

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 5 May 2010

(Extract from book 6)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip ¹	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew ⁷	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pandazopoulos, Mr John	Dandenong	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter ²	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André ³	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill ⁴	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William 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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Wednesday, 5 May 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE**Broadcasting of proceedings**

The SPEAKER — Order! I remind members that the video broadcasting of proceedings will continue today.

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that, under standing order 144, notices of motion 223 to 229 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS**Following petitions presented to house:****Mental health: Bass Coast housing**

To the Legislative Assembly of Victoria:

Bass Coast has an approximate population of 30 000, the region has no affordable one-bedroom units, particularly in the town of Wonthaggi, for single people with a chronic mental illness under the age of 55.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament, the Minister for Housing and the Minister for Community Services to support our petition and act immediately to provide long-term housing for single people with a chronic mental illness.

By Mr K. SMITH (Bass) (9 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 was 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 its neglect of regional education and provide schools, teachers and students with the resources and support they need to improve educational outcomes.

By Dr SYKES (Benalla) (8 signatures).

Liquor licensing: fees

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases will cause, particularly in many country communities, and review the legislation as a matter of urgency.

By Dr SYKES (Benalla) (36 signatures) and Mr WELLER (Rodney) (35 signatures).

Bulleen Road–Golden Way, Bulleen: traffic lights

To the Legislative Assembly of Victoria:

The petition of residents of Bulleen draws to the attention of the house the dangerous intersection at Bulleen Road and Golden Way.

The petitioners therefore request that the Legislative Assembly of Victoria support the installation of traffic lights at the T-intersection of Bulleen Road and Golden Way, Bulleen.

By Mr KOTSIRAS (Bulleen) (51 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

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

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

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

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

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

The petitioners therefore request 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 government's mistakes in the smart meter project.

By Ms WOOLDRIDGE (Doncaster) (60 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

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

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

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

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

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

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

By Mr CRISP (Mildura) (18 signatures) and Mr WELLER (Rodney) (31 signatures).

Lilydale Primary School: facilities

To the Legislative Assembly of Victoria:

We, the undersigned are Lilydale Primary School community members who are petitioning support for our school's proposal to acquire the former Lilydale police station (now decommissioned).

As parents of the school we are very much aware that our students have limited playground space which causes problems for students and the staff. The acquisition of the former police site will go a long way to alleviate this concern,

especially given its locality next to the school. Furthermore the retention of a small part of the existing facility for educational programs such as outlined in the school's proposal reflects what our community has been asking for over many years.

We hope that you will favourably regard this request and find the proposal warranted and justifiable. Our children and the parents of our school will be most appreciative of a positive outcome.

By Mrs FYFFE (Evelyn) (172 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

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

The petitioners register their request that the passenger service be suitable for the long-distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

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

By Mr CRISP (Mildura) (80 signatures).

Cobram: mobile blood collection service

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to reinstate a mobile blood bank collection service to Cobram on a three-monthly basis, recognising the often urgent need for blood products, including in the local area, and the strong support for the service previously provided from Cobram and surrounding areas, and interstate, with people travelling from centres such as Finley.

The petitioners therefore request that the Victorian government takes positive action to reinstate blood bank collection services as a matter of urgency.

By Mr JASPER (Murray Valley) (1499 signatures).

Coliban Water: charges

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the Legislative Assembly the impact increases in household water prices proposed by Coliban Water will have on country families.

The petitioners therefore request the Legislative Assembly to take whatever steps are necessary to ensure the increases in household water prices proposed by Coliban Water are reviewed so that the cost of water does not impose financial hardship for the country communities the authority services.

By Mr WELLER (Rodney) (235 signatures).

Tabled.

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

Ordered that petition presented by honourable member for Doncaster be considered next day on motion of Ms WOOLDRIDGE (Doncaster).

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr JASPER (Murray Valley).

Mr K. SMITH (Bass) — Thank you very much, Speaker, and before the worldwide viewers could I move:

That the petition standing in my name be taken into consideration on the next day of sitting.

And I thank you all very much.

The SPEAKER — Order! Just to nip something in the bud perhaps, I suggest that, as acknowledging the public gallery by members is unparliamentary, comments to the viewing audience are also unparliamentary.

Motion agreed to.

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

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

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 Benalla be considered next day on motion of Dr SYKES (Benalla).

AUSTRALIAN CATHOLIC UNIVERSITY

Report 2009

Mr WYNNE (Minister for Housing), by leave, presented report.

Tabled.

MELBOURNE COLLEGE OF DIVINITY

Report 2009

Mr WYNNE (Minister for Housing), by leave, presented report.

Tabled.

EDUCATION AND TRAINING COMMITTEE

Skills shortages in the rail industry

Mr HOWARD (Ballarat East) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Findings and recommendations of Auditor-General's reports 2008

Mr NOONAN (Williamstown) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Annual Plan 2010–11

Performance Reporting by Departments — Ordered to be printed

Ballarat University — Report 2009 (two documents)

Bendigo Regional Institute of TAFE — Report 2009 (two documents)

Box Hill Institute of TAFE — Report 2009

Central Gippsland Institute of TAFE — Report 2009

Chisholm Institute of TAFE — Report 2009

Deakin University — Report 2009

Driver Education Centre of Australia Ltd — Report 2009

East Gippsland Institute of TAFE — Report 2009

Gordon Institute of TAFE — Report 2009

Goulburn Ovens Institute of TAFE — Report 2009 (two documents)

Holmesglen Institute of TAFE — Report 2009

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 21 (*Gazette S 161, 3 May 2010*)

Kangan Batman Institute of TAFE — Report 2009

La Trobe University — Report 2009

Melbourne University — Report 2009

Monash University — Report 2009

Northern Melbourne Institute of TAFE — Report 2009

RMIT University — Report 2009

South West Institute of TAFE — Report 2009

Statutory Rule under the *Electricity Safety Act 1998* — SR 21

Subordinate Legislation Act 1994 — Minister's infringements offence consultation certificate in relation to Statutory Rule 21

Sunraysia Institute of TAFE — Report 2009

Swinburne University of Technology — Report 2009

Victoria University — Report 2009 (two documents)

William Angliss Institute of TAFE — Report 2009

Wodonga Institute of TAFE — Report 2009.

MEMBERS STATEMENTS

Police: Nelson

Dr NAPHTINE (South-West Coast) — On behalf of the community of Nelson I seek action to build and staff a single-officer police station in Nelson in the far south-west of Victoria. Nelson is a terrific community situated at the mouth of the Glenelg River on the border between Victoria and South Australia. Nelson has a permanent population of about 250, but at holiday times the population increases to well over 2000. The holiday season extends from November to well after Easter each year.

Arrangements are currently in place to have a temporary resident police officer in Nelson for much of the holiday period, but for the remainder of the year the nearest police presence is 60 kilometres away in Portland or the single officer in Dartmoor, which is

some 40 kilometres away. There is an increasing need for a permanent year round police presence in Nelson to tackle serious issues associated with boating accidents and incidents along the Glenelg River; road safety issues associated with the very busy Portland–Nelson–Mount Gambier road, especially with the increasing use of this highway by heavy trucks and tourists; and the risk created by the nearby Lower Glenelg National Park, including illegal camping, the growing of drugs, vandalism and hoon behaviour.

Nelson is one of the top 50 high-risk fire areas, and it is important to have a local police presence to reduce the risk of fire due to firebugs or campers illegally lighting fires on high-risk fire days and to help the community respond if there is a fire. There is also a need to patrol and monitor illegal fishing in the Glenelg River and the nearby ocean and to deal with the problem of theft from and property damage to unoccupied holiday houses.

I am advised that Victoria Police already owns a block of land in Nelson. What we need is a police station and a permanent officer.

Seymour and District University of the Third Age

Ms D'AMBROSIO (Minister for Community Development) — I rise to draw attention to the wonderful work being done at the Seymour and District University of the Third Age (U3A), which I had the pleasure of visiting, together with the member for Seymour, in the week before last to launch its public internet access program. The Seymour and District University of the Third Age offers a range of training courses and activities targeted to seniors residing in the Seymour area. Members of the U3A meet for book groups, film groups, art classes, genealogy courses, nature walks, gardening clubs and social clubs. I had a great time meeting members of the group at the Seymour courthouse, a beautiful building that is now home to some fabulous local artwork.

Thanks to the Brumby government's public internet access program, the Seymour and District U3A now has four computers to provide internet access free of charge to allow Seymour seniors and other residents to keep in touch with family and friends or simply surf the internet for useful information. It is not just Seymour seniors who will benefit from internet access. One of the new computers will be located at the local community services hub within the Seymour public housing estate which provides an important internet connection point for disadvantaged youth. This will help these young people search for jobs and access other useful support information.

The public internet access program is just one of the many Brumby government initiatives designed to build strong and connected communities. I would like to thank the wonderful people at the Seymour and District U3A for their enthusiasm for this project and for putting on such a lovely event, including a very sophisticated virtual ribbon cutting.

Disability services: Mooroopna accommodation

Mrs POWELL (Shepparton) — On 24 March during the adjournment debate I raised with the Minister for Community Services the issue of two vacant supported accommodation places in Mooroopna for people with a disability. I had received a letter from Diane Thomas, whose daughter Kylee has a disability and has been waiting for accommodation for the past nine years, asking why these two places have been vacant for so long — one since October and the other since December last year — when there is such a demand for this type of accommodation. The minister responded on 13 April, stating that regional staff were finalising transitional arrangements of new residents to the two places which would be completed during April.

I received another letter from Diane Thomas, advising me that she had been informed that one of the proposed new residents has been transferred from a residence at Numurkah Road, Shepparton, to one of two vacancies in Mooroopna, which now leaves a vacancy at Numurkah Road. In addition, a person has been transferred from a Seymour residence into the other Mooroopna vacancy, leaving a vacancy at Seymour. The question is: does the transfer of a person from one residential unit to another constitute filling a vacancy when another vacancy is created as a result of the transfer? Mrs Thomas gave me details of other vacant supported residential places for people with a disability, and I will pass that information on to the minister.

I ask the minister to investigate how many supported accommodation vacancies exist in the Shepparton district and when they will be filled. The Family and Community Development Committee heard evidence that 70 people with a disability in the Goulburn Valley are in immediate need of accommodation. Some of these places could be used to accommodate these people locally.

Opposition: performance

Mr HELPER (Minister for Small Business) — As the Minister for Small Business, I want to discuss something that is very important to my constituency — that is, benchmarking. I know that when I was in

business I looked around carefully to see what benchmarking I could judge my business against.

I want to introduce this topic because it has come to my attention that benchmarking has been driven to a new height by the state opposition. The benchmarking I am referring to is the hypocrisy index. The other day, on 21 April the shadow Minister for Transport, the member for Polwarth — and I am glad to see that he is in the chamber — presented to the community of my electorate the idea that the state opposition would be very interested in providing a station, a place for the train to stop, for the passenger rail service that we are returning to Maryborough. My constituency remembers that it was the state opposition when in government in 1993 that took away Maryborough's railway service, that took away Mildura's railway service and that took away the railway services at Bairnsdale, Dimboola, Ararat, Leongatha and Cobram.

Minister for Education: comments

Mr DIXON (Nepean) — The education minister on two occasions recently has let slip what she really thinks of the principals of Victorian government schools. As example after example of this government's shocking implementation of the BER (Building the Education Revolution) have come to light, the minister's natural reaction has been to blame principals and question their professionalism. The minister's demeaning comments that principals should not supervise concrete pours or get their 'mates with utes' to construct their new facilities, indicates the depth of the minister's contempt for principals and misunderstanding of their role.

The comments came after it was revealed in the media that, as at the end of February, 98 per cent of BER projects in Catholic schools were either completed or under construction. This compares badly with the state's corresponding percentage of 57 per cent.

The reason the non-government school projects are so far ahead is that principals in non-government schools were trusted to select their own architects and builders within the BER (Building the Education Revolution) guidelines and to construct a building that fits in with the individual school's needs and existing buildings. Also they were not told who their architect, builder or project manager was; they were not forced to select template designs; they were not forced to give up some of their funds; and they did not have details of costs and time lines hidden from them.

Victorian principals rightly are upset with the minister's comments that her department was best equipped to

implement the BER, as the department has obviously failed miserably. I trust principals to manage these sorts of projects. They are best placed to make the best decisions to meet the needs of their schools and communities.

Highway Gallery, Mount Waverley: 20th anniversary

Ms MORAND (Minister for Children and Early Childhood Development) — I recently attended the 20th anniversary of the Highway Gallery in Mount Waverley, which is a wonderful community art space operated by a committee of management and supported by the friends of the gallery and which provides a wonderful space for exhibitions. Shortly after the anniversary there was speculation the gallery may have to close due to falling income. However, meetings with committed members, with the friends of the gallery, with the committee itself and with Monash council have seen the gallery rejuvenated. This is a great result for the many members and volunteers who have been part of the gallery for many years. I particularly want to acknowledge Marie Donald, the convener of the Friends of the Highway Gallery.

Currently the gallery has an exhibition called ‘Thanks Mum’, which celebrates mothers in the lead-up to Mother’s Day and is an exhibition of photographs and paintings from committee members. There are some wonderful photographs in the exhibition, some of which were taken mid last century. I was pleased to be able to provide a photo of my mother, Shirley Morand, to the exhibition. The exhibition is curated by Marjorie Walker, a life member of the gallery.

Tandana Place: funding

Ms MORAND — Also last Friday I had pleasure in visiting Tandana Place in Mount Waverley to announce funding to ensure that the program it runs continues. Tandana Place runs an adolescent residential drug and alcohol rehab program. Tandana was at risk of closing due to a fall in much-needed philanthropic support. The \$100 000 grant will enable Waverley Emergency Adolescent Care to continue to operate the program. I commend the committee of management and the chief executive officer, Maureen Buck, for the work they do in our community for vulnerable young people.

Budget: gambling revenue

Mr O’BRIEN (Malvern) — The Brumby government’s addiction to gambling revenue has been exposed by the 2010 Victorian budget. The 2009 budget and forward estimates forecast gambling tax

revenue of \$6.9 billion, and the 2010 budget and forward estimates forecast gambling tax revenue of \$7.4 billion — a \$500 million increase. By refusing to set out a forecast for different types of gambling revenue across the forward estimates, the government is keeping Victorians in the dark as to where the tax grab is coming from. By a process of elimination, however, we can work it out.

The increase in casino tax revenue was factored into last year’s budget. We know that with the government’s bungled introduction of Intralot, revenue from lotteries is basically flatlining. Racing tax revenue is likely to decrease in the future as part of compensation arrangements for the racing industry, given the loss of gaming machines. It therefore appears that, despite the government’s promise that there would not be an increase in tax revenue from gaming machines as a result of the changes to gaming machine operations, that promise is going to be broken to the tune of \$500 million.

Member for Malvern: *Herald Sun* report

Mr O’BRIEN — On another matter, in the first edition of the *Herald Sun* on Friday, 16 April, there was a report headed ‘Anger at MPs living outside electorates’. This report detailed a number of members of this house who do not live in the electorates they represent. The report stated that I live outside my seat. This is not the case. I live in my electorate of Malvern and have done so for a number of years. I acknowledge that when I brought this error to the attention of the *Herald Sun*, the newspaper was very quick to correct the record, and I thank it for responding appropriately. I do live and work in my electorate.

Rasiah Dev

Mrs MADDIGAN (Essendon) — Today I would like to pay tribute to the chief executive officer of Moonee Valley City Council, Mr Rasiah Dev, who unfortunately is leaving Moonee Valley to take up a new position with the City of Darebin. Rasiah came to Moonee Valley to head the engineering area in 2002 and was appointed chief executive officer in 2007. I think Rasiah has impressed all those who have worked with him. He has a capacity to get on with a wide range of people, and he certainly has worked extremely well with federal and state members of Parliament as well as councillors of widely different political backgrounds. He has probably become very well known for his sense of humour — though some might say a sense of humour is a necessary characteristic for a chief executive officer of a council!

Rasiah has done a great deal for Moonee Valley, particularly in the financial area, and I know that on behalf of his old council, the residents of Essendon and all the people he has dealt with in the Moonee Valley region since he has been there — since 2002 — I can wish him well and all the best in the future.

Roads: Bulleen electorate intersections

Mr KOTSIRAS (Bulleen) — I stand to condemn this uncaring and out of touch Labor government for not listening to residents in Bulleen. After 11 long and dark years this government is still not listening.

Today I tabled another petition calling on this government to install traffic lights at the T-intersection of Bulleen Road and Golden Way in Bullen. How long do residents have to wait for some action from this incompetent and arrogant government? Does someone have to be seriously injured or killed before this government starts to listen to the concerns of residents? I ask the Premier to stop playing politics with people's lives and install these much-needed traffic lights now.

Just as important and equally dangerous is the roundabout at the Fitzsimons Lane, Anderson Street and Porter Street intersection in Templestowe. Using this roundabout is similar to playing Russian roulette with the lives of drivers. It is unacceptable and unforgivable that this government puts the wellbeing of Victorians second to its political agenda. Why were the good people of Eltham provided with traffic lights a few kilometres away and yet residents in Templestowe, including residents at a nearby nursing home, have to place their lives at risk just to cross this dangerous and confusing intersection? Drivers and walkers alike are astounded and staggered at how cars manage to manoeuvre through this nightmare. I call upon this Labor government to act now and save lives.

***Il Globo*: 50th anniversary**

Mr KOTSIRAS — I pay tribute to the *Il Globo* newspaper on its 50th anniversary. *Il Globo* has been an important media outlet for many Australians of Italian descent. It provides them with information and enables all Victorians to fully participate in our community.

City of Kingston: notices of motion

Mr NARDELLA (Melton) — Today I raise the serious matter of party politics in the Kingston City Council and Liberal politicisation and Liberal campaigns being run out of Kingston council. The first issue was raised in a letter to the editor on 23 February 2009 regarding state government departments taking

responsibility in relation to land that is managed and owned by them to identify fire traps in the community. Lo and behold, a similar motion, L19, on the same issue, was moved by Cr Paul Peulich at Kingston City Council on 23 February 2009.

The second issue is the Dingley bypass, which was referred to in a letter to the editor dated 20 May 2009 calling for this project to be delivered, especially the yellow lines on the *Wikipedia* map. Lo and behold, notice of motion L76, dated 25 May 2009, given by Cr Paul Peulich calls for the same action.

The third issue is a press release dated 26 May 2009 regarding the removal of third-party appeal rights for medium to high-rise developments. Lo and behold, notice of motion L77 given by Cr Paul Peulich on 24 May 2009 calls for Kingston City Council to oppose this policy.

The fourth issue is what happened on 12 August 2009 when concerns were raised in the Legislative Council about the shoehorning of significant numbers of social and public housing units in high-rise developments and those developments being fast-tracked. Lo and behold, notice of motion L142 dated 24 August 2009 and given by Cr Paul Peulich at Kingston City Council raised the same matter. There are more examples of this pattern, and I call on the Kingston City Council to become independent of this outside party political interference.

***Il Globo*: 50th anniversary**

Mr NARDELLA — I congratulate *Il Globo* on 50 years.

Public transport: myki ticketing system

Mr NORTHE (Morwell) — The failure of the Brumby government's myki ticketing system extends beyond the boundaries of metropolitan Melbourne, with Latrobe Valley bus users being negatively impacted by this monumental disaster that is myki. The problems associated with the implementation of the myki ticketing system, which is three years late, have been well documented with the initial projected cost of \$494 million now a staggering \$1.4 billion and growing. Myki has been operating on bus services in the Latrobe Valley for a period of time and many challenges have been brought to my attention.

One such issue was highlighted recently. Prior to the inception of myki it was possible for Latrobe Valley businesses to purchase bulk public transport tickets for utilisation on our local bus system; however, since the introduction of myki this practice is no longer possible. This issue was conveyed to me by a local employment

service provider which had historically purchased bulk tickets for its clients but now finds it is unable to do so because the myki system currently does not allow this to occur.

I find it incredulous that the Brumby government can spend such vast volumes of taxpayers money on a public transport ticketing system that in this case delivers a service to Latrobe Valley commuters that is inferior to that delivered by the previous system. This is another anomaly in a long line of failures attributed to myki and the Brumby government.

Public transport users and businesses in the Latrobe Valley and across Victoria deserve better than what they are getting from this government, and one can only hope that this issue can be rectified for all concerned.

Employment: Victoriaworks initiative

Mr NOONAN (Williamstown) — I rise to congratulate the Minister for Skills and Workforce Participation on the government's recent \$6.3 million investment in 37 employment programs to support more than 870 disadvantaged jobseekers to secure employment. The Victoriaworks initiative will target young people who may have lost their jobs as a result of the global financial crisis or are migrants, refugees, homeless, sole parents, juvenile offenders leaving custody or young indigenous people.

A key feature of the Victoriaworks program is the partnership approach, which links organisations, employers and job seekers. Some organisations identify and prepare job seekers, whilst others may identify local businesses that can provide job opportunities, particularly in industries facing skill shortages.

A great example of this comes in the form of the YMCA Bridge Project. The bridge project seeks to reduce employment and social discrimination against young offenders by establishing suitable work placements. A work placement is the bridge to full-time employment and an important part of the successful transition from detention into the community. These work placements offer an opportunity to develop the young person's professional skills, engender a sense of worth and responsibility and provide a means of income and opportunities for positive social interaction. Importantly, the work placements dramatically reduce the likelihood of a young person reoffending. I commend the minister for her announcement. I also commend the YMCA for its work on the bridge project.

Planning: Box Hill development

Mr CLARK (Box Hill) — A local resident group in my electorate has provided a graphic demonstration of the farce into which Labor's planning call-in procedures have descended. The West of Elgar Residents Association (WERA) reports in its April newsletter that residents who attended a hearing by two departmental planning officers were not even permitted to listen to the submissions being made by other parties, including Whitehorse City Council, VicRoads and the developer. Residents therefore had no way of questioning or responding to what any other party said. This is a denial of one of the fundamental principles of natural justice — the right to know of and to be able to respond to the other side of the argument. It shows yet again how appalling is Labor's conduct of its behind-closed-doors planning procedures. Victorian Civil and Administrative Tribunal hearings are far from perfect themselves, but at least they allow and require the arguments and evidence to be presented in public and to be subjected to public questioning and scrutiny.

Perhaps the government figures it need not bother with any real hearing process at all because it has already made up its mind what the outcome of this tower application will be, just like the planned sham Windsor consultation. The decision on this tower will have profound consequences for the future of Box Hill. WERA and others have raised crucial issues regarding parking shortfalls, overshadowing, wind effects, pedestrian connections, traffic congestion and the precedent for future building heights, all of which deserve careful and thorough investigation and consideration. As I have said previously, the call-in is an appalling and unjustified removal of the community's rights, for which the Brumby government has given no good reason.

Buses: Kyneton service

Mr HOWARD (Ballarat East) — Last Monday I was very pleased to be in Kyneton for the commencement of the new Kyneton town bus service. Developed from the Transport Connections program funded by this government, with further direct funding support from the Department of Transport, this new bus service is going to be a great benefit to many people from the Kyneton community or even visitors to the town, as it enables them now not only to travel around the town on the bus to go to shops and to vital services such as the hospital, but also to link in with Kyneton station so that they can travel further afield on the regional fast rail to Melbourne, Bendigo and many other places.

This new service was very much welcomed in Kyneton on Monday. I would like to congratulate Transport Connections coordinator Danielle White, the Macedon Ranges shire and members of the Kyneton community and staff of Organ's bus service for this great new service. May it continue to go well.

Emmaus Catholic Primary School: building program

Mr HOWARD — I was also at Emmaus Catholic Primary School, Ballarat, recently for the formal opening of its new permanent school building, which the school was delighted about. Members of the community of this school, which is located in Mount Helen, were also extremely excited to have received Building the Education Revolution funding, which saw stage 2 being able to be completed in conjunction with stage 1, so that at the opening not only did they celebrate their new school but they were able to celebrate stage 2 as well.

The DEPUTY SPEAKER — Order! The member's time has expired.

Somers: shared pathway

Mr BURGESS (Hastings) — I have spoken in this place before about the Somers Residents Association's plan to complete the shared pathway in Somers and the significant benefits that would flow to the community from this project. I have written to the minister outlining the level of support required. Today I again urge the state government to provide the financial assistance required to enable the Somers community to accomplish this very worthwhile goal. Completion of the shared pathway will contribute in a very real way to the health and vitality of the Somers community, and I ask that the minister immediately and seriously consider providing the required support.

Somerville Secondary College: years 11 and 12

Mr BURGESS — I have been approached by a number of Somerville Secondary College students concerned about the serious disruption to their education that will be caused by the need to change schools after year 10. Currently Somerville Secondary College students who wish to complete years 11 and 12 are forced to attend school in another community for those final years. These students feel so strongly about this issue that they have started their own petition calling on the state government to provide years 11 and 12 at their school.

The significant benefits in terms of protective mechanisms and career prospects that accrue to children that continue their education beyond year 10 have long been recognised, and I strongly urge the government to get behind the children and families of Somerville and the surrounding community and provide the students with the advantage of being able to complete their education at the one secondary college and within their own community.

Police: Neighbourhood Watch

Mr BURGESS — The Bracks and now Brumby Labor government's approach to policing has been to move away from community policing through such misguided policies as the abandonment of the hugely successful Police in Schools program and more recently withholding critical data from Neighbourhood Watch committees across the state. There is no doubt that the skyrocketing crime rates across the state are testimony to the folly of these types of strategies.

Our community needs our police carrying out the role they signed on for and to be on the front line protecting and working with their communities to produce safer outcomes.

Member for Derrimut: former staffer

Mr LANGUILLER (Derrimut) — It is with sadness I report to the house that on 25 March a senior leader from the Cypriot community of the northern suburbs came to see me in Parliament and informed me that Mr Costas Socratous, former staffer and friend, had told him that he was out to get me. In a subsequent conversation he also told me that Mr Socratous had said that he would 'force Telmo out of Parliament'.

I now have a statutory declaration from Mr Cesar Piperno in which he recounts a conversation he had with Mr Socratous where he made threats against me because I had refused to help him unduly influence the Victorian WorkCover Authority to get a payout or to approach the President of the upper house to 'help him' with a \$250 000 payout from the Parliament.

Mr Sam David, a former committee member of the Western Suburbs Soccer Club, has also provided a statutory declaration about Mr Socratous's gambling habits and his alleged taking of \$3000 from the Western Suburbs Soccer Club. I have referred the above matters to the police. I have also referred financial transactions that Mr Socratous was responsible for to the Parliament and to the ALP. I believe that the fact that I was unwilling to support his workers compensation case as stated above, coupled with the fact that I employed

Mr David, who defeated Mr Socratous at the last Brimbank City Council election, made Mr Socratous angry with me and led consequently to his determination to cause me damage, whether in terms of my work or otherwise.

At 10.45 a.m. on 21 April I saw Mr Socratous enter the offices of the Leader of the Opposition. Mr Socratous is the opposition leader's Godwin Grech. He is a troubled man who needs professional help, not political manipulation. He is a man who has an out-of-control gambling addiction.

Public transport: passenger safety

Mrs VICTORIA (Bayswater) — The lives of commuters on our public transport system are at risk. In a reckless, dangerous and cowardly act, rocks were thrown at a train travelling between Bayswater and Heathmont stations. The point of impact was just centimetres away from our very own member for Polwarth. This incident highlights yet again the failures of the Brumby Labor government to adequately secure our train lines in the outer eastern suburbs. All too often I hear of criminal activity including vandalism and assaults being committed at stations in my district. Much of this activity could be prevented if every station was staffed by protective services officers every night of the week. This initiative will only be implemented by a Baillieu coalition government.

Crown Casino: Mahogany Room smoking

Mrs VICTORIA — I have been contacted by a constituent who works regularly in the Mahogany Room of Crown Casino. While he loves his job, he fears for his health after it was revealed one of his colleagues contracted lung cancer from passive smoking, having not smoked a day in her life.

I call upon Crown Casino to go beyond world best practice and set a new safety benchmark for patrons and staff who are in environments contaminated by tobacco smoke. While some high rollers may not heed the warnings on their cigarette packets, Crown Casino should take all necessary steps to ensure that gaming staff can work in a clean and safe environment without an increased risk to their health and wellbeing.

Lyric Opera of Melbourne: *Merrie England*

Mrs VICTORIA — Congratulations to all involved in the excellent performance of *Merrie England* by the Lyric Opera of Melbourne. The company and its chairman, Claude Ullin, pride themselves on giving opportunities for up and coming singers to perform

little-known works to gain experience. It is a fabulous show that I commend to any theatre lover.

Wish Day

Ms MARSHALL (Forest Hill) — Last Friday was Wish Day, which is run by Make-A-Wish Australia. This is a fantastic cause and one I am proud to support. To lend a hand I went to Forest Hill Chase shopping centre, where I collected donations from businesses and passers-by. I cannot tell members how amazing the reaction was when I was standing there with my tin. I did not even have to go towards anybody. When people saw the words 'Make-A-Wish' and the little star on the side of the tin, they came up and wanted to donate. It is a cause that is recognised as being of great benefit to so many children. I was joined by Cr Raylene Carr from the City of Whitehorse. The generosity of the residents of the Forest Hill electorate never ceases to amaze me. This is a community that is always willing to put those who are in need first.

Make-A-Wish Australia has been granting wishes to children and young people since 1985. These wishes bring hope, strength and joy to ill children and their families as well as giving them unforgettable experiences. The Make-A-Wish foundation is the only children's charity in Australia that focuses solely on wish granting. Thanks to the management of Forest Hill Chase shopping centre for its cooperation and to everyone who has already donated. This Friday I will be back at the Forest Hill Chase shopping centre collecting again, because with every dollar we as a community can contribute to this worthy cause, the brighter we can make a sick child's life.

Motorcycles: rider training

Mr MULDER (Polwarth) — On 5 December 2007 in this house I called on the Minister for Roads and Ports to upgrade the VicRoads motorcycle learner permit accredited course and place greater emphasis on on-bike and on-road experience. As I indicated in my contribution, I attended an accredited motorcycle training course and obtained my learners permit. At the time I was concerned as to the lack of actual practical experience that pre-learner motorcycle riders have prior to being let loose in traffic, especially when you compare what a learner driver has to go through to get their motor car licence.

According to the TAC (Transport Accident Commission) the five-year average for motorcycle deaths in Victoria is 16. Figures released by the TAC indicate that for equivalent periods there were 13 deaths in 2009 and 26 deaths in 2010 to 3 May.

If these statistics do not set alarm bells ringing, then nothing will, especially given the fact that the state Labor government has slugged motorcycle riders with a \$50 levy indexed on their registration for improvements in motorcycle safety. It is beyond belief that the Minister for Roads and Ports has turned his back and thinks these horrendous road toll figures are an acceptable outcome. It is important to realise that these statistics do not take into account the serious injuries inflicted as a result of motorcycle accidents.

It is not the role of politicians to determine how these courses should be structured — I acknowledge that — but surely when you get a doubling of fatalities in one year something has to be done.

Su Hyun Oh and James Knee

Mr HUDSON (Bentleigh) — I would like to congratulate a young constituent of mine, Su Hyun Oh, who at 13 years of age has taken on some of the world's best golfers in the Women's Australian Open. Su Hyun Oh is a year 8 student at McKinnon Secondary College and picked up a golf club for the first time five years ago. Now she is matching it with the world's best. Last year, at the age of 12, she became the youngest player to compete in the open at the Metropolitan Golf Club course. In this year's tournament at the Commonwealth Golf Club, Oh shot rounds of 79, 72, 73 and 78, finishing 10 over par and in 51st place, which was a great effort.

Oh is currently the no. 1 ranked Victorian junior. She was runner-up in the 2009 Golf Australia girls championship, set a course record in the women's Victoria amateur championship at Moonah Links Golf Course and won the 2008 Women's Golf Victoria junior championship. She was recently a winner in the Victorian School Sports Awards.

A school sports award was also awarded to James Knee, a student at McKinnon Secondary College, for hockey. James is the under-15 national team captain, and his state team were runners-up at the national finals. He was a member of the Victorian under-16 boys indoor hockey team which placed second at the Australian indoor hockey championships. He was also the college intermediate boys hockey team captain and captain of the under-15 Southern Sharks hockey team, who were runners-up at state championships.

I congratulate these two outstanding sports stars from McKinnon Secondary College who have such great achievements to their names. They are continuing a fine tradition at McKinnon.

Wyndham Cultural Centre: arts project

Mr EREN (Lara) — I want to make mention of the \$170 000 the Brumby Labor government contributed to the upgrade of the Wyndham Cultural Centre as part of the Arts in the Suburbs program. I had the great pleasure of visiting the centre recently with the Minister for the Arts, the member for Tarneit, who is also the Minister for Roads and Ports, and the member for Altona.

This centre plays a very important role in the lives of people in the local community. The upgrade that was made possible by the Brumby government working in conjunction with the Wyndham City Council will ensure this centre will continue to be utilised by the people of Wyndham for many years to come.

Our contribution will assist in providing additional fly lines and a lighting upgrade for the stage area, improving refreshment facilities in the foyer area and installing an accessible toilet in the back of the house area. This will guarantee that the centre can better serve the needs of this rapidly growing area and provides an opportunity for the people —

The DEPUTY SPEAKER — Order! The time for members statements has concluded.

MATTER OF PUBLIC IMPORTANCE

Employment: government initiatives

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Bendigo East proposing the following matter of public importance for discussion:

That this house congratulates the Brumby Labor government for its continued investment to create and secure jobs for Victorian families.

Mr McIntosh — On a point of order, Deputy Speaker, relating to the competence of this matter of public importance currently before the house, my concerns relate to the following matters. Presumably in accordance with the standing orders, the member for Bendigo East provided this matter of public importance to the Speaker. At some stage after about 5.00 or 5.30 last night the opposition was provided with the details of the matter of public importance. Following the words 'Victorian families' at the end of the original matter of public importance were the words 'through the 2010–11 budget'.

Presumably as a result of discussions between the Speaker and the member for Bendigo East it was

pointed out that the words ‘through the 2010–11 budget’ may offend against the anticipation rule, given that the second-reading speech for the budget bill was presented in this place yesterday by the Treasurer. As a result of the potential to offend the rule against anticipation it was suggested that there be an amendment to the original matter of public importance. I am grateful to the Clerk for providing details of the subsequent matter of public importance at about 9.00 last night.

My concern is that the standing orders are quite clear as to the process that has to be adopted by any member who is proposing a matter of public importance. Current standing order 39(3) states:

A member proposing a matter must give the Speaker a written statement of the proposal by 4.00 p.m. on the day before the day of the discussion.

That was yesterday afternoon at 4 o’clock. Subparagraph (5) states:

The Speaker will decide whether the proposal is in order and, by 5.30 p.m. on the day before the discussion, will give details of the proposal which has been accepted to the leader of each party and any independent members.

That clearly indicates there is perhaps some discretion in the hands of the Speaker in accepting the terms of a matter of public importance between the hours of 4.00 p.m. and 5.30 p.m. The use of the words ‘The Speaker will decide whether the proposal is in order’ suggests that there is effectively a guillotine at 5.30 p.m. in relation to this matter. As I said, the opposition did not get specific notice of the current form of the matter of public importance until yesterday evening, and in my view the provision of the amendment after 5.30 p.m. has transgressed the clear intention of standing order 39.

Importantly the standing orders are there to ensure that all parties are provided with the details of the matters that are going to be dealt with as matters of public importance. There is also provision for the Speaker to resolve competing questions to be discussed, but most importantly all of that has to be done by 5.30 p.m. the previous night. I can understand the necessity of making that amendment given the anticipation rule, but it is my view that the standing orders have been transgressed. Accordingly I suggest to you, Deputy Speaker, that this matter of public importance is incompetent and that we should be proceeding with the rest of the orders of the day.

If you are against me on that, there is perhaps a need to clarify that if there is some discretion in the Chair to take the process beyond 5.30 p.m., there should be

some clear guidance to the house as to when that discretion can be exercised by the Speaker. As I said, Deputy Speaker, if you are against my principal point on this matter being incompetent and not properly before the Chair, it is my view there should be some clarity as to how and when that discretion can be exercised.

Accordingly, Deputy Speaker, I ask you principally to rule the matter of public importance incompetent and not properly before the Chair today for the reasons I have outlined. Alternatively, if it is properly before the Chair, some guidance needs to be provided to the house as to how that discretion is going to be exercised by the Speaker and perhaps a guillotine time after which it cannot be amended.

The DEPUTY SPEAKER — Order! I note the comments of the member for Kew. I do not intend to uphold the point of order. I also draw his attention to chapter 14, paragraph (3), of *Rulings from the Chair — 1920–2009* which states that in terms of deciding whether to adopt or accept a matter of public importance the Speaker:

Intends to exercise wide discretion in accepting matters which anticipate discussion on any subject which appears on the notice paper, subject to the proviso that discussion on a bill due for imminent debate should not be canvassed ...

I accept what the member for Kew is saying in regard to the standing order, that the Speaker may exercise discretion. I also accept what the member is saying in terms of whether or not the matter should be further discussed, and I will take that up with the Speaker.

Ms ALLAN (Minister for Regional and Rural Development) — I am proud to have proposed this matter of public importance for the consideration of the house today, particularly its congratulation of the Brumby Labor government for its continued investment to create and secure jobs for Victorian families. This is an important matter of public importance and it comes when we have seen the Victorian community go through some challenges over the last 12 to 18 months. Victorians have been through these challenges and come out the other side in a stronger, more resilient way. We have seen the testing of the long-term impact of the drought on communities right across the state. We have seen the worst bushfires — the worst natural disaster in our country’s history — and we have seen, too, that Victoria has been able to weather the storm of the global economic downturn and come through that in a stronger way.

Just 12 months ago the Treasurer and the government forecast that during the 2009–10 financial year

35 000 jobs would be created in the state of Victoria. Is it not fantastic that we can stand here today, 12 months later, and say, 'We have not met that target; we have far exceeded that target'? We have now seen 94 000 new jobs created here in Victoria. This not only represents a massive increase in jobs in the state of Victoria, but it also means that 92 per cent of all full-time jobs that were created in this country in the past 12 months were created in the state of Victoria. That is a great achievement by the Victorian community and by Victorian businesses and industries. It demonstrates, too, the strong financial management of this government in providing the right economic settings.

Importantly, too, as part of these jobs that have been created, we have seen 24 000 jobs created in regional Victoria. So we are seeing jobs growth right across the state. That is a great demonstration of how this government approaches policies — we are making sure that they benefit all Victorians.

We are proud to say this and we are also proud to see that in the future there will be additional investments in vital job-creating infrastructure. Indeed there are some forecasts of that investment in job-creating infrastructure being around \$9.5 billion. This includes infrastructure for roads and rail, with more train stations, more trams and more road projects to reduce congestion. We will see more infrastructure with building new schools across the state. Not only have we met our election commitments of 2006, when we said we would build new buildings at 500 schools across the state, but we have exceeded that target as well. We have now seen 553 school projects funded since 2006.

In the financial year ahead we will see funds to support industry, particularly \$18 million to directly support industries as they continue to work through these challenging times. Most importantly, we are not only providing the policy settings to make sure we are supporting job-creating infrastructure but also giving businesses the support and assistance they need. By reducing payroll tax and WorkCover premiums, we will also support business and industries over the years ahead as they continue to create more jobs in the state of Victoria.

I turn now to some commentary that has been released in just the last 24 hours about how the government's latest set of announcements of policies and programs for the financial year ahead have been supported by third party commentators. We have seen the Victorian Employers Chamber of Commerce and Industry (VECCI) comment that the budget that was announced yesterday 'delivered business — —

The DEPUTY SPEAKER — Order! I remind the minister that she should not anticipate the debate on the appropriation bill.

Ms ALLAN — Certainly, Deputy Speaker. Can I refer to comment that was made in the public arena yesterday?

The DEPUTY SPEAKER — Order! The minister can refer to comment, but she cannot refer to funding that is provided in the appropriation bill.

Ms ALLAN — Certainly. Thank you, Deputy Speaker.

The VECCI chief executive officer made a statement yesterday that the state government:

... delivered business a short-odds trifecta via modest cuts in business taxation and WorkCover premiums ...

We have also seen the economics editor, Alan Mitchell, in the *Australian Financial Review* today make some very strong statements about the policies here in Victoria, saying that:

The state has ... done better than any other at supplying jobs for its new residents.

He goes on to say that there are challenges ahead but he says also:

The correct response — and the only one that will deliver strong per capita growth to the state over the longer term — is to meet that pressure with increased productivity and economic flexibility. And that is exactly what the government says it intends to do.

If it lives up to that promise, it will set a powerful example to its northern neighbour and the nation.

These are the sorts of endorsements that you get when you do the hard work in making sure you keep a very close eye on the needs of local communities.

I turn now to one project that is very close to my heart and that is about meeting the needs of my local community, and that is of course the Bendigo hospital. This is a fantastic project. This project will support communities in my area, communities in the member for Rodney's area and communities through the north-west of the state. This is a project that has been well commented on in the Bendigo community.

In last year's budget — and I can comment on last year's budget — the Brumby Labor government committed to building the Bendigo hospital and we are continuing to deliver on that commitment. I must say, though, that this is a commitment that is yet to be matched by those opposite. There have been four

separate occasions now when the direct question has been put to the Liberal Party and The Nationals: will you match this government's commitment to building a new hospital for Bendigo? Four times they have refused to match our commitments.

I will share the comments of one of the local opposition members, a member for Northern Victoria Region in the Council, who was quoted in the *Bendigo Advertiser* last year as having said:

I and the coalition have not as yet stuck our hand up to say we would build the new hospital.

The message to the people of Bendigo is very clear: Labor will build your new hospital; the Liberal-National party coalition will not support Bendigo's new hospital.

We are also seeing jobs growth across the board and that is in stark contrast to what we saw in the 1990s — and we can talk about the 1990s. Opposition members might be sensitive about the budget, but we know they are particularly sensitive about talking about the 1990s when we saw jobs lost across the board. This is an important point, because over the past few years we have put in place policies and programs to make sure that we have been creating jobs in the state. The results show that we have achieved that: we have achieved 94 000 new jobs in the state of Victoria in the past financial year. However, what we saw in the previous decade was that when basic services are cut and the services of hospitals, schools and rail lines are closed in country areas, jobs go as well.

We saw too that The Nationals stood by. Not only did they say nothing but they were active cheerleaders of this approach. They did this while they were picking up their trinkets of power. They were quick to hop in and get the trinkets of power but they were not quick to support their local communities.

I have been talking about third-party commentators. The effects of these policies of cuts and closures did not go unremarked at the time. A Monash University report from 1999 titled *Regional Victoria — Why the Bush is Hurting* stated:

The underlying job creation trends do not look good for regional Victoria.

It is just as well regional Victorians sent a very strong message to all parties in 1999. As a result, today we see that more than 120 000 new jobs have come into regional Victoria as a result of this government's policies and programs.

I would like to go quickly on a journey around the state, to talk about the transformational impacts different projects have on communities and what they mean for jobs. I will start in Geelong. The south-west of the state is a fantastic region and today the unemployment rate there is low as 4.9 per cent. The member for Lara knows well the days of double-digit unemployment in the region where at some point in time it reached over 12 per cent. There is obviously some good news on the horizon and there are some big projects ahead. This government has committed already to three stages of the Geelong Ring Road and there is support for future stages. But we know, too, that this in stark contrast to what those opposite did in March of 1996, when they were releasing their Geelong policy. The then Liberal and National parties in government said in their Geelong policy document that assisting Geelong roads was a priority. Yet by 1999 we still had not seen any funding for the Geelong roads that were a priority. It took this government to support those vital road projects for Geelong.

I will take the opportunity to talk also about the Geelong Investment and Innovation Fund, because the member for Warrandyte opposite was quite excited yesterday, when he got his first question up in question time and asked a question of the Premier. He thought he would catch the government out on the Geelong Investment and Innovation Fund. The member failed dismally, because this fund has already proved to be a great success.

This fund has already assisted 18 companies. It has seen the creation of 646 full-time jobs and \$72.6 million in new investment. We have allocated the expenditure of all but around \$2.9 million. In fact the member for Lara was not here in question time to see the dismal performance of the member for Warrandyte because he was in Geelong announcing another grant from the Geelong Investment and Innovation Fund. He was announcing additional funding support for Chemring through that grant.

If you look at the regional rail link project as a way that we can — —

Mr R. Smith interjected.

The DEPUTY SPEAKER — Order! The member for Warrandyte has the call next. He will get his chance at that point.

Ms ALLAN — The \$4.3 billion regional rail link — and we can talk about this because it is a project that was identified in the Victorian transport plan — is going to provide regional Victorians with a dedicated

train line into Melbourne and at the same time provide additional services for both metropolitan and regional trains. It will also provide 2800 jobs during construction. What is the contrast there? Five rail lines closed in regional Victoria by the previous Liberal-Nationals government.

You can go from Geelong through to Ballarat on the regional rail link. We know that Ballarat has seen some tough times, but it is coming through them in a very strong way with jobs now being created.

Complementing the regional rail link, trains are being built in Ballarat right now. We are making sure that local companies are getting the benefit of our procurement policies, including the building of new trains for new services.

I also note that there are both past and future investments in Ballarat hospital as well as the initiatives I mentioned previously around the Bendigo hospital. If we go on a journey to Bendigo on the regional rail link we can see that there is investment in hospitals. There has also been historic investment in Bendigo's schools, particularly the \$91 million that has been provided for the Bendigo education plan. This is a plan that we committed to in the 2006 election. It is a plan that was opposed by the opposition. The opposition parties did not match our funding. That is the story for Bendigo: those opposite will not commit to new schools, will not commit to new hospitals and will not commit to new projects for Bendigo — and that is similar to the days of the 1990s.

I would like to finish by heading down to Gippsland. We know that Gippsland, too, did it tough in the 1990s. We know that the privatisation of the power industry saw the region suffer in a terrible way. Today the unemployment rate in Gippsland is a massive 3.8 per cent lower than when those opposite left government. We are also going to see future projects that will support that region in the years ahead.

I will just briefly mention some of the small towns that are also being supported by this government. Obviously the regional centres play a vital role in job growth, but so too do our small towns. Here are three examples. This government has supported CMI to expand its base in Horsham, saving 30 jobs and creating 50 more. This government has supported Carter Holt Harvey in Myrtleford with a \$50 million upgrade, saving jobs and creating 60 more. We have also supported projects like a rail upgrade for Iluka mineral sands at Ouyen. That is also about providing jobs for those areas.

If you do a lap of the state and come into Melbourne, you come in on new roads. We are also seeing major

hospital infrastructure on Flemington Road, with the work on the Royal Children's Hospital. We will see work in the future on the Parkville Comprehensive Cancer Centre. There are job opportunities — whether on the big projects or in smaller factories and industries in the suburbs. Things are going strong across the state.

This is why it is important that we debate this matter of public importance right now — because Victorians have a choice. There is a choice to continue to support the policies and programs that are about creating jobs and investment in our state. It does not matter whether you live in Ouyen or whether you live in Oakleigh, it is about making sure that there are jobs created right across Victoria. We know the record of those opposite. They do not support our major investment programs. They did not support the initiatives in the budget last year that were about creating jobs. They do not support vital regional projects like the regional rail link, the new Bendigo hospital or the other projects that are going on around the state. That is the choice that people have to make: those opposite choose to turn their backs on jobs in Victoria; those on this side choose jobs for Victoria.

Mr R. SMITH (Warrandyte) — I rise to make some comments on the matter of public importance put forward by the member for Bendigo East, which says 'that this house congratulates the Brumby government for its continued investment to create and secure jobs for Victorian families'. Is it not typical that the member for Bendigo East would lead the debate into personal criticism and attacks? She certainly follows Labor's form in leading debates in that way.

I would just like to begin by focusing on one word in this matter of public importance, and that is the word 'congratulates'. Every matter of public importance this government has introduced into this house since I started here in 2006 has asked this house to congratulate it; its members have come in and demanded that this Parliament congratulate them on something. I think Victorians would find it hard to swallow that this house congratulating the government would be a matter of such public importance. There are a lot of issues that Victorians would be worried about and would certainly consider to be matters of greater public importance than having the government come in here and congratulate itself.

There are issues to do with street violence, secret hospital waiting lists and vast problems with the trains — and there is the myki debacle. There is water security. There are child protection issues. There is the smart meter debacle. The Minister for Planning, Justin Madden, is just another problem that Victorians have had to face. Whether it be on roads, on water or on the

way this government treats families, in the absence of others congratulating them, members of this government come in here and seek to congratulate themselves. This is yet another example.

In congratulating itself, the government overlooks the thousands of people that have actually lost their jobs in the past few years. This government has overlooked the many people who are now struggling to find work and who are now struggling to put food on the table. Certainly with the Reserve Bank rate rise yesterday this government is overlooking the many people who are going to be struggling to pay their mortgages in the future. This government is so out of touch — it is so inward looking and so busy popping the champagne corks about its self-proclaimed success — that it has completely forgotten about the people it is supposed to represent.

The reality is that while this government celebrates the unemployment figures the federal government's Small Area Labour Markets figures for the December 2009 quarter clearly show that many areas throughout Victoria are suffering from unemployment levels that are far higher than the current state average. While this government congratulates itself, the Premier is casually forgetting about the thousands of people who are represented by those figures.

If we have a look at these figures, they give us a clear insight into the areas of Victoria that are most affected by unemployment, and it is absolutely alarming to me in my capacity as shadow minister for manufacturing to see that the areas which traditionally have had manufacturing bases are among those worst hit. I will go through some of those areas.

I look first at the unemployment figures for Brimbank where in different areas the rates range from 7.3 per cent to 12.1 per cent. I would love to hear the member for Keilor justify the member for Bendigo East's matter of public importance to the people of Brimbank.

In Cranbourne the unemployment rate for December 2009 was 7.9 per cent. Only a year prior, in December 2008, that figure was 6 per cent, so there has been almost a 30 per cent rise in just one year.

In parts of Ballarat unemployment rates range from 6.5 per cent to 7.8 per cent. I was in Ballarat recently, and as an aside it is interesting that this matter of public importance comes up a day after Gekko Systems in Ballarat, which specialises in mineral processing equipment, announced that it was axing 10 per cent of its staff. On my recent visit to Ballarat I talked to a number of industries and groups. I was accompanied by

the Liberal candidate for Ballarat West — the next member for Ballarat West — Craig Coltman. We were invited to talk on local Ballarat radio 3BA because 3BA knows that its listeners are very concerned about job losses in Ballarat; a concern which clearly is not shared by the current members for Ballarat West or Ballarat East, who have never stood up in this house and talked about the number of job losses Ballarat is experiencing.

Dandenong has the second highest unemployment rate in Victoria at 13.3 per cent. The *Dandenong Leader* highlighted this with a recent article about an employment expo that was held in Dandenong. The organisers of the expo expected 3000 people to come along but they got an unbelievable 10 500 job hunters coming into that expo looking for jobs. The *Dandenong Leader* quoted a couple of people at that expo; the first one, a job seeker from Cranbourne North, Sameer Pendharkar, is reported to have said the government needs to do more to help highly skilled workers. Further on in the article a Dandenong resident, Kerry Christofis, who has been unemployed for a year since being made redundant as a policy coordinator, is reported to have said she was looking for any job and is quoted as having said:

I worked for TAC for 20 years, I'm looking for anything now ...

I cannot wait to hear the contribution from the member for Melton; that will be a press release that will write itself. In Melton unemployment is at 9.6 per cent. I cannot wait to hear how the member for Melton is going to justify the 4000 people in his electorate who have been unemployed in the past year while congratulating himself for their unfortunate circumstances.

The city of Kingston, home to almost 8000 businesses employing over 70 000 people, has one of the most concentrated industrial areas in Australia with about 4200 businesses and 27 000 industrial jobs. It has the highest manufacturing output of any Victorian city. Unemployment in the Kingston area ranges between 7.2 per cent and 7.6 per cent. Again, I doubt we will hear the member for Mordialloc telling her constituents why the government should be congratulating itself.

The member for Bendigo East also brought up Geelong and said that there were areas with fairly decent unemployment rates. She sought to mislead the community by neglecting to mention that in other areas of Geelong there are unemployment rates of 10.2 per cent. I was in Geelong just last week with my colleagues from the other place, members for South Eastern Metropolitan Region and Eastern Metropolitan Region, Gordon Rich-Phillips and Richard Dalla-Riva,

and we talked to a number of concerned residents about job losses and the fact that the manufacturing industry has not been supported in any way by this government. I noted that there were a couple of Labor stooges assiduously taking notes at that forum, desperate to put their ideas forward to their masters. I hope they took some ideas back; I hope they enjoyed the home truths that were given to them at that meeting.

One way that this government could assist manufacturing is to fully utilise the Geelong Investment and Innovation Fund. The minister said there have been announcements but no-one in this government actually tells us why the full amount of \$24 million which was spruiked at the outset has not been completely used. Indeed I asked the Premier a question about that fund yesterday but he had no clue about what I was talking about. The Premier had no clue until the member for Bendigo East and Minister for Regional and Rural Development shuffled her notes across and let him have a look. The reason the Premier has no clue is the fund has now closed and there are no longer any photo opportunities or opportunities for media announcements. It just shows the Premier does not care about people in Geelong at all, it is just about some good numbers, and that is all he cares about.

In 2008 the big story in Geelong was IT giant Satyam Computer Services setting up in Geelong. I certainly do not seek to make any comments regarding the failure of Satyam to bring jobs, but it is worth noting that a *Geelong Advertiser* article on 15 April 2008, said:

Mr Brumby said Satyam's decision to base itself from Geelong would offset job losses in the city's manufacturing sector, including carpet maker Brintons and Ford.

In saying this the Premier wrote off all those who had lost their jobs in manufacturing. It was pretty clear that most of those people, if not all, who had lost their jobs in manufacturing were not going to move across to the IT sector — even if the Satyam project had got up, those who had lost their jobs in manufacturing would still be unemployed. That did not matter to our Premier as long as the figures looked good. That is why Victorians cannot trust the Premier or this government, because this government just sees unemployment figures as figures and not people. That is very clear from the comments made by the Premier at that time.

Returning to some of the other unemployment rates, in Bendigo, in the member for Bendigo East's own area, there are unemployment rates ranging between 6.9 per cent and 8.9 per cent. Again, I would like to see the member justify that to those who are unemployed.

The *Star* published an article on 20 April under the headline 'Jobless'. The article says:

... figures show 8.8 per cent of Maribymong residents were unemployed in December last year, compared to 6.9 per cent during the same month in 2008.

In December 2009, over 3350 people in Maribymong did not have a job.

In another edition the *Star* says under the headline 'Wyndham unemployment queue grows':

Thousands of workers across Wyndham joined the unemployment queue last year.

The latest Small Area Labour Markets figures for December reveal there were 3319 jobless residents in Wyndham North.

It showed a steady rise of 2.5 per cent compared to 2008 figures ...

...

The number of dole payments issued from the Werribee Centrelink office increased 2.6 per cent by the end of 2009.

The examples of joblessness across Victoria go on and on. Earlier I mentioned that Dandenong had the second-worst unemployment rate in the state, at 13.3 per cent. The worst unemployment rate in the state is 13.5 per cent, and it is in the Premier's own electorate of Broadmeadows. I ask: if the Premier cannot look after workers in his own electorate, how can Victorians trust him to look after them across the whole state? Perhaps if the Premier actually lived within cooee of his electorate he might have an understanding of how those who are living there are coping.

With the release of the March unemployment figures Treasurer John Lenders said the job growth and a record level of engineering construction showed that the Brumby Labor government's plan to create 35 000 Victorian jobs this financial year was working to fight off the ongoing impact of the global financial crisis. I would like to see John Lenders repeat that particular phrase to the thousands of people in the areas where unemployment is well above the state average. The member for Bendigo East should also have a go at repeating the wording of this matter of public importance to the thousands of people who are struggling to put food on the table and pay their bills due to unemployment. The fact is that these stresses are real for many Victorians, and this arrogantly worded matter of public importance shows the people who are unemployed that the Brumby government just does not care. It says all is well and boasts about its record on jobs, but it actually does not care about those who are unemployed across this state.

Perhaps if the government spent a little less on self-promoting advertisements, there might be some funds available to help these people retrain or reskill to get them back into jobs. One thing we need in this state is for the government to support the areas that have a manufacturing base. We need the government to have a manufacturing focus. Every industry group I have spoken to has said it has implored the government to appoint a specific minister for manufacturing, but it is clear that our Premier does not see manufacturing as being particularly important in this state. He even said so. I quote from an article in the *Australian Financial Review* of 21 January 2010:

Premier John Brumby has suggested that reviving Victoria's manufacturing industry may not be the top task for his new Minister for Industry and Trade ...

He does not care about manufacturing; he does not see it as important. Even on the issue of industry this government has had a revolving door policy. There have been four industry ministers — well, three: Evan Thornley, a former member of the other place, was offered the job but he saw the writing on the wall and bailed as quickly as he possibly could to get away from what he knew would be a failed government.

The government puts the question: is the unemployment rate in Victoria a good one? I have to say, sure it is; when viewed in isolation, 5.4 per cent is a reasonably good unemployment figure for the state. But I ask: when viewed in context with the rest of Australia as a whole, is it so spectacular? This figure is not an anomaly; this figure is not outstanding; this figure has not come about as a result of superior economic management by the Brumby government. Western Australia has a better unemployment rate than Victoria. South Australia has an unemployment rate equal to that of Victoria, and even in New South Wales it is only 0.1 per cent higher. Within the context of unemployment rates across the states, which range from 5.1 per cent to 5.5 per cent, Victoria is performing only in what can be described as an average fashion. Victoria is only in the middle range of unemployment rates across this country.

While Labor members might come in here and congratulate themselves and seem to be content with mediocrity, we on this side of the house feel that Victoria can actually do a whole lot better. We feel that a government that governs this great state of ours should strive to be outstanding, not just mediocre, in contrast to what opposition members feel. The government sits back, rests on its laurels and congratulates itself on its mediocrity. I certainly believe, and I am sure my colleagues on this side agree,

that those who have been made jobless under this government deserve a whole lot better.

Mr NARDELLA (Melton) — I congratulate the honourable member for Warrandyte on having made his second speech in two days. The honourable member for Warrandyte has been let off the leash. This is the member who said when he was preselected that even the Leader of the Opposition, Ted Baillieu, was gutted by his preselection. That is his record. That is the type of support he gets in his own party.

We have just heard him for 15 minutes. Tell me one policy the shadow minister has come into this house and espoused on behalf of the Liberal-Nationals opposition in regard to industry, to employment and to creating jobs? Just one. There is none — a big, fat zero. There has been no policy whatsoever. No wonder it has been only over these past two days during budget week that the shadow minister has been let off the leash — because he has no ideas. He talked about going to Geelong with his compatriots — Mr Dalla-Riva from the Legislative Council and one other — and said the Labor spies were there writing down the opposition's policy ideas. All they would come out with was a blank sheet of paper! The opposition members did not have any ideas. They still do not have any ideas, and they are weeks away from a state election. They had only rhetoric, and they were only about talking down this state. Instead of building up this great state of Victoria and talking about the great things we are doing, all they did — and all the shadow minister did — was talk down Victoria. In his speech time and again he went through the small town unemployment figures. He talked down Broadmeadows, talked down Geelong and talked down Ballarat. What can they do other than talk down this state and the great things being done here when there is a policy vacuum between the ears of the shadow minister for industry and trade?

It is easy to talk down the state when you are an economic vandal and have no ideas of your own. This blank sheet policy approach means the opposition does not understand the economic circumstances we have gone through. From the way the Liberal Party and The Nationals talk you would think there has been no GFC. I will explain that to honourable members: no global financial crisis. They have no idea of the policy settings and economic circumstances we had to navigate through last year. They just come in here and say, 'Oh, 5.25 per cent or 5.5 per cent unemployment is the average'. We have struggled to make sure that we have created jobs. We have struggled to make sure that we have made capital investment for the whole of the state — be it in hospitals, be it in schools or be it in public transport — and to maintain the jobs and the

investment in this state. That work has allowed private investors to come into Victoria and to get back into the economy. Last year we pumped \$11.5 billion into capital works, but these economic vandals would, if they were elected, start slashing away at that \$11.5 billion investment.

We are the builders. We go out there and build things — whether it is schools, whether it is roads, whether it is hospitals, whether it is the north–south pipeline or whether it is the desalination plant. We go out there and build, but all these real estate agents know about is selling things off. They sold off schools, they sold off hospitals and — imagine this — they sold off the railways. That shows the depth of despair about the mob across the chamber. That is their economic policy: sell things off, and then get a personal benefit out of selling off individual items. If these economic vandals get their opportunity again we will not see the \$9.5 billion of investment this government will put into the state over the next year, we will not see schools being rebuilt and we will not see new railway carriages, new railway lines, train system electrification extensions or the regional rail express. All we will see is what happened in the seven long, dark years of the Kennett government, when they flogged things off and got a personal benefit out of flogging things off.

I do not often agree with the honourable member for South-West Coast — as a matter of fact, I do not agree with him much at all — but I do agree with him on this. Just recently he came out and said, ‘Mea culpa, we made a mistake’ — that was when he was the minister with the white car who sat around the cabinet table in government with Jeff Kennett. He said, ‘We should not have sold off railways when we did’. At least with that skerrick he was a little bit honest, but the rest of the then government members, who were members of other organisations, sat back and clapped and cheered and took the white cars while they slashed the jobs of 9000 nurses and 9000 teachers. In 1993 they sacked every single school cleaner in Victoria.

That is the record of opposition members, that is their policy and that is what they would do again if they were ever given charge of this great state of Victoria. They come in here crying crocodile tears and saying, ‘Things aren’t going well’. If we had listened to the member for Benalla, we would never have got the north–south pipeline. What would happen? The opposition would want Melbourne to run dry — —

Mrs Fyffe — On a point of order, Deputy Speaker, I would like to draw your attention to the wording of the matter of the public importance. It begins ‘That this house congratulates the Brumby Labor government for

its continued investment’. The member for Melton has spent the last 8 minutes attacking the opposition, and he has not mentioned any of that.

The DEPUTY SPEAKER — Order! I do not uphold the point of order.

Mr NARDELLA — We are making a \$3.9 billion investment in the desalination plant. What were the opposition’s comments? The Leader of the Opposition is saying at the moment that we do not deliver, that we do not do things. The opposition’s promise was a 50-gigalitre desalination plant in Port Phillip Bay that would not have done anything at all. The north–south pipeline, along with the Tarago Reservoir, is about making sure we have a sustainable city here in Melbourne. Like the hospital investments and rail investments, it is also about growing the rest of the state, about investing in Ballarat, Geelong, Bendigo, Shepparton, the Latrobe Valley and in all the parts of the state.

The opposition members are the people who, when we upgraded the regional rail infrastructure, opposed it; the people who opposed the V/Locity trains; the people who opposed the new carriages and the extra timetabling we put in place; the people who opposed and could not themselves have put in place any of the road infrastructure that we have put in place. If you have a look at the M1 upgrade, and if you have a look at the EastLink project, you see that they never could have delivered those. Shortly the honourable member for South Barwon will talk about Geelong. These people never delivered; they promised lots of things but never delivered.

I think in the opposition’s tactics meeting this morning the shadow minister picked the short straw, with the others saying, ‘I think you’d better do this because none of us want to touch this’. The story in Victoria is one of meeting the challenges, of having the vision, of putting in place and implementing the plans and policies. Every single policy we have announced in our 11 years in office we have implemented. What is the record of the opposition when it was in government? It broke every plan and every promise it made to the people of Victoria. It sacked people, it closed their schools, it closed their hospitals and it shut down their rail lines, and that is what it would do again, instead of growing all of the state and making sure we try to do as much as we can.

The shadow minister raised the question of how unemployed people can pay their bills when they are unemployed. I ask you this, Deputy Speaker: how are people under 30 going to do it if the federal opposition

leader, Tony Abbott, gets elected, given that Abbott says anybody under 30 will not get an unemployment benefit? That is the type of policy these people stand for. That is the type of policy that destroys people's lives and families. Yet opposition members have the gall to come in here and say we are not doing a good job for the regions and for all of Victoria. They stand condemned.

Mr WELLER (Rodney) — I rise today to make some comments on the government's matter of public importance, which is:

That this house congratulates the Brumby Labor government for its continued investment to create and secure jobs for Victorian families.

Once again this is a prime example of the Brumby government being more about spin than substance. Let us have a look at my electorate for a start. This government made the Barmah and Gunbower forests into national parks and took 55 jobs from the timber industry when it did that. It took out a further three jobs in the cattle industry at the same time. We have also had the government's policies on drought and water failing to give farmers the confidence to maintain the industry. The ramifications of that are that 120 jobs have been lost at Greenham's abattoirs in my electorate. We have seen 80 jobs lost at the Leitchville cheese factory, because while this government has been in, the milk the flow in northern Victoria has dropped from 3 billion litres down to 1.7 billion litres.

We have also heard the government say that the way into the future is through productivity gains; however, on the other hand the government has closed the Kyabram research farm, costing 32 jobs in my electorate. Again, we have seen the government cut police numbers in my electorate. The police numbers in the Campaspe shire and Moira shire have been cut because the government believes the crime rate in those areas is not high enough.

The government has had an opportunity through the Building the Education Revolution, which provides federal money managed by the state, to create jobs in my region. Unfortunately the government, through the education department, has set things up in such a way that the contractors have come from Melbourne or from other parts, not from my electorate. There has been very little work for local builders in my electorate in the school building process.

Fortunately some of the money has gone to the private schools. St Mary's in Echuca got money through the Sandhurst Catholic schools region, and St Mary's has managed its own money. Local builders were given

opportunities and got jobs. There were no exorbitant management fees, and it was a value-for-money project. It is a prime example of how it should have been done as opposed to the way in which this government has creamed money off the top through the education department.

Likewise we have the northern Victoria irrigation renewal project in my area. The unfortunate thing again is that contractors from Melbourne and other places are getting work before many of my local people get jobs. Only in the last two or three weeks I have spoken to several contractors who have been unsuccessful in the tendering. They have to go through contractors to be offered subcontracting work, which means money has been creamed off at management levels — an expensive way to do this. It would be far better to give direct contracts to the local contractors.

We have also seen the government's grab for money with the new liquor licensing fees, which is costing jobs in my area. We have seen small country hotels in my electorate being faced with the real threat of closing. The extra fee is causing the owners of some country hotels to consider their futures. That applies also to the Nanneella store, which makes some \$3000 a year out of trading in liquor. It is expected to pay \$1590 of that profit in liquor licensing fees, which is a quite unreasonable demand on a small country business.

The government had the opportunity to spend money on infrastructure in my area. It has refused to commit funding to the Echuca hospital and the Rushworth hospital, and it has refused to commit to the building — —

Mr Helper interjected.

Mr WELLER — The Minister for Agriculture, who is at the table, interjects. He has form: he closed the Kyabram research farm. He has form when it comes to closing places. We are talking about this century and what happened this century. He led by example by closing the Kyabram research centre, taking 32 jobs out of my electorate, and here he is saying that the government has created jobs for families in Victoria. The public will have seen him as an impostor.

The government goes on to say that it is creating jobs. The member for Melton mentioned the north-south pipeline. What the north-south pipeline does is take 75 000 megalitres of water out of northern Victoria.

Honourable members interjecting.

The ACTING SPEAKER (Mr K. Smith) — Order! The two members at the table! I ask the member

for Warrandyte and the minister at the table to refrain from speaking like that. They are interrupting the speaker on his feet.

Mr WELLER — I will go on. The 75 000 megalitres of water that is going down the north–south pipeline is the equivalent of the amount that would be used by 150 dairy farms, and it is a well-known fact that every dairy farm with the flow-on effects through the community creates eight jobs. That amounts to 1200 jobs that the government has taken out of northern Victoria by the building of the north–south pipeline.

The government had other options to obtain water. It could have upgraded the eastern treatment plant and used that water for non-potable uses in Melbourne — and that was 130 000 megalitres — rather than raiding 75 000 megalitres from northern Victoria.

An honourable member interjected.

Mr WELLER — That is non-potable water. The government has said that tourism will be the answer to the problem. There is no doubt that tourism is already a strong industry in northern Victoria, but since the government created the box-ironbark national parks and said tourism would be the answer, not one extra tourist has gone to the box-ironbark areas. Not one extra job has been created through tourism in the box-ironbark areas, so to say that tourism is going to help out in the red gum areas is a fallacy.

The best thing that the government could do is to help the tourist industries that are already there. An airport at Echuca would be a boon for the tourist industry along the Murray River and is something that should be considered.

The member for Bendigo East spoke about roads. This government has form on roads, such as the Strathallan road. A new bridge has been built there, and about 5 kilometres of road in the area needs to be sealed because it forms a connection between the Northern Highway and the Echuca-Nanneella Road and provides a way of diverting traffic around Echuca to the saleyards. Each year the Minister for Regional and Rural Development comes and announces that she is going to allocate funds to seal another 1.5 kilometres of the road so it is going to take four years. Why did the minister not just make one announcement and say, ‘We are committed to sealing this road all the way’, rather than trying to get a photo opportunity every year for four years?

The minister also said that a Victorian Employers Chamber of Commerce and Industry representative

made a comment about how good it was, but what she did not say was that the VECCI commentator added, ‘if the government lives up to its promises’.

We have seen this government’s form on its promises. We all remember the no-tolls promise on the Scoresby freeway. We all remember the government saying before the 2006 election, ‘We will not take water from north of the Great Divide for Melbourne’. What has it done? The government tolled the Scoresby freeway. It has raided 75 000 megalitres of water from northern Victoria — the equivalent of 1200 jobs. That means 1200 families in northern Victoria no longer have jobs because of the north–south pipeline.

The last time this house sat the government raised the issue of landfill levies. We did not oppose the legislation, but we made the government aware that the increases would drive jobs away from northern Victoria into southern New South Wales, because in southern New South Wales the government does not charge levies and does not have the audit fees that are placed on our landfill facilities in northern Victoria.

This government is not committed to creating jobs in northern Victoria. The only way it is committed to creating jobs is by adding people to its spin machine. This government has been all about spin and all about the paper. It has never been about substance and action, and we have seen very little building in electorates such as mine.

Mr CRUTCHFIELD (South Barwon) — It gives me great pleasure to rise to speak on the matter of public importance from the member for Bendigo East. The MPI is that this house congratulates the Brumby Labor government on its continued investments to create and secure jobs for Victorian families.

I want to bring a perspective from regional Victoria to this issue. I know the member for Ballarat East did so as well, but certainly from a regional MP’s point of view it is one of a very strong message of economic security and of jobs and infrastructure delivery. We have been through some challenging times in this state, including in regional Victoria, which has had its uncertainties around the global financial crisis, just as we had across the broader Australian economy. However, we have weathered it very well.

In last year’s budget it was predicted that we would create some 35 000 jobs. I am pleased to inform the house, as the member for Bendigo East has also done, that over the last 12 months some 92 000 jobs have been created in Victoria, which is 92 per cent of all the full-time jobs created in Australia. That means that for

the whole of Australia 92 per cent of full-time jobs have been created in Victoria. No-one could interpret that as other than Victoria being the powerhouse of job generation, certainly over the last 12 to 18 months.

It gives me great pleasure as a regional MP that on top of that some 26 000 regional Victorians have moved into work over the last year, and that represents a 4 per cent increase compared to the situation in other areas of the world. I believe we have done remarkably well, and it is no coincidence that that is because the Brumby Labor government has plans for different areas of the economy as well as for different areas of the state. We plan, we implement and we deliver.

I want to touch on a few of the things that are particularly pertinent for my area down Geelong way. A microcosm of planning is Armstrong Creek. It is Australia's fifth largest residential development in my electorate of South Barwon, just south of Grovedale. Armstrong Creek is an example of where the government has put in place a plan; it has worked more than diligently with the council; and it has helped the council considerably, both financially and in terms of resourcing from an intellectual base, in planning for that growth suburb.

I have been pleased to facilitate things like water security for that development. We are looking at a third pipe for that area, which would be a purple pipe — as people in the chamber may or may not know — which will provide non-potable water for communities in that newly constructed area of Armstrong Creek. It is about saying there are areas in regional Victoria that are livable: there are areas outside metropolitan Melbourne that you can live and work in or commute from. Armstrong Creek has been a beneficiary of that planning, and certainly I am working very hard on providing infrastructure for Armstrong Creek.

We have recently delivered an expanded car parking area at Marshall railway station. The station has continued to expand, and as I said, we have recently committed to purchasing land for 1000 additional car parking spaces, 300 of which are under construction as we speak. It is a very welcome measure indeed. I will continue to work with the Brumby Labor government to deliver other infrastructure for Armstrong Creek.

When we commit to building infrastructure, importantly it is community infrastructure that we are providing the capital for. However, what comes with that infrastructure is the benefit of jobs. Certainly the tradies in my electorate whom I bump into on a regular basis recognise that a spend in infrastructure is an

investment in building communities but is also an investment in building jobs.

A recent headline in the *Geelong Advertiser* was 'We get a new hospital'. Another headline was 'Ring-road vow'. I have another four or five pages of headlines from the *Geelong Advertiser*. It is not appropriate for me to go into figures, but certainly there is a strong record of delivering infrastructure in Geelong, and we continue to do that.

The government's recent first home buyers grant for regional Victoria, which unashamedly gives an incentive for regional Victorians to purchase new houses in regional Victoria, is a bonus for a place like Armstrong Creek. It is particularly important as properties in some of the coastal areas in my electorate are very expensive. That will allow first home buyers who are the sons and daughters of people who have places in those higher priced coastal electorates to purchase homes close to family. Buying houses at Armstrong Creek, I believe, will take growth pressures off places like Torquay and Barwon Heads. That unashamed bias towards regional Victorians, particularly first home buyers, is very welcome, and Armstrong Creek is going to be very successful from a first home buyer's perspective.

We have spoken about our plan for regional rail services to build a \$4.3 billion stand-alone track which will increase the capacity and reliability for regional communities such as Ballarat, Bendigo and Geelong. It is another example of our investing in infrastructure. The railway stations at Marshall, Geelong, South Geelong and North Geelong have all received upgrades, and we will continue to invest in regional rail for the benefit of the commuting public in areas around Geelong. Many people in Armstrong Creek and Torquay will commute to Geelong via public transport. That investment in infrastructure has clear benefits for job generation.

I also want to touch on the government's investment in recreation and sport. A few months ago we committed to purchasing property at McAdam Park, which services the motocross fraternity. I am certainly very proud to be the local member who has secured that world-class facility for motocross. Motocross and shooting are sports that deserve government funds as much as the more popular sports such as netball, football and cricket. I have been working with the Minister for Sport, Recreation and Youth Affairs in advocating strongly for a world-class shooting facility. Shooting and motocross are recreationally just as important as other sports that people are interested in.

To touch on the Geelong Ring Road, if ever there was a job creation project from an infrastructure point of view, it is the Geelong Ring Road. I know many local people who have been working with contractors on the Geelong Ring Road. It has been this state Labor government that has committed to stages 1, 2, 3 and 4. Stage 4A is well under construction, and the minister was recently down there inspecting it. That will be very well received, and we are on track to finish by the end of the year what is called the Anglesea flyover. That is a very positive project. Stage 4B is certainly close to being put out to tender, and it looks as if work on it will start at the end of the year. I am very keen to see how work will go on stage 4C, which is the link through from the end of Anglesea Road to the Surf Coast Highway. Planning is well under way for that.

All these projects have been extremely well received. It means we are investing ahead of the game and ahead of development in areas like Armstrong Creek. We are certainly the first government of any flavour to do it, and we will continue to do that.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the government's matter of public importance submitted by the minister, the member for Bendigo East:

That this house congratulates the Brumby Labor government for its continued investment to create and secure jobs ...

I have listened intently to the speeches by the minister and the member for Melton. Nowhere have they mentioned underemployment. Nowhere have they mentioned the losses of jobs. I have reams of newspaper clippings on the losses of jobs. I will quickly refer to a few of them. There was the news of the 40 jobs that were lost in Kilsyth and Lilydale at Not Quite Right supermarkets.

According to the Australian Bureau of Statistics, in February Victoria had the highest number of jobs lost of any state — that is, 15 100 jobs. Alcoa workers were gutted by the proposed loss of 40 jobs. Other losses included 76 jobs at Figgins Holdings, 40 jobs at Grampians Wool Industries, 160 jobs at FordCredit, 27 jobs at Lowan Hull Foods, 115 jobs at CSR, 50 jobs at National Australia Bank, 27 jobs at Lowland Whole Foods, 200 jobs at GE Money, 60 jobs at Bush's Pet Foods, 115 jobs at Foster's Group, 400 jobs at Drivetrain Systems International, 60 jobs at GHD, 30 jobs at Air Radiators, 533 jobs at Pacific Brands, 90 jobs at Southern Star observation wheel, up to 40 jobs at Lonely Planet, 143 jobs at the Australian Taxation Office and 400 jobs — this is a nationwide figure — lost at Lend Lease.

We have arriving in Victoria people who are seeking employment. These are people who, as I said, are underemployed and people who have given up seeking employment. Where is the support for employers? This government does not seem to understand that to have employment and have a job, you need an employer. It is not just the public service that employs people — although, as we see in the budget reports every year, the public service employment figures have grown — or the unions; it is people out there who run businesses who employ people. This government has done nothing to support businesses in this state; from the time it has been in government it has just made it harder and harder. Recently there has been the liquor licensing debacle, which is ongoing and which is causing jobs in my electorate to be cut because licensed venues have to meet huge increases in their fees. Some that can barely afford to keep staff on are doing so but have had to cut hours.

We had terrible bushfires in 2009. In the aftermath of those fires it was promised that locals would receive employment when Grocon cleaned up fire-damaged properties. Which locals received employment? Where was the support? These people lost not only their jobs and their homes but also their community. Many lost much of their equipment, but this government did not insist that people who lived in the areas affected by the bushfires receive this work. We had people travelling from Melbourne; Lilydale motels were booked out by workers who were working for Grocon and clearing properties. They were not our local contractors. There was no support for local contractors from this government and there never will be, because it does not think about individuals who are not union members. The locals are good, hardworking and decent men and women.

There has been a debacle in the horticultural industry in Victoria, where federal industrial awards are disadvantaging people. Do members know that under the proposed changes to federal awards employers would have to pay \$45 per hour when employing people to pick raspberries on a Sunday? The industry's two key market days are Mondays and Thursdays, which are the best days to get produce to market. If you have perishable goods, you have to pick them when the time is right. There is no waiting for a set hour; you cannot do it between 9.00 a.m. and 5.00 p.m.. Produce has to be picked when the time is right. Raspberries, strawberries and cherries and all other perishable goods have to be picked and taken to market as soon as possible. Apples are a little bit better because they can go into cool storage.

The Minister for Agriculture came to the Yarra Valley for a meeting. He appeared to listen, but I did not hear him arguing the case for the horticultural and fruit industries in my area. A lot of women in my electorate have as their main employment a job either working in the packing sheds or picking fruit on Saturdays and Sundays when their husbands look after the children. We also have a lot of people who want to work intensively over the picking period. Perhaps they are semiretired and want to work intensively for 6 or 8 weeks — or maybe up to 10 weeks if it is a long season. They want to work seven days a week and then take two or three months off. However, this cannot happen now because they are able to work only X number of hours. This government has not been out there fighting for the people of Victoria to have these conditions altered. The government has just sat back because a span of hours from 9.00 a.m. to 5.00 p.m. fits in with its union mentality.

Most government members have never been responsible for providing employment. They have never lain awake at night trying to think how they are going to meet the cost of paying wages. They have not been awake at 2 o'clock, 3 o'clock or 4 o'clock in the morning knowing that other people are reliant on them for income with which to buy food and keep their children in school. Most government members have no concept or understanding of that situation.

Land tax is an imposition on small business. If you pay land tax, it is a huge amount. We have heard of people paying hundreds of thousands of dollars in land tax. How many jobs would be created if the system were fair and equitable? More people could be employed. I come from a small business background. We went through rough times, and we had to put off good decent and honest people who had worked for us for between 7 and 12 years. It broke my heart, because I knew there were no other jobs. We see this happening now.

Since the global financial crisis the number of jobs available has gone down. It is the hardest thing in the world as an employer to have to tell someone, 'I cannot give you 20 or 30 hours; I can only give you one shift this week because the bookings are down'. Members can see this happening now in the tourism industry. There is a lot of hoo-ha about the figures being up. The returns from day trips are down in terms of the dollars that tourists spend in the Dandenong Ranges and Yarra Ranges. The roads are clogged with traffic, but people are not actually spending money. Accommodation bookings are down. If anyone talks seriously to the tourism operators, they will find that accommodation bookings are down. If we have a downturn in tourists, we have a downturn in takings by our retail shops. We

are now seeing shops closing and empty shops in the main streets of some of our towns. Because of all of the other impacts on people's lives, tourists are not spending. Every time there is an increase in interest rates which flows through to mortgage repayments people have less money for discretionary spending.

It is no-one's fault, but we have had disruptions to international air traffic. That has been a severe blow, because lots of groups had to cancel their trips to Australia from Europe. It will take months to get over this and to recoup the money that has been lost. I have seen the effect of the way the government has introduced no-parking rules in the form of clearways outside retail shops. The introduction of clearways must be absolutely awful for small business operators. I shop in a lot of these areas. I love discount shops, fashion outlets and so on. I hate paying full price for anything, so I shop around. But you cannot park in those areas. If you have to scurry around backstreets for an hour looking for a parking place to shop at a discount shopping outlet, you are not going to go shopping. These retailers will end up closing, because they will struggle only for a certain amount of time.

I look at this government's expenditure and what it does. If you cut through everything, this government will spend \$200 million on self-promotion each year, but how much would that help the unemployed to get work?

The Leader of the Opposition has called for retraining to help people to get new skills. We all know that changes happen, jobs do go — they always have gone — but you must always be looking to the future. You must be offering practical training programs to reskill people so they can go onto alternative work. Where are these programs? We are not seeing them. We are not seeing an emphasis on the reskilling of people of mature years.

Look at youth unemployment. I have an article to I wanted to refer to, but I have so many articles here on unemployment, hardship, depression and the lack of jobs that I do not think I am going to be able to find it. The article relates to a story that was put out by the shadow minister for youth affairs, the member for Lowan, on youth unemployment figures. I was staggered that the numbers have increased by 27.5 per cent from 2008–09 — 33 800 young people aged 15 to 19 years are unemployed. It is no wonder we have a problem with mindless violence and youths doing things they should not be doing; it is because they are not employed. Where is the emphasis on that? Where are the programs targeted at young people, targeted at getting them into the workforce, targeted at helping

them earn self-respect? Where are the reskilling programs for middle-aged people who have lost their jobs?

Ms HENNESSY (Altona) — I also rise to speak on the matter of public importance, and I happily speak in support of it.

I have the privilege and honour of representing communities in the west of Melbourne. It is an area which has absolutely benefited from the Brumby Labor government's investment in infrastructure, services and support for people seeking employment. That is not to say that there is not more to be done, but I am proud to be a member of a government that wants to invest in and continue to deliver more jobs. This is a government that is giving its all to secure the economic prosperity and social enhancement of all Victorians.

Our government's record gives me cause to reflect upon the role government can play in enabling individuals, businesses and communities to fulfil their potential. Amid the disappointment and occasional cynicism that we see reported about politics and politicians, I must say that the aspirations of the Brumby Labor government give me great cause for optimism regarding Victoria's future, especially the future of those who live in the western suburbs.

I am obviously new to the Parliament, and so I am conscious of and reflective about my capacity to be a little pollyanna about this. But even when I put our government's vision through a colander of cynicism I am left with the inescapable conclusion that the community of the west is truly best served by a Labor government.

This is in stark contrast to the position the western suburbs were in under the last Liberal government. There was simply no objective basis for optimism then, because we had a Liberal government that failed to invest in jobs, health, education or sustainability. It did not support vulnerable people and their carers, it did not invest in community safety and it certainly did not invest in public transport. In short, it sought to decimate the hope and spirit of the western suburbs. The current state government continues to aspire to turn things around, and it has turned things around in probably one of the most difficult economic climates in recent history.

Our state government has not picked winners and losers. It has identified and supported all sections of and cohorts in our community. This is a government that has regenerated and resourced its plans for the future to ensure that the state of Victoria, in all its compositions,

can truly have some hope. This is a government that has proactively demonstrated leadership in enabling our state to be a fair and prosperous place to be.

This is a government that has committed to securing an additional 30 000 jobs by putting \$9.5 billion into infrastructure. This is on top of the 92 000 new jobs created in the last year. One of the most meaningful and enabling things a government can do is to generate jobs for people by creating and sustaining an economic climate that promotes employment.

Of course the government has not done this only through direct investment; it has and will continue to aggressively support and create conditions that enable business to prosper by ensuring a competitive economy. A few examples of this include our government's aspiration to deliver \$461 million more in tax cuts on top of the \$5.5 billion worth of tax cuts it has delivered since 1999. This \$193 million worth of payroll tax cuts and WorkCover premium cuts will mean Victorian businesses will be \$240 million better off over the next four years. We in government not only hold that aspiration but we have been doing that while we have reduced the amount of claims by injured workers and protected their benefits.

There are few economies that could have afforded such tax cuts, that would have been fiscally capable of producing such a competitive business environment to keep delivering jobs, but the Brumby Labor government's stewardship of our economy has enabled this economic enhancement. Not only that but we want to do more. Our commitments to business will support employment, and people of the west are always keen for jobs. Ensuring that people have jobs is one of the most tangible ways a government can stand up for working families.

Ours is a government that understands that families in the west need and deserve services. The Brumby Labor government will continue to generate jobs through its investment in health, for example. In the west we are thrilled with the ongoing commitment to the development and expansion of Sunshine Hospital. That is on top of our record investment in Western Health and the Werribee Mercy Hospital over the years. This is something that will truly make a difference in the lives of the communities we represent.

This will be buttressed by our investment in cancer services and cancer research. It is in stark contrast with the record of the Liberal government in the west. It closed the Altona hospital, sacked nurses, let health services infrastructure fall into disrepair and demonstrated no future vision for transforming health

services and setting them up to meet the future health and workforce needs of the community.

Similarly when it comes to our investment in transport we see regional rail investment, the M1 upgrade, our investment in transforming rail stations such as Hoppers Crossing and Laverton, building a new station at Williams Landing and providing increased and improved bus routes are all delivering jobs and better services.

When we come to education we see a similar story providing rolled gold evidence of our assertion that education is our no. 1 priority and that our infrastructure investment in education delivers jobs. At the end of this year I will be able to say that, thanks to Labor governments, on top of the building of several new schools to meet the needs of our growing community every existing government school in my electorate will have been regenerated and refurbished. We also see this in the government's commitments and aspirations to keep regenerating schools such as Bayside College, Point Cook Senior Secondary College and Laverton P-12 College, to name just a few.

That education is our no. 1 priority is seen in our government's commitment to and investment in the Western Autistic School. Next year for the first time in the west we will be opening the doors of a selective entry high school in yet another Brumby Labor government investment delivering better education options and jobs.

Given these terrific investments I wonder how it felt to be a member of the former Liberal government. I wonder how it felt to preside over the mass sackings of teachers. I wonder how it felt to have schools unilaterally closed as the previous government did with gay abandon. I wonder how it feels never to have had the chance to be part of a government that genuinely invests in the future in a way that makes a compelling difference in people's lives. When it comes to delivering jobs, transport, infrastructure, better health outcomes and quality education for all, this government has been and always will be on the front line.

Mr THOMPSON (Sandringham) — During the first year after I was elected to this place I visited Coburg secondary college, which after a decade of Labor administration in this state had walls punched out, rotting spouting and water running nowhere, and I thought to myself how extraordinary it was that the Labor Party could not manage money. I feel sorry for the students who went through that school and experienced its lack of physical resourcing and infrastructure. I emphasise that after a decade of

Labor's being in power that was the end result in a Labor heartland electorate.

I turn to my electorate and quote from an *Age* article of a few years ago:

Sandringham College is well known for its performing arts program and broad range of VCE subjects. But to some students, it is simply the 'pov school'.

Principal Wayne Perkins says it's disappointing to hear the term, but he is the first to admit facilities on the school's three campuses are not up to scratch.

Problems include rotten window frames, a leaking heating system, and worn out electrical wiring that is a potential fire hazard.

The principal went on to note:

We don't need a swimming pool. What we do want are good, modern, safe facilities ... This college has not seen a significant amount of money for a long time. We are operating in a set of facilities which are totally inappropriate and physically run down, to the point of being dangerous and unhealthy.

Last night in this place I raised the comments of a local parent who had written to me expressing concern about the standard of state education facilities. It is all very well underpinning them in marginal seats or Labor heartlands, but it is totally inappropriate for the government to disregard the equitable distribution of resourcing for our state schools. This parent lamented the physical built environment of the school where he was hoping to send his young son; and the story goes on. Why schools are important in the context of the motion before the house today is that it is through education that people are equipped and skilled for the workforce later on. It is indisputable that there is a strong correlation between the built environment and student learning outcomes.

When I entered politics the issues confronting the Sandringham electorate were economic: unemployment, company receiverships, personal bankruptcies and high levels of personal debt. A number of these conditions are present in the Victorian community today, and we are poised to work through some difficult issues. We have had the global financial crisis and the attempts to deal with it. Expenditure on a range of projects is understood by the Australian electorate to have been misdirected — for example, in relation to the insulation program, where \$450 million is required to rectify it. If I had \$450 million for the Sandringham electorate, we could do some very good things to upgrade local schools and provide skilling opportunities for future generations of young Victorians as we compete in a global marketplace. As a community we not only need to improve our work rate,

systems and methods but also to improve them at a rate faster than that of our global competitors.

In addition it is important to note other problems in the wider community which complicate the issue of security for Victorians as they commute to and from work. A constituent from Mentone who has travelled to the city for 35 years laments cancelled trains, overcrowding, the general run-down state of the public transport system and the fiasco of \$1 billion being spent on a ticketing system that does not work. There are IT cost overruns, and myki represents a \$1.3 billion investment in a failed project. How far would that money go towards upgrading school facilities across Victoria and providing good learning environments for the workers of tomorrow? Where would that funding go in relation to other failed IT projects such as the HealthSMART system, the ultranet, Project Rosetta and the electronic conveyancing program that has invested over \$50 million of taxpayers money in a project that at this stage is a white elephant, a dud, and has been so for over two years? What would that \$50 million have done for secondary colleges in the Sandringham electorate?

Labor is very good at spending money. It was once said that Labor governments waste money through sloth and indifference. Some commentators argue to the contrary, that it takes a lot of effort and energy to waste the volumes of money that the Labour parties have wasted in governments across the world. We need only look at Labor's performance on a range of failed IT projects in this state to understand where not just tens of thousands of dollars or millions of dollars have been wasted but where billions of dollars have been wasted by the Labor Party on failed projects and the non-fulfilment of core promises over the last 10 years.

Another issue that relates not just to employment but also to security in the local community is that according to recent figures there has been a massive uplift in crime over the last decade. Assaults have increased by over 70 per cent. Over the last reporting period in the city of Kingston shoplifting has increased by 75 per cent, robberies by 20 per cent and assaults by 8.5 per cent, and there has been a massive 62 per cent increase in property damage and a 14 per cent increase in theft from motor vehicles. In terms of the security that people feel as they travel to and from work there is unease across the streets of Melbourne due to the failure of the Labor Party to deliver safer communities.

In addition to crime there are other issues across the state relating to the lack of investment to create and secure jobs for Victorian families. Labor is reliant upon taxation. Four years ago there was a prospering

family-run tennis court business in the Sandringham electorate which had operated for 20 or 30 years but which has since closed. The catalyst for that closure was the massive land tax impost of the Labor government. People were put out of work as a consequence of it, and the facility no longer exists for the benefit of the local Sandringham community. A range of other failed projects also resulted from the Labor Party's failure to invest and to create and secure jobs for Victorian families.

We have seen a decade of record taxes and high spending, and that is an imposition upon small business. We heard an excellent address from the member for Evelyn explaining the impact of wage costs on employment opportunities for people in the Yarra Valley who would otherwise benefit from a good income to support their families. That is now no longer possible on many fronts.

There are the responsibilities of employers working to meet the expectations of the marketplace on a competitive basis to enable their business to grow to contribute to a growing economy. But the Labor Party, through its heavy tax imposition in the form of land taxes and other like taxes, through its reliance on stamp duty and motor vehicle registration expenses, which are increasing above the cost of inflation, through its reliance upon traffic fine revenue to prop up the state finances, is not enabling the private sector to work with a footloose capability and generate employment for Victorians. We have seen an increase in the cost burden through the size of the expansion of government operations in this state, which otherwise serves to constrict employment opportunities in the private sector and the ability of Victorian enterprises and companies to be globally competitive.

If we look at the key industries in this state at the present time, we see that the motor vehicle industry is worth some \$2 billion or more to the Victorian economy. We export some 100 000 cars to the Middle East. But if the cost burdens through power costs and state taxation and charges force these companies to move offshore, there will be a massive erosion of employment and opportunity in the Victorian economy.

We have seen in recent times announcements regarding the motor vehicle industry and the support by this government for motor vehicle production in Geelong and in Altona, but what will the speeches be in a decade's time if companies have had to confront international competition in the marketplace and have not been able to effectively compete? My view and that of the opposition is that the Labor Party has failed to

create the proper environment for a prosperous future for Victoria.

Mr HOWARD (Ballarat East) — I am also pleased to speak on this matter of public importance in which the house congratulates the Brumby government for its continued investment to create and secure jobs for Victorian families. When we think about Victorian families, we know that there is nothing more important than their having a sense of security in their future provided through members of those families having jobs, a source of income and a sense of their own value and commitment within the community.

The last 18 months have clearly been a time of great concern when we have seen the global economic downturn affecting so many economies around the world in such a serious manner. Jobs have been lost and families' futures have been thrown into great uncertainty and this has been a very serious situation all round. We have certainly seen this flow on and affect our state. We have seen jobs lost in my community of the Ballarat East electorate. We have seen jobs lost in some parts of the manufacturing sector and we have seen some jobs lost in the mining sector. That has been a matter of great concern, because the people involved have had their futures thrown into a great state of uncertainty.

It has been very important therefore that the governments of both the state and this country have acted to show leadership to redress this matter, to find ways of stimulating the economy and to see that not only do we stop further job losses but that we also create jobs in a whole range of other areas. It has been a matter of great satisfaction to me to see that the Brumby government has shown that leadership. It has also been very pleasing to see that the Rudd government in Canberra has acted to help stimulate the economy.

However, when we look overall at what is happening in Australia, we see that 92 per cent of all full-time jobs created in Australia in the last 12 months have been created in Victoria; we have seen 92 000 new jobs created over the last 12 months. That says a lot about what this government has done in conjunction with the federal government, but it also shows that we have been more successful than any other state in getting jobs moving again, getting people and families into a greater sense of certainty about the future.

What are some of the examples in my electorate of great action and significant leadership shown by this government to create jobs? Last week I was pleased to be out at the Emergency Services Telecommunications Authority (ESTA) facility in Mount Helen where the

Premier and the Minister for Police and Emergency Services announced the expansion by another 180 jobs of the ESTA call centre for emergency calls. Calls for ambulances and police will be taken at this new centre. It is great news for Mount Helen. The flow-on benefit of that move is that it will release police officers for front-line duties in Ballarat and other parts of the state, so that there will be more police to address issues across our communities.

While I was in Mount Helen it was impressive to see how many workers are now working in the University of Ballarat Technology Park. As a result of the work of this government, there are now more than 1200 people working in that park every day. In its first term the government moved some functions of the State Revenue Office to Ballarat, and now nearly 300 people are working in the Ballarat office. We have seen Ambulance Victoria establish its major centre of employment out there. Recently we have seen IBM, with state government support, build another new technology centre which will employ of the order of another 250 people. We have seen the Global Innovation Centre and the Greenhill Enterprise Centre doing very well, with the establishment of new enterprises employing more people to spin off new developing companies. It is great news and it is all supported by this state government.

We have also seen within Ballarat, as across the state, the housing sector being strongly supported through actions of this government with the new home owner scheme. This will ensure that young people can continue to achieve that aspiration of buying or building new homes. Certainly as a result of this there has been great feedback from those involved in housing construction in my area. As you drive around you cannot help but see areas where very extensive housing construction is continuing.

We know that through the school building program, supported through the federal government, extensive construction opportunities have been provided, with the building of schools and other construction work offered through government to further ensure there is work available in the construction industry. It is creating jobs locally. When I talk to local construction firms such as Nicholsons, Weirs and Troons, as well as those involved in housing construction, they report that their businesses are succeeding. They are taking on more staff, are very pleased to be getting the opportunity to tender for work across our community and are succeeding in gaining work.

In construction, wherever I drive around Ballarat — when I drive just from my home to my office even — I

go past numerous schools and see construction. I travel past the Dana Street primary school, the Ballarat Secondary College campus, which has been rebuilt, Mount Pleasant Primary School, Mount Clear Primary School, Buninyong and so many other schools across my electorate. If I go out to Daylesford and further afield to Trentham, I see school construction that is either under way or in many cases now completed. That work is strongly supporting some great facilities for the students of those schools and those communities and is also ensuring that there are jobs for people in the construction industry.

In roadworks, we have also been very pleased to see some significant road projects that are of great benefit to people in my electorate. They include the Deer Park bypass and now Anthonys Cutting, which is under way, with further works to be done on the Western Highway. I was pleased to see that yesterday the Treasurer advised there would be \$2 million for works along Main Road within my electorate to help improve traffic arrangements there. These works on our roads ensure not only that people can get around more effectively but that jobs are provided.

In rail, we see that the regional rail link is continuing to be supported, on top of the fast rail project that has benefited my region so well — both on the Ballarat lines into Melbourne and on the line through from Bendigo, which goes through Kyneton and Malmsbury. Not only have those rail projects already been of great benefit to people, but we are extending them with the new dedicated rail link through the metropolitan area into Spencer Street. This again is going to be of great benefit to travellers from my area, and it will also provide more jobs.

There are many other things in Ballarat that the Premier has taken a personal interest in. He has been in Ballarat recently to meet with people from Boral, which has put on new employees at its plant near Old Creswick Road and at its quarry. He has visited OzPress, a manufacturer of components for the car industry, where new jobs have also been created.

There are many good projects. Some of the projects are small, some of them are large. All of them are adding to the number of new jobs created in my electorate. The Minister for Regional and Rural Development was at CMI Ballarat earlier in the year when the company announced major expansions in Ballarat and in Horsham, again providing great opportunities for more jobs in my region.

I am pleased to see that the outcomes are providing great benefits in terms of not just those important jobs

but also of community facilities that are going to be of great benefit into the future. I am proud to be part of a government that has shown such significant leadership in recognising that it has a role in stimulating job growth in our region. Clearly we have addressed that threat and are moving forward.

Mr BLACKWOOD (Narracan) — I am pleased to have the opportunity to contribute to this matter of public importance today. I cannot believe the Brumby government can so arrogantly support the Minister for Regional and Rural Development — the member for Bendigo East — in this matter of public importance. I guess I should not be surprised because this is yet another example of the spin and rhetoric this deceptive Brumby government continues to use on all Victorians. The government continues to treat all Victorians with total disrespect and contempt by persistently misrepresenting the facts as it attempts to hide its massive waste and mismanagement.

In my view the Treasurer and the Premier have missed a golden opportunity to show some genuine support for regional communities. This Brumby government has no solutions for declining basic services and crumbling infrastructure in regional Victoria. If the Brumby government had had the foresight to address these issues, not only would it have restored confidence in our rural communities but it would have added enormously to the economic prosperity of country areas through genuine job creation.

The Brumby government's Better Roads program will deliver only \$9 million for regional road projects over the next year. This falls well short of what is required to provide regional road upgrades to fix damage caused by 11 years of Labor government neglect. This is another opportunity lost for job creation and the boosting of the rural economy as this arrogant Brumby government continues to ignore country Victorian families.

The government continues to ignore the recommendations of the 2009 Victorian Bushfires Royal Commission regarding fuel reduction burning. Very little effort has been made to help Victoria catch up after years of Labor's failure to meet even its own inadequate targets for prescribed burning. As we get further away from the catastrophic events of Black Saturday, the Brumby government's resolve to take the necessary steps to prepare rural communities for wildfire events is rapidly diminishing.

By raising this matter of public importance the member for Bendigo East has the audacity to suggest that the Brumby government has continued to invest in job security. The single biggest threat to future job security

is state debt. Total public sector net debt is estimated to increase to \$31.7 billion by 2014 due to the waste and mismanagement of the Brumby government. The Brumby government has benefited from an unprecedented flow of record revenues of more than \$340 billion over the period of this government, yet state debt is on track to hit almost \$32 billion — a level not seen since the disastrous days of the Cain and Kirner governments.

Last year's state budget showed that forecast net debt for the total non-financial public sector would rise from an actual \$10.7 billion in 2009 to an estimated \$31.7 billion in 2014 — an increase of 196 per cent. The interest bill on this debt alone is now forecast to rise to \$3.2 billion per annum for 2014, a billion dollar increase from the estimated interest cost of \$2.2 billion by 2013 in last year's state budget papers.

This massive increase in debt servicing interest costs is of great concern to the coalition. An extra billion dollars in annual interest costs alone is enough to build another children's hospital each year or employ an additional 10 000 police or nurses. These will be real jobs that will provide a real boost to the economy and address the health needs and law and order concerns of Victorian families. The total annual interest cost of \$3.2 billion is the equivalent of the entire budget of the Department of Health.

Labor has been caught out continuing to rely on big increases in public sector debt in an attempt to catch up with the massive underinvestment in infrastructure for basic services that are so desperately needed by Victorian families. Victorians will still be faced with failing basic services: hospital waiting lists will continue to climb, trains will remain congested and late, schools will keep falling apart, and violent crime will remain out of control.

Victoria's enormous \$31.7 billion future debt will place a heavy burden on future generations of Victorians, pose an enormous risk to job security and stall any chance of job creation. In my electorate of Narracan I can list a range of projects that, if funded, would make a significant contribution to the local economy and job prospects. The Lardners Track level crossing — a very dangerous level crossing on the fast train line and adjacent to a very busy road intersection — does not have boom gates. This crossing and intersection are used extensively by mums and dads delivering and picking up children from nearby schools. It is used by many heavy vehicles — milk tankers and cattle trucks — and large volumes of traffic visiting the Lardner Park facility during major events held throughout the year. The Brumby government

continues to allow the safety of our community to be compromised by failing to fix the problem and create a boost to the local economy through job creation.

The Warragul railway station precinct master plan has been completed and cost estimates have also been completed. This is a major project, including the new rail underpass which will give the town a much needed third rail crossing point. Preliminary costings are around the \$17 million mark and this would be a project of enormous significance to the community in terms of economic benefit, commuter safety, townscape enhancement and future town expansion.

A major concern is the need for funding an upgrade at the emergency department (ED) at the West Gippsland Hospital, and I have mentioned this in several dispatches in this house over the past 12 months. The board of management has made an application to the Department of Health for a desperately needed \$2 million redevelopment of the ED some months ago. The ED is faced with unprecedented demand and will have 18 000 patients to deal with this year with only eight cubicles when the facility should have 14 cubicles to handle the workload associated with that number of presentations.

The pressure and stress the staff are experiencing in this unacceptable situation is enormous. West Gippsland Hospital continues to be underfunded in a number of areas given its subregional status. As a subregional hospital it should have a level 2 nursery given the number of births were about 800 this year. It also needs a designated palliative care unit with the availability of a specialist palliative care practitioner and options for inpatient and outpatient palliative care. West Gippsland Healthcare Group is the biggest employer in the area. If the capital project for the ED and subregional status of the hospital were fully funded, it would provide a significant boost for job opportunities.

The Moe activity centre project to develop the railway precinct at a cost of \$15 million is in need of further state government funding. The City of Latrobe received \$2 million in the 2007–08 budget, which has assisted with the planning and land acquisition for this project. If the project is to proceed, a further state government contribution is required. The project has special significance for Moe and, despite some community concern over the siting of the skate park and the proposed relocation of the library, will significantly enhance the amenity and community use of the CBD.

The federal government's small area labour markets figures for 2009 indicated that unemployment in Moe was significantly above the average at 7.2 per cent. If

the Brumby government was serious about investing in the creation and security of jobs then this project would certainly have got a guernsey.

There are three projects that were pre-election promises of the Labor government and they are yet to be delivered in Narracan. They are the new ambulance station for Neerim South, the upgrade of the Warragul ambulance station and a new Country Fire Authority fire station for Erica. How can the Brumby government claim that it has continued to invest in job creation and security when it has not even delivered on promises made almost four years ago — promises that, if kept, would certainly have delivered an economic boost to the communities of Erica, Warragul and Neerim South.

It is very premature for this government to be patting itself on the back before commitments it has made have been delivered. When the Labor government took office in 1999 the state budget was \$19 billion; in 2009–10 it was \$43 billion. The government has enjoyed almost 11 years of unprecedented income. It has had the political numbers to make a huge difference to the state of Victoria. According to the Australian Bureau of Statistics, Victoria spends less per capita on infrastructure than any other state. It has spent the second-lowest amount per capita on water infrastructure of any Australian state, and instead Victoria has much more debt and has lost opportunities, despite its rhetoric about investment in job security and creation. But what is of major concern is just where the money has gone? You do not really have to look very far to see myki and HealthSMART, which are just two examples of massive blow-outs in budget and failure to manage major projects by this incompetent Brumby government.

In closing, I refer to the comments by the member for Bendigo East with regard to Gippsland. She stated that when it comes to Gippsland there will be many projects funded in the future. It was a typical, non-specific statement that is completely hollow with no substance, and I remind her that the people of Gippsland will not be taken for granted; they will judge the Brumby government and the member for Bendigo East on the facts and the government's appalling record of non-investment in Gippsland.

Ms KAIROUZ (Kororoit) — It gives me great pleasure to rise in support of the matter raised by the member for Bendigo East, who is also the Minister for Regional and Rural Development, that this house congratulate the Brumby government for its continued investment to create and secure jobs for Victorian families through the 2010–11 budget.

We continue to see a Labor government delivering unambiguously good projects, programs and services across the state that help to make Victoria a great place to live, work and raise a family. We also see a Labor government delivering jobs for families; we see a Labor government delivering excellent health services and programs; and we see a Labor government delivering community safety and first-class education.

It is proven that only a Labor government takes into account the wellbeing and security of every Victorian. This time last year the Brumby government predicted that around 35 000 jobs would be created in Victoria. I am happy to inform members, and particularly those opposite who dismissed and ridiculed this prediction, that the Brumby government understated its forecast and in fact 92 000 jobs were created in Victoria instead of the predicted 35 000 jobs. This represents 92 per cent of all full-time jobs created in Australia.

I am also pleased to inform the house that the Brumby government will build on this record and continue to secure Victoria's future prosperity. We have seen billions of dollars being injected into job-creating infrastructure which will no doubt create more jobs over the next 12 months. Meticulous planning and investment by the Brumby government has included a record investment for better roads and public transport. As examples, I refer to the building of four new railway stations in Melbourne's growth areas, including a new train station in Caroline Springs, the \$92 million Laverton rail upgrade and the \$55 million Footscray bridge, all of which have already been funded and have supported job growth. Investment in road projects such as the upgrade of the Western Ring Road — a project that is currently under way — will deliver increased traffic capacity, improve safety, ease congestion and improve travel times. This was an outstanding partnership with the federal government and once again we see the Brumby government securing more jobs and building the economy of the state for the future.

I turn to other aspects of the job-creating Victorian public transport plan. This \$38 billion investment will improve public transport and connect working families in the west and around the state, in particular in the west through the \$4.3 billion regional rail link project for which planning commenced last year. This new track is the biggest addition to the rail network since the city loop. It will deliver a brand new rail line through Melbourne's growing west and connect communities that are often forgotten by the opposition. Labor certainly does not forget about those communities. When there are by-elections the opposition comes out in force, but it is only during those by-elections.

One of the Brumby government's main areas of focus has been on building better roads and investing in safe and reliable public transport. We, as opposed to the Liberal Party, understand the importance of creating safe and accessible communities and securing jobs for Victorians. Unlike the Liberals' track record of sacking nurses and closing down 12 country hospitals, the Brumby government is investing in more jobs and better health services by building a hospital in Bendigo. Closer to home in the western suburbs of Melbourne, the Brumby government has invested in the expansion and redevelopment of Sunshine Hospital. Having had a family member treated for cancer at the Austin Hospital, it would be remiss of me not to mention the ongoing investment in the Olivia Newton-John Cancer and Wellness Centre. Not only does this investment offer first-class treatment and care by providing a clinical services building, consolidated radiation and oncology services, and additional cancer research floors but it will also generate more jobs for Victorians.

Let us not forget the former Liberal government's attack on education, when teachers were sacked and schools sold off to wealthy developers. Let us compare that with the Victorian Labor government's commitment to rebuilding and renovating every Victorian school and ensuring that all schools have access to 21st century resources. The dark and dismal days of the Kennett era saw the closure of 176 country schools. I compare that to this government's track record: by the end of this term a total of 553 schools will have been rebuilt or renovated. This well exceeds the government's commitment to rebuilding or modernising schools. This investment has delivered job security in the construction industry and will certainly deliver job security in the education sector. I am very pleased to be part of a government that delivers great education outcomes for future generations and secures more jobs for families in Victoria.

The Brumby government's track record in future planning is evident in its Jobs for Your Future action plan. It provides jobs for Victorian families by creating jobs in construction and by improving the energy and water efficiency of the state hospitals, schools and government buildings under the Greener Government Buildings program, and will secure an estimated 250 jobs.

In relation to research jobs, the government will support seven new research and industry partnership projects to develop new renewable energy, water, construction and manufacturing technologies. This will help make Victoria a productive and sustainable state and will support 56 high-skill green jobs. In relation to its investment in new skills initiatives, that will ensure that

the green skills needed today and in the future are met. The government will support initiatives to help more than half a million VET (vocational education and training) students, including over 100 000 apprentices and trainees.

Just like other countries did, Australia experienced the worst financial and economic downturn and recession since the Great Depression. However, many countries around the world such as the US, Spain and Greece will be quite envious of the Brumby government's leadership and achievement — —

Mr Kotsiras interjected.

Ms KAIROUZ — All of a sudden the member for Bulleen is showing some interest. Those countries will be quite envious of the Brumby government's leadership and its achievement in maintaining jobs and services without threatening the state's AAA rating. Particularly during the global financial crisis careful steps and measures were taken so that every Victorian felt that their job was secure. The health and education systems and community safety were always the no. 1 priority.

Those opposite have a bleak record when it comes to supporting Victorian communities and jobs, particularly those in areas of socioeconomic disadvantage, such as in Melbourne's west. On the other hand the Brumby government has taken proactive steps to support investment in the west.

An example I would like to highlight is the Brumby government's support for the manufacture of the Toyota Camry hybrid in Altona. This support has secured approximately 3000 jobs at the Altona plant, and I feel very proud to be part of a government that supports investments like this one. I am confident these sorts of investments have contributed to the continued revitalisation and rapid growth in my electorate. When you drive around Caroline Springs you notice evidence of the continuing construction; investments like this provide families with security — an income, food on the table — and provide constituents with the opportunity to own their own home.

The Liberals have a proven track record of abolishing jobs, whereas Labor has a proven track record of investment and the creation of thousands of jobs. Over the last 12 months the Victorian government has created many jobs. I feel very proud to be a part of a government that makes all Victorian families — all Victorians — feel extremely secure, particularly during the global financial crisis. I feel very proud to be part of

a government that puts Victorians first and secures jobs for all Victorians.

Mr KOTSIRAS (Bulleen) — I would like to raise a few points in relation to the matter of public importance raised by the government. It is amazing that after 11 years in government, the ALP cannot find anyone outside of this Parliament to praise it for its so-called job creation. It takes a current ALP member to praise the government; after 11 long and dark years it cannot find anyone to tell it what a wonderful job it is doing.

The member for Bendigo East had this matter of public importance (MPI) accepted for debate, yet she did not have the decency to remain here to listen to the debate. That shows how much she cares about this MPI. It is absolutely amazing that after 11 years, the government has done nothing. Victoria has had 11 years of Labor neglect with job creation, and the government has mismanaged the Victorian economy for those 11 years. Victoria has incurred enormous debt over those 11 years.

Members opposite have the gall to come into this chamber and talk about job creation. They have had absolutely no impact on job creation. It is all about spin, rhetoric, yellow vests and hard hats. It is all about spin and misinformation to try to score as many cheap political points as they can. They have done nothing for 11 long and dark years. These 11 years of this Labor government have been the worst. In fact some claim they have been worse than the years of the Cain and Kirner Labor governments. The government has now got money to spend on advertising, and it spends millions on advertising to misinform the public and say it is doing such a wonderful job. As I said, the government had to find someone from this Parliament — an ALP member, a government member — to praise it on job creation, when it knows it has done very little on job creation. All it has done is spend taxpayers money to hide its incompetence. That is all it has done.

It is a shame the member for Bendigo East and Minister for Regional and Rural Development has brought this matter of public importance before this chamber. She could not find anyone else in Victoria to praise the government, so she had to do it herself. It is an appalling MPI. I put on record that this government has a lot to answer for, and come November members opposite will have to answer to the Victorian public.

Mr DELAHUNTY (Lowan) — Like the member for Bulleen said, self-praise is no praise. The fact is that we have seen a 60 per cent reduction in TAFE applications because of the Brumby government's cost

impositions on young students. Country newspapers such as the *Sunraysia Daily* have today been highlighting that we miss out again. This has come about because of the Brumby government's waste and mismanagement, which has seen our debt balloon to \$32 billion and resulted in an interest bill of \$3.2 billion per year. What could that do for our hospitals, our education system, our roads, our transport and our police services? We could do a lot with the money we would have if not for mismanagement by the Brumby government — and we could therefore help job creation right across Victoria.

The ACTING SPEAKER (Mr Ingram) — Order! The time has come to end debate on the matter of public importance.

STATEMENTS ON REPORTS

Education and Training Committee: skills shortages in the rail industry

Mr HOWARD (Ballarat East) — I am pleased to speak on the Education and Training Committee's report on its inquiry into skills shortages in the rail industry, which was presented to Parliament this morning.

This inquiry was different to some we have done in the past because it took us to look at a specific industry in the state and across the country rather than at educational institutions. It was interesting, and we were pleased to see that those involved in the rail industry were supportive of our inquiry. They provided opportunities for us to visit sites and went to the trouble of providing us with a great deal of information relevant to the inquiry.

As the member for Ballarat East I am not completely new to looking at issues associated with the rail industry. The city of Ballarat has had rail workshops for many years. Over the years they have gone through a number of changes in the move from being owned by the government to being owned by Alstom, now the United Group. I have visited them on a number of occasions to see the work being undertaken in maintaining and building new rail stock. As the member for Ballarat East I have also had the opportunity to visit sites associated with the regional fast rail project where new rail lines have been built and where there is now new rolling stock, on both the Ballarat–Melbourne corridor and the Bendigo–Melbourne corridor. It was interesting to see some of that construction work in place.

The rail industry is critical to Victoria's economic and social infrastructure. It contributes to the overall living standards of our community and enables so many Victorians to travel to gain access to a number of places of importance around the community as well as enabling freight to be moved across the state and interstate. It is important that we have appropriate skill levels and an enthusiastic workforce that is capable of meeting the needs of an expanding rail industry.

We have seen extensive investment by this government not just in putting rail down but also providing new rolling stock in terms of the regional rail project that I spoke about and in the metropolitan area, as well as on the freight lines. It is important that we continue to maintain a highly skilled workforce to do this work.

The committee found that in general the rail industry has an ageing workforce. Many of the workers in the area are older than 50 and will be looking to leave the industry in the next 10 to 20 years. It is important that young people with talent are attracted to the industry to replace those workers. We need to ensure that a broad range of specialist trades — whether they be in the electrical area, in signalling or in engineering — are attracted to the industry to see that it can meet needs into the future.

The committee found that a comprehensive audit of skills in the industry needs to be undertaken, that not enough information is readily available on the overall skills in the industry and that a comprehensive, industry-wide workforce development plan needs to be developed — through the Department of Transport, perhaps with Skills Victoria — to take us through the next 10 years.

One of the other major thrusts of the report was the recommendation that we develop a state-of-the-art Victorian centre for excellence in rail skills. That will be important.

I commend the report to the house. I acknowledge the work of Karen Ellingford, the executive officer, Natalie Tyler, Catherine Rule and particularly Peter Thomson, who came to provide expert assistance on the rail industry. Together they have provided great support to the committee. I also want to thank all members of the committee for their work.

This is a significant report. I trust that in its response the government will take on board the issues involved in working with the industry into the future and that the various components of government will work with other state governments across Australia to ensure they get a sound platform for future manufacturing in the rail

industry and that rail and freight services continue to operate strongly.

Electoral Matters Committee: misleading or deceptive political advertising

Mr MORRIS (Mornington) — The integrity of our electoral processes is a matter that goes to the heart of our democratic system. It is central to the legitimacy of any government elected under those processes. That is the issue I want to talk about this afternoon. It arises from the inquiry of the Electoral Matters Committee into the provisions of the Electoral Act 2002 relating to misleading and deceptive advertising. That inquiry came from the events that surrounded the Kororoit by-election. The report was tabled on 11 March 2010 following a reference from the Legislative Council.

The Victorian Electoral Commission reported on the by-election as it normally would. The commissioner suggested that the matters that are the subject of the report might well be addressed by the Parliament. That suggestion was ignored by the government and it took the Legislative Council to take up and deal with the issue.

The substantive issue, as I have said, is misleading or deceptive political advertising. Misleading or deceptive behaviour in the commercial world has long been considered totally unacceptable. We have extensive consumer protection legislation. The maxim 'caveat emptor' has long ago given way to a community expectation that traders will follow legitimate practices, they will charge fair prices, they will honour sale prices, they will honour warranties and so on.

Clearly it is important that consumers are not ripped off. That is why legislation governing that area was introduced and why it has been strengthened over the years. But it appears that the government members of this committee — this government-dominated committee — seem to think it is okay to rip off the voters. That is the inescapable conclusion from this report.

In making the report the government majority has chosen to hide behind the claimed complexity of the problem and to do nothing. The majority of members sought to confuse two entirely separate issues: on the one hand freedom of expression and political communication and, on the other, misleading and deceptive conduct. Politics is indeed a contest of ideas. Freedom of expression, freedom of communication and a free exchange of ideas are all essential parts of our political process. Misleading and deceptive advertising, or telling lies, is not.

In the case of the Kororoit by-election the issue revolved around an ALP claim that a vote for Les Twentyman was a vote for the Liberals. That claim was made in a widely circulated document. The secretary of the ALP at the time of the election said in evidence he believed the claim was an absolute statement of fact. He said:

In our view there was clearly an arrangement between the Liberal Party and Les Twentyman.

In other words, if you form a totally unsubstantiated view without a skerrick of evidence — and there was no evidence because there was no deal and no arrangement — then you can go out and claim it to be a fact. That is the logical conclusion of the evidence given there. Fortunately the Victorian Electoral Commission has exposed the true motivation of this unconscionable behaviour, indicating:

Such statements, that a vote for one candidate or party is a vote for someone else, are effectively exploiting community misunderstanding of how preferential voting works.

That is what was done here. The Premier subsequently commented and made it clear that in the future the views of the Victorian Electoral Commission needed to be taken on board. The Electoral Matters Committee's minority report concluded:

We hold the view that under our terms of reference, the position adopted by the ALP could be categorised as at best tending to confuse, and at worst, in the words of a campaign worker for Les Twentyman 'a debasement of the political process'.

Unless the Premier accepts that this committee report is a whitewash that needs to be rejected, and unless the Premier accepts that change is needed to prevent this type of behaviour and legislates accordingly, that will be the ultimate outcome — the debasement of the political process in Victoria. I guess that is politics Labor style: dirty one day, corrupt the next.

Economic Development and Infrastructure Committee: mandatory ethanol and biofuels targets in Victoria

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to speak on the Economic Development and Infrastructure Committee report on our inquiry into mandatory ethanol and biofuels targets in Victoria. That report was tabled in February 2008, and the government response has no doubt been read by members of this house and beyond. I want particularly to refer to pages 175 and 176 in relation to compressed natural gas (CNG). That part of our report highlights the fact that oil reserves are limited and diminishing; that petroleum products produce highly polluting

emissions — and of course those emissions have negative impact not only on the atmosphere but on public health; that oil pricing has a detrimental effect on inflation; and that Victoria and Australia's fuel security is problematic because of our reliance on overseas supply.

Just looking at those facts alone, without going to the detail of this report, highlights how important it is for Australia and Victoria to work to secure the meeting of our vehicle energy needs by alternatives to petroleum-based products, which are sourced primarily from overseas and which are increasingly refined overseas.

One of the most outstanding submissions and sets of verbal evidence we received was from OES CNG's John Lincoln, John Mikolajunas and Kevin Black, who were all very impressive and provided extensive and compelling research and evidence. I would like to list some pertinent facts for members on CNG. Liquefied petroleum gas (LPG), which some people think is a useful alternative to petrol, is of course primarily petroleum based, and along with that go all the negatives outlined in relation to sourcing oil reserves primarily from overseas.

By contrast CNG is sourced from natural gas, a naturally occurring hydrocarbon that is composed primarily of methane. That is of course readily available and easily sourced in Australia. CNG is secure, economic and, in comparison with others, environmentally beneficial to the atmosphere and therefore to public health. We have abundant gas reserves in Australia, and of course a by-product of living is methane that is accessible, for example, from tip sites. OES CNG provided the committee with an impressive list of benefits of CNG for our vehicle fleet, and I would refer members to page 8 of its 28-page submission to the parliamentary inquiry.

The point I want to go to in the report is recommendation 26. We made a recommendation that the merits of an expanded CNG industry be analysed, with particular attention to infrastructure requirements and initiatives to increase market demand. I was fortunate last week to go to the opening of Australia's first public access CNG service station at Aspendale Gardens, and I had the pleasure of joining John Lincoln, John Mikolajunas and Kevin Black at that opening. The Speaker of this house, in whose electorate that service station is based, had the honour of officially opening the station.

Along with commercial fleets such as those Isuzu or Mercedes are providing to the commercial network, we

now have a site where private individuals can use their own family vehicles to access CNG quite readily.

The other recommendation I want to highlight is recommendation 27:

That the Victorian government conduct a public transport pilot program with CNG.

There is great potential for the bus fleets to engage in this CNG distribution and usage, and I would highly recommend that that be done promptly.

**Education and Training Committee:
geographical differences in the rate in which
Victorian students participate in higher
education**

Mr CRISP (Mildura) — The committee report I wish to speak on is the Education and Training Committee report into the geographical differences in the rate at which Victorians students participate in higher education. In particular, I want to focus on chapter 3 and recommendation 3.1. I quote from chapter 3:

Participation in higher education is dependent on achievement at school, both during the compulsory years and in the Victorian certificate of education.

Further, the report states on page 40:

Achievement during the early and middle years of schooling has important implications for higher education participation, because of its associations with school completion, senior secondary study choices, academic achievement in the VCE, and the development of higher education aspirations.

This report speaks of aspirations, and there are many ways to realise aspirations. On page 59, under heading 'School improvement strategies', it is noted that in evidence given to the committee Professor Teese of the University of Melbourne:

... argued that 'regeneration' of the government school system in non-metropolitan and low socioeconomic status areas is fundamental to raising achievement.

It states also that:

Professor Teese identified the 'conservation of teaching capital and teaching expertise' and the build-up of resources in 'larger, more comprehensive institutions' as essential strategies for strengthening government schools.

It is those strategies that the report built on for recommendation 3.1, but the term 'regeneration' has flowed through into the lexicon of education development from that report, and in particular in media commentary around resource allocation,

regeneration of schools has become quite a popular comment.

Media reports around asset investment programming for our schools talk of the Merbein regeneration. At Merbein the local secondary college and three primary schools have agreed to combine to form one large facility to qualify for those regeneration funds. The media reporting is that a project that was to have cost in the area of about \$22 million has only \$2 million. If we assume some \$10 million from the commonwealth from the Building the Education Revolution (BER) and the state incorporating \$2 million, I suspect we will have only a primary school developed on this site, in its recommendations the report talks about these middle years as being important as well for the development of aspirations for higher education.

Merbein has been identified by the Mildura Rural City Council as a disadvantaged community. That can transpose across to the report, looking at how to raise the aspirations of those students to move from that area towards higher education or using education in general.

My concern is about the allocation of funds for the secondary school at Merbein. This community cashed out its BER for a new school, and I recall that at the time the most pressing need of the secondary college to satisfy those aspirations was a library. They have cashed out that library for a new school. We just hope that that will be the case, or have they in fact been cut short on their expectations?

Back to recommendation 3.1, that the government continues to focus on the lifting of year 12 or equivalent rates of completion and also implementing a system-wide school improvement strategy with particular attention to schools in low socioeconomic and non-metropolitan areas, which is very much at the heart of that recommendation.

My concern is whether Merbein will have its needs dealt with or has it been duded and is its new school going to happen or is it on the never-never and will it just end up with a primary school on this school sporting area but no secondary college to help set aspirations for young people, which are so important?

**Electoral Matters Committee: voter
participation and informal voting**

Mr LIM (Clayton) — I would like to make some comments on the inquiry into voter participation and informal voting, reported on by the Electoral Matters Committee in July 2009.

There are aspects in the chairman's foreword that I think are very interesting and that I need to bring to the attention of the house. It is the fact that for the first time participation by the non-English-speaking-background community is very significant to the electoral process, and that a whole range of recommendations befitting their needs and aspirations have been ignored in the past. I can go through the examples. It is important, particularly speaking from the point of view of a representative of the most diverse, most multicultural electorate in the whole state, according to ABS (Australian Bureau of Statistics) figures in 2006.

My electorate of Clayton has a 56 per cent non-Anglo community background. Of that 56 per cent, 25 per cent are of Asian background, with a whole range of Chinese, Vietnamese, Thai, Sri Lankan, people from the subcontinent, East Timorese and now Korean — and the list goes on and on. You can imagine that many of these people come from a background where political participation — unlike here, where it is taken for granted — is a life or death struggle or matter. To accommodate them, to attract them, to engage them and to make them participate is very important, and that is what democracy is all about. We tend to take it for granted. Therefore those recommendations to facilitate their participation and make sure that they engage fully are very important and very significant.

The other aspect which I mentioned earlier is that in the foreword by the Honourable Adem Somyurek, who at the time was the chairman of the committee, there are some very startling figures concerning the participation in voting in this state and also generally in Australia. I need to quote some figures because I believe we have to look into why it is the case, and for the very peculiar electorate of Clayton, I can probably give some insight into that. Here we have something like 250 000 eligible voters who are not on the electoral roll, and we have to ask the question why they are not participating in the electoral process.

At the 2006 Victorian state election as many as 66 000 eligible voters attempted to vote but could not. People turn up to vote — and I have seen this personally on election day — but their request for a ballot paper is rejected because they are not on the electoral roll. We have to ask why that is so as well. More interestingly, the people who did not vote were issued with fine notices from the Victorian Electoral Commission. The VEC issued 146 474 failure to vote notices, and of course those people were going to be fined.

I give an example of participation when people are overseas. I suspect that most of the people failed to vote

because they were overseas. I do not think we have any idea of how difficult it is for people to vote when they are travelling overseas. I will give the house a small example from Cambodia, where I come from. If you try to approach the Australian Embassy in Phnom Penh in Cambodia, it is like going into a civil war zone. The security there is humungous. It is impossible, so people just give up on voting day.

We really have to look into that and into how to facilitate voting by people travelling overseas — I know there are thousands of them — particularly now with the election coming in November, which is a popular time for overseas travel. We are going to miss out on a lot of voters. If we are going to allow overseas travellers to participate, we have to look at how we facilitate their access to an embassy to cast their vote. It is very important that this be put in place. I understand that time is running out. I will comment further at the next possible opportunity.

Education and Training Committee: skills shortages in the rail industry

Mr KOTSIRAS (Bulleen) — I wish to make a few remarks in relation to the Education and Training Committee's inquiry into skills shortages in the rail industry. Firstly I put on record my appreciation to Karen Ellingford, Natalie Tyler, Catherine Rule and Peter Thomson, who was seconded from the department. Peter did a great job. He always acted in a professional manner, which was not easy when you consider that the majority of the committee members are Labor. Peter was fair and objective, and I thank him for his dedication and hard work; I appreciate his effort.

I wish to refer to chapter 3 of the inquiry report, headed 'Rail occupations and skill shortages', and quote from the report:

There is widespread agreement, however, that the Victorian rail industry is currently experiencing skill shortages and recruitment difficulties in a range of critical job roles.

...

The committee therefore believes that a comprehensive audit and analysis of the rail industry workforce should be undertaken.

The question I have for the government, keeping in mind it has been in office for 11 years, is: why has it taken the Labor government 11 years to realise there will be a workforce shortage in the rail industry? The government has constantly said that the number of people using public transport will increase over the years, but having said that, it did nothing. It has sat on

its hands for 11 years. Back in 2007 the public transport ombudsman said in the annual report:

It is trite to observe that the public transport industry is facing significant challenges resulting from an upsurge in patronage ...

In 2007 Daniel Bowen of the Public Transport Users Association said:

We have seen huge growth in passenger demand for rail, but there has been a lack of planning and commitment to cope with this growth. The government must stop playing catch-up and provide the necessary planning and services to ensure more passengers are catered for and encouraged, to give Melbourne a truly world-class rail system.

Even the then Minister for Public Transport, Lynne Kosky, agreed in 2008, when she said:

The Brumby Labor government is taking action to deal with the massive growth in patronage ...

The government knew for years there was going to be an increase in the number of people using our public transport system. The question I have is: why did the government sit on its hands for 11 years and do nothing to ensure that there are skills in the rail industry to meet our future needs? Why did it take 11 years to refer an inquiry to the committee? As I said from the start, the committee did a good job. The government should have undertaken an inquiry in the early years when it came into office, but it has done absolutely nothing for 11 years.

It is appalling that government members will sit here and praise themselves for work they have not done. This work has not been done. They have been sleeping; they have not been doing the work; they are lazy. As I said earlier, all they care about is spin and advertising to make themselves look good. They have sat on their hands for 11 years. They have done nothing. They have achieved nothing, and this report by the committee highlights the neglect of the rail industry by this lazy and inept Labor government. It is appalling, and the government should apologise to the public of Victoria.

PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL

Declared private

The ACTING SPEAKER (Mr Ingram) — Order! The Speaker has examined the Prahran Mechanics' Institute Amendment Bill 2010 and is of the opinion that it is a private bill.

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

That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Second reading

Debate resumed from 15 April; motion of Mr WYNNE (Minister for Local Government).

Mrs POWELL (Shepparton) — I am pleased to speak on the Prahran Mechanics' Institute Amendment Bill 2010. While it is only a very small bill — I think there are eight clauses in all — it is a very important bill for the Prahran Mechanics Institute (PMI). The passing of this bill will allow the institute to sell land that it owns and also, over time, to replace that property with other properties it needs.

The main purpose of the bill is to amend the Prahran Mechanics' Institute Act 1899, which will enable the Prahran Mechanics Institution and Circulating Library, the incorporated body under the act, to make up to three acquisitions of land. It will also enable the institute to sell certain land that it owns and that is vested in the institution. It will ensure that any funds from the sale of that land by the institution are used for the purpose of achieving the institution's objectives. Those objectives are fairly clear and concise. They are set out in an order in council published in the *Victoria Government Gazette* of 26 July 2007. The wording in the gazette is almost identical to the words in clause 4 of the bill that is before the house at the moment. I will read out those objectives because they are very important to the running of the Prahran Mechanics Institute but also of the governing body.

Proposed section 2A, which is inserted in the act by clause 4, states:

2A Objectives of said incorporated body

For the purposes of this Act, the objectives of the said incorporated body are to —

- (a) provide a circulating and reference library which includes works on State history and in particular the history of State places; and
- (b) organise and conduct educational activities for the benefit of the members of the said incorporated body and for the general public; and
- (c) encourage and facilitate historical and educational research.

The only difference between the wording of the bill and of the order in council is that the word 'State' in the bill is to replace the word 'Victoria' in the order in council, so there is a very small number of changes.

The Prahran Mechanics Institute has a long and proud history. It is unique. It is the only mechanics institute in Victoria that has its own act of Parliament. There are 500 mechanics institutes around Victoria. All of them except the Prahran Mechanics Institute are administered by boards of trustees or committees. The Prahran Mechanics Institute is governed by an act of Parliament. It has a governing committee. The assets and liabilities of the trustees have now been transferred to that committee.

The coalition is not opposing this legislation. We understand it needs to be passed to enable the PMI to sell the land it now wants to. When determining whether we would support this legislation I spoke to the Stonnington City Council. I received an email from the general manager of corporate services, Mr Geoff Cockram, which says:

The City of Stonnington supports this legislation as it is required to enable the institute to sell some land and to do other things to facilitate development plans of Swinburne University.

I know the City of Stonnington is in support of the legislation.

I had a briefing with the Office of Local Government; I thank the minister for that briefing. We were able to understand why it is so important that this legislation be passed and why the legislation is important. We also came to understand why there is an act of Parliament for the Prahran Mechanics Institute which dates back to the 1800s.

My office rang the Prahran Mechanics Institution and Circulating Library, which was happy to put a statement on the record. I approached the institution and asked whether it had any concerns about this legislation. My office spoke to the president, Alf Lazer, who said he was happy with the proposal because the premises at 140 High Street, Prahran, has been drawing a peppercorn rent and the institution wants a reasonable rent.

I understand there have been long negotiations. There are issues I will talk about later in regard to who was in control of the lease. There were some issues about funding, and there were a number of other issues that had to be negotiated. The Prahran Mechanics Institution and Circulating Library believed it could sell the property but received legal advice that it could not.

Sitting suspended 1.00 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Kerang rail accident: inquest

Mr BAILLIEU (Leader of the Opposition) — My question is to Premier. I refer the Premier to the fact that senior legal counsel acting for the government applied to the coroner this week to have the inquest into the Kerang rail disaster postponed until after the state election. I ask: can the Premier confirm that he has received information outlining critical government failures which may have cost lives during the government's response to the Kerang rail disaster?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. The advice I have in relation to this matter is that the coroner had previously indicated that she would hold the directions hearing on 3 May 2010. The purpose of that hearing was primarily to determine when the inquest will take place, who will be represented and other procedural matters. I am advised that at no time did VicRoads seek government advice or receive instructions to delay the hearing.

In answer to the Leader of the Opposition's question, the first I was aware of this matter was when I heard about it in the media yesterday. VicRoads did not ask for the hearings to be adjourned — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. The Premier was asked whether he had information outlining critical government failures.

The SPEAKER — Order! I do not uphold the point of order.

Mr BRUMBY — As I was saying, VicRoads did not ask for the hearings to be adjourned. As per the normal court processes, the coroner said that she was available for hearings in September 2010, January 2011 or July 2011. I understand that the coroner then asked if barristers could make these dates, and the VicRoads barristers were unavailable in September due to other legal commitments. I am advised that the coroner asked others in the court if there were any objections, and as there were not she set the date for January. The hearing will run over two weeks. This is a normal court process, and I think any suggestion or imputation that the Leader of the Opposition would make that the Coroners Court is susceptible to direction or influence by the government would be completely false.

Budget: commentary

Mr CRUTCHFIELD (South Barwon) — My question is to the Premier. I refer the Premier to the 2010–11 state budget that is standing up for families and building a healthy future, and I ask: can the Premier outline to the house how the budget has been received across the state?

Honourable members interjecting.

The SPEAKER — Order! I suggest to the member for Polwarth and the Minister for Health that if they wish to have a discussion, they are quite capable of leaving the chamber and having their discussion outside.

Mr BRUMBY (Premier) — I thank the honourable member for his question. The honourable member has been a great supporter of the Geelong Ring Road and stage 4C, funded in this budget — a great project in terms of the economy in Geelong and opening up job opportunities in Geelong and tourism opportunities throughout the west of Victoria, supporting agriculture and supporting industry. It is a great example of leadership by our government investing for the future.

Yesterday, as we know, the Treasurer delivered his third budget, a AAA-rated budget, a budget for Victorian families, a budget for Victorian jobs and a budget that grows the whole of the state. It is a budget that supports families now and grows the capacity of our state into the future. It does that with a record additional \$4 billion investment in health, 1966 more front-line police, more than \$10 billion towards our \$38 billion Victorian transport plan and a \$9.5 billion fully funded infrastructure plan that will deliver more than 30 000 new jobs for the state. It is a budget that delivers on each and every one of our election commitments.

There is more as well about this budget, because it is a budget that forecasts strong economic growth into the future, unemployment coming down and strong surpluses each and every year into the future. Yesterday immediately after the Treasurer had completed delivering his budget speech Moody's reconfirmed the state's AAA credit rating, and I am delighted to advise the house today that Standard and Poor's has done likewise. If you look at economies of our size at the end of the global financial crisis to see how many AA and AAA-rated economies there are around the world, the answer is there are not too many. Every budget that we as a government have brought down has been a AAA-rated budget, and every budget into the future will be a AAA-rated budget.

There has been some commentary around this budget, which was a budget with a very healthy set of numbers. Infrastructure Partnerships Australia said:

Victoria's budget delivers a solid \$9.5 billion infrastructure program, with the government clearly recognising the importance of ongoing infrastructure investment ...

Kindergarten Parents Victoria said:

This comprehensive package will help ensure that all Victorian children have access to a quality kindergarten program in the year before school ...

By gee, isn't that a bit different to situation in the 1990s, when kindergartens were being closed across the state?

Honourable members interjecting.

Mr BRUMBY — Yes, they were; they were being closed across the state. The Tourism and Transport Forum said:

The government is to be commended for handing down a comprehensive transport budget that recognises the need for infrastructure development to keep pace with a fast-growing population ...

Brian Welch of the Master Builders Association said:

The \$2000 boost to the first home bonus and the regional first home bonus will improve housing affordability across —

the state.

The Brotherhood of St Laurence said:

The Brotherhood of St Laurence is encouraged by the emphasis of today's Victorian state budget on ensuring that all Victorians can share in the more prosperous times —

ahead.

The member for Richmond will be interested to hear that even Circus Oz bought in — —

Honourable members interjecting.

Mr BRUMBY — I will come to that in a moment.

Mr Hodgett interjected.

The SPEAKER — Order! I ask the member for Kilsyth not to interject in that manner.

Mr BRUMBY — Even Circus Oz bought in, saying:

Circus Oz, Victoria's internationally acclaimed contemporary circus, is thrilled with the Victorian government's budget announcement today ...

I want to acknowledge the great effort of the member for Richmond in facilitating that. We have heard from Circus Oz, but unfortunately most members of Circus Opposite were not quite as positive. They hate good news. But not everyone in the Liberal Party was negative about our budget. In fact a shadow Treasurer had this to say:

... Victorian budget further highlights how far behind New South Wales businesses are on cost of doing business ...

Before anyone gets too excited, that was the New South Wales shadow Treasurer on his Twitter account.

Mr Ryan — On a point of order, Speaker, the Premier has been speaking for more than 4 minutes, and I ask you to have him complete his answer.

Honourable members interjecting.

The SPEAKER — Order! I remind government members that points of order should be heard in silence. The Premier has been speaking for more than 4 minutes, and I ask him to conclude his answer.

Mr BRUMBY — I was just going to conclude. Terry McCrann in the *Herald Sun* today said we are:

... keeping the budget in the black, so crucial to showing they can be trusted with the state's finances.

Tim Colebatch in the *Age* today said:

... Victoria's finances have come through the recession in such good shape.

Of course there has been very strong endorsement of our budget from each of the major regional centres across the state, and do you know why? Because this was a great regional budget. Whether it is a hospital for Coleraine, whether it is a hospital for Leongatha, whether it is a new hospital in Bendigo, whether it is the food bowl project, whether it is the desal project, whether it is investment in rail, whether it is investment in roads or whether it is the Ouyen schools regeneration project, this is truly a budget that grows the whole state and truly a budget for all Victorians.

Kerang rail accident: inquest

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to a letter to the government from Min Peacock, a division 1 nurse who lived adjacent to the Kerang railway line and attended the scene immediately after the accident, in the course of which she reveals that in the immediate aftermath of the accident there was a failure by government agencies to dispatch available medical teams, a departmental disaster plan that did not work

and a critical collapse in government liaison and coordination, and I ask: given that this letter was sent to the then Minister for Health, will the Premier now confirm that his government was informed of critical government failures which may have cost lives but which will now not be independently investigated until after the election?

Mr BRUMBY (Premier) — I indicated before in answer to a question from the Leader of the Opposition that I thought it would be inappropriate and wrong for a member of Parliament or someone particularly in a position of responsibility to impugn the integrity of the coroner and her office.

Honourable members interjecting.

The SPEAKER — Order! Opposition members will come to order.

Mr BRUMBY — I thought I had made it as clear as I could in answer to the previous question from the Leader of the Opposition that in relation to a coroner's inquiry into any matter, it is a matter for the coroner. It has never been a matter for a Premier of the day or for a minister of the day to determine what it is that a coroner should or should not do or when he or she should do it. Those are matters for the coroner.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. This is not a question directed in the first instance to a coronial hearing. It is dedicated to the fact of a letter having been written to the government advising the government of these many failings in relation to the provision of services and the failure of Displan on the day. The government knew about it.

The SPEAKER — Order! The Leader of The Nationals knows that to take a point of order is not an opportunity to make comments in debate. The Premier has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! I suggest to the member for Caulfield that she should stop interjecting.

Budget: cancer initiatives

Ms GREEN (Yan Yean) — My question is to the Premier. I refer the Premier to the 2010–11 state budget that is standing up for families and building a healthy future, and I ask the Premier to outline to the house the investments the government is making in health, and in particular in cancer services to save lives.

Mr BRUMBY (Premier) — I thank the member for Yan Yean. Earlier today with the Minister for Health, the member for Yan Yean, the member for Ivanhoe and the member for Preston I joined the chief executive officer of the Austin Hospital, a very large group of supporters of the Olivia Newton-John Cancer and Wellness Centre, and Olivia Newton-John, to announce the \$68 million in funding that our budget is providing for stage 2 of the Olivia Newton-John Cancer and Wellness Centre.

This was a wonderful event. It was some years ago I remember — I think it was three or four years ago — that Olivia Newton-John came to visit me when I was Treasurer to argue and lobby for funding for the Olivia Newton-John centre, to tell us about her vision and philosophy for a centre that would not only be a great centre in terms of cancer research and treatment but also a great wellness centre to support in mind and body those who are recovering from cancer.

As you know, the cost of the first stage of \$75 million was met with \$25 million coming from us, \$25 million coming from the federal government and \$25 million coming from philanthropic funding headed by the Olivia Newton-John fundraising effort. At the event yesterday we were able to expand on that with the \$68.9 million announced in the budget. This will be a beautiful centre.

I said this morning in my speech, as did the Minister for Health in his speech, that we all know people in our families who have been affected by cancer and most have lost family members or close friends to cancer. Because of the ageing of the population and because of the growing of our population, more and more Victorians will experience cancer in the decades ahead. The investments we are making in this budget — obviously the comprehensive cancer centre, which is a \$1 billion project in partnership with the commonwealth, the previously announced Ballarat integrated centre with the commonwealth at \$55 million and of course the Olivia Newton-John centre at \$75 million plus \$68 million — represent a huge investment by us in improving the detection and treatment of cancer in our state.

As members know, as part of the \$150 million cancer plan we aim to drive down fatality rates and lift survival rates of cancer across our state. We have already made very significant investments such as what we are doing in terms of our medical research institutions, what we are doing with the Australian Synchrotron and what we are doing through our great hospitals such as the Peter MacCallum Cancer Centre. These things are already saving lives, but this is an area where our government

wants Victoria to be up there with the best in the world — with the Sloan-Ketterings in New York, with the Londons and the Bostons — in ensuring that anybody who has cancer in our state has the best possible chance of survival. That is what the Olivia Newton-John centre will do. Under our cancer plan we are hoping to save 2000 Victorian lives each year.

More generally across the budget this was a \$4 billion boost over the forward estimates period for health in our state. As the Minister for Health said, in a sense, because of the money we won from the federal government, it was really two health budgets in one. The centrepiece in terms of the largest single project is the \$473 million new Bendigo hospital, which is by far the biggest regional health investment in our state. It will create 735 jobs in its construction; it will feature 308 new acute beds — that is an increase of around 50 per cent on the current hospital; there will be an emergency department connected to a helipad; there will be eight new operating theatres; there will be a single consolidated mental health facility with 75 new mental health beds; there will be an integrated women's and children's facility; and it will more than triple the number of chemotherapy chairs to 26 and provide a new radiotherapy bunker to treat people with cancer.

If you put that together with the other great projects going on across our state — the Royal Children's Hospital, the cancer centre, the Box Hill Hospital at \$406 million and, as I said, the work that is going on in other centres like Warrnambool, like Coleraine, like Leongatha — you see that this is a great project for health. This was a great announcement out at the Austin Hospital. Obviously today in our speeches both the Minister for Health and I thanked Olivia Newton-John sincerely for the leadership and drive she has provided. She is passionate about Victoria. She loves Victoria because it is a great state, and she wants to work with us to make it even better. This is a great and visionary project, and we are delighted to be able to fund it.

Kerang rail accident: inquest

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to information provided by Ms Adrienne Rowell, who is at Parliament today and who was riding the train at the time of the Kerang rail disaster, when she witnessed injured passengers dying whilst waiting for medical help from personnel who were available but who were prevented from attending, and I ask: will the Premier now instruct lawyers acting for the government to accept the coroner's offer of a hearing date in September so that the inquest into this rail disaster can commence as soon as possible?

Mr BRUMBY (Premier) — As I have indicated before, the Coroners Court is not susceptible to direction by or influence from the government.

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition, particularly the member for Bass, to cease interjecting in that manner.

Mr BRUMBY — The reason for that is that coroners are required to make findings which may at times be critical of the government of the day or its agencies.

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Kew, Caulfield and Bayswater. I ask members of the opposition to cease interjecting.

Mr BRUMBY — It stands to reason, and it has always been the case, that in order for them to be independent — —

Mr Baillieu — On a point of order, Speaker, the Premier is clearly debating the question. He was asked a specific question: will the Premier, as the leader of the government, instruct the government's lawyers to accept the coroner's offer?

The SPEAKER — Order! The Leader of the Opposition knows that taking a point of order is not an opportunity to repeat the question. There is no point of order.

Mr BRUMBY — I have made it very clear. Because of the independence, because of the fact that they need to operate — —

Mr Burgess interjected.

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

Mr BRUMBY — Because the coroner needs to act independently of the government of the day, it would be entirely inappropriate — in fact it would be appalling behaviour — for any government of the day to direct the coroner. It is embarrassing for me that the opposition would suggest that.

Honourable members interjecting.

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

Budget: education initiatives

Ms MARSHALL (Forest Hill) — My question is for the Minister for Education. I refer the minister to the 2010–11 state budget that is standing up for families and making sure every Victorian child has the best start in life, and I ask: can the minister advise the house how this budget is building a better education system for all Victorian children?

Ms PIKE (Minister for Education) — I thank the member for Forest Hill for her question and her commitment to improving education for Victoria's children. In fact I was pleased to note that just last week the Premier and the member for Forest Hill were out at Parkmore Primary School to announce \$3 million for stage 2 of the modernisation of that school.

This is indeed a great budget for education, which is our government's no. 1 priority. Highlights of this budget include \$271.3 million to complete our commitment to the Victorian schools plan in this term of government. We said we would complete the modernisation of 500 schools. In fact 553 schools will have been funded by this government, so we have exceeded our own commitment. There is \$287 million in support for non-government schools, with a particular emphasis on vulnerable students and students with a disability, a comprehensive package for early childhood and \$108.6 million to boost disability support and services in both early childhood and at school.

This morning I had the opportunity to visit schools to celebrate some of the announcements in the state budget. I joined the member for Burwood at Ashburton Primary School to announce that it will receive \$6 million worth of brand-new facilities. I also attended Boronia Heights Secondary College with the local member, the Minister for Sport, Recreation and Youth Affairs, to announce a \$22.5 million initiative for four schools that are involved in the Knox regeneration project. This includes \$10 million for Boronia Primary School and Boronia Heights College, \$8 million to regenerate Wantirna College and \$4.5 million in funding for a new music and arts facility and the refurbishment of classrooms at Bayswater Secondary College.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to hold for one moment. The member for Bayswater has been warned. She will not be warned again. I suggest to the member for Nepean that if he has a question for the

minister, he should stand at the appropriate time and he will be given the call.

Ms PIKE — I was very pleased to be able to confirm these amounts in person, particularly the \$4.5 million for Bayswater Secondary College — the full amount, as this will be built as a complete project. I felt that I really needed to confirm this today as someone has misled this school by telling it that it would be receiving only \$1.7 million and would not be receiving the funding for the whole project.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to pause for one moment. I ask members of the opposition to give some thought as to where they are. This is not a football match. Hooting, hollering and trying to shout down a minister will not take place in this chamber.

Ms PIKE — It is confusing to try and understand how such misleading information could have been given about a \$4.5 million project for Bayswater Secondary College when it is listed in black and white in the budget papers tabled here in Parliament yesterday.

The SPEAKER — Order! I suggest to the Minister for Education that she should not use the budget papers as a prop.

Ms PIKE — We reported these projects in the same consistent way, in the same format and manner as has been done for many years. In fact this year the asset investment papers have been brought forward at the request of the Public Accounts and Estimates Committee and tabled with the rest of the budget papers because we are, and continue to be, committed to making sure that that information is available to the community and the Parliament in the most open and transparent form.

Despite this improved reporting, nothing can make up for pedestrian economic analysis. Nothing can insure us against stupidity and the misreading of a budget paper — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to the minister that she has been speaking for some time and I ask her to conclude her answer.

Ms PIKE — Just to make it crystal clear: this is a boomer budget for education capital. The money has been allocated for the projects; it is described in the budget papers. We have the member for Bayswater, a

graduate of the Kim Wells school of economic stupidity — —

Honourable members interjecting.

The SPEAKER — Order! The minister has concluded her answer. I suggest to the Minister for Sport, Recreation and Youth Affairs that he is not assisting with the smooth running of question time.

Kerang rail accident: Displan

Mr RYAN (Leader of The Nationals) — My question is the Minister for Health. I refer the minister to claims by Kerang doctors Greg Keogh and Lindsay Sherriff that failures by the Department of Health prevented doctors from attending the scene of the accident — Dr Sherriff having stated:

We could have put doctors (one general surgeon and three anaesthetist rural GPs, all experienced in trauma) and 20 nurses at the scene with resuscitation and trauma equipment within ...15 minutes ...

and Dr Keogh having stated:

It was one and a half hours before injured survivors started arriving at the hospital. We ... could have been at the scene in a few minutes and helped people in that critical first hour —

and I ask: can the minister confirm that these doctors, the nearest available, were never called to assist and that the state health emergency Displan collapsed and failed to operate effectively on the day of the Kerang rail disaster?

Mr Batchelor — On a point of order, Speaker, I raise the general issue of sub judice here. These are matters that are actively before the court at the moment. These are matters, as we heard, that are before the court and the Coroners Court is arranging a timetable for when matters that relate to the Kerang train accident can and should be fully canvassed. I refer you to the various rulings and procedures of this house that require that the Parliament does not proceed with discussions of matters that are actively before the court. In fact, it cannot even consider matters that have been before the court and concluded and are awaiting judgement.

There are very long traditions about sub judice for very good reasons. They are set out in the rulings from previous speakers for the specific purpose of allowing matters that are important to be actively canvassed and given proper consideration without undue influence from Parliament or parliamentarians. That is what is being attempted to be put out today with this line of questioning and specifically by this question from the Leader of The Nationals, which goes directly to matters that will be canvassed before the Coroners Court.

I put it to you, Speaker, that under no circumstances can this question be allowed to proceed because of its sub judge nature and its clear breach of a longstanding convention.

Mr McIntosh — On the point of order, Speaker, I put it to you that it does not offend any sub judge rule, and I say from the outset that what the Leader of The Nationals has quoted from has been a public document for some two years.

I also refer to the fact that this issue and related issues have been the subject of considerable public debate in the last few days. Certainly talkback radio has been running hot in relation to this matter. Apparently these matters can be canvassed publicly. Indeed presumably at some stage ministers of the Crown would be asked questions about this at a press conference and members of the opposition could be asked questions about these issues at a press conference. It is a matter of some substantial controversy. Yet apparently we cannot address this and the opposition cannot ask questions of the government to hold it to account on these very serious matters.

Most importantly, I remind you, Speaker, that the sub judge rule applies to a court proceeding where some citizen or other is being held to account, where their rights and liberties are being tested before a court and where in some circumstances one of the parties can be the government, with all the power of government. What you have here is that there has already been a trial in relation to this matter. A man stood his trial and I understand was acquitted in June of last year. The matter is not sub judge. It is a matter of some significant public account, and it should not be open to this government to shut the debate down simply because it says it may or may not come up before a Coroners Court. While it may be called a court, of course it is undertaking an executive function which is to inquire into a range of different matters. We do not even know whether this matter will be dealt with in that inquiry.

It is absurd to suggest that it offends against the sub judge rule, because everybody else can talk about this outside this place. Quite clearly, unlike a normal sub judge prohibition when you have a trial of a proceeding currently going on, everybody can talk about it outside, but we cannot in this place actually ask a government to be held to account in relation to these matters. Accordingly, I suggest there has been no offence against the sub judge rule.

Mr Hulls — On the point of order, Speaker, on the narrow point that the former shadow Attorney-General,

the shadow minister for justice, made in relation to the Coroners Court, it is just not right to say that the sub judge rule does not apply to the Coroners Court or other such inquiries and applies only to a trial in relation to an individual. It applies to royal commissions, redistributions that are taking place and a whole range of court proceedings. It is just not right to say that the coroner's proceedings are not subject to the sub judge rule; indeed they are. All the rulings that have been given in relation to these matters in the past make it quite clear that the sub judge rule absolutely does apply to proceedings, including coronial proceedings.

Mr Ryan — On the point of order, Speaker, whilst there are a number of rulings from the Chair that are referred to in the material we all have available to us, it is significant, in my submission, that there is no ruling which pertains to coronial inquiries. The reason for that is, as the member for Kew has indicated, coronial hearings simply do not come within the province of what is normally regarded as being sub judge. That is why there has been no previous ruling in relation to determinations regarding the coroner.

The further thing is the notion of a coronial hearing has been, from the outset, the subject of discussion in this place over the course of the years. It has always been understood — and it has been discussed in this chamber — that there would be a coronial hearing. There have been other questions in relation to the accident, and they have been able to proceed. History would say that were that a problem previously we would not have had those questions. Indeed in the immediacy of this discussion there have been questions here today which have been answered without a problem, in the sense of at least a preparedness to answer them, by the Premier. No objection has been taken to them. Accordingly the blanket opposition which is now being mounted by the government has no foundation. In my respectful submission the question is appropriate and should be ruled accordingly.

Mr Stensholt — On the point of order, Speaker, I would like to add to the discussion of this matter. It seems to me fairly clear from chapter 28 of *Rulings from the Chair* that sub judge is a matter relating to the courts, and of course the Coroners Court is one of the courts. The Leader of The Nationals has raised some matters, and he should realise it is one of the courts.

I should also ask if the Speaker could reflect on the previous questions today and how they have been framed in relation to previous rulings by the Chair. It seems to me that the rulings, for example, of Speaker Plowman and also Speaker Coghill and Acting Speaker

Smith, referred to on page 178, talk about how we should not be seeking to influence a judge or jury or others in considering matters before them.

I would say that ‘considering matters before them’ includes seeking to direct a judge in how the judge may run a particular court case. Some of the previous questions may well have strayed into that area. I ask the Speaker to reflect not only on this particular question but also to reflect on previous questions and give a ruling at a future date.

Mr Clark — On the point of order, Speaker, in assessing this we need to go back to the purpose of the sub judge rule, which is to provide protection for parties involved in litigation before the court. The member for Burwood with the remark he quoted undercut the argument in favour of this matter being sub judge because he referred to matters that could seek to influence what might take place before a court. There is absolutely no logical way in which the question asked by the Leader of The Nationals could seek to influence what might at some future date come before the Coroners Court. It relates to the accountability of government.

As the member for Kew said, it would be bizarre if outside of this house the sub judge rule were not infringed while a broader interpretation of it were applied in this house. There is nothing in the question that goes to proceedings before the coroner. There are no proceedings currently on foot in terms of being heard before the coroner. For all those reasons, to suggest that public canvassing of issues in this house relating to government accountability for a disaster of this magnitude would be a completely inappropriate use of the sub judge principle.

The SPEAKER — Order! I have heard sufficient on the point of order. I do not uphold the point of order. I rule this question in order, as the previous questions asked today on this subject have been ruled in order.

Mr ANDREWS (Minister for Health) — I thank the Leader of The Nationals for his question. The Kerang rail accident was a great tragedy. I am not going to be drawn on the adequacy or otherwise of the response that was provided by emergency services staff because in my judgement — —

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings will cease interjecting.

Mr ANDREWS — Because in my judgement to do so would be to pre-empt and potentially interfere with the proper work of the coroner. It is for the — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to members of the opposition that they cease interjecting and allow the minister to conclude his answer.

Mr ANDREWS — As I said, it is not my intention to pre-empt, interfere with or undermine the proper work of the coroner.

Honourable members interjecting.

Mr ANDREWS — It is a serious question and I am attempting to answer it, Speaker.

Dr Naphthine — On a point of order, Speaker, you have already ruled that the issue is not sub judge. Therefore it is not appropriate for the minister to claim that he cannot answer the question for fear of prejudicing a potential hearing. I urge you to advise the minister to answer the question and provide the information, which is of vital importance to the people of Victoria, about this very serious issue.

The SPEAKER — Order! There is no point of order. As the member knows, the Speaker is not in a position to direct a minister to answer a question.

Mr ANDREWS — It is for the coroner, properly constituted, to determine the adequacy or otherwise of the response in relation to this particular tragedy. I am advised that ambulance services, including air ambulance helicopters and others, provided support at the time, there were a number of triage centres involving the broadest range of health professionals to provide support and there has been an operational debrief since. All agencies for which I am accountable stand ready to cooperate with the coroner in her important work.

Budget: hospitals

Mr STENSHOLT (Burwood) — My question is for the Minister for Health. I refer the minister to action the government is taking to stand up for families and build a healthy future, and I ask: can the minister outline what resources the Brumby Labor government is providing to Victoria’s health services to ensure that our health system continues to put patients first?

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass has been warned. I ask for his cooperation.

Mr ANDREWS (Minister for Health) — I thank the member for Burwood for his question and his interest in the best possible health services for his community and indeed communities right across metropolitan Melbourne. Yesterday's budget delivered by the Treasurer is a budget that in every sense puts patients first and a budget that provides to our dedicated doctors and nurses — all of those dedicated professionals who work so hard each and every day — the tools, the funding and the practical support they need to treat more patients, to treat them faster and to make a strong system even stronger. That is exactly what this budget does.

After the allocations made in this budget ongoing funding to our hospitals will have risen from \$3.4 billion when we came to office to \$8.7 billion; that is 153 per cent more support for our doctors and nurses, money that employs doctors, employs nurses, opens beds and treats patients. That is what makes the system work. There is 153 per cent more today than was the case when we came to office — real money to provide real care.

What that means in terms of actual treatments is 50 000 additional emergency department treatments, 32 000 additional outpatient occasions of service, 10 000 additional radiotherapy treatments, additional chemotherapy sessions — and the list goes on and on. In every part of the state in every single hospital there is a funding increase to do more and to do it better.

In terms of elective surgery, something that is of concern to all of us, the Premier and I announced only a few weeks ago there would be \$45 million for 9000 additional episodes of important elective surgery. That surgery is in fact already happening right now. That money is in the system, providing care and making sure people get their elective surgery faster than they otherwise would have.

As important as ongoing funding is, it is also important to make sure we have a set of physical facilities — a set of buildings — that in terms of their quality match the quality of care provided by our dedicated staff. This budget provides very strong support in terms of additional capital works, not just for the provision of world-class health services but also, in terms of economic stimulus, which will lead to the employment of the better part of 3500 Victorians in that \$2.3 billion construction program.

Just to give honourable members a sense of a couple of those projects in metropolitan Melbourne, there is \$90.5 million to complete the expansion and redevelopment of the Sunshine Hospital to provide

teaching, training and research, and new and additional facilities. Most importantly, building on last year's announcements, we are bringing public radiotherapy to the western suburbs for the first time ever. There is \$11 million to expand acute and intensive care capacity at Monash Medical Centre, Clayton, particularly in relation to kids, to better support paediatric health care in that growing part of Melbourne.

There is \$7.4 million for not one but two additional cardiac catheterisation labs at the Northern Hospital — again, better heart health care close to home. That is what that investment is all about. There is \$407.5 million for the biggest suburban health upgrade this state has ever seen, at the Box Hill Hospital. It is \$407.5 million to double the floor space and make sure that the dedicated staff out at Box Hill have the physical facilities they need to treat 7000 extra patients each year.

We can compare and contrast in relation to a budget that in every sense puts patients first in terms of both recurrent funding and capital. Just look at Box Hill Hospital as a good way of putting it in context. Seven years prior to us coming to government \$5 million is all that was spent at the Box Hill Hospital.

Honourable members interjecting.

Mr ANDREWS — Five million dollars! And we all know why, because if they — that is, another group of people — were not closing down hospitals, they were running down hospitals. We know what the game was. No money at Box Hill, and a private for-profit hospital at Knox — that is what they were up to. No investment at Box Hill; when this government came into office there was not a dollar left to support that important upgrade. It is only this government that is supporting patients in Melbourne's east, with the Box Hill Hospital redevelopment brought to book in this budget: the biggest single outer suburban health infrastructure program this state has ever seen. It is the Labor way, it is our way — and those opposed to it should be ashamed.

Kerang rail accident: inquest

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the commitment of his predecessor, Mr Bracks, on 6 June 2007 in this chamber, a commitment to a separate police inquiry into the Kerang rail disaster which would 'report to the government' and include 'progress reports' which would be 'publicly available', and I ask: given that that is nearly three years ago, will the Premier now table the report to the government from

the police inquiry and all the promised progress reports, or is it simply a fact that these reports, which show a failure of leadership by the government, are being covered up by the Premier?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I think it has been well canvassed today that the Coroners Court is — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to members of the opposition that they cease interjecting. If I need to call another member, they will leave the chamber.

Mr BRUMBY — As we have indicated in response to a number of questions today, these matters are the subject of coronial investigation by the Coroners Court. As part of that I understand Victoria Police will be contributing fully — as of course will all government departments and agencies — to that coronial investigation. In relation to the timing of the coronial investigation, I am advised that all parties consented to the Kerang adjournment.

Budget: regional and rural hospitals

Mr TREZISE (Geelong) — My question is also for the Minister for Health. I refer the minister to the 2010–11 state budget that is standing up for Victorian families and building a healthy future, and I ask: can the minister outline how the Brumby Labor government is investing in health services across regional Victoria to ensure that all Victorians have access to high-quality health care regardless of where they live?

Mr ANDREWS (Minister for Health) — I am indebted to the member for Geelong for his question and for his long-term interest in making sure that people in his community get a fair deal in terms of health services. As I was saying only a few moments ago, the budget released yesterday is one that absolutely, without fear of contradiction, puts patients first — and not just patients in Melbourne, patients right across Victoria. This is a government that governs for the whole state, that governs for every single Victorian, in small country towns, in big regional centres, in the outer suburbs of Melbourne and indeed in the centre of Melbourne — a government that governs for all Victorians.

In relation to this budget and health services, as I was saying before, there is obviously very strong support with ongoing funding right across our health system. We are very proud to say that in every year of our term in government every single hospital has had a funding increase — not something that too many people on the

other side of this chamber could say. We are very proud to be able to say that. However, there is always more to do. There is always further support that can be offered. That is why in both recurrent funding and important capital works this year's budget builds on an impressive record.

There is no greater example of our government's commitment to rural and regional health care and making sure that doctors and nurses and others in the regions have the equipment, the tools and support they need than the important \$473 million boost to Bendigo hospital.

Mr K. Smith — What about Coleraine?

Mr ANDREWS — Coleraine was mentioned; that is another important project.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister not to respond to interjections.

Mr ANDREWS — I am glad to have support across the chamber for our broad record of investment right around country Victoria, in small towns and in large. On the Bendigo hospital, \$473 million — the biggest rural health infrastructure program this state has ever seen; indeed in dollar terms it is the third biggest health infrastructure project the state has seen regardless of whether it was in metropolitan Melbourne or in rural and regional areas. This is a very substantial increase in bed capacity, in treatment spaces, in mental health care and in giving, without any doubt, to our dedicated clinicians in Bendigo, not just for Bendigo but for the north-west of the state, the physical facilities they need. They have worked closely with my department in order to do the detailed planning work on these facilities. I thank and congratulate the CEO, the board and all the team at the Bendigo Health Care Group. They have done a fantastic job of making sure they were ready to be supported, as they have been in this budget.

There are a number of other important capital works projects. The member for Geelong asked me about Barwon Health. There is not only money to purchase land for a second hospital for that growing community but also important money to boost treatment capacity at the Geelong Hospital, Coleraine, Leongatha and the integrated cancer service at the Ballarat Health Service, as well as \$3 million to provide significant support to the Healesville and District Hospital. Right across country Victoria there is additional support to treat more patients, backing our doctors and nurses, making sure that country communities have the physical facilities they need.

But again it is important to put these matters into context. The Bendigo hospital is important in itself — critically important. That is why it has been funded by our government, but it is important to note that at \$473 million that investment absolutely eclipses the \$312 million that was spent by the previous government across all of country Victoria in all its time in government.

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Health not to debate the question.

Mr ANDREWS — Country Victorians can be in no doubt that this is a government that has provided record support in terms of recurrent funding for every hospital in every year. This is a government that has provided \$1.5 billion in important capital works projects, some 87 in total, right throughout country Victoria. There are no toenails here. This is a government that governs for all Victorians.

The SPEAKER — Order! Before declaring question time finished, I suggest to the members of the opposition that howling and hooting is not appropriate behaviour for the Parliament.

The time set aside for questions has expired.

Mr Batchelor — On a point of order, Speaker, without canvassing the specifics of the points of order that were raised earlier in relation to the specific questions that were asked during question time and the issue as to whether they were sub judice or not, I would like you to consider the following point of order and report back to the house about the general issue in relation to whether the sub judice matters relate or should relate to the Coroners Court. As I understand it, in recent times it has been established that the Coroners Court is a court, and that needs to be considered in reference to *May's Parliamentary Practice* where on page 437 in the 23rd edition it advises that:

Cases in which proceedings are active —

before the court —

shall not be referred to in any motion, debate or question.

That is a fairly broad description of the types of activities that are undertaken in this chamber.

It goes on to say in part 3:

For the purposes of this resolution —

and 'this resolution' means a whole lot of preceding cases that have been described that I do not intend to

read out today, but they will be there for your edification and consideration. It says:

For the purposes of this resolution —

- (a) matters before coroners courts or fatal accident inquiries shall be treated as matters within paragraph (1)(a) ...

Paragraph (1)(a) says:

Criminal proceedings are active when a charge has been made or a summons to appear has been issued ...

And it sets out the circumstances in which these matters apply.

What I seek, Speaker, is for you to take in the totality of the advice from *May's Parliamentary Practice* in relation to coronial courts here and the matters of sub judice, so that when or if this matter should arise again we will have a very clear understanding as to whether sub judice applies to the Coroners Court here in Victoria and so that these matters will be clear to the house in future proceedings.

Mr McIntosh — On the point of order, Speaker, I certainly do not disagree with the Speaker being seised of this matter. As the Speaker is aware, it is a matter I have raised in the Standing Orders Committee, perhaps perpetually, since taking over the role of manager of opposition business. But most importantly, Speaker, there is perhaps a significant issue here, which is that we have the right of freedom of expression in this place and we can never be held to account by any other place, including a court of law or a tribunal or royal commission. We voluntarily surrender that power in relation to sub judice. We do so because we feel that as a Parliament we should not in any way interfere with a judicial process, particularly where someone is on trial — for example, for murder, culpable driving or otherwise. Most importantly here, ultimately the test becomes one of what can be discussed outside. Everybody knows perfectly well that, for example, when the media operate they are clearly aware of the sub judice principles and adhere to them very much so. The reality is that the media know the consequences — that a breach of that outside this chamber can have dire consequences.

However, as you know, Speaker, I have argued on a number of occasions that, for example, a royal commission should not be included in the sub judice rules. I give as an example, and I have given it on a number of other occasions, issues relating to the former Chief Commissioner of Police. Of course that was a matter of huge controversy, and it continues to be a matter of controversy, and many people outside this place made quite serious comments about the veracity

or otherwise of what the former chief commissioner said she did on Black Saturday. The most important thing is apparently that everybody else can talk about it in the most salacious or bald terms, notwithstanding the fact there has been no finding — it is only evidence at a royal commission without any issue — but we cannot, because of a ruling by Speaker Andrianopolous, discuss that in this place.

In inviting you to uphold the point of order raised by the Leader of the House asking that you review this matter, I think we have to look at the whole issue of sub judice very seriously. If we as members of Parliament are going to forgo our fundamental right of freedom of expression, we should do it with a lot of caution and not do it simply because the government wants to shut down debate about something about which it is embarrassed.

Mr Lupton — On the point of order, Speaker, there are two primary reasons why the sub judice rule is in existence. The first is that the discretion is invoked because it is important that matters that can be before courts are not prejudiced by discussion under parliamentary privilege of issues that might ultimately be reported and influence a court — whether that be a judge alone, a coroner, jurors and so on — when they are considering matters that may come before them. The second element of the sub judice principle is that Parliament should not, as it is said, usurp the function of the judiciary, whose role is to study facts presented to it and make a decision under the law.

The first of these elements has been largely canvassed insofar as not prejudicing a trial or some other judicial proceeding is an obvious and important matter. Discussion in Parliament that might influence a court in any way in relation to the outcome of a proceeding is to be avoided at all costs.

I think the second element of the rationale for the sub judice rule that has not been canvassed as completely is just as crucial to the operation of the courts as an independent arm of our system of constitutional process here in Victoria. The Parliament must not usurp the function of the judiciary, whose role is to study facts presented to it and make a decision under the law. If we get into situations in this Parliament where matters that are in all probability going to be canvassed in front of the court, where selective issues about evidence are presented to the Parliament, where members of Parliament are putting forward potential conclusions of law, where people are asked to express opinions about what was someone's duty and whether they exercised it appropriately or not, these are matters that are fundamental to the decisions that coroners must make

when they are considering these matters. If we go down the path, whether it is in question time or in general debate in this house, of conducting matters in a way that draws conclusions or puts into debate certain evidence that may be before the coroner and uses that as a way of trying to ultimately come to a conclusion about what the coroner ought to find — and that can really be the only basis upon which these sorts of questions and matters are raised — then we are treading on the role and jurisdiction of the court, and we need to exercise extreme caution in going down that path.

I would say in relation to this point of order that we ought to exercise our discretion in this matter with great care, because the sub judice rule is a rule that is imposed by the Parliament itself on itself. It is imposed by the Parliament itself on itself for very good reason: we want to make sure the court is able to deal with the matters before it without any of these issues being put in a way that, frankly, would not be put in court. Getting involved in those issues can in fact create difficulties for the courts and interfere with their independence.

There is no suggestion ultimately that Parliament cannot refer to matters, that Parliament cannot ultimately have debate about matters, but we need to follow the proper process. The coroners court is seised of this matter. It has held a directions hearing. Whether evidence is being given today or not is not pertinent, but we need to be very careful about getting involved in these matters of sub judice. It is very important for the administration of justice that we exercise great caution, and I ask the Speaker to take those matters into account.

Mr Ryan — It seems to me that the point of order that has been taken by the Leader of the House as opposed to the arguments that have just been advanced by the member for Prahran are on two separate but related aspects of this issue. To take the observations of the member for Prahran, I think there is merit in the Standing Orders Committee of the Parliament reviewing the position with regard to sub judice and doing so urgently. There are a number of reasons for that — and many of those have been advanced by the member — and that should be so. I am not at all averse to a proposition of that nature. Indeed I think there is much to recommend that we undertake that course of action.

However, on the point of order that has been taken by the Leader of the House, in my respectful submission the Speaker should rule against the proposition he has advanced today. We in this Parliament are responsible for the discussion of those events which are pertinent to the communities that we collectively represent. It

would be an absolute mockery of this chamber if we were precluded from posing the sorts of questions which were posed today and having them answered in this Parliament. That is because we have had enormous discussion about these issues in a variety of forums over the course of the last years. We have had discussions in this chamber about the events surrounding this appalling tragedy over the past few years. There has been a criminal trial conducted, which concluded with the accused being acquitted in June last year. It was a protracted trial, where matters pertaining to the circumstances surrounding this terrible incident were extensively canvassed.

Accordingly it would be ridiculous if all of that would have happened and we were not otherwise able to deal with the propositions we have advanced today in a situation where there is now an issue or issues being considered by the coroner. As I understand it, the criminal trial extensively canvassed the sorts of matters which were the subject of discussion throughout the years subsequent to these terrible events.

Given all of that, it would be completely contradictory if the state Parliament were not able to conduct itself in a manner whereby questions are asked and responses are given about government-related activities pertaining to, both prior and subsequently, the events of that tragic day.

With respect, Speaker, I believe your ruling which was given today is right. I do not believe there is anything that has been raised by the Leader of the House that should otherwise interfere with the nature of the ruling you have given. I accept that the whole discussion around sub judge could usefully be further examined by the Standing Orders Committee. They are two separate although related matters.

Ms Thomson — On the point of order, Speaker, I think it is an important issue and precedent we are setting here, and I ask you to think seriously upon it. The question that was asked by the Leader of The Nationals on this matter sought the opinion and judgement of the minister in relation to a matter that will go before the coroner in a hearing and in the Coroners Court. On that basis *Erskine May* makes it very clear that questions, debates and motions in relation to matters that appear before the Coroners Court are not allowed. We should consider this: the decision that a coroner may make is for the coroner after hearing all of the evidence that comes before the court.

We have the separation of powers in this state. Yes, it is fine to have these debates and questions up until the

point it becomes a matter that has been listed and is under consideration already. But once it comes to that point, which is where we are at this point in time, it is beholden on all members of Parliament to respect the separation of powers and the role of sub judge in matters that may come before the Coroners Court. It is very inappropriate for a question to be asked of the minister that seeks a judgement in effect, which is what that question sought, that will be a matter for the Coroners Court to assess, judge and to make recommendations on for maybe the Parliament, including the government, to consider.

I ask you, Speaker, to think very carefully on this matter and consider the ramifications of matters that come before the hearings of judicial courts and the role that Parliament has at the time when matters are before the courts. I want to reiterate what the member for Prahran said in relation to sub judge being something that we, as members of Parliament, put upon ourselves as a responsibility in our recognition of the role courts must play in independently determining outcomes based on the evidence that comes before them. Whether real or perceived, the last thing we would want would be for the public to believe that in some way, as members of Parliament, we have tried to influence the outcomes of those proceedings by the way we behave in this house.

The SPEAKER — Order! I would like to assure all members that I take this matter very seriously, and indeed it has been the subject of a number of discussions within the Standing Orders Committee. The difficulty I see is that the Chair is given discretion in this matter. I would like to put some further quotes from *Erskine May* before the house. Page 437 of the 23rd edition states:

... a ministerial decision is in question, or in the opinion of the Chair a case concerns issues of national importance such as the economy, public order or the essential services, reference to the issues or the case may be made in motions, debates and questions.

It clearly gives discretion to the Chair. Page 438 states:

Successive Speakers have exercised their discretion to allow matters to be discussed on which (although they fall within the strict terms of the sub judge rule) they have considered that no substantial risk of prejudicing proceedings would arise.

I would also like to draw the attention of members to a document that has not been quoted during this debate. Page 506 of *House of Representatives Practice* states:

Matters before royal commissions or similar bodies dealing with broader issues of national importance should be able to be referred to in proceedings unless, in the opinion of the

Chair, there are circumstances which would justify the convention being invoked to restrict reference in the house ...

I will study this matter further. I will take into consideration all of the points that have been made today, both in the point of order raised by the Minister for Energy and Resources and the points of order which were made during question time. I will come back to the chamber with a way forward, even though that may be having the matter sent back to the Standing Orders Committee to try to resolve the matter there.

PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL

Second reading

Debate resumed.

Mrs POWELL (Shepparton) — Before the lunch break I was talking about the Prahran Mechanics' Institute Amendment Bill 2010. I put on the record that the opposition is not opposing the bill. I was talking about the consultation we engaged in to arrive at our decision and the comments of the president of the Prahran Mechanics Institute (PMI), Mr Alf Lazer. He said he was happy with the proposal as the premises located at 140 High Street, Prahran, involves it receiving only a peppercorn rent. This has caused it some problems because it has received very limited funding.

The management of the institute wanted reasonable rent, but there were reasons it could not ask for that reasonable rent. As I said earlier, there were long negotiations about this. During those negotiations the management believed that the property could be sold. They had legal advice that said the property could be sold, but further legal advice said that there had to be a change to the act of Parliament, which is why this bill is before the Parliament today.

The PMI entered into negotiations with the Swinburne University of Technology. It has a contract of sale. The money from the sale, \$5.9 million, has been put into a trust at the Commonwealth Bank. The PMI was told that this bill had to be passed before the government would allow it to continue with the negotiations. Once the PMI has sold the land, it needs to be able to replace those properties by buying about three other properties, and this bill will allow the institute to do that. Those properties have to be replaced within a period of up to five years.

The agreement that was finally reached between the PMI and Swinburne University for the sale of the High

Street property was reached after some fairly lengthy negotiations, a dispute over the terms of the lease and a dispute over the rent that was to be paid to the institute. There was also some confusion about which minister was responsible for the lease. A precis of the discussions and negotiations on the history of the lease of the premises is outlined in a memorandum on the PMI website. Part of the history of the negotiations that went on with the institute and the government and Swinburne University is actually there on the website for people to see.

I will provide part of that very brief history, starting with the history of the PMI. In 1908 the PMI created the Prahran Technical School, and in 1915 presented its use to the Victorian minister responsible for education at that time, Sir Alexander Peacock, the Minister of Public Instruction, who described it as the best gift the government had ever received. It was from there that the negotiations between the PMI and the government about the lease agreement began. The property was leased to the minister for education for 33 years at a peppercorn rent. I looked back through the records, and I think the rent was about a shilling a year. I am not sure what that shilling a year equates to in today's money.

The school was re-leased to the government in 1947 for a further 99 years. The tenant was to use the property for the purposes of a technical school and no other purposes. The tenant had to properly insure the property and was not able to sublet, part with possession of or sell the property. Again there are some very strong objectives underlying what that land can be used for.

The generosity of the PMI over 90 years has consisted of not only forgoing the rent that has been forgone because it has not been able to achieve a commercial rent — the PMI is still receiving the peppercorn rent — but also of a further gift of land. The arrangements over those years have left the PMI with a fairly stressful financial burden. The cost of operating its expanded library service is almost exceeding the PMI's income. The institute is in a fairly tenuous situation where it needs to be able to do something about that property. It obviously cannot receive a commercial rent because the lease does not allow it to do that, but again it needs to do something. It cannot sell property and cannot receive a commercial rent until about 2046, because of the lease agreements.

The only option for the PMI was to sell its land and start again with new properties and new land. It will use the money it receives from the sale to actually acquire that further land. Under the rules of the lease the PMI had to have a settlement agreement, which was

finalised in September last year. It was put to the PMI committee and agreed to by the committee members. About 61 per cent of the members voted in favour of the agreement that was finally made with the government, the PMI and Swinburne University. The details of that mediated agreement between the Victorian government, Swinburne University and the Prahran Mechanics Institute is also posted on the PMI website. That agreement is subject to its being formally ratified by the PMI membership and the government.

In effect that agreement determined that Swinburne University has to buy the land and buildings for that \$5.9 million. The PMI is allowed to stay in its current premises for up to five years at a peppercorn rent to allow the PMI to build or buy another building. Obviously the cost of land in Prahran is increasing, so the institute may not buy land in Prahran only. It may buy land in Prahran for the library and administration, but for the storage it may go to another area where land has a lower market value so that it can buy that land more cheaply. Management is looking at a number of options for what is the best way forward for the Prahran Mechanics Institute.

The PMI is to have the use of the two shops next door as well as other rooms of Swinburne University on an occasional basis. That would be if the institute wanted to have meetings or provide lectures or other services to the community. That would be by agreement with Swinburne University. The university is to pay the electricity and water bills of the PMI library up to \$5000 a year. That is part of the agreement. The \$5.9 million is to be put into a trust fund earning interest with the Commonwealth Bank until an act of Parliament allows the PMI to sell the land and buildings, at which time control of that money will pass to the PMI. The bill before us today enables that settlement to occur and the proceedings to move forward.

Over the years the Prahran Mechanics Institute has had a number of ministers responsible for the lease of the property. There has been some confusion about who the responsible minister is; whether it is the Minister for Education or another minister. In 2005 the responsibility for the PMI went across to the Minister for Local Government, who is at the table. I am sure he is very pleased to be responsible for the Prahran Mechanics Institute. There was a lot of support from former councils and the current Stonnington City Council, and in fact the former PMI board had councillors as members. Now we have one member of the council on that board.

With the passing of this legislation we hope the Prahran Mechanics Institute can find appropriate properties to continue its great work. It is unique. It has a historical lending library with works on Victorian history and places. It also organises and conducts educational activities for the community and its members and facilitates historical and educational research. The \$5.9 million that has now been negotiated by the authorities must be used in accordance with the objectives I mentioned before, for educational purposes, and we also hope Swinburne University can continue to provide its important educational courses.

The PMI is unique. It operates under its own act of the Victorian Parliament. Its objectives are set out in an order in council and appeared in the *Government Gazette* on 24 July 2007. It is administered by a committee of seven people, six elected by members of the PMI and one appointed by the Stonnington council, either a councillor or an officer. The president of the PMI is Mr Alf Lazer, and the City of Stonnington representative is Cr Claude Ullin.

Over the years there have been a number of amendments to the Prahran Mechanics' Institute Act, and this is the third one I have spoken on in this Parliament. I will briefly talk about them and not go into detail. The first time was on 8 February 2006, when an amendment was debated in the Assembly. That amendment to the principal legislation took place after the amalgamation of two former councils, Malvern and Prahran, in 1994. The amalgamation of those two councils brought about the City of Stonnington. The rules had been amended in the order in council but the act itself had not been amended, so the amending bill in that year was brought in to correct an inconsistency between the rules and the act. It also reduced the number of members of the committee from nine to seven.

The second piece of amending legislation was debated on 14 March 2007. The reason for that amendment was to clarify the power of the Prahran Mechanics Institution and Circulating Library to purchase that land at High Street in Prahran and to clarify the power of the PMI and circulating library to grant leases, licences and permits in relation to any land that it had vested in its name. Because the Prahran Mechanics Institute and Circulating Library has its own act of Parliament the act has to be amended each time a change is made.

There are 500 mechanics institutes across Victoria. Many are administered by boards of trustees or committees. They provide adult education, historical information, library facilities and rooms for community use. Historically there was a mechanics institute in

every town across Victoria, but they have now been phased out. We have a wonderful one in Shepparton that is now accommodating Shepparton Access, which provides programs and services for people with disabilities to integrate them into the community. Over the years mechanics institutes have been used for all sorts of community services. They have been part of the community and have allowed things like photography, woodworking and stamp collecting groups to use them as meeting rooms.

When this bill passes through both houses the coalition hopes the Prahran Mechanics Institute can find alternative accommodation which meets its needs and fulfils its objectives. We wish the bill a speedy passage through both houses.

Mr LUPTON (Prahran) — I am delighted to rise to support this legislation, the Prahran Mechanics' Institute Amendment Bill 2010, for a number of reasons, including that I am a member of the Prahran Mechanics Institute (PMI) and that it is a great local organisation in my area.

The bill we are debating today is a really important piece of legislation for the Prahran Mechanics Institute, because it effectively secures its future. We are here debating this bill because the Prahran Mechanics Institute recently came to a settlement in legal proceedings which means that the institute will sell its current building in High Street, Prahran, to Swinburne University of Technology for the sum of \$5.9 million and as a result of this bill passing into law will be able to buy alternative premises that meet its needs now and for the future.

The mechanics institute does not have the power to buy and sell land generally. It needs to have a specific power granted to it under its act of Parliament in order to do that. This legislation is important, because otherwise the legal settlement that was arrived at late last year to sell the High Street premises to Swinburne University and buy alternative accommodation would not be able to take effect. The settlement of those proceedings was subject to approval by the membership of the Prahran Mechanics Institute, and in September last year a special meeting of the members of the institute was held, at which I was present. A vote to ratify that legal agreement was put, and 61 per cent of members attending voted for that resolution. At that meeting I undertook to seek that legislation would come forward before the Parliament as promptly as possible to give effect to that agreement and ensure the future of the Prahran Mechanics Institute, and I am delighted that we are debating that legislation now.

The subcommittee that dealt with the legal proceedings needs to be particularly noted and congratulated. That subcommittee comprised the president of the PMI, Alf Lazer, former councillor Chris Gahan, Cr John Chandler and PMI committee members Chris Michalopoulos and Peter Wolfenden. They did a great amount of work, and I applaud their efforts. I also want to take the opportunity to acknowledge the important contribution that has been made over a long period of time to the mechanics institute broadly by the librarian, Christine Worthington, who continues to do a terrific job.

The mechanics institute in Prahran was established 156 years ago, back in 1854, and had its first building opened two years later, in 1856. The current premises in High Street are not its first premises. It has had three buildings on two sites over that lengthy period of time, so the fact that the mechanics institute will be moving is certainly not novel. The importance of this is that the mechanics institute will be able to move to other premises in the general locality of Prahran but to premises that will meet its needs going into the future.

It currently has over 20 000 books for loan and also provides an information service to members. It provides educational resources particularly for the study of history and Victorian history in particular. It also provides publishing services. It established the Prahran Mechanics Institute Press following a community partnership grant from our government, which I was very delighted to present to the Prahran Mechanics Institute on the occasion of its 150th anniversary. Prahran Mechanics Institute Press does a great job in publishing important works of local history relating to Victoria and to clubs, organisations, community groups, churches and businesses that have a particular importance to the Victorian community.

It is clear that the building in High Street is not adequate for these important and growing functions that the Prahran Mechanics Institute performs. This bill to secure the future of the Prahran Mechanics Institute allows the institute to sell its land in High Street, and it could also sell other land that it owns in Chapel Street if the institute decided to do so, and to buy alternative premises. It has a period of time in which to do this.

The agreement that was reached involves the payment of \$5.9 million to the Prahran Mechanics Institute by Swinburne University of Technology and also permits the mechanics institute to continue in its current premises for up to five years, effectively at a peppercorn rent and having its utility bills paid. This gives the institute ample time in which to go about the process of finding alternative premises. Under the terms

of the bill it will have five years from a date no later than 1 June 2011 to buy alternative land. That is a considerable period of time and gives the institute enough flexibility to find the best premises it can find that meet its needs.

The ability to buy land involves the power under this bill to acquire three separate land-holdings, if that is what the institute wishes to do. That would enable the institute, if it wishes, to have one building to serve and operate as a library, another building to serve as administrative office space and another building to use as storage space. If the best and appropriate premises are not able to be found in one place, it has the ability to buy three separate and different properties in order to carry out those different functions that it has. That will give the institute the most flexibility to find the best premises it can.

We have also taken this opportunity to put into the act the objectives of the institute. This does not change its lawful objectives — they are currently in regulations — but it is important in the Prahran Mechanics' Institute Act to have the objectives of the institute clearly established and set out so that members of the institute are able to refer to them and they are easily understood by the community. The objectives of the institute as set out are to provide a circulating and reference library which includes works on state history and in particular the history of state places; to organise and conduct educational activities for the benefit of the members of the association and for the general public; and to encourage and facilitate historical and educational research.

I think it is true to say that the Prahran Mechanics Institute has been proudly and effectively carrying out those objectives over the last 156 years. It is important for the people who live in my local area of Prahran, but also more broadly the people of Victoria, to continue to have this type of institute — this very important community resource — which in more recent times has been playing a unique role. There are no other mechanics institutes or similar types of organisations performing such a detailed and yet broad role in preserving and educating people about the history of Victoria.

The Prahran Mechanics' Institute Amendment Bill 2010 is an important next step in the Prahran Mechanics Institute story. This bill will secure the future of the institute now and into the future. I wish the Prahran Mechanics Institute a very long and successful future and in the passage of this bill thank the members and the committee of the institute for their support in bringing it to this point.

Mr MORRIS (Mornington) — It is a genuine pleasure to rise to speak on the Prahran Mechanics' Institute Amendment Bill, because just for a change we have the opportunity to talk about something that does not illustrate graphically, as many other pieces of legislation have done in the past few months, the failures of the Brumby government. We are here this afternoon to deal with the Prahran Mechanics' Institute Amendment Bill, which when passed will allow the institute to sell land that it owns or that is vested in it and to move on and purchase further property that it may require, perhaps in a slightly different vicinity.

While the act has been around for some 111 years, it is interesting that until recently it has remained relatively unscathed. It was amended in 1984, 2006 and 2007. I guess it has had some frequent recent history in this house, but the current version of the act is in fact only version no. 3 from the time it first went through the chamber. Oddly enough one of my earliest memories of a particular bill being debated in this house is of an earlier amending bill. I remember sitting here in February 2007, with the member for Ferntree Gully sitting next to me, while we were both paying attention and trying to figure out what was going on around us. I remember saying to him — —

Mr Mulder — Have you worked it out?

Mr MORRIS — Not yet, no; it might take more than three and a bit years, I think. I said to the member for Ferntree Gully, 'Do you realise that this bill was debated in this room 110 years ago?' — or 106 years ago, whatever it was at the time. In the days when a week or perhaps even 24 hours is often a long time in politics, the fact that we are now amending an act that was passed in this room over 110 years ago is a reminder that while members come and go and governments come and go, hopefully the institute will endure. It certainly has endured for a considerable period.

The link to this house and to the Parliament goes back even further than that. When the Prahran Mechanics Institute (PMI) was founded back in 1854, one of the trustees was a gentleman named Frederick James Sargood, who was a member of the Legislative Council at the time and subsequently became a member of this house. It was a career that did not exactly endure: it started in October 1853; he served in two houses and resigned in December 1857. But there is that link between this Parliament, the institute and the legislation we are working on today.

Given the timing of its founding the institute predates the existence of this house by a year. It is a link back to

the relatively early colonial years and a reminder of the achievements of this state in a relatively short time. In the intervening 175 years things have moved on quite a bit. As I said, the institute was founded in 1854. Apart from Mr Sargood, George William Rusden and Dr James Stokes were the original trustees, and Governor Hotham and his wife became patrons. The fact that Governor Hotham was involved reinforces the relatively early point in the life of the colony as it was then.

Interestingly enough the council of the new municipality of Prahran held its early meetings in the institute. Not long after it departed and went to its own premises, the council established a free library, so almost before it had really begun the institute was on limited time. But it endured past that point and some interesting episodes occurred along the way when it became time for the institute to part with the services of its secretary, William John Allen, who refused to leave. Part of the roof of the building was removed under cover of darkness to make it desirable from his point of view to leave. Mr Allen was ultimately awarded damages of £14, and I guess it just goes to prove that perceived unfair dismissal is nothing new; it has been going on for a long time.

Moving along to 1899, I was interested to see in the official history, from which I am picking up points, that after a period of decline which saw the PMI in the custodianship of an elderly and unmotivated secretary and a building run down and in disrepair, action was taken. It is perhaps not unlike the circumstance in Victoria even as we speak. That provided the impetus for the principal act. It provided the impetus for a whole new life and a whole new range of activities for the institute. The member for Shepparton has commented on many of the activities and some of the history of the institute during the 20th century.

Towards the end of the 20th century another era began as the library began to specialise in the history of Victoria — a specialty that endures to this day. I was also pleased to see that, after a period when there were some differences with Stonnington council, in recent years Stonnington has been a very strong supporter of the organisation. It has provided grants for the restoration of minute books, upgrading of the catalogue and other services. It is pleasing to see the relationship working very well.

Some members have remarked that this is the only mechanics institute which has its own act. That was certainly a feature of the debates in 2006 and 2007. Some may say it is an anachronism. Personally I think it provides an important link to our past. The

establishment of facilities to enable the general population to be better informed and better able to play an active part in the civic life of the then new colony is an important part of the development of our democracy. If nothing else, the existence of this principal act and the connection with the institute is an important link.

I am pleased to have the opportunity to make a few comments on the bill. The member for Shepparton also referred to some of the difficulties in the commercial negotiations. I do not intend to revisit those, but they are on the record and they are a matter of some concern. I also acknowledge the briefing from the minister's staff. It was probably the briefest bill briefing I have ever been involved in, but it was comprehensive nonetheless.

No doubt the changes that are being made today, which will allow the institute to dispose of 140 High Street, Prahran, and acquire up to three other parcels of land to establish a new library, a separate office, other storage facilities and so on, will herald a new and even more vigorous chapter in the institute's life. It will allow a new chapter to commence in the life of a tremendous and historic organisation. I wish the institute well upon that journey.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Prahran Mechanics' Institute Amendment Bill 2010 and to follow other speakers in approaching this bill in a bipartisan manner. I would like to make particular reference to the contribution by the member for Prahran. I acknowledge that the Prahran Mechanics Institute has a great champion in the member for Prahran, who takes a deep and abiding personal interest in it.

Other members have been through the history of the Prahran Mechanics Institute. I just want to talk a little bit about some of the questions that could be asked about the Prahran Mechanics Institute and why we have a bill before Parliament relating to it. I could speak for hours on the Prahran Mechanics Institute, but unfortunately I do not have the time.

As other members have mentioned, the Prahran Mechanics Institute was created in 1899 by an act of the Victorian Parliament. The primary purpose of the act was to incorporate the mechanics institute in order to protect its assets. At that time it had two separate portions of land in Chapel Street, Prahran, on which it had constructed buildings.

The Prahran Mechanics Institute is the only mechanics institute in Victoria with its own act of Parliament. As a repository of local history the institute plays an

important part in building a strong community. The member for Prahran informs me that there are some 20 000 books — a large catalogue — as well as other educational items at the Prahran Mechanics Institute. He highly recommends its books, particularly those on Victorian history.

The changes to the Prahran Mechanics Institute Act 1899 will ensure that the role the Prahran Mechanics Institute plays will continue to be enshrined in legislation, but they also reflect local change that inevitably occurs over time. The bill provides the Prahran Mechanics Institute with the power to sell or dispose of land vested in it under the act, namely the Chapel Street premises in Prahran as well as some land it owns at 140 High Street, Prahran. We all know how valuable that land must be. The changes will provide the Prahran Mechanics Institute with the ability to purchase land and specifically to make three separate acquisitions, each of which may include more than one parcel of land. I am advised that this motion was passed at a special meeting. It has been agreed to sell the land for \$5.9 million to Swinburne University of Technology, which will pay a peppercorn rent and the utility bills of the Prahran Mechanics Institute for some time.

The bill also provides that the institute's powers, including the use of funds from the sale of land, must be exercised in accordance with the well-known objectives of the Prahran Mechanics Institute. These powers will sunset after five years or upon their exercise, whichever is the earliest. These objectives are currently to be found in an order in council made under section 5 of the Prahran Mechanics' Institute Act and published in the *Victoria Government Gazette* G30 on 26 July 2007. However, for the sake of clarity and access it has been decided to bring these objectives into the body of the act.

I will discuss briefly the nature of the agreement between the Prahran Mechanics Institute and Swinburne University. The terms of the sale agreement for the sale of the High Street property are a matter for the parties, but I am told that after some years of disputation a resolution has been found that everybody agrees to and that is a good way forward. They have agreed to the sale and the price on the condition that the Prahran Mechanics Institute is entitled to occupy the High Street premises rent free for a period of up to five years from December 2009.

This bill is enabling legislation. It ensures that the Prahran Mechanics Institute has a future in Prahran, and I am sure the Prahran Mechanics Institute will go on to bigger and better things. Its objectives, to which I

referred, are to provide a circulating and reference library, including works on Victorian history in particular, and I mentioned those 20 000 books and the great collection of Victoria historical books that the institute has; and to organise and conduct educational activities for the benefit of members and the general public. I am sure many students will receive a great deal of learning from the institute's collection, particularly on Victorian history. Its third objective is to encourage and facilitate historical and educational research.

One may wonder why we need something like the Prahran Mechanics Institute when there are big libraries around servicing the area, and the reason is that the Prahran Mechanics Institute is an invaluable specialist resource with its information not only on Victorian history but also on the local history of Prahran. It contains histories of many local families in Prahran and a range of information about the local community.

I know from the member for Prahran about the great deal of local pride that people take in the Prahran Mechanics Institute.

Mr Wynne interjected.

Ms BEATTIE — It has had strong community involvement. The Minister for Local Government is very much aware of that strong community involvement that the Prahran Mechanics Institute has had, and it continues to play a central role in the life of Prahran, as it has for 150 years. It has been of great service to the community of Prahran. It wants to continue serving the people of Prahran, and the people of Prahran want it to continue to serve.

All in all this is a bill that everybody agrees is a good bill. It enables the Prahran Mechanics Institute to have a great future in the area. The members in this house can ask me to go on for hours about it — —

Mr Wynne interjected.

Ms BEATTIE — But there is only limited time. The members present can see my passion for the Prahran Mechanics Institute, as indeed can the member for Prahran, who is a great champion of the institute. The member's enthusiasm for the institute has been absolutely infectious and I am sure we will hear from other speakers how his enthusiasm has touched us all.

Mr Wynne interjected.

Ms BEATTIE — With those few words I say to the members of the Prahran Mechanics Institute, 'Well done on settling the dispute', and I wish them a great

future. I wish the bill a speedy passage, and I thank the Minister for Local Government for his input into this bill.

Mrs FYFFE (Evelyn) — I am pleased to rise and speak on the Prahran Mechanics' Institute Amendment Bill 2010. The purpose of the bill has been expanded by previous speakers, as has the history of the Prahran Mechanics Institute. I begin by quoting Clay P. Bedford, an author, who said:

You can teach a student a lesson for a day; but if you can teach him to learn by creating curiosity, he will continue the learning process as long as he lives.

The basis of mechanics institutes started way back in Glasgow in the 1790s when a series of lectures was conducted by men of goodwill. Some of them had very way out ideas, and if those sciences were expanded now, we would be absolutely appalled to hear them, but they held lectures.

People were so starved of knowledge that they would walk for miles in the rain and snow or in the short summer heat to attend lectures. The speakers would speak for 3 or 4 hours, not for the 5 minutes that some members are hoping I will use for my contribution today. Their thirst for knowledge was great, and there were men of good minds who wanted to help the artisans to learn about various things. We have to remember that this was in the era when people thought Halley's comet actually meant the end of the world and people still believed in witchcraft.

As we entered the industrial revolution, mechanics institutes were formed. I return to talk about the lectures I was talking about before: men, women and children attended them. Services provided by mechanics institutes were somewhat tougher or more restricted, but many people could not afford books in those days. It was virtually impossible for them to learn effectively, so these good men established institutes to help them. Of course not all people were supportive. As the number of lectures increased and the mechanics institutes developed, a view emerged about the thinking of the institute's directors. One director said in an annual report:

... by occupying your leisure hours in the cultivation and improvement of your mind, you will elevate your character to a higher scale; and, in proportion as you withdraw from frivolous and useless occupation, to say nothing of those that are injurious to your health and your morals ...

The directors wanted to achieve social control of the working class, because they saw that education was going to elevate the station of workers.

The growth of mechanics institutes was huge. Thousands of them were established and spread rapidly through the UK from Edinburgh where they started. They also spread around the world to Canada, South Africa, India, the United States and of course Australia. The Prahran Mechanics Institute was established in 1854, and I understand it has over 20 000 books in its library for loan. In those days there were no public libraries, and access to books and journals was limited to just a few who could afford them, so workers would go to a mechanics institute.

With my mother, I would walk 3 miles to the local library to borrow books in Cheadle Staffordshire. I remember her joy when the mobile library started in the early 60s; she was really pleased with it. We were avid readers, but being a large, poor family we could not afford to buy books, so would borrow them from libraries. Every week she would walk 3 miles to exchange her books at the library.

This was all happening way back in 1854. I have read stories about people who could not afford shoes but who would carry somebody else's shoes to a mechanics institute — where the wearing of shoes was mandatory — so they could go in and read. In the beginning books could not be borrowed but had to be left there. Only as books became more freely available and less expensive could they be borrowed from a mechanics institute.

It may seem strange that mechanics institutes are still needed when you consider that they were started for scientific advancement in the context of industrial machines. The Prahran Mechanics Institute works as a library, yet it is also more than that. I think it is a very valued part of the community in Prahran. I am pleased that the bill has been accepted for debate, and that the dispute mentioned by previous speakers has been resolved, and I wish the bill a speedy passage.

Mr WYNNE (Minister for Local Government) — The Prahran Mechanics Institute has been the subject of about an hour's stimulating debate, including a discussion of the history of mechanics institutes. Some of the history is fascinating. Mechanics institutes have been, and continue to be, an integral part of community life here in Victoria. Over 700 are known to have existed in Victoria, and over 200 buildings survive today, mainly as public halls and community centres. In many other cases, the land remains but the buildings have been demolished.

Victoria's first mechanics institute, the Melbourne Athenaeum, was established only four years after Melbourne itself was founded. The lending library there

still exists today and is a much-loved and used facility. The Prahran Mechanics Institute was formed just 15 years later, in 1854.

The establishment of mechanics institutes across Victoria, particularly in rural areas, followed the rapid establishment of institutes across Britain from the 1820s onwards, and the previous speaker canvassed the crucial importance that mechanics institutes played in the lives of families in the United Kingdom — particularly for working-class families who were unable to access lending libraries and the facilities they offered. As in Britain, mechanics institutes in Victoria were originally established with the aim of providing young working-class men, in that era, with opportunities to learn and better themselves.

During the latter part of the 19th century and early part of the 20th century mechanics institutes provided the only publicly accessible library services in most parts of Victoria. The establishment of free public library services by local government from the 1940s led to the gradual decline of many institutes; some were reinvented as municipal libraries, which was a logical and natural progression. In most cases, the extensive library collections held by mechanics institutes have long been dispersed.

Only six mechanics institutes continue to operate as active circulating libraries: the Melbourne Athenaeum in Collins Street and the institutes in Ballarat, Berwick, Footscray, Prahran and Maldon. These six extensive and valuable collections, including Prahran's, have a strong focus on local history.

As I am sure members will be aware, the government has provided a number of small grants to the six remaining institutes that continue to provide circulating libraries. The most recent program was provided in 2008; each of the six institutes received a welcome grant of \$10 000. The Prahran Mechanics Institute received a grant of \$9900 to purchase a microfilm reader, printer and scanner to give patrons better access to its historical collections.

It is important that we resolve what have been some complexities around land issues in relation to the Prahran Mechanics Institute and the Swinburne University of Technology. Extensive and ongoing discussions have been conducted with a level of goodwill on the part of both institutions seeking to reach a settlement of this matter in the interests of both organisations. As it clarifies in its statement of purpose, the bill will enable the Prahran Mechanics Institution and Circulating Library, the incorporated body under the act, to make three acquisitions of land; enable the

institution to sell certain land that it owns or that is vested in the institution; and ensure that any funds from the sale by the institution of land are used for the purpose of achieving the institution's objectives.

This is a settlement of what on its face one would have thought would be a relatively straightforward transactional arrangement between Swinburne University of Technology and the Prahran Mechanics Institute. It is no fault of either party that it has proved to be more complex than either party indicated. We now have, in a bipartisan way and with the concurrence of Parliament, a clear path forward for both organisations.

The member for Prahran has taken a very keen interest in this matter as the local member and has done a fantastic job in working with both parties, Swinburne University of Technology and the Prahran Mechanics Institute, to achieve this outcome. I acknowledge him and the work that he has done to bring this matter to Parliament. I also acknowledge the bipartisan way in which the opposition parties have supported this bill and the keen interest that a number of members have shown through the debate today, from both a historical perspective and a more contemporary interpretation, in what mechanics institutes play in the life of the community, not just here but where the six existing mechanics institutes are.

We need to acknowledge the historical importance and the antecedents of these mechanics institutes from their early development in Britain and the crucial role they played with the working-class and poorer communities right across Victoria. They were the first port at which many poor people had the opportunity to access books and other educational opportunities. Mechanics institutes have left a fantastic legacy, and I acknowledge the Prahran Mechanics Institute and the other five mechanics institutes I have mentioned today. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL

Second reading

Debate resumed from 15 April; motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr O'BRIEN (Malvern) — I rise to speak in the debate on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. I indicate that the Victorian coalition will not be opposing this bill. The purpose of the bill is to seek to align the Fair Trading Act 1999 — that is, the Victorian fair trading legislation — with provisions that govern unfair contract terms in the federal Trade Practices Amendment (Australian Consumer Law) Bill 2010.

The federal act, as I will refer to it in shorthand, is scheduled to come into operation on 1 July 2010 in the lead-up to the commencement of a national regime on 1 January 2011. It seems that it is a significant number of times that I have risen in this house to speak on bills as the shadow Minister for Consumer Affairs where we have seemed to be in the process of handing over our powers, to a greater or lesser extent, to Canberra. I certainly do not want to be parochial about these matters, because there are times when it is eminently sensible for the state Parliament to be part of a national approach to laws, where that approach will lead to improved operation, better efficiency, lower costs for business and more protection, and more consistent protection, for consumers. It does not seem to make much sense to have different levels of consumer protection depending on whether one enters a contract in Victoria or New South Wales, for example.

I note that consistency can be a virtue, but it is not the only virtue we should be looking at as legislators. While I do not make these comments directly in relation to this bill, which is a sensible one in the circumstances, I think the Victorian Parliament needs to make a close examination of the proposals coming from the government which seek to, to some extent, limit the ability of this Parliament to legislate for the people of Victoria. Where there are sensible reasons for taking a national approach I think the Parliament should be willing to do so, but the idea that consistency is of itself a virtue which overcomes everything else is not a view to which I subscribe. The Parliament should be careful in its approach to national proposals in the future.

The bill before us at the moment is a sensible one. That is partly because in its approach to unfair contract laws the Victorian government has been the Lone Ranger. It

has been out there riding on its white horse saying, 'We're going to have these terrific unfair contract laws', but it has now looked behind it and seen that the rest of the camp is waving from a distance saying, 'Sorry, guys, you've gone too far!'. This bill is all about some of the crusaders in the government who have been getting ahead of not just where the Liberal Party and The Nationals think we should be but where their federal colleagues think they should be when it comes to unfair contract laws.

It was not so long ago — in 2009 — that we were debating in this chamber the Fair Trading and Other Acts Amendment Bill. At that time I raised in the Parliament some of these issues the government is now having to admit it has gone too far on. I said to the government, 'Why are you stepping outside the nationally agreed framework for consumer laws? Why are you acting in a way which is contrary to the recommendations of the Productivity Commission, which COAG (Council of Australian Governments) had agreed will form the basis for the new national consumer laws?'. I was basically given the metaphorical pat on the head and told not to worry about these things, that it would all be okay.

What happened was that this side of the house was right and the state government had actually gone too far. It could not convince New South Wales, could not convince Queensland, could not convince Tasmania, could not convince Western Australia — it could not convince any other jurisdiction — to back its approach. This bill before the house is about bringing Victorian consumer contract law into line with where the rest of the country is. I would not expect to hear any mea culpas from members opposite. Let me just put it on the record that they are guilty of overreach, as I previously identified. I am pleased that at least they have had the good grace to admit, through this bill, that they went too far and they are now having to wind things back too bring them into line with the rest of the country.

This bill amends part 2B of the Fair Trading Act in relation to unfair contract provisions. The commencement is likely to be before 1 July 2010 given that, as I have outlined previously, that is when the Australian law is expected to come into operation. Obviously it is important that we have Victorian law that is consistent with the national law in this regard.

Clause 5 of the bill amends a number of definitions. For example, clause 5(1) repeals the definitions of 'prescribed unfair term', 'standard form contract' and 'unfair term'. The reason for this is that the Australian Consumer Law is not going to define these terms. We had what might be regarded as somewhat prescriptive,

if not directive, definitions in the Victorian law which the federal government and the other states were not prepared to adopt. As a result those definitions under the Victorian law will have to be unwound and repealed.

There are a number of other changes to unfair contract law in this bill. Clause 6 expands what I would call the exemption contained in the Victorian act as to what might be the subject matter of a consumer contract. For example, it provides that the up-front price payable under a consumer contract cannot be the subject of an unfair term. You would think that was a relatively sensible position to take. When you are looking at what is an unfair term in a consumer contract, the bottom line price is not something a court should be making economic judgements about in terms of whether it is fair that somebody be charged it.

As long as somebody knows what they are getting and how much they are paying, that is a matter for the parties concerned. It is not up to a court to say, 'We think it is an unfair term of the contract that you are charging X rather than Y'. That would be the kind of Soviet-era centralist economic planning that did not really work too well there. Even modern Labor governments in Australia seem to acknowledge that that sort of centralised economic planning does not work, and when they have occasionally tried it, as the federal Labor government did with the pink batt installation, we have all seen how it has worked out.

It is pleasing to see the government is now bringing the Victorian law into line with what some might say is a fairly modern economic concept — that is, that we trust adults to enter into contracts that set their own price without feeling the need for a court to try to intervene and determine whether a price is fair or not. That is a matter for the parties concerned to determine, not a matter for the government or a court to determine.

This amending bill also contains additional exemptions as to how this part of the principal act applies. For example, the part does not apply to a contract of marine salvage or towage, a charter party of a ship or a contract for the carriage of goods by ship. I would be surprised if those were regarded as consumer contracts in any event, but for the sake of clarity it is made quite clear in this bill that those matters are not subject to part 2B of the Victorian Fair Trading Act.

We see in clause 7 of this bill a substituted definition of the meaning of 'unfair'. It is worthwhile reading this element out in full because I think it is central to the statutory definition of what is an unfair consumer contract. It provides that:

A term of a consumer contract is unfair if —

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

Let me go to paragraph (c), the requirement that the term would cause detriment to a party if it were to be applied or relied on. This is something which, again, was part of the Productivity Commission's recommendations on Australia's consumer framework. The commission's report made it quite clear that detriment should be a necessary element of what would be an unfair consumer contract.

Did the Victorian government listen? No, it did not. It thought it knew better than the Productivity Commission. It thought it knew better than all the other governments of the states and territories around the country. It thought it knew better than the federal government. It thought detriment was not an element which should be required to be demonstrated in determining whether a contract was unfair or not.

What we see from this clause, which proposes to substitute a new section 32W in the act, is that the Victorian government has been forced to come into line with the rest of the country with its tail between its legs. The arguments made by me and by industry over many months that the government had got it wrong and should be listening to what others in the industry and around the country are saying appear to have been belatedly accepted by the Brumby government.

I refer back to the Fair Trading and Other Acts Amendment Act 2009. I will not divert too much of my or the house's time to going through these issues, but these are exactly the sorts of matters which were raised in the context of consumer credit contracts. I have to say that the government's attitude was quite dismissive. There was a view that, 'We have a better law, and we are going to show leadership by implementing terms we think are better than anything else around the country, and the rest of the country will fall in line'.

When you look at something like the electronic conveyancing project, which is another area where Victoria was going to be first out of the blocks, lead the rest of the country and show the rest of the country how it is done, you see it has turned out to be a multimillion-dollar white elephant that is retarding the progress of national electronic conveyancing because of

the stubbornness of this state government and its refusal to acknowledge it has a flawed system and its embarrassment about how much Victorian taxpayers money has been wasted on this system. That is a perfect example of how this government lets its arrogance get ahead of common sense. It is costing Victorian taxpayers money and raising the prospect of retarding progress in national reform because of this blinkered view that Victoria always knows best.

I have a view as a Victorian MP that Victoria should show leadership, but we have to be sure that we are doing the right thing rather than the wrong thing. There is a difference between leadership and arrogance, and I worry that sometimes this government confuses the two. That is a long way of stating that the opposition is quite pleased that the requirement of detriment is now going to be a necessary element in determining whether a term of a contract is unfair or not.

It is interesting that new section 32W(4), which is substituted by clause 7, provides:

... a term of a consumer contract is presumed not to be reasonably necessary in order to protect the legitimate interests of the party who would be advantaged by the term, unless that party proves otherwise.

Essentially it is a reversal of the onus of proof. This bill changes the way the presumption had operated in one respect, because previously a contract that was alleged to be a consumer contract was presumed to be a consumer contract and it was up to the defendant to prove otherwise. The government has now realised that is out of step with where we are going with the national law and it is up to the consumer who wishes to allege that a contract is a consumer contract to prove it. That would not seem to be an unreasonable thing. It would not seem to be an unreasonable burden either, but this government is very keen on trying to reverse onuses of proof wherever it can. It likes the approach of throwing up an allegation and making the other party prove you are wrong, instead the of approach of, if you have a legitimate case, putting the facts before a court or tribunal and establishing that you fall within the law.

We have one change to what previously had been a reversal of the onus of proof in relation to the issue of whether a contract is presumed to be a consumer contract or not. It is now up to the plaintiff to prove to the satisfaction of the tribunal that a contract is a consumer contract, but in new section 32W we see that the reversal of the onus of proof is being maintained in relation to the second limb of the test, if I can call it that. A term of a consumer contract is presumed not to be reasonably necessary in order to protect the legitimate interests of party who would be advantaged

by the term unless that party proves otherwise. If essentially you are the person who is relying on the term, it is presumed not to be reasonably necessary to protect your interests unless you prove otherwise.

I want to draw a contrast between that provision in new section 32W and what we see in new section 32X, which is entitled 'Examples of unfair terms'. We have the state Parliament saying, 'We are going to reverse the onus of proof so it applies to you in new section 32W'. Then in new section 32X the Parliament is giving examples of what is an unfair term. In new section 32X(1)(m), as an example of what is an unfair term, it says:

a term that imposes, or has the effect of imposing, the evidential burden on one party in proceedings relating to the contract.

So it is fine for the government to say, 'We are going to impose a burden on what is likely to be the defendant to prove that a term in a contract is not reasonably necessary to protect their legitimate interests', but at the same time the government is saying, 'If a term imposes evidential burdens on a party, then that must be an example of an unfair contract'.

This is a classic case of the government saying, 'Do as I say, not as I do'. The government is not prepared to have the same standards that it applies to the rest of the state apply to itself in its own legislation. I draw that to the attention of the house because I think it is not unreasonable for individuals or businesses to get a little bit concerned by situations where governments or parliaments are prepared to impose burdens on certain individuals in one set of circumstances but then claim that those same sorts of burdens are bad things when imposed by anybody other than governments or parliaments. That sort of thing tends to lead to, if not disrespect, then heightened concern in the community about whether the government and the Parliament are being fair and holding themselves to the same standards they expect the rest of the state to be held to.

In clause 8 of the bill we also see a requirement that for a term of a consumer contract to be an unfair term it must be in a standard form contract. Again this is something which did not feature in the Victorian government's original legislation. I welcomed the opportunity I had for a briefing by the department. The departmental briefers made the point that in effect part 2B of the Fair Trading Act has really always operated in relation to standard form contracts but that is not what the legislation says. It is fine for those in government — be it politicians or people in the departments — to say, 'Well, this is what we really mean it to say', when the fact is that individuals,

companies, community groups and courts and tribunals need to apply and operate under the law as it is written.

Quite often this government says, 'We are putting our broad statements in the law, but we will have a bureaucrat issue guidelines that tell you how it is meant to apply'. That is not good enough. People have a right to read the law on the page and know how it applies to them. It is not good enough to say, 'We are going to provide broad discretion to bureaucrats, they will issue guidelines and then you can follow them'.

Victorians have a right to know what their legal obligations are as a result of laws that are passed by this Parliament. We should not be contracting out our responsibility as legislators to bureaucrats or others to try to interpret the law through guidelines. I make that point because it is an issue that gets raised with me constantly as the shadow minister in various capacities, and I think with some of my colleagues as well, that the laws that are passed by this Parliament are in many cases far too broad and the government does not allow people the opportunity to know what their obligations are as a result of the legislation passed by this Parliament. Instead it is all left to departments and bureaucrats to try to make sense of it, and that is just not good enough.

We also see some other changes in this bill.

Section 32Z of the principal act is repealed. This was an offence provision, and I must admit we always had a little bit of concern as to whether there is a need to have an offence provision in relation to unfair contract terms. One would think that an unfair contract term is something which may be a grey area in any event, but certainly the obligation and the intent of unfair contract legislation should be to right the wrong and to put the person who was affected by the unfair contract term back in the position that they would have been in had they not been subject to the unfair contract term.

Therefore as to the idea of then talking about when you have broad categorisation of what may or may not be an unfair contract and saying, 'We are going to have offence provisions on top of that', somebody potentially getting hit with very large fines on the basis of what is a consumer contract issue always seemed to me to be a bit of an overreach. Certainly it has been the view of the federal Labor government, of many state and territory Labor governments and presumably of the Western Australian coalition government as well that it is not appropriate to have offence provisions in relation to unfair contract terms. We therefore welcome the repeal of section 32Z of the Fair Trading Act.

In clause 10 of the bill we also see changes to the way in which injunctions can operate in relation to unfair terms. We now see that not just the director of fair trading but any other person may apply to the Supreme Court, the County Court or the tribunal, being the Victorian Civil and Administrative Tribunal, for an injunction against any person who is applying or relying on a standard form consumer contract term.

That was something I raised in debate on similar legislation in 2009. I said, 'Why is it that it is only the director of fair trading who has the ability to seek injunctions?'. Surely to goodness it should be the right of any party who is affected by a term to go to court or to the tribunal and get an injunction. This is an example of where the government believes that it and its agencies should be held to a different standard from everyone else who is subject to the law.

What possible reason could there have been for saying only the director of fair trading should be able to have access to the courts to get an injunction to enforce or prevent the enforcement of aspects of consumer contract law? There was absolutely no basis for it whatsoever other than that we are dealing with a Labor government that believes it, its agencies, its bureaucrats and its departments are special, and that they should have rights under Victorian statute that individuals do not have, that businesses do not have and that community groups do not have. That is appalling. We belled the cat on that at the time. As a result of the fact that other jurisdictions around the country, including Labor jurisdictions, have acknowledged this government got it wrong, it is now having to repeal that provision and ensure that access to the courts is available not just to the director of fair trading but to anyone affected by an unfair contract term.

I would be very interested to hear members opposite in relation to this. I know the member for Essendon is passionate about justice, and I acknowledge that. I would love to hear how the member for Essendon could justify the government's going down the track in the first place to say that only the director of fair trading should have this special right to go to court to get an injunction to enforce aspects of the law. Why should it not be available to anybody who is affected by the legislation?

We see in clause 12 that it is now not just the director who can apply to the courts. It states:

The Director or a party to a consumer contract may apply to the Supreme Court, the County Court or the Tribunal for an order declaring that a term of such a contract is an unfair term.

This bill expands access to justice. Not just the director of fair trading but any party to a consumer contract can get access to the courts or to a tribunal to seek an order declaring that a term of a contract is an unfair term.

It is very frustrating, because these are all issues that we raised previously. At the time we saw no good reason for the government going down that track. But the government blithely continued on, because it had the numbers and thought it knew best. It is only now, because of this Council of Australian Governments process, that the government has been forced to acknowledge that our concerns were right. These were not just our concerns; obviously they were concerns shared by Labor jurisdictions right across the country. Because of that national approach the government has been forced to come back and fix up some of these dreadful aspects of its legislation.

We also see that there is no power for the director to require the supply of information, which had previously been provided. Again, I do not know that the government ever really explained properly why it was necessary for the director to have special access to information that would not be available through the discovery process anyway. Any party going to court is entitled to undertake applications for discovery and obtain documents that are relevant to the proceedings. This seems to be an example where the director of fair trading was again put in a privileged position compared to every other person who is subject to this law.

We see in clause 13 that the ability to seek advisory opinions from courts in relation to unfair contract matters is being abolished. I have always been a bit concerned about the whole notion of advisory opinions. I know judges and courts have always been very reticent about the idea of giving them, because essentially their job is to apply the law to the facts as presented to them in real-life cases. The courts do not like to deal with hypotheticals, but this idea of advisory committees was exactly what the Brumby government was seeking to involve the courts and tribunals in. I think it is positive that that provision is now being repealed. In many other aspects of the bill we see essentially a cut-and-paste from the federal Australian Consumer Law, which ensures there is some consistency there.

In the brief time left available to me I reiterate that the opposition is not opposing this bill, because we think this bill makes the consumer contract laws far better balanced than they were previously. We think the government was out of step with common sense, certainly out of step with where the rest of the country was going and out of step with where the Productivity

Commission, which formed the basis of the COAG agreement on national consumer laws, had recommended we go.

It is a shame the government did not listen when it had the opportunity. We had crusaders opposite who felt they knew best and would drag the rest of the country kicking and screaming towards their preferred point of view. But as we have seen with the national electronic conveyancing debacle, this government does not always get it right. There is a difference between arrogance and leadership, and sometimes this government does not understand that difference. I think this bill is an excellent example of what happens when the government gets it wrong.

The upshot of this bill is that it is going to improve Victorian law. It is going to lead to better balanced consumer contract law. It is going to facilitate a national approach, which we think is important in terms of giving consistent and standard protection across the states and territories, and it is going to be better for businesses that operate across different states and territories by ensuring that they have one consistent set of laws that they need to abide by and respect. With those words I indicate that the opposition will not be opposing this bill.

Ms THOMSON (Footscray) — It is with great pleasure that I rise to support the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. I am only sorry that it has taken this long to get this bill here, because this has been a crusade. In truth we have been leading the nation in consumer legislation for the last 10 years. This is an iconic piece of legislation that we on this side of the house are very proud of. At ministerial council meetings we talked about the introduction of uniform laws on unfair contract terms. Unfortunately one player was never prepared to come to the table at that time, and that was the then Liberal federal government.

When talking about this leading legislation let us put it into context. This legislation enabled us to ensure that mobile telephone contracts truly represented and protected consumers in a fair way. We could not have done that under any legislation other than this piece of legislation before us. It enabled us to lead the nation in dealing with the most horrific and horrendous unfair contract terms — that is, those in mobile phone contracts in the early 2000s. I am very proud of this legislation. I believe every member on this side of the chamber is proud that we have led the country in taking action on unfair contract terms.

In the limited time I have I will refer to some of the detail of the bill. I would love to speak for a long time on this piece of legislation. We have talked about the power of the director, who is the only person able to take out an injunction and only for industry-wide contracts. It was never intended that individuals with individual contracts would not be able to take legal action. Because this was leading legislation, we wanted to make sure we were having a positive effect on those unfair industry-wide contracts. It was reasonable that in terms of this leading legislation that was introduced Australia-wide the power regarding those industry-wide contract injunctions rested with the director.

We can look through this legislation to see what it does. It is a fact that there are things in this bill that are not in the current act. Compromises have been made along the way. Let me make it clear that the Council of Australian Governments took the recommendations of the ministerial council to Consumer Affairs Victoria and supported the recommendations on unfair contract terms. That included, in the main part, our legislation. It is modified, but it is still Victoria's legislation that is the basis of the unfair contract legislation that will now be applied nationally. That is something we can be very proud of.

The bill changes the definition of consumer contracts. The current definition is based on an objective assessment of whether goods and services are ordinarily acquired for personal, domestic or household purposes. The national definition determines the question of whether a contract is a consumer contract by reference to the subjective intention of the individual who acquires the goods or services covered by the contract. The actual effect of this is minor. Goods supplied for an individual, personal, domestic or household use or consumption are likely to be ordinarily acquired for use or consumption and therefore come within the current definition. Examples that we have used are mobile phones and gym memberships. Unfair gym membership contracts were forever coming up as a perennial problem for consumer agencies around the country. That was something we were able to rectify by referring to the unfair contracts legislation, which is important to remember.

Car rental contracts are another issue. Victoria has led the nation in ensuring that car rental contracts are fair and reasonable, because we have had unfair contract terms as part of our legislative raft of options that could be utilised to protect consumers. In line with the national uniformity provisions there will no longer be a presumption that a contract is a consumer contract. The subjective nature of the new definition of 'consumer contract' means that the individual seeking to establish

that a term is unfair would be best placed to prove the purpose of their acquisition under the standard form of contracts. We are prepared to make compromises because since 2003, when the legislation came into being, we have always believed that the best place for this legislation is in uniform national legislation. It is best that every consumer has the benefits of unfair contract terms legislation. Our approach has been consistent. We are proud that we have been prepared to step up to the mark at every ministerial council meeting and say, 'We should have nationally based unfair contract terms legislation available to consumers'. We have it now.

Why do we have it now? It is because finally we have a federal Labor government that is prepared to listen to the states and to understand the importance of unfair contract terms legislation as a protective measure; it is not just in the actions taken but in the ability to use that legislation to negotiate outcomes on behalf of consumers. Those unfair industry-wide contract terms were negotiated out. They were negotiated out in the travel area, they were negotiated out in the gyms, they were negotiated out in relation to mobile phone contracts and they were negotiated out in relation to rental vehicles.

It is something that we on this side of the house can be very proud of, that we led the way here in Victoria. We actually benefited consumers in Victoria. As a consequence of that, where there were national companies, ultimately we benefited consumers right across the country because they changed their contracts right across the country. Other states saw what we were able to do here in Victoria. They supported unfair contract terms being included. But we just could not get the feds to cross the line.

I am proud to be able finally to stand and say: we will now have uniform national legislation which protects our consumers from unfair contracts and enables them to take action in their own right but which also enables government to make sure that as businesses prepare contracts. They do so keeping in mind what is fair and what is right, because otherwise there is legislation that can be used to take action to ensure that they do so.

I am proud of this legislation, and I commend this bill to the house. It has been a long time coming. We have waited seven years for this piece of legislation to get to Victoria. I know I speak for ministers for consumer affairs from 1999 to this time when I say we are proud to see this piece of legislation and know that we have actually made a difference to the lives of consumers. We have made a difference for young kids, those who at 18 years of age have signed mobile telephone

contracts, are ignorant as all heck and have ended up with the most unfair contract terms that they could not get out of and ran up huge amounts of debt.

We made a huge difference to those who were ripped off by car rental companies and those who took out gym memberships with unfair contract terms, intending to get themselves fit and healthy only to find they were being ripped off. We made a difference. I will not step back from this legislation. I will stand up and say, 'We are very proud of it!'. This is leading legislation in Australia. It is something that we are pleased to say is now national legislation. We are proud that we were prepared to sit around the table and negotiate this legislation and that we now have the federal government ready to step up and take on some responsibility in this area.

Mr WELLER (Rodney) — It is always a pleasure to rise to speak in this house. Tonight it is a pleasure to speak on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. The purpose of the bill is to amend the Fair Trading Act 1999 in relation to unfair contract terms. The main provision of the bill is to align the Fair Trading Act 1999 with the provisions governing the unfair contract terms in the Federal Trade Practices Amendment (Australian Consumer Law) Act 2010, which is scheduled to come into operation on 1 July 2010.

As the Victorian provisions relating to unfair contract terms contained in part 2B of the Fair Trading Act are different from the Australian Consumer Law, the bill amends the Victorian law to make it compatible with the federal law. Key changes to the Victorian law to effect consistency with the Australian Consumer Law include: restricting the operation of the provisions to standard form contracts only; exempting from the provisions contract terms that set up-front price or define the main subject matter of the contract; requiring detriment as an element of determining what is an unfair contract term; removing offence provisions; providing that parties other than the director of fair trading can seek an injunction or a declaration regarding an unfair contract term; and removing the previous presumption that a contract is a consumer contract.

It has been interesting to listen to the contribution of the member for Footscray. What she failed to acknowledge when she said this was a big win for consumers was that this could have been a big win for consumers if only the government had listened back in 2009. As the member for Malvern has pointed out, we on this side of the house put forward the problems with the original bill and proposals for how we could have fixed it back

then, rather than waiting until now. Consumers have actually been waiting for these changes from that time.

The member for Footscray demeaned the young people of Victoria by saying that 18-year-olds were 'ignorant as all heck'. These bills should be brought forward to help our younger people, but we do not have to suggest that young people in Victoria are ignorant. I would never say that. Unfortunately the member for Footscray has gone down that track of calling our young people ignorant, which I think is quite a disgrace.

Mr Eren interjected.

The ACTING SPEAKER (Ms Beattie) — Order!
The member for Lara!

Mr WELLER — Those living in an electorate adjoining the Murray River will always be faced with cross-border issues. We in opposition are quite supportive of this bill. We are not opposing it, because it removes some anomalies. The conditions of a contract for someone working on the Victorian side of the Murray River will be the same as those for someone working on the New South Wales side of the Murray, which will make things a lot simpler for businesspeople in the electorates that adjoin the Murray and New South Wales. They will not have to worry about operating in two different states, as many who live in that area now do because there are currently two different sets of rules they need to follow. So this is indeed a very good step in the right direction. That is why we in opposition do not oppose the legislation.

New section 32VA, which is substituted by clause 6, sets out contracts to which part 2B of the Fair Trading Act 1999 will not apply. Part 2B will not apply to a contract for marine salvage or towage, to a charter party of a ship or a contract for the carriage of goods by ship. I understand and am well aware that the Murray River is in New South Wales. But the port of Echuca is on the Victorian side; you can actually stand on the wharf and see the boundary. Many charter parties use the many steamboats that are available for hire in Echuca, and many goods are shipped along the Murray. Once upon a time the port of Echuca was the biggest inland port in Australia and a lot of freight was carried up and down the river from there. Many issues may have slipped through the net, but it has not been detrimental to the river trade at this stage. The steamboats in Echuca are still well worth riding on when you visit the area.

The next section of the bill that I read with interest was clause 7, which defines 'unfair', stating:

A term of a consumer contract is unfair if —

- (a) it would cause a significant imbalance in the parties' rights and obligations arising under the contract ...

As members of this house know, there has been a buyback of water in northern Victoria. The contracts are given to the farmers or the sellers of the water without a price. The federal government says, 'We will give you a price at the end of it when we work out how many people apply and how much water there is'. While I understand that it is a tender process and that that must be getting around an anomaly in the law, I do not think it is necessarily a fair contract if the government can say, 'Are you willing to sell?', and the farmer says, 'Yes, I am willing to sell, and here is the price I am willing to sell at', but the government can come back and say, 'This is all we are going to offer'. There have been many disappointed people in northern Victoria. Some have waited 8 or 10 months for sales to go through. The length of the process of sale is unfair to people doing business. While the government is obviously getting around that because of an anomaly, it needs to deal fairly and squarely with people.

Also in northern Victoria is what we call the Northern Victoria Irrigation Renewal Project (NVIRP). Rationalisation of the assets of Goulburn-Murray Water is part of that. It has wheels, which are outlets that go to farmers and their meters, and it has regulators and bridges. Some of the farmers will be asked if they wish to rationalise some of those assets. An offer of how much they can have is put to the farmer and the farmer signs the offer, but it could take six months for NVIRP to sign. After the farmer has said he is willing to do it, NVIRP may take another six months to sign, so the farmer is in limbo. It is hardly a fair contract when one side can say, 'You sign up here, but we are not going to sign'. NVIRP may not have signed the contract, and nothing is done until it is done, but it is a very difficult way for farmers in northern Victoria to do business.

I read further in the bill and found that subsection (b) of new section 32X, headed 'Examples of unfair terms', defines that the following may be unfair:

- ... a term that permits, or has the effect of permitting, one party (but not another party) to terminate the contract ...

Once again this highlights some of the anomalies in what is happening in the water industry in northern Victoria. A government puts up an offer but then does not sign it — it is not a contract until it is signed — but says to the farmer, 'You sign, but we might take six months to sign'. I do not know that the government is adhering to this provision.

New subsection (d) defines another possible kind of unfair term as:

- a term that permits, or has the effect of permitting, one party (but not another party) to vary the terms of the contract ...

Once again, if you give the contract document to the farmer and the farmer agrees to sign it but then you take another six months to sign, you may vary the contract in that time, so I believe the government is not practising what it is preaching in the bill.

New subsection (e) defines a further kind of unfair term as:

- a term that permits, or has the effect of permitting, one party (but not another party) to renew or not renew the contract ...

The federal and state governments are getting around this on a technicality when it comes to changes regarding water in northern Victoria.

Finally, in the short time I have left I can only say we would not be here debating this bill if the government had listened in 2009 to suggestions for improvements that we on this side offered then.

Mrs MADDIGAN (Essendon) — I am pleased to speak in support of the Fair Trading Amendment (Unfair Contract Terms) Bill 2010, and I am pleased that the opposition is not opposing the bill. May I say it is always a pleasure to speak after the member for Rodney. His contributions are always both educative and entertaining, but I would like to make one little point to him. He said in his speech that this bill will bring Victoria into line with New South Wales, but the whole point of this bill is that there is no unfair contract law in New South Wales. In fact there are no unfair contract laws anywhere but in this wonderful state of Victoria.

Unfair trading laws were first brought in here by the Labor government in 1985, a major rewrite was done in 1999 by another government and the legislation has been altered over that time right up to now. The member for Malvern asked me to refer to this in my contribution, so I am more than happy to do so, even though he is not here. I am sure he will look forward to reading it in *Hansard* later. It is not unusual for legislation to change over the years, as circumstances change.

Mr Delahunty — He might be watching on TV.

Mrs MADDIGAN — He may indeed. The federal agreement is based on the Victorian model, and I agree with the member for Footscray that it is a great model. Without Victorian laws our consumers would have

been left without protection for many years. It is great that we introduced the laws in 1985, and I am really surprised that other states have not introduced unfair contract laws before.

It is important that we protect consumers, because they are often in a strongly disadvantaged situation when dealing with purveyors of goods and services. Most people who are selling goods and services are honest and upright and are doing the best not only for themselves but for their customers, but some instances have been mentioned before, particularly in relation to gyms, mobile phones, car rentals and roofing, where people have signed contracts without fully understanding their effect in the long term. It is essential to have legislation brought into this house and put in place right across Australia to ensure that consumers are protected.

I shall not speak for very long on this bill, because it is really quite a straightforward bill. It brings in bridging provisions until the federal agreement is reached. I am always pleased to support legislation that protects consumers. Having legislation in Victoria that was different from that of the commonwealth and other states would obviously make it very difficult for both consumers and the system to operate, so it is only sensible that we fall in line with a nationally agreed circumstance.

In relation to unfair contracts and indeed a whole range of consumer affairs, Consumer Affairs Victoria does a terrific job in assisting people by making them aware of the dangers to look for before they enter into unfair contracts. Unfortunately when we are keen to purchase something many of us perhaps do not do as much examination and research as we should, but certainly the information provided by Consumer Affairs Victoria, not only on its web page but through its offices, is extremely helpful to the community. No doubt like many other members of Parliament, I have certainly used these services in the past and encouraged constituents to seek these services when they find themselves in a contract which is unfair to them. I would like to congratulate consumer affairs on that, and I am sure it will keep up the good work in the future.

I draw my comments to a close and wish the bill a speedy passage. I look forward to national uniform laws for unfair contracts across Australia.

Mr K. SMITH (Bass) — It is nice to be able to get up to speak on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010 which has been brought into the house. It has already been explained by the member for Malvern that we on this side of the house are not

opposing this piece of legislation, but we are saying it is about time it happened. We have had the member for Footscray get up and say it was John Howard's fault it had not been brought in before and it was awful that that happened.

The sad part about this is that under the current government in the state of Victoria there have been two issues that I have been involved with in regard to contracts. I am pleased to see that there will be some sort of national recognition of unfair contract terms and that we will have something that will be consistent across the whole of the country.

The latest contract was brought to my attention by a man who rang me up and said, 'You might be able to help me. I have got a relocatable house that I have had moved onto a site and it is causing me a great deal of grief'. He said, 'We entered into a contract to get this house moved from Bentleigh to Malmsbury and I believe that at some stage you spoke about one of the house removal companies that has moved our house'. I said, 'When did I do this?' and he replied, 'Back in 2001'. I did it from the Legislative Council. It turns out that I had been looking at a company called 1st Central Victorian Home Relocations, which was run by Werner and Joan Piechatschek, who at that stage were living in Coronet Bay.

I remember the matter quite vividly because Mr Piechatschek or one of his cohorts rang me up and made some sorts of threats to me because I had raised the issue in Parliament, which I did not appreciate very much.

I said to the guy who had called me, 'Why did you ring me?' and he said, 'Because Mr Piechatschek has just raised his ugly head again. He and his wife moved our house, but they are working under the name of the 1st CP Developments Pty Ltd. We signed a contract on 14 August 2009 to have our house moved'. He said they were going to move it for, I think, a fee of \$25 000 and then it was going to cost him another \$40 000 for it to be set up later.

He said the contract was signed on 14 August and the house had to be moved off the site reasonably quickly. It was finally moved and was going to be set up in October of that year, which was 2009. It turns out it was moved onto the site in Malmsbury on 22 December 2009, so it had not only been picked up but it had been transported there. He then found the house had been left sitting on two trailers at the site and the contractors were demanding extra money to complete the project. But it gets interesting, because other bodies have now become involved.

There is a Gerd Jacquin, who had been signed up as a builder and who says his name on the contract was forged. This is a bit of a worry because he is now asking the couple for something like \$100 000 to put the house together, using his building permit number and his building licence number, and to do the work. Yet he originally said his name had been forged on the contract by a Mr Brendan Clune, who was a director and shareholder of 1st CP Developments Pty Ltd.

The company known as 1st CP Developments Pty Ltd has become 1st CPD Pty Ltd and it is also known as Heritage Home Removers, which I think went into liquidation just before the couple paid \$45 000 to the people who were going to move the house.

Mr Brendan Clune has a fair amount of form. Apart from being before the courts on a number of occasions in relation to house removal, bodgie work being done and shoddy workmanship, he has also been charged with and convicted of armed robbery and been charged with a couple of other serious charges as well, which is a little bit of a worry.

This contract was put together and signed by these parties under terms that are currently in operation and obviously approved by this government, because it is supposed to be a legal and binding contract. I have two young people who have two halves of a house still sitting on block of land in Malmsbury. They are not able to move into the house because of its condition, so they have to live somewhere else. I understand Mr Clune has disappeared and that is a good excuse: Brendan Clune has disappeared, so he is not involved in it.

The builder is saying, 'My name was forged on the contract, but I am happy to take over and sign the documents again. However, it is going to cost you \$100 000 for me to put the house together and restore it, connect the sewerage, water and stormwater pipes and all that sort of stuff'. Then we have this young couple who are short of a quid because they have this removable house. They have been duded on a form of contract that was approved by this government. I hope that by my raising this matter in Parliament Gerd Jacquin will have some action taken against him.

I hope that Werner and Joan Piechatschek, who are trading as 1st CPD Pty Ltd and are house removers, have action taken against them by this government, whether it is by Consumer Affairs Victoria or by the Building Commission. I hope Brendan Clune is followed up, because he is obviously the person who has promoted this whole scheme and is out working with other people.

The Piechatscheks are still involved in this industry. It is nearly 10 years since I raised the matter of the first contract in the other house, when I was a member for South Eastern Province. Mr Piechatschek has been allowed to operate over this period of time by just changing the name of his company. One would have thought that Consumer Affairs Victoria or the Building Commission would have been able to have him followed up and for some action to have been taken against him, because he should not be allowed to operate — he is not licensed.

I hope that Haydn James Smith, who was a director and shareholder of 1st CP Developments Pty Ltd, is also brought to task in regard to this matter.

I hope the people who have contacted me have some success in getting their home finished and that they eventually get into it. I hope that the contracts that were signed in a form approved by this government stand them in good stead and enable them to get some restitution for the money that they have already paid out and for the money that they will have to pay to bring the house up to a standard that they can live in.

It is a difficult task for these young people, and it is a lot of money. The banks are very reluctant to lend money on relocatable houses because basically most of the work has to be done before they actually see that it has become an asset. A house sitting on the back of two trailers on a block of land cannot be seen as being an asset. I feel sorry for these young people, and I pass on a warning to people — and thank God we are on the worldwide web. If there are people somewhere out there at the moment who are thinking they might have a house relocated and are thinking of having 1st CP Developments do the work, they should back off at a million miles per hour and have no dealings with these house removal companies. There are legitimate house removal companies, and people should make sure that if they are going to have houses removed, they go to somebody they can trust.

Ms RICHARDSON (Northcote) — I am pleased to rise to speak on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. If I could just offer some advice to the member for Bass in respect of any concerns that his constituents might have about unfair contracts that they have entered into — perhaps he could suggest to them that they look to the Victorian government laws that have been put in place here. We are now looking to move nationally in respect of these laws. It is thanks to both Victorian Labor and the federal Labor government that laws which seek to protect the member for Bass's constituents, all

Victorians and all Australians are now being introduced.

This bill will harmonise Victoria's consumer protection legislation with the national legislation that will come into effect on 1 July 2010 — six months ahead of schedule. The new national legislation is based on the Victorian government's consumer protection legislation, and it remains the standard for other states to follow. As the member for Essendon pointed out, there are no laws in any other state that came anywhere near to the Victorian government's laws. It has always been the Victorian Labor government's view that the benefit for consumers that comes from these laws needs to be nationwide. That is why at the Ministerial Council on Consumer Affairs meeting it was Victorian Labor that argued that the government needed to do more to protect consumers. The only thing that stood in the Victorian government's way at that time was that the then federal Liberal government cared very little about consumers and did nothing in respect of these consumer protection laws. At that time the federal Liberal government successfully argued against the Victorian government's attempt to introduce these laws nationally.

It brings to mind what the Victorian Liberal Party did at that time in respect of the campaign that was being run on behalf of Victorian consumers. They did not get on the phone to the then Prime Minister, John Howard, and argue the case on behalf of Victorian consumers or all consumers across Australia. In fact they voted against the legislation that came through the Parliament in 2003. Clearly the Liberal Party's position in respect of the consumer protection laws that were moved in 2003 was made clear at that time. Therefore to hear today the member for Malvern seek to present himself as some great champion of these Victorian consumer protection laws is somewhat laughable to say the least. It raises the question: where were the Victorian Liberals in respect of this important debate in years gone by?

While I am dealing with the failings of the member for Malvern in his presentation today, can I say that he got it very wrong on the issue of the definition of 'detriment' that has been brought forward in respect of this legislation. It was in fact the Productivity Commission that sought to lessen the definition of detriment. Under the previous definition it would have meant that a consumer would have had to demonstrate detriment or financial loss et cetera. The government argued that its definition of detriment should instead be adopted — that is, we argued that it was necessary to insert the word 'potential' so that the definition would read 'potential detriment', thereby broadening the opportunities for a consumer to demonstrate harm. The

Council of Australian Governments accepted the government's argument, and that is the definition we have in this legislation.

In conclusion, I would like to take this opportunity to congratulate the successive Labor consumer affairs ministers who have fought for these reforms and for this important legislation that is before the house today. The member for Footscray, the member for Pascoe Vale and the Leader of the Government in the upper house were all Victorian Labor consumer affairs ministers at one time, and they all worked to have these laws come into effect at a national level. This legislation is a credit to those Labor ministers. It is a very good day for consumers. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. The explanatory memorandum states:

The bill amends part 2B (unfair terms in consumer contracts) of the Fair Trading Act 1999 to align its provisions with the unfair contract terms bill provisions in the Trade Practices Amendment (Australian Consumer Law) Act 2010 of the commonwealth...

There are six essential elements necessary for legally binding contract formation in Australia: agreement, which refers to offer and acceptance; consideration, which relates to the supply of money, property, services or a promise not to undertake a particular act; capacity, which ensures those entering an agreement are of a sound mind and legal age; intention, willingness to enter into legal relations; formalities — in most jurisdictions contracts do not need to be represented in writing, but exceptions apply; and certainty.

The absence of any of these elements will signify either that there is in law no agreement or that the agreement is not enforceable as a contract. However, the ultimate determinant of the validity of a contract must be fairness. Unfair terms in consumer contracts are terms that cause a significant imbalance in the rights and obligations of the parties to the contract to the detriment of the consumer.

According to an ALP media release dated 17 February 2009 and headed 'Victorian consumer protection laws the model for national regime' it is estimated that a national regulatory scheme will result in benefits to Australian consumers of between \$1.5 billion and \$4.5 billion each year. The proof of the pudding is certainly going to be in the eating if that really happens.

While harmonised consumer laws have merit, given the nature of commercial and non-commercial trade which

crosses state boundaries, the cost to business of reviewing all standard form contracts will be felt on business bottom lines. Retaining legal services to rewrite contracts, paying for new promotional material that explains contract terms to consumers, training staff in relation to the new laws and the inevitable losses that will be incurred as the result of the promised improved balance between the rights and obligations of consumers and businesses will all come at a cost. While it is acknowledged that uncertainty and expense to business will be predominantly short term, the timing of the legislation is the greatest difficulty as it is not being introduced at a time when the economy is surging ahead in leaps and bounds. The economy is still recovering from the economic downturn, and some projections suggest that we may be heading for another slump, which will be weighing heavily on the minds of business owners throughout Victoria.

A court or tribunal involved with these issues may take into account such matters as it thinks relevant, but it must take into account the extent to which the term is transparent and the contract as a whole. The term is transparent if it is expressed in plain language, is legible, is presented clearly and is readily available to any party affected by it.

Whether an individual is looking to purchase a new home or enter into a mobile phone contract the legal jargon can be overwhelming and beyond the comprehension of the ordinary person. Our ability to understand exactly what we are getting is often determined by how much time we have to read the full terms and conditions.

As an example, when a young adult signs up to a new mobile phone contract, inexperienced but full of excitement, they are often completely focused on the social applications they desire and the fashionable design with which they want to impress their friends. By the time they are ready to sit down and go through the contract terms and conditions they are often hurried through the process by helpful sales staff who, rather than encourage the consumer to read the full terms and conditions, simply talk them through an overview of what each section means.

If more time is requested to read the contract properly, the consumer soon realises they should have come equipped with a magnifying glass to read the miniature font used because the contract is so lengthy. I personally would like to have seen this bill go a little further and prescribe a set text and font size so that we can guarantee the readability of a contract.

The Reserve Bank of Australia says Australian households have handed banks about \$5 billion in fees during the past year, including deeply unpopular penalty fees for late payments and overdrafts on credit cards and deposit accounts, all of which are covered by the fine print in consumer contracts. Amid the economic downturn banks earned \$1.2 billion, or about 8 per cent, more in fees in 2008, up to \$11.6 billion from \$10.7 billion in 2007, mainly from greater use of banking services rather than higher charges.

A spokesman for the consumer magazine *Choice*, Christopher Zinn, said that he regards fees as unfair and well over the top in terms of the amount. He said that going over your credit limit is something a bank could easily prevent you from doing without charging a fee. In response the nation's banks urged the Rudd federal government to rethink the changes to consumer law, saying they would have the undesirable effect of restricting the flow of credit while driving up borrowing costs.

The last thing Victorians would want is a situation where it is made dramatically harder for singles and working families to acquire loans as the need arises. As much as it may seem morally reprehensible to some, money is central to our independence. If our opportunities to borrow money from banking institutions dwindle, we simply cannot proceed with our plans. It is that cut and dried.

From what I can make out so far there are no powers conferred in relation to the naming and shaming of businesses through public warning powers. It is common knowledge that consumer choices are generally driven by a combination of reputation and marketing. If a company's reputation is good and they are known to be fair, chances are they will benefit by attracting loyal customers. However, if they develop a reputation for being shonky or dodgy, their businesses will ultimately suffer. Therefore, naming and shaming could be a useful tool to naturally eradicate those from the market who do the wrong thing.

Another concern I have is about the lead time for business to adapt to changes and modify current standard form contracts. As we can appreciate, contracts often contain extensive fine print, and it is simply not going to be a case of cutting and pasting a few words here and there. As with most major changes that are made to our laws, there must be an accompanying information campaign to ensure that people are informed and not unwittingly doing the wrong thing. I would therefore like the Minister for Consumer Affairs to outline what plans have been

made to ensure that the information is accessible to businesses and consumers alike.

I note that the bill comes into operation on a day to be proclaimed dependent upon the amendments to part 2B of the principal act being proclaimed to come into operation at the same time as the unfair contract terms provisions in the Australian Consumer Law are proclaimed to commence by the commonwealth, which is scheduled for 1 July 2010.

It appears that the provisions in this bill will not be enforced retrospectively; therefore a standard form contract will have to be renewed or varied after the introduction of the new laws in order to be covered by the unfair contract laws. In other words, anyone who is currently the victim of an unfair standard form contract is simply going to be cut loose by the government without a second thought.

I support moves to improve the fairness in bargaining power as some standard form contracts have been overwhelmingly in favour of the creator of the contract. However, we must be careful not to overcorrect, which could adversely affect the ability of some businesses to survive as many are still in recovery from the economic downturn.

Mr EREN (Lara) — I too rise to speak in support of the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. I will keep my comments brief as the bill has been eloquently covered by previous speakers on this side of the house.

Following the recommendations by the Fair Trading Act Review Reference Panel in 2002 provisions regulating unfair contract terms were introduced into the Fair Trading Act 1999 as its new part 2B. Since the introduction of provisions regulating unfair contracts the director of Consumer Affairs Victoria has succeeded in several unfair contract term actions through the Victorian Civil and Administrative Tribunal, all to the benefit of Victorian consumers.

It has been said by previous speakers that young people, in particular through mobile phone contracts, are adversely affected, and usually it is the first sort of contract that they sign. If it is not for a car, it is for a mobile phone, and it is a major decision for some of those young people.

I have had several instances of people have approaching me in relation to a contract that was entered into with a mobile phone company some five years before and there was an outstanding amount for a bill that was not paid and it has somehow affected their credit rating with financial institutions. It is a very

serious matter when you think about how important those contracts are, and hopefully the bill before us will alleviate some of the issues related to unfair contracts.

I also mention the migrant communities. There are many migrant communities whose members cannot speak English as well as other consumers, and those people in particular are most vulnerable in terms of signing contracts which are usually written in English and may be translated through a third party, possibly their young child or someone else who is not a qualified translator. Those contracts are signed on the basis of what is presented to them, and people in migrant communities would be affected by those sorts of contracts.

Consumer Affairs Victoria plays an important role for the people of Victoria. It protects and promotes the interests of consumers and provides valuable resources on a range of matters, including renting, accommodation, estate agents, building, shopping, credit and trading.

On a number of occasions in the past I have brought issues to the attention of the Minister for Consumer Affairs by raising them on the adjournment, and I would now like to bring to the attention of the house one case which I think was very important. I came across a device for sale in the \$2 Shop which claimed to 'cure sleepiness right away'. Clearly it was imported into the country and it was for sale for \$2. The device, which was like a hearing aid that you put on your ear, was claimed to be 'especially suited for long-distance driving, drunk driving and night driving'. If a driver was sleepy or drunk and their head fell forward the device would vibrate against their ear, which would wake them up. This could be bought for \$2 at the \$2 Shop. I brought the device to the attention of the Minister for Consumer Affairs and it was taken off the shelves very quickly. We can smile or laugh about it, but it is the sort of product that could mislead people into doing the wrong thing.

As I said before, consumer affairs plays a huge role in our lives. This bill amends part 2B of the Fair Trading Act 1999. The legislation has served the Victorian people well and will ensure it will continue to do so in its new format. The main purpose of the bill is to amend part 2B to align its provisions with the unfair contract terms provisions in the commonwealth Trade Practices Amendment (Australian Consumer Law) Act 2010, which is due to form part of the new Australian Consumer Law. The aim is to provide clarity and consistency in provisions between the states and the commonwealth, and I believe the bill achieves this aim.

As members would be aware, in line with the national agreement to deliver a seamless national economy and following on from other state and territory agreements, Victoria has agreed to apply the full Australian Consumer Law, including unfair contract terms, as a law of Victoria from 1 January 2011. When this occurs part 2B will consequently be repealed and replaced with the national unfair contract terms provisions. In saying that I note that this bill ultimately ensures that the provisions of part 2B remain consistent with the national equivalent until this change occurs. The bill before us today will deliver clear and concise law to the people of Victoria. I commend this bill to the house and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. The Nationals in coalition are not opposing this bill. The purpose of the bill is to amend the Fair Trading Act 1999 in relation to unfair contract terms. As we have heard from others here, this has been brought about because Victoria has been out of step. It has been described by some as a backdown on consumer law in Victoria in order to line it up with that made by our federal colleagues.

I refer to the main provisions in the bill. The bill seeks to align the Fair Trading Act 1999 with the provisions governing unfair contract terms in the federal Trade Practices Amendment (Australian Consumer Law) Act 2010, which is scheduled to come into operation on 1 July 2010. Key changes to the Victorian law to make it consistent with the federal law include restricting the operation of provisions to standard forms of contract; exempting from the provisions contract terms that set an up-front price or define the main subject matter of the contract; requiring detriment as an element of what is unfair in a contract; removing offence provisions; providing that parties other than the director of fair trading can seek an injunction or a declaration relating to an unfair contract term; and removing the previous presumption at law that a contract is a consumer contract. The bill seeks to replace the definition of 'standard form contract' with guidelines and seeks to adopt federal methodology for determining whether a contract term is unfair.

I will look at some of these issues. It appears that the Victorian law has been more generous and has needed to change to allow harmonisation with the federal jurisdiction. Notably, in some areas it reverses onuses of proof. I take note of what the member for Malvern said in his contribution: perhaps we would not be here this evening if we had listened in 2009, when some of this could have been fixed. But here we are a year or so

later taking care of it. The member for Rodney raised issues regarding cross-border effects and referred to the fact that this legislation removes another anomaly. We know from debate in this house that consumer law is not strong in New South Wales. However, there is still the cross-border anomaly situation that businesses on both sides have to deal with. We may have fixed one cross-border anomaly but there are plenty to go.

Clause 7 defines what is unfair, and I think much of consumer law hangs on the meaning of 'unfair'. It is difficult to define 'unfair', and it will be interesting to see, as the law comes into force, how our courts will rule in determining cases and setting precedent for the definition of 'unfair'. As we know, much of this bill is about amending part 2B of the principal act. I have a concern that we have recently changed legislation and that anyone is now allowed to be a debt collector. How this works in with consumer law and affects people who may not be as familiar with their rights as they could or should be when they come up against an unregulated debt collecting agency under some of these contracts adds yet another level of concern for how our consumer laws operate.

I am sure all members of Parliament have had various people in their offices making complaints. We have heard tonight that phone scams seem to be at the top of the list, not only in relation to contracts but also in relation to some of the services offered through mobile phones. We have all been involved in trying to unscramble that egg. If only those scams could be controlled. Similarly, it would be a relief if we could just deal with the email and internet scams that keep coming to us. I am sure none of us wants to see another Nigerian bank scam email in our in-box. It would be so nice if we could eliminate those. They are traps for consumers, and in many cases they originate from overseas and it is beyond the reach of our consumer laws to protect us against them. We may offer people as much protection as we can to buy a phone; we cannot control the trouble that comes down it. As we heard from the member for Evelyn, there are six conditions that make a contract fair: agreement, consideration, capacity, intentions, formalities and certainty. If any of these are absent, there will not be a contract. That is what represents fairness.

Farmers can also be consumers, but farmers who sell their produce are not afforded the same protection. If you look at the six conditions, you may well find that in selling his produce a farmer may have an agreement but it may not necessarily be honoured. You may find that there is consideration but that the consideration is from the person who is purchasing it. As to capacity, we would think there is capacity to pay, and sometimes we

are assured of that. You would hope the person would have good intentions. You have the formalities, but generally you do not have certainty. Farmers believe in what, if you are a consumer, should be a contract of sale that meets those terms. However, farmers are too often not paid according to what they believe. This is an age-old problem for those who grow food.

Once the food that is produced reaches the other end, consumers are protected if there is a contract to buy it, but those supplying it are disadvantaged. It is a considerable problem for irrigated horticulture, particularly as we are coming out of a drought and the global financial crisis. There has to be enough confidence left out there for people to continue to rebuild Victoria's food-growing capacity. The lack of security about being paid has become a major issue for many of our small business operators. The situation would be improved if only they could share in the certainty consumers have and had some protection above and beyond what already exists, which in some cases is not working. With that, I advise the house that The Nationals are not opposing this legislation.

Mr LANGUILLER (Derrimut) — It gives me pleasure to speak on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. The purpose of the bill is to amend part 2B of the Victorian Fair Trading Act 1999 to ensure that the unfair contract terms provisions in that part are consistent with the national unfair contract terms provisions in the commonwealth Trade Practices Amendment (Australian Consumer Law) Bill 2010.

In the limited time I have available to me it is critical that I put on the record that this is good policy and good Labor legislation. Following the contributions made by other members on this and the other side of the house, I am delighted to confirm that there is agreement in relation to the bill and that the opposition will not oppose it. Importantly, my Labor colleagues on the government side have placed important contributions on the record, including the point that the people I represent in my electorate would be very happy to welcome this legislation, because it is long overdue. It is legislation bringing in uniform standards and a regime that Labor has wanted to establish for quite a long time, as the member for Footscray pointed out quite correctly. Unfortunately we were unable to reach agreement with the Howard federal government and get it up.

It is important to remember that this kind of legislation about unfair contract terms and fair trading is predominantly about protecting the vulnerable people in our communities — low-income pensioners and

people in indigenous communities and non-English-speaking-background communities who are more vulnerable than other groups in relation to contractual arrangements.

Reference has been made to mobile phones, car rentals, gyms and the travel industry. I am reminded of my other life in the trade union movement. I recall the Victorian trade union movement in the 1970s and 1980s helping to establish a consumer credit union so it could represent members of trade unions in relation to contractual arrangements. I cannot forget, for example, how at that time the AGC finance company had ripped people off with extraordinary contractual arrangements that were completely unfair and absolutely out of order.

This bill is great news. It is fantastic that we are introducing this kind of legislation. Consumers will welcome the opportunity to be protected across the nation — in other words, not having to deal with more than one jurisdiction or regime, those of Victoria and of other states or territories or the commonwealth. I think this will therefore be good for everybody, and it will certainly be good for business. Let me put on record that the majority of businesses do good things; it is the minority that unfortunately use contractual arrangements which are unfair and which therefore need to be looked into.

I wish to place on the record as well my appreciation to Consumer Affairs Victoria, which does a tremendous job in representing people who may be affected by unfair contractual arrangements and in explaining in simple English or in simple language what people's rights are — what consumers' rights are. I get reports all the time from constituents in the western suburbs about a whole range of contractual arrangements which I refer to Consumer Affairs Victoria, and by and large those constituents get satisfaction, where appropriate of course. They get good deals and get well represented, and I think that is fantastic.

With these very few remarks, I commend the government and the Minister for Consumer Affairs. This is very good Labor legislation which will be welcomed not only in Victoria but across the nation.

Mr THOMPSON (Sandringham) — The opposition does not oppose the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. In general terms the effect of the bill is to align the Victorian Fair Trading Act 1999 with the provisions covering unfair contract terms in the federal Trade Practices Amendment (Australian Consumer Law) Bill 2010, which is due to come into operation on 1 July. The key changes to Victorian law to effect consistency

with the federal act include restricting the operation of the provisions to standard forms of contracts only; exempting contract terms that set an up-front price or define the main subject matter of the contract from the provisions; requiring detriment as an element of what is an unfair contract term; removing offence provisions — that is, clause 9; providing that parties other than the director of fair trading can seek an injunction or declaration relating to an unfair contract term; and removal of the previous presumption at law that a contract is a consumer contract. The opposition has some areas of concern but on balance does not oppose the legislation on the basis that it brings about alignment between federal and state law.

In a former life I spent probably a decade or so examining contracts of one form or another, principally construction law contracts but also property law or land agreement contracts. It is very important that there be fairness in the administration of contracts. Sometimes there are unequal bargaining powers, as between different areas in the construction industry. The head contractor probably had more power over the subcontractors, and sometimes there was alignment between different organisations within industry sectors to negotiate with the head contractor to ensure that matters could be properly adjusted and were fairly determined. Changes in exchange rates and weather conditions and on-site obstacles that precluded work taking place were all factors that could affect the final cost outcomes.

I will forever remain indebted to the wise legal work of a Melbourne barrister, Alan Sandbach, who on one occasion assisted a client to save the sum of some \$50 000-plus, which was being demanded owing to the conditions at a particular site not conforming with what had been anticipated and leading to much stronger on-costs for a construction project over in the Maribyrnong region where they struck rock. On other occasions, through good legal work in land law contracts, people were able to enter into a bargain wisely and purposefully on the basis that if they were not able to organise finance or gain various town planning approvals for construction, they could withdraw themselves from the process.

Recently in my electorate I have had occasion to deal with a constituent who imported goods from the United Kingdom. Through the English vendor who acted as his agent, he assigned a carrier organisation to transport the goods. The carrier, an English entity, delivered the goods to Sydney where they were transferred to a separate entity. In the course of that process the goods were damaged and the Australian consumer was not sure where he stood in terms of his legal rights — that

is, which entity to sue. He did not have direct privity of contract with the particular carrier and he sought to gain redress for damage to his goods. It was an arduous and tortuous process, and I am not sure that at the end of the day there was an equitable outcome owing to the changing entities that were involved in the transaction.

This gives rise to the question of to what extent people can contract out of certain obligations which they are obliged to fulfil or perform, through what a number of years ago used to be called exemption or exclusion clauses. It is where the bargaining power of the individuals versus a major corporation is sometimes not equal. This is where the consumer laws of yesteryear provided redress for contractual sums up to a certain value that became consumer contracts as opposed to commercial law contracts.

On another occasion there was a lady who consigned goods from Melbourne to Sydney which never arrived in Sydney. They were worth a lot to her both in direct dollar costs and also in terms of the irreplaceable nature of the items. Redress was sought, but owing to an exclusion clause in the agreement, it was not possible to find redress against the carrier of the goods. In my general overview of the matter I thought that may have been unjust as there is a duty of care that is inherent. In fact currently I have a parliamentary intern working on a project looking at the responsibilities of carriers and the extent to which they can contract out of fundamental obligations.

Consumer laws also help people as they enter into contracts to buy motor vehicles. Where there is a cooling-off time, in relation to door-to-door sales, people who might be pressured into signing a contract one day have the chance to withdraw from that contractual arrangement within a specified time period, so that a just outcome is able to be achieved within the process.

No doubt consumer law will continue to be revised. Sometimes with laws being aligned with those of another jurisdiction means there is a weakening of the law in one jurisdiction where more developed work has been undertaken. Earlier speakers would have alluded in their comments to the question of balance in such situations. Consumer protection law has an integral role within the state of Victoria. It has saved numbers of people from being coerced into contractual arrangements where there has not been a consensus ad idem, and a fundamental agreement can help in situations where there might be duress or illegality in terms of the actual agreement that is then voided through the operation of statute law. The opposition does not oppose the bill.

Ms KAIROUZ (Kororoit) — I rise to contribute briefly to the debate on the Fair Trading Amendment (Unfair Contract Terms) Bill 2010. I do so because this is something that is also welcomed by people who live in my electorate. Often, sometimes even weekly, my staff and I meet with people who have come into the office wanting to talk to us about unfair contract terms. We often find that people from a non-English-speaking background or who are unemployed or have not been living in Australia for very long have been forced to sign an unfair contract. This bill is welcome because hopefully it will resolve a lot of the issues that people in our community face.

The objective of the bill is to amend part 2B of the Fair Trading Act 1999 and to achieve broad consistency between the unfair contract term provisions in part 2B and similar provisions in the commonwealth trade practices amendment bill. The bill implements the objective by amending the definition of ‘consumer contract’ in line with the national definition and amending the definition of ‘unfair term’ in part 2B in line with the national definition. It introduces a rebuttable presumption that an unfair term is not reasonably necessary to protect the legitimate interests of the party who would be advantaged by them and sets out factors that must be taken into account in finding that a term of a consumer contract is unfair. It also excludes certain types of terms and contracts from the operation of part 2B and includes examples of the kinds of terms of a consumer contract that may be unfair.

The government is moving to ban unfair terms in standard form contracts. A term will be unfair if it causes a significant imbalance in the parties’ rights and responsibilities and if it is not reasonably necessary to protect the legitimate interests of the supplier. The kinds of terms that are likely to be considered to be unfair include where a supplier can vary any term of a contract without the consumer’s consent, automatically renew a 12-month contract without the consumer’s consent, or cancel a contract without the corresponding right of the consumer. If there happens to be an unfair term in a contract, it becomes invalid and the rest of the contract remains in effect.

The types of standard form contracts that are most likely to be affected are banking and financial service contracts, including agreements for credit and communications contracts, such as the internet, telephone and pay TV services. We often find people who have just come out of university or who have just commenced their first job rushing into such contracts. Also we often hear about, and we get a lot of people coming into my office about, unfair contracts with gym memberships. I have certainly heard this over the years.

In fact when I was younger, I was one of those who got locked into a gym membership. The list includes utility service contracts such as those for gas, electricity and water.

Other members have spoken eloquently about this bill and its benefits. I would like to commend on the record the work the Minister for Consumer Affairs has done. Often on the adjournment you get members standing up representing their constituents and talking about the unfair terms of a contract that their constituents face.

I have nothing further to add except to say this is a very good bill. I hope the bill will provide clarity and make it easier for people to enter into good rather than bad contracts. I wish the bill a speedy passage.

Mr CLARK (Box Hill) — The bill we are considering is designed to make a range of amendments to bring Victorian consumer protection law more closely into line with commonwealth law. Its provisions are generally unexceptional, and we on this side of the house are not opposing the legislation. However, like many other speakers on this side of the house, my main concern goes as much to how consumer protection legislation in Victoria is being administered as it does to the letter of the law, because we can have all the fine laws we like that offer consumer protection to Victorian citizens but if those laws are not properly enforced and if consumers are not properly protected by Consumer Affairs Victoria and by others, then those laws are going to come to nought.

Like other members I have had some recent experiences of practices in retailing which I find highly objectionable and of people who are seeking to prey on those who may be vulnerable or uninformed about the law and about organisations in authority. I want to refer to two experiences in particular. The common factor with both of them is that they arise out of schemes that are being driven by government — one by the commonwealth government and the other by the state government. The first relates to the now dispatched and closed home insulation regime initiated by the commonwealth government. The second relates to the smart meter rollout being operated by the state government.

In the first of these instances, some weeks ago I answered the doorbell at my home to find someone on the doorstep telling me that he was from the government and he had come to inspect my roof to see if it was suitable for home insulation. I questioned his credentials, and he offered nothing to substantiate his position. He had a ladder in his hand. It was pretty clear that he had nothing whatsoever to do with the

government. He had no identification, and I promptly showed him on his way.

The second incident occurred on Monday night, again at my home, when someone turned up. He had previously called when I had not been home, and my wife had told him he would need to speak to me about the matters he raised. He returned to tell me that he was calling in relation to the installation of a smart meter at my home. My home is in part of Surrey Hills that is part of one of the initial stages of the rollout of smart meters by CitiPower. He began by asking me whether I had a smart meter installed. I responded that in fact I had not.

He expressed some surprise at that but went on to say that he wanted to check my meter because he wanted to see if the tariff that I was being charged needed to be adjusted as a result of the changeover to a smart meter. I questioned him about that. He went on to say that if my meter began with a certain numerical sequence, then it would be one for which he would be able to make an adjustment to my tariff. He made statements to the effect that tariffs that had been in the order of 16 cents a kilowatt hour had subsequently increased to 19 cents a kilowatt hour and then there had been further price and tariff increases as a result of the installation of the smart meters and said that if my meter met the prerequisites, he may be able to reverse that.

He further indicated that he was following up on the work that CitiPower was undertaking in installing smart meters. That did not sound particularly plausible, so I asked him in what capacity he was acting. I should say that at the outset he had told me that he was from a body called Victoria Electricity and had produced an ID card that appeared to be an official ID card and bore a logo which I was subsequently able to check was the logo of Victoria Electricity. At that stage of the conversation he said to me that in fact Victoria Electricity was a retailer which would be able to make an appropriate adjustment to my tariff to undo the effects of the smart meter installation. At that point I told him that he was telling a pack of lies, and he soon thereafter departed.

My concern in both these instances but most particularly in relation to this person purporting to be from Victoria Electricity is that this latter person has obviously been travelling up and down the street in which I live and other nearby streets and presumably pitching similar yarns to other consumers who might not be aware of the situation. I do not know exactly how the conversation would have gone had he been able to get access to a meter. I do not think from the meter number alone he would have been able to have

changed retailer without a consumer's permission, but I imagine that he might have been nominating a numerical sequence that appeared on every smart meter that was installed so he could then go on to claim that the consumer was in luck and he could be of assistance to them by achieving a reduction in their tariff.

What is striking about this is that this person is clearly operating freely. He has not been brought to task. I have to say in this particular instance his ability to prey on innocent and trusting consumers has been greatly enhanced by the fact that the government has provided such poor and conflicting information about smart meters to consumers that they could well believe that something like that was in order and that this person was legitimate. That is on top of the further concerns about the entirety of the smart meter rollout, its appropriateness and the huge blow-out in cost. Even leaving those matters aside, the lack of a clear explanation by the government about what is going on is making it that much easier for persons like this to prey on consumers.

I call on the Minister for Consumer Affairs to act expeditiously to deal with unscrupulous predators such as this operator — not only the individuals but, assuming he is acting as part of an organisation, the organisation of which he is a part — and to investigate whether or not that organisation has succeeded through this person's or others' misrepresentations to sign up people on false pretences to new retail supply contracts and to undo any of the damage they have done.

I cite these two examples to support the point I made at the outset that we can have all the fine laws in the world we like and we can have all of the harmonisation with the commonwealth legislation we like, but unless there is effective enforcement on the ground, including proactive enforcement by Consumer Affairs Victoria, an awareness and anticipation of these potential areas of exploitation and preferably pre-emptive action to stop exploitation getting under way, but certainly a rapid response when scams of this sort are exposed. Unless we have all of these things, under the current government Victorians will continue to not get the protection they deserve from unscrupulous operators.

Mr SCOTT (Preston) — I rise to support the Fair Trading Amendment (Unfair Contract Terms) Bill. It gives me great pleasure to support this bill as contract law and the protection of honourable consumers are two of my passions. The purpose of this bill is to amend part 2B of the Victorian Fair Trading Act 1999 to ensure that unfair contract terms provisions in that part of the act are consistent with national unfair contract

terms provisions in the commonwealth Trade Practices Amendment (Australian Consumer Law) Bill 2010.

Dealing with contracts and trying to ensure that consumers are protected is nothing new. There have been attempts to intervene to ensure that vulnerable constituents or consumers have been protected since Roman times under the emperor Diocletian. He introduced laws to regulate prices in the 3rd century A.D. I raise that — —

An honourable member interjected.

Mr SCOTT — There were earlier ones. Many laws have been passed to protect consumers on a false premise. They have often simply sought to regulate prices and to limit prices in ways that have been unrealistic. Over time there has been a shift away from that approach to try to ensure that where there are market arrangements between consumers and suppliers that they are done on a basis that is beneficial to both parties and that there are not unfair contract terms.

I will take another ancient example. Over time there have been people willing to sell themselves into slavery. For hundreds of years we as a society have objected to and interfered with those sorts of contracts that were sometimes entered into freely. In some places in the world they sadly still take place. There has been a general shift away from attempting to regulate price through price regulations and stipulating maximum prices and towards ensuring that contracts benefit both parties. The basis of this has been a realisation that in most circumstances markets are a reasonable way to deal with the scarcity of goods and to allow an alignment between supply and demand. However, there are members of our society who require protection.

I noticed that earlier speakers mentioned some of the sharper operators who they have come across in their travels as members of Parliament. There are a number of problems that arise; I will mention a couple. Firstly, there is often asymmetrical access to information. A party, usually the supplier, has access to large amount of information about the good or service they are providing and the buyer may have almost none. A typical example that has been raised in regard to this is a person from a non-English-speaking background who may not have the capacity to understand the contract they are entering into and are thus vulnerable.

Another issue that can arise is human behaviour that does not meet the self-interest test where persons act against their own self-interest. A classic example of that is a person who is addicted and will enter into a contract that is detrimental to their own wellbeing because of an

addiction they have. It is reasonable in a society to regulate contracts on that basis to try to ensure that, far from being a mechanism of enslavement, contracts are a mechanism of mutual benefit.

I will touch on the meaning of 'unfair' in new section 32W, which is substituted by clause 7 of the bill. It states:

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

They are reasonable tests that seem sensible to me to ensure that both parties benefit. One of the shifts when dealing with contracts is to realise that by and large markets deliver better outcomes than command and control systems; however, that is not true in all circumstances. There are certainly vulnerable people in the community who should be protected by consumer law. This is a good example of that. I commend the bill to the house.

Ms HENNESSY (Altona) — Consumer protection legislation is an incredibly important intervention in commercial relationships. It seeks to ultimately set standards and define norms of acceptable commercial behaviour. However, in doing so it recognises the capacity for the exploitation of consumers, whether by way of misrepresentation, faulty goods and services or unfair commercial advantage, in a way that seeks to bring some fairness to that old adage 'buyer beware'.

In Victoria we have a proud history of consumer protection. We have been innovative in our regulatory model, and we have resourced our consumer protection mechanisms to ensure that they have been able to meaningfully educate and to enforce behaviour. We have also taken steps to ensure genuine accountability of those who breach our consumer protection laws.

It ought to come as no surprise that Victoria is seen as leading the way when it comes to consumer protection — hence our leadership role in the development of national Australian Consumer Law. In developing uniformity and nationalising consumer laws it is important that we have consistency. That is what has necessitated this bill in order to amend the part regarding unfair contract terms in our Fair Trading Act.

This amendment seeks to protect Victorian consumers who enter into consumer contracts for the supply of goods and services from unfair terms in those contracts.

The effect of this amendment will be evidenced by the success Consumer Affairs Victoria has when taking action regarding unfair contract terms at the Victorian Civil and Administrative Tribunal. This concept of unfair terms in contracts has real potential to hold those people who seek to take contractual advantage of others to account.

We need to amend our Fair Trading Act to get consistency between our provisions and the national unfair contract provisions. It is very important we achieve uniformity in Australian consumer law. This will provide consistency for commercial entities and will make clear the standards of their contracts for goods and services irrespective of the state or territory in which they or a consumer resides. There is a great normative power to have uniformity over such matters. It starts to invoke consistent corporate behaviour and consistent consumer knowledge and expectations about standard contracts. To this end I certainly support the amendment to the Fair Trading Act.

The bill limits the application of part 2B to standard form contracts as the national provisions only apply to standard form contracts. This begs the question: accepting the importance of consumer law uniformity, are we vacating the field in respect of non-standard form contracts and to what extent is that a genuine problem? We need to remember that the purpose of this form of consumer regulation is not to interfere with the freedom of contracting parties but to protect those who do not freely and with full knowledge or capacity have the opportunity to enter into contractual negotiations where they freely negotiate and agree on the terms.

A standard form contract pertains to circumstances where a consumer is presented with a standard form contract and there is no negotiation. We know this is standard practice when people sign up for a mobile phone contract or a gym membership plan, and it is in this environment that the capacity for a person to sign up, however unwittingly, to an unfair term in a contract can indeed occur. I am advised that about 99 per cent of contracts containing unfair provisions are standard form contracts, and consequently I am reassured that this amendment to part 2B is appropriately focused where the risk of exploitation and unfairness may exist.

There are legitimate grounds to be hopeful that uniformity in our consumer laws will advance appropriate commercial behaviour and enhance greater awareness in respect of the rights and obligations of

consumers and providers, not just in Victoria but right across the nation. On that basis I commend the bill to the house.

Mr LIM (Clayton) — I rise to speak in support of the bill; its purpose, as the house has heard from previous speakers, is to align the Victorian definition of ‘unfair contracts’ more closely with the national standard. The bill does this by amending part 2B of the Victoria Fair Trading Act 1999 to achieve broad consistency with the Commonwealth Trade Practices Amendment (Australian Consumer Law) Bill 2009.

For those who believe in a laissez faire system of government, who say the government should butt out of regulating business, I say protecting consumers is an important area of legislation and regulation. I think Labor has a very strong and proud tradition of providing such protection. It is not enough to say, ‘Let the marketplace sort it out’. There is an obvious imbalance in power between those who provide the goods and services and the individual consumer.

Indeed one could say the marketplace works best when the relationship is equal, when consumers are informed, have rights and understand them and, if necessary, have an agency they can turn to if these rights are being trampled on. This is particularly so when it comes to unfair contracts. Where there is a written contract, it is usually written by the provider of the goods and services. Without legislation protecting the consumer from unfair contracts, an unscrupulous merchant would hold all the cards.

This bill is about addressing this imbalance. I am conscious of the time, so I will cut short my contribution to the debate. I commend the bill to the house and wish it a very speedy passage.

Ms ALLAN (Minister for Regional and Rural Development) — In summing up the Fair Trading Amendment (Unfair Contract Terms) Bill 2010, I would like to thank all members of the house who have spoken on the bill.

In the time that I have been in the chamber, listening to the debate contributions by members on all sides, it has been quite interesting to observe that this is one of the bread-and-butter issues that we, as state members of Parliament, deal with, and our very good electorate staff also deal with on our behalf on a day-to-day basis, hence the number of contributors who have made reference to how it is important that we make sure we are protecting consumers, particularly protecting people who are most at risk — people from different backgrounds, whether it be people from migrant

backgrounds or people from disadvantaged communities — make sure that we have a fair trading system that protects consumers and make sure that consumers have a very strong understanding of their rights.

As a result, the amendments in this bill continue on a long tradition of Victorian legislation that is about making sure we have strong and robust fair trading legislation; as such I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.29 p.m. until 8.02 p.m.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Second reading

Debate resumed from 15 April; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Courts Legislation Miscellaneous Amendments Bill fixes an issue in relation to the age at which certain County Court judges become entitled to pensions. It also fixes an error in the recent coroners legislation which inadvertently did not confer on acting coroners an entitlement to the full remuneration package of a magistrate, as was intended. However, the main purpose of the bill is to establish the office of judicial registrar in four of Victoria's courts: the Supreme Court, the County Court, the Children's Court and the Coroners Court.

Judicial registrar is an office that has recently been introduced in the Magistrates Court. In a sense it is a strange office perhaps, a hybrid of someone performing the functions of a registrar, which is basically a clerical or administrative function, and someone exercising judicial power and making at least in some respects decisions of the sort that a judge or other judicial officer would make. For example, the judicial registrars in the Magistrates Court are, under legislation going through the Parliament at present, going to be empowered to make decisions on the awarding of compensation to

victims of crime in relation to the Victims of Crime Assistance Tribunal.

In relation to the judicial registrars proposed to be created by this bill, they may be given powers to make minor or limited decisions on matters relating to, for example, discovery — or in other words disclosure of documents; matters called interrogatories, which are questions that parties ask of other parties in litigation; and possibly some issues relating to costing. The opposition parties have some serious concerns about the way in which the government is going about creating this office of judicial registrar.

We believe the legislation is operating as yet another move by the Attorney-General that encroaches on the independence and integrity of the Victorian court system — and we believe that for reasons I will explain as we progress. If judicial registrars are created in the Supreme Court, the upshot will be three levels of judges in the trial division: full judges; associate judges, who were formerly called masters; and judicial registrars; as well as judges of the Court of Appeal. Similarly, as there are already associate judges in the County Court, there will be a third level of judiciary created there.

The mechanics of the way in which these judicial registrars will be appointed is important. There will be guidelines for appointments to be set by the head of the jurisdiction in consultation with the Attorney-General. As for the actual appointment of persons, there will be a recommendation made by the head of the jurisdiction to the Attorney-General and then in turn a recommendation from the Attorney-General to the Governor in Council for an appointment. However, the person recommended by the Attorney-General to the Governor in Council does not have to be the person recommended by the head of the jurisdiction.

Judicial registrars will be appointed for a term of up to five years. The exact term will be as recommended by the Attorney-General to the Governor in Council.

Judicial registrars will not receive a pension. Their remuneration will be set by the Governor in Council from time to time. If an issue arises in relation to their removal, that would ultimately be dealt with by the Governor in Council on the recommendation of the Attorney-General after an investigation by a person nominated by the head of the jurisdiction that recommends their removal on the grounds of proven misbehaviour or incapacity.

Judicial registrars will be eligible for reappointment. Their duties will be assigned to them by the head of the jurisdiction. The rules at the various levels of court,

with some restrictions in relation to levels of court other than the Supreme Court, will say what procedures judicial registrars will be able to decide on. Subject to those rules and subject to the directions of the heads of jurisdictions and some other limited matters, it is made clear that judicial registrars will not be subject to direction or control in the way they perform their duties. I think that clause is intended to leave them free to make decisions on particular cases in a judicial manner. They are to be given the protections and immunities of a judge. All the decisions they make may be reviewed by what is called a *de novo* appeal — that is, a hearing from scratch.

In the Supreme Court it is intended that judicial registrars will take over the positions of the registrar of the Court of Appeal and the registrar of criminal appeals. These are positions which are currently held by associate judges, the former masters. The qualification for appointment as a judicial registrar is to be a lawyer of not less than five years standing. A further significant point is that in relation to the judicial registrars of the Supreme Court it is proposed that their title be referred to in the constitution along with the titles of judges and associate judges as being persons of whom the Supreme Court is to consist; they will be recognised in the constitution of the state.

The first question that needs to be asked about the proposal before us is: why is it that the government is proposing that these positions of judicial registrar be created? It is not something the government has stated explicitly, but the answer is that the ultimate driving consideration is that of cost and of reducing the cost of the Supreme Court, because it is figured by the government that the cost of filling a judicial registrar position will be less than that of filling an associate judge position. Certainly on this side of the house we have no criticism of moves to achieve better economy and value for money for taxpayers, but the crucial consideration if one is to achieve true value for money is whether an adequate quality and calibre of appointee and an adequate performance of the necessary duties is achieved by the arrangement that is being set up on a lower cost basis.

As I understand it, an associate judge position has an all-up cost of something approaching \$800 000 a year when one makes allowance for the on-costs, for the fact that an associate judge receives a pension and needs administrative staff in support. I understand it is expected that the position of a judicial registrar will be able to be filled for something under \$400 000, again allowing for support staff but not for a pension.

What the Attorney-General needs to explain if he is to expect members of the Parliament to make an informed decision on this proposal is, amongst other things, what level of remuneration he has identified as being appropriate for judicial registrars and how he has been able to satisfy himself that appropriately qualified appointees of suitable calibre and suitable skills will be available to take up the position at the remuneration that is being to be offered. Clearly with an all-up cost, even allowing for administrative support, of something approaching \$400 000 one would assume there will be a considerable salary involved.

However, it also has to be borne in mind that these appointments are for a limited term of a maximum of five years, and potentially shorter if the Attorney-General stipulates a shorter term for a particular appointment. Anybody contemplating accepting a position as a judicial registrar in the Supreme Court, or indeed in any of the other courts, will have to bear in mind that there may not be an assured or expected career path. There may not be continuity of appointment. That consideration will deter able applicants from being willing to take on a position such as this.

There is a second aspect, however, to this issue which, if anything, is of even greater importance. That is the matter that I alluded to at the outset, namely, ensuring the independence of this position and therefore the continued independence of our judicial system. We on this side of the house are concerned that this continues a record of attacks on the judiciary which have been mounted by the current Attorney-General. We have seen recently the outrageous and untrue criticism being made of judges, claiming or insinuating that they are overpaid, do not pull their weight and are resistant to accountability, none of which has a skerrick of truth to it.

We have also seen how the Attorney-General has increasingly sought to treat the court system simply as another administrative unit within the Department of Justice, something that was put on the public record by now retired Supreme Court judge Tim Smith. He wrote in very blunt terms about them being branded as simply another unit with some particular number within the Department of Justice, and said that even their email systems were controlled and potentially subject to interference by staff within the Department of Justice.

We have also seen the Attorney-General press on with the appointment as acting judges of persons other than those who have held judicial office — that is, other than retired judges. That is something which is vehemently opposed by the legal profession and, as far as one can

tell, by members of the judiciary themselves, although they are more constrained in what they can say. The appointment of acting judges in the way the Attorney-General conducts it is most inappropriate. It makes those judges, when he appoints them from among persons other than those who have already held judicial office, dependent on the Attorney-General's favour to earn reappointment, or indeed to earn sessions of work even within the term for which they are appointed, and dependent on pleasing the Attorney-General for any prospect of being appointed as a permanent judge and therefore earning the right to a judicial pension.

Similar concerns are raised in relation to judicial registrars. It is clear from what I said at the outset that under this bill judicial registrars are to be judicial officers. The rules will be able to permit them to exercise virtually any power that a judge can exercise. They will have all the authority of judges, albeit they will be subject to the head of jurisdiction and the rules. Yet these judicial officers will be dependent on the Attorney-General for their reappointment or promotion to a position as an associate judge or judge. If they incur the displeasure of the Attorney-General, he can simply not reappoint them even though that might be recommended by the head of jurisdiction.

The Attorney-General can either appoint someone other than someone recommended by the head of jurisdiction or indeed leave the position vacant. There is also no safeguard against a judicial registrar's remuneration being reduced during their term of office, which goes against something that has been a fundamental principle enshrined in Westminster systems for centuries. The Attorney-General has the power to appoint judicial registrars for as short a term as he chooses. Although there is a five-year maximum, he could appoint judicial registrars for only a year or only a few months, if he chose so to do.

There are also issues about the way in which a judicial registrar can be removed from office. I certainly accept that there is a series of checks there. They first have to be suspended by the head of jurisdiction. There is then an investigation by a person nominated by the head of jurisdiction. It is only if that investigation results in a recommendation for their removal, which has to be on the basis of a proven misbehaviour or incapacity, that the Attorney-General is able himself to remove the judicial registrar. Nonetheless, at the end of the day the removal is by the Attorney-General on the Attorney-General's own decision; it is not removal on an address of both houses of Parliament, as it is in the case of other judicial officers.

All these factors, particularly those relating to having to attract the approval of the Attorney-General to win reappointment or appointment to an associate judge or judge position, eat away at the independence of this office and therefore the independence of the judiciary in a way quite similar to that of acting judges.

There is a further aspect to this issue, and that is a constitutional aspect relating to the commonwealth constitution. The High Court of Australia ruled by a majority some years ago on its interpretation of the commonwealth constitution that that constitution envisages and requires that states have in existence supreme courts of similar nature to the supreme courts that existed at the time of the establishment of the federation. For example, the High Court has struck down legislation that sought to confer on state supreme courts or on courts appealable to the supreme courts functions inconsistent with that of judicial office, such as rubber-stamping executive government decisions.

Most recently, in the Kirk case — which has received quite a deal of media coverage — the High Court ruled on the exclusion of courts or tribunals such as the Industrial Court of New South Wales from the ability of the New South Wales Supreme Court to exercise supervision over those courts for exceeding their jurisdiction. In legal terms this process is referred to as certiorari — to have a matter made more certain. The removal of that function of a supreme court was found to be inconsistent with the nature of a state supreme court that the commonwealth constitution requires and is therefore invalid.

Following the same line of reasoning, the issue has been raised before the High Court as to whether the appointment of acting judges is also something that is inconsistent with the nature of a state supreme court as required by the commonwealth constitution. That was considered in the case of *Forge v. Australian Securities and Investments Commission* (2006) HCA 44. That case concerned Acting Justice Foster of the New South Wales Supreme Court. In that particular case all members of the court held that Acting Justice Foster as an acting justice did not infringe the constitution. Those who were taking that matter to the High Court were trying to argue that because the case which they were appealing against had been heard by an acting judge and that transgressed the constitution the finding was invalid. The High Court threw out that line of argument.

However, in the course of doing so all of the judges referred to potential circumstances in which something like the appointment of acting judges or other related matters could become so far reaching that it

undermined the constitutional nature of state supreme courts. Different judges gave different reasons, but I think it is fair to say that the majority felt that there could be such a large amount of acting judges appointed that it detracted from the nature of the court. Others referred to issues such as the way in which persons could be removed or whether they were required to take an oath of office.

If we now look at those various considerations in relation to the proposal for judicial registrars, as I have already referred to, judicial registrars can be appointed for terms limited to five years or less. They are ultimately appointed on the Attorney-General's say so. A recommendation by the Chief Justice can be rejected and someone else appointed by the Attorney-General. Their pay can be cut during their term of office. They are not required to take an oath of office as far as I can make out. Most importantly, as I have indicated previously, they are dependent on the Attorney-General's pleasure for reappointment or promotion. There are also the considerations regarding their removal that I referred to earlier.

Whether or not these factors would lead to the High Court holding that a state supreme court with a significant number of judicial registrars contravened the commonwealth constitution is hard to say for certain. One may well figure that if there are a relatively limited number of appointments, that might not be the case. However, with the High Court it is not always easy to tell, and one has to ask what are the merits of going down that path in the first place and putting our Supreme Court at risk of some constitutional challenge at some time in the future.

This point simply reinforces the issue of policy that I was making earlier as to whether or not it is appropriate for the Attorney-General to be able to exercise the influence over the appointment of judicial registrars that he would under this legislation and to hold sway — at least in principle — over how they might conduct themselves as judicial registrars.

There is a further issue that the Scrutiny of Acts and Regulations Committee (SARC) has raised which the Attorney-General also needs to address. That goes to what limits there are under the bill on the powers of judicial registrars in various courts. Clause 19 of the bill gives judges in the Supreme Court the power to make rules to confer functions on judicial registrars without limit to authorise them to hear any proceedings and in effect fulfil any function of a judge.

However, in relation to the County Court clause 35 provides that a judicial registrar may not have power to

impose a sentence of imprisonment. Clause 40, also in relation to the County Court, provides that a judicial registrar can have no power to impose a sentence of detention at a youth justice centre or a youth residential centre or to make a youth attendance order.

In relation to judicial registrars in the Coroners Court, clause 45 has a long list of exclusions as to what judicial registrars can do. These are referenced by section number, which we were told in the briefing provided by departmental officers includes factors such as not being able to make decisions on inquests or decisions as to the release of bodies and many other matters besides.

In relation to the unfettered potential power that could be conferred on a judicial registrar in the Supreme Court, SARC has raised the question of whether that infringes the Charter of Human Rights and Responsibilities Act 2006, in particular the provisions relating to the right to a fair hearing. This is something that is touched on in the statement of compatibility for the bill. The Attorney-General's statement raises this issue and then argues that the unlimited power that can be conferred on judicial registrars in the Supreme Court does not infringe the charter.

We understand from the briefing provided to us that it was considered to be consistent with the role of the Supreme Court as the superior court of the state that its jurisdiction not be fettered. We know that as a matter of principle the Supreme Court has full jurisdiction over all matters in Victoria unless matters are expressly excised. However, now that the Scrutiny of Acts and Regulations Committee has raised this issue, it is one the Attorney-General needs to address. What does he consider is appropriate from a policy point of view? Does he consider it appropriate that there should be the potential for judicial registrars to be given the power to impose periods of imprisonment or indeed to propose community-based orders or intensive correction orders or other constraints on the liberty of someone within the jurisdiction?

What is the Attorney-General's view given the concerns that SARC has raised? In particular, is he yet again tying himself and the rest of the state up in knots with provisions in the Charter of Human Rights and Responsibilities that are imposing sweeping and ill-considered changes on top of a long-established and very robust judicial system in a way that has bizarre results, as we are increasingly seeing in various newspaper reports, including those within just the last few days.

These are very serious concerns that we on this side of the house have about the way in which the government is bringing forward its proposal for the appointment of judicial registrars. We certainly seek a fuller explanation from the Attorney-General as to what he considers to be the benefits of creating this office, whether he expects to be able to attract appointees of suitable standing, how he intends to ensure that is the case in terms of the remuneration that he proposes to provide, what his response is to the concerns we have about the independence of the judiciary being threatened by this legislation and how he will respond to the concerns that have been raised by SARC.

I indicate that if the government seeks to proceed with the bill without modification to address these concerns, it is going to raise very serious issues for our side of politics in the Legislative Council as to whether or not we will be in a position to vote for the bill. In conclusion, as with so many other things that the Attorney-General attempts, he has gone into something, without having given it proper thought, in a half-baked way with disregard and disdain for long-established principles of judicial independence. Unless he is able to address the concerns that we have and that others have raised with us, we are going to find it very difficult in relation to how we deal with this bill in the Legislative Council.

Ms THOMSON (Footscray) — I rise to support the Courts Legislation Miscellaneous Amendments Bill. This bill is another example of the Brumby government's commitment to modernise the courts — something this government has done in an ongoing way for the last 10 years. At each stage when we have attempted to modernise the courts and make them bring about change that meets the demands of today's society, it has been opposed in some form by the opposition. This is another way in which we are enhancing the judicial independence to deliver a fair, efficient and accessible justice system. That is the issue: having a fair and accessible justice system. It is not fair and accessible if the courts are bogged down with mundane and routine items that could be done by others. Having such matters dealt with by others would leave judges to hear the cases in which more complex issues arise and need to be dealt with. The change is consistent with the vision and commitment articulated in the Attorney-General's justice statement 2.

The measures contained in the bill promote flexibility. The creation of the office of judicial registrar in the Supreme Court, County Court, Children's Court and Coroners Court provides an opportunity for the courts to operate more efficiently, as judicial registrars will be able to undertake minor judicial duties that would

otherwise fall to judicial officers. Let me make it very clear at this point — because we have heard a lot from the member for Box Hill about the rights and responsibilities that judges have and about superannuation — that the judicial registrars are not judges.

The creation of the office of judicial registrar in the Supreme Court is made at the request of the Chief Justice of Victoria and will enable the court to fulfil its function in a more flexible way. The bill follows the model for the adoption of the creation of judicial registrars in the Magistrates Court in 2005 which has been highly successful despite the predictions of those opposite that the sky would fall in. This sky has not fallen in. The appointment of judicial registrars in the Magistrates Court has been a cost-effective and efficient way to help the Magistrates Court manage its workload. By conferring on judicial registrars high-volume judicial work of a relatively straightforward nature, magistrate sitting days have been saved, which allows magistrates to attend more quickly to the more complex matters that are more appropriately dealt with by senior judicial staff officers.

Further, judicial registrars will perform high-volume judicial work of a relatively straightforward nature. There is an opportunity for specialisation in such areas, which will increase consistency in decision making. The Magistrates Court is acting more efficiently, dealing more appropriately with the needs of the court, dealing with complex cases more efficiently and ensuring that those who come before it are dealt with in a more timely way, which is absolutely important. We know the demands on the court system have increased. We know we have to find more efficient and appropriate ways to deal with the lists that come before the courts. This is another way in which we can add to the efficiency of the court system.

Let me stress that this came as a request from the chief justice. It is not something initiated by government; it was initiated by the Chief Justice of Victoria. We think that this is the right direction to take to ensure that we meet the current and future needs of the court system.

This government has a proven record in supporting courts to meet these increased demands. We have put in place major investments and policies to help the courts through what have been very demanding times. Since 1999 we have provided a massive boost in resources for courts, both via funding for new judges and by opening improved court facilities. We have increased output spending for courts by over \$200 million, and we have funded the appointment of 43 additional judicial

officers. In this budget there is a further increase in funding for courts over the next five years.

The government has worked very closely with the courts to develop the new laws and procedures to promote the early resolution of cases, to improve access to appropriate dispute resolution services and to reduce court delays. The government will continue to work closely with the courts and the heads of jurisdictions to assist and support the courts to respond to the challenges presented by the increasing number of cases, the complexity of their workloads and community expectations of a responsive and impartial justice system.

When the costs of appointing judicial registrars are examined, it certainly seems cost effective. The position of judicial registrar will attract a reasonable salary; it will be a salary that accords with the performance and work required of the position. In relation to the rules of conduct, which the member for Box Hill addressed, it is clear that the rules of conduct governing registrars will be prescribed and determined by judges. At every stage, mechanisms and protections exist to ensure that the appropriate judicial responses are followed, whether it be the Supreme Court, the County Court or the Children's Court — at all stages it will be the judges of the courts who will determine the workload that these registrars take on.

This is not the only jurisdiction that has such registrars; we are not unique. It is not groundbreaking, but it is innovative in Victoria, and it is important to continue to look at innovative ways to improve the operation of the courts.

We have heard a lot about the sanctity of the courts, yet I thought that during question time today members risked impinging on the powers of the coroner and the Coroners Court, which seemed hypocritical.

Mr Andrews interjected.

Ms THOMSON — Not to mention mandatory sentencing and not leaving it to the courts to determine individual cases. I thank the Minister for Health for that interjection.

It is important that we understand and respect the division between courts, judges and the judicial system, on the one hand, and the Parliament, on the other hand; it is crucially important. This bill does recognise that distinction, but it also recognises that the workloads of judges in the County Court, Children's Court and Supreme Court are extremely heavy, and that there are a great number of routine matters that come before the courts which the registrars can determine to reduce the

judges' workload, thereby allowing judges to hear more serious cases, and hear them more efficiently, more effectively and more quickly — and that amounts to real justice.

Many people wait long periods to have their cases come before the courts. If we can reduce that time, make the system more efficient, enable judges to concentrate on cases more effectively because they do not have to worry about routine matters which have been delegated to registrars, then we are improving the judicial system. I have every confidence that this bill will do its job; it will be more effective, more successful and most importantly, it will deliver justice in a timely way for all Victorians. I commend the bill to the house.

Mr CRISP (Mildura) — I wish to contribute to the debate on the Courts Legislation Miscellaneous Amendment Bill 2010, which The Nationals in coalition do not oppose. The purpose of the bill is to amend the County Court Act 1958 in relation to certain pension entitlements; to amend the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Families Act 2005 and the Coroners Act 2008 in relation to the office of judicial registrar; to amend the Coroners Act 2008 in relation to acting coroners; and to make consequential amendments to various acts and for other purposes.

There are a number of key provisions in this legislation. It preserves the pension entitlement at age 60 of an associate judge who was originally appointed as a master before the commencement of the Judicial Remuneration Tribunal Act 1995 and who is subsequently appointed as a judge of the County Court. It fixes an error to provide that, from 1 November 2009, acting coroners are paid the same salary and allowances as a magistrate. It creates the office of judicial registrar in the Supreme, County, Children's and Coroners courts, and provides for judicial registrars to be appointed by the Governor in Council on the recommendation of the Attorney-General after receiving a recommendation from the head of the jurisdiction for a term of up to five years. It provides for judicial registrars to perform duties assigned by the head of jurisdiction or under court rules.

There are a number of concerns with this bill, some of which have been aptly raised by the member for Box Hill. The concerns are: judicial registrars are designated 'judicial officers' of the court and can be given most of the powers of judges, depending on the rules of the court and the decisions of the head of jurisdiction; although the Attorney-General can appoint a judicial registrar only after receiving a recommendation from

the head of jurisdiction that a particular person be appointed, the Attorney-General need not appoint the person recommended; and whether it is inappropriate for the Attorney-General to be able to appoint a judicial registrar on a short-term appointment.

It is worth making the distinction between a judicial registrar and a judicial officer. A judicial registrar is similar to a judge but has fewer powers and, as we have just heard, the Attorney-General can appoint a judicial registrar for a fixed term. A judicial officer is a judge, a person who has responsibilities and powers to facilitate, arbitrate, preside over and make decisions and directions. There are differences between the two, and that is significant.

It is necessary to look at how this will work in Victoria. Judicial registrar is a position created for the purpose of the Magistrates Court of Victoria; it already exists there. A court is to be headed by a magistrate, except that in some circumstances a judicial registrar can hear and determine proceedings if delegated to do so. Judicial registrars exist in the industrial division, the Drug Court division, the Koori Court division and the family violence division. Judicial registrars are appointed by the Governor in Council. Only persons who are admitted to legal practice are eligible. They cannot be otherwise employed or in business, they cannot trade without prior approval of the Attorney-General, they must disclose a conflict of interest to the Chief Magistrate, and they can be removed, suspended and investigated.

The rules of the court concerning what judicial registrars can and cannot do are made by the Chief Magistrate, together with two or more deputy magistrates. Judicial registrars are not under the control of any individual in making their decisions, but their decisions can be reviewed by a magistrate if requested by a party to the proceedings. They have the same protections and immunities as a Supreme Court judge.

As we work our way through to understanding just what we are doing here, we need to understand that, as the member for Footscray said, this is groundbreaking and innovative. That is not without risk. One of the areas of concern is that section 87AAB of the Victorian Constitution Act 1975 mirrors the judicial powers of the commonwealth constitution, with some minor differences. This bill, the Courts Legislation Miscellaneous Amendments Bill 2010, inserts new sections 75A(2B) and 75A(4) in the Constitution Act to introduce the new position and powers of a judicial registrar.

The separation of powers is a fundamental aspect of the Australian system of governance. Judges maintain a significant degree of, if not complete, independence from all other aspects of government. The restrictions on judicial tenure protect their independence — I refer to *Harris v. Caladine* (1991) 172 CLR 84. Judicial power and independence are bound together by the constitution. Anyone who does not fall under section 72 of the federal constitution cannot exercise judicial power. Any attempts by parliaments to create bodies that exercise judicial-like powers with agents who do not have protection of section 72 of the commonwealth legislation are invalid. I refer to the 1918 case of *Waterside Workers Federation of Australia v. J. W. Alexander Ltd.* Only a judge can exercise judicial power, although it can be delegated, and they must exercise effective power over their court. I refer again to *Harris v. Caladine*.

The bill provides for judicial registrars to be granted five-year contracts. A fundamental part of judicial office is that officers cannot be removed for any reason other than misbehaviour or incapacity. Is creating more judicial registrars an attempt to circumvent the separation protections?

We all know that courts are expensive, so why is this being done? Is it a cost-saving measure? Earlier we heard from the member for Box Hill that a judge costs roughly \$800 000 a year to maintain, versus \$400 000 for a judicial registrar. The courts are expensive, and appointing more judicial officers may be an attempt to make the judicial system less costly. Judges salaries cannot be reduced during their tenure. The only way to reduce their salary is to assign less to a new judge on their appointment. If a judicial registrar is to exercise judicial power they must be afforded the same protection as a judge. There is no way around the expense of the courts as they are constructed under the constitution. The framers of the constitution were very careful in their design and it is very difficult to circumvent the separation of powers.

What we have to consider is that some may argue that the separation of powers applies only to the commonwealth or state courts that exercise power in federal jurisdictions. Thus registrars in the Magistrates Court are not a problem constitutionally. However, as registrars are added to other courts in Victoria and as Victoria aligns or harmonises its statutes with those of the commonwealth, we hear terms such as 'seamless legislation between the commonwealth and the states'. This is something the Parliament has been very fond of doing lately. In fact, only earlier today we harmonised or aligned our consumer legislation with that of the commonwealth. Registrars will need to take care in

what cases they hear to avoid a challenge that they are exercising federal jurisdiction embedded in Victorian law.

The member for Box Hill spent some time expanding on the relationship between state and federal. We may be leaving ourselves open to an argument with our judicial registrars that if Victoria harmonised its law to be similar to that of the federal government, is it still protected under the Victorian constitution, or does it become federal law? If it is federal law, judicial registrars should not hear the case. That is the complication with all of this. We need to be mindful of what cases judicial registrars hear, otherwise we will have some problems. Although it is intended that judicial registrars will exercise limited functions, they can have wide powers under court rules. Judicial registrars may be involved in making decisions involving disputes around government. Appointing them for terms of five years or less raises concerns about judicial officers being dependent on winning favour with the Attorney-General to be reappointed. I fear that at some point in time if we use registrars above the Magistrates Court they will embroil us in a messy separation of powers controversy.

Ms DUNCAN (Macedon) — I rise to speak in support of the Courts Legislation Miscellaneous Amendments Bill 2010, which extends the work and the changes that have previously been introduced into our Magistrates Court and have been operating for some three or four years — that is, the introduction and use of judicial registrars.

In response to the concerns expressed by the member for Mildura, these registrars are the most senior and experienced registrars, and the duties they undertake reflect that our courts are continuously being asked to service more complex matters. We have seen this system work extremely well in the Magistrates Court. For the most part they administer procedural matters and determine less complex matters, which reflects the broader work that the Magistrates Courts currently conduct.

This bill extends the appointment of those judicial officers to the Coroners Court, the Supreme Court and other courts. That is consistent with this government's commitment to making our courts more effective, more streamlined, more responsive and more flexible. This is consistent with what this government has done over the previous 10 years of government and with the proposals that were outlined in the justice statement 2. The government seeks to modernise our courts to continue to maintain and support judicial independence and for

the delivery of a fair, efficient and accessible justice system.

There are a number of parts to this bill. First of all the bill amends the County Court Act to preserve entitlements to a pension for associate judges who were originally appointed to judicial office before the commencement of the Judicial Remuneration Tribunal Act of 1995. These associate judges are entitled to a pension at age 60, subject to accruing 10 years of service. Judicial officers appointed after that time do not become entitled to a pension until age 65, again after accruing 10 years of service. The amendment ensures that the entitlement age of 60 is preserved if an associate judge originally appointed before 1995 is later appointed as a judge of the County Court.

The bill also amends a section of the Coroners Act to permit an acting coroner to be paid the same salary and allowances as a magistrate. This amendment will maintain the status quo in relation to salary and allowances for fixed-term coroners under the old Coroners Act 1985 and the salary and allowances for acting coroners under the new Coroners Act. This amendment addresses an unintended consequence of section 94(5) of the Coroners Act 1998 and will be retrospective so that it applies to any appointments of acting coroners that occurred on or after 1 November 2009.

Thirdly, as I mentioned earlier, the bill creates the office of judicial registrar in the Supreme, County, Children's and Coroners courts. This is consistent with changes made to the Magistrates Court in 2005. The capacity to appoint judicial registrars provides greater flexibility, as I said, and greater responsiveness in our courts. These appointments will also assist to manage demand in the courts.

To respond to some issues raised previously, including the suggestion that this is a cost-cutting measure, it is important to highlight the investment this government has made in our court system. Since 1999 we have invested enormously increased resources in all of our courts, for both funding of new judges and improvements to the court facilities we have around the state. There has been over \$200 million of increased spending for our courts, and further, and at least as significantly, the appointment of 43 additional judicial officers. In this year's budget alone over \$62 million has been allocated for the court system over five years.

It is important also to recognise that these changes were introduced after work had been carried out closely with courts — again as part of the justice statement 2 — to develop new procedures to assist courts to resolve cases

earlier, improve access to appropriate dispute resolution services and reduce court delays. That has been a strong feature of our Attorney-General and of this government generally: ensuring our courts remain modern, relevant and use as much as possible alternate dispute resolution processes, which we understand to be often more effective than the traditional, often long and not particularly accessible court proceedings.

Anyone who has ever had to appear in a court will understand how foreign courts often are for most of us. It is important that people understand the way our courts operate and that when people come before them the courts are reflective of community views and make justice more accessible.

As I said, this bill makes some changes to a number of acts including the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Families Act 2005 and the Coroners Act 2008. It is important, as I said, to look at the way in which judicial registrars have operated in the Magistrates Court. They have been extremely effective, and again, as I have said, have been determining less complex matters, which allows magistrates — and in the case of this bill will allow Supreme and County court judges — to deal with more complex matters. These registrars are extremely senior and extremely experienced, and their appointments need to have been made by the Governor in Council after recommendations from judges themselves.

The Supreme Court has requested the creation of the office of judicial registrar in the Supreme Court. These are important advances we are making in our court system. The creation of the office in the County, Children's and Coroners courts is a natural extension of the work and operation of judicial registrars in the Magistrates Court and is designed to increase flexibility in our court system.

The way in which these judicial registrars have operated in the Magistrates Court has been cost effective and very efficient, but that is not the main purpose behind bringing them in. They have given courts the ability to list, deal and dispose of less complex matters in a more timely, efficient way without compromising the quality of decision making. This move has introduced an enhanced level of flexibility and mobility in sitting times, with a range of venues serviced and a capacity to attend at short notice. This is all designed to make our court system more responsive to the needs of our community.

With those few comments, I commend the bill to the house and wish it a speedy passage.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise and contribute to this debate on the Courts Legislation Miscellaneous Amendments Bill 2010. The purpose of this bill is to preserve the pension entitlement age of various County Court judges, to ensure that acting coroners receive the full remuneration a magistrate receives and to create the office of judicial registrar in the Supreme, County, Children's and Coroners courts.

The bill seeks to amend a number of pieces of legislation, principally with regard to the County Court Act 1958. It is seeking to rectify an anomaly in relation to the pension entitlement of an associate judge, formerly known as a master of the Supreme or County courts, who is subsequently appointed a judge of the County Court of Victoria. This will preserve the pension entitlement at age 60 of an associate judge and ensure that entitlement for those people who are subsequently appointed as judges of County Court.

When you refer to the second-reading speech, you see that it stipulates that the bill first amends the County Court Act of 1958 to rectify an anomaly in relation to the pension entitlements of an associate judge, formerly a master of the Supreme or County courts who is subsequently appointed a judge of the County Court of Victoria. It states:

This amendment preserves the entitlement of an associate judge who was originally appointed to judicial office before the commencement of the Judicial Remuneration Tribunal Act 1995 (and who is therefore entitled to a pension at age 60, subject to accruing 10 years service), who is subsequently appointed as a judge of the County Court after the commencement of section 18 of the Judicial Remuneration Tribunal Act of 1995 on 18 May 1995.

This bill also seeks to amend the Coroners Act of 2008, which amendment will retrospectively apply from the commencement of that new act on 1 November 2009. The amendments are in relation to the salary paid to acting coroners and also in relation to other minor statute law revision changes. In addition the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Family Act 2005 and the Coroners Act of 2008 are being varied to provide for the office of judicial registrars in each of the Supreme, County, Children's and the Coroners courts.

As was mentioned by members of the opposition who spoke before me, concern has been raised about the future operation of section 19 of this bill. In fact what this legislation is seeking to do is to delegate to judicial registrars powers with regard to sentencing prisoners. Those powers have not applied before, and the report of the Scrutiny of Acts and Regulations Committee notes

that clause 19 differs from similar provisions relating to the Magistrates Court, the County Court, the Children's Court and the Coroners Court which bar delegations to the judicial registrar of powers to imprison. That is a very stark change from what applies in the operation of other courts. As has rightly been pointed out by the government-led Scrutiny of Acts and Regulations Committee, it has raised grave concerns about the operation of this provision in the courts legislation bill. The report states:

The committee will write to the Attorney-General seeking an assurance that clause 19 does not permit a delegation of the power of imprisonment to a judicial registrar of the Supreme Court. Pending the Attorney-General's response, the committee draws attention to clause 19.

We hope that prior to the conclusion of this second-reading debate the Attorney-General will clarify the operation of this provision, because as has been mentioned by colleagues before me, there are grave concerns about the possible application of this provision. I call upon the Attorney-General to come into this house and clarify this very important point. It is not just the opposition that is making this point. This point has also been made by the Scrutiny of Acts and Regulations Committee, which is dominated by Labor members. I call upon the Attorney-General to clarify the issue.

In the time that is left to me I would like to draw attention to the concerns of many people in this state about the operation of courts in this community. Many people contact my office who are gravely concerned about the way in which courts are dealing with serious offences. As we all know, the level of serious crime has significantly increased under the watch of this government. What is of greater concern to the community is that the punishment that has been meted out does not seem to fit the crimes committed. One need only look at the average sentencing that is applied for offences such as rape, sexual penetration of a child and a whole range of other serious matters. Residents are gravely concerned about the way in which this government and the courts are dealing with these serious matters.

I call upon the Attorney-General to listen to the concerns of my community and put in place the necessary action to ensure that the sentences being meted out for people who are perpetrating serious crime are appropriate. One need only look at the policies that have been put forward by the coalition, such as abolishing suspended sentences and introducing a whole range of other measures — a large tranche of policies to deal with this very important area of sentencing. We all understand the separation of powers

and the role of the judiciary vis-a-vis the role of the legislators, but there is a requirement for those who are overseeing serious matters in our court structure to ensure that the sentences they hand down — the punishment that is being meted out to those who are causing the most serious offences in this state — are appropriate.

The situation is very stark. If this government is not willing to take the necessary steps to see that we have the best possible means of ensuring that appropriate sentences are being meted out, come the election the public will see that the opposition has put together a set of policies, some of which have already been rolled out, which will ensure that there is a clear difference between what is being offered by this government and what is being offered by the opposition, which is what broadly the Victorian community expects. I have been engaging with a whole range of local residents on this very point. Overwhelmingly they have told me they are gravely concerned about the level of sentences and about the approach of this government, and they clearly expect something different to be done. If this government is not prepared to take up the cudgels and fix this problem, then the opposition has a clear set of policies in place to fix it come the November election.

One need only consider the number of police. The Liberal Party and The Nationals in coalition came up with a set of policies to increase our police numbers to 1600. Those opposite belittled us, said there was not a need to increase police numbers and rolled out statistics about the level of crime, but now they have gone on and taken a me-too approach to the coalition policy on this very important issue. I now call upon the government to take the same steps and to look at the policies we have put forward on sentencing, to look at a whole range of policies that we have put together such as those with regard to home detention and suspended sentences, and take the important steps necessary to ensure that this community of ours in Victoria can rest assured that every possible means has been afforded to the judiciary to ensure that the people who perpetrate these types of crimes will have necessary punishments meted out to them and, more importantly, that this will act as a disincentive for people seeking to perpetrate these types of crimes in Victoria.

Mr SEITZ (Keilor) — I rise to support the Courts Legislation Miscellaneous Amendments Bill 2010. It was interesting to listen to this debate, because since time immemorial people have been wanting judges and have been asking kings, dictators, emperors or elected governments for judges of all different types and levels with certain powers.

I congratulate the Attorney-General because he has demystified the whole court system and judiciary. He has maintained their independence but also made them far more approachable and easily understandable for the common man so they are not just the property and preserve of the legal fraternity. We know there was an outcry when the Attorney-General proposed that people without legal professional training could be appointed as magistrates, that clerks of courts could be promoted to these positions with experience. It was a closed shop syndrome.

The establishment of the office of judicial registrar, which is a very important function, has support from everyone because experienced lawyers will be appointed to those positions on the recommendation of the Supreme Court judges. Whatever decision they make, people will have an opportunity to appeal against a decision, or the judges themselves may have a look at the decisions of the judicial registrars and review them.

It is a way of making the court system simpler and flow a lot better. We have long queues in all our courts. I think our Magistrates Court system is the fastest and the quickest to access. But trying to get to the County Court or the Supreme Court can have you waiting years, and of course barristers' fees are involved when sometimes it is not absolutely necessary to go before the full court if matters can be dealt with and expedited by judicial registrars. When mention dates were introduced it was a great step forward. We no longer have witnesses, particularly members of the police force, sitting there all day, waiting to see if a case is going to come on or not. The Attorney-General and the government have streamlined some of those processes to make them more efficient to reduce the cost of our judiciary and court system. It is the same with new court buildings which have been designed by the judiciary to be more efficient and to be used effectively for the purpose they are supposed to serve. When you look at some of the buildings you realise they were really an architect's dream to build and develop.

The legal system is no different from any other system we possess. Yes, judicial registrars must make judgements. They will have security of tenure; we are saying the judiciary officers are to be appointed for three years. There is a change when we are talking about associate judges, which were formerly called masters of the courts. We are ensuring the pension entitlements and the remuneration for the judicial registrars are set at an appropriate fee, because you must have people that will accept these jobs as public servants. They must have a reasonable income and reasonable pay, because you cannot expect the best brains of this state or country to become public servants

if they are losing income. Operating as a barrister is far more lucrative than being on a fixed salary as a judge in a court system. That is important.

We must not criticise those issues, because after all we want the best decisions. We want the best brains in the country and the state, as I said before, to sit on our benches and implement the decisions. Too often their decisions are criticised, particularly by the media, when in fact the person criticising has not sat through the court case and does not know all the ins and outs of what has been presented to the judge at the time or sometimes even to the jury.

I would ask how many of the 88 members of this house have actually followed a court case through, have taken time off from Parliament and gone to the courts and followed a case through, whether it be in the Magistrates Court, the County Court or the Supreme Court, to actually understand and realise how the process works and what takes place. That is important.

The other side of it is that we have constituents asking us for assistance because their cases are waiting and their lives have been suspended because they do not know whether they will be found guilty or not guilty at the end of the day. They might lose two or three years of their lives just because their cases cannot be heard or dealt with because of the backlog. This legislation goes towards alleviating some of those problems. It will relieve senior judges from some of the duties that can be handled by the office of judicial registrar. Those officers should be able to handle a lot of those issues and clarify some of the things that do not have to wait to come before the full bench or a judge to be heard.

Of course it will make the judicial system more accessible. It will make it fairer, because it will also be less expensive for the persons concerned. It also saves money for the state if we do not have to have the full court sitting and other proceedings can take place. There are no arguments against this bill; these are very good amendments. The bill reassures the judiciary of its independence; it does not say in any way that its independence is being interfered with. It just deals with the pensions, the entitlements people receive when they change from one position to another, and it assists the legal process and makes it a lot simpler, a lot easier and a lot quicker to come before a court and get a decision. We have the tribunals and we have mediation centres. How often do we have them in divorce courts? We have mediation sessions for this and that and people all want judge to make the decision for them.

For those reasons I commend this bill to the house. As it works so well in the Magistrates Court, I am sure it

will work well in the County Court, the Supreme Court and the Children's Court. I congratulate the Attorney-General once again. I hope he keeps progressing in bringing forth further developments in simplifying the court system in this country to make it far more accessible to and cheaper for the community.

Mr THOMPSON (Sandringham) — I will make some preliminary remarks in commenting on this legislation regarding Victorian courts. Firstly, more courts have been closed in Victoria's history under Labor governments than any other government. That was undertaken during the 1980s and early 1990s. Secondly, the Labor Party opened one court; it was called the Moorabbin Magistrates Court. I believe it may have been a political promise to mirror an earlier Liberal undertaking to establish a new court in Moorabbin which was envisaged to be in the former Moorabbin city council municipal office precinct at the junction of South Road and Nepean Highway.

The Labor Party, in endeavouring to fulfil its initial promise to establish the court in Moorabbin, found some land that was not in the electorate of Bentleigh or the Moorabbin area and established the court on a site in the suburb of Highett. Ironically, rather than call it the Highett Magistrates Court, the government at the time called it the Moorabbin Magistrates Court. This led to a wide range of difficulties because people turned up at the wrong spot. They would get off at the Moorabbin railway station and then find they were a couple of kilometres down the road. Cases had to be suspended and were being struck out because applicants and defendants did not turn up in court.

There are one or two good stories in relation to the Moorabbin court I would like to share during my contribution on the Courts Legislation Miscellaneous Amendments Bill 2010. Over 700 people have contacted my office regarding being fined for offences detected by traffic light enforcement cameras when making right-hand turns at the intersection of Bay Road and Nepean Highway, otherwise known as the Karen Street intersection. In the minds of many they have been fined unjustly for making turns at that intersection.

The advantage of the Moorabbin Magistrates Court, which is actually in Highett, is that a number of those cases were able to be heard locally. The government must have raked in over \$5 million now from law-abiding citizens from the electorates of Bentleigh, Mordialloc, Sandringham and Brighton as they have made right-hand turns on the way to Westfield Southland. These people have been able to have their cases heard nearby.

There was an outstanding magistrate, in my opinion, who had the fortitude to make a number of remarks to the effect that something was wrong at the intersection and that the amber light is activated for a length of time that is way too short. Exercising his appropriate power under penalties legislation, he waived fines for those people who elected to turn up to court.

I still regard it as anomalous that a high number of fines are being imposed for people going through that intersection. The amber lights give drivers only 3 seconds, or in the words of a former chief superintendent of traffic, they have less than 3 seconds, which is below the minimum requirement. There is a view that they are being trapped into making poor driving judgements at that particular intersection, which is unfortunate.

As a matter of logic I would like to make this comment to the house and to the people of Victoria: for southbound and west-turning traffic there is a 3-second allowance for the amber light at that intersection; for motorists travelling north and then making an easterly right turn into Karen Street, there is a 4.5-second allowance. It is my view that motorists are being entrapped at that intersection. It is totally wrong and unjust. That intersection should be reviewed rather than being a major revenue cow for the government; it takes from motorists and the local Bayside and Kingston communities \$4 million, \$5 million, \$6 million or \$10 million.

My comments directly and specifically on the tonight's debate on the bill — and I appreciate the interest of the Acting Speaker in my comments regarding this particular matter; I am not sure whether the Redflex Group has installed cameras in the Ballarat East district but if it does, he will certainly know about it — concern the appointment of judicial registrars and their period of tenure. The bar and legal profession have a very clear understanding of capable practitioners. A number of magistrates and judges self-select through the recognition they receive from their colleagues and in relation to the volume of work they transact at the bar.

It is important there be bipartisan regard for the skill sets of the best lawyers in the land who are then appointed to judicial office. I trust that history will prove that wise decisions have been made by the competence of those judicial officers, magistrates and judges who have been appointed to different levels of judicial office in Victoria. I have received anecdotal feedback that that may not have always been the case, which has been reflected in the speed of processing cases and the speed of delivering judgements and determinations.

But this comment is a pivotal one: in the history of the development of common law in the British constitutional system and in the history of Westminster government, there has been a fundamental underlying principle of the separation of powers. The reason judicial officers were appointed for life is so they could make their decisions without fear or favour and without the risk of losing their jobs if they made a decision which the political arm of government or the king of the day did not approve. That is a fundamental point.

Under this bill judicial officers are being appointed for a period of five years. If a person is appointed as a judicial officer on the same financial terms and conditions as a judge in their 40s or 50s, it is to be expected that they may have a working life beyond the five-year period and therefore their reappointment may be fundamentally dependent upon the approval of the Attorney-General of the day. It is my view that great care needs to be exercised in this regard.

We can go back over a number of legal cases that have intersected with the political process. Even today there was debate on those matters, where members were principally focused on matters of sub judice but to do with the timing of cases. I understand it is the view of the profession that the utmost diligence has been exercised by the parties involved in this particular matter. That is certainly the aspiration.

Nevertheless there is an overlap between a number of decisions being made and the political process. It is fundamental to the integrity of the political system and the judicial system that the judicial officers can act without fear or favour in the determinations they make. Hence my support for this provision, as I understand it, is qualified by the concern regarding the reappointment of those officers being subject to the will of the political leader of the day. While there may be problems in the management of court lists, it is my view that it is fundamental that there be a complete independence on the part of all judicial officers in Victoria, so they can make their decisions wisely, fairly and without fear or favour.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on the Courts Legislation Miscellaneous Amendments Bill 2010. I will make a brief contribution. I want to specifically talk about the judicial registrar and the creation of the office of the judicial registrar in the Supreme Court of Victoria. This office has been created at the request of the chief justice; it will enable the court to fulfil its functions in a more flexible manner.

The bill follows the model adopted in the creation of judicial registrars in the Magistrates Court in 2005. I understand that has been highly successful despite the predictions of some that the sky would fall in. I think it had been incredibly welcomed by the legal community broadly. The courts are busier than ever, and the government is providing them with unprecedented support to help them address increasing demand through major investment in policy reform.

The bill creates a scheme whereby the powers and the jurisdiction of each court may be delegated to judicial registrars, who may constitute the relevant court for the limited purpose of exercising functions expressly conferred on them under the rules of the court and in the case of the Supreme Court, by the Supreme Court Act 1986 and the rules of the court.

As I mentioned previously, the trial based in the Magistrates Court has been operating successfully. The office of judicial registrar has been well integrated and accepted into the operations of that court and has been well and truly accepted by the legal profession. The creation of the office of judicial registrar in all the other courts provides an opportunity for the courts to operate more efficiently, which I am sure is something that everyone would welcome, as judicial registrars will be able to undertake minor judicial duties that would otherwise fall to judicial officers; thus the capacity to appoint judicial registrars provides greater flexibility in making appointments to manage the demands in the court system. We understand there are some delays in some courts; the quicker we can get people before the courts, the happier people are.

Judicial registrars will not be judicial officers, but may be assigned some judicial functions by the heads of jurisdiction, as previously mentioned. It is also proposed that judicial registrars will be appointed for a period of up to five years by the Governor in Council on the recommendation of the Attorney-General.

These recommendations will be made after the relevant head of jurisdictions — that is, the chief justice, chief judge, president of the Children's Court or the state coroner — makes a recommendation to the Attorney-General. So it is very much a recommendation made by an independent individual to the Attorney-General and then confirmed by the Governor in Council. I think that maintains the degree of independence that some people were concerned about.

The independence of the judicial registrars is protected by the following privileges which currently apply to judicial registrars of the Magistrates Court. There are

restrictions regarding whether a judicial registrar may be suspended. A judicial registrar may need to be suspended by the head of the jurisdiction with the approval of the Attorney-General. Judicial registrars are not subject to direction by any person, including judicial officers in the exercise of their decision-making capacities. Judicial registrars are subject to the supervision of judicial officers of the relevant court. Litigants, subject to the rules, will be able to have a decision of a judicial registrar reconsidered in a review de novo by a judicial officer — that is, as a complete rehearing where the decision is made afresh. Judicial officers may elect to undertake such a review even when it is not requested by the parties.

As mentioned, judicial registrars are not judicial officers. The administrative needs of the courts will change over time and the bill provides for flexibility in deploying judicial registrars to ensure individuals will not be engaged for long-term appointments to satisfy short-term changing institutional needs.

On 27 April 2010 the chief justice responded in writing to the shadow Attorney-General's request for comments and conveyed the following sentiments. The chief justice affirmed the desire of the court to have judicial registrars appointed. She said that the level of remuneration set for judicial registrars would be central to the creation of the office in ensuring the independence of the court and that judicial registrars appointed by the Supreme Court would need to be highly skilled and experienced lawyers who were capable of engaging with the legal profession and the judiciary at a senior level. Two initial judicial registrar appointments, which in separate correspondence the chief justice has indicated would be engaged with court costs and in the Court of Appeal, should receive a salary of \$258 000.

The combined cost to the government, including operating expenses of on-costs and the costs of Victorian public service assistance, will be \$774 776. The combined costs to the government of the two positions will be roughly comparable to the cost of one associate judge, which is about \$784 000. The proposed remuneration packages are currently being considered and will be costed. I think with that short contribution — —

An honourable member — A worthy contribution.

Mr DONNELLAN — A worthy contribution — thank you for your generosity.

I think the legislation will be an appropriate addition to the court structure. It will hopefully improve the speed

at which cases are heard. It will actually assist the courts in undertaking their work. I commend the bill to the house.

Mr McINTOSH (Kew) — I am pleased to join this debate to make a very brief contribution on a couple of matters I want to raise in relation to judicial registrars. Many other members have made contributions and expounded greatly upon the provisions of the bill, but the opposition has raised concerns about the appointment and security of tenure of judicial registrars. In normal parlance one would expect that a judicial registrar would be involved in case management, taxation matters and procedures of the court rather than dealing with full-on trials. Importantly, it is the decision of the government to give judicial functions to judicial registrars so they can weigh up different aspects of people's rights and liberties in court cases. In doing so the government emphasises that the registrars will exercise a judicial function within certain parameters.

The area that concerns the opposition is the extent of those powers, which will be left up to the rules of the court as opposed to being constrained by statute. I have the utmost confidence in our court system to provide appropriate sets of rules within the normal parameters, but one would expect that the statute would provide some clear guidance as to the limitations on the capacity of a judicial registrar. In *Alert Digest* No. 6, which was tabled in the Parliament at the beginning of this sitting week, the Scrutiny of Acts and Regulations Committee indicates that the powers of a judicial registrar may extend to the power to imprison a person for a criminal offence. That is a matter that has exercised the Scrutiny of Acts and Regulations Committee in a profound way, with the committee suggesting that it could significantly breach the Charter of Human Rights and Responsibilities Act and that such a power should not be provided to a judicial registrar.

While I am confident that the courts would not provide that sort of jurisdiction to a judicial registrar, I would have thought it would have been much safer to limit that jurisdiction by way of statute rather than leaving it up to the rules of the court. However, that being the case, I have the utmost confidence that the powers of judicial registrars will be limited to the more administrative functions of a court, particularly in relation to case management, which is becoming an increasingly important part of the process of courts.

I note that the member for Box Hill, as the shadow Attorney-General, and I will be given the opportunity to speak to Mr Roger Venne, who is the judicial registrar of the Court of Appeal in the United Kingdom. He is coming out to Australia courtesy of an invitation from

the Supreme Court. I understand members will be given an opportunity to speak to him about those processes, and I am certainly looking forward to that discussion. Most importantly one would expect case management to be the significant area in which a judicial registrar would exercise their power, and if it extended to the ability to impose a term of imprisonment, that would be a matter of profound concern.

Another point that goes to the independence of the judiciary is that a judicial registrar is to be appointed for up to a five-year period only. We have said in relation to acting judges that a person exercising a judicial function should be appointed for a term up to 70 years of age because of limitations appropriate to age. It should in effect be a life appointment unless there is a reason to dismiss for profound misconduct. Given the current disciplinary process that the Attorney-General introduced a number of years ago in relation to judicial officers, one would expect that a judicial officer would serve out their time without any obligation to reapply for their position because of concerns about the implications for the independence of the judiciary. It is certainly not just the opposition that has raised this concern. The Chief Justice of Victoria has expressed her views publicly in relation to acting judges. Similarly, judicial registrars should be free from termination of their appointment after a period of time. It should be in effect a life appointment up to the age of 70 years, which is the current limit.

With those few remarks, I emphasise our profound concerns about the government's lack of understanding in relation to the independence of the judiciary. These concerns are shared by the judiciary and the profession. Placing limitations on the term of office of any judicial officer is a retrograde step that strikes at the heart of judicial independence, and it is something with which the opposition does not agree. But given the nature of this appointment, as the member for Box Hill has indicated, the opposition will not oppose this legislation.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Courts Legislation Miscellaneous Amendments Bill 2010. This is a further piece of legislation that continues the work we have already done in relation to the changes to the legal system brought about by justice statements 1 and 2. I am pleased that the opposition is supporting the bill, but I am surprised at some of its concerns. If you look at the background of this bill, you can see there are solid reasons to believe it will work very effectively and will not have the disadvantages that some members of the opposition have expressed this evening.

The bill covers three areas: one in relation to the salary of acting coroners, one in relation to judicial pensions and the one that most members have spoken about tonight, which relates to judicial registrars in the Supreme, County, Children's and Coroners courts. These positions are being introduced after we have had similar positions in the Magistrates Court for four years. The court system, the community at large and the opposition have had the opportunity to assess how the office of judicial registrar has worked in those four years, and I do not think there has been any suggestion from any speakers this evening that it has not worked in a very efficient way.

In my role as chair of the Drugs and Crime Prevention Committee, from the many interviews we have done with people involved with the justice system, particularly those working with young children and adolescents, I have seen that speedy justice is essential to being able to achieve the aims that the courts are trying to achieve, so appointing judicial registrars to the other courts, particularly the Children's Court and the County Court, will be greatly appreciated by people.

There was some concern expressed about the independence of judicial functions, but it is difficult to provide real reasons they would not be independent. Even though people have raised those concerns, there has not been any real explanation that I have been able to pick up that gives examples of ways the independence might be interfered with. The process of appointing these people is quite straightforward. It is done at the behest of courts, which will be making recommendations about who should receive these posts, and the nature of the work they do will vary according to which court they are in. In the Supreme Court there will be more administrative functions. The functions they are being asked to do are quite reasonable ones and should ensure that the courts can operate at a more efficient level.

Some of the benefits of appointing judicial registrars have been outlined, and they include things like providing a cost-effective and efficient way to help each court manage its workload by conferring on judicial registrars high-volume judicial work of a relatively straightforward nature. This allows judicial officers to attend more quickly to more complex matters which involve the exercise of higher level discretionary judgement.

The committee has spoken to judges who work in courts, and they have at times expressed their concerns that a lot of their time is taken up with very minor matters. They would prefer to have the time to spend on more complex matters and perhaps be able to give more

support to people who have significant problems in the community and who are involved in more complex legal problems.

Another benefit is an increase in economies in the deployment of court resources, as judicial registrars will be expected to operate without the same level of assistance from registry and court staff. In that way, too, it will be much more efficient. A further benefit is an increase in the efficient disposition of chambers and interlocutory applications. Another benefit put forward as a way to help the judicial system is the provision of extra services to the community within a flexible operating framework, principally through the capacity to attend venues at short notice and through increased flexibility in sitting times and venues.

I refer again to my experience as the chair of the Drugs and Crime Prevention Committee. I think these changes will be warmly welcomed; they certainly have been suggested by the courts. They could be very effective in ensuring that we provide a more efficient court system for people who find themselves before the courts and enabling whatever is the appropriate level of justice meted out to them much more quickly. It is much better for people to be attended to quickly rather than, as sometimes happens now, to be held for a lengthy time on a charge that is fairly straightforward and might have a very obvious outcome.

I am very pleased to support the bill. I am glad the opposition is supporting it and I look forward to it having a speedy passage through both houses.

Mr LIM (Clayton) — I also rise to support the Courts Legislation Miscellaneous Amendments Bill 2010. It goes without saying that this bill underscores what this Attorney-General is all about. He is about modernising and improving the judicial system in this state to make it second to none in the country. He is at the forefront in continuing to do that and is admired around the country as such.

Three different groups of amendments in relation to the courts and judicial officers are made by the Courts Legislation Miscellaneous Amendments Bill 2010, and they serve as the overall purpose of the bill. The acts which are amended are the County Court Act 1958, the Coroners Act 2008, the Constitution Act 1975, the Supreme Court Act 1986 and the Children, Youth and Families Act 2005.

First, the bill amends the County Court Act 1958 to preserve the entitlement to a pension of an associate judge, formerly known as a master, of the Supreme or County courts, who is subsequently appointed a judge

of the County Court of Victoria after the commencement of section 18 of the Judicial Remuneration Tribunal Act 1995 on 18 May 1995. The entitlement of those associate judges who were originally appointed to judicial office before the commencement of the Judicial Remuneration Tribunal Act 1995 will be preserved. Judges in this category of associate judge are entitled to a pension at age 60, subject to accruing 10 years service.

This amendment is consistent with amendments made by the Courts Legislation (Juries and Other Matters) Act 2008, which also ensures that the pension entitlement at age 60 is preserved if an associate judge who was originally appointed before 1995 is later appointed a judge of the Supreme Court.

Second, the bill amends section 94(5) of the Coroners Act 2008. A key objective of this amendment is to preserve the status quo relating to salary and allowances for fixed-term coroners appointed under the old Coroners Act 1985. Under the new Coroners Act 2008, the status quo in relation to salary and allowances for acting coroners will also be maintained. In essence, acting coroners appointed from 1 November 2009 are to be paid the same salary and allowances as a magistrate. The implementation of this measure will be retrospective; therefore, any judicial officers appointed on or after 1 November 2009 will be covered by the new act.

To sum up, this amendment addresses unintended outcomes of section 94(5) — namely, that coroners appointed under the old act on a short-term basis and reappointed under the new act would see their allowances decrease upon commencing their new appointment, and the same applies for acting coroners appointed under the new act.

Finally, the bill will create the office of judicial registrar in the Supreme, County, Coroners and Children's courts. The creation of the office will provide an opportunity for the courts to operate in a more responsible and effective manner. A successful example in this respect is what the Magistrates' Court (Judicial Registrar and Court Rules) Act 2005 established in 2005 — that is, the office of judicial registrar in the Magistrates Court. The legislative framework is accepted by the legal profession, with its efficient operation and integration into the proceedings of the Magistrates Court.

The creation of the office of judicial registrar will not only be consistent with this legislative framework but will also enable judicial officers to address matters of greater importance with the implication that it will

result in judicial officers having more time and energy. The separation of duties of judicial registrars and judicial officers, and the capacity to appoint judicial registrars, will offer a higher degree of freedom and efficiency in making appointments to handle demand in the court system. Victorian courts will have judicial registrars so that the judiciary can be assisted in managing its workload in a more cost-effective way.

In conclusion, all the above amendments are consistent with the government's justice statement 2 initiatives that aim to have a more modern court system. Judicial independence will be maintained. As I mentioned at the beginning, I have nothing but praise and admiration for the Attorney-General who has had the vision to bring such a bill to the house. I therefore commend the bill to the house and wish it a speedy passage.

Mr LUPTON (Prahran) — I am very pleased tonight to be able to rise in this chamber to support the Courts Legislation Miscellaneous Amendments Bill. Of course legislation comes before this Parliament on a regular basis to deal with matters in relation to the administration of our courts and our judicial system. This particular piece of legislation makes a number of amendments to our Constitution Act, the Supreme Court Act, the County Court Act, the Children, Youth and Families Act and the Coroners Act in relation to the operation of our courts and the functions of judicial officers.

There are three principal matters that this bill deals with, which I will address in turn. Firstly, the bill amends the County Court Act to preserve the entitlement to a pension of associate judges who were originally appointed to judicial office before the commencement of the Judicial Remuneration Tribunal Act 1995. These associate judges were formerly known as masters of the court. A little while ago we passed through this Parliament legislation to transform the office formerly known as master to associate judge. The associate judges are entitled to a pension at age 60, subject to them having accrued 10 years service.

Judicial officers appointed at that time do not become entitled to a pension until they reach the age of 65, subject to accruing 10 years service. The amendment ensures that the entitlement age of 60 is preserved if an associate judge who was originally appointed before 1995 is later appointed as a judge of the County Court. What we have here is a situation where if somebody was appointed before a particular date as an associate judge of the County Court and is then later appointed a judge of the County Court, their entitlements are preserved. That is an appropriate thing for us to be doing. Somebody who is given a higher appointment as

a judge of the County Court should not suffer any penalty in relation to their entitlements as a result of taking up that position as opposed to continuing in their position as an associate judge.

The second major matter dealt with by this legislation is an amendment to section 94(5) of the Coroners Act 2008 which will permit an acting coroner to be paid the same salary and allowances as a magistrate. This amendment will maintain the status quo in relation to salary and allowances for fixed term coroners under the old Coroners Act and salary and allowances for acting coroners under the new Coroners Act that was passed in 2008. This amendment addresses an unintended outcome of section 94(5) of the Coroners Act 2008 and will apply retrospectively to any appointments of acting coroners that occur on or after 1 November 2009. What this amendment essentially does is overcome a technical problem that arose as a result of some amendments to the Coroners Act in 2008. It effectively maintains the original intention of that amending legislation.

The third issue this bill deals with is the creation of the office of judicial registrar in the Supreme Court, the County Court, the Children's Court and the Coroners Court. These amendments are consistent with the legislative framework for the office of judicial registrar created in the Magistrates Court, which was inserted in 2005 by the Magistrates' Court (Judicial Registrars and Court Rules) Act 2005. The capacity to appoint judicial registrars provides greater flexibility in making appointments to manage demand in the court system.

What the office of judicial registrar really does is provide an added layer of judicial work that is able to be carried out by people who are not technically judicial officers. It enables the judges — and particularly the head of each jurisdiction — to give minor judicial duties to judicial registrars in order to take that workload off judges and to allow a more flexible approach to be taken to case management and the administrative duties and burdens that need to be exercised in order to effectively and efficiently manage the caseload that comes before the courts. In fact the government created the position of judicial registrar in the Magistrates Court some time ago.

This amending legislation allows the position of judicial registrar to be created and filled in all of the other courts in the Victorian legal system. It is proposed that judicial registrars will be appointed for a period of up to five years by the Governor in Council upon the recommendation of the Attorney-General. However, it is important that it be understood that this recommendation of the Attorney-General will be made

after the relevant head of jurisdiction — that is, the Chief Justice of Victoria in the Supreme Court, the Chief Judge of the County Court, the President of the Children's Court or the Victorian State Coroner — makes a recommendation to the Attorney-General that a particular person be appointed to the position of judicial registrar.

Decisions of judicial registrars will be subject to review or appeal by a judicial officer — that is, a judge of the court — by way of a hearing de novo. That means that as judicial registrars are not regarded as judges — they are not judicial officers — they will be dealing with more minor matters. However, if a party to a litigation before the judicial registrar wishes to appeal a decision of that judicial registrar, that matter is to be heard by way of a hearing de novo. This effectively means that the process begins anew and there is a complete rehearing of the matter. I think that is an important consideration, because judicial registrars are not going to be judges. They are not regarded as judicial officers. Therefore a review or appeal of a decision they make will not be by way of a normal appeal process whereby points of law are argued on appeal, where the court or the level of the court hearing the appeal only goes into questions of law or whether the judicial registrar, in this case, made an error of law or not. A hearing de novo involves a complete rehearing of the matter — that is, on the facts and the evidence. That is an important improvement and safeguard to ensure that the judicial registrars — who I am sure will carry out their responsibilities assiduously — are nonetheless subject to proper and appropriate oversight by judicial officers or judges in their relevant jurisdiction.

The Courts Legislation Miscellaneous Amendments Bill does a series of things that will improve, streamline and add to the overall efficiency of our legal system here in Victoria. I support the bill.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Planning: ministerial intervention

Mr CLARK (Box Hill) — My matter is for the attention of the Minister of Planning and concerns the issue of planning application call-ins in my electorate. I ask the minister to scrap the government's current call-in-everything policy so as to allow such

applications to be decided through normal planning processes.

One example of the effects of the government's policy is a proposal for an 11-unit development on a modest single housing block at 10 Koonung Street, North Balwyn. If approved, this will impose a massive overdevelopment on what is currently a quiet, peaceful suburban street. Neighbours say a proposal for a much smaller development has previously been rejected by the council. It is hard to see how an 11-unit development could ever win approval at the Victorian Civil and Administrative Tribunal (VCAT), which the government constantly claims is the independent umpire whose decisions residents should accept, yet at the stroke of a pen, behind closed doors, the minister can change forever the nature of this neighbourhood for the worse.

The minister has already approved another massive overdevelopment in Mangan Street, Balwyn, which will put 30 units on two average-size housing blocks with only 13 car parking spaces and no provision for garbage bin collection. Another call-in is a proposed Aldi supermarket at the corner of Doncaster Road and Tannock Street, Greythorn, including the rezoning of a residential housing lot. This application was already being handled by Boroondara City Council. An application for authority to prepare a planning scheme amendment had been given to the minister by Boroondara council on 1 June last year. It apparently sat on the minister's desk until it was rejected by him in March this year.

A supermarket in some form may well be appropriate for this site, but residents are concerned that the current proposal seeks to impose a standard Aldi design with inadequate modification to suit the site, including a visually dominating two-storey rooftop car park and, even then, seeking dispensation from normal car park numbers. This could lead to the current convenient kerbside angle parking in front of the strip shops along Doncaster Road, which is one of the greatest attractions of the Greythorn shopping centre, being filled by supermarket customers, with serious detrimental effects on local traders and the amenity of the centre.

All these are matters which could and should be resolved through normal open public planning processes including, if necessary, a public hearing at VCAT instead of the ultimate decision being made by the government, with no requirement for reasons based on evidence or good planning.

A third example is a call-in of the 38-storey tower proposal for Box Hill which raises crucial issues

regarding traffic flow, parking, overshadowing, overlooking, pedestrian and public transport connections, wind effects, traffic congestion and the precedent for future building heights. Again, the minister has given no adequate justification for bypassing normal planning processes, with the case lined up to be heard by VCAT at the time he called it in.

Ministerial call-in should be a last resort for difficult and intractable projects of state importance. The state and federal Labor government should not be using claims about the global economic crisis as an excuse to trash normal processes and community protections, whether it be for roof insulation, for school building programs or for imposing high-rise, high-density or intensive developments across our suburbs.

Altona: beach renourishment

Ms HENNESSY (Altona) — I raise a matter for the attention of the Minister for Environment and Climate Change. The action I seek is that the minister provide advice regarding what steps can be taken to renourish Altona beach between Maidstone Street and Romawi Street. The Altona foreshore is one of the jewels in the crown of the western suburbs. It is about 2 kilometres long and on any day of the week one can see our diverse community utilising the foreshore and enjoying the beautiful surrounds. It is really important that we protect and nurture this natural physical asset.

As the minister would be aware, the renourishment of Altona beach was rated the highest priority in the 2008 GHD report entitled *Review of Beach Nourishment Priorities for Port Phillip Bay*. I am pleased that the government has made the investment and commenced the process to renourish the area between Bayview and Romawi streets, which is approximately 975 metres. It was terrific to be assured that there was extensive public consultation. I am aware that the project works are now on track to commence shortly, and that about \$2.4 million has been budgeted for the project. I think that is a terrific response.

I am aware of the incredible costs of a beach renourishment project and the critical importance of ensuring that these projects are done with great design and process sensitivity. We in the west are extremely grateful that the government has been responsive to the GHD report. Nevertheless, I would like the minister to be aware of the putative need to renourish Altona beach between Maidstone Street and Romawi Street. I ask the minister to investigate and provide advice as to what steps can be taken to renourish this section of our lovely

Altona beach and for that, the people of the western suburbs would be extremely grateful.

Locusts: control

Mr WALSH (Swan Hill) — My adjournment matter is for the attention of the Minister for Agriculture. The action I seek is to have appropriate funding for a locust control program this coming spring. Over the last month there have been swarms of plague locusts entering north-west Victoria and destroying vegetable crops, fodder crops and early-sowing canola, legumes and cereal crops, costing food producers in that area millions of dollars in lost production.

For the first time in many years, north-west Victoria has had good autumn rains, but grain growers have had to stop sowing this year's crop until the risk of locusts eating the emerging crops is gone. This latest sowing will have a yield penalty come harvest time because the optimum sowing time for the crops will be lost. The losses this autumn will pale into insignificance if the Brumby government does not adequately fund a control program in the spring. There have been massive egg lays right through the north-west on both private and public land, which will hatch in the spring and, if not controlled at hatching, will spread south and east into the rest of Victoria.

The Brumby government control program must first establish what quantities of chemical will be required. There is something between three months and four months lead time to actually import the technology and have the chemical manufactured here in Australia to make it available for use, so plans need to be made very quickly. Assistance is also needed to help farmers pay for the chemical because the cost of not stopping the locusts at hatching will mean that they will spread to the rest of the state. Most importantly, sufficient resources need to be made available to government departments to make sure that they spray public land, because if public land is not sprayed, what private land-holders do will be of far less value.

In the mallee there is something like 2.5 million hectares of private land and 1 million hectares of public land. The estimation of an agronomist who came to see me last week was that up to two-thirds of that land may need spraying in the spring. It will be a quite significant enterprise in its own right, which is why the farmers need support from the Brumby government.

To reduce the stress levels of those food producers in the north-west who are suffering through not knowing what the Brumby government plans to do as far as a

locust-control program in the spring, I ask that the minister put out a plan soon and make sure it has suitable funding. Making a decision in the spring, as has been done in the past — the minister has said, ‘We will confront these issues when we come to them’ — will be far too late because, as I said, there will not be enough chemical available in Australia and we will see locusts here in Melbourne because the work has not been done in north-west Victoria when it should have been.

Baxter Park, Frankston South: soccer pavilion

Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. It relates to a proposal to redevelop the Baxter Park soccer pavilion in my electorate of Frankston. The action I seek is that the minister consider the provision of funding assistance to allow the refurbishment of this pavilion to occur. Baxter Park is some 59 hectares in size and caters for a wide range of sporting activities and interests, including AFL, cricket, archery and equestrian. Importantly, it also hosts both junior and senior soccer clubs.

Frankston City Council undertook a master planning process for Baxter Park. The report which resulted has provided council, clubs and other decision-makers with evidence which has been directing development for Baxter Park. One of the key issues for soccer is the state of the pavilion at the park, and specifically the state of the changing room facilities there. To be blunt, they are simply not up to scratch and require refurbishment so that decent amenities are provided for both male and female participants in the game.

The popularity of soccer continues to grow throughout Victoria, particularly in the 14-to-17-year-old cohort. I understand soccer is now very close to netball in popularity amongst girls. However, the one thing that really limits female participation in soccer is the old and outdated facilities that were built in an era when boys and girls played quite different sports. What we have had as a consequence is the development of facilities with amenities suitable for one gender over another. As well as catering for both genders in terms of change facilities, a refurbished pavilion would also cater for additional social and community activities for the growing number of participants in soccer in the Frankston South, Baxter and other surrounding communities.

The Brumby government allocated \$5.7 million in the 2009–10 budget for the Strengthening the World Game funding program. Councils were invited to apply for grants of up to \$100 000 to improve facilities in light of

the soaring demand on existing community soccer facilities, which I have spoken about. With the announcement of this funding program, an excellent opportunity exists for the minister to approve some additional funding to make sure that this project at Baxter Park becomes a reality. This will allow young people from my electorate and surrounding areas to have the facilities they need and deserve to participate in a very popular and growing sport. I certainly encourage the minister to smile upon the funding application from the Strengthening the World Game funding program for soccer at Baxter Park.

Police: Mooroolbark

Mr HODGETT (Kilsyth) — I wish to raise a matter with the Minister for Police and Emergency Services. I draw the minister’s attention to the chronic shortage of police members at the Mooroolbark police station. The action I seek from the minister is that he urgently allocate additional resources to the Mooroolbark police station so that our policemen and policewomen are supported in the performance of their duties to make our streets safe. I will first state my extreme disappointment that the minister has failed to respond to my adjournment debate matter of 25 February in relation to police resources at the Croydon and Mooroolbark police stations. He does not care about the problems of antisocial behaviour and violence on our streets and he turns his back on support for the loyal, hardworking policemen and policewomen at Mooroolbark.

Information released from the Police Association of Victoria states:

There is a chronic shortage of police members in Mooroolbark.

On the roster ending 10 April, there were seven shifts in the fortnight that the patrol van was unable to be put on the road. Five of those were due to inadequate numbers for rostering.

This is not an unusual occurrence and on average he would see this happen four to five times a fortnight.

The current roster is 15 members down.

The morale is very low.

Three members are in the process of being transferred. Two are to leave on 10 May, with another to depart shortly thereafter.

Members are looking to move ... as they believe there are no opportunities at Mooroolbark.

Previously members had the opportunity to gain experience in the CIU, get out and about on foot patrols ... however, this is no longer the case.

Most of the work done is reactive policing. Foot patrols are a thing of the past and a large majority of van-shift time is spent catching up on the paperwork in the office.

The station should have 2 senior sergeants, 7 sergeants and 32 troops (leading senior constables, senior constables and constables). In reality, on an average roster, it has 2 senior sergeants, 5 sergeants and 19 troops.

It has been said that there is no-one on the list to come to Mooroolbark.

Members often go off sick as they are extremely tired and run down.

Mooroolbark frequently shares a van with Mount Evelyn, which further drains the resources in the area.

I urge the minister to support our policemen and policewomen at Mooroolbark in the performance of their policing duties. The Brumby government is failing dismally on community safety and law and order. The Premier has clearly lost touch with community concern about violent crime. He was forced to do a backflip on his mantra that Victoria is the safest state in Australia. His 'Me Too' Labor campaign copying the coalition's police announcement is more about pretending to address violence and ignores the fact that violence has escalated under Labor. Victorians no longer feel safe because not enough police are on the streets to protect them. I continue to stand up for my local community and demand that law and order be restored to keep our suburbs safe. The Premier stopped listening to the community long ago about community safety and law and order. He should do the right thing and allocate more police to Mooroolbark.

Geelong: Pako Festa

Mr TREZISE (Geelong) — I raise an issue tonight with the Minister Assisting the Premier on Multicultural Affairs. I am pleased to see that, once again, the minister is at the table. The issue I raise in tonight's adjournment debate relates to the ongoing funding and support for Pako Festa, a great community-based festival that annually celebrates Geelong's multicultural diversity. For the information of the house, over the last three years the Brumby government has provided a total of \$150 000 to this great festival. But this funding arrangement finished at this year's festival. Therefore the action I seek is for the minister to commit funding for future Pako Festas, including the 2011 festival.

Acting Speaker, as you are well aware because you are a visitor to our fair city on a regular basis, Geelong is very much a harmonious, multicultural community with more than 40 different ethnic communities calling Geelong their home. All these communities, whether

their members arrived sometime in the last 150 years or in the last couple of years, have contributed significantly to the tight-knit community Geelong is today.

Many of the communities participate in Diversitat in Geelong. Diversitat has evolved out of the former Geelong Migrant Resource Centre. Over more than two decades Diversitat has organised the Pako Festa, and I can assure members that in that time the festa has gone from strength to strength, as the minister is well and truly aware. It was only two years ago, from memory, that the minister had the pleasure of opening the Pako Festa. In recent years, in partnership with the City of Greater Geelong and the Brumby Labor government, Diversitat has grown the Pako Festa into a magnificent festival that attracts crowds of up to 100 000 people.

Over the Pako Festa, Pakington Street, Geelong West, comes alive with dance, food, costumes and traditions that emanate from over 40 communities in Geelong. It is a great festival that promotes and celebrates Geelong as a culturally diverse and harmonious community. It is a festival that is well worth supporting. Therefore I look forward to the Brumby Labor government's commitment to the Pako Festa and to Diversitat not only over 2011 but for many years to come.

Missing persons: asset management

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Attorney-General. The action I seek is for the minister to provide a mechanism or to intervene personally to resolve the problem associated with the assets of missing persons and family left behind struggling to manage the financial affairs. This is particularly relevant to those missing persons who have a mental illness. Currently family members of persons who go missing have to wait seven years to have the orders placed so they can manage the assets or resolve the estates. They do not have the capacity to transfer the assets or have these issues resolved.

I would like to outline to the house the story of a constituent who has recently made representations to me. I have provided the personal details of the person to the minister; I will not raise them here. The person's 38-year-old son with undiagnosed schizophrenia has gone missing. He has deliberately attempted to not provide details of where he has disappeared from, due to the circumstances relating to why he left. He has made finding him almost impossible: he has changed his bank details, cancelled his credit cards and set up new credit accounts. It appears he has no intention of being found.

The son left a house and property valued at about \$420 000, with a mortgage much less than that at \$150 000. Because of the rules the family cannot resolve the estate and has had to step in to pay the mortgage; otherwise the bank would most likely have foreclosed on the mortgage and the asset would have been left to disintegrate. Due to the situation, the family cannot get rent from the house or dispose of the asset within seven years.

The family would like to have a court-appointed public trustee manage the estate or the assets until the son is found or the seven years have expired. The situation is very traumatic and difficult for the family and is financially stressful for them to deal with. There are no direct beneficiaries. The mental illness was not diagnosed before the son left, and even though many members of the family reported their concerns to the police and medically, the son refused to have that addressed.

New South Wales has implemented laws concerning protected estates. I request that the Attorney-General investigate this case and take action to ensure that assets and estates of missing persons are properly managed and that families can resolve these problems in a timely and efficient manner.

Community organisations: funding

Mr CARLI (Brunswick) — The matter I wish to raise is for the Minister for Community Development. As the minister knows, my electorate is very rich in terms of its local community organisations, non-government organisations, sporting clubs and welfare and advocacy groups. They are a very important and, as I said, rich part of our local community. However, these organisations are increasingly having difficulties dealing with the challenges of changing times, especially in technologies; dealing with government and other agencies through technologies; and dealing with the demands of modern administration.

The Brumby Labor government has a very strong commitment to community organisations and has taken a series of actions. I am calling on the minister to provide some financial support for community groups to enable access to training and professional development so they can do things better and utilise information and communications technologies more effectively. Increasingly there is a demand on the part of government that organisations deal with it through information and communications technologies. While organisations may have computers, often they may not really know how best to utilise them. There is a need to

do things better, and that requires both the development of the use of technologies and having assistance, guides and information available.

This community sector is vital. A lot of the organisations are very small. The people in this sector need some financial support, not necessarily large amounts of money but targeted money that would assist them to better use what is available, to understand and use databases, to better use software and the internet and to optimise the way they work as organisations and as a sector. Obviously a lot of this is really about the sector's organisations working together more effectively.

If you look at an area like mine, you see there is a really rich array of organisations. Some of these organisations have been there historically, but as a result of rents being high in the inner city a lot of them have moved to Brunswick to establish themselves. We have become a major centre of community organisations, particularly community welfare organisations, health organisations and advocacy groups. It is a really strong sector in terms of its support in the community, but it clearly needs assistance from government to work more effectively and do things better, particularly in the use of technology. I am calling on the minister to find some financial support for these organisations.

Buses: Shepparton

Mrs POWELL (Shepparton) — I would like to raise a matter with the Minister for Public Transport. It concerns the state government's changes to bus service routes in Shepparton last year, which have negatively impacted on many of the residents. The action I seek is for the minister to contact the residents who made complaints to the former Minister for Public Transport and advise of any action to be taken in response to their complaints. I have to say there have been no complaints against Shepparton Transit, which is the company that provides the bus service.

On 13 August last year during the adjournment and by letter I raised the issue with the former Minister for Public Transport and then member for Altona, Lynne Kosky, outlining the complaints I had received and calling on the minister to conduct a review of the new bus routes. I had had numerous people coming into my electorate office on the issue and I had about 30 letters on it sent to my office.

Residents had bus stops placed directly outside or opposite their homes or outside their businesses — in one instance outside a church — without any consultation at all. The complaints I received were that

parking had been reduced, noise had increased, privacy had been invaded and traffic problems had increased. Some residents had bought homes because there were bus stops outside their homes or close by and in some cases those bus stops had been removed. One example was of a bus stop and shelter that were removed from a street with aged-care units. The bus stop had been there for 30 years, and it was removed without any notice.

I understand that some new bus services were welcomed, but people are still angry that there was no consultation with them. I have been advised by the current minister that the Department of Transport undertook an extensive consultation process prior to the implementation of the changes to the Shepparton bus network.

The former minister responded on 15 October 2009 saying the Department of Transport would monitor and review the patronage and operation of the new network over the final quarter of 2009 and that any appropriate adjustments would be made. I also had a commitment from the minister's transport adviser that the residents who contacted me would be consulted. I passed those letters on to the former minister, but at this stage only two residents have been contacted. The review should have been finalised by now; it has been nine months since my initial request for a review.

One of the letters I have received is from a person who had made a complaint and talked about the lack of consultation. It is from Mr Ivan Barber. It states:

As for the bus service in Sheehan Crescent, Shepparton, no-one in the street was notified that the bus service in the street would be stopped, or changed. The first that we knew about it was a Sunday morning, when workers removed all the bus stop signs. When no buses turned up Monday morning, we knew the route had been changed. Late Tuesday they did a letter drop in Sheehan Crescent with the bus routes and timetables.

This is not good enough. A number of people have made decisions on buying or renting houses close or not close to bus stops. I ask the minister to consult with the community before any further changes are made.

Health: homebirth pilot program

Mr PERERA (Cranbourne) — I wish to raise a matter with the Minister for Health. I call upon the minister to take action to visit and meet with the participants of the homebirth pilot program in an appropriate venue in the Casey Hospital catchment area in the lead-up to the launch of the program. Victorian families will have more birthing choices thanks to a \$400 000 Brumby Labor government pilot program offering midwife-led homebirths through Casey and

Sunshine hospitals. A very large number of young families are moving into the areas in the south-eastern corridor which are serviced by the Casey Hospital. It has one of the busiest maternity wards in Victoria. Cranbourne and the surrounding areas are very attractive to young first home buyers due to their moderate property values.

The Victorian pilot model has been established following consultation with consumer groups, maternity health professionals, leading maternity obstetricians and midwives. The expectation is that there will be around 50 homebirths in each of these pilot projects during the 12-month assessment period, which will begin early next year. It is important and appropriate to increase the awareness about the program across all participants, their loved ones and any other interested parties before it is launched in the Casey Hospital service area. I am absolutely positive that some prospective parents are keenly watching the progress of the program even if they are reluctant to put their hands up for the pilot. It will also draw on the experience of similar programs in Western Australia, South Australia, the Northern Territory and New South Wales which participating families may not be aware of.

The new pilot program will give Victorian families greater choice in maternity care and provide women with greater control of their birthing experience. Once the public homebirth program is evaluated, it may be more widely offered through the public health system. Until now the only option for women seeking a homebirth has been to engage a private midwife at their own expense. The midwives employed through the pilot program would be covered by their hospital's clinical governance. Almost \$400 000 has been allocated to Southern Health and Western Health to provide the pilot program.

Victorian women now have more options and choices in models of care, more continuity in care and carer, and more detailed information, enabling them to make more informed decisions regarding maternity care. These families participating in the pilot program are providing a great service and the minister's high-profile meeting would be an endorsement of that very task.

Responses

Ms D'AMBROSIO (Minister for Community Development) — I would like to thank the member for Brunswick for his support for community organisations in his electorate and his passion for the work that many community organisations in the not-for-profit sector do in contributing to the general wellbeing of our

community. The member raised with me the need for the government to support Victoria's community organisations as they struggle to overcome some very serious structural challenges, which include rapid population growth, demographic changes and the need to keep up with emerging technologies. They are all very real problems confronting community organisations. We are acutely aware of what those needs are and I am pleased to say that we have very solid ideas and actions to assist in addressing those issues.

The Brumby government understands the value of the community sector to the lives of Victorian families. We should not underestimate that. The community sector delivers many services on behalf of government and plays a very inclusive role in the community; it is a role that draws out individuals and families to become active participants in their communities. That all leads to a stronger community, a more resilient community and a healthier community.

The member for Brunswick named just a few examples of the kinds of organisations that many Victorians have come to rely on, from sporting clubs to community legal centres. These are just some of the areas where community organisations are able to interact with and be a calling point for many people in the community, without which many people in the community would be lost.

The Brumby Labor government has already committed \$13.87 million to strengthening Victoria's community organisations through the stronger community organisation action plan. This involved taking a series of actions designed to simplify and update legislation governing the not-for-profit community organisations, reducing the burden of compliance and reporting requirements and, as the member for Brunswick quite rightly said, dealing with the challenge of modern administration. In short, the aim of our action plan is to reduce the administrative burdens on our community organisations so that resources could be better utilised and corralled in, allowing them to do what those organisations do best, which is serve our communities.

Yesterday the Brumby government expanded this commitment, pledging a further \$2 million towards making Victoria's community organisations more efficient. This is in recognition of the fact that more needs to be done in the space. The member for Brunswick quite rightly has raised a matter which points to that very issue. As part of this new commitment I am pleased to say that the Brumby Labor government will, firstly, improve access to relevant training, professional development and legal assistance;

secondly, improve the uptake of contemporary information and communications technology (ICT) practices throughout the sector; thirdly, develop plain English guides to regulation, including up-to-date information on changes; and finally, provide grants directly to community organisations throughout the state to help them better use new information technology. By helping our community organisations adapt to rapid changes in the environment through rapid population change and changing demographics, we will certainly be able to build a more skilled sector with contemporary ICT capabilities and a greater capacity for innovative approaches to service delivery.

Victoria has a strong and vibrant community sector. This investment by the Brumby Labor government will ensure our community sector not only survives but flourishes into the future. I am sure that the member for Brunswick will be very pleased by yesterday's announcement and our continuing support for the actions we have committed ourselves to in order to assist community organisations do what they do best, and that is serve our community.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Frankston raised the matter of the Baxter Park Soccer Club and its seeking funds for a pavilion redevelopment. As the member for Frankston rightly pointed out, soccer is on the rise. It is a sport with a huge participation rate that has just gone through the roof over the last decade or so.

It is a challenge for local government and for the state government to keep up with the demand not only for pavilion redevelopments but also for soccer pitches, synthetic surfaces and the like. We have extraordinary growth at the elite level with the success of the A-League, the Socceroos and the Matildas and with the opening of the AAMI Park stadium, which will be home to Melbourne Victory and Melbourne Heart, but we see that growth most definitely in the grassroots.

An honourable member — And Storm.

Mr MERLINO — I am talking about soccer. It will be home for Melbourne Heart and Melbourne Victory for soccer, for Melbourne Storm for Rugby League and for Melbourne Rebels for Super 15 Rugby.

But tonight we are talking about soccer and the great challenge of meeting the demands of a huge increase in participation. As the member for Frankston rightly pointed out, the challenge is also in making sure that the facilities meet the demands of a huge increase particularly in girls participation. A number of projects that come across my desk are for not only more pitches

but more specifically around changing rooms that are appropriate for girls and women's participation in the sport.

We introduced the Strengthening the World Game funding program of just under \$6 million. As far as I know that is the first time there has been a soccer-specific funding program to join up with our usual community facilities funding program. I assure the member for Frankston that I will take into account his strong support for the Baxter Park redevelopment and take it into consideration when those projects come across my desk.

The member for Geelong raised the issue of funding for the wonderful Pako Festa. This year, as has happened every year the Pako Festa has been run, it was an enormous success. The theme of many faces was a wonderful way to describe the cultural diversity that characterises Geelong, Victoria and Australia. The Pako Festa is one of the oldest free celebrations of cultural diversity in Australia. It has a great heritage. Since 1983 the festa has attracted thousands of people from local communities, schools and businesses as well as professional performers, street traders and artists from all walks of life.

I had a great time at the Pako Festa. It was also wonderful for my family to attend the event. The festa is an initiative of the regional body Diversitat. Most recently the event was allocated \$50 000 per year as part of a three-year funding agreement by the Victorian government through the Victoria Multicultural Commission's community grants program. I can assure the member for Geelong and the broader Geelong community that the government, through the VMC, will continue to work with Diversitat to ensure that this terrific event will grow into an even bigger success in the future.

I look forward to finalising a further partnership arrangement between the government, Diversitat and the Geelong community for 2011 and beyond. I join with the member for Geelong in celebrating Geelong's wonderful cultural diversity.

I will ensure that all matters raised by members will be raised with the relevant ministers for their response and action.

The ACTING SPEAKER (Mr Nardella) —
Order! The house is now adjourned.

House adjourned 10.37 p.m.