and it attempts to deal with issues relating to school bullying and neighbourhood disputes. However, it attempts to deal with these issues in a way that links them together when that linking is inappropriate and may well turn out to be counterproductive. The bill has a range of flaws in it which undercut what it sets out to do. The bill has all the hallmarks of having been introduced by a tired and stale government that is out of touch with the reality of what is happening in Victoria. It has all the signs of having been introduced by an Attorney-General preoccupied with his own obsessions such as pushing alternative dispute resolution as an end in itself rather than as a means. Because of his obsession with that subject he is neglecting the key issues that need to be addressed in tackling both of the topics to which this bill is directed.

The bill replaces the current regime of stalking intervention orders with a new regime of personal safety intervention orders which are directed at both stalking as it is currently defined and also at what the bill describes and defines as prohibited behaviour. Secondly, the bill makes arrangements for referral to mediation of various disputes where a personal safety order is sought. The bill also contains a range of amendments directed at operational issues in relation to the Family Violence Protection Act 2008.

The mechanisms of the bill are as follows: it allows a court to make a personal safety intervention order if the court is satisfied on the balance of probabilities that a respondent has committed prohibited behaviour against an affected person and is likely to do so again and that the prohibited behaviour would cause a reasonable person to fear for his or her safety. Alternatively it allows a personal safety intervention order to be made if the court is satisfied that the respondent has stalked the affected person and that in each instance the respondent and the affected person are not family members. Orders can be made in those circumstances under clause 61 and also by consent under clause 64.

The bill allows the court to make an interim order if it is satisfied on the balance of probabilities that it is necessary to ensure the safety of the affected person or to preserve any of their property or by consent under clause 35. The bill allows a court to include in a personal safety intervention order any conditions that appear necessary or desirable under clause 67. The bill defines prohibited behaviour as covering a range of matters, which include assault, sexual assault, harassment, property damage or interference, or making a serious threat. That definition is set out in clause 5.

Clause 7 goes on to define harassment as meaning a course of conduct that is demeaning, derogatory or intimidating. Clause 9 defines 'serious threat' as a

threat to kill or to inflict serious injury. Clause 4 defines 'safety; as meaning safety from physical or mental harm. The bill defines 'stalking' as being a course of conduct with the intention of causing physical or mental harm or arousing apprehension or fear for personal safety, and that includes acting in any way that could reasonably be expected to arouse apprehension or fear for personal safety. The bill goes on under clause 10 to define intention in that context as knowing that conduct would be likely to cause harm or arouse apprehension or fear or where the person ought to have understood that their conduct would be likely to do so and in fact did so. That definition of 'intention' is a substantial departure from the ordinary meaning of that term.

The bill provides some exemptions for certain conduct in relation to the purposes of enforcing the criminal law or a law imposing a pecuniary penalty, administering any act, executing a warrant or protecting the public revenue under clause 11, and this is based on the Stalking Intervention Orders Act 2008. The bill also exempts from an order prohibited conduct or stalking undertaken without malice, as the bill puts it, in the normal course of a business, for the purpose of an industrial dispute or for the purpose of engaging in political activities or discussion with respect to public affairs. That is given effect by clause 61(4). The grounds for those exemptions are the same as under the 2008 act. However, that act applies only to stalking and not to prohibited behaviour, so the exemptions proposed in this bill are broader than those in the existing legislation; that is a matter on which I will have something to say later on.

Clause 26 of the bill provides that a court can require parties to be assessed for mediation and/or to attend mediation if assessed to be suitable. Clause 30 of the bill provides that the mediation provider is required to issue a mediation certificate as to whether the mediation has occurred and been successful. The court may take into account the mediation assessment and/or the certificate in deciding on any order that it issues. The bill allows personal safety intervention orders to be made against children aged 10 years or over and applies special provisions in relation to orders involving children, including for hearings in the Children's Court. Clauses 71 and 74 provide that children can be ordered to remain away from their home or from school in some circumstances. The bill also applies a range of procedural rules in relation to personal safety intervention orders that in many respects are similar to those in relation to family violence intervention orders, including provisions relating to firearms seizures.

As I said at the outset, the bill attempts to deal with two separate issues, but it does so in a way that is likely to undermine its efforts to deal with both of them. In the first instance the bill attempts to tackle the real and serious problem of threats made against people which go to their personal safety. It is becoming increasingly necessary to take such measures in a community that is suffering from soaring levels of violent crime under the Labor government. Violent crime has increased 40 per cent since Labor came to office. There is increasing disrespect for the law and for other persons in many quarters in the community, because under Labor's soft-on-crime policies the law is seen to be a revolving door for thugs and bashers. It is no wonder that the law is held in disrepute in many quarters and is not treated with respect when the Labor government is prevailing over a regime where many offenders who commit serious crimes that can have devastating effects on their victims continue to be allowed to be let off with a slap over the wrist under Labor's continuing suspended sentence policy. A suspended sentence is a pretend jail term which is not a jail term at all.

In this context of a rising level of violent crime and the government's weak response to it, it is no wonder that increasing numbers of people are fearful of threats to their safety, as more and more people in the community are willing to resort to violent conduct because they think they can get away with it and the law is seen to be weak in tackling violence in so many facets of life.

In relation to this bill there is a regime which on paper allows people who have real and serious fears for their safety to go to a court and get an intervention order that will protect them, but the nub of the issue in relation to protecting people against serious threats to their safety is to ask what the consequences are after the orders are made and to what extent our police are resourced to be able to enforce these orders. Police are already stretched to the limit, with many police stations being understaffed and police being dragged from one part of the state to another to try to tackle emerging problem areas of crime. To what extent will the police be able to uphold these orders once they have been issued by the courts? If the police are able to uphold a particular order, and the person who has breached the order is dragged back before the court, what will the consequence be? Clause 100 of the bill provides a penalty with a maximum of two years imprisonment for contravention of an order. Some may think that two years in jail will make a lot of people think twice, but that needs to be looked at in a context where many offences on the statute book bear maximum sentences of 20 or 25 years. I refer to such offences as recklessly causing serious injury, aggravated burglary, arson and serious drug trafficking, for which offenders can be let

out to walk free from court on a wholly suspended sentence.

As I said earlier, suspended sentences are pretend jail terms and provide no penalty whatsoever. Offenders can walk out of court scot-free and not even be subject to any conditions, and the Labor Party proposes to allow that state of affairs to continue indefinitely here in Victoria. There has been a lot of talk about reform to the law in relation to suspended sentences, but only the coalition side of politics is committed to abolishing suspended sentences for all offences on the statute book within its first term in office. The Labor Party has given no such commitment in relation to the wide range of offences to which I have just referred.

If you can commit an offence which carries a maximum penalty of 20 years yet be allowed to walk out of court scot-free, in practice what does a two-year maximum penalty mean for someone who defies a personal safety intervention order? That is the crucial weakness in this regime in relation to dealing with serious threats to safety. It is all very well for a person to apply for an order and to obtain an order, but how is that order going to be enforced and what sanctions will be applied if that order is not complied with?

The problem is compounded by the way the bill is set up and the way terms are defined in the bill. People can be seeking an intervention order not just for real and serious threats to their safety but for a whole range of lesser threats and concerns. Indeed that has been recognised by the government itself and by the Attorney-General in his second-reading speech, because we will have a mediation regime for concerns that people bring to a court that might not raise real and serious threats to their safety. The problem is that even after allowing for the mediation regime there is likely to be huge pressure on the court system for the issuing of orders to the point where the demand on a court may well create long delays in obtaining orders. Demand may also create long delays in moving from an interim order to a permanent order and may generate a large number of orders which our police force is expected to enforce and which will detract from the ability of police to provide protection in those cases where protection is most desperately needed.

I turn to the second objective of the bill, which is to provide a remedy for such issues as school bullying and neighbourhood disputes. The Attorney-General is boasting about this feature of the bill, and these problems certainly need to be tackled, but we need to question why these problems are being treated as an adjunct to a regime that primarily sets out to tackle cases where people's personal safety is under serious threat. By linking them to the same mechanism, someone who has an issue with school bullying or a neighbourhood dispute can go to a court and say, 'I am under threat of harm to my physical or mental health, and I seek an intervention order'. The matter can then go for mediation, and if the mediation fails, the matter can go back to the court. That is putting those issues in the wrong context and may well prove to be counterproductive. The government's approach to the issue of school bullying is of particular concern, because the fact that the government is proposing to include school bullying in this legislation is a huge sign of the failure of the government's education policy and a huge sign of the government's failure to empower principals in our schools to maintain standards and discipline within the school system.

In a school context, one would have thought that a single instance of a child feeling compelled to apply for a personal safety intervention order to protect them against school bullying would send alarm bells ringing through the education system, because the fact that a child feels so exposed and so unprotected that they have to seek an order such as this says a great deal about failures and breakdowns within our school system.

In particular it goes to a point the opposition parties have been making for a long time now — that is, our principals are being undermined by bureaucracy and red tape within the education department and are not being given the authority and support they need to uphold standards and discipline in the school system. The system should be working so that if a child is being bullied, the child has an effective remedy within the school regime and the school principal has the authority to sort out the school bullying problem at the school.

This bill is contemplating a situation where it is going to be almost a matter of routine that issues of school bullying will not be able to be handled at a school level but will have to be transferred into the court system. One has to wonder how effective that is going to be. Is it going to at long last provide a remedy to a child who is being bullied at a point where they have presumably had to endure a long period of having no remedy against bullying, or is it going to be counterproductive? Are the perpetrators going to get a buzz out of the fact that they are being made the centre of attention, that they are being taken before the courts, that they are being sent off to a mediation process and that they are being invited to sit down and talk about what is on their minds and what is leading them to engage in this bullying conduct?

It seems bizarre that the Attorney-General is seriously contemplating these issues of school bullying being

handled in this way as a matter of course. It is an admission of the failure of the government to establish an education regime that empowers principals in our schools to be able to provide a quick and effective remedy so every child can go to school in safety and feel that they have redress within the school if they are the subject of bullying and so principals feel they have the authority and the power to take action against school bullies and stop these problems at a very early stage rather than them being allowed to escalate to the point where you have to bring in courts and mediation centres to deal with them.

Similarly in relation to neighbourhood disputes, there may well be neighbourhood disputes that escalate to a level where there are serious threats to the safety of a neighbour. If that is the case, then mechanisms such as those in the bill need to be available to provide redress. But if you talk to institutions that see a fair few neighbourhood disputes, such as community legal centres, you find that even they are questioning the merits of piling the huge levels of resources that are going to be required under this bill into mediating backyard fence disputes and arguments amongst neighbours about noisy washing machines or whatever it might be when there are so many other pressing demands on our justice system.

Certainly if there are disputes between neighbours, there ought to be an effective and appropriate way in which those issues can be redressed. You cannot allow issues that can have a huge impact on people's everyday lives — and neighbourhood noise can be a very serious issue — to go without redress. However, as I said earlier, it does not seem logical to link the resolution of those sorts of neighbourhood issues with a mechanism that is primarily designed to address serious threats to personal safety. Linking those two issues together seems likely to be counterproductive.

We have heard nothing from the government that would enable us to get a fix on what level of resourcing is likely to be needed to implement this regime. In his budget media release of 4 May the Attorney-General referred to $4 million being received by the Magistrates Court over four years to implement personal safety intervention orders, but that does not address the cost of the mediation component of the regime, which in the sheer volume of cases may well far exceed the demands on the court system. What is it going to cost? Is the system going to be overrun by the number of complaints that are going to be generated? Is it going to encourage the escalation of minor neighbourhood disputes to a level that is going to take up huge amounts of court and mediation time?

Even though the Attorney-General says we should encourage these neighbourhood-type disputes to go to mediation, the mechanism of the bill is that if the mediation fails, the issue rebounds to the court. All the court can do is take into account what comes back to it on the mediator's certificate when it is asked to make a decision about granting an order. Sending the dispute off to mediation may not get it off the court's plate if the parties are not able to resolve the matter at mediation.

It is a typical Labor government bill in that the act on our books at the moment, which runs to 50 pages in its substantive provisions, is being replaced by a bill that runs to 129 pages in its substantive provisions and that in relation to threats to safety about the only addition is that of prohibited behaviours on top of the current provisions relating to stalking.

A range of other concerns have been raised with us. In particular I want to refer to concerns raised with us by National Disability Services, which made the point that this bill will apply to people with disabilities, particularly people with intellectual disabilities or autism spectrum disorder, who are exhibiting behaviours of concern. The NDS raised very practical issues about situations where there are co-tenants in supported residential services or parents of other children who associate with the person with the disability who is exhibiting the behaviours.

What are the support mechanisms going to be if an intervention order is sought against a person with an intellectual or developmental difficulty? It is all very well to make the order, but what then is done about it? How does the parent of the child cope with the situation? How do those providing supported residential services cope with an order that may be made against one of their tenants? The NDS suggests there should be provisions similar to those of the assessment and referral court list that can address some of the cases of people with disabilities who come before the courts.

It also questions how the bill will apply in the context of people with disabilities who are overmedicated. It raises the issue in clause 71 of children being excluded from their residence and the prospect of a child's schooling being disrupted. It points to the significant changes involved with that, and it asks very sensible questions about what practical arrangements are going to be put in place if somebody with a disability is ordered out of their residence in terms of finding them a new residence and the provision of day-to-day care, transport et cetera. These are very sensible and important practical issues that need to be responded to

by the government in relation to how the bill is going to operate.

There is another concern about the proposal in the bill that the Attorney-General can issue guidelines in relation to how assessments for mediation are to be carried out under clause 34. This is concerning because what is involved is a dispute assessment officer or mediator assessing whether a matter is or continues to be suitable for mediation is a quasi-judicial function. It is questionable whether it is appropriate for the Attorney-General, simply by publishing guidelines on the Department of Justice's internet site, to be in effect making up the rules as he goes along in relation to this important function that affects people's rights.

I also refer to a range of concerns that have been raised with us by the Criminal Bar Association of Victoria, and I appreciate the submission it made to us on this. The CBA also expresses reservations about the width of the bill in relation to provision for orders being made against children in clause 71. It sees merit in an order, in limited circumstances, where such an order may be necessary, but it also points to the ramifications of such an order; likewise it has concerns about clause 74 in relation to children not attending school.

The Criminal Bar Association also raises a concern about the breadth of the definition of 'prohibited behaviour'. As I indicated at the outset, prohibited behaviour can cover very serious matters such as assault, sexual assault, damage to property and making serious threats; however, it also extends to harassment, which is a course of conduct that is demeaning, derogatory or intimidating. Particularly in relation to derogatory conduct, in effect it can be constituted by a series of abusive remarks, which may well be unacceptable and inappropriate, but one has to question whether it makes sense to lump them into the same category as very serious threats to people's safety. You run the risk that people will pick up on this reference to harassment being constituted by derogatory conduct and use it as a basis for saying that their safety is at risk in the form of potential for mental harm. That will enable a very broad category of claim to be made.

The final area of concern I will raise is in relation to the bill's not applying to prohibited behaviour that relates to revenue raising, industrial action or political activity. As I indicated earlier, those exclusions already apply in relation to stalking, but one has to question why they are applied also in relation to all forms of prohibited behaviour where prohibited behaviour can include assault and property damage. By way of particular example, why should that apply to give an exclusion for industrial action? What it seems to be saying is that the people who engaged in thuggish and violent behaviour down at the West Gate Bridge during the course of disputes in recent times, where there were serious allegations about people in balaclavas making threats to people's personal safety, chasing them in cars and threatening them with physical violence, would have been excluded under this legislation. Why should that behaviour be excluded under this bill just because it is in the guise of being related to an industrial action? Yet again it seems to show that the Labor Party either has not thought this through or alternatively it has thought it through and has decided that it wants to give thuggish behaviour within the union movement an exemption from the operation of these laws, which it is going to expect to apply in every other area of conduct of life in Victoria. One has to question seriously the logic and the bona fides of and the motives for that exclusion.

In conclusion, the bill sets out to tackle some important issues, particularly in relation to personal safety and threats of violence against persons. It also goes to the other very serious issue of school bullying and the important issue of neighbourhood disputes. But as I said at the outset, although it goes to all of those issues, the way in which it combines them, and the various other flaws that I have mentioned, seriously undermine the potential effectiveness of the bill and raise a wide range of concerns about it, which the opposition parties look to the government to address and respond to during the course of this debate either in this house or in the other house.

Mr BROOKS (Bundoora) — I rise today to support the Personal Safety Intervention Orders Bill 2010. I want to thank the Attorney-General's office and the officers of the Department of Justice who provided a detailed briefing and detailed information to me and to my staff on the bill.

The bill provides a crucial and necessary way of progressing Victoria's recently introduced provisions for intervention orders. I will go into detail on this later, but in short the bill recognises that not all disputes are best resolved through the application of an intervention order. If the bill is enacted, it will give the courts the ability to individually assess cases to determine the best way to resolve disputes. That may include mediation, and the bill enshrines mediation as a central way of resolving disputes.

As members of the house may recall, in November 2002 the Attorney-General gave the Victorian Law Reform Commission a reference to review the Crimes (Family Violence) Act 1987, and its report was tabled in March 2006. On receiving the report the government took action and passed legislation based on the

recommendations contained in it in the form of the Family Violence Protection Act 2008. This house also passed the Stalking Intervention Orders Act 2008. I note that members opposite were supportive of the bill when it was debated in this chamber. At the time it was seen as a temporary piece of legislation while a thorough review of the operation of stalking intervention orders was being conducted. To this end it also allowed the government to see how such interventions orders would work in practice.

The Department of Justice has since undertaken an extensive internal review of these laws and consulted with a number of key stakeholders. The key findings of the review were that the stalking intervention order system had become stretched from its initial purpose, which was to protect people from, I suppose, the traditional pursuit-style stalking offence. Instead it found that in practice stalking intervention orders were being used for what we would generally regard as neighbourhood and interpersonal disputes. Most people would agree that such disputes are more appropriately resolved through mediation. As such, the review found that the stalking intervention order system needed to better protect victims of serious stalking and other serious threatening circumstances.

Another key finding was that the stalking intervention order system was being used by schoolchildren. This has resulted in a number of cases where, due to the conditions of an order, the respondent of the intervention order can no longer attend their school.

Finally, the review also found that there were a number of situations where orders had been made that were unenforceable due to the respondent either being less than 10 years old or having a cognitive impairment which prevented them from understanding the order and complying with it.

The bill before the house addresses each of these findings and sets out a better way forward in terms of how our courts will now address applications for intervention orders. Indeed the very name of the bill, the Personal Safety Intervention Orders Bill, recognises the fact that the grounds for making an order cover more areas than traditional stalking offences. Under this bill the grounds will change to assault, sexual assault, harassment, property damage or interference, making a serious threat and stalking. These grounds better reflect how the current system of non-family violence intervention orders is being used. Having said that, it is important to note that this bill will complete the division between the family violence and non-family violence intervention order systems. This was a recommendation contained in the Victorian Law Reform Commission's final report on family violence laws.

The bill also introduces a new system of vexatious litigant orders which has been designed to reflect those contained in the Family Violence Protection Act. This will allow vexatious litigant orders to cover both family violence and personal safety intervention orders so that a person who is deemed vexatious or is banned under one system cannot continue their vexatious behaviour under the other. In practice a person who is deemed a vexatious litigant will need to seek leave from a court before they can make an application in relation to the person named in the order or their children. This will be particularly useful in circumstances where stalkers continue to stalk through the very acts of trying to draw out court proceedings or applying for intervention orders.

As I said earlier, this bill sets a way forward in the process of obtaining intervention orders, most notably in its emphasis on mediation as a dispute resolution method for interpersonal disputes where safety is not at risk. In a survey conducted by Ipsos consultants it was found that in the 12 months leading up to 2007 there were 3.3 million disputes among Victorians, of which 1.5 million involved family, neighbourhood or community members. Separate data collected between 2000 and 2001 shows that 25 per cent of applications for stalking intervention orders were between neighbours and that 16 per cent were between friends or acquaintances. In the review conducted by the Department of Justice, which I mentioned earlier, it was found through anecdotal reports from magistrates, Victoria Legal Aid and other sources that there was a high level of neighbourhood-type disputes appearing on applications for intervention orders. The point I am making is that intervention orders are becoming increasingly popular as a way of settling personal and neighbourhood disputes.

There is also evidence that shows that applications for intervention orders are on the rise. Statistics collected by the Magistrates and Children's courts between 2002–03 and 2006–07 show that the number of aggrieved persons included in complaints relating to intervention orders concerning stalking behaviour significantly increased — by 20.2 per cent. There is clearly a need to move towards a system where small-scale, less serious neighbourhood-type disputes not involving safety can be dealt with through mediation. An example of a neighbourhood dispute might be where neighbours get caught in a dispute about the position of wheelie bins on garbage collection night or, as the Attorney-General mentioned in his second-reading speech, where one neighbour squirts

another with a garden hose. In the latter instance that action would in fact be an assault, but does that mean an intervention order would be the best way to go about resolving the issue? It is situations such as these where the importance of this bill is highlighted — that being the need to have mediation as an integral part of our justice system. Mediation needs to be seen as the first option of dispute resolution where personal safety is not at risk.

The problem with allowing intervention orders to continue to be increasingly sought as a means of solving neighbourhood or schoolyard disputes is not only that it burdens the courts with more work but also that it is often reflective of an inability on the part of either party to work through their problems and resolve disputes themselves. The aim of resolving an interpersonal dispute is to leave both parties in a position where they are able to maintain an ongoing relationship. In many instances the sledgehammer approach is not the most constructive way of going about this, and mediation provides a great middle ground for achieving a better outcome in many cases.

As we all know, the world is not all black and white and simple; there is a plethora of areas that are more complex when it comes to interpersonal disputes. That is why this bill sets out that all matters referred to mediation will be assessed by trained professionals from the Dispute Settlement Centre of Victoria. These professionals already have the training and experience to determine whether or not matters should go before a court. As has been mentioned previously, the Attorney-General will be setting out ministerial guidelines so that each matter brought before the Dispute Settlement Centre of Victoria will be clearly and consistently assessed. If conditions change and it is deemed mediation is no longer appropriate, the mediator will be able to refer the matter back to the court.

In the short time I have left it is important that I point out that this bill also has a focus on resolving schoolyard bullying. As with neighbourhood disputes, there has been a shift towards the use of intervention orders to resolve schoolyard disputes. As I said before, this has meant that in some cases students have not been able to attend school because of orders that have been issued. This bill empowers courts to work with the education department and schools to ensure that both parties continue with their education. The bill also allows a court to send a copy of a personal safety intervention order to a school principal if it is deemed necessary.

The lead opposition speaker mentioned that he thought that sanctions for contravening intervention orders were insufficient, but he did not provide any evidence or facts to support that assertion. He suggested that school bullying should not be dealt with in this legislation. This ignores the fact that school students are already seeking intervention orders. Is the opposition arguing that school students should be banned from seeking orders even when serious safety concerns are raised? The lead speaker offered no policy solutions or serious alternatives and instead took a simplistic approach to what are often very complex issues.

This bill provides a critical step forward for Victoria in the management and resolution of interpersonal disputes. The Attorney-General has done a great job in placing this bill before the house. I urge all members to support it.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Personal Safety Intervention Orders Bill. I commence by congratulating the member for Box Hill on yet another very thorough review of a bill, its key aspects and a range of areas of concern he has identified as a result of both his high intellect and his wide consultation. I also commend the member for Bundoora on his presentation. I did not necessarily agree with his closing remarks, but he still added to the debate.

Along with the member for Box Hill and the coalition, I will not be opposing this bill. In summary the purposes of the bill are to establish a system of protection for those who have experienced prohibited behaviour or stalking from a person other than a family member and to encourage the use of mediation services for appropriate matters to settle interpersonal disputes. This protection order scheme replaces the system established by the Stalking Intervention Orders Act 2008.

I will make just a couple of brief comments on the bill. Firstly, this bill is a sad reflection on modern society where minor issues such as neighbourhood or schoolyard disputes have resulted in legal proceedings, including the seeking of intervention orders. This bill aims to direct these minor disputes to mediation, reserving the use of intervention orders for more serious offences.

The intention of this bill is commendable, albeit that, as the member for Box Hill outlined, there is a significant risk of another layer of bureaucracy being set up to resolve minor disputes. Let us just look at how this bill may apply to schoolyard disputes, where I can see a very high possibility of another layer of bureaucracy being imposed when there is a more simple solution. One of the components of a simpler solution is to

empower the principals of schools to put in place measures that will ensure an appropriate level of discipline and appropriate behaviour and that students are taking responsibility for their actions. The coalition, given the chance to be in government, would do this. It would empower principals to set right the misdoings of people which up until this stage have led to bullying and the possibility of the approach provided for in this legislation being implemented.

The second thing to do — a simpler, more direct and more appropriate response — would be to increase the focus on preventing these issues arising in the schoolyard. For example, there should be a reinstatement of the Police in Schools program. That program was applauded by all as a program which encouraged young people to respect the uniform, to respect the police, to respect other people and to respect themselves and develop their own self-esteem. It is nothing short of beyond belief that that program has been tossed out.

The other way of ensuring prevention of schoolyard bullying and inappropriate behaviour is by promoting programs in schools aimed at encouraging young people to get along. A particular program that is being widely adopted in north-eastern Victoria, either in its pure form or in variations, is called the You Can Do It program, a key objective of which is to encourage young people to get along with each other. It encourages them to demonstrate persistence and resilience so they can bounce back when they inevitably cop a hit on the chin in the schoolyard, whether it be physical or emotional.

Rather than instigating proceedings, seeking intervention orders and going into a blueing situation and argument and debate, this program helps young people to learn to accept that every now and then you do cop something and you need to be resilient and bounce back. Linked in with that, the You Can Do It program is very much about encouraging the development of self-esteem. If you have self-esteem, then you have the inner strength to overcome issues which may otherwise worry you. Linked in also with the You Can Do It program is the notion of taking responsibility for your actions and accepting that at times your behaviour may precipitate unwanted behaviour from another person.

Progress can be made if those fundamentals are addressed, if we encourage young people to get along, if we encourage programs such as You Can Do It and if we also encourage people to take responsibility for their actions. We need to encourage people to take a rational approach to problem solving. That involves first of all focusing on the issues and not the person. Secondly, a key component of problem solving is to work through what the issues are, starting with identifying what you agree on. Nine times out of 10 when people are in dispute they find out that they agree on 80 or 90 per cent of the issues before them and there is 10 or 20 per cent that is in disagreement. If they then work on those, they will work out there is another significant proportion of those issues that they can resolve by discussion, and then that will leave only a small amount of the initial issue that they may end up having to agree to disagree on.

If we can focus on better problem solving, if we can focus on self-esteem, if we can focus on getting along, if we can focus on having police back in the schools to encourage that respect for authority and for the uniform and if we can encourage and enable principals in schools to administer programs that will ensure people have respect for others and respect for themselves, then the need to call upon these services will be substantially diminished.

The other aspect of this bill I would like to touch on — the member for Box Hill also touched on it — is the general context in which this bill comes forward. A particular issue is the resourcing that will be required for, for example, the police to uphold the orders that are put in place as a result of this bill. We have had debate many times in the Parliament about insufficient police numbers. They may be on the books, but they are not on the beat. The coalition has come up with a policy that will put more police on the beat and that will put more police out there who are able to deal with these matters and ensure enforcement of the law, including this piece of legislation. Interestingly the Labor Party played catch-up on that and came up with a similar policy, albeit a few weeks later.

We then have the general issue of the philosophy of this Labor government, which is fundamentally soft on crime. A key issue that was flagged by the member for Box Hill is that of suspended sentences and basically allowing people who have committed serious crimes to get off scot-free. Again, the coalition in government would be tough on crime: do the crime, do the time. If we put this in place, it will be part of building the general context and the general framework where people will again learn to accept responsibility for their actions, will again learn to get on with others and will again learn that they need to comply with community norms.

The other and perhaps final issue I will touch on linking this to the notion of community norms is the importance of building the sense of community.

Country communities are renowned for their sense of community and their ability to stand by each other in good times and in bad. Through that general approach the tolerance of the behaviour of others is greater. We have no greater example of that than having gone through the last 12 tough years in country Victoria with the drought, the dry conditions, three mega fires and pretty ordinary government policy in response to those matters. The Victorian country community has stood together. We need to continue to encourage people to stand together. When we do that we will help our colleagues who are under pressure and who may behave inappropriately at times.

In conclusion, I do not oppose this bill, but I think there is a simpler way of achieving the same outcome.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Personal Safety Intervention Orders Bill 2010. The bill has been advanced by the Attorney-General following the introduction of the Family Violence Protection Act 2008 which overhauled the family violence intervention order system. At that time the Attorney-General announced that the Department of Justice would undertake a comprehensive review of intervention orders between non-family members, and that is known as the stalking system.

This was the first comprehensive review since that system was created in 1995. The review found that the stalking intervention order system, which was initially designed to protect victims of traditional pursuit-type stalking, in practice had been stretched to use in neighbourhood disputes and other interpersonal disputes such as in the schoolyard. It was determined that the intervention order system needs to work better to protect victims of actual stalking and serious assaults and threats — it needs to give them better protection. However, it should then offer an alternative to deal with those lower level things that have been occurring between schoolchildren which can mean that those children are not able to attend school.

I thought it was interesting that the member for Benalla suggested that alternative dispute resolution is an additional level of bureaucracy. I do not subscribe to that at all. Alternative dispute resolution encourages parties to get together, rather than being added bureaucracy as the member for Benalla suggested. The review identified that there were low-level disputes coming before the courts which would delay other more important matters. The member for Benalla has clearly not understood how important alternative dispute resolution can be in resolving these lower level matters and how it is working in other parts of our criminal justice system.

I have been really pleased to be part of a reforming government that is tough on crime and tough on the causes of crime but also gives very adequate support to the victims of crime and has made a lot of changes in this area. It has also been very strong in changing the way that our justice system and our police system respond to family violence. There has been an absolute cultural change in our justice system and in policing. People like the member for Benalla might hark back to the good old days of policing, but we are in the 21st century and the world has changed. The justice system needs to evolve with the 21st century, with the nature of cyberstalking, with the myriad ways that people can be victimised that were not envisaged in the good old days that the member for Benalla might like us to return to.

I was very pleased to attend only last week a meeting of Neighbourhood Watch groups across the policing areas of Banyule and Nillumbik. There is fantastic professional policing and leadership in that area working in partnership with the community in a forward-looking way. I was delighted that every single police officer who spoke mentioned the important work of Neighbourhood Watch throughout the decades in which members of the community have been looking out for each other, but they also said we need to move forward and evolve. Every single one of those police officers referred to the need to have a different way of looking at family violence and genuinely treating that as a crime. That is just an example of the way police see things differently now and how we as legislators need to give them a range of tools to deal with matters such as this.

I did say that in government we have been very proud to support victims of crime. Since we have been in government we have made substantial progress in undoing the damage done by our predecessors and their heartlessness in getting rid of support for victims of crime. I really would not want to return to those ‘good old days’ that the member for Benalla seems to be so fond of. I am pleased that we have a victims assistance and counselling program that delivers information, support and counselling services to around 6000 victims a year. There is now a victims of crime helpline, and we have a victims register, allowing victims of violent crime to receive information about their offender’s progress through the prison system, and the Sentencing Advisory Council has allowed the community to contribute to advice about sentencing. We have also had amendments to the Evidence Act to improve the court experience for vulnerable witnesses.

The Child Witness Service has been established as a specialist support and information service for child witnesses to assist their participation in the criminal justice process and to reduce any trauma associated with giving evidence. We have also introduced victim impact statements to strengthen the participation of victims in the legal process, particularly in the Child Witness Service.

My children were victims of a crime; fortunately it was a minor crime — a male exposed himself to my children. Even though that was a lower level form of crime, I remember well the trauma experienced by my children. I am really pleased that we in government do not shy away from those difficult things but we move forward.

The impact that crimes of stalking and traditional pursuit-type stalking can have on victims cannot be underestimated. I am pleased that this bill does strengthen that area. I read in the *Age* today about an unfortunate case of a woman who was a victim of stalking. The article states:

> Ms Romney said in her victim impact statement she had 'lost my sense of safety', was anxious and distressed and was described by a magistrate as 'in an extremely fragile state emotionally'.

As recently as in today's *Age* we have had a reminder of the impact that stalking can have on people in our community. That is why it is important that we should legislate in this area.

I support the intention of the bill to strengthen the more serious types of stalking offences, which better protects the victims of stalking and serious assaults and threats, but introduces, importantly, that alternative dispute resolution, so that those lower level things, particularly between schoolchildren and others, can be resolved in an easier, simpler manner. I commend the bill to the house.

Ms ASHER (Brighton) — I wish to say a few words on the Personal Safety Intervention Orders Bill, which the opposition does not oppose. One of the problems with following the member for Yan Yean — and I have to make this observation — is that the member for Yan Yean, unlike many other members of the Labor Party, sees everything in terms of black and white. From her view, her world view, everything the Labor Party does is absolutely fabulous and socially progressive, and everything in her world view that the previous government has done or the Liberal Party believes or The Nationals believes is bad. One of the problems with having a world view like that on social issues is that reality does not work that way. In the first instance I would make an observation that when the previous government introduced many of the legal changes in relation to victims, members of the ALP supported some of those changes strongly; and likewise many of the family violence legislation measures that have been brought before this house by this government have been supported by the coalition. It is probably in this area more than any other, if you want to make these black-and-white judgements about things, that you will bring yourself unstuck.

Before I move on to the bill itself, I want to pick up one comment of the member for Yan Yean. The member for Yan Yean stood there a couple of minutes ago and said, 'We introduced victim impact statements. We legislated to introduce victim impact statements'. *Hansard* will show that she said that. In fact the ALP did not legislate to introduce victim impact statements. The previous coalition government did that. If you want to make statements in this chamber about who did what and who is better than whom in the social policy area, it pays to get your facts right, and the member for Yan Yean was wrong on that count.

I want to refer to the second-reading speech in particular and make some preliminary comments about family violence legislation measures, many of which we have seen in this Parliament and many of which the coalition has supported. The second-reading speech makes specific reference to the fact that the Attorney-General has assured the Parliament that this regime of personal safety intervention orders is not going to be impacted on in terms of the measures put in place for family violence. The bill is specifically for disputes that are not family based. Obviously I have consulted with a range of groups with expertise in this area because the bill gives the impression, when first looking at it prior to reading it, that it may have something to do with family violence, and certainly a number of the provisions of the Family Violence Protection Act have been lifted to apply to this new regime. It is very clear to me that many of the groups associated with family violence believe this separation into personal safety intervention orders and a separate family violence act is the way to go. So the split that the government has chosen is therefore respected. Two separate systems seems to be the view that is desirable.

The government has had a review of the operation of stalking intervention orders by the Department of Justice. It has informed us that this review was substantial and took 18 months, and the end result of that, it appeared to me, was that that review has found that the courts have been overburdened with what a reasonable human being would call 'minor matters'.

On top of that, the Victorian Law Reform Commission has completed a review of family violence laws and supported the idea of having a twofold system — one for family violence, and one not for family violence. This bill institutes that regime. What the government has put forward is that there will be a two-step regime within the bill. There will be a separate regime for dealing with serious offences, such as where there is some type of threat of assault, and another system for dealing with what I would call low level disputes, which is what the government calls a neighbourhood dispute, and so on.

Under the new system the Department of Justice found that the definition of stalking had changed over time and that the application of stalking intervention orders had changed over time, so the new system has been set up to address those changes. The department found that stalking intervention orders were now applying to neighbourhood disputes or school disputes. It is the government's view that this is inappropriate, and I agree with the government's analysis of this. That is why a new system has been established.

The new system sets up personal safety intervention orders where there is the possibility of serious harm being perpetrated. There is a new definition of 'prohibited behaviour' in the bill and also a series of new definitions of assault, sexual assault, harassment, property damage or interference or making a serious threat have been established under the bill. Under this type of offence there is a police enforcement system and a court enforcement system, so this element of the bill would have, if you like, stalking as it was first defined — serious elements of stalking where there is a threat of assault or harassment or whatever. That is the first tranche of the system that has been set up by this particular bill.

We will have to wait and see whether the new aspect of this bill, which has been commented on by this side of politics, works. The proposal is that neighbourhood disputes will now be able to be sent for mediation. The Department of Justice runs dispute settlement centres in Victoria, and these services will be made available. Indeed the government has advised us that it is going to expand these mediation services into justice centres and, under the bill, magistrates will have a power to order mediation.

Again I accept the split, but we have a number of concerns about how this system may operate in terms of mediation. The second-reading speech makes specific references to intervention orders currently being issued in schools, and the government's solution is obviously to have either a mediation, if the dispute, for example, in a school is at a lesser level, or a personal safety intervention order which is enforceable under law. Many of the coalition's concerns about this system are that we have a policy to give significant autonomy and authority to school principals. We are raising concerns, which I hope the minister will respond to, about how this will impact on the school principals' capacity to do their jobs. The government has been concerned about the number of intervention orders being used in schools. We are extending that concern to question the manner in which this new regime, both the orders for mediation and the personal safety intervention orders, will work in schools, and that is a legitimate question on behalf of the coalition and one that I hope the Attorney-General turns his mind to when he sums up on this particular bill.

Obviously we will now have two systems, one involving the Family Violence Protection Act and this one involving the Personal Safety Intervention Orders Bill. One feature in the bill that I thought was desirable is that if someone brings an action under the wrong bill, according to the way the legislation is drafted, there is capacity for the courts to switch the circumstances so that instead of actually starting the whole court case again there could be a decision within court to say, 'No, this is not a family matter. It will not be heard as a family violence matter. This in fact is a non-family matter where personal safety intervention orders can apply'. I thought that was a desirable feature of the bill before the house.

Another desirable feature of the bill is the Attorney-General's intention to have a two-year review. The Attorney-General's record on reviewing his own legislation and his record on pilot studies is not a good one. He is perpetually tardy, and I hope that does not occur with this bill. As I indicated earlier, we have a number of concerns about the way these orders may operate, certainly in institutions such as schools, but other than those concerns we do not oppose the bill.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).

Debate adjourned until later this day.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 24 June; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr O'BRIEN (Malvern) — It is a pleasure to rise to speak in the debate on the Energy and Resources Legislation Amendment Bill. I note that this is an omnibus bill, notwithstanding the Labor Party's claims in opposition that it would not introduce omnibus bills because they reduce scrutiny of the government's actions. The bill before the house today repeals 16 separate pieces of legislation, yet as lead speaker for the opposition I am permitted by this government only 30 minutes in which to canvass all the issues contained in this bill. That, if nothing else, demonstrates the hypocrisy and arrogance that characterises this government after 11 long, dark years in power.

Ms Allan interjected.

Mr O'BRIEN — The minister at the table, the Minister for Regional and Rural Development, made an unparliamentary interjection. I think the minister has forgotten what it is like to be in opposition, but she may recognise that feeling again very soon.

This bill seeks to make a number of changes to energy-related legislation, particularly with respect to bushfire mitigation, and I will take a few minutes of the short time allotted to me to give an overview of that. The report of the 2009 Victorian Bushfires Royal Commission is to be handed down on Saturday, four days from today. That report will canvass an event in which 173 Victorians died in the most tragic circumstances. Those bushfires were not an act of God; they were an act of man — they involved acts of omission and acts of commission. The courts will sort out many of those, and I do not intend to canvass any of the specifics in the debate today, but I note that Professor Graeme Hodge, director of the Monash University Centre for Regulatory Studies, told the bushfires royal commission that Victorians suffered 'a huge regulatory failure' when powerlines started fires on Black Saturday. It is those regulatory failures which the Parliament is entitled to turn its attention to.

When we look at some of those regulatory failures we have to look back a number of years, because the issues which are canvassed in this bill today have been obvious flaws and failures for many years — flaws the Brumby Labor government that has been in power for 11 years has failed to deal with. Now, after the tragedy of Black Saturday and only four days before the bushfires royal commission final report is to be tabled, we find ourselves debating this bill.

One of the issues that is very relevant to the debate on this bill is the question of this government deliberately trying to encourage regulators to limit the amount of money that can be spent on bushfire mitigation by electricity distribution companies. I refer to an article by Melissa Fyffe in the *Sunday Age* of 17 May entitled 'Power firms' plans to cut fire risk "rejected"'. I will quickly go through the opening comments in that article, because they are very pertinent to the debate. It states:

> The state government knocked back plans by Victoria's electricity companies to spend an extra $100 million between 2006 and 2010 to reduce the bushfire risk from powerlines.
>
> Powercor and SP AusNet, the two companies being sued over the fires sparked by powerlines on Black Saturday, put the proposals to the government's energy watchdog, the Essential Services Commission, in 2005 during negotiations over power prices.
>
> Both companies said if they secured funding for their proposals it would not lead to higher charges for retailers, or customers.
>
> But the ESC — which at the time was trying to greatly reduce the cost of electricity to Victorians in keeping with a promise by the then Bracks Government — turned down their requests, saying they were not reasonable.

The article goes on:

> The bushfire royal commission has heard that powerlines and poles started at least five fires — Coleraine, Weerite, Kilmore East-Kinglake, Beechworth and Horsham — on Black Saturday, which claimed 173 lives.
>
> In 2005 the ESC was responsible for setting the price of electricity based on how much money it deemed the state's five private distributors — which own the poles and powerlines — needed to run and maintain their businesses … The ESC's price decision in 2005 saw power bills fall between $10 and $53 a year, a move trumpeted by the Bracks Government.
>
> Powercor, citing public safety, appealed against the decision, along with several other distributors. After the appeal failed, then energy minister Theo Theophanous announced that the government had gone 'into bat for Victorians' and welcomed 'this sensible decision'.

That is clear evidence that, for political purposes, the government has attempted to cut the amount of funding available to electricity distribution companies to reduce bushfire risk. Can anyone find a clearer example of a government wanting to play politics at great expense? This bill is very timely.

Having said that, I will also quote from a letter dated 30 April written to the member for Evelyn by the Minister for Energy and Resources. I have no doubt that you, Acting Speaker, will agree that the member for Evelyn is a fine member! The minister's letter states:

> I refer to the matter you raised during the adjournment debate in the Legislative Assembly on 9 September 2009 concerning the feasibility of undergrounding powerlines in high-risk areas.

I will jump straight to the penultimate paragraph of the letter, because it may be, Acting Speaker, that you would like to canvass those issues in your own contribution to this debate. The penultimate paragraph says:

> The government will consider further action to reduce powerline-related bushfire risk when considering any relevant findings and recommendations of the bushfires royal commission.

In April this year the Minister for Energy and Resources wrote to the member for Evelyn stating that the government would wait until there were relevant findings and recommendations of the Victorian Bushfires Royal Commission before it introduced further reforms, yet we saw this bill introduced a number of weeks ago and it is being debated today — four days before the final report of the bushfires royal commission will be received.

This is a government that is in a state of policy panic. The government is out of control and does not know what it is doing. On the one hand government members say, 'We're going to act after the bushfires royal commission recommendations are received', and on the other it says, 'We're going to implement the recommendations beforehand'. This government is out of control and does not know what it is doing, and that could not be demonstrated more clearly than by the muddle-headed way in which the government has gone about electricity regulation in this state. For that reason members of the coalition will not oppose the bill in the Assembly; however, we are completely reserving our position on this bill in the Legislative Council, because when the debate gets to the other place we want it to be informed by the final report of the bushfires royal commission into the tragic circumstances of Black Saturday. We will not make a final determination on whether we support or oppose the bill or seek to deal with it in another way until we have the benefit of the bushfires royal commission's final report. I think members of the public would also expect the Parliament to make an informed decision about the best way to mitigate bushfire risks. To plough on ahead without the benefit of that final report when it is so close to being received would be an abdication of our responsibilities.

I take this opportunity to pay tribute to my predecessor as shadow Minister for Energy and Resources, the member for Box Hill, who made a submission to the bushfires royal commission. In his submission he nominated a number of different areas where the government had failed in terms of its regulatory approach, including in relation to vegetation clearing requirements and funding, bushfire mitigation and the implementation of the recommendations of the report on the April 2008 windstorm. There have been numerous examples of cases where this government has had clear evidence, often backed by tragic circumstances, of its failure in the capacity, implementation and regulation of electricity and essential services in this state, yet what do we get? We get reports and reviews, but so rarely do we get action, and even more rarely the right sort of action.

Having provided that background, I turn to some of the detail of the bill. Part 2 of the bill seeks to amend the powers of this government to issue orders in council relating to its bungled and incompetent smart meter project, which I would like to talk about briefly. I coined the phrase 'Smart meters are the myki of metering', but I have come to regret that, because it is very unfair to myki — myki is almost operational and did not cost nearly as much as smart meters. Myki is costing about $1.4 billion, but according to the Auditor-General the cost of the smart metering project is up to $2.25 billion, so you could get one-and-a-half mykis for what we are paying for the smart meters. Most Victorians do not have smart meters yet, and when they do get them they will not work properly. This is another extraordinary episode in this government's incompetence.

Through this bill the government is seeking to have the power to issue orders in council to regulate the way in which time-of-use tariffs operate. Time-of-use tariffs were supposed to be the great consumer benefit of smart meters. In about September last year the Minister for Energy and Resources said that time-of-use tariffs would be a terrific benefit for consumers and would be available once smart meters were available. However, when it became clear that the government had bungled the rollout of smart meters and bungled the regulation of tariffs when it came to smart meters, there was a serious prospect — almost a certainty — that many Victorians would pay a lot more for their power and it would mostly affect those who had the least capacity to change their behaviour and the least capacity to pay the increased bills.

Acting Speaker, you and I have visited people in your electorate of Evelyn who are in that situation and who are very concerned about it. Those people have to watch every single penny to try to make ends meet. Some weeks they have to choose between having their prescriptions filled and paying their power bill. These are the people who will be affected by this government's bungling of the smart meters project, so in a pre-election stunt the minister announced that he was going to put a moratorium on time-of-use pricing until after the election. Could the government say anything more cynical than, 'We're going to have a moratorium on time-of-use pricing, but it's only going to last until maybe the end of 2010, which just happens to coincide with the next election'?

When the minister announced this measure, what he did not say was that in addition to the massive cost blow-out — from $800 million to $2.25 billion — he was adding further costs onto the program. Through a freedom of information request I obtained some documents which show that Jemena, one of the electricity distribution businesses, wrote to the minister on 26 February advising that the costs of not proceeding with time-of-use pricing on 3 May, which is what was planned, included 'additional program costs associated with revisits to areas that have been completed' and warned of 'program risks in relation to system performance'. The Jemena managing director advised the minister: 'The increased costs associated with this four-week delay to the program are estimated to be $2 million' at this preliminary stage, but that: 'additional costs and risks are still under evaluation'.

The chief executive officer of United Energy Distribution, Hugh Gleeson, wrote to the minister's office on 17 February and stated:

> The impact on our program may be greater than some other distributors due to the timing of the decision at a critical stage of our testing ...

He went on to state:

> The costs associated with this change are estimated to be in the order of $3 million at this stage to cover the costs of rework, retesting, rescheduling and increased installation costs. We have also identified some further potential flow-on effects that could double this estimate.

The government has made a complete mess of the smart meter rollout and a complete mess of time-of-use pricing — a complete mess which has added to the project cost, every single cent of which will be paid for by Victorian electricity users in higher bills. It is extraordinary that in clauses 8, 9 and 10 of this bill the government seeks to give itself the power to better control the implementation of time-of-use pricing. You would think that a government that had such a tawdry and horrendous record of incompetence when it comes to smart meters and time-of-use pricing might run up the white flag and say, 'Let's let the adults deal with this'. But, no, government members think they know better than everyone else and they are going to give themselves the power through this bill to try to control tightly what happens with time-of-use pricing — including, I note, the ability to require electricity companies to send out propaganda to every home describing what a wonderful project the smart meter project is and how it is going to do such great things for the family budget, and saying, 'Gee, aren't you so lucky we've got such a competent Labor government in Victoria that can give you smart meters that make such a positive difference to your lives?'. I do not think so! The smart meter measures provided for in this bill are further evidence of this government's absolute incompetence when it comes to running major projects in this state.

Part 2 of the bill also removes the limitation in relation to pricing for the facilitation of the augmentation of distribution systems. This allows generation formats other than wind to potentially become eligible, which is quite sensible. The opposition never quite understood why the government would select only wind generation as being a generation platform that could be a beneficiary of these provisions within the act. It would make sense in an era when we are looking to alternative forms of energy to transition to from brown coal — such as gas, solar, geothermal et cetera — that those augmentation provisions in the act would be available for forms of electricity generation other than wind. That other provision in part 2 seems relatively sensible, though again one wonders why it had to come to this and why we had to wait so long for it. It is not as though solar energy was something which had not been considered previously. It is not as though geothermal energy had not been considered previously. These are all technologies that were well known at the time this act was initially implemented, yet it has taken until 2010 for the government to fix up the legislation so that other forms of electricity generation are also eligible.

I turn to part 3 of the bill, which amends the Electricity Safety Act, amongst others. This is important because Energy Safe Victoria (ESV) is a regulatory body which should at least have some key responsibilities in relation to ensuring the safety of electrical equipment that operates in this state. Given the evidence that has been tendered to the bushfires royal commission about the fact that electricity assets caused a number of the bushfire complexes that had such a tragic effect in early February 2009, it makes sense for Energy Safe Victoria

to have a specific mandate and purpose within its governing statute to deal with issues of bushfire safety.

The bill seeks to potentially restrict the use of electricity assets during the bushfire seasons, which fall between 1 November in one year and 31 March the following year, unless the relevant asset owner has a bushfire mitigation plan. Bushfire mitigation plans are already provided for under the act. The difference here is that the government is stepping up requirements in relation to bushfire mitigation plans and further providing that Energy Safe Victoria will have the legislative capacity to refuse a bushfire mitigation plan that is provided. In the event that an electricity asset operator is unable to satisfy ESV it has a bushfire mitigation plan that complies with ESV's requirements, ESV is empowered to impose a bushfire mitigation plan itself.

There are also provisions contained within this bill that create obligations, or a general duty, on specified operators to minimise bushfire danger. These are contained in clause 17 of the bill, including proposed section 83B. Proposed section 83B(1) says:

> A specified operator must design, construct, operate, maintain and decommission an at-risk electric line to minimise as far as practicable the bushfire danger arising from that line.

The penalty in the case of a natural person is 300 penalty units; in the case of a body corporate, 1500 penalty units.

Proposed section 83B(2) is also very important because it relates to the bushfire mitigation plans I described earlier. Proposed section 83B(2) says:

> It is a defence to a prosecution of a specified operator for an offence relating to a breach of a duty or obligation set out in subsection (1) if the operator has complied with the accepted bushfire mitigation plan in relation to that duty or obligation.

We see that despite the fact that there is a broad general duty being imposed on specified operators under the act to minimise, as far as is practicable, the bushfire danger arising from those assets, if an operator complies with their bushfire mitigation plan, then that will operate as a complete defence.

During the briefing with the department I posed the question whether the statutory duty was intended to create a new civil head of liability on operators.

Sitting suspended 6.00 p.m. until 8.02 p.m.

Mr O'BRIEN — Before the dinner break I was addressing my remarks on the Energy and Resources Legislation Amendment Bill 2010 particularly to part 3 of the bill, which imposes a general duty on specified operators to minimise bushfire danger. Partly this is done by the requirement for a bushfire mitigation plan, for which the approval of Energy Safe Victoria is required. I was describing how if a specified operator does not submit a plan that meets with ESV's approval, this bill provides ESV with the capacity to impose a plan on the specified operator. At the briefing I asked whether there could be any appeal against a decision by ESV to impose a plan on an operator, and I was advised that this would be subject to normal rules of an administrative law, which in this case would suggest that such a decision could be appealed before the Victorian Civil and Administrative Tribunal.

There are provisions in the bill for the checking of compliance with those bushfire mitigation plans: new section 83BJ provides for independent audits and new section 83BK provides for compliance audits at the direction of Energy Safe Victoria. We think that those issues are worthwhile, but one could say too little and too late.

The bill provides for Energy Safe Victoria to have the power to give directions for the restriction or prevention of tree growth. There are many thousands of kilometres of electrical assets operating in Victoria; that sort of electricity infrastructure is necessary to ensure that service provision is as widespread as possible. However, as we have seen with the tragic events of Black Saturday 2009, electrical assets can contribute to or start fires, which can have tragic consequences, so it is important that the regulator has appropriate powers to direct that remedial action be undertaken to minimise bushfire risk.

I was interested that the bill provides for Energy Safe Victoria to make a direction to a specified person to remove a tree in the immediate area around an electric line or to clear specified trees or species or classes of tree in the immediate area around an electric line. This raises two issues. First of all, the direction could be given to the owner of that infrastructure or to the owner of the land. You could be a farmer, a grazier or a land-holder and you could receive a direction from Energy Safe Victoria requiring the removal of trees that you may not have had anything to do with planting. Nonetheless you could be required to remove them, whereas the owner of the infrastructure, the electricity lines, may not be so directed. The government should attempt to ensure that if there is a requirement on private land-holders to remove trees that were not even planted by them, this is done in such a way that an unfair cost burden is not imposed on those land-holders.

The other thing I would like to raise in the context of this provision of the bill is that there are a number of other pieces of legislation that affect the ability of

land-holders to remove trees and vegetation. There is environmental legislation; there is planning legislation; there is all sorts of legislation. In terms of the way this provision operates, I have not been able to get a clear answer on what happens if there is potentially a conflict between a direction by ESV under this act and requirements in other legislation for the preservation of native vegetation. The government has yet to come up with a clear and concise answer to the question of what happens when there is a conflict.

The government announced with great fanfare the 10/30 provisions to try to give land-holders more power to ensure their properties were safer from the threat of bushfire by being able to clear vegetation from the immediate surroundings. Since that time we have unfortunately started to see some local councils try to backtrack and undercut what was supposed to be a clear right given to land-holders to keep their houses and their properties safer from the threat of bushfire. Given that we are already seeing this problem of land-holders being subject to the government telling them one thing and local councils telling them something else, this provision in the bill, while well-intentioned, needs to be clarified.

Government members need to come in here and answer exactly how a land-holder who is faced with two potentially conflicting directions — one from ESV and one under local government or other native vegetation provisions in the legislation — is supposed to deal with them. I think that is a very important issue, and one that the government needs to clarify in the context of this debate.

I appreciate there is very little time available given the length of this bill, so I will need to move on quickly. In terms of information notices covered in new section 141AB, ESV is given quite sweeping powers to require information to be provided to it for the purposes of preparing annual reports under the legislation. I think providing information to regulators that helps them discharge their duties is important. It is, however, also important not to place unreasonable burdens on individuals or companies in the context of complying with regulatory requests from ESV.

Clause 32 of the bill provides what on the face of it is a sweeping power. New section 149A is headed 'Reliability and security of electricity supply' and says:

> The Governor in Council may make regulations for or with respect to the reliability and security of the supply of electricity.

On that basis there would be almost nothing that would not be within the power of the Governor in Council, which is the government, to make regulations with respect to. This side of the house believes that Parliament serves a purpose. If the government has important ideas as to how regulations need to change, we would like to see them brought before this Parliament for debate and explanation rather than the government simply empowering itself to make regulations on any matter it sees fit without reference back to this place.

Clause 34 inserts new section 151A headed 'Bushfire mitigation', which says:

> The Governor in Council may make regulations for or with respect to —
>
> (a) the prevention of bushfires arising from electric lines or electrical installations;
>
> (b) the protection of electric lines or electrical installations from the effects of bushfires.

Again, that is a sweeping power the government is awarding to itself. If it were possible to legislate away bushfires with the stroke of a pen, presumably this mob would have done it. It has not because it cannot. I raise the issue that it is concerning that the government is giving itself such a wide-ranging power.

The bill also introduces what is called an F-factor scheme, which is basically a scheme to provide electricity networks and distributors with an economic incentive to reduce the number of bushfires caused by their electrical assets. This is a sensible concept, but we remain to be convinced about the ability of this government to get the details right. One of the factors which the Australian Energy Regulator is supposed to be considering in determining any F-factor scheme is the willingness of end users to pay for enhanced fire safety. We have seen evidence in the past of this government deliberately trying to artificially hold down submissions from networks wanting to spend money on bushfire mitigation, which this government tried to prevent for political purposes, and quite sadly we have seen the consequences of that.

There is also a move to enhance the independence of the position of the director of ESV, and that is something this side of the house supports. There are also substantial amendments to mineral resources and other resources acts which account for the fact that occupational health and safety matters are now dealt with through general legislation rather than industry-specific legislation.

With those comments, I again reiterate that the opposition will not oppose the bill in the Assembly, but in four days time we will see the final report of the

bushfire royal commission, so we will reserve our position in the upper house until then.

Mr CRUTCHFIELD (South Barwon) — I rise to speak on the Energy and Resources Legislation Amendment Bill 2010. I note that the opposition and its peers, as has been flagged by the member for Malvern, are in furious agreement with the government in respect of this bill, although if you were an outsider listening to the last part of the speech of the member for Malvern, you would be concerned that he perhaps disagrees with the bill. As there has been no flagging of any formal amendments, we can only assume that is not the case.

I now want to concentrate on the objectives of the bill. It is a large bill which brings together and also repeals a number of pieces of legislation. The objectives include amending the legislation for the energy and resources portfolio to implement legislative changes that were foreshadowed in the state's response to the written submissions of the counsel assisting the royal commission. Another objective is to encourage the efficient expansion of the electricity distribution network to support the development of new distribution-scale generation facilities by permitting the costs and benefits of those suitably sized and designed network augmentations to be shared.

The bill intends to mitigate the risk that the Essential Services Commission may revoke a retail distribution or generation licence during any electricity or gas supply emergency. It empowers the Governor in Council, and the member for Malvern touched on this, to make orders to facilitate the orderly transition of Victorian customers to time-of-use tariffs enabled by the advanced metering infrastructure otherwise known as smart meters. It promotes regulatory investment certainty for electricity distribution businesses engaged in the smart meter rollout. It ensures that there are adequate incentives available to support the uptake of low-cost abatement activities under the Victorian energy efficiency target scheme by allowing the amount of avoided carbon dioxide to be rounded up for the purpose of calculating the number of tradeable energy certificates.

The bill also removes redundant occupational health and safety provisions in the energy and resources portfolio. Finally, the bill makes minor and technical amendments to other acts within the energy and resources portfolio to repeal many of the redundant provisions, improve regulatory certainty and streamline the operation of those acts. I do not wish to go into a great deal on the latter, but I will touch on a couple of the important issues the bill focuses on.

I would like to talk about the bushfire-related amendments to the Electricity Safety Act. The government believes, and the opposition is supporting the view in the lower house, that those amendments will lead to an enhancement of the bushfire mitigation frameworks. The bill makes amendments to the Electricity Safety Act 1998. It amends ESV's objectives to include an explicit objective concerning bushfire mitigation. It replaces the existing bushfire mitigation planning regime under division 1A of part 8 of the act with two parallel equivalent regimes, one applying to the distribution and transmission companies, to be inserted into part 10 of the act, and the other applying to operators of electricity lines other than the distribution and transmission companies, to be inserted into part 8.

The bill imposes a general duty of care on operators to minimise bushfire danger; it retains the obligation on operators to submit a bushfire mitigation plan to ESV for approval by 1 July; it imposes an obligation that operators cannot, without a reasonable excuse, operate their electricity lines from 1 November to 31 March unless they have an accepted bushfire mitigation plan; it imposes an explicit obligation that operators must comply with their accepted bushfire mitigation plan; and it significantly increases the penalties. There is no point in having these requirements unless there are significant penalties on operators who flout the requirements. There are penalties on operators for failure to comply with these requirements. The bill also requires the electricity distribution and transmission companies to incorporate their bushfire mitigation plan into their electricity safety management scheme.

The bill also provides new heads of power for the electric line clearance regulations to restrict or prevent the growth of certain trees near electric lines. I do not want to add to the commentary; we have had months of evidence and discussions in respect of these particular issues, and like everyone here I am looking forward to the handing down of the royal commission's report in a few days time, which I am certain will add some commentary around these issues. To support the regulations, ESV will be provided with strong and explicit powers to give directions in relation to restricting or preventing the growth of trees under powerlines.

Finally, ESV's regulatory monitoring and auditing powers will be strengthened. To support ESV's increased role with respect to bushfire mitigation, it will be provided with explicit auditing powers in respect of bushfire mitigation plans and electric line clearance management plans. These will be strong and appropriate powers. In addition, to support the

preparation by ESV of annual reports comparing the performance of electricity businesses in respect of their bushfire mitigation and safety obligations, ESV will be provided with new information-gathering powers. This will add to a raft of regulatory impacts on those organisations.

The member for Malvern touched on the F-factor scheme that provides a financial incentive for Victorian distribution businesses to minimise the risk that their electricity systems cause fires. It will be administered by the Australian Energy Regulator and will create a financial relationship — a potential impost. If there are significant problems with one particular distributor, it will be an impost; for others it will be a risk-reward type of relationship. The relationship is between the number of fires that can be proven to have been started by a distributor's electrical system assets and the amount of regulated revenue the distributor is permitted to recover. This links the level of service provided by the distributor to the community to the revenues the distributor is permitted to earn. Simply, the F-factor will specify the number of fires that the distributor's assets would be expected to start in a year based on historical data. The scheme will also determine the penalty rate per fire started.

The member for Bentleigh, who is beside me, will be touching further on smart meters, but I think there is furious agreement in this place, despite some of the commentary, that smart meters provide a choice to consumers to take up time-of-use pricing for their electricity. Many consumers will be able to reduce their electricity bills by using time-of-use pricing mechanisms. However, the government has ensured that consumers who do not want to take up that option can retain the right to access a flat retail price if they so wish. Consumer groups rightly note that time-of-use pricing may adversely affect some vulnerable consumers, and I note the responsible minister has established a consultation working group to assess the potential impacts of time-of-use pricing. Pending that study there is a moratorium on the introduction of time-of-use network pricing. I note that the opposition supports the bill. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak on the Energy and Resources Legislation Amendment Bill 2010. This is an omnibus bill, which does a number of things and amends a number of acts.

The first issue I wish to refer to is in respect of the bushfire mitigation element of the bill. The bill makes amendments to the Energy Safe Victoria Act and the Electricity Safety Act, and these amendments were foreshadowed in the government's response to the recommendations of the counsel assisting the bushfires royal commission. As speakers before me have said, we wait with anticipation for the final report, which will be handed down on Saturday.

The bill has three focuses in relation to bushfire mitigation: to enhance bushfire mitigation planning, to provide measures to restrict the growth of trees near powerlines and to further empower Energy Safe Victoria (ESV). The bushfire mitigation aspect of the bill seeks in part to restrict the utilisation of electricity assets during the bushfire season unless an electricity distributor has a bushfire mitigation plan. Of course the bushfire season runs from 1 November to 31 March. At this point the bill raises security issues in terms of our energy supply. Certainly over the last few years, particularly in the extremely hot weather, we have had some issues around energy security.

The other point to note on bushfire mitigation is that, as was pointed out by the member for Malvern, the mitigation plan must be provided by a distributor and approved by ESV, which can also direct that a plan apply to a distributor where the distributor is unable to provide a plan itself. If there is any animosity between ESV and a distributor, the issues can be resolved through the Victorian Civil and Administrative Tribunal.

With respect to bushfire mitigation and the additional onus on electricity distributors, one must ask: what might the impact be on the cost to consumers? That is of some concern. Bushfire mitigation around the electricity supply holds some interest for me. In a previous life I worked with the then State Electricity Commission in the late 1980s until, under a Labor government, the SEC was downsized. I was one of the people who lost their employment at that time. I moved on to undertake a role as a technical officer, essentially designing and surveying powerlines. A lot of that role involved understanding the technical expertise around clearances — not only the clearance above the ground but also clearance in relation to trees. That was interesting, and I have some interest in that aspect.

In relation to bushfires my community, the Morwell electorate, was heavily impacted on by the bushfires of January 2009 and by the Black Saturday fires. I have to commend our local distribution company, SP AusNet. After the fires, enormous asset damage, which I witnessed, was sustained and the company was able to re-establish connection in many areas very promptly, much of the time in very tough terrain. I commend the company for that.

A further point to note is the question around the removal of trees to reduce the risk of bushfires. As the member for Malvern pointed out, the bill empowers Energy Safe Victoria to direct the clearing of specified trees around distribution lines as a means of preventing unsafe electrical situations. The member for Malvern said there were a range of different regulations and legislation around that may prohibit the removal of particular species of trees in certain circumstances. As the member for Malvern said, it would be fantastic to hear somebody on the government side clear up that particular concern.

The member for Malvern also spoke about the incentive scheme that will apply to distributors. I will not go into too much detail about that; other members have taken that up. However, that applies to the F-factor, or fire factor, and the S-factor, or service factor. The Australian Energy Regulator will make assessments of a pass or fail on those benchmarks.

The next thing I want to move on to is the smart meters. The member for Malvern was able to highlight extremely well in his contribution some of the challenges around smart meters. We have seen some of those challenges over time. We have even seen members of particular branches of the Labor Party be very critical of the smart meters. As the member for Malvern mentioned, Graham Proctor, who is a Melton ALP branch member, criticised in writing the government's handling of this situation. Whilst some might say that we in opposition can be quite critical, the criticism is coming from all sides. Again, the member for Malvern also talked about the time-of-use pricing.

From my local perspective I want to raise some of the local concerns about smart meters. This morning I tabled some additional signatures on a petition calling for an independent assessment of the costs associated with the rollout of smart meters. We have had tabled in this Parliament in excess of 800 signatures just from the Morwell electorate, and if you applied that statewide I think you would find that the number of signatures would probably now exceed 5000. The opposition to the rollout of the smart meters and the costs to consumers has been very well espoused. When I meet with local pensioner and seniors groups, many members of those groups tell me a major topic for them is the costs associated with the smart meter rollout and the issue of paying for an item they do not necessarily want or need. Simply put, they say, 'Why are we paying for something we do not even want or need or have and which does not provide any benefits to us?'. That has been well espoused.

I wish to move now to the provisions amending the Mineral Resources (Sustainable Development) Act 1990 and the fact that these amendments are in response to the Yallourn mine batter failure inquiry conducted by the mining warden. The relevant amendments respond to some of the recommendations made by the mining warden at the time of that inquiry. This concerned the unfortunate Yallourn mine collapse of 14 November 2007. Whilst it was a spectacular sight — the La Trobe River effectively fell into one of the mines — we want to ensure that that type of happening does not occur in the future.

In the mine collapse there was substantial equipment damage and the potential for environmental damage. Of course it also compromised energy security for Victoria at that time. I want to take the opportunity to commend TRUenergy. It worked over and beyond the call of duty to ensure that the river was diverted back on its course. The company did a terrific job in the circumstances. It is interesting that that report was commissioned by the mining warden and that the government applauded the work of the warden, yet earlier this year the government sacked the mining warden, a position that plays such an integral role, particularly in the Gippsland community. The government cannot have it both ways, and we are very disappointed that that occurred. From a local perspective I know we have a number of cases before the mining warden at the moment, and one should not underplay the importance of that role in our community.

This bill will also make some alterations to the Victorian energy and efficiency target to encourage greater participation. In concluding I will just talk a little bit about that issue. Obviously this is a direction we should all be conscious of and should take. In my own electorate there have been some announcements in the last few days with respect to this government's climate change white paper, which would impact, for example, on Hazelwood power station in the Morwell electorate, which is in my local community. I would like to say to this government that if it is pursuing this path of ensuring that the Latrobe Valley should not be the hub of energy supply for this state in the future, it should not dismiss the local community. If the government is going down that path, it should ensure that the Latrobe Valley community is provided with jobs moving forward and should bring the community along with it.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Energy and Resources Legislation Amendment Bill because what this bill does is propose a new head of power under the Electricity Industry Act which will allow orders to be made that will facilitate

the transfer of customers to time-of-use tariffs, but it will also put into place appropriate consumer protections.

It is the government's intention that the orders will cover areas such as the setting of time frames in which energy companies must inform customers of the move to time-of-use tariffs, setting preconditions that must be satisfied before any transfer to a time-of-use tariff can take place, ensuring that customers have the option of a non-time-of-use tariff and prohibiting a move to time-of-use tariffs without the customer's explicit informed consent.

In a sense what this will do is force energy companies to offer different types of tariffs to consumers. It will allow those customers time to understand what the market will be like in a time-of-use tariff world, and that to me seems sensible. If you have a look at our current structure of tariffs, in effect we have three kinds of tariffs at the moment. For people in all-electric households — mainly in country areas — who are on the winner tariff we in effect have a time-of-use tariff for them which allocates peak and off-peak prices to all consumption in those households. We have two rate tariffs, peak and off-peak, and we have a flat-rate tariff for those who are dual-fuel users.

With this bill we are not setting a price for energy in the future. We are setting up a framework around which energy retailers will offer different types of products, and we are enhancing choice for consumers. We are giving consumers an opportunity to choose the pricing structure that will suit their requirements. It is also an opportunity for consumers to get used to the various energy offers that will inevitably come their way when we get time-of-use tariffs.

Mr Delahunty — When?

Mr HUDSON — When we get them. Under the current regulations a consumer can only be moved from their electricity or gas supply contract if they have given explicit informed consent. This will put the obligation on the energy companies to develop time-of-use tariffs that are products they can explain to customers and that they can demonstrate are beneficial to Victorian households. That will push companies to develop time-of-use tariffs that Victorians will want and which they will want to sign up to.

The moratorium allows the government to undertake some sensible pricing trials and modelling to ensure appropriate social protections will be in place when the moratorium is lifted and companies begin to offer time-of-use tariffs.

In his contribution to the debate the honourable member for Malvern suggested that because we were delaying the introduction of time-of-use tariffs this was going to introduce some additional costs. He quoted a letter from Jemena which said not moving ahead now would cost the company about $2 million. I suggest a cost to Jemena of $2 million spread across its customer base, which runs into the hundreds of thousands of electricity consumers, is a very small price to pay to make sure that customers understand what a time-of-use tariff is, can elect not to move on to it and can receive enough information to make the kind of choice they want.

The member for Malvern also claimed that somehow the government was legislating and forcing energy companies — 'forcing' is the word he used — to send out propaganda on smart metres. This is sheer nonsense. What the government is doing is allowing customers the opportunity to receive information about what time-of-use pricing actually means to them so that they can make informed decisions. This is what this bill does.

We can be confident that as a Labor government we will ensure that any vulnerable consumers will not be worse off as a result of a move to time-of-use tariffs. We have a good track record in that area. If you look at the facts, we have a winter energy concession of 17.5 per cent on winter energy bills. We have an off-peak electricity concession which offers a 13 per cent reduction in the off-peak tariff rates on all quarterly electricity bills. We have a supply charge concession which provides a reduction in the supply charge for concession households with low energy consumption. We have a utility relief grant which assists people who cannot pay their bills due to a temporary financial crisis. We have a Home Wise program which provides assistance to concession card holders who cannot afford to repair or replace essential faulty appliances in their households.

Not only do we have a rigorous concessions program but we have the strongest retail consumer protections in Australia. We have banned late payment fees from energy companies and the rollout of advance payment meters. We have also introduced penalties for illegal disconnections. In terms of a consumer protection framework and a concession framework, we have the best in Australia and among the best in the world.

The cost of electricity is going up. It is going up because the costs of generation are rising. Whether it is because we have to utilise more wind farm technology or whether we have to use gas-fired power stations, the cost of poles and wires infrastructure has gone up, and

the cost of energy is going up around the world. Inevitably prices are being set by the market, but notwithstanding that, here in Victoria we still have some of the lowest electricity prices anywhere in Australia. We still have comparatively cheaper power compared to other states, and I think we can be very proud of that.

In terms of smart meters, the bill creates a framework for the paradigm shift that is necessary in the way energy is supplied. It will allow customers to know what electricity they are using and when and how much it is likely to cost them. This bill also strengthens the explicit informed consent regulatory framework, because it will provide the foundations for customers to move freely between various tariffs and the various types of tariffs on offer. It will also ensure that we are able, in an orderly manner, to bring all households along to a new regime of electricity pricing in what will inevitably be a very uncertain world for electricity prices going into the future.

I want to congratulate the Minister for Energy and Resources for initiating the moratorium on the introduction of time-of-use tariffs, notwithstanding the criticism from the member for Malvern, because as the minister indicated at the time, the moratorium provides an opportunity to consult with organisations such as the Consumer Utilities Advocacy Centre, the Victorian Council of Social Service and the St Vincent de Paul Society on things like the way the consumer protection framework will interact with time-of-use tariffs, the need for electricity concessions in the light of the costs of the rollout and potential equity impacts of the new tariff arrangements, a pilot pricing trial to assess the impacts of time-of-use tariffs on different customer groups based on their use of electricity, and an investigation of the need for an extensive consumer education campaign — which the member for Malvern derided as a propaganda campaign — so that there is clear information about smart meters and the new tariffs and what they mean for Victorians.

I would like to commend people like Jo Benvenuti, Cath Smith and Gavin Dufty, who do excellent work on behalf of low-income households in representing their interests and ensuring that we get these tariff structures and the regulatory framework right. I believe we will get it right, and I commend the bill to the house.

Mr MORRIS (Mornington) — Given the breadth of this bill, the period of time the member for Bentleigh devoted to the smart meter issue demonstrates very clearly how shonky, shoddy and shallow the government's approach to this whole smart meter debacle has been. It is a chicken that will come home to roost in a very big way.

The bill before us is symptomatic of this government's approach to the administration of the state. Yet again we are being asked to consider what is essentially last-minute legislation. Not last minute in the parliamentary sense, but last minute in the wider context. Yet again we are being asked to support a slipping, sliding, scrambling attempt by the government to get ahead of the debate. Everyone remotely connected with the Victorian bushfires knows that this is the case — that is, almost every Victorian understands what a pathetic attempt this is to get ahead of the debate. Everyone knows that this work should have been done months, if not years, before. Yet here we are debating these issues in the shadow of the release of the 2009 Victorian Bushfires Royal Commission report.

By my count, this bill amends 15 principal acts and repeals another, yet the minister's speech barely runs to a page and a half. I do not want to be unkind, but this is a minister who is not noted for either brevity or succinctness, yet here we have a page and a half of well-spaced, fairly large type. That was the best the minister could do on this bill.

It is in the time-honoured tradition of the Labor Party that, despite the Premier indicating that he would not immediately act on the recommendations of the royal commission and that he would give the community time and opportunity to comment, belatedly, under pressure, the Premier said he would give Parliament the opportunity to consider the report as well. Despite those undertakings we are now debating this bill, as I said earlier, days before the release of the royal commission's report; we are right in the shadow of the release of the report. This Parliament is debating a package of legislation — 70 pages of legislation, many of which deal with issues that we should be considering in a few weeks time.

This government has made an art form of artifice, of seeming to act. It has made an art of acting just in time to prevent or attempt to prevent electoral revolt and of acting just in time to prevent these chickens coming home to roost. As a tactic this might have worked in the past, but the public's patience is wearing thin. I think the public will see this for what it is. This bill is a desperate attempt by an incompetent government to cover its tracks and to blame others for its failure to act when it should have acted.

On Black Saturday our state suffered a great tragedy. One hundred and seventy-three lives were lost and

thousands more were touched by the flames, touched by the loss of a loved one or, in far too many cases, by the loss of multiple family members or friends. Others lost their homes, their pets, their way of life. Many struggle still, more than 18 months on, to move their lives forward.

Wildfire is a fact of life in south-eastern Australia. The conditions are frequently extreme and have frequently been extreme at least since the time of the first white settlement. Anyone who has grown up in this state can think back to the major fires and the years in which they occurred. Conditions are frequently extreme and, if forecasts are to be believed, they will become even more so. If we do not learn the lessons of Black Saturday and if we do not apply those lessons in an appropriate way, then such a disaster, as awful and enormous as it was, may well occur again. That is why we need to properly consider the outcomes of the royal commission and that is why the Parliament and the public it serves have to take ownership of the solution together, and ownership and implementation need to occur together. The public interest is not well served by a knee-jerk legislative reaction such as the one we are dealing with this evening.

As I said earlier, this bill will amend some 15 acts and repeal one. Clearly the meagre allocation of time that is reserved for each member prevents me dealing with all the issues. Indeed if I attempted to cover every piece of legislation, I would have about 40 seconds on each one. Clearly that would be an exercise in futility. I just want to touch on a couple of points.

The energy acts that are being amended basically deal with bushfire litigation, the restriction of tree growth near powerlines, with changed arrangements for ESV (Energy Safe Victoria), and then of course there is the F-factor. I do not propose to go anywhere near the F-factor, I must say.

There are changes to various extractive industry acts, the repeal of the Mines Act and, of course, as I mentioned earlier and certainly the member for Bentleigh mentioned it, there are changed arrangements for the smart meters, which is an issue that could itself consume a full day of parliamentary debate. It certainly consumes many days of debate for constituents in my electorate.

I will confine myself to some comments about tree clearing, because that is really all that the time that remains will allow. I do not want to go into the detail contained in this bill. I want to talk about some general concerns. I understand that should there be some disagreement about whether clearing should occur, there may be some disagreement about who is the paramount decision-maker, ESV or the local council. The whole vegetation clearance issue requires a thorough response.

If you go to any areas, particularly communities on the metropolitan fringe, where you have housing, trees and lifestyle properties, you know that people live there because they like the trees, but of course there is an immense fire risk as well. Whether you are talking about councils and the ESV, councils and utility companies or, in the broader sense, as you often are in my electorate, councils and the Department of Sustainability and Environment as the custodians of foreshores, or in most non-metropolitan areas councils and VicRoads, there is constant confusion about exactly what is and what is not allowed to occur in the matter of vegetation clearance. We have an environmental imperative, and I do not downplay it for a moment. We also have a safety imperative. We need to have an agreed process, agreed rules, so that everyone is clear what can be achieved from the start.

The 10/30 rule has, I believe, been largely successful, but when you come to, as I said earlier, foreshore areas where you need to make a decision, the decision is too often thrust back to fire prevention officers, to local Country Fire Authority (CFA) brigades. There is a huge backlog and there is no clear, effective and easily understood means, particularly for the affected communities, and I have many concerned citizens who believe more needs to be done. Unless you actually get CFA officers to go out there with them and explain the priorities to them, there is no clarity in the issue. I understand it is a bit off the track of electrical installations in particular, but it is an issue that in the wider sense we have to confront.

Essentially the outcomes of this bill may be entirely reasonable. The outcomes may be completely in line with the royal commission's recommendations, and they may not, but this house should not have been put in a position where it is forced to debate the bill. We are being forced to consider these details in the shadow of the commission's report without the benefits and the insights of the findings of the commission.

Debate adjourned on motion of Mr SCOTT (Preston).

Debate adjourned until later this day.

CIVIL PROCEDURE BILL

Second reading

Debate resumed from 24 June; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Civil Procedure Bill 2010 is a bill to introduce changes to civil procedures based on parts of the Victorian Law Reform Commission's civil justice review report of May 2008. It is a bill that promises a lot, but much of which risks delivering very little. What the bill may deliver will in large part depend on hard work to be done by the courts and the profession to make it work and to overcome a number of serious problems that the bill creates.

Following the report of the Victorian Law Reform Commission in May 2008, in November 2008 the Attorney-General initiated a process of consultation that involved the judiciary and the profession. I think it is fair to say overall that the predominant reaction of the parties involved with the bill as it has seen the light of day is a collective sigh of relief that many of the feared provisions of previous versions of the bill have been averted. It certainly has not been received with overwhelming rapture by the profession or by legal commentators.

Let me now outline some of the detailed provisions of the bill. The bill starts off by introducing what it refers to as a paramount duty on all parties to litigation one way or another and on their legal representatives, being a paramount duty to the court to further the administration of justice. That is set out in clause 16.

The bill also introduces a series of what it calls overarching obligations for participants in civil proceedings, such as to act honestly, to not make frivolous or vexatious claims, to take only those steps necessary to determine the dispute, to cooperate in the conduct of proceedings, to not engage in misleading or deceptive conduct, to use reasonable endeavours to resolve the dispute or to narrow the issues, to ensure that the costs incurred are reasonably proportionate to the complexity of the dispute, to minimise delays and to disclose the existence of all critical documents. Those overarching obligations are set out in clauses 17 to 26 of the bill.

The bill empowers courts to impose sanctions for breaches of the overriding obligations, including preventing a party from taking certain steps in the proceedings or making costs orders or ordering compensation. Those powers are set out in clauses 28 and 29. The parties will be required to certify that they have read and understood the obligations imposed on them, as is required by clause 41. Clause 42 requires that legal practitioners will have to certify that any allegations, denials or non-admissions in the pleadings have a proper basis.

The bill requires parties to take what the bill refers to as reasonable steps to resolve a dispute prior to commencing proceedings or to clarify and narrow the issues, and those reasonable steps may include exchange of prelitigation information and documents. The bill also requires parties to consider options not involving court proceedings. Those obligations are set out in clause 34. The bill prohibits the use of information or documents disclosed in this way under the bill, save for the purposes of resolution of the dispute or in civil proceedings arising from the dispute. That is a requirement of clause 35.

The bill allows the rules of court to exclude certain classes of proceedings from prelitigation requirements under clause 32. The bill also requires the parties or their lawyers to certify whether the prelitigation requirements have been complied with at the time of commencing any proceedings and to set out any reasons why not. The bill gives courts wide powers to make orders to manage proceedings, such as giving directions, identifying issues at an early stage, encouraging the parties to settle, fixing timetables and limiting the number of witnesses or the time taken for examination. Those powers are set out in clause 47.

Clause 48 makes provision for the courts to require various pretrial proceedings to be complied with, such as case management conferences, and also to require the use of what has traditionally been called alternative dispute resolution but what the bill calls appropriate dispute resolution. The bill also empowers courts to make any order considered appropriate if a party fails to comply with its obligations to give discovery, as the term goes — in other words, to make disclosure of relevant documents. The bill in fact leaves to the rules of court reforms to the actual detailed requirements of discovery.

Clauses 60 to 63 of the bill standardise and change the test for obtaining a summary judgement. The bill changes that test from a requirement that in general terms is that the other side's case would be hopeless to a requirement that the other side's case has no real prospect of success. Clause 66 also empowers the courts to make an order referring parties to non-binding appropriate dispute resolution.

There are a wide range of concerns raised by the bill, as I indicated at the outset. One of those concerns is

whether the bill unreasonably shifts the costs of civil litigation onto parties and imposes unreasonable barriers to parties having their rights determined and enforced, and whether that has the consequence of further undermining public confidence in the Victorian justice system. This is ultimately a matter of judgement. Clearly if measures can be found that encourage and create reasonable inducements for parties to resolve disputes without unnecessarily requiring the involvement of the courts, that has the potential for win-win outcomes and certainly the potential to reduce the burden on taxpayers.

However, if barriers are placed before litigants to restrict their ability to obtain justice through the courts, that can have very undesirable consequences indeed. People lose confidence in the law; they lose confidence in the reliability of other parties to transacting honour in their obligations, because they know the difficulty of obtaining redress and they know that other parties will know of that difficulty and therefore may feel that they can refuse to honour their obligations with impunity.

If one looks back over the course of history one sees that in many different civilisations one of the most prominently featured cries of complaint about failures of government is about the failure to deliver justice and to heed people's appeals for remedies for the inability to obtain justice that their governments have created.

One needs to make sure in assessing a bill like this that the mechanisms, procedures and inducements to parties to try to resolve the disputes themselves without coming to the courts are reasonable and have not simply been devised by the government in order to make its own performance look less bad through reducing the size of court waiting lists or by reducing the costs of the court to the budget in an attempt to free up funds to cover some of the huge budget blow-outs to which this government is prone, not least of all blow-outs in the justice sector itself, such as the criminal justice enhancement program or the integrated courts management system, both of which are bungled IT projects which have blown out by many millions of dollars. That is a crucial concern that the coalition parties have.

There is also a concern about the framing of the provision on the use of disclosed documents for purposes other than litigation. Clearly one can understand the objective of that measure. One wants to stop parties improperly gaining access to, for example, commercial secrets through what they are reading in documents that are disclosed to them for the purposes of litigation, but the question has to be asked whether the drafting of this provision has gone too far because it can operate so as to give immunity even where disclosure reveals dishonest or criminal conduct. To put it at its most acute, even if a document disclosed to another party reveals the commission of a serious crime, the recipient party is only legally permitted to take that document to the police if they first go to the court and obtain permission to do so. One has to ask whether that is a reasonable balancing of the competing considerations in the issue.

To go back to the paramount duty that is imposed at the outset of the bill, which is to further the administration of justice, as an objective it is probably unexceptional to set out that there is a paramount duty to further the administration of justice, but the critical question is: what does that duty entail and what are its consequences? As far as I can see there is no specific sanction included in the bill for failure to comply with the paramount duty, so is it therefore to be treated as a contempt of court? If so, how is the mechanism to sanction it to be applied?

It is worth saying in relation to the paramount duty and to the overarching obligations that generally speaking they simply reflect ethical duties which have applied to practitioners for many years. What is new is that the paramount duty and the overarching obligations are applied to the parties themselves and not simply to legal practitioners.

While it is fine as far as it goes to propose to apply the duty and the overarching obligations to the parties to litigation — and it may well be reasonable to make them realise not only that their legal representatives have to behave in certain ways but that they also have to — the question is: what is going to happen if those duties are not complied with, in particular the paramount duty that is created by clause 16 of the bill?

There is a concern as to whether the costs involved in switching over to the new rules and requirements of the bill are going to deliver the benefits that justify those costs. It is clear, as with any substantial rewriting of the rules in relation to a particular area of law, that there are going to be very substantial switch-over costs.

We are already hearing feedback in relation to the criminal procedure changes introduced by the government in recent times that a big burden is being placed on practitioners in getting their minds around the new requirements, and that burden exists whether or not the new requirements have a net benefit. In this case there is going to be a substantial cost to the profession and to the courts to switch over to the requirements of the legislation, costs which will end up being borne by litigants in the form of higher legal fees and by

taxpayers in the form of the need for more court resources.

As I said at the outset, a number of provisions in this bill lay down mechanisms which are available to the courts. Let me make it clear that I think it is far preferable that mechanisms be made available to the courts for the courts to use as tools in bringing about just and efficient outcomes with costs proportionate to the issues in dispute than it is for the government to lay down hard-wired rules. Nonetheless there are many mechanisms in this bill which if used wisely may be able to further just outcomes, but which if not used wisely have the potential to create injustice.

At this point I should say that there is one particular part of the bill which is welcome and which I predict is likely to produce far more benefit than most of the rest of the bill — that is, the part containing the provisions giving courts clear and express powers as to how to manage proceedings before them. In recent years there have been a number of welcome initiatives in different parts of the court system that judges have taken to better manage cases, and those initiatives seem to be bearing good fruit.

It is unfortunate that the Attorney-General seems to have a blinkered view in this area. He seems to be narrowly focused on the notion of ADR (alternative dispute resolution) — or appropriate dispute resolution, as he prefers to call it. He seems to regard ADR as a panacea for all ills, and he thinks that if only ADR can be brought in instead of traditional litigation, all will be well. However, I think in many respects the court management of proceedings is an equally potent reform which has been rolled out by the courts over recent times.

It is also worth making the point that ADR has taken off enormously over recent years by virtue of people of their own initiative seeing its potential benefits and by virtue of a lot of very good work done by many pioneers in making ADR services available. In other words, this is a form of dispute resolution which individuals, professionals and professional bodies have developed and created largely independent of government, rather than it being imposed on them by government. We may now be at a point where that process has matured to the stage where some channels and parameters can be laid down by government; however, it is worth noting that it is yet another demonstration of the fact that all wisdom does not lie with government, and in many instances governments are better off creating the framework for others to work out the details of solutions to issues.

As I said, it is welcome that the bill as it has reached the Parliament — and from what I can gather it may have not been the case in earlier versions that were floating around — does not impose hard and fast rules on what the courts may and may not do in relation to various stages of the proceedings. However, I make the point that the courts are going to have to do a lot of work to ensure that the powers that they are being given are well exercised. In many areas, including one area that I will come to, the courts are likely to have to work very hard indeed to overcome some serious flaws in the legislation.

Practitioners have been raising a range of problems with the bill at a very practical level. A number of the leading firms of solicitors around town have put out quite detailed assessments of the bill which people can freely access via the firms' websites. I mention in particular Blake Dawson, Allens Arthur Robinson and Corrs Chambers Westgarth. To pick up on one example, the Allens Arthur Robinson assessment asks such questions as: without access to privileged and 'without prejudice' information, how is a court to decide whether a prospective litigant's refusal to participate in prelitigation dispute resolution is unreasonable? How can a court identify whether a party has simply been going through the motions when satisfying the prelitigation requirements? That goes to the issue that a court can impose sanctions under the legislation if a party does not do what it is required to do. However, if the court cannot get access to the information it needs to make an informed judgement on that point, this threatened sanction is likely to be of little benefit.

Similarly this commentary asks how a court avoids ill-informed decisions by limiting documentary and oral evidence at trial. Again it might be easy to say, but it is harder to anticipate in practice what material may or may not be relevant, and that is going to be a difficult task for a court to perform.

More broadly, at the end of the day the question has to be asked whether this bill will modify behaviour or whether it is simply going to set a range of new rules within which parties will continue to contest justice as heatedly and furiously as before. If the latter is the outcome, then large parts of the grand aspirations of the bill, particularly in relation to the paramount duty and the overriding obligations, are likely to be set at naught. As I indicated earlier, the main benefit of the bill will then come from the courts' use of the proactive powers being conferred on them to manage proceedings.

Members of the opposition have been most appreciative of various items of feedback they have received on the

bill from various parties and have appreciated having had access to the firms' commentaries I mentioned earlier and to the views the Victorian Bar has expressed through its media release of 21 June.

In a letter to me of 23 July the Law Institute of Victoria has indicated that it supports the goals of the bill and confirms it has been working for around two years through the advisory group chaired by the chief justice. However, the letter goes on to say it is concerned about aspects of the bill. The institute refers in particular to the prelitigation requirements that I have mentioned earlier and states that there are a number of important categories of civil disputes which are not presently exempted by clause 32 of the bill from the prelitigation requirements and which it considers should be exempted and should be included in clause 32. The letter lists a number of those, such as when limitation periods are about to expire, when the proceedings are an important test case or a public interest issue, when a person in the dispute has a terminal illness and in various other situations.

The second-reading speech and the explanatory memorandum approach this issue not by granting blanket exclusions but by saying what would be good reasons for the parties to give as to why they did not comply with the prelitigation requirements. That is another way of approaching the same issue. Given the law institute has raised this concern, it is important that the government respond as to why the government has adopted the approach it has, rather than including express exclusions as the institute has proposed.

The institute's letter also says that it is concerned about imposing an obligation to comply with prelitigation requirements in various instances, such as when a claim for personal injury is pursued by a litigation guardian on behalf of a person with a disability. In short it says that in such instances the court has to approve the final outcome anyway, so why impose the prelitigation requirements?

The institute's letter also points out in relation to clauses 37 and 38 that it may be difficult for parties to recover the costs involved in observing the prelitigation requirements which the act requires to be borne by them unless the rules otherwise provide. Although a court can order a party to pay some of the other party's costs or prelitigation requirements, this can only be activated if litigation has been undertaken in the first place. Again, this is a reasonable concern for the institute to raise, and it needs to be responded to by the government.

The Victorian Bar's media release of 21 June is headed 'Victorian Bar supports Civil Procedure Bill', but when one reads the body of the release it says something less than that. It refers to the great collaborative effort of the profession. It makes the point that 'Many of the provisions of the bill — for example, alternative dispute resolution and case management — reflect common practice of the profession and courts for the last 15 years and are unremarkable'. It makes the point that 'New South Wales has had specific overarching obligations for many years'. In other words, rather than being pioneering legislation, this bill in some respects is the current Victorian Attorney-General's attempt to play catch-up with what other jurisdictions have been doing.

The Victorian Bar then went on to take issue with the Attorney-General's gratuitous criticism of the profession at the time he announced the bill. It made the point that 'At no stage of the consultation for the reform was this raised as an issue'. It observed that the Attorney-General 'appears to hark back to an outmoded stereotype — which is neither true nor fair — and to be out of touch with modern court practice'.

I believe that observation is absolutely correct. The Attorney-General is working on the stereotypes that were inculcated into his mind at the time that he was in practice. With all respect to the Attorney-General, I think that he did not have extensive experience in the civil procedure area to which this bill relates. He has a stereotype in his head. Since the time he got that stereotype in his head there has been huge progress made within the law and the operation of the profession and the courts. The Attorney-General is setting up a straw man and giving that straw man a big kick, which is a common and unwelcome characteristic of the Attorney-General. The bar goes on to make the point that there are a range of other access-to-justice issues that need to be addressed, such as proper court facilities, prompt appointment of judges and legal aid funding.

I now want to turn to what is probably the coalition parties' single biggest concern about flaws within the bill, which is the way it is likely to operate in relation to the vast bulk of litigation involving small and medium size businesses, in particular litigation where one party is simply trying to recover a debt that is owed to it by another party. The grand procedures and mechanisms created in the bill are going to be able to be coped with in relation to large litigation because many of those procedures and mechanisms reflect the practice that has been adopted by litigants for many years.

However, where it is likely to come to the crunch is in situations where a small to medium size business is trying to recover a debt that may be $10 000, $20 000, $30 000 or $50 000. The risk is that this bill is going to in fact create greater barriers for an honest party recovering a debt from a dishonest party, because the entire philosophy of the bill reflects the starry-eyed, out-of-touch view of the Attorney-General that if you just get people to sit down around a table and talk to each other, they can talk through these issues. It assumes that all the parties will come to the table in good faith, that they will come to a reasonable resolution and that everybody will be happy and depart on good terms.

In the real world it often does not work like that. In the real world parties often have to resort to litigation to recover money that is rightfully owing to them that the other party to the litigation either is trying to welsh on or does not have the means to pay. The mechanisms in the bill are likely to prove to be a significant barrier to justice in those circumstances rather than to further justice. That is not simply a view that the opposition has come to; it is a view that has been expressed very succinctly in the conclusion to the Corrs Chambers Westgarth briefing note of July 2010, which states:

> The Victorian Attorney-General, Rob Hulls, describes the bill:
>
> > … as a landmark reform …
>
> The Attorney-General's predictions may indeed be true for a number of well-litigated areas of law, where parties and legal practitioners are used to settling matters before proceedings are commenced. However, as has been seen in other jurisdictions, the additional procedures provided for in the bill may simply lead to a more drawn out and costly litigation process for those with a genuine dispute, where the decision of a court is necessary.

That conclusion is strongly reinforced by representations we received from the Australian Collectors and Debt Buyers Association, which stated:

> … the area of immediate concern to those involved in debt collections (both contingent collections and debt buyer-related collections) are the 'prelitigation requirements' and the sanctions that may apply if those prelitigation requirements are not adhered to.
>
> The draft legislation does require modification to ensure routine debt-related matters where the issue is a situation of the defendant debtors being unable to pay the debt … are exempt from the 'prelitigation requirements' of the bill.

If this is not done, the association points out there will be a lot of time and cost involved in prelitigation procedures that will have to be borne by the clients. They make the point that most debtors cannot pay rather than will not pay. The bill needs to reflect that. Counter to its intentions, the processes proposed by the bill are likely to greatly increase the cost and slow down the resolution process for the bulk of matters that currently work their way through the court system.

These are serious issues. It would be highly undesirable for the courts to have to deal with those issues through the exempting by the rules of large swathes of proceedings on which the bill itself imposes these obligations. It is far better that the government take heed of these concerns and be willing to amend the bill in the course of its way through the Parliament so we can come up with a bill that is going to actually be beneficial for the community in the obtaining of justice rather than imposing new and unwelcome impediments to the obtaining of justice for Victorians.

Ms THOMSON (Footscray) — I rise with pleasure to support the Civil Procedure Bill 2010, and in doing so I want to put on record that this is already a government that has promoted appropriate dispute resolution in a number of areas. Those initiatives have been very successful, and this bill in fact complements those initiatives and is a basis for a comprehensive overhaul of civil litigation in Victoria. The bill is about increasing access to justice by ensuring that valuable court resources are not unnecessarily tied up by parties dragging out proceedings and delaying resolution of disputes by refusing to hand over relevant documents, making spurious applications and taking every possible point.

We heard reference made by the member for Box Hill to issues in relation to whether or not there is a waste of money or huge expense associated with litigation in civil proceedings. We all know there is. We all know that it can be prohibitive for most people to take civil action in our courts because of costs and the delay tactics that can be employed by lawyers to ensure that they drag out cases to the point where ordinary people cannot continue with them. I would have thought the Leader of the Opposition in the other house would agree with those of us on this side about the cost of civil litigation, would welcome such legislation and would probably have hoped it came in a little earlier on his account.

Since 1999 Labor has invested a total of $3.5 billion in Victoria's courts, with more resources, including 43 additional judicial officers. Victorian courts are finalising more cases than ever before. In the last year alone Labor increased funding to the Victorian court system to a record $380.8 million. The 2010 budget allocated a further $62.3 million to fund six new judicial officers and to reduce delays in the court system. For the member for Box Hill to come into this

chamber and say that we are doing nothing to assist the courts to be more efficient and better resourced is just not true. In fact we are doing that, and we are seeing changes for the better in the court system and the way it operates.

The opposition also called into question the detailed input consideration from the advisory group, chaired by the chief justice, with representatives from all courts, the Law Institute of Victoria, the Victorian Bar and the Federation of Community Legal Centres. The member for Box Hill talked about whether or not this would really make any change. I think the government has accepted that what we are talking about is institutionalised change and that this can only occur by having the agreement of the courts and by working through the processes, and that is why it does take time.

The processes and procedures that will be put in place must have all the jurisdictions of all the various courts supporting them. That is why this committee, the civil procedure advisory group, was actually established: to make sure that as it considered the recommendations of this report, that there were things that could be implemented in the court system, that they were workable and that the courts would work to make them happen. We accept that this is the way it has to work, with the Law Institute of Victoria, with the Victorian Bar, with everyone from the judicial jurisdictions as well, being party to the resolutions of these matters. This bill is a demonstration of how you bring people together to come up with outcomes that will work throughout the system and make for a much better way of handling civil litigation.

I also want to talk about the second phase of the legislation, which is to look at the costs arising from legislation that will come after this bill is in place and bedded down. It will be an important review to undertake, so that we all understand the costs associated with civil litigation and the procedures that apply. I also want to refer to the introduction of enforceable standards of litigation conduct for lawyers. This is important. We need to have confidence that our lawyers are conducting themselves in an appropriate way.

The bill also enhances the capacity for courts to order parties to participate in non-binding ADR (alternative dispute resolution) once a case has commenced. What they are asking for is that everything reasonable be done to try to deal with that dispute prior to the case coming before the courts. We are all aware of stories of cases that at the 11th hour, as they are about to enter the court, are miraculously resolved without the court hearing them. Why could they not be resolved earlier? Part of the process will be encouragement to undertake an alternative dispute resolution mechanism as a first step to resolving matters more quickly. Going through the processes of trying to dispatch those areas in which there is some agreement — thereby restricting the amount of information required because you are just left with those areas of dispute — will be encouraged by the courts and also as part of the alternative dispute resolution mechanism. This is crucially important because the more complex the case, the more costs accumulate. Usually the more complex the case, the more lawyers that are working on it and the more working hours that are billed to that case. The sooner you can simplify what the area of dispute is, the more likely you are to lower the costs. Some people might not like this, but it means a far more effective civil action can be taken by people who can very rarely afford to take civil action. This is a very important part of what is contained in the bill.

The member for Box Hill said, 'We support this; we do not support that', but in truth this bill has the backing of the Chief Justice of the Supreme Court, of the County Court and of the Magistrates Court and in the main the backing of the Law Institute of Victoria, the Victorian Bar and community legal centres around Victoria as well.

This is important legislation. It is a first step in dealing with issues that come before the civil courts, but it is a very important first step. I am looking forward to seeing what comes out of the second phase of the review that is being undertaken into civil litigation. The Attorney-General has again shown his leadership and put his mark on ensuring that the Victorian legal system is the best it can be — that it is modern and up to date, efficient, accessible and fair to all who need to use it. That is what this has got to be about. It has to be about producing a system that everyone can access and use and that everyone is entitled to get fair justice from. This legislation will go some way to meeting that need in the civil jurisdiction, along with the reforms we have already made in other areas of the law to ensure we are giving people their entitlement and access to fair justice in this state. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to contribute to the Civil Procedure Bill 2010. I wish to pick up on the points highlighted by the member for Footscray, which focused on the integrity of the Brumby government's approach to dispute resolution and looking after the interests of the little guy.

In the second-reading speech the Attorney-General states:

> The bill will introduce a uniform statutory statement to define the overarching purpose of the courts, which is to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute.

I want to refer to a case that involves a constituent of mine which I think brings into question the integrity of the Brumby government in relation to this stated aim. It is complex, but I will endeavour to explain it to you, Acting Speaker, in order to get across my point. It relates to an action commenced by Mr Ron Irwin in relation to coronial findings into the deaths of Adele Bailey and Jennifer Tanner, which proceedings commenced on 12 August 2008. At about that time the Attorney-General had in his possession a 750-page report from the Victorian Law Reform Commission which made absolutely no recommendation to alter transitional and saving provisions from those which had applied historically in a raft of other legislation instituted by the government. In effect the report was silent on any change being recommended in relation to proceedings which had already commenced.

However, when the coroner's bill was prepared, rather than using the conventional wording that has applied in many other pieces of legislation, which basically exempts from new legislation proceedings where an application has already commenced, this legislation had inserted in it the term 'if a hearing of an application has already commenced'. Two key words, 'a hearing', were inserted.

When Mr Irwin proceeded with his case the Crown solicitor sought a number of adjournments to the point where Mr Irwin's case was not heard until after the new legislation was passed, so when the case was heard it was ruled out of order because the hearing had not commenced. While the process had commenced, it was ruled out of order because the hearing had not commenced.

The ACTING SPEAKER (**Ms Munt**) — Order! I ask the member for Benalla to clarify if the instance he is giving is currently before the courts.

Dr SYKES — Sorry, can you repeat the question, Acting Speaker?

The ACTING SPEAKER (**Ms Munt**) — Is the member citing an active case? Is this case currently before the courts?

Dr SYKES — No, it has been proceeded with and a ruling has been made, and I am about to tell you the subsequent actions. It is not before the courts.

The ACTING SPEAKER (**Ms Munt**) — Thank you.

Dr SYKES — What we have is a situation where it was ruled that a case could not proceed because the legislation referred to a hearing having commenced. It was a subtle change away from the norm, but it prevented the case from proceeding.

On behalf of my constituent I took up this matter and wrote to the Attorney-General, who responded by quoting a ruling in the case of *Helmer v. State Coroner of Victoria*. He drew my attention to paragraphs 22 and 23 of the decision, which state that the approach is not unusual, and therefore the Attorney-General indicated that what had happened was fine. However, interestingly, paragraph 30 of the ruling states:

> It is clear that the legislature has turned its mind to the fate of existing applications under section 59 at the time of commencement of the new act and a very restrictive future for them is prescribed. Namely, that only matters in which the hearing has commenced have a future … there are very limited circumstances in which it is intended that the old act retains relevance because it is clearly intended that any determinations under section 59, have their status as old act determinations removed notwithstanding the fact they arise from applications under the old act.

It seems to me, and I am not a Queen's Counsel but a person with a basic appreciation of justice, that we have a situation here where the Attorney-General or the Brumby government have deliberately sought to frustrate the pursuit of justice by my constituent, Mr Ron Irwin. The reason for raising this with you, Acting Speaker, and raising it with the house, is that this absolutely flies in the face of the claims of the government and the basis that underpins the bill before us today. I say to you, Acting Speaker, what the heck is going on? My constituent has raised an issue which he believes is very serious. His raising of the issue has been frustrated by the Brumby government, presumably by the Attorney-General and people acting on his behalf, so he has not been able to put his case before the courts to hear whether there is a basis to it. That is what the Attorney-General has done in the past few months, and yet here we have legislation now the basic premise of which is to:

> … introduce a uniform statutory statement to define the overarching purpose of the courts, which is to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute.

I say to you, Acting Speaker, that it does not stack up. We have someone preaching from the pulpit saying, 'This is what we will do. We will stand up for the little bloke. We will stand up and make sure they are not ridden roughshod over by the big guys with the big

dollars'. On one hand we have heard that being stated tonight, but on the other hand we have the track record of the Brumby government and the Attorney-General that has sought to squash — to shut up — a man who is attempting to stand up and ask basic questions about the pursuit of justice in relation to two issues that have been controversial for the last 15 to 20 years. I simply ask you, Acting Speaker, what does that say about the Brumby government? Can it be trusted? Can we accept anything Brumby government members say when they can come before this house and be so duplicitous in the way they approach this?

This is but one example of the deceit, arrogance and unbelievable treachery of the Brumby government, which includes the Minister for Finance, WorkCover and the Transport Accident Commission who is at the table. The minister will see on 27 November what the Victorian population think about this approach to governing Victoria!

Ms HENNESSY (Altona) — I rise to speak in support of the Civil Procedure Bill 2010. I have spent a long time working in the law and in and about the justice system, so I am all too aware of the cost of litigation, its challenges and some of the debate that occurs about what is the most efficient and effective form when it comes to administration of justice.

It is fair to say, whatever one's view is of this bill, that for most Victorians the prospect of getting involved in litigation and legal proceedings is a pretty scary one. There is not only the stress of being involved in a dispute and the consequences of that dispute but also the incredible cost, both financial and emotional, of being involved in litigation. There is the incredibly lengthy period of time that can elapse between an incident or issue and a hearing. There is the organisational and time costs of dealing with all the pretrial palaver — documentation, affidavits, statements, gathering evidence, disputing evidence — all of which diverts time and resources away from work and family. This all occurs while the legal costs continue to mount. On top of that there is the uncertainty of outcome that parties are required to live with until their hearing day. Then, if there is an appeal, it all starts again.

Yes, there is a reason that when we watch civil litigation on the telly or at the movies we barrack for a side, and we have certainly seen the member for Benalla barracking for a side here tonight. We barrack for a legal side as passionately as we barrack for a football team. It is why we wanted Erin Brockovich to get her case up and why we loved Darryl Kerrigan. In David and Goliath battles we always back David. This is all very well in the context of entertainment, but our justice system ought not feel like a David and Goliath battle. Genuine access to justice is critical, and we all know that justice delayed is justice denied.

The Attorney-General's justice statement and the civil justice review have resulted in the bill that we have before the house this evening. The main purposes of the bill are to reform and modernise the laws, practices and procedures relating to civil disputes; to simplify the language relating to civil procedure; to provide an overarching purpose in relation to the conduct of civil proceedings, guiding not just the judiciary but all parties involved in civil litigation; and to amend the various acts required to achieve these important reforms.

There is of course a paramount duty to further the administration of justice in relation to civil proceedings, and under this bill the overarching purpose of the courts regarding civil matters will be 'to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute'.

Under this bill when the courts exercise their power they must further this purpose and take into account the public interest in settlement of a matter and the efficient use of court resources. They must try to minimise delay and deal with a given matter in a way that is proportionate to the complexity of the issues and amount of money involved in a dispute. The new overarching purpose applies to all parties involved, not just those involved in the litigation but those who can influence it. We live in the era of litigation funders, and sometimes we see people purporting to act on behalf of a particular piece of legislation when there are other backers. This provision will increase the reach and penetration of those duties.

Civil disputes will have to be resolved in an efficient and cost-effective manner. Parties will have to disclose the existence of documents that are critical to the resolution of a dispute. They will not have to wait to be the victim of a fishing expedition by virtue of the discovery process. The documents that are disclosed will legitimately be limited to the purposes of the civil proceeding, which will incentivise early disclosure and greater transparency without necessarily invoking a fear about how private documents might be used for ulterior purposes.

One of the really important reforms in this bill goes to what happens before a civil proceeding commences. Parties will be encouraged to try to resolve their disputes using appropriate dispute resolution mechanisms and also to try to limit the issues in

dispute. If proceedings are issued, parties and their lawyers will be required to demonstrate that they understand the overarching obligations and paramount duties, that they have complied with the prelitigation duties and that any allegations or denials of fact have a legitimate basis.

Judicial powers will now be distinguished from some of the uncertainty that exists in the common law to enable the courts to actively manage the conduct of a case, and they will be able to do so not just in a way that is focused on the timely administration of justice but in a way that reduces costs.

One of the most important initiatives this bill introduces involves the focus on appropriate dispute resolution. The bill enhances the capability of the courts to refer parties to ADR (alternative dispute resolution) with or without their consent. I welcome this emphasis on ADR. It is incredibly important that it is given greater profile in the context of civil litigation, both before and after proceedings are issued. This has an incredibly significant potential to radically improve the reach of justice in civil matters and to disincentivise and dissuade those who may abuse the prospect of civil litigation in whatever circumstances they choose.

We all know how an incredibly well-resourced person or organisation can use litigation against a less well-resourced person or organisation to extract a preferred outcome or state of affairs. It can be used as a threat. We also want to make sure that people are able to stand up for themselves, whether that be around an issue or a principle, and that they have a right both to defend and enforce their civil rights and to defend themselves. However, a well-resourced litigant can attempt to exploit the opportunities the civil justice system offers.

The important part of the bill is that it seeks to reorientate focus and power away from a dispute that may essentially be about who has the most resources. That is not a dispute that exacts justice. We want to reorientate disputes so that matters in dispute are resolved quickly and expeditiously and the focus is placed on the merits of the case, not on who has the biggest bank balance.

The bill also seeks to ensure that parties do not have a civil dispute hanging over their heads like a sword of Damocles and to reduce delay and cost. Fundamentally this bill seeks to develop a culture where parties are enabled and assisted to resolve a civil dispute. As the member for Footscray has already foreshadowed, this bill is an important part of a series of packages the Attorney-General will be bringing forward to the house. I am particularly pleased to have heard here today about the work that has been done around the costs of the justice system.

I welcome this bill. I look forward to supporting the ongoing work of the Brumby Labor government and the Attorney-General in improving the accessibility of the legal system. This government has demonstrated time and again that it refuses to compromise on ensuring that we are able to deliver justice for all, not just for those who have a big bank account. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It is a pleasure to rise to contribute to the debate on the Civil Procedure Bill 2010. In essence this bill seeks to introduce a series of reforms to civil procedure which come about from the Victorian Law Reform Commission's civil justice review report, which was handed down in May 2008. The bill seeks to introduce a number of changes, which I do not intend to discuss in detail in the time allocated to me. The member for Box Hill in his presentation clearly provided a thorough overview of the bill. The aspect of the bill on which I wish to make specific comment is clause 66, which empowers a court to make an order referring parties to non-binding appropriate dispute resolution.

Like many members in this house, I have many years of experience of involvement in conciliation activities. The member for Altona spoke of the need to support people in civil cases and she mentioned the lead character in the film *The Castle*. I will be very interested to see how the people of Footscray who will be affected by the Brumby government's overriding of people's rights seek to take up action in a *Castle*-style revolt against the actions of this government.

In many respects conciliations were settled not on the basis of trying to resolve a claim to achieve a speedy remedy under the law but because of the costs associated with further litigation. What this government fails to understand is that whilst conciliation, or ADR (alternative dispute resolution) as it is more commonly known, may well help parties to resolve disputes quickly and efficiently, there are clearly a number of cases where ADR is not an appropriate remedy for parties in a particular matter. As a former industrial advocate I have dealt with many matters which have involved complex issues under relevant industrial law and in those respects conciliation was an efficient manner in which parties could resolve a dispute without the need to go to the lengthy debate and discussion involved in a hearing. However, there are clearly a number of examples of individuals seeking a remedy in a civil matter against a party which does not require

negotiation or conciliation. Parties that are seeking compensation for defective products or for the non-payment of debts do not require conciliation. What the parties seek is for a court to enforce a resolution to an outstanding dispute. There is no need for complex debate or inquiry. They want a quick and efficient remedy for that situation.

What this Brumby Labor government is imposing on small and medium size businesses in this state is another level or layer of regulation with respect to civil matters. A small business in the Ferntree Gully electorate that is seeking redress from a debtor who owes it money will seek a remedy at a court, asking that the court enforce the repayment by that debtor of the moneys owed. In many respects conciliation will provide no solution for that business. All conciliation will do is force the particular small or medium size business to accept a lower figure. It will accept a lower figure because small and medium size businesses like those in my electorate do not have the deep pockets necessary to pay for lawyers.

This proposal is put forward on the basis that a long and convoluted legal process will be accompanied by free legal advice. As we in the legal profession know, legal services do not come cheaply. I can tell the house as a former advocate in that arena that the longer a matter draws out the greater the costs will be for the business concerned and the greater the pressure there will be on that business to settle a claim, for no other reason than to try to reduce the possible cost to that business in the form of legal representation. Small and medium size businesses, not only in my electorate but across Victoria, that have sought the assistance of the civil jurisdiction to provide a simple resolution to a dispute will not be assisted by this legislation.

This government has been soft on crime, and we have seen that across the state, whether it be in the provision of police or in the way our courts deal with offenders. But we now have a situation in which people who have done the wrong thing, who do not make the necessary payments to businesses across the state, will be let off the hook. They will be able to make a deal to pay, say, 30 per cent or 40 per cent of what they owe to a small business, because they know that going through the ADR process will just force greater legal representation costs on such businesses.

We on this side of the house stick up for small business. We clearly understand small and medium size businesses are the engine rooms of the Victorian economy. If you get off their backs, those businesses will go off and employ Victorians, and that is what helps drive our economy. It behoves this government to ensure that it takes the necessary action to ensure that it provides assistance to small businesses.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Public transport: government performance

Mr WELLS (Scoresby) — I would like to raise a matter for the Minister for Public Transport. The action I seek is for the minister to deliver on the Labor Party's 1999 election promise on public transport to the people of the outer east.

Members of this house will remember that the Labor Party promised the outer east a number of things in 1999. Firstly, it promised there would be a 24-hour police station in Rowville; secondly, it promised that Waverley Park would be kept open for AFL football; and thirdly, it promised there would be no tolls on the Scoresby freeway. However, tonight my focus is on public transport.

In 1999 Labor promised a tramline to Knox City and a feasibility study for a Rowville rail line. These were two ironclad promises, fully budgeted and fully costed. What has happened? Absolutely nothing. The member for Bayswater has pushed very hard for Labor to deliver on the tramline to Knox City, but what has happened is that the tramline has been finished to Vermont South and has not made it any further. The member for Ferntree Gully has pushed very hard for Labor to deliver on a feasibility study into the Rowville rail line. Despite a rock-solid promise from the former Premier, Steve Bracks, that no roads in the outer east would be narrowed, along came another broken promise — the government is now using one of those lanes as a bus lane. It has replaced an existing lane on Stud Road with a bus lane.

We have 123 days before the next state election. It is absolutely crucial for the Minister for Public Transport to deliver on that 1999 election promise. He should take immediate action to implement those policies — namely, the tramline to Knox City and not allowing it to end at Vermont South, and the Rowville rail feasibility study. Those two rock-solid, fully budgeted

promises were made by the Labor Party in 1999, and neither of them has been delivered upon. If the minister fails to deliver on these promises he will send a clear message to every single person in the outer east that you cannot trust Labor. No matter what Labor promises, you cannot trust it. As I said, it is 123 days until the next election, and we want the minister to deliver on those 1999 election promises.

Berwick Springs Sports Club: funding

Ms GRALEY (Narre Warren South) — The matter I wish to raise tonight is for the attention of the Minister for Community Development. The action I seek from the minister is that she consider favourably the funding application by the City of Casey on behalf of the Berwick Springs Sports Club for the extension of its facilities to include a community room.

It is a pleasure to visit the sporting clubs in my electorate and witness families enjoying and participating in outdoor activities. I am especially pleased that many of the clubs are continuing to grow, some very quickly. The Berwick Springs Sports Club is experiencing growth in participation in football, cricket and netball. These sports are very popular with local families. Visiting the club, it is apparent that even though it has some new facilities, or somewhat new facilities, these facilities have been quickly outgrown. Residents have told me they feel there was little consideration of growth in the local area when the new pavilion was being designed. Many members of the club have told me that they think the new pavilion should have been built on a larger scale in the first place. This was not done, and it is now necessary for the club to seek additional facilities and space.

The Minister for Sport, Recreation and Youth Affairs recently visited the Berwick Springs pavilion. Minister Merlino and I were pleased to be able to meet with representatives of both the Berwick Springs Sports Club and Casey City Council to discuss the proposed extension of the pavilion. I am pleased that the council has made the decision to extend the facility, as it is clearly inadequate for the needs of the growing club. The club is very enthusiastic about its plans to get young people and their families involved in sport and for the new extension to incorporate community meeting facilities. As the minister advised during his visit, a pavilion facility that has integrated sporting and community facilities may attract funding from two state government sources: sport and recreation, and community development. While I understand that there are plans to fund only the sporting part of the project, and I am thankful for that, I have encouraged the council to plan for a sporting and community facility and seek funding from the Victorian government.

I understand that the City of Casey has applied for $148 005 from the Victorian community support grants program to extend the Berwick Springs Park pavilion in order to establish a community room, which includes a multipurpose space with an additional kitchen, a storeroom and additional change rooms adjoining the community room that can be opened up for use for large-scale activities. The community room will be used for various activities such as community events, children's and youth programs, training and information sessions and fitness activities. I would like to rent out the room myself when it is finished!

I am pleased that the City of Casey has worked with the Berwick Springs Sports Club and the Berwick Springs Residents Association to incorporate a community room so that all members of the Berwick Springs community can access the facility for meetings, functions, classes and get-togethers. The new plans are a great result. Now we want to build.

I ask that the minister favourably consider the funding application by the City of Casey for the community room component of the extension to Berwick Springs Park pavilion.

Bushfires: adopt-a-container program

Mrs FYFFE (Evelyn) — In the absence of a dedicated minister for bushfire recovery, my request for action is to the Premier. People who lost their homes and sheds in bushfire areas are reporting an increasing number of thefts from their unoccupied properties in the areas. They are losing generators, pressure pumps, tractors, tools, camper trailers, gates and fuel. These are just some of the items that have been stolen.

Many of these thefts could be avoided if funding was provided for the adopt-a-container program — a program that provides rent-free containers for up to 12 months for victims of the bushfires. These containers are secure and lockable, with enough room for tools and equipment, but more importantly they are also an area to store children's toys so that children have something to play with while their parents are re-fencing and doing all the other necessary work around their properties.

Peter Montgomery, chairman of the Yarra Glen Community Fire Relief Centre and Yarra Ranges citizen of the year, is the instigator of the project. He and other volunteers have organised more than 160 containers for the use of bushfire victims across the

state. Bendigo Bank provided $100 000, the Salvation Army $10 000 and generous private donations got the project up and running. The need is still there, but the money has run out. The adopt-a-container committee is having to tell caseworkers requesting containers that there is no money for their clients and that it cannot help them.

The action I seek is that the Premier either provide the urgently needed funds from state coffers or ensure that the Victorian Bushfire Reconstruction and Recovery Authority provides this funding.

This program needs to run for a minimum of at least another 12 months. Calls, emails and letters over the past 15 months have been met with strong silence from the Victorian Bushfire Reconstruction and Recovery Authority. We have all read reports that there are still several million dollars left in the appeal fund. Those who are attempting to rebuild fences, homes and sheds need to be able to securely store tools and material on their properties. These people have suffered enough. In the majority of cases they lost everything. They need to be able to safely secure the few items they have now as they struggle to get their lives back together.

It is appalling that people are taking advantage and going out and stealing, and it is really important that we provide property owners with somewhere safe and secure to lock the tools and equipment they need as they start to prepare their properties for the rebuilding. I urgently ask the Premier to look at this situation and provide the necessary funding.

Consumer affairs: water filter scam

Ms MUNT (Mordialloc) — My adjournment matter is for the attention and action of the Minister for Consumer Affairs. I ask the minister to investigate a new scam in my electorate that has recently come to my attention. I would like to take this opportunity to warn residents in my electorate to watch out for a scam designed to convince households to spend thousands of dollars on water filters by implying that local tap-water is not safe to drink.

Con artists are letterboxing the Mordialloc, Parkdale and Highett areas of my electorate with a flyer claiming that local water is polluted and offering households free water filter packages in return for completing a water quality survey. A number of concerned residents have contacted me about this flyer, and as it happens, I have seen this flyer stuck under doors around my home and throughout my electorate, so it is very widespread.

In an attempt to appear legitimate, the flyers claim to be a public notice of an annual water quality review and feature the unauthorised use of the government's Target 155 water conservation campaign logo. As such they are very confusing for honest residents in my electorate who believe they are an official government publication, so I urge households who receive this flyer to totally ignore it. It is a scam designed to scare residents into purchasing expensive and unnecessary water filtration systems.

The government is standing up for Victorian households by making sure they know about the latest scams and frauds so they can protect their finances and avoid being ripped off. I regularly raise these issues in Parliament as they come to my attention to protect and forewarn my local residents. So I say, do not be fooled. This may look like an official survey, but it has nothing to do with the government and nothing to do with the Target 155 campaign. Signing up for this so-called free water filtration system will most likely lead to ongoing maintenance costs of hundreds, if not thousands, of dollars as well as harassment from the scammers trying to get your money.

The claims that tap-water in the area is heavily polluted are completely untrue and are designed to frighten my residents into signing up for these systems. These claims are completely false. Local tap-water is safe to drink and does not present a health risk at all. I urge residents in my electorate who receive this flyer to contact and lodge a complaint with Consumer Affairs Victoria to bring this to its attention for further investigation.

Police: western Victoria

Mr DELAHUNTY (Lowan) — The matter I wish to raise is for the Minister for Police and Emergency Services, who I am pleased to say is at the table. The matter relates to concerns of western Victorians about crime and antisocial behaviour becoming more prevalent under this tired and out-of-touch Brumby government, which, as everyone knows, has been soft on crime and has failed to provide adequate police personnel and equipment, failed to provide adequate mental health services to support people needing these services and failed our country hospitals by not taking the pressure off our hardworking country police officers, hospital and nursing staff and security officers. The action I seek from the minister is that he provide adequate police personnel and ensure the provision of equipment to enable the police to do their work in protecting people and property, particularly in western Victoria.

Let us look at the evidence. There has been a statewide increase in violent crime between 1999 and 2009. Total violent crime has increased by 40.2 per cent, assaults have increased by 69.6 per cent and property damage has increased by 41.1 per cent.

If I look at some of the municipalities in my electorate, I see that in the rural city of Horsham sex non-rape crime has increased by 11.5 per cent, arson by 56 per cent and property damage by 24 per cent. In the rural city of Ararat we have seen sex non-rape crimes increase by 207 per cent and property damage by 8.6 per cent. If you look at Northern Grampians shire you see that arson has increased by 150 per cent and residential and aggravated burglary have each increased by 100 per cent. In the Glenelg shire we see that crimes in the category of burglary (others) have increased by 31 per cent. If we look at Southern Grampians we see that crimes of deception have increased by 425 per cent, residential burglary by 78 per cent and assaults by 83.6 per cent.

This was highlighted in an article in the Hamilton *Spectator* dated 25 May, which says that:

> Hamilton Police were extremely outnumbered when a massive alcohol-related brawl broke out in Hamilton at the weekend.

Capsicum spray was used and 50 drunken people were there, but the police ran out of handcuffs. Southern Grampians police service area Chief Inspector Don Downes was quoted as having said:

> I will continue to lobby my superiors for additional police resources and to supplement our existing local police numbers with additional police from Melbourne …

Good luck, I say.

Not only are we lacking police but we are also lacking support for the youth referral independent person program, which is going to run out of money by the end of the year. We need increased funding not only for more police but also for equipment like handcuffs. I am told capsicum spray is not being replaced in country areas. The new stab-proof vests that are being measured up for have not been delivered, so again I am calling on the minister to provide action.

Williamstown Hospital: ministerial visit

Mr NOONAN (Williamstown) — I wish to raise a matter for the Minister for Health. The action I seek from the minister is that he visit the Williamstown Hospital and meet the many hardworking health professionals at Western Health. This is not the first time this year I have made this request of the minister; in fact, I raised a similar action for the minister during the adjournment on 9 March.

I am very pleased to inform the house that following my raising this matter on the adjournment the minister did visit the hospital in the first half of this year. When the minister visited the hospital he was able to inspect the construction site of the $1 million expansion of the hospital's dialysis unit and meet a number of the patients who are currently being treated in the existing unit.

When completed, the new, expanded dialysis unit will more than double the number of dialysis services available to local patients. In fact the expanded unit will increase the total number of machines to 14 and have the capacity to treat 60 patients. The expansion of the dialysis unit has only been made possible because of the hard work and dedication of community fundraising, including through the Williamstown Hospital Opportunity Shop, and a generous $453 000 bequest from former local resident Robert Wilson. The wonderful generosity of the late Robert Wilson will shortly be recognised with the redevelopment to be named the Wilson Renal Dialysis Unit. I am very pleased to place on record my thanks and appreciation to the family of the late Robert Wilson and our community's appreciation for his wonderfully generous gesture.

I am also proud to say that the Brumby Labor government has invested $400 000 in this state-of-the-art expansion which will provide a better environment for the treatment of kidney disease.

Unfortunately the demand for dialysis services in the western region of Melbourne continues to grow due to a combination of an ageing population and an increase in chronic disease. I think the statistics would confirm that the number of people requiring dialysis in Victoria almost doubled in the 10 years to 2006.

All of our public health services in the west are critical to the general health and wellbeing of local residents. I am proud to be a member of a government that has more than doubled funding to Western Health over the last 10 years whilst at the same time increasing the number of nurses from 834 back in 1999 to 1537 in 2009.

Whilst small in comparison to the Western General and Sunshine hospitals, Williamstown Hospital remains a vital part of the Western Health network. Some time has elapsed since the minister last visited the hospital, so I renew my request of the minister for action and invite him to return to his place of birth in

Williamstown, where I am sure the community, together with the staff and patients of Western Health, will warmly welcome him back.

Rail: Wodonga line

Mr TILLEY (Benambra) — I have a matter for the attention of the Minister for Public Transport. It relates to the return of the V/Line passenger service to Wodonga. The action I seek from the minister is that he immediately declare the date on which the full timetable of V/Line passenger services will resume. I also ask that he advise whether or not these services will be faster and more reliable given that north-east residents have been sold out by this government, as passenger services along the corridor will not receive priority over freight. I further ask that he advise as to the safety concerns along the north-east rail corridor due to shoddy construction works.

Last Friday, 24 July, was a historic day for Wodonga with the opening of the Wodonga rail bypass, which represents the fruits of hard work by many people. The removal of the rail lines from the centre of town gives Wodonga a unique opportunity to redevelop its central business district to drive the growth of the city of Wodonga into the 21st century.

While there are many people lining up to claim credit for the bypass, two men in particular who have not received much recognition for their work deserve the most praise. Firstly, there is my immediate predecessor as the member for Benambra, Tony Plowman, who was the first man in our community's history to have any form of government funds committed to the bypass by way of an $18.5 million grant from the former Victorian coalition government. Praise must also go to Lou Lieberman, who secured $20 million for the project from the former federal coalition government, an amount which was later increased to $45 million. The efforts of these two men must be properly recognised.

The Wodonga rail bypass, like the Hume Freeway bypass, is a story of great Liberal governments supporting local communities. However, despite the celebrations, the commissioning of the Wodonga rail bypass does not signal the return of passenger rail to the north-east, nor does it assure residents of the quality of construction and condition of the rail line, which forms part of the larger north-east rail revitalisation project.

Residents of the north-east have had enough. Both state and federal Labor governments have shown time and again that they cannot deliver major projects as promised. Our community needs and deserves certainty as to when a reliable and safe passenger rail service will return, and I again call upon the minister to declare the date on which rail will return and to publish the full timetable details.

Vermont South Club: funding

Ms MARSHALL (Forest Hill) — I rise in the house tonight to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to support Vermont South Club in its application for funding under the community facility funding program for minor facilities.

The Vermont South Club is a very active organisation in my electorate of Forest Hill and the surrounding area. Comprising over 480 members, the club regularly holds social and community functions and events. The club prides itself on working within the local municipality — that is, the city of Whitehorse — and through various groups, including schools, to promote greater access to physical activity and socialisation.

I believe the varied and numerous activities this club provides, including programs that specifically address the high-priority categories of physical disabilities, aged care and women, are integral to the continued success and cultivation of a positive and inclusive community. The funding the club is requesting would ensure adequate facilities for these activities to continue and to help build and promote the club within the local area.

The Brumby government is aware of the important role access to quality sport and recreational facilities plays in communities across the state, and has invested record amounts in grassroots sport. Since 2000 the government has invested over $197 million in more than 1900 projects across the state. The minister knows that community sport and recreation facilities provide places where people can exercise, socialise, play, volunteer and, importantly, be a part of the community. They also give people an avenue through which to build relationships and develop skills such as teamwork and also give many people a sense of belonging and pride in themselves and the facilities that surround them.

The more physically active people are the more they contribute back to society in terms of good mental health, economic activity and social cohesion. Our sporting and recreational facilities are not just about sport, they are also about our way of life. The Vermont South Club has members ranging in age from 16 to 60 and upwards.

I ask that the minister support the Vermont South Club's grant application so that Forest Hill residents can continue to enjoy an area that is known for its great people and its great sporting and recreational facilities.

Utilities: charges

Mr HODGETT (Kilsyth) — I wish to raise a matter of importance with the Minister for Energy and Resources. The action I seek is for the minister to attend a meeting with representatives of my electorate of Kilsyth to listen to their concerns about being hit with ever-increasing charges for basic utilities. Victorians are being slugged with huge rises in utility charges. This has been summarised in recent media reports showing that Victorian households have been paying double in fees and charges for basic services since the Labor government came to power in 1999.

The Brumby government has stopped listening to Victorians. It is a disgrace that pensioners now go down to local shopping centres to sit in the warmth because they cannot afford to have their heaters on at home. These are people who have worked and paid taxes all their lives — senior Victorians who now are being hit hard with hugely inflated and expensive gas, electricity and water bills. I implore Brumby government ministers to get out of their offices and their chauffer-driven cars and to witness the pain being inflicted on everyday people. They need to see that Victorian families are doing it tough to pay for basic services such as gas, water and electricity.

On MTR radio this morning Steve Price gave his own example. He has been living in his house in Melbourne for 10 weeks and his electricity account is $1300, which equates to over $13 000 in power bills this year. You only have to look at a table showing the annual increases in basic bills. The Brumby government has caused water bill prices to go through the roof, and they will skyrocket further when the overly expensive desalination plant comes online.

The DEPUTY SPEAKER — Order! The Minister for Energy and Resources does not deal with water.

Mr HODGETT — The smart meters fiasco has also caused electricity bills to blow out. Smart meters were rushed in by the Brumby government and spun as bringing cheaper electricity due to their superior measurement power. People were told that they would be able to record types of usage at different times of day. This would translate into peak and off-peak rates, meaning that by using appliances during off-peak times consumers could lower their bills.

What a load of crock! Victorians continue to pay hundreds of dollars for smart meters which have not even been installed, and we all know the Brumby government is itching to bring in the time-of-use tariffs to slug consumers with even higher electricity charges. 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.

With the state election around the corner and the universal pressure by consumers and the coalition parties, the Brumby government has temporarily shelved the implementation of time-of-use tariffs. However, the Premier is a very clever politician; he is a master media manipulator and a master of spin. It is no secret that if re-elected, he intends to introduce time-of-use tariffs to continue to slug everyday Victorians with huge rises in electricity charges.

The facts remain: there is no evidence that the smart meters will reduce bills and there is plenty to suggest that bills will simply continue to get higher. Victorian electricity users will continue to lose out under the state Labor government. It is simply not good enough.

Again I call on the Minister for Energy and Resources to attend a meeting in my electorate of Kilsyth to meet with representatives of the residents and to listen to their concerns about being hit with ever-increasing charges for basic utility services.

Toorourrong Reservoir: upgrade

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Water. The action I seek is for him to have Melbourne Water undertake detailed and respectful consultations with the local Humevale and Whittlesea community, which is passionate about protecting the heritage of the beautiful Toorourrong Reservoir. I welcome the $11 million that is being invested in the important and necessary project to ensure that the dam meets national safety standards.

Prior to the tragic Black Saturday fires Toorourrong Reservoir Park was a true jewel of an asset and a major tourism drawcard, along with the neighbouring Kinglake National Park. I know the Minister for Water, who is also the Minister for Tourism and Major Events, understands this and understands how important these assets are in rebuilding the local economies and the environment of the area. Sadly, both these parks were devastated in the fires. Along with the loss of many homes and loved ones, the local community feels the loss of these parks very deeply, and it wants to be closely involved in their rehabilitation. It is therefore

understandable that locals want to preserve what remains of the Toorourrong Reservoir Park.

The Toorourrong Reservoir is the second-oldest water storage facility in Victoria. Its bluestone aqueduct, valve gate and spillways are works of art and symbolise the craftsmanship of the masons of the mid-1800s. I think the community understands that maintenance and upgrades of the reservoir are necessary, but the locals would very much like to see a sympathetic approach taken to the historical and heritage significance of the area, as occurred with the upgrade of the Yan Yean Reservoir embankment several years ago.

I would be most grateful if the minister could stress to Melbourne Water the importance of retaining this heritage and of meaningful engagement with the community, which was so affected by the terrible fires of last year.

Responses

Mr CAMERON (Minister for Police and Emergency Services) — The honourable member for Lowan raised a matter in relation to policing in the Wimmera and the Western District. I suspect that he has been put up to this by his political masters in the Liberal Party, because when we look at the facts what we see in the Wimmera and the Western District — in that entire region — is an increase in police and a reduction in crime.

As the member for Lowan would be aware, the biggest police station rebuilding program in the state's history has been undertaken over the last decade. The honourable member is now nodding and agreeing. He would also know that when it comes to equipment, what we are seeing is a record investment in police, including the rollout of the new vests. New semiautomatic weapons are also being purchased and are to be rolled out as well.

He would also no doubt be aware that come the end of this year we will have seen an increase in our police force of around 2000 over the last decade — the biggest increase ever in the history of Victoria Police. He would also know of the forward five-year program that is locked into this Labor government's budget for 1966 additional front-line police.

The honourable member would also be aware that there is a significant police recruitment campaign under way — the biggest such campaign in the state's history. We only have to look at the history of the last 30 years to see that the biggest threat to that is if The Nationals get the police portfolio and Ted Baillieu, the Leader of the Opposition, is the leader. That is what we saw in the 1990s, when The Nationals had the police portfolio and Ted Baillieu was president of the Liberal Party. They worked hand in hand to promise Victorians 1000 additional police, but they actually slashed police numbers by 800. I have to say to the honourable member for Lowan that we totally reject what the Liberal Party did and we totally reject the Liberal Party policy of slashing police numbers.

The honourable members for Scoresby, Narre Warren South, Evelyn, Mordialloc, Williamstown, Benambra, Yan Yean, Kilsyth and Forest Hill raised matters for other ministers, and I will refer those matters to them.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.30 p.m.