PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 1 September 2010

(Extract from book 12)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

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

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

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

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

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

CONTENTS

WEDNESDAY, 1 SEPTEMBER 2010

CONTENTS

Wednesday, 1 September 2010

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

Mr McIntosh — On a point of order, Speaker, I note that yesterday you announced a vacancy as a result of the resignation of the member for Ivanhoe. In relation to by-elections the Speaker has an obligation under the Electoral Act to issue writs within one month, and certainly the practice in this house has been for it to be done at the first available time once a vacancy occurs and to make an announcement as to the issuing of a writ. Indeed the only exception to that was Pat McNamara, who made the announcement of his resignation in the chamber, and the Speaker then followed that up on the next day, but on the first sitting day after that there was an indication about the issuing of the writ and an indication of a by-election.

I was wondering, Speaker, whether or not you have any plans to issue a writ — obviously that is a statutory obligation — and as to the timetable that would be set out, including the closure of the rolls, the final nominations and the date of the by-election, in accordance with the Electoral Act.

Mr Hulls — On the point of order, Speaker, and I know you can speak for yourself on this matter, but just to correct the record, this matter is entirely at your discretion. Just in relation to precedent and to remind the member for Kew, because I am not sure whether he was around at the time, I recall a by-election that occurred some 89 days after a resignation and very late notification — the latest possible notification. From memory that was when the now Premier was seeking to come down to the seat of Broadmeadows and the then Premier and Speaker wanted to delay that for as long as possible. It is entirely a matter that is at the discretion of the Speaker. I thought I might remind the member for Kew that if he is going to quote a precedent he ought not be selective; he ought get it right.

The SPEAKER — Order! So all members are clear on this, the Electoral Act sets out that the Speaker must issue a writ within one month of the resignation. I intend to do that.

JUDICIAL COMMISSION OF VICTORIA BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to establish the Judicial Commission of Victoria and to amend the Children, Youth and Families Act 2005, the Constitution Act 1975, the Coroners Act 2008, the County Court Act 1958, the Magistrates' Court Act 1989, the Supreme Court Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998, to repeal the Judicial College of Victoria Act 2001 and for other purposes.

Read first time.

FIRE SERVICES COMMISSIONER BILL

Introduction and first reading

Mr CAMERON (Minister for Police and Emergency Services) introduced a bill for an act to establish the statutory position of the fire services commissioner and to make related amendments to the Emergency Management Act 1986, the Country Fire Authority Act 1958, the Forests Act 1958 and the Metropolitan Fire Brigades Act 1958 and for other purposes.

Read first time.

ROAD SAFETY AMENDMENT (HOON DRIVING) BILL

Introduction and first reading

For Mr PALLAS (Minister for Roads and Ports), Ms Morand introduced a bill for an act to amend the Road Safety Act 1986 to make further provision regarding the impoundment, immobilisation and forfeiture of motor vehicles, to amend the Melbourne City Link Act 1995 and for other purposes.

Read first time.

EDUCATION AND CARE SERVICES NATIONAL LAW BILL

Introduction and first reading

Ms MORAND (Minister for Children and Early Childhood Development) introduced a bill for an act to provide for a national law to regulate education and care services for children and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 1 to 4, 72 to 76, 123 to 125, 153, 154 and 219 to 237 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Public transport: myki ticketing system

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the allocation of free myki transport cards being held in reserve for use by Victorians over 60 years old.

The petitioners request that the Legislative Assembly resolves that the minister for transport directs the Transport Ticketing Authority to distribute the allocation of myki transport cards to their intended recipients, as promised and without delay, as the new ticketing system has now been activated across metropolitan trains, trams and buses.

By Mrs VICTORIA (Bayswater) (983 signatures).

Prostate cancer: screening

To the Legislative Assembly of Victoria:

The petition of we, the undersigned citizens of Victoria, draws the attention of the house, requesting assistance in our campaign to save the lives of up to 250 men in this state every year by putting in place a prostate screening program for all men over 50 for early detection of prostate cancer, similar to the breast screen campaign which is credited with saving the lives of a great number of women suffering from breast cancer.

The petitioners therefore request that the Legislative Assembly of Victoria immediately take the necessary steps to introduce prostate screening programs for men over 50 to aid in reducing the number of potential prostate victims.

By Mr NARDELLA (Melton) (6140 signatures).

Rail: Mildura line

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

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

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

1. the many undelivered promises;

2. the urgent need to promote public transport in a global warming context;

3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and

4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (12 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 NORTHE (Morwell) (20 signatures) and Mr WALSH (Swan Hill) (19 signatures).

Wimmera Highway, Rupanyup: speed limits

To the Legislative Assembly of Victoria:

This petition of the residents of Rupanyup and district draws to the attention of the house the existing 60-kilometres-per-hour speed limit for vehicles traversing the Wimmera Highway as it runs through the centre of the township of Rupanyup.

The petitioners believe that due to the prevalence of pedestrians and local traffic moving through the area the speed limit for vehicles travelling in this area should be reduced to 50 kilometres per hour.

The petitioners therefore request that the Legislative Assembly of Victoria require that VicRoads immediately

adjust the speed restriction for the section of the Wimmera Highway as it passes through the centre of Rupanyup to 50 kilometres per hour.

By Mr WALSH (Swan Hill) (158 signatures).

Tabled.

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

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

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

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

PARTNERSHIPS VICTORIA

Ararat prison project

Mr CAMERON (Minister for Corrections), by leave, presented project summary.

Tabled.

LAW REFORM COMMITTEE

Powers of attorney

Mr CLARK (Box Hill) presented report, together with appendices, extract from proceedings and transcripts of evidence.

Tabled.

Ordered that report, appendices and extract from proceedings be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Mr CARLI (Brunswick) presented *Alert Digest* No. 12 of 2010 on:

Bail Amendment Bill
Confiscation Amendment Bill
Education and Training Reform Amendment (Skills) Bill
Fair Trading Amendment (Australian Consumer Law) Bill
Firearms and Other Acts Amendment Bill
Juries Amendment (Reform) Bill
Justice Legislation Further Amendment Bill
Marine Safety Bill
Occupational Licensing National Law Bill
Personal Property Securities (Statute Law Revision and Implementation) Bill
Primary Industries Legislation Amendment Bill
Private Security Amendment Bill
Residential Tenancies Amendment Bill
Road Legislation Miscellaneous Amendments Bill

together with appendices.

Tabled.

Ordered to be printed.

EDUCATION AND TRAINING COMMITTEE

Administration of the federal government's Building the Education Revolution program in Victoria

Mr KOTSIRAS (Bulleen) presented interim report, together with appendices.

Tabled.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Public Finance and Accountability Bill — further considerations

Mr STENSHOLT (Burwood) presented report, together with appendices, extracts from proceedings and transcripts of evidence.

Tabled.

Ordered to be printed.

ROAD SAFETY COMMITTEE

Federal-state road funding arrangements

Mr EREN (Lara) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

RURAL AND REGIONAL COMMITTEE

Positioning the Wimmera–Mallee pipeline region to capitalise on new economic development opportunities

Mr NARDELLA (Melton) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Business Continuity Management in Local Government — Ordered to be printed

Public Hospitals: Interim Results of the 2009–10 Audits — Ordered to be printed

Sustainable Farm Families Program — Ordered to be printed

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Darling Gardens Reserve

Orders under s 17D granting leases over:

Esplanade Public Park Reserve

Lorne Foreshore Reserve

Sandringham Beach Park Reserve

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the Report 2009–10 of the Victorian Broiler Industry Negotiation Committee

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Ombudsman, Office of — Report 2009–10 — Part II — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Environmental and Natural Resources Committee's Report on the Inquiry into Approval Processes for Renewable Energy Projects in Victoria

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

Banyule — C67, C74

Bass Coast — C88, C101

Cardinia — C143, C144

Casey — C116, C135, C138

Frankston — C38

French Island and Sandstone Island — C4

Glen Eira — C68, C73

Greater Geelong — C60, C159, C178, C201, C227, C229

Hume — C125, C127, C131, C140

Melbourne — C166

Melton — C71, C83, C102

Monash — C101

Moonee Valley — C94

Moorabool — C56

Moreland — C116

Mount Alexander — C43

Stonnington — C91, C101, C103

Surf Coast — C48, C62

Whitehorse — C117

Whittlesea — C109

Wyndham — C78, C132, C136, C138, C139

Professional Standards Act 2003 — The New South Wales Bar Association Scheme under s 14 *(Gazette G33, 19 August 2010)*

Statutory Rules under the following Acts:

Assisted Reproductive Treatment Act 2008 — SR 74

Cemeteries and Crematoria Act 2003 — SR 75

Health Services Act 1988 — SR 76

Non-Emergency Patient Transport Act 2003 — SR 78

Public Health and Wellbeing Act 2008 — SR 79

Residential Tenancies Act 1997 — SR 77

Road Safety Act 1986 — SR 80

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 46, 71, 72, 74, 75, 76, 77, 78, 79, 80

Water Act 1989:

Abolition of King Parrot Creek Catchment Water Supply Protection Area Order 2010

Abolition of Yea River Catchment Water Supply Protection Area Order 2010.

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

Control of Weapons Amendment Act 2010 — Whole Act (other than sections 6 and 22) — 22 August 2010; Section 6 — 1 January 2011 *(Gazette G33, 19 August 2010)*

Electoral Amendment (Electoral Participation) Act 2010 — Whole Act — 20 August 2010 *(Gazette G33, 19 August 2010)*

Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009 — Whole Act — 20 August 2010 — *(Gazette G33, 19 August 2010)*

Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — Sections 9, 10, 11, 12, 13, 16, 17 and 18 — 21 August 2010 — *(Gazette G33, 19 August 2010)*

Pharmacy Regulation Act 2010 — Whole Act (except Division 2 of Part 8) — 24 August 2010 *(Gazette G32, 12 August 2010).*

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered next day.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

BAIL AMENDMENT BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HULLS (Attorney-General).

PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HULLS (Attorney-General).

SUBORDINATE LEGISLATION AMENDMENT BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr BRUMBY (Premier).

ROYAL ASSENT

Messages read advising royal assent to:

17 August

Domestic Animals Amendment (Dangerous Dogs) Bill
Transport Legislation Amendment (Ports Integration) Bill

24 August

Associations Incorporation Amendment Bill
Civil Procedure Bill
Primary Industries Legislation Amendment Bill
Supported Residential Services (Private Proprietors) Bill
Water Amendment (Victorian Environmental Water Holder) Bill
Working with Children Amendment Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Confiscation Amendment Bill
Fair Trading Amendment (Australian Consumer Law) Bill
Justice Legislation Further Amendment Bill
Marine Safety Bill
Occupational Licensing National Law Bill
Residential Tenancies Amendment Bill.

BUSINESS OF THE HOUSE

Program

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

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

Confiscation Amendment Bill

Education and Training Reform Amendment (Skills) Bill

Justice Legislation Further Amendment Bill

Marine Safety Bill

Occupational Licensing National Law Bill

Residential Tenancies Amendment Bill

We are bringing the government business program to the Assembly this week on a Wednesday, which is a most unusual occurrence. Obviously it follows the condolence motion for the late Jim Kennan yesterday and the subsequent decision by the house to adjourn for the remainder of the day. This has consequences for the amount of legislation the government would like to deal with this parliamentary week. As members would notice from notice paper 181 we had expected to deal with probably some nine bills this week, but given the time spent yesterday delivering condolence speeches and then paying respects, it is not possible to complete that number of bills. Accordingly the government has brought forward a reduced list of six items that will constitute the government business program this parliamentary week.

To meet that timetable I have already indicated to the opposition that we will go on the adjournment today at 11.30 p.m. and on Thursday at the normal scheduled time of 4.00 p.m. That should give us sufficient time to deal with the government business program. I have also indicated to the opposition that in light of the reduced number of hours available this week for government business and second-reading debates we will do our second-reading speeches after 4.00 p.m. on Thursday and may or may not also consider those amendments that have come from the upper house.

Undertaking that course of action, dealing with the amendments and the second readings after 4.00 p.m. on Thursday, will maximise the time available for the second-reading debates. Tomorrow when we have started debating these bills the government is happy to come back and cooperate with the opposition as to which bills we will spend more time debating and to establish the priority of the bills during this week. In recognition of those realities I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition does not oppose the government business program, of which the Leader of the House has advised me privately. Most importantly he indicated that we will be sitting until after 11.30 p.m. tonight and that tomorrow the second-reading speeches will not commence until after the usual 4 o'clock cut-off time, up to when government business can be put to the house. While that will certainly add some time and increase opportunities for members to speak, I note that a similar undertaking was provided last sitting week — and largely adhered to, so there is no quibble about that — and even with the additional time provided not every member had the opportunity to speak on the bills they wanted to speak on. The government gave us an opportunity to come back to the bills in which there was a deal of interest, and that was provided but not in relation to all the bills on which opposition members still wished to speak. Having said that, as I said, the opposition does not oppose the government business program.

Mr BROOKS (Bundoora) — In support of the government business program, I think it was appropriate that the house adjourned yesterday following the condolence motion. This has left us two full days in which to debate the important bills on the program. As the manager of government business has mentioned, the number of bills the government wishes to pass through the house has been reduced. Arrangements are also in place for second-reading speeches to be delivered after 4.00 p.m. on Thursday. It is an orderly and appropriate program, and I commend it to the house.

Mr DELAHUNTY (Lowan) — Firstly I congratulate the member for Bundoora on becoming a

fellow whip, having been appointed Government Whip yesterday.

The Nationals are not opposed to the government business program. We had already been notified of the six bills on the government business program, and there are also four bills coming back from the Legislative Council with amendments. We are pleased to see that the second-reading speeches will be delivered after 4.00 p.m. tomorrow, but I have to say that in the last sitting week many of our members did not get an opportunity to speak.

Mr INGRAM (Gippsland East) — I would like to make a brief contribution on the government business program. This week is a truncated week, and there is a significant amount of legislation on the government business program. In weeks like this when we only have two days to debate bills it is extremely difficult for members to make reasonable contributions to debates on bills before the house, so it is essential that everyone operates within that framework. This will ensure that members will have the opportunity to put on record the implications of bills that are important to them and their constituencies.

I would like the opportunity to speak on a number of bills. It is important that there is some commitment from the government to ensure that members are given the opportunity to make contributions to debates on bills, particularly when we have a limited amount of time to make those contributions. I trust that both sides of politics agree to give me the opportunity to make contributions on those bills I wish to speak on. I hope the debates will not be adjourned and that the government will not guillotine debate on these bills at 4 o'clock on Thursday. With the goodwill of the house the legislation before us can be dealt with, but because some of the bills have wide-ranging impacts on our communities it is essential that we get the opportunity to present those views.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution on the government business program. As has been stated, those of us on this side of the house are not opposing the government business program for this sitting week. The late sitting tonight and agreement on the way business will be conducted on Thursday, with consideration of the amendments from the upper house and the second-reading speeches to take place after the 4.00 p.m. guillotine, should allow ample time to deal with the bills on the program this week. I note that item 12 on the notice paper — that is, consideration of the Council's amendments to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006 — has moved to the front page.

Honourable members interjecting.

Mr HODGETT — Yes, there is still time. I remind the Leader of the House that there is still time to consider this item in the next two sitting weeks. Perhaps the new Government Whip could twist the arm of the Leader of the House and get him to look at considering that item in the program for the remaining sitting weeks of the 56th Parliament.

Motion agreed to.

MEMBERS STATEMENTS

The DEPUTY SPEAKER — Order! Prior to calling for members to make statements I want to let everybody in the chamber know, particularly those making statements, that we have a network problem and the clocks at both ends of the chamber are frozen. Members will not have the opportunity to know that the end of their 90 seconds is rapidly approaching. However, the Chair will know when the end of that time is approaching, and I will stop members at the end of their 90 seconds. I am watching the computer on the clerks table, and we are able to time members. I am sorry about this, but we have a network problem which is being attended to as quickly as possible. I hope members have worked out their statements to be 90 seconds long, because I will stop them at the end of that time.

City of Wyndham: transport forum

Mr PALLAS (Minister for Roads and Ports) — The Wyndham transport forum was recently hosted by Wyndham City Council and attended by representatives of the Victorian government. Hundreds of community members came along wanting to learn more about government plans for the Wyndham area, to have their say and to ask questions about local arterial roads and public transport issues. It was an opportunity for me to present the range of work which is currently under way and which the Brumby government has funded and committed to, which amounts to $38 billion under the Victorian transport plan. It displays a sustained and long-term commitment to address growth and congestion in our western suburbs. Over a third of the $38 billion Victorian transport plan will directly support the needs of the growing western suburbs.

Issues raised by residents included congestion at Werribee and Cottrell streets, bus services and public transport access, and upgrades to Wyndham's major roads. Some of the issues raised have already been acted upon, such as the $5 million Duncans Road

run-off road safety project. VicRoads took residents' concerns on board, making adjustments to the barrier locations. Congestion along Derrimut Road and Leakes Road created by poor signal phasing will be reviewed by VicRoads and Wyndham City Council, who will look at the operation of the traffic signal phasing as well as access for the Country Fire Authority. I will continue to follow up on issues raised by the community to ensure that infrastructure needs are being met for our growing community.

I thank the representatives from VicRoads, the Department of Transport and Wyndham City Council. Residents' questions were answered, and I specifically want to thank local residents who took the time to attend and raise issues. Their concerns are valued and certainly will be listened to and acted on.

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

Roads: western Victoria

Mr DELAHUNTY (Lowan) — The Brumby government again stands condemned for allowing major deterioration to state roads such as the Glenelg, Henty, Western and Wimmera highways and the Portland-Casterton Road, where only last week a truck jackknifed on the notorious Bells Hill.

Newspapers across western Victoria, local government mayors, motorists and trucking companies like Karingal, Vickery Bros and Phil Pullen and Co. are saying these roads are disgusting, absolutely appalling, badly neglected and an absolute disgrace. One trucking director said a B-double costs about $17 000 to register and they pay many more dollars in fuel taxes, but they get little in return. These roads are their workplace and they want them to be safe.

I am aware from firsthand experience that there has been a significant deterioration of many B-class and C-class roads in western Victoria. An example is a 30-kilometre section of the Glenelg Highway where there are 39 signs warning of rough surfaces, loose stones, slippery surfaces, soft edges and speed reduction to 80 or even 60 kilometres an hour. Many of these roads need reconstruction much more than maintenance. One motorist has said that you could probably get out there with your own pick and shovel and do a better job than these patch-up jobs the government is doing.

Our country roads must be maintained for safe and efficient freight and community transport. I call on the Brumby government, as a matter of public safety, to repair our country roads, for we all know that if you fix country roads, you save country lives.

Chinese Writers Festival

Ms MORAND (Minister for Children and Early Childhood Development) — I was very pleased to attend the Chinese Writers Festival on the weekend at the Xin Jin Shan Chinese library in Mount Waverley. The Xin Jin Shan Chinese library opened in March last year and is an important cultural centre for the local Chinese community and for the broader community to further understand and appreciate Chinese language and culture.

Now in its second year, the Chinese Writers Festival was very well attended, with over 100 people participating. It was attended by a number of interstate writers as well as two writers visiting from China. The event was addressed by Mr Shen Weilian, Consul General of the People's Republic of China. I would like to acknowledge Mr Wah Yeoh, the chair of the Chinese Writers Association organising committee.

Indian Senior Citizens Association

Ms MORAND — Also on the weekend I had great pleasure to attend the Indian Senior Citizens Association multicultural day, which is an annual event held at the youth centre in Mount Waverley. The Indian Senior Citizens Association does a great job in organising support for the seniors in the Indian community. It was a great event with lots of singing, dancing and different cultural performances — and of course great Indian food.

I would like to acknowledge Mr Suresh Sharma, Prem Phakey and the committee members of the Indian Senior Citizens Association, and I congratulate the organisation on their strong support for multiculturalism in our community.

Australian Chinese News: 15th anniversary

Ms MORAND — Finally I congratulate the *Australian Chinese News* on its 15th anniversary. Since its founding in 1995, *Australian Chinese News* has grown to become a popular and well-respected publication.

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

Public transport: myki ticketing system

Mrs FYFFE (Evelyn) — I was contacted by an elderly constituent in Lilydale in relation to yet another

example of the incompetent implementation of the myki public transport ticketing system. Mrs Burrows, a frequent user of the Telebus service, and many others are annoyed that commuters who do not have internet access and do not want to pay by credit card over the phone have to make a special trip to Lilydale railway station to top up on the myki top-up machine to ensure their cards remain valid. This is a further bungle by the Brumby government. It arrogantly assumes that everyone has a home computer. If you are an aged or single pensioner in Victoria and are paying for this government's incompetence, you cannot afford to eat, let alone own a computer.

Rail: Lilydale station

Mrs FYFFE — To give another example of the arrogance of this government, I wrote to the Minister for Public Transport regarding poor lighting at Lilydale station on behalf of a constituent who said it was an issue of security as well as of personal safety. The minister responded on 21 June saying that the lighting was below standard and that it would be rectified. The constituent called the minister's office to ask what was happening and what progress was being made — that was on Monday — and was told it could take up to 12 months to be rectified. The constituent told the employee who answered that this was not good enough, especially in an election year. The minister's employee said that it did not matter to him who she voted for and that it would happen when it happened.

Dental services: waiting lists

Mrs FYFFE — Another issue we have in the Yarra Valley is the waiting lists for dental services. There is currently a waiting list of about 22 months for non-urgent cases and even longer for anyone needing dentures. It is desirable that people have good teeth and not simply for cosmetic reasons. Without strong, healthy teeth individuals are severely restricted in the kind of foods they can consume.

Country Fire Authority: Macclesfield brigade

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — On Sunday, 22 August, I had the pleasure of joining the Minister for Police and Emergency Services at a very special celebration for the Macclesfield Country Fire Authority brigade and the local community. The minister officially opened the new $487 500 fire station and handed over a new $120 000 ultralight tanker. This is a major boost for the region. The impressive new facility will ensure that Macclesfield is fully equipped to deal with fires and incidents in the local community, while it will also support major firefighting efforts in the region. With the next fire season not far away the timing could hardly be better.

The station features improved meeting and training facilities and the new ultralight tanker will substantially increase the brigade's operational capacity. The station includes accommodation for the new tanker, the 3.4D heavy tanker and the 1.4 tanker, brigade equipment, accommodation and administration areas, as well as meeting and training facilities. Congratulations to Sharon Merritt, the Macclesfield fire brigade captain, and all the members of the brigade, who have worked so hard to achieve this outstanding result.

The Basin: community hub

Mr MERLINO — On another matter, I recently announced the go-ahead to a planning and feasibility study for a new community hub at the Basin. With $60 000 provided by the Brumby government and in partnership with the City of Knox, the Basin Primary School and the Basin neighbourhood house, work will now commence on developing the concept. Just like the Monbulk community hub, which is almost completed, the potential of this exciting project is immense. It may include, for example, co-location of the neighbourhood house, preschool and other children's services, library services, maternal and child health services, sport and recreation facilities, arts and other community interests. Planning for the community hub will involve consultation with the school and broader community to determine the feasibility of integrating — —

The DEPUTY SPEAKER — Order! The member's time has expired — and the clocks have frozen again.

Schools: ultranet

Mr DIXON (Nepean) — What a farce the ultranet school closure day turned out to be. It was equalled only by the minister's spin in trying to convince the public that only a few schools were having problems logging on to the ultranet. The truth was that the system crashed for all teachers in all schools from early morning. What is more damning is the fact that most people with knowledge of the system knew it was going to happen. To their credit, many schools had prepared alternative programs in the knowledge that the ultranet would not cope on the day. In fact a leaked departmental email indicated that the department knew the system would not cope with a mass log-on. The minister was warned but did not listen. The glory and publicity of the event were more important to her than

any learning that might take place. To add to the farce and the spin an article was printed in the *Shine* magazine extolling the great success of the school closure day and how it was a great launching pad for the ultranet. In true Soviet style, the article was written and even published before the event.

Many principals commented to me that their big day out on the same day was a wasted opportunity; it was more about entertainment and stunts than education and information. Principals said they would rather have spent the day with their staff. After the ultranet failed, schools that moved to an organised plan B found that to be very productive. Many commented that it was better to have a curriculum day during the year, as it was far more relevant to their needs than having three days in a row at the start of the year.

State Emergency Service: Craigieburn unit

Ms BEATTIE (Yuroke) — I rise to congratulate the Craigieburn unit of the State Emergency Service on the success of its 2010 annual dinner, which I attended as an honorary member of the unit, on Saturday, 14 August. I have had the pleasure of meeting with the unit and its volunteers on many occasions, including in May to hand over the keys to a new rescue truck. On the evening of the dinner it was my great honour to propose a toast to the members and the success of the unit over the last 12 months.

I take this opportunity to congratulate the major award winners for the evening. The Brian Rickard Encouragement Trophy was awarded to John Williams; the Haydn Gregson Leadership Award was awarded to Martin Ledwich; the Controllers Award was presented to Naomi Bortolin; and the members award was presented to Robert Reid. They are all very worthy recipients. It was a terrific evening shared with friends, and I congratulate all the volunteers of this unit on their achievements and wish them well for the future as they continue to strive to be the best unit of the State Emergency Service in Victoria. It was also a fitting tribute to their dedication that when a tree fell across Somerton Road on the night of the annual dinner, several of the members left to attend to the problem and then came back to the dinner to continue celebrating.

Specialist schools: student transport

Mr R. SMITH (Warrandyte) — I rise today on behalf of one of my constituents, Fiona-Jane Cardona, and of other parents like her whose special-needs and disabled children endure unacceptable travel times on their school buses each day. Mrs Cardona's son can spend over 4 hours a day on his school bus as he travels from his Warrandyte home to Burwood East Special Developmental School.

Unfortunately his is not an isolated case. Many children in these circumstances are forced to spend extended and unacceptable periods each day on buses travelling to and from their specialist schools. On these buses students are generally not permitted to eat or drink and are unable to take toilet breaks. This extended travel time results in students often arriving at school feeling fatigued and in a substantially less than ideal frame of mind to begin the school day. Early morning pick-ups — around 7.00 a.m. in some cases — place further pressure on parents, who are required to begin getting their children ready for school as early as 6.00 a.m. because of the additional time needed to prepare them.

A review commissioned by the Department of Education and Early Childhood Development into the issues surrounding specialist schools was given to the government over two years ago. It is a review that the government sought to keep hidden, but the coalition was able to make it public using freedom of information legislation. The review made it clear that the issue of transportation of students to specialist schools was one that needed to be urgently addressed — a recommendation that the Brumby government has refused to implement.

Parents of disabled children already face a number of challenges without having to worry about how their children are going to get to school. In order to relieve the pressure that the current situation is placing on families it is vitally important that an adequate and accommodating transport arrangement is found as a matter of urgency.

Union Street, Northcote: paver project

Ms RICHARDSON (Northcote) — Should you go for a stroll along Union Street between the Westgarth shops and the Merri railway station, you will see several surprising things. Not only will you see that the nature strips on either side of Union Street have been landscaped, mulched and planted but you will also see many beautiful pavers artfully decorated with mosaic designs. On Saturday, 31 July, I had the pleasure of attending the official function to celebrate the completion of the first stage of the project. Over 50 people joined with me to recognise the great work of the residents who made the pavers.

The idea began with K. A. Williams who, frustrated with the space limitations of her own garden, extended her passion out onto the footpath. Inspired by her

enthusiasm, neighbours decided that the whole street could be enlivened by colourful pavers linking the street to the footpath. Children and parents got involved in the 'smash and bang' sessions, breaking up tiles to be transformed into mosaic versions of their favourite animal, plant or object. Walkers and passers-by wanted to become involved, and soon others in the street joined in. By the time of the celebration over 20 pavers had been laid out for everyone to see.

Thanks must go to K. A. Williams and Gabby Dalsasso for their foresight and organisational skills in bringing the ideas to fruition. Their efforts were supported by Libby Taheny and Chucky Cunningham, along with many residents of the street, including children. Phase 2 of the project will be led by Meg Montague. Support has come from local businesses including YPA Real Estate, Westgarth Fish and Chips and the Westgarth Book Store.

The Union Street paver project is a wonderful example of a community getting together to improve their streetscape and build even stronger links between neighbours. The residents of Union Street have set a wonderful example for us all, and I hope to do all I can to ensure that their inspirational ideas spread.

Bairnsdale Secondary College: redevelopment

Mr INGRAM (Gippsland East) — I raise the matter of an important education project in my electorate. The redevelopment of the Bairnsdale Secondary College is part of the Bairnsdale education hub, which is a regeneration project. It is an incredibly important project for Gippsland and Gippsland East.

Bairnsdale Secondary College is one of the larger secondary colleges in the region. It caters to students from a very large catchment area and provides quality public education, albeit in very substandard facilities. The college has recently moved to stage 3 of the Building Futures program. It has taken a long while to move to the architectural design and costing phase, which is important for the school.

The school community has been incredibly patient, dealing with many challenges over a number of decades. It is one of the old split campuses: an amalgamation of a secondary college and an old technical school. I call on both sides of politics to fund this important school project as part of their election policy commitments. There are two essential school projects in my electorate: Bairnsdale Secondary College is one, and the other is the Toorloo Arm Primary School.

I was principal for a day at Bairnsdale Secondary College last week, and I had the pleasure of doing many activities, including visiting the new science building, which is partially completed, and that is a very important project as part of this school redevelopment.

Emerald Primary School: principal for a day

Ms LOBATO (Gembrook) — I would like to thank Emerald Primary School and principal Mark Carver for allowing me the opportunity to be principal for a day last week. I enjoyed the community walk I undertook with Mr J. and the grade 3 and 4 students, presenting the championship shield to the grade 5 and 6 girls footy team, conducting yard duty at recess and participating in birthday celebrations in the staffroom. I especially enjoyed reading my children's favourite stories to prep, grade 1 and 2 students and speaking to grade 3, 4 and 5 students about environmental issues such as deforestation and the need for renewable energy, as is being demonstrated by Emerald Primary School with its use of solar power and its wind turbine.

Upper Yarra Secondary College: funding

Ms LOBATO — Also, congratulations again to Upper Yarra Secondary College for its inclusion in the Building Futures program. I met with the school council last week to celebrate the start of the school's master planning process, which signals the start of its very bright future.

Edrington Park Retirement Village: anniversary

Ms LOBATO — Thank you also to Edrington Park Retirement Village for inviting me to speak at its very special celebration of Edrington manor, which turned 105. Congratulations to the management and residents of this most unique and historically significant village and in particular to the Edrington History Research Group, which was established to research and preserve the heritage of Edrington Park. It was lovely to join residents, their families and interested visitors at the manor garden party on the weekend to raise awareness more broadly of this most special Berwick heritage property.

Australian Labor Party: Mildura electorate candidate

Mr CRISP (Mildura) — The ALP has selected a candidate for the seat of Mildura for the coming election. Labor was happy to announce its candidate, yet as soon as the first testing issue arose the candidate

was hidden out of sight with the words 'selected but not endorsed'.

Mildura is currently debating a casino proposal which the proponent, Don Carazza, claims has strong support from the Premier. In the *Sunraysia Daily* of 11 August Mr Carazza claimed, 'Mr Brumby is ready to go. He says so', yet Mr Brumby's representative at the coming election is silent on this vital community issue, choosing to hide behind the Labor branch president. If Mr Brumby is ready to go and to grant a casino licence for the planned 'Mildura Jewel Casino', as Mr Carazza states, then so must the Labor candidate be. It is high time Alison Cupper spoke up on the casino project, or is the community to interpret her silence as endorsement of the project? Does Ms Cupper share the Premier's reported ready-to-go attitude on the casino and 200 more poker machines in Mildura?

Ouyen: Great Australian Vanilla Slice Triumph

Mr CRISP — On another issue, the Great Australian Vanilla Slice Triumph will be held in Ouyen on Friday, 3 September. This is Ouyen's big day out and is a credit to the town. Ouyen is a vibrant community that has distinguished itself in the Mallee not just for its vanilla slices but for so much more, including its ability to withstand the drought and come through as a strong community.

Bushfires: Clonbinane arts project

Mr HARDMAN (Seymour) — On Black Saturday 2009 around 20 Clonbinane teenagers were caught in the fires and fighting for their lives. The community and local recovery committee has recognised that the ongoing trauma of these young people needs to be publicly acknowledged and has developed a project called Metal V's Glass to aid in their healing. The young people will attend workshops to complete story book seats and fused glass panels which will be installed at the proposed Clonbinane community hall in order to achieve that aim. This project was steered by Emma and James McDowell in conjunction with teenage friends and the YMCA holiday activities program. It is great to see local communities working with the Victorian Bushfire Reconstruction and Recovery Authority, the Mitchell shire, Berry Street Victoria, local sculptors Steve Wolfe and Marina Villani, and the Clonbinane community advisory group to make this very important project happen.

Bushfires: Kinglake musical

Mr HARDMAN — On the weekend Kinglake locals put on a musical written by Ross Buchanan called *Pay Dirt*, directed and performed by locals at Kinglake village. Based on the early gold rush days on the mountain, the play sent up the current environment the locals live in each day while telling the story of the community's history through songs and dance. They are now seeking sponsors to take the play on the road to other bushfire-affected communities. I commend those communities in the Seymour electorate that have been impacted by the fires on their determination to recover, demonstrated in the organising of many and varied events, projects and activities to assist in recovery locally.

Bushfires: Yea markets

Mr HARDMAN — Another example is in Yea. This weekend and on the first Saturday of every month markets will be put together to enable local businesses impacted by the fires to sell their wares.

Peninsula Link: environmental impact

Mr MORRIS (Mornington) — In May in this house, and later through correspondence to the Minister for Roads and Ports, I have repeatedly urged the government to take a more responsible approach to the construction of Peninsula Link. While I have had zero response to my comments in Parliament, I have now received, belatedly, a response not from the minister but from his chief of staff. The response confirms that the government is not prepared to implement the recommendations of the environment effects statement and is not prepared to minimise the impact on this endangered bioregion. There is a clear design solution, but the minister is not prepared to insist on it because, in his words it 'would not result in a significant saving of vegetation at Westerfield'. This is typical of a government that is all talk and no action on real environmental concerns.

Mount Martha: beach protection

Mr MORRIS — On another matter of environmental concern, the government was last year dragged kicking and screaming to undertake coastal protection works at Mount Martha Beach North. The government committed to relocating 15 000 cubic metres of sand from Mount Martha Beach South and to undertaking cliff stabilisation works, including a sandbag wall and safety fence, and erected signs advertising its intent. What has been done? Less than two-thirds of the sand has been moved, and none of the

cliff protection works have been undertaken. What is the outcome? Zero. The sand has gone and the water is again up against the cliff. It is clear that the government's plan has completely failed and we are back where we started five years ago. There is a very real danger of further cliff collapse. The Minister for Environment and Climate Change must act now to ensure that effective protection works are undertaken before the coming beach season.

Kingston District Scouts

Ms MUNT (Mordialloc) — Last night it was my pleasure to attend the Kingston District Scouts annual general meeting. Kingston District Scouts have given almost 100 years of service to our local youth. They were set up in 1914, only six years after the official beginning of the scout movement in 1908. Since 1908 scouting has survived two world wars, sweeping social events and many other challenges in an ever-changing world to become stronger than ever. The scout movement has done this by placing the needs of young people first in a program that can adapt to change.

The scouting movement in Kingston grew 6 per cent in 2007, 9 per cent in 2008 and a whopping 14 per cent last year. This growth and resilience is a tribute to the involvement and dedication of our local volunteers. Scouts run activities 12 months a year come hail, rain or shine, and each scout leader gives an average of 6 hours of their week, 52 weeks a year, to the scouting movement.

Last night I was privileged to witness the presentation of awards to volunteers who have given up to 30 years of service to the youth of our community. Scouting caters for youths from ages 6 to 26 and is inclusive of all, including those with intellectual and/or physical disabilities. On behalf of our community, I extend my thanks and appreciation for almost 100 years of wonderful service — thank you, Kingston scouts!

Adoption: process

Mr WAKELING (Ferntree Gully) — I recently met with a resident who expressed her deep concern about the manner in which the government handles the adoption process in this state. The constituent raised a specific concern about the requirement to resubmit extensive paperwork that has been provided on previous occasions. She feels further frustrated because her chances of adopting a child seem increasingly unlikely. Raising a child is a dream of many Victorians, and I call upon the Brumby government to work with Victorian families on this important issue.

Ferntree Gully electorate: sportsground drought proofing

Mr WAKELING — The harvesting of stormwater and the conversion of sporting facilities to warm-season grasses are proven measures to drought proof our sporting facilities. Sporting grounds such as those in my electorate at Eildon Park, Lakesfield Reserve, Pickett Reserve, H. V. Jones Reserve, Windermere Reserve, Dobson Park, Liberty Reserve, Fairpark Reserve and the Seebeck Oval would all benefit from a financial investment by the Brumby government.

Schools: Ferntree Gully electorate

Mr WAKELING — I recently had the pleasure of hosting a luncheon for the student leaders from various primary schools in my electorate. This was a fantastic afternoon spent with some young people who may well be future leaders in our society.

Ferntree Gully North Primary School: principal for a day

Mr WAKELING — Finally, last week I had the privilege of being a principal for a day at Ferntree Gully North Primary School. It was a fantastic occasion. I had the opportunity to speak to many fine students about the outcomes of the federal election. I pay tribute to the staff and the students, and to principal, Stuart Edwards.

Our Lady of the Sacred Heart College, Bentleigh: *HMS Pinafore*

Mr HUDSON (Bentleigh) — Last week I had the pleasure of attending a performance of *HMS Pinafore* by Our Lady of the Sacred Heart College in Bentleigh. *HMS Pinafore* is a Gilbert and Sullivan classic, with biting observations on love, social class and unqualified people being elevated to positions of authority. The college put together a fabulous production with a sumptuous set, colourful costumes and strong performances from the whole cast. Sarah Ferris gave a wonderfully eccentric performance as Sir Joseph Porter, First Lord of the Admiralty, and impressed with her contemporary interpretation of the role. She was ably supported by tremendous performances from Annie Mirabile as Captain Corcoran, Stephanie Oswald as Ralph Rackstraw, Christina Cafasso as Dick Deadeye and Marisa Cafasso as the boatswain. Jemma Williams delivered a memorable rendition of Hebe; and Aleksandra Mazurek as Josephine and Isabelle Paraskevopoulos as Buttercup also produced expressive performances.

They were ably supported by a strong cast of sailors and the First Lord's sisters, cousins and aunts. Together they delivered several fabulous dance routines full of energy and comic effect with excellent choreography by Tasha Esteves. Special thanks should go to the director and producer, Mrs Michelle Fenton; to the assistant director, Mrs Kristie Bertschik; to the musical director, Mrs Frances O'Neill; and to the musicians, Ms Elena Polevaya, Natasha Pinto, Miss Kellie Watson and Chloe Lewis. However, the whole production was a huge team effort involving over 120 people. Congratulations to the students at Our Lady of the Sacred Heart College on another fabulous production.

Planning: car parking review

Mr HODGETT (Kilsyth) — Can someone in the Brumby government please tap the Minister for Planning, big Justin Madden, on the shoulder and tell him to check his in-tray, as another big issue is about to explode in his portfolio? The minister appointed an advisory committee to provide advice on car parking issues and to prepare a new clause 52.06 suitable for inclusion in the Victoria planning provisions and planning schemes. The review commenced in May 2004 and the advisory committee received over 75 submissions. The committee handed down its report in August 2007 with 28 recommendations. The public was invited to consider the recommendations made in the report and to make comments by 26 October 2007. It is now three years later and the matter continues to sit on the minister's desk.

This is further embarrassment for the Brumby government in the planning portfolio overseen by Justin Madden. The report in focusing on efficiency, focuses on streamlining the planning process to reduce costs and delays; and in focusing on effectiveness, focuses on ensuring car parking provisions are properly aligned to policy. It is all about cutting red tape in planning, which are areas the minister and the Brumby government continue to fail in.

Following early inquiries to the minister's office we were told, 'We are waiting on the minister'. Now the bureaucrats actually tell us, 'We are not allowed to say that it is with the minister anymore. We don't give that excuse anymore'. To add to the embarrassment, the two draft practice notes entitled 'Applying the parking overlay' and 'Using the parking provisions' are being used, with people having given up in sheer frustration. This affects every traffic report. I say to the minister that people have been phoning his office for three years and it is time for him to get off his backside, do the work, sign off and get the new provisions in place.

Police: Mooroolbark

Mr HODGETT — On another matter, I call on the Brumby government to support the hardworking police officers at Mooroolbark by making improvements to the police station and addressing the chronic police shortage there.

Manor Lakes P–12 Specialist College: iPads

Mr EREN (Lara) — It has been an exciting time for many of the primary school students across the Lara electorate. iPads were certainly on the minds of 103 grade 5 students at Manor Lakes P–12 Specialist College, in the weeks leading up to their much-anticipated arrival on 2 August. The school is situated in the Wyndham Vale part of my electorate, and these students were lucky enough to be selected to be part of the Australian-first iPad trial facilitated by the Victorian government. As I helped to hand out the iPads, it was amazing to realise how far we have come when incorporating modern technology into the development and education of our children. This fantastic learning tool opens up a whole new way of learning that would have been unimaginable 10 or 20 years ago. I am proud to be part of a government that is truly leading the way in this country when it comes to providing our children with every opportunity to have the very best in education.

Lara Lake Primary School: awards

Mr EREN — Another school that is riding high, this time in anticipation of the giving away of 1000 bikes, is Lara Lake Primary School. I was lucky enough to present grade 6 students Greta Gunson and Chris Ward with a free bike and helmet as part of our government's Ride to School program. This program is in partnership between the state government, Go for Your Life and Bicycle Victoria. Designed to help inspire others to get active, this program is one of many statewide initiatives which is part of Go for Your Life, which is a fantastic program dedicated to helping stem the tide against obesity and diabetes and to promoting awareness about the importance of healthy eating, physical activity and healthy weight. Greta and Chris were selected by their school for their leadership qualities, and I would like to take this opportunity to congratulate them for leading the way and hopefully inspiring their classmates to use their own pedal power — —

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

Emmaus College: *Grease*

Ms MARSHALL (Forest Hill) — It was with great pleasure that I was again invited to view the Emmaus College annual musical production on 29 July at the Whitehorse Centre. This year it was *Grease*, and 'grease' was the word, with the characters of Sandy, Danny, Rizzo and Kenickie coming to life on stage. It was an amazing evening right from the onset because of the energy, the costumes, the backdrops and props, the choreography and the voices. The energy from the actors was so infectious that the entire audience was mirroring the actions to *Greased Lightning* and clapping their hands to *Born to Hand Jive*. Director Jane Willison brought out the best in these students, and I commend her on fantastic job again this year. Congratulations to everyone who performed on the night or worked behind the scenes to make this years production such a success.

I am proud of my association with Emmaus College. I was also at the school on 3 August to speak to the year 10 civics students about politics and my role as their local member of Parliament. This was the fourth class of Emmaus year 10 students I have had the privilege of speaking to, and their enthusiasm to participate is a credit to them and to their school.

Burwood Heights Primary School: principal for a day

Ms MARSHALL — On 24 August I had the pleasure of heading back to school, not as a student but as principal, to take part in the popular principal for a day event. Burwood Heights Primary School principal, Esther Wood, somewhat eased me into the job. The day started with an assembly, where I presented two students, Varnika Aggarwal and Chooli Peiris, who are both from grade 5-6 and who were chosen due to the exceptional leadership skills they exhibit, with a free bike each from Bicycle Victoria through the government's free bike scheme. Throughout the day — —

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

Albert Park College: enrolments

Mr FOLEY (Albert Park) — I wish to bring to the attention of the Parliament that the new college in Albert Park, established by the state government, is well and truly oversubscribed, with 160 students for the new year — —

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

MATTER OF PUBLIC IMPORTANCE

2009 Victorian Bushfires Royal Commission: recommendations

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

> That this house condemns the Brumby Labor government for its failure to adopt all of the 67 recommendations of the bushfires royal commission.

Mr RYAN (Leader of The Nationals) — The Brumby Labor government should adopt all 67 recommendations of the 2009 Victorian Bushfires Royal Commission. By failing to do so it is breaching the fundamental tenet underpinning those recommendations. The first principle, as has been often stated by the commissioners, is that saving lives should be the focus of the bushfires policy in the state of Victoria. The commissioners also commented that when they formulated the recommendations — all 67 of them — they had that issue uppermost in their minds. By its failure to accept all 67 recommendations, the government is clearly putting Victorian's lives at greater risk than would otherwise be the case if those recommendations were accepted and implemented.

I emphasise, as I have before in this place and in other places, that this is not a supermarket; the government cannot pick and choose. The recommendations were made by the commissioners, who regard them as being sensible, moderate and affordable. The commission sat for 155 days and heard evidence from more than 400 witnesses. More than 1000 exhibits were tabled and something approaching $40 million of taxpayers money was expended on this tortuous process, which ultimately resulted in these 67 recommendations. The government should accept them all, but instead it has prevaricated and equivocated.

In the weeks leading up to the final report being delivered on 31 July the government talked about taking some time, indeed some weeks, to make a response. In the face of the coalition parties — the Liberals and The Nationals — announcing on the afternoon of 31 July that we would accept in principle the recommendations in their totality, the government changed course, and by 5 o'clock on the Monday night it had issued an acceptance of 59 of the 67 recommendations.

Over the subsequent four weeks we saw the government going through a sham consultative process with the public at large. The discussion, shall I call it, between Tony Mann of Traralgon and the Premier at Callignee on the occasion of one of those purported consultations tells the story very well.

The government should commit itself to accepting and implementing these recommendations in their totality. The problem is the government cannot be trusted when it comes to doing what it has already said it will do. One need only look at page 404 of the *2009 Victorian Bushfires Royal Commission — Final Report — Fire Preparation, Response and Recovery* where it says:

> The recommendations from the interim reports that have not been fully implemented (such as those concerning refuges) should be given specific focus. Other recommendations of a long-term and continuous nature that should receive particular attention by the implementation monitor are those that governments have previously shown reluctance to implement (for example, increased fuel-reduction targets, local solutions such as sirens, providing advice about the defendability of houses and contingency options such as community refuges and bushfire shelters) and major recommendations that will require substantial implementation effort (for example, replacing ageing electricity distribution infrastructure with technology that greatly reduces bushfire risk).

In the face of all of that we now have what the government has actually done.

On the front pages of the *Weekly Times* today there is another example of a recommendation made in an interim report that was accepted by the government but which has not been implemented, and this goes to the all-important Country Fire Authority maps. Those maps are necessary to ensure that those who are fighting fires are able to go where they need to in a timely way. The government particularly promised that the neighbourhood safer places would feature in those maps. We now find that they do not, and it will be another 30 months before we can have any amendments made to those maps, if indeed the government sees fit to have it happen then. It just goes to show that unless the government is consistently pushed in relation to all of this, it is not going to do even what it has said it will do.

While I am on the topic, where is the monitor? The government should have and could have introduced legislation in this sitting period to enable the bushfires monitor to be appointed. The government accepted the monitor's all-important place in the implementation of the recommendations, and yet this has not been done.

There is no better example of how the government approaches these issues than what has happened in relation to the fire services levy. This recommendation has now been accepted by the government and has happened after years of the government being in denial. How many times have we in this place pleaded with the government to abandon the existing structure of the fire services levy and move to another system which is equitable and fair? How many times has this government, led by the Premier, fabricated all sorts of excuses for why that should not happen? We have had white papers, green papers — papers of all colours — and the government has always refused to do it. It has abused the coalition parties, particularly The Nationals, for suggesting the introduction of what we have always regarded as being a very reasonable approach to this.

Last Friday we had the Premier looking glibly down the barrel of a camera, rolling over meek as a lamb and saying that the government is now going to do it. Government members are a pack of wimps when it comes to these issues. Victorians are quite right not to trust the government to give effect to those elements of the recommendations that it now says it is going to implement.

Let us take a better look at the two recommendations the government has shied away from. If you wanted a summary of this, you could not look at a better one than an article which has coincidentally appeared in today's *Age*. The headline to this article written by Karen Kissane, which appears on page 15, is 'Brumby plays fast and loose'. The article states:

> The government's reasons for rejecting key bushfire safety recommendations are deeply flawed, if not deceitful.

The headline of the editorial in the most recent Saturday *Age* was 'Resettlement too tall an order for Brumby'. The editorial has a sidebar that reads:

> The royal commission's recommendation with the greatest potential to save lives has been rejected.

Let us have a look at these two particular areas where the government has jibbed. I will look at the issue of the powerlines first, and I am conscious of the presence in the chamber of the Minister for Energy and Resources. I refer members to page 159 of part 1 of volume II of the final report where it talks about recommendation 27. That recommendation says that there should be:

> … the progressive replacement —

I emphasise 'the progressive replacement' —

> of all SWER (single wire earth return) powerlines in Victoria —

that is, all of them across the state —

> with aerial bundled cable, —

that is the first option it offers —

> underground cabling —

that is the second option it offers —

> or other technology —

that is the third option it offers —

> that delivers greatly reduced bushfire risk.

The recommendation then says:

> The replacement program should be completed in the areas of highest bushfire risk —

that is what it is specifically says: that you take the areas of highest bushfire risk —

> within 10 years —

you take those limited areas and you do it over a period of 10 years —

> and should continue in areas of lower bushfire risk as the lines reach the end of their engineering lives …

That is in fact what it says. The way the government has misconstrued and misstated this particular recommendation is nothing less than disgraceful. To hear the Premier talking about it — and indeed the minister at the table, the Minister for Energy and Resources — you would think we are supposed to go out there tomorrow and start digging underground trenches and putting these things away immediately. It was this minister who said that to comply with this recommendation would cost $60 billion; that was the figure he produced. When I asked a question about it in the Parliament recently the Premier had to correct his minister because it turned out he had been talking about the undergrounding of all powerlines in the state of Victoria.

Mr Batchelor — On a point of order, Deputy Speaker, the Leader of The Nationals is misleading the house. He is attributing things to me that are not true and I would ask him to withdraw those.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr RYAN — He protesteth too much. The simple fact is that the Premier had to correct his minister. We know how much of what this minister and indeed the Premier have to say about this particular issue can be accepted.

The tragedy of this is spelt out in the course of the document itself — the final report — which says on page 148:

> On 7 February 2009 the pattern was repeated —

That comment is reflective of retracing history —

> Failed electricity assets caused 5 of the 11 major fires that began that day — Kilmore East, Beechworth, Coleraine, Horsham and Pomborneit-Weerite. The circumstances of each of these fires are discussed in detail in chapters 3 to 14 of volume I.
>
> The importance of Victoria's electricity infrastructure to this commission's investigations is highlighted by the devastation wrought by the Kilmore East fire: 119 lives were lost as a result of that fire, which was caused by electrical arcing after a conductor — which was probably 43 years old — on the Pentadeen Spur line broke.

That is the evidence and the recommendation arising from the commission and that is the basis whereupon the commission came to its conclusion: 5 of the 11 major fires were started by the failure of powerline assets, and it will happen again. That is what history tells us. The commission referred to the previous investigations that have been done over these matters, and we know with certainty, as I stand here now and address this house, that over the decades this will happen again. What have we got from this government? It has jibbed it — it has put a couple of million dollars into this; that is basically what it has done. It will not address this issue in the manner in which it has to be addressed.

In the face of the commentary from the Minister for Energy and Resources and the Premier, we know on the back of a report produced by the Department of Primary Industries — and I have it with me as I speak; it was part of the evidence before the commission — that the undergrounding of the single wire earth return line system across the whole of Victoria will cost $4.7 billion. That is the figure, not the $60 billion trotted out by this minister and not the otherwise billions trotted out by the Premier and other members of his government. It is nothing less than disgraceful.

Then we have the government response to recommendation 46 — the retreat and resettlement strategy — which again is a gross misrepresentation of what the commission has had to say. I refer members to page 252 and the recommendation itself. Time precludes me going through the recommendation line by line but people should. It is instructive of what the commission had in mind that is, that you work your way carefully through these things over a period of time in specific areas and make sure that you deal with those areas of highest risk first. Instead we have this

government's appalling behaviour. It has grossly exaggerated the figures, which have been extravagant in their bases.

The simple fact is that people in country Victoria love to live where they do. Of the 52 towns at highest risk, 6 are in my electorate. When I go to those places people tell me that they love to be there. They love the fact that they can have their homes in these locations; it is a realisation of a dream for so many of them. What do we have from the government? We have a press release, amongst the nine issued by the government on Friday, which says:

> There are 54 000 homes in 52 towns, villages or settlements from Cann River to Wye River and from Olinda to Dunkeld that would be in a similar high-risk category, bringing the total cost of implementing this recommendation up beyond $20 billion.

That is absolute arrant garbage, and the government is shying away from its responsibility. It should have accepted this recommendation and gone about it in a practical way to ensure that we saw it implemented.

The difference between the two sides of the house in relation to this issue is very clear, and I want to make certain that people understand this. We have accepted the principle of these recommendations. The Liberal-National coalition has accepted it, and we have the will to see this done if we win on 27 November. The people of Victoria need to know from us that we will honour the recommendations made by this royal commission and we will honour the memory of the 173 people who were tragically lost in the fires of 2009. We will ensure that this commission and its recommendations are given their proper place in history. We will make sure that the people of Victoria, particularly those of us who live outside the metropolitan area, will be properly protected from the ever-present risk of bushfires. We will make certain that, as much as you can diminish the risk associated with those inevitable events, we do so in accordance with what this commission has recommended.

I say shame upon the government of Victoria. It has chosen a course from which it cannot now resile. It has chosen to jib it. It has chosen not to implement two of these most fundamental of the recommendations, and in so doing has clearly placed Victorians at greater risk from the peril of bushfires. Shame upon it.

Mr BATCHELOR (Minister for Energy and Resources) — We have just heard a tirade of abuse and untruthful nonsense from the Leader of The Nationals. His contribution was based on the view that we are not going to implement the recommendations of the royal commission. Quite clearly, and let me say it unambiguously, the government has given a commitment to accept all but one of the commission's recommendations. The Leader of The Nationals has said otherwise today. What he said is not true, and it is a despicable act for him to come into the Parliament on such an important matter as the Parliament's and the government's response — or even the response of The Nationals's — to the 2009 Victorian Bushfires Royal Commission's recommendations and make such an abusive contribution.

I would like to address some of the matters arising from the recommendations of the bushfires royal commission as they relate to electricity assets. It is very important, because this government understands the need to reduce the risk of catastrophic impact from the starting of fires by electricity assets. As the Minister for Energy and Resources I have been working consistently and solidly since the dreadful events of Black Saturday to see how as a government and a community we might better be able to provide assurances and protections to the people and property of Victoria.

The Victorian bushfires royal commission made a number of recommendations to the government that seek to minimise the risk of powerlines causing catastrophic bushfires. The government accepts that action is required to reduce the risk of fires caused by electricity infrastructure, and we have fully supported six of the eight electrical-related recommendations and supported two others in part. Why have we accepted two of those only in part? Recommendation 27 is in two parts. The first part relates to the SWER lines — that is, the single wire earth return lines — and the second relates to the 22-kilovolt feeder lines. Recommendation 27 says:

> the progressive replacement of all SWER … powerlines in Victoria …

This part of the recommendation is the primary thrust of this first element of recommendation 27. The emphasis here is on 'all', and it relates to all of Victoria. To the extent that this recommendation is qualified by the royal commission, the recommendation states that the replacement could occur with 'aerial bundled cable, underground cabling or other technology'. The commission states:

> The replacement program should be completed in the areas of highest bushfire risk …

This replacement in the highest bushfire risk area should be undertaken within a 10-year time frame. Recommendation 27 then goes on to say that this activity should continue outside the highest bushfire

risk areas, so when every SWER line outside high bushfire risk areas reaches the end of its engineering life it should be replaced. There is absolutely no doubt that recommendation 27 suggests the replacement of all SWER lines — firstly in the high bushfire risk areas and then elsewhere across the state — and in the case of high bushfire risk areas the replacement should take place over the next 10 years irrespective of whether the SWER line is reaching the end of its asset life. Elsewhere the replacement of SWER lines should take place when the asset life is ended.

The second element with respect to recommendation 27 is:

> the progressive replacement of all 22-kilovolt distribution feeders …

Bushfire recommendation 27 recommends that this be achieved with aerial bundled cabling, underground cabling or other technology and that it occur when the feeders reach the end of their engineering lives. The commissioners then go on to say that priority should be given to areas of highest bushfire risk. These two separate timing recommendations for 22-kilovolt feeders might in some instances be contradictory.

The question that is unanswered by the recommendation is: are the 22-kilovolt feeders to be replaced first in the high bushfire risk areas irrespective of their asset life or does the asset life determine the replacement even in the high bushfire risk areas? But let us be clear: recommendation 27 calls for the replacement over time of every single SWER line and every single 22-kilovolt line in the state, with no exceptions. Even the lines in very low bushfire risk areas have to be replaced under this proposal.

In responding to recommendation 27 the government accepts that action is required to reduce the risk of catastrophic fires which may potentially be caused by electricity infrastructure. We want to make them safer. We want to make it safer for people living in high bushfire risk areas. Whether it is in the hills surrounding Melbourne or in the far-flung parts of rural and country Victoria, we want to make it safer for people to go about their daily lives and conduct their businesses, and that is what we are setting out to do.

We believe the best way to implement recommendation 27 is to take serious action within the 10-year time frame through the establishment of a powerline bushfire safety task force, which has already been announced and which will be given the responsibility of making recommendations to government on how to reduce the risk of bushfire starts from electricity assets, maintaining reliability of supply and doing this in the most affordable way for all customers.

Interestingly the commission did not recommend a specific technology. The commissioners left this open, recommending replacement with aerial bundled cabling, underground cabling or other technology that delivers greatly reduced bushfire risk. As I said earlier, we accept that strong action is required to reduce the risk of powerlines starting catastrophic fires, and our response will make that risk reduction happen. That is why we have supported this recommendation in part. We have established the powerlines bushfire safety task force to look at how best to go about it, and that is the right and best thing for Victorian families.

This government's approach is not ignoring the commission. In fact it is not rejecting this recommendation. On page 149 of chapter 4 of the royal commission's report the commissioners themselves note:

> Implementation of the recommendations will entail considerable cost.

They go on to say:

> The commission is not, however, in a position to take into account cost implications and the impact on communities; those are matters for government to determine and assess.

And that is what it is doing. It is taking into account the impact on communities, the impact on families and the impact on rural Victoria. It is concerned to do that, and it wants to reduce the risk.

The position put forward by The Nationals is reprehensible, it is wrong, it is scaremongering and it is trying to politicise the whole debate around the bushfires royal commission recommendations. It is typical of The Nationals. They come in here as the running dog for the Leader of the Opposition, who is not prepared to come in and defend his own position. He gets The Nationals to come in here and do it on his behalf. A responsible government would follow the advice of the royal commission on page 149 that I mentioned before. A responsible government would look at the technology options available, look at the costs, consider the community impacts and then target the appropriate actions to the highest risk areas first — and that is what this government is going to do.

This government will be making it safer, unlike The Nationals, who just want to play politics with the lives of country Victorians. Let us make it clear what this quote from the report means. It means that the commissioners themselves note that they have not looked at the cost of the recommendations or at the

impact of what those costs will be. As they say, it is not their job, and they expect the government to do it. Basically the commissioners are cautioning against accepting recommendation 27 without having undertaken the appropriate examination and evaluation of what it means and what it will cost. That is the distinction between what the government is doing and what the opposition is proposing. The government will make it safe. The opposition just wants to grandstand and play politics with this tragedy.

The government is concerned that the commission's recommendation to replace all SWER and 22-kilovolt powerlines with underground cabling, aerial bundled cabling or other technology will incur excessive costs for families, and it wants to be able to achieve the right balance between those. This is unlike the Leader of the Opposition, who has sat back and not even come into the chamber to engage in this debate, and who has calculated some quick sums on the back of an envelope and accepted all the recommendations without doing the hard work or even taking notice of what the royal commission has said.

Clearly the answers to implementing the bushfires royal commission recommendations will not be delivered on a silver platter. You have to do the hard work, and that is what the government is doing. You cannot sit back and expect that these sorts of answers will be brought in by the butler — brought in by The Nationals, who are prepared to take on this attack-dog role against the government.

Mr R. Smith interjected.

Mr BATCHELOR — We have. We have looked at these issues, and in April we held a national workshop with participants from around Australia, including technical experts, consumer representatives, government representatives and people from bushfire-affected regions. The participants got together to start looking at this process, and they established through the workshop what the likely costs and implications of these issues would be. If members doubt what those costs are, they should go to the Nous Group report from this workshop called *National Workshop on Rural Electricity Network Options to Reduce Bushfire Risk*. This report is the beginning of a long process to determine what is the best and most appropriate technology and what is the appropriate cost.

We have announced the task force. We will set it up. With assistance from the industry, we have also provided $2 million, and with its assistance we will undertake trials. We will investigate the technology and operational practices to reduce these catastrophic bushfire risks with acceptable impacts on cost, supply, reliability, landowners and the local environment. We want to employ proper analysis, undertake trials, establish expert advice and engage in community and stakeholder consultation. We want to be able to recommend a plan to reduce these risks within the 10-year time frame recommended by the royal commission and to maximise safety and value for the Victorian public.

If members doubt that this approach is supported widely, they should go to the *Australian Financial Review* editorial of 31 August at page 62, which states:

> The Victorian government was right to carefully consider its response to the royal commission into the Black Saturday bushfires of 2009. A rush to embrace costly recommendations without thorough cost-benefit analysis could have … a heavy financial burden on taxpayers and power consumers throughout the nation … little gain to public safety.
>
> …
>
> But government cannot eliminate fire risk, and should not attempt to do so with a blank cheque as Opposition Leader Ted Baillieu —

suggests.

Mr TILLEY (Benambra) — I rise today to support my colleague the member for Gippsland South in putting forward this matter of public importance, which states:

> That this house condemns the Brumby Labor government for its failure to adopt all of the 67 recommendations of the bushfires royal commission.

Since Black Saturday there has been a lot of soul-searching, particularly in our community and no doubt right across Victoria, about how we can avoid the devastation and loss of life that occurred on that day. Part of the soul-searching was the establishment of the 2009 Victorian Bushfires Royal Commission, which had the responsibility of investigating the events of Black Saturday, reporting back to the community and making recommendations to government.

The royal commission delivered an interim report in mid-2009 and recently delivered its final report. Both reports are a damning indictment of the performance of the Premier and this city-centric, media-managed and media-focused government. Since the delivery of the royal commission's final report, the Premier, his ministers and his media minders have cynically and deliberately misrepresented and sought to undermine the work of the royal commissioners. Labor has misled Victorians and has deliberately sought to exaggerate the consequences of recommendations, to muddy the

debate in the community and to provide the government with yet another excuse to do nothing.

The history of Labor and bushfires is that under Labor's watch the Victorian community, and in particular my electorate, have suffered directly through three major and complex fires — in 2003, 2006–07 and on Black Saturday 2009. Over the 11 long years Labor has been in power it has failed to implement key bushfire safety recommendations, which has meant that Victorians have been left dangerously exposed by a government that places more emphasis on spin than safety. Since 2002 experts have made at least 25 recommendations to government in relation to making areas bushfire ready. The Labor government promised to deliver on those but has failed miserably. Even the royal commissioners, in their final report, criticised Labor for not implementing their interim report recommendations. Members can hardly blame the people of Victoria for being frustrated by and becoming tired of the endless spin by this government. They want and deserve action.

In the time available to me I will touch on a few critical issues in relation to my electorate and how Labor's inaction and spin has meant that my community is not as bushfire ready as it should be. I refer in particular to recommendation 56, which relates to fuel reduction. This is one of the key recommendations and is extremely important to my constituents. This recommendation speaks of the need for a minimum of 5 per cent targeted prescribed fuel reduction burning on public land. Once again, for 11 long years this government has been beholden to the whims of inner city attitudes to bushfire safety and has adopted an attitude of saying, 'Lock it up and leave it' for the sake of some who share a belief that is a method that preserves wilderness, which is misguided and has been proven time and again to be flat out wrong. It is simple: if there is no fuel, there is no fire — that is, the less fuel there is to burn, the less intense a fire will be. My community has been screaming for this to be recognised for years.

Residents in my electorate of Benambra are pleased that the royal commission saw fit to make recommendations on this matter, but they remain terribly concerned that Labor simply will not act. It seems that residents in my community will have to wait until around 2017 before there is any dramatic increase in fuel reduction burns at all, now that the government has said it will support this recommendation in principle. However, a closer look at what the government has said has left members of the community in doubt. Members should consider that this will mean there will be 385 000 hectares of fuel reduction burns by 2016 or 2017, whereas it is reported that 500 000 hectares of fuel reduction burns were achieved in 1981. Why will it take six years to get to a level which is not as high as something that was achieved 30 years ago? Again, there is no real commitment or desire from Labor to reduce the deadly fuel around Victoria.

We have heard in previous debates about powerlines. We have heard that the Beechworth-Mudgegonga fire in 2009 was ignited by a failure in the electricity distribution network. One of the most disappointing things is the Premier's deliberate attempt to mislead Victorians on the need for improvements to our electricity distribution network. The Victorian Bushfires Royal Commission recommendations 27 to 34 focus mainly on powerline safety, which was a big part of the work that the commission undertook. However, the response from Labor has been to put it in the too-hard basket and make outlandish claims that it will cost tens of billions of dollars, when in fact real safety improvements can be carried out quickly and cost effectively. A real debate, minus the hyperbole of the Premier, and a real commitment to improvement is what our community deserves.

Another point is the neighbourhood safer places. Perhaps one of the biggest warning signs alerting the Victorian community to this government's approach to implementing the recommendations of the bushfires royal commission's first interim report was its response to neighbourhood safer places. The Premier faithfully promised to implement the royal commission's interim recommendations before the fire season just past, but it all got too hard for him and he passed the buck to local government.

The recent Whelan report into the financial sustainability of local government found that three out of the four local governments in Benambra are, in the long term, financially unviable. It just so happens that those three local government areas are the most susceptible to bushfire. Through its inability to deliver Labor has shifted the burden of both the work and the financial cost directly onto local governments which can least afford to undertake such work.

The community deserves to know the precise figure of what the government is committing to in relation to refuges, what it is committing to for neighbourhood safer places and what it has committed to for the development of standards for these facilities. Labor continues to refuse to guarantee a date when the standards for refuges will be finalised. In another failure it has not committed to ensuring refuges will be in place for the 2011–12 fire season in areas of high bushfire

risk. Victorians simply deserve better. They need the facts, not the spin.

In the time left to me I will touch on another point, the fire services levy. I want to acknowledge my colleague the member for Scoresby, who has been the leader in this state in the debate on how to reform this tax. Having attacked the coalition's proposal to replace the fire services levy with a property tax as a 'disgraceful' idea, the Premier has now backflipped and adopted our policy.

Mr Nardella interjected.

Mr TILLEY — The Premier once said our policy would be nothing more than a 'poll tax on every property across the state'.

Mr Nardella interjected.

The ACTING SPEAKER (**Mr K. Smith**) — Order! The member for Melton!

Mr TILLEY — For the last 11 years, both in his current role and in his former role as Treasurer, the Premier has steadfastly refused to do anything to make the fire services levy more equitable for Victorians. This highlights the very real concerns of Victorians when it comes to bushfire preparedness reform, or any reform for that matter — that this man, the Premier, needs to be at all times dragged kicking and screaming to act at all. It is simply not good enough.

The coalition is committed to ensuring that Victoria is bushfire ready, and our commitment is more than just a lot of weasel words. It is a commitment born of representing communities which are directly affected by fire and a philosophy that spin is no substitute for hard work and no substitute for safety. A coalition government will implement all the recommendations, because we know that Victorians want action — not more talk like from those blokes over there — on bushfire protection. Unlike the Premier, in government the coalition will appoint a single minister for bushfire response who will act to protect Victorians from bushfires instead of talking endlessly, offering up weasel words and failing to deliver on what is promised.

In conclusion, the Premier and Labor have a terrible track record — we see it day in, day out — on implementing recommendations to make Victoria bushfire ready. It would come as no surprise that my colleagues on this side of the Assembly and the people of Victoria are sceptical about the Premier's ability to do what he has failed to do for the last 10 years — that is, deliver on what he has promised.

As I said earlier, since 2002 experts have made at least 25 recommendations to government in relation to making Victoria bushfire ready. The Premier and Labor continue to promise but have failed to deliver. Again, I point to the fact that the very first thing this government did upon tabling the royal commission's final report was to seek to muddy the waters by making outlandish claims as to what the recommendations actually meant, all in an effort to obfuscate its responsibility to deliver for Victoria.

The Premier has cynically and deliberately sought to misrepresent the royal commission's recommendations on powerlines and buybacks. Never let it be forgotten that his strategy was to ensure that there was wriggle room for the government to be excused once again for inaction. The Premier simply will not deliver.

Mr NARDELLA (Melton) — Where is the Leader of the Opposition? Here we are 89 days away from the state election and the Leader of the Opposition is missing in action. He is probably in his room on the phone doing the numbers and making sure his leadership is intact. Instead of being in here, instead of putting himself on the line and telling the people of Victoria what his policy is and what his policy will cost, he has run away. He has again run away from a matter of public importance; he has not shown up time and again.

He is missing in action because it is too hard for him. This work of making policy, working out costings and putting those costings to the Victorian public is too hard for the Leader of the Opposition. It is easy for him to get accountants to do his figures for him. He gets other people to do the hard work for him. But when it comes to doing the hard policy work and when it comes to doing the costings in regard to implementing his version of the recommendations arising from the Victorian Bushfires Royal Commission, it is too hard. He is missing in action. He is not even in the chamber. He has scurried away to his room where he is doing the numbers and trying to make sure that his leadership is intact for the next 88 days.

The Leader of the Opposition came in here, along with the Leader of The Nationals, talking weasel words to country Victorians. He spoke weasel words on what the coalition's real policy is. We had the ludicrous situation of the Leader of The Nationals saying, 'I am not going to give you the costings for implementing our policy; you will have to wait', just like we have been waiting over 800 days for the coalition's policy on roads in this state. We are going to be waiting forever for its policy on funding the Victorian Bushfires Royal Commission's recommendations. But I will tell you

what, Acting Speaker, those costings will not be forthcoming.

Members of the opposition have neither an idea nor a clue about what they do. Their policy is to slide into government and not do any of the hard work that needs to be done. Opposition members want to stay under the radar and make sure their policy is never costed and never funded, because they are not committed to ensuring that country Victorians — and all Victorians — are safe from bushfires. They are not prepared to do the hard work on that.

The Leader of the Opposition is a workaholic — obviously he is a bloke who cannot get away from his phone because he is doing the numbers. On the subject of implementing in full all of the bushfires royal commission's recommendations, just yesterday the Leader of the Opposition said he would only support the buyback of houses in extreme bushfire areas if it is appropriate, if it is in the public interest, if it is affordable and if it is agreed to by both parties. Is that making the decision to implement all of the recommendations holus-bolus? Is that going the whole hog and doing the really hard policy work?

The Leader of the Opposition says no; he says it will happen if it is appropriate, if it is in the public interest, if it is affordable, if it is agreed to by both parties, if he gets elected, if he can do some work and if he gets told what to do. 'I just do not know; it is really hard for me', says the Leader of the Opposition, because that is his attitude. He says that because he has not done a hard day's work in his life. The Leader of the Opposition has always been spoon fed. He needs to do the hard policy work, to do the hard yards and to sit down and think about how he should be bringing forward to the people of Victoria the issues that need to be brought before them to be discussed and debated. But no, it is too hard for the Leader of the Opposition to do that because he is not used to doing the hard work and doing the hard yards.

I will tell you what, Acting Speaker, the Leader of the Opposition has also been let down by the shadow ministers in his shadow cabinet, who also cannot do the hard work. The Leader of The Nationals was in the chamber earlier on, and what did he say to the house? He said, 'We are going to implement every recommendation, but we are not going to tell the people of Victoria how much it is going to cost. We are not going to tell the people of Victoria how we are going to do this. We have not committed to explaining to the people of Victoria what we are going to do'.

The Leader of The Nationals also criticised one major aspect of what we have done in response to the bushfires royal commission — that is, going out there and talking to country Victorians. We have gone to Ballarat, Geelong and other places and talked to country Victorians about the recommendations arising from the royal commission. The member for Benambra got up on his feet, as did the member for Benalla, who also attended these bushfire meetings, yet they come in here wanting to take the old Kennett line of, 'We know what is best for you; you are just the toenails of Victoria. We do not care what you say'. They say this because members of the opposition — members of the Liberal Party and The Nationals — take the attitude that they know best and they know how to lead country Victorians. They also know how to lead country Victorians down the path of rack and ruin, yet they criticise government members for going out and talking to country Victorians about the compulsory acquisition of land, the fire services levy, neighbourhood safer places and other concerns they have.

Time and again we hear criticism from The Nationals and members of the Liberal Party. They say that all government members do is talk to country Victorians. They say this because they are not used to doing that; they do not like talking to country Victorians and people in rural and regional Victoria. They have no idea what those people think.

When government members talked about compulsory acquisition of land, concern was expressed by people in those communities, especially the smaller communities, about safety aspects and how it was going to be paid for. Those people are concerned that the guts will be ripped out of country Victoria again. The Nationals and members of the Liberal Party do not care about ripping out the guts of country Victoria because that is their modus operandi. That is the only thing they know how to do. They only know how to close schools, close railways, close hospitals and in this instance buy back land and close down those small country communities. That is all that opposition members know how to do, because to do otherwise means they would need to think.

Opposition members could put on their thinking caps, like all good students, and think about the ideas, policies and options they could implement. But no, not The Nationals and the members of the Liberal Party in this Parliament; they are too lazy, along with the Leader of the Opposition, from whom they take their cue. He does not do a scrap of work at any hour of the day or at any minute or second of the day. He does not know how to do any work and just fobs it off. All he says is, 'You wait! Wait until the election period!'. We have

only got 88 days to go — how much longer do we need to wait? He wants us to wait until later on and we can actually work this out. But I will tell you what, Acting Speaker, the situation will be the same as the opposition's transport policy. We have been waiting over 800 days for that policy, but it will not surface. We can wait for this policy but it will not surface, because opposition members have no commitment to country Victorians.

They have no commitment to neighbourhood safer places, yet government members were criticised about neighbourhood safer places. Where would you put the neighbourhood safer place in my community of Blackwood? We have been criticised by these morons on the other side of the house who say we should have a neighbourhood safer place in Blackwood, where there is no neighbourhood safer place. These people on the other side of the house want to come in here on their high horses and tell government members what we should or should not be doing. They criticise the government and politicise the royal commission, which they have wanted to do since day one.

Opposition members are bereft of leadership and bereft of policy on this matter.

Mr NORTHE (Morwell) — It gives me great pleasure to rise and support the matter of public importance proposed by the member for Gippsland South which refers to the failure of the Brumby government to adopt all 67 recommendations of the 2009 Victorian Bushfires Royal Commission's final report.

In the first instance I cannot believe the hypocrisy of the member for Melton. He asked where the Leader of the Opposition was, but where is the Premier? Where is the minister for bushfire response? The member for Melton also spoke about community consultation and how good his government is at consulting with country Victorians. Later in my contribution I will refer to a particular incident, but at this stage let me remind members of the occasion on which the Premier and two of his ministers went to Callignee. The problem was that they forgot to tell members of that community that they were hosting a meeting. The hypocrisy of the member for Melton is startling, although not surprising.

I spoke in this house on 10 August on the bushfires royal commission's final report, and at that time I spoke about the commission itself and the excellent work of the commissioners, the Honourable Bernard Teague, Ron McLeod and Susan Pascoe. I also spoke about the destruction wrought by the fires of late January and early February 2009, particularly within the Morwell electorate. I spoke about the Delburn complex of fires that impacted upon the communities of Mirboo North, Boolarra and Yinnar and that destroyed 46 homes and burnt 6500 hectares. I also spoke about the Churchill complex of fires which impacted on our community, unfortunately with 11 fatalities, a number of casualties, 145 homes destroyed and in excess of 25 000 hectares burnt. The fires impacted upon a considerable number of communities in the Morwell electorate.

At that time I spoke about the courage and dedication of the Country Fire Authority volunteers, the emergency services personnel and those associated with fighting the fires. I spoke about the recovery that continues and the efforts and generosity of so many individuals, businesses and organisations. I also spoke about the failure of this government to adopt all 67 of the recommendations of the final report of the 2009 Victorian Bushfires Royal Commission.

Following the handing down of the final report the Premier announced that a series of community consultations would be conducted in bushfire-impacted regions. These were specifically determined to address some of the eight contentious issues that arose out of that final report. The government initially supported 59 of the total of 67 recommendations in principle, but then told us it wanted to go out to the community to consult further.

As has been indicated by the Leader of The Nationals in his contribution, Tuesday, 3 August, will go down in the history of our local community as a very interesting day, to say the least. This was the day, as I mentioned earlier, that the Premier and two government ministers visited the Callignee community. They visited that particular region to discuss the bushfires royal commission report with members of the community. The problem was that they forgot to advise the community about these consultations, and history will show that a gentleman by the name of Tony Mann confronted the Premier on that day and sought his opinion on why he was there. An article in the *Latrobe Valley Express* of 5 August under the heading 'Locals lash out', talks further about this. The article quotes Mr Mann as follows:

> You've got more press members here than you have members of the community …
>
> If this is community consultation, where are we at?

The sentiment expressed by Mr Mann was certainly that of the Traralgon South and Callignee district community. The chair of the Traralgon South and District Community Recovery Committee, Ange Gordon, was reported as saying:

> I am disappointed if he thinks he can use us just to get himself some media. We don't deserve that, if he really cares what the public think about it he would let us know he's here so we can tell him.

As it was, a lot of flak was directed at the government for this community consultation, and one could be somewhat cynical about the fact that after that there were some hastily convened community meetings across the state in bushfire-impacted areas. I attended one of those consultation sessions just two days later in Churchill. It was reported in the media that there were some 60 people there. I will contest the validity of that in this chamber and say that there were probably 30 community members there, with the rest being made up of bureaucrats and other people from relevant departments. I do not doubt that some of the community members who were present found the meeting beneficial. However, the process itself was an absolute debacle.

The question that has been put to me is that given that the government would have known well in advance when the report of the bushfires royal commission would be tabled, why were these community consultations not arranged well in advance, rather than people in some instances being given just 24 hours notice that they were being conducted? It is a shambles and an absolute insult to the local community.

As we know, the government announced there were eight contentious recommendations it needed to deliberate on and went out to the community to speak about. One of those was recommendation 4, which relates to fire refuges. The member for Benambra and the Leader of The Nationals both spoke about particular aspects of this issue. The recommendation itself talks about developing standards for community refuges as a matter of priority and replacing the 2005 policy contained in *Fire Refuges in Victoria — Policy and Practice*. As the member for Benambra indicated, in the interim report the royal commission sought to have the government replace its existing fire refuges policy back then. As was noted in the final report, the government has done very little with respect to that, and the commission noted its disappointment in the lack of progress on that matter. Community refuges are urgently needed in 23 of 52 Victorian towns that are at high risk of suffering from bushfires. The government has not even identified a neighbourhood safer place in these towns. There is still a lot of work to be undertaken with respect to that.

I also want to talk about the fire services levy (FSL). As we know, the government has finally been dragged kicking and screaming to the table with respect to introducing a more fair and equitable system. The royal commission is probably the final nail in the coffin in having this government dragged to the table to change what is a very unfair and inequitable system, particularly for regional businesses. As the member for Benambra pointed out in his contribution, this issue goes back a long way. In 2001 we had the Harvey business tax review, which recommended a change to the fire services levy. We had the HIH Royal Commission, which recommended the abolition of the FSL. We have also had the recent Henry tax review note that we should abolish the current FSL. Over many years members of the coalition in this Parliament have made extensive representations to the government to change its practices with respect to the fire services levy.

I now address recommendation 46, which talks about the acquisition of land. Much has been said about this recommendation. Effectively the government is misrepresenting to the community what the recommendation actually says. I think the reasons for the government opposing recommendation 46 simply do not carry weight. We are talking about a non-compulsory acquisition, not a compulsory acquisition. The Leader of The Nationals put it quite simply when he said that many people who live in these communities wish to continue to do so, and it is a non-compulsory acquisition. I know of someone who purchased land some years ago with the intention of building his dream home on this property. Given the new building regulations that are now applicable in Victoria, he is unable to do so. What does he do? The value of his land has been dramatically compromised and he is unable to build under the new regulations, so what is the answer for this person? Maybe recommendation 46 is an option for him.

In conclusion, I want to quickly talk about the commission's terms of reference. The commission's terms of reference and the report's preamble outline the purpose and the reasons why the commission was deliberating. The commission says the reason for undertaking the inquiry was to ensure that measures were implemented:

> … for improving the preparation and planning for future bushfire threats and risks, particularly the prevention of loss of life.

We owe it to the 173 people who died, we owe it to the injured and we owe it to the community that has been impacted on to adopt the commission's recommendations. We trusted the commission to undertake this task. The government cannot ignore particular recommendations, accepting some and not others. In the interests of the community in general, the government must adopt them in their entirety.

Mr CAMERON (Minister for Police and Emergency Services) — It is a pleasure to join the debate on this matter of public importance relating to the recommendations of the bushfires royal commission. Unfortunately what we are seeing is an opposition attempting to politicise this debate, and in the course of politicising it opposition members have tied themselves up in knots. What we have is an opposition totally discarding the normal and longstanding practice of all previous governments, including this government, that when you receive a report you consider it and you look at it in its entirety and the way it affects the whole community, then you adopt, accept and implement recommendations. That is exactly what we have done. Unfortunately in an effort to politicise this issue the opposition, in advance, locked itself into a position that everything should be accepted. The words of the Leader of the Opposition at the start of August were that the recommendations should be accepted 'lock, stock and barrel'.

This is quite a change in the position of the opposition. Members will recall that when it came to the interim report the position of the opposition was that not all the recommendations should be accepted. When it came to neighbourhood safer places the position of the opposition was that they should not be implemented until after the final report was released. The Leader of The Nationals, on behalf of the opposition, said on radio:

> The government would have been better to wait for the recommendations from the commission and then set about a process whereby a concept of neighbourhood safer places could be developed.

The government's position was to do nothing about that and not to start the process until about now, but of course we are far advanced in addressing this concept because this is what the government has been doing as a result of getting the interim report and getting on with business. That is something we believe is very important. It is because of these various positions that the opposition finds itself in the place it is today.

If we go to the commission's report and to what is probably the heart of what the commission has to say, we see that it goes to the issue around fire services. Traditionally the focus has been around fire suppression, and that is understandable, but what the commission says is that on the very worst fire weather days the greatest emphasis has to be on information, because it is by adopting that emphasis that there is the ability to save more lives, and certainly since 7 February there has been enormous change in the way these things come about.

Members will be aware of the one source, one message system that has been put in place. There is now a dedicated information officer at incident control centres, and the role of that information officer is to get information out, for example, to the media and to websites. The introduction of the first stage of emergency alert under the national emergency warning scheme means that information will go out. That is a good use of technology to get information out as quickly as possible.

Since then the Premier has unveiled new technology. Phoenix RapidFire, as part of FireWeb, is able to make predictions on where a fire will go as a result of considering the nature of conditions that have been pre-programmed — for example, topography and weather conditions. As those weather conditions change they are fed into the system as a result of work that has been done by and with the weather bureau. All these things help to get information and warnings out to people earlier, which goes back to the very heart of what the commission had to say about those very worst of days.

In addition if we were to have a code red day this summer, we would have at least one incident control centre with a fully trained team of 30 incident management staff in each region of the state. Across the state there would be 12 of those centres with a full staff of 30 in the morning. We can look around the world for comparisons. For example, I am told that in California on their worst days there are three staff. If you have a look at British Columbia in Canada, another jurisdiction with which comparisons are often made, there is one staff member.

This is world best practice in terms of fully established, preformed incident management teams early in the day. That incident control centre will be able to manage five incidents, and of course if there are more incidents, then other incident control centres will be scaled up — they will start the day with eight, and if necessary, they will scale up.

This is the best arrangement anywhere in the world. As part of the government's response we have to consider the organisational structure arrangements. We have

three fire services and each does different things. The Department of Sustainability and Environment is well known for what it is able to do on public land. The Country Fire Authority and its volunteers are known for what they are able to do on private land in particular but also what they do in offering assistance during the course of bushfires on public land. They are tremendous, and many members of this house are CFA members and are cheering this on. The CFA is a great organisation, with the ability to put many fires out on terrible days such as we saw on Black Saturday, with 10 000 volunteers out working. That takes an enormous level of organisation, and it is a great credit to the CFA and all its people that it is able to achieve such a result.

The Metropolitan Fire Brigade is the third fire service and has its area within the MFB district. All of these fire services do very important work, but what the commission said in relation to organisational structure is that there should be a fire services commissioner, being a senior firefighter, who is capable of setting the standards and driving these three organisations to work better and in a more seamless way, and to that end we have appointed Craig Lapsley to be the fire services commissioner — effectively the state fire controller during major incidents. The legislation I have introduced today will make that a statutory position, and once that occurs Mr Lapsley will no longer be on a public service contract. He is under that arrangement in the interim so he can get in as quickly as possible and start to work with the fire agencies, but it will become a statutory appointment.

We believe this recommendation from the commission, which we know is a change in relation to organisational structure, is important, and it has to work. That is why we have gotten in very quickly to develop the legislation and get someone in place, because that person has to be in place, has to have a solid knowledge of the state and has to be capable of driving those organisations.

With these changes we will be much better positioned in the future, with the use of technology, to predict fire, to determine where it may go and to get warnings out. We believe that is important. We believe it is important organisationally to have the three organisations working together in a more seamless way and to have a fire services commissioner who is a permanent state controller. He will be the boss during the course of a major fire, and we believe these are important measures and things that the government is right behind.

The commission has put forward a report that has been well thought through. The government has considered that report and we have given our response, together with the funding that is necessary — some $870 million over the next four years. We believe this is necessary so we can make Victoria as fire ready and as fire safe as possible.

Mr BLACKWOOD (Narracan) — I strongly support the matter of public importance moved by the member for Gippsland South that this house condemns the Brumby Labor government for its failure to adopt all 67 recommendations of the Victorian bushfires royal commission.

The Victorian Liberal-National coalition supports in principle every one of the 67 recommendations of the Victorian Bushfires Royal Commission's final report. We owe it to those who suffered terrible losses in these bushfires to accept the royal commission's recommendations and to get on with the job of implementing all of them.

The commissioners have provided common-sense recommendations that should be adopted and will create a safer Victoria. As the commissioners have said, the recommendations can be adopted at an affordable cost to government, and I believe the hype created by certain sections of the media and the Brumby government over the exorbitant cost is highly exaggerated and incorrect.

People are tired of endless talk, spin and public relations. People want action, not endless talk. Consultation is appropriate, but it should best relate to the development of a system of implementation for the recommendations.

Since 2002 we have had at least 25 recommendations to make Victoria bushfire ready, and the Brumby government has promised to implement them and yet has failed to deliver. Even the royal commission criticised the Premier for not implementing its interim recommendations handed down over 12 months ago. The Brumby government made a huge deal about forcing the royal commission to hand down its first interim report in time for action to be taken before the bushfire season of 2009–10. The commission worked very hard to meet that time line and gave the Brumby government some specific actions to implement.

One of these was the identification of neighbourhood safer places, which the Brumby government quickly passed to local government to implement. You can hardly blame people in Victoria for being frustrated and tired of the endless spin from this government.

The bushfires royal commission went through a gruelling process to reach its final recommendations — some 1260 submissions and days and days of selected

witness evidence. Victorians are looking for leadership at this important time. The Premier cannot equivocate; he cannot pick and choose. These recommendations should have been accepted in full to honour the 173 victims of Black Saturday and to ensure that such a tragedy never happens again.

The equivocation of the Premier was identified very soon after the royal commission's recommendations were handed down, as Paul Austin depicted in his article in the *Age* of 5 August where he said:

> Brumby is hesitating most about what might be called the big two recommendations: the most emotion-charged (taxpayer-funded buyouts of people living in areas of extreme fire risk who want to move somewhere safer); and the most expensive (putting overhead powerlines underground or otherwise making them safer).
>
> Both should be embraced, because they will help, not hinder, the fire safety effort and because they are nowhere near as scary as the Premier might have led you to believe.
>
> Brumby is fanning community concerns, emphasising the negatives and exaggerating the scope of these recommendations.
>
> That's a failure of leadership. Look at his reaction to the buyback proposal.

I will talk about the buyback proposal now and identify and support exactly what Paul Austin has said.

In relation to acquiring land in high-risk bushfire areas recommendation 46 of the royal commission was:

> The state develop and implement a retreat and resettlement strategy for existing developments in areas of unacceptably high bushfire risk, including a scheme for non-compulsory acquisition by the state of land in these areas.

This recommendation proposes a voluntary buyback in areas of unacceptably high risk. It is not compulsory for a landowner to offer his or her property or for the government to accept an offer. The capacity exists for some support from government for those in particular areas who have decided they cannot cope, they cannot go on and there is no market for their properties.

Governments do that sort of thing on a regular basis. The vast majority of people are very attached to their local area. They want to rebuild, and they want to get on with it. It is reasonable to expect that the vast percentage of people would want to stay where they live. We would not expect such a measure would be taken up in huge numbers, and neither would the government be looking to have it taken up in huge numbers, but in particular locations it would be a reasonable proposition.

The commission never intended for anybody to be forced to move. It was always its intention that whatever occurred would be voluntary. This sort of thing has been done before in the Dandenongs and East Gippsland. It has been used as a method for assisting people who have innocently purchased land in inappropriate subdivisions. As I just said, it has been done before, and this was never about forcing people from their homes. This recommendation is simply suggesting a voluntary buyback scheme that would provide an option for those who are unable to rebuild due to tough new planning and building requirements or for those who might wish to leave an already established property. The Brumby government's claim that implementation costs for a retreat and resettlement program would exceed $20 billion is nothing short of a massive media beat-up.

In relation to electricity assets and to removing the risks posed by powerlines, the commission's recommendation 27 states:

> The state amend the regulations under Victoria's Electricity Safety Act 1998 and otherwise take such steps as may be required to give effect to the following:
>
> > the progressive replacement of all SWER (single wire earth return) powerlines in Victoria with aerial bundled cable, underground cabling or other technology that delivers greatly reduced bushfire risk. The replacement program should be completed in the areas of highest bushfire risk within 10 years and should continue in areas of lower bushfire risk as the lines reach the end of their engineering lives;
> >
> > the progressive replacement of all 22-kilovolt distribution feeders with aerial bundled cable, underground cabling or other technology that delivers greatly reduced bushfire risk as the feeders reach the end of their engineering lives. Priority should be given to distribution feeders in the areas of highest bushfire risk.

The cost of the last bushfires was more than $4 billion and 173 lives lost. The coalition never wants to see this happen again. The cost of prevention is a fraction of the human and financial cost of another set of fires like the 2009 fires. We do not accept the Premier's view that over a 10-year period we cannot make powerlines safer in Victoria through a whole host of measures and new technologies that are available. The Premier is playing politics, trying to prepare the community for more inaction and ignoring the key recommendations all over again.

During the last round of submissions to the Essential Services Commission, Powercor asked for $26 million over several years to underground electricity cables in the highest fire danger areas. The government refused to provide that funding. The government's own report puts the cost of replacing all the SWER lines across all

Victoria, not just in high bushfire risk zones, at $900 million. Statements by the Minister for Energy and Resources that completely misrepresent the cost of powerline upgrades, putting it at $60 billion, are an absolute insult to those who are trying to recover from the fires. The Brumby government should stop the spin and give certainty to Victoria's 52 high-fire-risk communities by immediately providing a firm commitment to upgrade powerlines in these areas and by considering the future expansion of the program in the long term as recommended by the royal commission.

In relation to fuel reduction burning the commission said that the state must:

> … fund and commit to implementing a long-term program of prescribed burning based on an annual rolling target of 5 per cent minimum of public land.

The coalition has repeatedly called on the government to increase its prescribed burning target and would adopt the 5 per cent target in government.

The Brumby government continues to procrastinate by overstating the costs and impacts of some of the royal commission's recommendations. These stalling tactics are only frustrating the fantastic progress that bushfire survivors have made so far in their recovery effort and is severely impeding their progress towards full recovery. I call on the Brumby government to stop the rot and get on with the job it is charged with — that is, taking every step needed to make Victoria bushfire ready and safe.

Ms GREEN (Yan Yean) — I am deeply saddened again that the opposition has chosen to use bushfire-affected communities for its own political ends. We have seen it time and again. I remind the opposition that there is no substitute for doing the hard work, including the hard policy work, for connecting with the community, for talking to the community and for having a positive program to present to the community at election time. I also remind the opposition that it needs to do that work over four years. It cannot substitute that hard work with the ambulance chasing we have seen on the part of those opposite — the constant misrepresentation and criticism of the government and its actions and of our hardworking firefighting services in this state. This opposition has shown it will do or say anything to get itself back on the government benches. Shamefully that includes the continued politicisation of the tragedy of the outcome of the Black Saturday fires.

Sitting across the chamber from me the member for Evelyn is laughing again, as she has laughed on many occasions. On many occasions in this house — —

Mrs Fyffe — On a point of order, Acting Speaker, I take offence at the member's statement. I was engaged in another conversation, and she is misrepresenting what I was doing in this house.

Ms GREEN — I thank the member for Evelyn for clarifying that she was not laughing again during a debate on this matter.

The ACTING SPEAKER (**Ms Munt**) — Order! The member for Yan Yean was not called. The member for Yan Yean, on the point of order.

Ms GREEN — I think it was a request to withdraw, and I withdraw. I thank the member for Evelyn for clarifying that she was not laughing about the content of this debate. However, I think it is incumbent on every member of this house to treat these matters seriously and not use my community and the other communities across the state that have been deeply affected by this tragedy for their own venal political ends. I draw the attention of the remaining speakers to the need to pay due regard to the advice given to the Speaker, which was reported in the *Age* and which the Speaker read to the house prior to last sitting week's debate on the royal commission report. That was advice from post-trauma experts from the Austin Hospital about the impact of continued discussion and the way it occurs on those who are still suffering dreadfully. I would hope opposition members pay attention to that advice.

The whole premise of this matter of public importance seems to be to imply that the government is not committed to implementing the recommendations of the royal commission and to mislead the community to that effect. Nothing could be further from the truth. The government's position is absolutely crystal clear. Our position as to what we will do is that the Brumby government will accept in full or in part 66 of the 67 recommendations made by the royal commission. The proposal put by the member for Gippsland South this morning and the contributions of other speakers in support of it have sought to mislead the community and imply that the government is not committed to the royal commission and will not work assiduously to support the community in its recovery and in ensuring that such an event will not happen again.

When the royal commission brought down its report the government was criticised again by the opposition, which said, 'Don't consult with the community'. On the

record and on behalf of my community I would like very much to thank the Premier and the ministers who took so much time consulting with my community, listening to community members and getting their feedback on these recommendations. That is the difference between this side of the house and the other — we treat members of the bushfire-affected communities with respect. There has been real diversity in those consultations. Consultations have been facilitated, there have been round table discussions on particular aspects of the royal commission's recommendations and then other discussions have been held very respectfully with the bereaved, with the community recovery committees and with individual fire brigades. I commend the Premier and our ministers for undertaking those consultations in such a respectful way.

In particular the Premier spent 3 hours with members of the community recovery committees of St Andrews, Strathewen and Christmas Hills, and those people were grateful to have that closed-door consultation, to hear the views of the Premier and to give him their views. We have used those views to inform the way we are implementing 66 of the 67 recommendations in the royal commission's final report. The recommendations have been well costed. We have done the hard work, talked to the community and done the costings, which is in stark contrast to the actions of those opposite. This is more politicisation by those opposite of this terrible tragedy, but it also shows their failure to do the hard work.

We have heard members of the opposition say they will implement the recommendations holus-bolus and that they do not need to talk to people about them. As recently as yesterday the Leader of the Opposition started walking away from the pledge to implement the royal commission's recommendations to buy back homes in bushfire areas. After continually pledging to implement all of the royal commission's recommendations in full, the Leader of the Opposition now says he will only implement the buyback if it is appropriate, if it is in the public interest, if it is affordable and if it is agreed to by both parties. This is in stark contrast to his original pledge to implement all recommendations lock, stock and barrel, as recorded almost a month ago, on 2 August, in the *Australian Financial Review*. In a letter to the editor of one of my local papers, the *Whittlesea Leader*, on 17 August the Leader of the Opposition also pledged:

> The Victorian Liberal-Nationals coalition will implement in government each and every recommendation made by the royal commission.

He said in the same newspaper on 3 August:

> There are 67 recommendations, we accept them and we'll implement them.

The Leader of the Opposition's new conditions on implementing the royal commission's recommendations completely contradict his shadow minister for bushfire response, who proposed the matter of public importance before the house today. On 10 August the Leader of The Nationals said in this house:

> You cannot pick and choose like that. It is not a supermarket.

For his own political purposes the Leader of the Opposition again misled bushfire communities when he promised to implement in full all of the recommendations in the royal commission's final report. It should not be a surprise that we see the Leader of The Nationals proposing the matter of public importance before the house this morning, but we have seen no appearance, Your Honour, by the Leader of the Opposition — —

Mr Weller interjected.

Ms GREEN — It is your matter of public importance! You lot put it before the house. There has been no appearance by the Leader of the Opposition, because he does not support the matter of public importance put forward by his spokesman in the house today. He is backing away, which is exactly what he has criticised us for doing. He is backing away from the forced relocation recommendation, which we have bothered to go out and consult with the community about. I continue to stand by my communities. I will not use them for political fodder. I will continue to work with them.

I commend the work of our fantastic firefighters, and I commend the work of our brave and heroic communities that are rebuilding. They still need our help, the help of the government and the help of the opposition, which should work collaboratively for the good of the community. The opposition does not know how to do that. It does not know how to work hard; it just knows how to misuse, mislead and treat those communities with disrespect. I will work with my communities, and I decry the politicisation of the debate by the opposition.

Mr WELLER (Rodney) — It gives me great pleasure today to rise in support of the matter of public importance proposed by the Leader of The Nationals which states:

> That this house condemns the Brumby Labor government for its failure to adopt all of the 67 recommendations of the bushfires royal commission.

There have been some interesting contributions from government members today, including those from the Minister for Energy and Resources and the members for Melton and Yan Yean. They have been typical of this government's members: when they cannot debate the issue they go the man. The member for Melton spent his 10 minutes talking about the Leader of the Opposition, but he said nothing at all about the fire-affected communities. The Minister for Energy and Resources directed his contribution to the Leader of The Nationals. The member for Yan Yean talked about how opposition members have politicised the debate. It is our responsibility to the people of Victoria, and indeed to the 173 people who unfortunately perished on that terrible day, to make sure we get it right, that we get outcomes and that we fix the problems. We have had the royal commission. Now we need to get on and implement its recommendations and make Victoria a safer place when it comes to bushfires. That is what those of us on this side of the house have been trying to achieve.

The Minister for Energy and Resources talked about recommendation 27 in relation to making powerlines safer, in particular the SWER (single wire earth return) lines and the 22-kilovolt distribution feeders. When opposition members said they were supporting the recommendation, the minister came out and said it would cost $60 billion. His leader had to correct him and say it was only going to cost $20 billion. It will not even cost that, if you read the whole of recommendation 27. As government members often do, the minister only quoted part of the recommendation. He read:

> the progressive replacement of all SWER … powerlines in Victoria

He said that was the end of the quote. But there is not a full stop or a comma at the end of the quote. The recommendation states:

> the progressive replacement of all SWER … powerlines in Victoria with aerial bundled cable, underground cabling or other technology that delivers greatly reduced bushfire risk.

The recommendation is not that all powerlines should be replaced. It continues:

> The replacement program should be completed in the areas of highest bushfire risk within 10 years

That means that in the first 10 years you deal with the highest bushfire risk and you use bundled cable, underground cabling or other new technologies that come along. According to the recommendation, the rest of Victoria should be dealt with 'as the lines reach the end of their engineering lives'. When they reach the end of their engineering lives they are going to have to be replaced anyway, so it is not going to be that much of a cost blow-out to use the latest technology at the time. That is what is in recommendation 27.

Recommendation 56 is about fuel reduction burns, and the government says it supports that recommendation. It is supporting it in a way but not as it should be. The government says it will take six years to get to the 385 000 hectares, but we need those hectares burnt now. We do not need it in six years time; the implementation needs to be a lot quicker than that. While the government says it is acting or that it is going to act, there was a report in 1939 — the Stretton report — —

Mr Hulls — We weren't in government then!

Mr WELLER — The Attorney-General has commented that this government was not in government in 1939. However, in 2003 we had the Esplin report, which also recommended far more fuel reduction burning, and the government did not act on that. There has also been a report to this Parliament by the Environment and Natural Resources Committee saying 385 000 hectares needed to be burnt to protect Victoria. The government has not acted on that recommendation. Here we have the government saying, 'Yes, we are going to adopt the 385 000-hectare burns, but it is going to take us six years to build up to it' when we should get on and do it now.

The other issue that the government has come to is recommendation 64, which is that:

> The state replace the fire services levy with a property-based levy and introduce concessions for low-income earners.

The Brumby government has been in denial about this issue. In 2002, when I was the president of the Victorian Farmers Federation, we put in a submission to the government, and the then Treasurer had a review of the fire services levy done and said, 'No change'. In the last 12 months in this Parliament there have been requests for the fire services levy to be changed because it is an inequitable tax. The Premier has said in this

place, and he has kept on saying, that the fire services levy is a perfectly good way of collecting the money. The bushfires commission has come to bear and has said that the levy should be changed to become a fairer and more equitable way of providing funding, and the government at last has come to the line and agreed.

It is not just the opposition that has this view that the government has been dragging its feet to get to where we have got to. There is no doubt that the government's consultation process has been a sham. In today's *Age* newspaper there is an article written by Karen Kissane that says:

> The 24 hearings, attracting 1600 people, seemed to have been cobbled together in a rip-roaring hurry following a report in the *Age* in which a Callignee resident sneered at what he saw as window-dressing. 'You have more press people here than you have members of the community', the man told the Premier early in his 'listening tour'. 'If this is community consultation, where are we at.'

I agree with that resident. The article goes on to cover the government's position on the housing buyback, which it is saying would be at an astronomical cost. The article says:

> Commissioner Susan Pascoe later clarified that it was not meant to encompass whole towns but to apply to 'micro-zones' in which people lived on heavily forested spurs, for example. Bushfire expert Dr Kevin Tolhurst thinks 'we're talking about tens or hundreds of properties, not thousands …'

The buyback is not going to be at the astronomical cost the government is making it out to be. There is another article in the *Age* by Darren Gray which is about the 385 000-hectare fuel reduction burn target. The article contains some views from Ewan Waller from the DSE (Department of Sustainability and Environment); it says:

> Mr Waller welcomed the increase. He said science backed fuel-reduction burns and so did the vast majority of the community.

He is saying that he backs fuel reduction burning and that the vast majority of the community backs it. The article also says:

> He said computer modelling showed such burns in the Otways over the past three years could significantly reduce the spread of a bushfire and would cut house losses.

This is what we have been saying on this side of the house for many years, and we have been frustrated with the government for not wanting to adopt this policy. The article further says:

> He also rejected claims the DSE would meet the bigger burns targets by burning in areas such as the Mallee, where it was easier to burn.

It is good that he is going to do it in the high-risk areas. The article continues:

> He criticised forestry policy from the late 1980s for more than a decade, when it had a reduced focus on fire management. 'I believe it lost its way', he said. 'The wake-up call was the alpine fire [of 2003]'.

As I said in my earlier contribution, the excellent report in 2003 made the point that we should have had more cold burns, and at long last we are starting to get the government to agree to these things.

The community is quite right to be sceptical. We have had many reports saying we need to do it, and as yet it has not been done. The community needs to know when the government is going to act so that we can have a successful outcome from the royal commission where we get action and see changes. That is what the community wants; it does not want more talk.

Mr HULLS (Attorney-General) — Responsible government does not commit to implementing recommendations sight unseen. A responsible government engages in the process, waits to see recommendations and then consults with communities who are affected by those recommendations. It works in partnership with agencies in communities, conducts rigorous costings, considers all the consequences and then makes decisions about what is in the best interest of the Victorian community. It is called hard work. It is the hard and disciplined work of being a government. It is what we said we would do, and we did it.

I contrast our approach with that of the opposition: we sought a bipartisan approach to the royal commission; the opposition rejected that, preferring to criticise and undermine the firefighting services throughout the commission hearings. The opposition said it would adopt all recommendations sight unseen — lock, stock and barrel.

Now we find out that another flip-flop is on its way. Just yesterday the Leader of the Opposition put a whole series of caveats on his promise to implement the buyback. Obviously those opposition members who spoke today were not aware of what the Leader of the Opposition said yesterday.

When it came to the issue of the cost of implementing the commission's recommendations the Leader of the Opposition first said that cost was just a matter of detail to be worked out later. He then confessed that he had not worked out how much the recommendation to buy back properties in high-risk areas would cost and would not be releasing any complete costings on his bushfire policies until after the election, leaving billions of

dollars in promises uncosted in what can only be described as a budget black hole. That of course was before he changed his mind and decided that he might release his costings before the election — more flip-flopping.

But no-one should be surprised by this behaviour. The opposition has a leader who is used to everything arriving on a silver platter, who has never had to budget in his life and who has no problems writing blank cheques, leaving the cost to be sorted out later. His toughest decision in politics has been to put his shares into a blind trust. This is an opposition that shirks hard work.

People often say that an opposition is not fit for government; in Victoria we have an opposition which is not even fit for opposition, let alone government. By contrast the Brumby government has listened to bushfire-affected communities and those at risk of future bushfire threat. We have consulted with experts and worked in partnership with emergency services agencies, local government, businesses and communities, and we have made decisions that we believe are in the interest of all Victorians.

Last week the Premier released an $867.3 million package to implement in full or in part 66 of the 67 recommendations of the bushfires royal commission. This brings to almost $1.4 billion the cost of new measures the government has announced to address the threat of bushfires since the Black Saturday and Gippsland fires and to make Victoria as fire safe and fire ready as possible.

Our policies are fully costed and fully funded. They will ensure that Victoria and Victorians are better prepared, that Victorians are better informed and educated about fire and that our emergency services are able to respond more quickly and effectively. The fact that our budget has the capacity to fund these measures is a direct result of strong economic management and leadership.

Speakers on this side of the house have already spoken about the royal commission's recommendations and what our response includes, so I will not go over that. The Minister for Energy and Resources has already explained how the government will implement the commission's recommendation to reduce the risk of catastrophic fires caused by electricity infrastructure without financially crippling households or the state. We will prepare a full implementation plan for these reforms and appoint a monitor to oversee the progress of government agencies and departments in implementing the royal commission's recommendations.

The one recommendation the government was not prepared to commit the state to was the retreat and resettlement policy. We consulted with Victorians in high-risk zones, and they made it clear that they did not want to retreat from their homes and communities. They made it clear that what they want is advice and assistance on how to increase their safety in the face of the threat of bushfire, and that is what the government has committed to. We will not retreat from the Victorian bush or from communities in regional and urban fringe areas. Instead of encouraging people to move away, we will invest in helping people mitigate the bushfire risks to their property and in implementing comprehensive fire management plans to preserve human life and protect property.

The government's response is about real action; it is not just words. It is about hard work, not just a list of promises. It is about listening to the community, not thinking you know better than it. I contrast this with the position adopted by those opposite, who wanted to sign Victoria up to a set of recommendations before they had even been formulated or drafted, let alone released. The opposition accepted each and every recommendation lock, stock and barrel without understanding them, without talking to the people who would be affected by them and without costing them. It berated the government for listening to the Victorian public, and speakers have done that in this house today. I suppose if the opposition had its way, it would have told the more than 1500 people who turned up to public meetings across Victoria following the release of the royal commission report to turn away, go home and keep their views to themselves.

I attended meetings in Arthurs Creek, Whittlesea and Warburton — the meetings that the opposition called shams — where locals came to express their strong views about how to make their communities safer. These meetings were worthwhile. They were attended by real people with real issues, and we listened to them.

As mentioned earlier, the Leader of the Opposition is already flip-flopping on costings and is now starting to flip-flop on his promise to implement all the recommendations. Yesterday, after weeks of berating the government for not implementing the royal commission's recommendations sight unseen, he began his own personal retreat and resettlement policy — his backtrack on the buyback, telling journalists it would only be done 'if it's appropriate, if it's in the public interest, if it's affordable, if it's agreed by both parties'. That is a pretty impressive set of conditions: appropriate, in the public interest, affordable, agreed by

both parties — I presume by that last one he means the Liberal and National parties.

To put it succinctly, the opposition's position is this: the Leader of the Opposition is promising to spend billions of dollars of taxpayers money but will not explain if the money for his policies will come from higher taxes or higher electricity prices. He says he will implement all recommendations, but then we get another flip-flop — a backtrack on the buyback.

The opposition now has a serious problem. Earlier this week the head of Metro Trains Melbourne was threatened with the sack because he dared criticise opposition policy. But now we have the Leader of the Opposition backing away from opposition policy. If we follow the logic of the opposition, members will now have to threaten their own leader with the sack because of his appalling performance in relation to what he said earlier this week.

The other question worth asking is where the shadow Treasurer has been in all these discussions. Where has he been? He has been nowhere; he has been too jelly-backed to insist on at least a modicum of fiscal discipline. That is the reality. He has been hiding when it comes to making any public statements about fiscal discipline in relation to these recommendations. Instead of spending time doing the numbers on their leadership, opposition members should be doing the numbers on the royal commission's recommendations.

It is best to leave the last words on the opposition's approach to the *Australian Financial Review*, a newspaper I am sure the Leader of the Opposition has delivered to him every day but insists that he only reads for the articles and not the full-page spreads on share trading.

The *Australian Financial Review* condemned the opposition's blank cheque approach to tackling bushfire risk. Yesterday's editorial endorsed the Brumby government's 'serious and proportionate response'. It says:

> A rush to embrace costly recommendations without thorough cost-benefit analysis could have put a heavy financial burden on taxpayers and power consumers throughout the nation, with little gain to public safety.

It then goes on to say:

> … government cannot eliminate fire risk, and should not attempt to do so with a blank cheque as opposition leader Ted Baillieu seems to suggest.

That is a very important point.

I conclude on the note that we are determined to take action in partnership with emergency services agencies, local government, businesses and communities. We are determined to unite Victorians in one commitment to do all we can to protect human lives from bushfires. Our response will leave Victoria better prepared, the community better informed and our emergency services able to respond more quickly and effectively. We reject the nonsensical approach of the opposition in accepting recommendations sight unseen. That is not good government.

Mrs FYFFE (Evelyn) — I asked to speak on this matter of public importance because I see it as very important. Every day when I open my windows I look out at areas that were burnt. Every day when I am in my electorate I meet someone who was affected by the fires, and I come in here today and we have the embarrassing charade of the member for Melton, who was supposed to be debating the adoption of the recommendations contained in the final report of the Victorian Bushfires Royal Commission, using his time to make personal attacks on the Leader of the Opposition and the Leader of The Nationals; he did not debate the matter of public importance. We have just heard from the Attorney-General, who debated parts of the matter of public importance but turned that into a personal attack on the Leader of the Opposition. He turned his contribution on the matter of public importance into an attack on the whole of the opposition. What a hypocrite! He was criticising us for not preparing costings and for saying that some costings may not be available until after the election, and yet we heard the Premier only this week on 3AW, when questioned about the costings for the fire services levy and the formula for how it would be implemented, say it would not be available until after the election.

What a farce and what an insult to all of those people out there who rely on us — their elected representatives — to discuss and to debate, and if we disagree, to speak out on their behalf. I cannot express my disappointment and embarrassment any more strongly than that, and when the member for Melton's speech is printed in *Hansard* tomorrow and people outside this place read it they will feel as embarrassed and disappointed as I did.

Referring to the matter of public importance, recommendation 46, which has brought about the most angst from the government and which refers to the retreat and resettlement strategy, the buyback, which the commissioners recommend be non-compulsory and which was explained quite well in an article by Karen Kissane in the *Age* today, is not meant to buy back every property in an area. I quote from the article:

> Commissioner Susan Pascoe later clarified that it was not meant to encompass whole towns but to apply to 'micro-zones' in which people lived on heavily forested spurs, for example. Bushfire expert Dr Kevin Tolhurst thinks 'we're talking about tens or hundreds of properties, not thousands of properties'. He said the buyback could be spread over a long period, perhaps 30 years.

When I spoke in this house in response to the bushfires royal commission's final report I highlighted a couple of examples, and I will highlight another one today. There is a family with three young children who live on a heavily timbered property adjacent to a state forest. There are no other near neighbours. Because they have a heavily timbered property, the requirements for rebuilding are adding over $150 000 to the cost of rebuilding, and this is with the father taking 12 months off work to do the building himself. That is $150 000 not including labour. That is an example of land where the owner should be asked, 'Do you want to sell this to the state government?', and it could be incorporated into the state forest. There are many such examples.

Buying back land is not a new idea. State government buying back land has happened. It happened in the Dandenongs; it has happened in other areas; it is happening in Gippsland. It happens at times because of inappropriate subdivisions or because of inappropriate decisions by councils to permit dwellings in areas that have proved to be dangerous. That is what the voluntary buyback is suggested to be all about — not this $50 billion, $60 billion, $80 billion or whatever the latest figure is that is being quoted. It is talking about a smaller number of properties and about people in real need.

When we come to recommendation 27 to amend the regulations under the Victorian Electricity Safety Act we on this side know what can be done, what can be done quickly and what can be done simply. Victorian residents know that the recommendations can be implemented at far less cost than the Minister for Energy and Resources has said and that this can be done in a timely manner. I refer again to this article in today's *Age* by Karen Kissane, and I quote:

> Brumby said putting all powerlines underground could cost as much as $20 billion. He did not reveal the source or detailed costings associated with that figure —

He still has not done so —

> He did not say what it would cost to implement the alternatives suggested by the commission, which include the aerial bundling of wires.

If you go out into the bush, you will often see two wires swinging away in the wind. There have been suggestions about fitting spreads to any line with a history of clashing or the potential to do so. It is sensible, logical and is easily fixed. It is not going to cost $40 billion. The bundling of lines can happen. Yes, there will be some places where you will have to underground. That is accepted, and Victorians expect us to do it.

The royal commission's recommendations require political will and political courage, and that is not being shown by this government in its response. I spoke on 10 August and said that the people in my area want the Premier to honour his commitment to implement all the royal commission's findings, which is the promise they believe he made to them when he announced the royal commission and said, 'We will honour; we will implement'. They also want the promise made by the then Prime Minister, Kevin Rudd, honoured whereby he said their towns, their communities, would be rebuilt brick by brick, but that is not happening in these responses.

We have recommendations on roadside verges, and there is not much detail in response to that. There is nothing really. It is sort of an acceptance in principle, as we get with a lot of these — support in principle — but where is the clarity, where is the desire, when is it going to happen?

I am pleased about the fuel reduction burns. That was recommended by the Environment and Natural Resources Committee, of which I am a member. I am very displeased about the length of time it is taking. I spent Saturday with some old timber workers from the Powelltown area who talked about when they did the burning off in the region. I talked to some old Country Fire Authority volunteers who still turn up on Sundays but do not go out to fires anymore about how they used to do the roadside burns. A CFA brigade would be given an area that it would be responsible for. No-one is talking about burning every roadside verge, and it can be done in a mosaic so that these roadside verges do not operate as a wick and carry fire from one area to the other.

But what is this government doing? Eighteen months later we have nothing. Nothing is happening. We have the neighbourhood safer places, we have the refuges. Where is the detail? There is X amount of dollars — $11.5 million — going out, but what is it going to do? How many refuges and how many safer places can be implemented with that? Is it going to be dumped on councils? I know in the Dandenong Ranges, which is in the electorate of Monbulk, a lot of people are worried, a lot of people are scared about what will happen if we ever have another really hot summer, if we ever have the issues that we had before, and yet nothing is

happening because the council might say an area is suitable but it is still waiting for clear definitions and guidelines. Councils are still waiting for clear promises of adequate funding for what they have to do.

It seems to me that this government is much happier making a decision to spend taxpayers billions on a sporting stadium than it is making decisions to protect the lives of Victorian men, women and children, and I call on it to show political will and political courage and implement the recommendations from the final report of the bushfires royal commission.

Mrs POWELL (Shepparton) — In the few minutes I have available to me on the matter of public importance I would like to strongly support the matter brought forward by the member for Gippsland South on behalf of the coalition which proposes that the house condemns the Brumby Labor government for its failure to adopt all of the 67 recommendations of the Victorian bushfires royal commission.

I believe the community at large would be expecting the Premier and this government to adopt all of those recommendations. The Victorian bushfires royal commission heard many hours and many months of evidence from stakeholders, from people who were affected, from the Country Fire Authority, from people who were involved on that tragic day. The commissioners heard many hours of evidence and then they deliberated on that evidence and came up with these recommendations. They came up with these recommendations to make sure that Victorians will never again go through what happened on Black Saturday. They came up with these recommendations to make sure that Victoria could be protected as a whole and that solutions were put in place around leadership and to make sure that councils and the government work to protect communities.

I also say that the Premier has already done a backflip. He has agreed now that the fire services levy (FSL) is not equitable. The coalition has been saying that for years. While the Premier has made a backflip on the issue of the FSL, we urge the government to accept all the recommendations so that the community can move on and all Victorians will know that the initiatives the bushfires royal commission has suggested to make sure we are all protected are implemented and that the government is not putting Victorians at risk. The government needs to come out now and say that it adopts all those recommendations so that Victorians know that the lessons to be learnt have been learnt and we are never again put in the position we were in on Black Saturday.

STATEMENTS ON REPORTS

Drugs and Crime Prevention Committee: people trafficking for sex work

Ms BEATTIE (Yuroke) — I speak again on the report by the Drugs and Crime Prevention Committee entitled *Inquiry into People Trafficking for Sex Work*, which was tabled in June. I spoke about this report during the last sitting week. It is an excellent document from the committee.

I will talk now about recommendation 23, which is about a range of support services for women who have been trafficked. These support services are absolutely critical because the women who have been trafficked are mainly from overseas — I will produce some of the figures shortly — and are often isolated. They are isolated from their own communities, and the person who brought them from overseas might be the only person they actually know or with whom they have any long-term relationship. The only other long-term relationship they have might be with other trafficked women. Members can see the problem these trafficked women have in being able to come forward.

Some of the recommendations from the committee include free legal assistance to help the trafficked victims with the complexity and seriousness of the legal issues. Those issues are complex. Counselling is very important for these victims because they are often completely isolated, used and abused, and very vulnerable. In relation to safe and appropriate accommodation, the first thing that happens when these victims make an allegation of trafficking is that they are kicked out of wherever they have been residing, so safe and appropriate accommodation is absolutely vital. They need medical assistance, including psychological and allied health assistance, because often these women have to service quite a number of clients each day and their health, certainly their mental health and their sexual wellbeing, is not looked after. They do not have material support, they have no money and often they are without their own passport. They have no education and training opportunities. Often these women come from backgrounds where they do not have any other skills at all. They also need outreach services.

I mentioned earlier that I would produce some figures and talk about the inappropriate use of visas. The most common method of entry for trafficked victims is on either a student or a tourist visa. Figures released in a recent report by the commonwealth Department of Immigration and Citizenship show that of the 159 suspected cases of trafficking referred to the Australian Federal Police, 122 were related to persons

who had arrived in Australia on visitor or tourist visas; 12 were related to persons who had been issued with business visas; 7 were related to persons who had been issued with working holiday visas; and 4 were related to persons who had been issued with student visas.

As I have said before, the line between slave labour and sexual trafficking is a very fine one, and we heard that time and again in the evidence that was given to us. Indeed, there was some evidence given in regard to some of the colleges that accept overseas students, in particular in Melbourne and Sydney, indicating that there may be concern about some of those colleges. We have to be vigilant in monitoring the attendance rates of people on student visas.

We need to be careful, and I am very concerned that students of all kinds are being used inappropriately. On the day of the federal election I was at a booth in Calwell where a number of international students were bussed in, dropped off and paid for the day. Whether they were being paid by the party concerned — the Liberal Party — and whether they were being paid the appropriate rates for their labour remains to be seen. We must watch the issue of student visas and make sure that students are never abused for any reason whatsoever.

Public Accounts and Estimates Committee: Public Finance and Accountability Bill — further considerations

Mr WELLS (Scoresby) — I rise to join the debate, and I refer to the report by the Public Accounts and Estimates Committee entitled *Public Finance and Accountability Bill 2009 — Further Considerations.* I note it was the 100th report to Parliament, and I thought perhaps the member for Burwood should have run through a banner as he presented it, because 100 reports represent an extraordinary effort by the committee.

From the outset I say that the three Liberal Party members and the member of The Nationals on this committee have opposed this report, and I will give an explanation about this. The handling by the Public Accounts and Estimates Committee of the investigation into the Public Finance and Accountability Bill has been an absolute shambles of massive proportions. The bill was supposed to improve openness and accountability, but the end result of the bill tabled in Parliament is that it has not achieved this. The Labor Party members on the committee have done everything possible to gag the Auditor-General. Those members have done absolutely everything possible to stop the Auditor-General from giving evidence before the Public Accounts and Estimates Committee.

Honourable members interjecting.

Mr WELLS — Isn't it interesting? I encourage the Labor members to read the report and the transcript. What I might do is move through the transcript and relate what the Auditor-General said about the committee. I also refer to a preceding report in which the opposition members put in a minority report to outline their disgust in regard to the way the committee was gagging the Auditor-General. I refer to part 1.2 in chapter 1, where the opening paragraph says:

> The committee originally did not seek a briefing from the Auditor-General. Five members of the committee voted against this approach and voted in favour of the Auditor-General being invited to meet with the committee.

When we had the Auditor-General come along to give his views on the bill — and let me say that the only reason he was able to come before the Public Accounts and Estimates Committee was that the Legislative Council voted in favour of a motion for him to do so — this is what he had to say in his opening address:

> I have to record that I was surprised that we were not called prior to finalising the 11 August report. On our reading of the report, it is not evident that the information that we provided to the committee was taken into account. More so, we were particularly disappointed that in the report there was a report of a long-outstanding reply from VAGO, and this issue was not pursued. It appears yet again a comment reflecting adversely on the office has been accepted without testing and nor has procedural fairness been afforded, so I do record that disappointment.

Can members believe it? Those were the Auditor-General's comments about the way the Public Accounts and Estimates Committee had handled the issue. Further on he went on to say:

> … this goes back to my opening comment that I was surprised not to be called and disappointed because, basically, as the independent auditor, I do not think anybody is entitled to speak for us. For any agency to represent our view, I would have thought, especially with the Public Accounts and Estimates Committee, would not be accepted.

The issue the opposition parties had was in regard to the Auditor-General's independence, and when he was asked about his independence and the impact of the bill on his independence this is what Mr Pearson said:

> … and the ability for the executive —

that is, the Labor government —

> to make directions, albeit legally, without consultation and to impose on the operations of the Auditor-General.

That will not be accepted by the opposition parties. The point the Auditor-General was making was that if the executive government can make directions without

consultation and impose on his operations, that is a breach of his independence.

I note with great interest that the member for Box Hill has already commented on this report. It is a bit rich for the Labor government to champion the independence of the Auditor-General and yet not accept amendments to this bill.

Environment and Natural Resources Committee: impact of public land management practices on bushfires in Victoria

Mr PANDAZOPOULOS (Dandenong) — I would like to comment on the Environment and Natural Resources Committee's report on the impact of public land management on bushfires and to commend the government for last week announcing its plan of increased burns. I have spoken on this report in the house in the past. It was a unanimous report by the committee.

The committee had the hard task of trying to balance bushfire mitigation with the way we manage public land. We recommended something that I guess was radical and controversial at the time, because it was before the Black Saturday bushfires: a tripling of burning of the public land estate. The report not only identified the need for that and some environmental benefits attached to it but also highlighted the need to build capacity around increased burning and to increase resourcing. That is why I was really pleased to hear the government's announcement in support of this report.

Normally reports are considered by government, but our report was also being considered by the bushfires royal commission. Through the whole royal commission I think many of us on the committee felt a bit like university students with the conclusions of their assignments being assessed by lecturers. Interestingly the bushfires royal commission came up with exactly the same conclusions in relation to these issues as the committee did.

None of us, including the government, necessarily likes burning, but we understand that the science is telling us that if we want to reduce the impact in an environment of climate change, we have to burn off more in a planned way than we have been doing in the past. The committee could come to a conclusion about the tripling of the burns because the fact was there were no targets set before this government started setting some. In effect we had to build a whole range of new knowledge around what burning is. Because there were those targets, the committee concluded that if we measured what was needed compared to what the government was doing, then we could see it actually needed to do a lot more.

Of course the government has announced significant resources, including extra full-time staff for the Department of Sustainability and Environment and extra casual staff in the season, because we all know that yes, there are narrow windows of opportunity. The safe days for doing planned burns are extremely limited. Unless you have the staff on the ground to be able to utilise that opportunity to get that fire started at very short notice and try to manage it, you cannot do them.

The report also highlighted that we have a lot to learn in terms of our capacity building — the community and the government — in the way these things are done. That is why I think it is appropriate that the government in the interim has announced a doubling of the burning rate initially before it phases in a tripling of the current burning rates. There is no doubt we will learn significantly from that.

The report highlights the need for mosaic burning, which is burning off not a whole estate, not one large parcel of land, but burning off in one area, then in a different area and then in an alternate year burning off in some other areas. Mosaic burning helps protect biodiversity and reduce the impact of the spread of fires if they progress into an area that has already been burnt.

However, the bottom line is that we live in one of the most fire-prone regions in the world, and a lot more people are living in environments which are heavily treed and forested. People are choosing to live in those areas, and the way to mitigate risk is by working with those communities. Although more policy commitments have been made and more resources are required, people in those communities also need to understand that their participation is essential and that risks are attached. Even with the current rates of planned burning there is still the risk that controlled burns can get out of control, and in the past some damage has occurred.

The assessment made by the Environment and Natural Resources Committee — and for that matter by the royal commission in its final report — is in effect that on balance that risk is worth taking as against the risk of not doing what the new policy intention is. I commend the government on that report, and I think as parliamentarians we are duty bound to support the government, the Department of Sustainability and Environment and our firefighters in those efforts as this new policy is rolled out.

Road Safety Committee: federal-state road funding arrangements

Mr MORRIS (Mornington) — I rise to make some comments on the Road Safety Committee report into federal-state road funding arrangements tabled earlier today. I acknowledge the work of the whole committee, but I acknowledge particularly the work of the members for Benambra and Rodney from this house and Mr Koch from the other place.

The reference went to the committee in March 2007. The request was that the committee review the current funding arrangements for road funding, assess the effect of the arrangements, particularly in terms of economic efficiency and equity, and make recommendations to attempt to improve those arrangements.

As is noted in the report, federal-state funding has a long and convoluted history, particularly road funding. In reading the committee's recommendation 5 on the hypothecation of 50 per cent of fuel tax revenue to road expenditure, I was reminded of a time 20 years ago when I was in Canberra meeting with the then federal Minister for Land Transport, Bob Brown, trying to achieve hypothecation, which is still yet to be achieved.

More than three years have elapsed since the referral, which is perhaps not surprising given the complexity of the arrangements required to get the report through. It is appropriate that the report is by the Road Safety Committee. Too often roads are considered in the sense of logistics, economic efficiency, congestion and so on, all of which are very important matters. However, the safety of individuals and road safety in general are equally important.

The report also pays substantial attention to the issue of local roads. Again the context is often about logistics and big projects, such as ring-roads, freeways and so on, which are necessary and which in terms of projects currently afoot are certainly welcome. It is equally necessary that we have the ability to maintain and upgrade our local roads as the demands on them increase. I was pleased to see that emphasis in the report.

The key issue in the report is the role of the commonwealth, and that is reflected in the fact that of the 16 recommendations, 15 refer to including issues for consideration in the processes of the Council of Australian Governments (COAG). The only exception is recommendation 9, which deals with wire rope safety barriers on the South Gippsland Highway and the potential to expand that program across the state.

COAG is not only a necessary method but also a desirable way of ensuring consistency between the states to the maximum extent desirable; but it is a balancing act. Obviously road users need consistency. They do not want to drive across a state border and all of sudden find they have to drive on the other side of the road. Clearly there can be some variation in things such as speed limits and so on, but too often COAG is used as a vehicle, through the subterfuge of harmonisation, to determine services and to apply the lowest common denominator across the nation.

In my lifetime we have seen a big shift by the commonwealth into areas that were previously the preserve of the states. The report identifies the resourcing challenges faced by the states across the nation and consequently by local government. The report quotes from the Victorian government's submission to the Henry review, noting on page 62:

> The commonwealth collects over 85 per cent of taxes and has access to some of the largest, broadest, and fastest growing taxes. However, the commonwealth is only responsible for around 57 per cent of government expenditure.

On the same page the report notes that spending by the states amounts to 43 per cent of all government expenditure despite the states receiving only 15 per cent of tax revenues. The report also identifies the 24 per cent growth from the 1970s in commonwealth revenue as a percentage of gross domestic product and the matching decline in transfers to the states from the commonwealth of some 17 per cent of gross domestic product over the same period.

Clearly when the commonwealth was established it had a defined role and the balance was left to the states — and even unexpended funds were to be returned to the states. That situation lasted only a couple of years, but we are at a point where we need to address the roles again. We need to deal with lots of duplication, and I think there is a public will to do that. I make the observation that to a large extent we have duplication because the commonwealth has dealt itself into service provision in many areas where it did not previously have a role. However, if we are to ensure the long-term success of our federation — if we are in any doubt that there is a substantial difference in views across the nation, that doubt should have been erased the other Saturday night with a difference in voting patterns — road funding is certainly one of these issues that needs to be addressed. I commend the committee for its work on this subject.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Government: advertising

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to an announcement by the Honourable Lindsay Tanner, the former federal Minister for Finance and Deregulation, that for the 2009 calendar year Australian government departments and agencies spent a total of $115.3 million on advertising campaigns for the entire population of Australia, and I ask: is it not a fact that last year in Victoria the Premier spent the same amount — $115 million — on advertising campaigns just in Victoria, or is it now even more?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I have indicated to the Leader of the Opposition in this house on many previous occasions, the bulk of advertising which typically occurs across the course of a year in our state is advertising — —

Honourable members interjecting.

The SPEAKER — Order! The members for South-West Coast and Scoresby will not interject in that manner. The Premier to continue without assistance from the government benches.

Mr BRUMBY — The house will recall that during my contribution on the condolence motion I moved yesterday in relation to the late Jim Kennan, I made the point that it was just over 20 years ago when Jim was the Minister for Transport that the TAC (Transport Accident Commission) campaigns which aimed to shock Victorians began.

Honourable members interjecting.

The SPEAKER — Order! Government members will cease interjecting. I ask the member for Kew for some cooperation with the smooth running of question time.

Mr BRUMBY — As I have consistently said in this place, much of the advertising which takes place on behalf of government and which is paid for directly or indirectly by taxpayers is about protecting public safety or about — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BRUMBY — That advertising is about protecting public safety or saving lives. One of the campaigns that is on at the moment, for example, which is funded by motorists through the TAC, relates to the tragic death of Luke Robinson. It is a TAC advertisement involving his family, including his father, Norm Robinson, whom I have spoken to. That advertisement is about getting a message out, particularly to young people, about the dangers of driving.

So many of the campaigns we have in place are about protecting lives and public safety. Some campaign advertising over the last six months, certainly that I have seen when I have been home, if I have been watching the television, has included advertisements by the Cancer Council on Quit — —

An honourable member interjected.

Mr BRUMBY — You mightn't care about this; I do.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte will not interject in that manner. I ask the Premier to ignore interjections, and I ask opposition members once again, particularly the member for Doncaster, to cease interjecting in that manner.

Mr BRUMBY — We have made no secret of the fact that as a government we are prepared to spend taxpayers money where it results in saving public lives. In relation to smoking, I would have thought that all members of this house would share an aspiration to see smoking rates reduced. It is entirely appropriate that those advertisements are on television, that they are paid for by taxpayers and that they are part of a publicly announced campaign which the Minister for Health and I announced last year to get smoking rates in Victoria down from 17 per cent to 14 per cent in our community. That will save thousands of lives.

There is another campaign which is running on television as well, and that is a Pap screen campaign aimed at — —

An honourable member interjected.

Mr BRUMBY — You might interrupt again in relation to that.

The SPEAKER — Order! I remind members of the opposition that the Premier will not be shouted down.

Mr BRUMBY — That campaign is aimed at increasing the screening rates for women aged 25 to 64 who either do not screen or are underscreened.

There is a campaign running at the moment about Ambulance Victoria encouraging Victorians to join the Ambulance Victoria membership scheme. Yes, it is promoting Ambulance Victoria. I think that is a good thing to do: to lift the number of Victorians who are part of our Ambulance Victoria scheme so that they are properly insured members of the scheme.

There is a nurse retention and recruitment campaign under way. I am sure that the state opposition would describe that as political, but the reality is that across Australia, and indeed across much of the world at the moment, it is difficult to recruit and retain nurses. When we are expanding funding in the public hospital system and we need more nurses because there are more patients being treated, we need to advertise to get them, and I make no apology for that campaign.

There is a campaign in relation to the regional blueprint. Again the Leader of the Opposition would say — —

Honourable members interjecting.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He was asked simply to confirm whether the Victorian government is spending more or the same amount as the commonwealth. I ask you to get him to address the question.

Mr Batchelor — On the point of order, Speaker, the Premier was asked a question about advertising. He is giving a very detailed and specific answer which relates to advertising, and he should be allowed to continue his answer without interruption.

The SPEAKER — Order! I do not uphold the point of order. The Premier, though, has been speaking for some time, and I ask him to conclude his answer.

Mr BRUMBY — As I was saying, there is the Victorian nurses retention and recruitment campaign. We have advertising campaigns running in relation to the regional blueprint, and it has always been my view and the government's view that we want to grow the whole state. You cannot do that without attracting people and investment to country Victoria.

There are advertisements which have been paid for by taxpayers in relation to bushfires, and again I would have thought, after the debates we have had in this place following the tragic events of 7 February 2009, that advertising to make sure that people are properly prepared, that they understand the issues of public safety and understand the changes that have been made would have been crucially important to the future of our state.

There is a knives campaign on. When I got home the other night I saw the police campaign which says, 'We'll get you'. I think it is a great campaign. It is highlighting the fact that Melbourne is a great city, a global city that is enjoyed by so many people, but there is a small minority who disrupt that for others. This is an advertisement in which the police say that if you are carrying a knife, with the new powers that police have and the increased number of police, they will catch you. Again, I think that is a strong campaign.

I have mentioned the TAC advertisements. There are also WorkSafe advertisements and, finally, in relation to the T155 program I understand there are a small number of advertisements. We have come through 10 years of drought, we are trying to ease water restrictions, we are trying to be cautious with water and it is entirely appropriate that that information is provided to the community.

I do not have a quantum figure. What I do know is that, as I said, the vast majority of the advertising which has occurred has been directed at either saving people's lives or improving public safety.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I acknowledge and welcome to the chamber today a delegation from the Republic of Kenya that is looking at legislation. I welcome members of the delegation and express my best wishes for their endeavours while they are in the Parliament.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Economy: government initiatives

Mr NARDELLA (Melton) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on how the Victorian economy continues to grow?

Mr BRUMBY (Premier) — I thank the honourable member for Melton for his question. As honourable members are probably aware, if you look at the economy of Victoria, you realise we are equivalent in size, in rough terms, to the economies of Ireland, Israel or Singapore, so we are a significant global economy in our own right. I think it is fair to say, as is equally true for Australia and Australia's economic performance, that Victoria has come through and recovered from the global financial crisis better than just about any other place in the developed world.

The steps that we put in place as a government — disciplined financial management, a budget in surplus, a AAA credit rating, a big capital works investment program, investment in skills and education, and the right tax mix across our economy — have produced the right elements to ensure that we have grown strongly while the rest of the world's economies have been collapsing through the global financial crisis.

The Australian national accounts were released today, and I am pleased to say that Victorian state final demand rose 1.9 per cent in the June quarter of 2010. That is well above national domestic final demand growth of 1.3 per cent in the quarter and second only to Western Australian growth — that resource growth. This is a great outcome for Victoria.

Over the year Victorian state final demand grew by 6 per cent, which was also above the national domestic final demand growth of 5.3 per cent. I was particularly pleased that, if you look at the breakdown of the national accounts figures today, in this last quarter the Australian economy grew by 1.3 per cent and Victoria's contribution was the largest of any state or territory in Australia. Our state alone added 0.5 of a percentage point to Australia's aggregate growth of 1.3 per cent. Despite all the doomsayers who have been talking about our Victorian economy being in recession and all of the comments about nosedives, our strategy has been right, and these figures today are confirmation of that.

The retail trade figures were released earlier in the week, and I am pleased to say that the value of Victorian retail trade sales rose for the fifth consecutive month in July. The 1.7 per cent increase was the largest monthly rise since November 2009, and over the year — in the last 12 months — Victoria was up 6.5 per cent, with Australia up 4 per cent. Victoria has led Australia in building approvals for 27 consecutive months. Over the last year we have been at $23 billion, New South Wales at $20 billion and Queensland at $17 billion. Nothing is as important to Victorian families as jobs. Since the beginning of the global financial crisis we in Victoria have generated far more jobs than any other Australian state. In the last 12 months alone there have been about 100 000 new jobs — 20 000 more than in any other state in Australia.

Last week we announced our response to the 2009 Victorian Bushfires Royal Commission. As part of that I was pleased to announce that there will be 600 additional firefighting jobs across our state — 100 new Metropolitan Fire Brigade firefighters, 340 additional Country Fire Authority firefighters, and 170 additional permanent staff for the Department of Sustainability and Environment, as well as 231 additional seasonal staff. Putting all of that together means more jobs and more opportunities, particularly in our outer suburban areas and in regional Victoria, and it also means a safer and more fire-ready Victoria.

Apart from what is happening in the private sector, we can add the 1700 additional police we are recruiting over the next five years, the additional nurses we are recruiting and the $950 million that has been committed by the federal Labor government. All of that will mean more jobs and more opportunities across our state, particularly in our health system.

This a good story about our state. It is a good story about appropriate, responsible financial management. As a result of the responsible, prudent financial management, of the strong economic management we have put in place in this state, we have the budget capacity to do the things I have identified today. Whether it be more firefighters, more nurses or more police, we are able to do these things because of the strength of our balance sheet and the strength of our economy.

Government: advertising

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to reports that the government has spent $6.6 million on advertising to promote the Premier's unfunded transport plan, and I ask: how does the Premier justify this massive expenditure of taxpayers funds on self-promotion when Victorian schoolchildren are at risk every day because of a shortage of funding for school crossing supervisors?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. We have a transport plan. We announced it. It is a $38 billion transport plan.

Honourable members interjecting.

The SPEAKER — Order! The member for Lara! The member for Narre Warren North is warned. The Minister for Education! I remind opposition members that the Premier will not be shouted down.

Mr BRUMBY — Since we announced that plan we have committed close to $10 billion in new public transport and road-related investment to build a stronger transport system in our state. That is very different to somebody who said on 11 June 2008 that they would be releasing their transport plan very soon. Where is it? Gone missing?

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

Mr BRUMBY — In relation to the investments that we have made, let me go to public transport. This year alone we will be investing $3.2 billion in public transport, with $830 million for new and improved infrastructure. If you look around the world at what other economies and other nations and other governments are doing, you see that they are not investing as we are. They are sacking public servants and cutting back on public works — and we are investing $3.2 billion. By the way, I am told that today we are spending 13 times more on public transport infrastructure than was spent in 1998–99.

On Monday I joined the Minister for Public Transport to announce a further 285 services on our metropolitan system. That will mean that between peak hour in the morning and peak hour at night there will be services every 10 minutes on the Frankston line. There are now 2000 more services running on our metropolitan train system than was the case a decade ago. Why is that so? Because there is more rolling stock, more infrastructure, more investment in the system and as a consequence more services. The system is carrying almost twice the number of people it did.

Work is under way on the $650 million South Morang rail extension, the $153 million Westall rail upgrade, the $92.6 million Laverton rail upgrade, the — —

Mr Baillieu — On a point of order, the Premier is debating the question. He has not only confirmed that his transport plan is unfunded but has also not addressed the question. The question is: how does he justify spending money on advertising this unfunded plan when school crossing supervisors, the lollipop men and women of Victoria, are unfunded?

Mr Batchelor — On the point of order, Speaker, The Premier was asked a question about a $38 billion transport plan.

An honourable member — No, he wasn't.

Mr Batchelor — He was asked a question which included a reference to the $38 billion transport plan. Any plan that has a total value of $38 billion will have a large number of components to it. The Premier has been answering in relation to that plan. He should be allowed to continue.

The SPEAKER — Order! I find the point of order in some respects difficult to rule upon. I believe there was a degree of political point-scoring in the question, which is not in accordance with standing orders, and in his answer the Premier should be able to respond to those claims. Meanwhile, though, the question was clearly about advertising. I rule that the Premier has been speaking for more than 4 minutes, and I ask him to conclude his answer.

Mr BRUMBY — If I can, let me then come to the issue of the school crossing supervisors. School crossing supervisors do a great job, and we support them very strongly indeed. If you look over the relevant period, you see that we have actually increased funding by 40 per cent — that is the budget — and the number of school crossing supervisors has increased by 28 per cent. In these cases there are always the arguments for more, as there are always arguments for more police, more nurses or more teachers. However, we have increased funding by 40 per cent, and that funding has provided for a 28 per cent increase in the number of school crossing supervisors.

More than that, as I mentioned to the media this morning, we have also spent $30 million putting in place the school speed zones. We started this program some years ago, going back, I have to say, to the days when the Minister for Energy and Resources was the Minister for Transport. We started that program then in response to feedback we got from the community saying that this was a good thing to do and how important it was to protect that safety around those areas. On the advice I have, we have spent, as I have said, $30 million, and since the introduction of those school speed zones in 2003 the number of casualty crashes around schools has fallen by 29 per cent. That is the latest information I have from the Minister for Roads and Ports.

I know there are increasing demands in this area. I know this has been raised with us in community cabinet meetings. However, we have increased funding by 40 per cent and have spent $30 million on the school speed zones, and the result of that is a 29 per cent reduction in casualties around school crossings. That is

a great result, a fantastic result, for the children of Victoria.

Bushfires: preparedness

Mr HARDMAN (Seymour) — My question is to the Minister for Police and Emergency Services. I ask the minister to advise the house how the government and its fire agencies are working to ensure Victoria is best placed to be prepared for this and future fire seasons?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Seymour for his question. He is one of the great many wonderful volunteers of the Country Fire Authority. I also acknowledge — as I look to the honourable member for Rodney, or he will pick me up! — that other honourable members are volunteers in the CFA.

Last week the government announced its response to the recommendations of the royal commission, and the Premier set out $867 million of initiatives to help Victoria become safer when it comes to fire safety. Whether it be the additional firefighters that the Premier has already discussed, whether it be the additional assistance to those wonderful volunteers I referred to or whether it be the additional crew protection for those who are going to be out on the fire ground, they are all very important measures.

The nub of what the royal commission has said is that there has traditionally been an approach on the part of the fire services towards fire suppression and that that is understandable but that in the very worst of conditions the thing that is more likely to save people's lives is additional information. Last week the Premier unveiled the new Phoenix RapidFire system as part of FireWeb. This involves being able to make very early predictions as to where a fire may spread so that that information can be disseminated earlier. That occurs through the use of the new one source, one message system — there are additional funds to improve that — whereby an information officer at an incident control centre can dispatch information from that one source and that one message will go to the media — to partners such as commercial radio, the ABC, Sky News TV and some community radio stations — to get information out.

There is also the new emergency alert. There are additional funds for the next stage as our contribution to the national contribution for the emergency alert. There are also additional funds for incident management teams. This would mean that if we were to have a code red day across the entire state, we would have 12 incident control centres with a full complement of 30 staff ready to go in the morning of that day — that is, one or sometimes two in every region.

Compare that, as people do, to California — with 10 times the population — which has three, and compare it to British Columbia, which I am told has one. This is world best practice in making sure we are as well positioned as possible when it comes to incident management teams. That comparison positions us extremely well compared with other places around the world.

In addition, there are funds for neighbourhood safer places, funds to assist councils and funds for fire prevention planning and community education. There are the additional funds for the record increase in prescribed burning, which will be undertaken and overseen by the Department of Sustainability and Environment. In addition there is the establishment of the new fire services commissioner to bring together and drive the standards of the fire agencies — and the Premier has announced that Craig Lapsley will be the state's first fire services commissioner. He will be the state fire controller. This will also build on what police have announced — that the operational response unit will be used to give greater visibility to patrols on high-risk fire days as well as funds for a Crime Stoppers campaign.

This $867 million is not a blank cheque, but it is a very large amount. That amount is to make Victoria fire safe and fire ready.

Former member for Ivanhoe: conduct

Mr CLARK (Box Hill) — My question without notice is to the Premier. I refer the Premier to claims made by the former member for Ivanhoe that the Premier had offered him an inducement in the form of a government appointment to try to make him toe the line, and I ask: can the Premier inform the house what inducements he offered to the former member for Ivanhoe to seek to influence his conduct as a member of Parliament?

Mr BRUMBY (Premier) — None.

Bushfires: powerlines

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Energy and Resources. Can the minister update the house on what action this government will take to safeguard bushfire-affected communities from electrical assets, why this approach has been chosen and how stakeholders have responded to the government's plan?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for his question. The 2009 Victorian Bushfires Royal Commission final report made eight recommendations that relate to reducing the risk of catastrophic fires being caused by electricity assets in the future. The government has supported all eight recommendations; it will support six in total, and it will support two in part. We are doing that because we want to reduce the risk of catastrophic fires. We also support a lot of work being done to reduce the risk of powerlines causing bushfires, but we will not be doing it by blindly throwing a blank cheque at the powerlines. The suggestion by the royal commission of replacing all SWER (single wire earth return) lines — —

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass will cease interjecting in that manner.

Mr BATCHELOR — The suggestion in recommendation 27 of the royal commission's report to replace all SWER lines and to replace all 22-kilovolt powerlines with the best available technology is a worthy target, but it is a very costly and unknown solution. It is interesting to note what the president of the Victorian Farmers Federation, Andrew Broad, said in a recent media release. He said:

> While this is an admirable aspiration it would come at a massive cost to taxpayers. It is difficult to see how this recommendation could be implemented.

I want to emphasise that what we are going to do is try to find the best way of reducing risk, the best way of identifying the appropriate technology to do that, the best way of ensuring the reliability of electricity supply — —

Mr O'Brien interjected.

The SPEAKER — Order! I ask the member for Malvern to cease interjecting in that manner.

Mr BATCHELOR — And, in addition to those three objectives, we are going to try to find a way to do them in the most affordable way.

We are also supporting recommendation 32 in part, which calls for the suppression of automatic reclosers. Automatic circuit reclosers are a way of ensuring that electricity outages are only temporary and do not lead to long outages while people are waiting for power to be restored. Recommendation 32 calls for the automatic reclose function on all SWER lines to be turned off for the six weeks of greatest risk in every fire season, for automatic reclosers on all 22-kilovolt feeders to be turned off on all total fire ban days and for only one reclose attempt to be permitted before lockout.

Again, on page 149 of its report the royal commission says in relation to its recommendations that:

> Implementation of the recommendations will entail considerable cost.

The report goes on to say:

> The commission is not, however, in a position to take into account cost implications and the impact on communities; those are matters for government to determine and assess.

That is exactly what we intend to do.

Mr Ryan interjected.

Mr BATCHELOR — I know The Nationals do not support this, but when we had part of our consultation — —

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question. I now warn the member for Bass.

Mr BATCHELOR — When we had part of our consultation following the final recommendations to talk about this with various stakeholders, again the sorts of sentiments that were expressed earlier on by the Victorian Farmers Federation were expressed to that round table — that this is a recommendation that needs more development and more implementation. Reliability of power supplies is particularly important to the dairy industry: it cannot commence milking without having the certainty of being able to continue it without an interruption because of the automatic reclose.

Again, members need only to refer to a *Herald Sun* online forum on 9 August to see how the Leader of The Nationals backed away from the strident position he put before this house today.

Mr Ryan interjected.

The SPEAKER — Order! I ask the minister not to debate the question, and I ask the Leader of The Nationals not to interject across the table. I ask the member for Narre Warren North to cooperate with the smooth running of question time.

Mr BATCHELOR — The issue about the appropriate response to the suppression of these devices on powerlines during the six weeks or on total fire ban days is a matter we will investigate, but we need to do it in consultation with the farming community. It is an

important issue. We need to establish what is the most appropriate and reliable form of technology not only to reduce the risks of fire starts but also to do it in an absolutely affordable way.

Housing: solar water heaters

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Housing. Is it not a fact that while the minister is promoting himself at solar energy functions, his own department is at the same time tendering for 650 electric hot-water heaters — the most CO_2-intensive and environmentally damaging water appliances available — to be used in public housing?

Mr WYNNE (Minister for Housing) — I am delighted that the Leader of The Nationals has provided me yet again with an opportunity to talk about the outcomes that this government has achieved in public and social housing and in renewable energy. Yesterday I was delighted to be with the Premier at Solar Systems in Abbotsford in my own electorate where we launched a fantastic further part of the government's program in relation to renewables in the solar area.

I remind the Leader of The Nationals of the absolutely extraordinary commitment of this government to public and social housing. It was only a week ago that I was with the Premier at the launch of the iconic Common Ground project in Elizabeth Street in Melbourne. This project will house 161 of the most vulnerable people in our community in a commercially constructed tower building that has a 5-star energy rating. I can also say to the house that we should acknowledge in that fantastic project the extraordinary contribution of philanthropy by the Grocon corporation to the Common Ground project. More generally, in relation to — —

Mr Ryan — On a point of order, Speaker, the minister is debating the question. With the best will in the world, I am sure these very interesting issues can be further developed at an appropriate point in time, but at the moment I have asked the minister a question, and I ask him to answer it.

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

Mr WYNNE — Of the Nation Building projects we are involved with in partnership with the Gillard government, and I have spoken about these many times, it goes to the — —

Honourable members interjecting.

Mr WYNNE — We have contracted more than 4000 of these houses, and we are required to ensure that all of those public housing and social housing products are 5-star energy rated. We are absolutely on target to complete 75 per cent of that new construction by 31 September this year, which is almost 3000 units of housing, all 5-star energy rated. We are also looking at opportunities for alternative technologies. The use of ceramic fuel cells is one of the opportunities that we are considering at the moment. It is one of the most energy-efficient opportunities available for public housing tenants, because we know — —

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. I ask you to have him return to answering the question he has been asked.

Mr Hulls — On the point of order, Speaker, the question was about energy efficiency and public housing and the minister could not be more on point.

Dr Napthine — On the point of order, Speaker, the question was quite specific about why the minister has ordered energy-inefficient and carbon-inefficient electric hot-water services. That was what the question was about, and the minister has failed to address that question in any way, shape or form in any part of his answer. That is why he is not relevant, and I ask you to bring him back to answering the question.

Mr Batchelor — On the point of order, Speaker, it is not about hot water; it is about the making of electricity — two different points. The point made by the member for South-West Coast is way off the mark. He does not know the difference between making hot water and making electricity.

The SPEAKER — Order! I uphold the point of order and ask the minister, who has been speaking for some time, to conclude his answer.

Mr WYNNE — We will build 6000 units over the next couple of years; they will be 5-star energy rated. We will ensure that the most vulnerable people in our community are housed through this excellent partnership with the federal government. The use of ceramic fuel cells, solar power and solar orientation is this government building 5-star-energy-rated public and social housing. There is the record investment by this government and there is the risible investment of the opposition. The opposition does not care about public and social housing.

Bushfires: royal commission recommendations

Mr STENSHOLT (Burwood) — My question is to the Minister for Finance, WorkCover and the Transport Accident Commission. Can the minister, or should I say, will the minister, because I am sure that he can, update the house on the financial impact on the state of adopting the recommendations of the 2009 Victorian Bushfires Royal Commission?

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I thank the member for Burwood for his question, because, as the Premier has already shared with the house, and as the Minister for Energy and Resources and the Minister for Police and Emergency Services have informed the house, the government has responded comprehensively to the recommendations contained in the final report of the Victorian bushfires royal commission. Last week we announced $867.3 million worth of initiatives to improve safety for all Victorians in the face of future bushfires.

Those recommendations and responses now include very substantial increases in the form of hundreds of additional firefighters to protect the state, increased resources to support volunteer firefighters, increases in the level of fuel reduction burning — in fact a doubling and then ultimately a tripling of fuel reduction burning in the state — new fire-mapping technology and many other initiatives that will help improve the safety of Victorians as we face future bushfires.

An important element of this is that the government has been able to cost the initiatives that we have put in place. We have been able to identify the financial impact of these initiatives on Victorians. Even in the case of the fire services levy, where there is still additional work to be done on the property-based system that will replace it, we have made it very clear that in and of itself the shift from the fire services levy to a property-based system will not result in any additional expense for households — just from the introduction of a new system to fund our fire services.

One thing we do recognise is that the state cannot just write a blank cheque in terms of providing the best possible safety for all Victorians. The editorial in the *Australian Financial Review* yesterday had this to say:

> The Victorian government was right to carefully consider its response to the royal commission into the Black Saturday bushfires of 2009. A rush to embrace costly recommendations without thorough cost-benefit analysis could have put a heavy financial burden on taxpayers and power consumers throughout the nation, with little gain to public safety.

The *Australian Financial Review* went on to say:

> The public rightly expects the government to improve bushfire safety after the tragedy of Black Saturday, in which 173 died. But government cannot eliminate fire risk, and should not attempt to do so with a blank cheque as opposition leader Ted Baillieu seems to suggest. A serious and proportionate response is called for. Mr Brumby has so far met this standard.

The *Australian Financial Review* certainly gets it, and the Victorian government also gets it. We understand it is important to make Victorians as safe as is possible, but at the same time we recognise that all of the recommendations we have accepted, all of the initiatives we are currently implementing and all of the work that still needs to be done, need to be properly costed. The Victorian people need to understand what the costs of these initiatives will be.

I was somewhat surprised when my attention was drawn to a comment from one commentator, who when asked about the voluntary property buyback proposition — a recommendation from the Victorian bushfires royal commission final report that the Victorian government has not accepted — had this to say:

> … it's not something you can cost in the short term, certainly not from opposition.

The following day that person had this to say:

> … we'll be making known any financial provisions that we make before the election.

What is it to be? What are Victorians to know about this response to the bushfires royal commission's recommendations?

Mr Ryan — On a point of order, Speaker, the minister is clearly debating the question. He is referring to the opposition in his commentary. As he himself has said, this is question time, and it should relate to government business. The government, having jibbed it over this particular recommendation — —

The SPEAKER — Order! The Leader of The Nationals knows not to make a point of debate while taking a point of order. The Leader of The Nationals is correct. Question time is a time to address government business, and I bring the minister back to government business.

Mr K. Smith — Good ruling, Speaker!

The SPEAKER — Order! Let me make one point clear to the member for Bass: I do not need his approval.

Mr HOLDING — When the Victorian government elected not to accept recommendations from the

bushfires royal commission, we knew and understood what the implications of that would be, because we have consulted with the Victorian people. In fact we have embarked upon a comprehensive program of community engagement to gain a response from the Victorian people on what they think about the very important recommendations that the bushfires royal commission has made.

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Malvern, Warrandyte, Caulfield and Kilsyth to cease interjecting in the manner that they have perfected this question time.

Ms Marshall interjected.

The SPEAKER — Order! The member for Forest Hill is warned.

Mr HOLDING — We looked very carefully at all of the recommendations made by the bushfires royal commission. We made a judgement about what the most sustainable and appropriate use of limited taxpayer contributions would be in being able to support those recommendations. We looked carefully at what the implications would be for communities affected by these various changes and recommendations. We have consulted with those communities and have gained responses as to what the members of those communities think of the very important work that the bushfires royal commission has done on behalf of all Victorians.

We have made sure that our response has been costed so that people can see what the implications of the decisions that we have made will be for them in the years ahead. We are not in the business of making half-baked responses to these important recommendations when the financial implications of those responses are not known to the Victorian people. We will be candid with the Victorian people. We will be candid in telling them what the implications of the decisions that we have accepted and those that we have rejected will be for them. It stands for others now to meet the test and the standard that has been set by the Victorian government.

Metro Trains Melbourne: performance

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to the fact that today is the first anniversary of his 2009 commitment in this place that rail passengers will notice changes from day one and the contract with Metro Trains Melbourne 'will deliver improvements to what I would describe as the non-negotiables … punctuality, reliability, safety', and I ask: given that Metro has failed for nine consecutive months to deliver on its punctuality targets across Victoria, will the Premier now apologise to long-suffering Victorian commuters for yet again misleading them?

Mr BRUMBY (Premier) — I thank the honourable member for his question. The reality is, as I said before in answer to an earlier question today from the Leader of the Opposition, that — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth has had his opportunity to ask the question. He should have sufficient respect to listen to the answer.

Mr BRUMBY — As I indicated earlier today, if you look at the investment that we are making in the public transport system, you see it is 13 times higher today than it was in the year before we won government. If you look at the number of staffed stations across the state, you see there are nearly 100 premium stations today, 37 more than when we came to government. If you look at the number of passengers who are being carried across the system today, you see we have virtually doubled the number of passengers across the system, and if you look at the number of services across the system, you see there are more than 2000 additional services in the metropolitan system.

And there is not just that. I was asked in this place a couple of weeks ago about the services in country Victoria. The services from Geelong, Ballarat, Bendigo and the Latrobe Valley have immeasurably improved. We have extended the line to Bairnsdale, we have extended the line to Ararat and we have extended the line to Maryborough. These are all improvements and extensions which we have made to public transport in Victoria.

After years and years and years of waiting, after all those years in opposition, there is still not a single transport plan, and what an embarrassment that is for the member for Polwarth.

Mr McIntosh interjected.

The SPEAKER — Order! I ask the member for Kew to cooperate with the smooth running of question time.

Bushfires: royal commission recommendations

Ms DUNCAN (Macedon) — My question is to the Attorney-General. I refer to recommendation 67 of the 2009 Victorian Bushfires Royal Commission final report, and I ask: can the Attorney-General outline to the house the action the government will be taking to implement this recommendation?

Mr HULLS (Attorney-General) — I thank the honourable member for her question. The last recommendation of the royal commission's report, recommendation 67, was that the government 'consider the development of legislation for the conduct of inquiries in Victoria — in particular, the conduct of royal commissions'.

There is no doubt that the bushfires royal commission conducted a very comprehensive and impressive investigation and that it had all the powers and resources necessary to complete its task, but in volume 3 of the final report the commissioners reflect on the lessons learnt from their 18-month inquiry and recognise the value of having more established and enduring yet flexible legislative arrangements for the conduct of major public inquiries and also royal commissions.

The government has accepted, in full or part, 66 of the 67 recommendations, including recommendation 67, and has commenced the policy work for a legislative framework for future inquiries and commissions. As with all recommendations of the royal commission, I can certainly assure the house and the Victorian people that before we reach a decision about the precise model we should adopt, we will seek the views of the experts. We will consult, we will do the research, we will carefully cost the options and we will consider what is in the best interests of Victoria. We will do the hard work; we will not backtrack and we will not flip-flop. That is what good government is about.

The Brumby government is committed to robust public scrutiny and accountability measures right across government. as was recently evidenced by our adoption of the Proust integrity reforms. Public inquiries and royal commissions are but another part of the same accountability system. The commission pointed to the considerable work already undertaken on this issue.

The Australian Law Reform Commission's report entitled *Making Inquiries — A New Statutory Framework* made 82 recommendations to modernise and improve the commonwealth's public inquiries legislation, and the royal commission referred to that report as a road map, if you like, for implementing recommendation 67 of its final report. The central recommendations of that commonwealth report were the creation of two tiers of major public inquiries — royal commissions and public inquiries — designed to create a more cost-effective and efficient inquiry model, and the creation of a new inquiries act as a single source of provisions about the functions and powers of inquiries and the integration of major public inquiries with other investigatory bodies.

The bushfires royal commission suggested that the Australian Law Reform Commission report would mark a useful starting point for Victoria in considering its own model, and we agree. We agree with the bushfires royal commission. We believe that federal report gives us a head start. I conclude on this note: we are a responsible government, and before we reach our final position we will do the hard work — we will do the costings, we will not backtrack and we will not flip-flop.

STATEMENTS ON REPORTS

Statements resumed.

Public Accounts and Estimates Committee: Public Finance and Accountability Bill — further considerations

Mr STENSHOLT (Burwood) — I wish to speak today on the 100th report to Parliament of the Public Accounts and Estimates Committee (PAEC), which is a report on further consideration of the Public Finance and Accountability Bill 2009. This will mean that we will be providing 28 reports from the Public Accounts and Estimates Committee during the lifetime of this Parliament, which is a one-third increase on the number of reports that the Public Accounts and Estimates Committee provided to the last Parliament.

I would like to place on the record yet again the excellent support the committee receives from its secretariat, ably led by Valerie Cheong, and I am happy to reiterate the committee's view, as outlined in its recent annual report, that the remuneration structures for the PAEC committee secretariat need revision. Clearly the responsibilities and workloads of the committee are substantially different to other joint investigatory committees, with the possible exception of the Scrutiny of Acts and Regulations Committee.

Public finance and accountability is very important to the Public Accounts and Estimates Committee. In fact this is the fifth report on this matter by the committee to the Parliament. First of all there was an interim report in

late 2008 which launched the review by PAEC of public finances, practices and legislation here in Victoria. Subsequently a discussion paper on further reform to public finances was produced by the committee which asked the community and interested parties, obviously including the Auditor-General as well as the Department of Treasury and Finance and many other experts both in Australia and overseas, for their views on how we could conduct further reforms to public finances here in Victoria.

That was followed by a report last year entitled *New Directions in Accountability — Inquiry into Victoria's Public Finance Practices and Legislation*, which was the 85th report by PAEC to the Parliament. This was assisted by the work of the Department of Treasury and Finance, ably assisted by a former Minister for Finance, the Honourable Roger Hallam, as well as the Auditor-General and a range of other witnesses who appeared before the committee. The report was adopted unanimously by the committee, and I commend, and have commended in the past, that particular report to this Parliament. The government's response to that report formed the basis of the subsequent bill, the Public Finance and Accountability Bill, which was presented to the Parliament and which has now been the subject of two further reports by PAEC, including its latest, 100th report.

The committee has consistently taken the view that further reform of public finances in Victoria needs to occur even if the Liberal Party has suddenly discovered that it has no interest in new directions in accountability. The committee has provided this report and the previous report and in those reports has outlined key issues and concerns, and indeed the views of the member for Box Hill, the Department of Treasury and Finance, and the Auditor-General. The committee has done this as quickly as possible because it believes it is very important to expedite full consideration of the bill in Parliament and that we should undertake further reforms so that Victoria remains the leading jurisdiction, not only in Australia but in the commonwealth and beyond, with regard to the handling of public sector finance practices.

We believe the Public Finance and Accountability Bill needs to go into a committee stage in the other place for further detailed discussions, building on the further consideration of issues by the Public Accounts and Estimates Committee. The real action needs to be on the bill and its comprehensive scheme for further reform of public finances, as I said, for Victoria to continue to be in the lead not just nationally but worldwide and concentrate on new directions in public finance and accountability, not on those issues that seem to be of interest to the member for Scoresby and other members of the opposition, whether it be the member's views on the Auditor-General or the Secretary of the Department of Treasury and Finance.

What the member for Scoresby said about the Auditor-General is hollow, because he voted during the time of the Kennett government to nobble the Auditor-General. The Auditor-General was most upset in his evidence recently not because of the report by the committee but because of the minority report which he said denied him natural justice.

Public Accounts and Estimates Committee: Public Finance and Accountability Bill — further considerations

Dr SYKES (Benalla) — I rise to contribute to the debate and make comment on the Public Accounts and Estimates Committee (PAEC) reports on the Public Finance and Accountability Bill, in particular the report entitled *Public Finance and Accountability Bill 2009 — Further Considerations* tabled today. This further report arises following a failure by the Public Accounts and Estimates Committee to satisfy the Legislative Council's initial request some weeks ago for a thorough consideration of the Public Finance and Accountability Bill.

I fully endorse the concerns expressed by the member for Scoresby. In a nutshell, the Brumby Labor government has tried every trick in the book to gag the Auditor-General. The member for Scoresby read out a number of quotes from the transcript of the Auditor-General's evidence to PAEC on 24 August. Clearly the Auditor-General was disappointed at not having been called to give evidence prior to the finalisation of the first report and its tabling in the house on 11 August because he said:

> I have to record that I was surprised that we were not called prior to finalising the 11 August report.

He goes on:

> It appears yet again a comment reflecting adversely on the office has been accepted without testing … nor has procedural fairness been afforded …

That is hardly a big rap for the integrity of the Public Accounts and Estimates Committee, which is dominated by the Labor Party. The non-government members sought to make this important issue clearer to readers of the report through a motion to include an additional paragraph in chapter 1. I refer to page 89 of the report headed 'Extract from the minutes of proceedings' taken from the meeting of PAEC on

30 August. The motion that a new paragraph be included at the end of paragraph 1.3, chapter 1 states:

> This is contrary to the DTF evidence given in the original hearing on 3 August. In the original hearing DTF officials, when asked if the Auditor-General was satisfied with the bill, responded by stating that they had not received a response from a letter that it had sent to the Auditor-General on 9 December 2009. Consequently the committee was left with the impression that as a result of a 'no response' from the 9 December 2009 letter, DTF had formed the view that the Auditor-General was satisfied with the bill. The Auditor-General strongly disputed this claim by DTF in the 24 August hearing.

The motion was moved by the member for Scoresby and seconded by a member for South Eastern Metropolitan Region in the other place, Mr Gordon Rich-Phillips.

The extract of minutes at page 89 further states:

> The Chair ruled the motion as out of order as —

in his opinion —

> it was factually incorrect and related to the previous inquiry, not the present one.

A motion was then moved that:

> The committee expressed its dissent on the chair's ruling of the above motion as out of order.

The committee divided on that motion with those in support being the member for Scoresby; a member for Eastern Metropolitan Region in the other place, Mr Richard Dalla-Riva; a member for South Eastern Metropolitan Region in the other place, Mr Gordon Rich-Phillips; myself; and a member for Southern Metropolitan Region in the other place, Ms Sue Pennicuik.

Those against the motion were all the Labor members of the committee: the members for Burwood and Narre Warren South; a member of the Southern Metropolitan Region in the other place, Ms Jennifer Huppert; and the members for Williamstown and Preston. That was a clear attempt by the government members to prevent the exposure of the shutting down of the Auditor-General.

If we then go on to look at another part of this report, where the Auditor-General expressed his concerns about the chair of the Public Accounts and Estimates Committee's attempts to shut him down in that he was not able to comment on policy, we see that the Auditor-General said:

> I would also like to clarify that I do not see the provision of audit comment in this context, to the executive or to a parliamentary committee, as being contrary to section 16(5) of the act.

In conclusion, this is yet another example of the Brumby government attempting to shut down the Public Accounts and Estimates Committee and the Auditor-General. It is an appalling, desperate act by a tired, out of touch, arrogant government that will do anything to stay in power.

CONFISCATION AMENDMENT BILL

Second reading

Debate resumed from 12 August; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Mr WYNNE (Minister for Housing) pursuant to standing orders.

Mr CLARK (Box Hill) — The Confiscation Amendment Bill is a bill to amend the Confiscation Act 1997 in relation to both criminal and civil forfeiture. A confiscation regime was originally introduced in Victoria back in 1986, but that regime had a lot of problems and a new regime was introduced under the Kennett government in 1997 by the then Attorney-General, Jan Wade. The reforms introduced by Mrs Wade brought about a marked increase in the amount of revenue being confiscated and in the numbers of restraining orders being issued under the program. The regime introduced in 1997 has been continued under the current government, with further amendments being made in 2004 and again in 2007.

There is across-the-board support in Victoria for a strong, effective and fair confiscation regime. The amendments in the bill can be broadly characterised as being intended to make refinements, improvements and enhancements to the existing regime. As always in such cases, the questions that need to be asked and assessed are: how well will the amendments work and are they adequate?

Turning to look at those amendments in more detail, the bill first of all sets out some specific objectives for the asset confiscation regime in clause 5. It redrafts the forfeiture threshold for fisheries offences to specify those in terms of quantities of fish rather than market values, under clause 32(2). It expands the money laundering forfeiture provisions by means of clause 32(1) and aligns those provisions with commonwealth law through clause 28.

The bill inserts a general anti-avoidance power for the courts to vary or declare void avoidance schemes in clause 31. In clause 19 the bill expands tainted property substitution powers to apply to automatic forfeiture and not just to court-ordered forfeiture, as applies at present. The clause goes on to provide that the court may order the substitution of property in which the accused has an interest that is of the same nature or description as tainted property which is not available for forfeiture. The bill requires a person who has given notice of a restraining order to not only declare whether he or she has an interest in the restrained property but also to state the nature and extent of any such interest and the addresses, if known, of others who have interests in that property. That is required by clause 8.

Clause 22 allows the amount of a pecuniary penalty order to be varied to take account of a subsequent forfeiture. Clause 26 provides a financial institution may be required to indicate the type of account held with it in addition to details about the account name and balance. Clause 29 enables prescribed persons to request the production of documents to assist with property management and maintenance. Clause 16 provides that freezing orders are intended to last for three business days rather than 72 hours, as is the case at present.

Clause 49 extensively redrafts the civil forfeiture provisions so that they operate separately from the criminal forfeiture provisions. Clause 35 expands the civil forfeiture powers of the legislation to include property that is likely to be used in a future serious offence. By the term ‘serious offence’ I refer to what the legislation describes as a schedule 2 offence, which includes offences such as drug trafficking, extortion, theft, robbery, fraud, blackmail, secret commissions or handling stolen goods, where those offences involve items of above specified values or amounts. Clause 49 of the bill also makes it harder for third parties to have their interests excluded from civil forfeiture provisions if they have knowledge of any use of the property for unlawful activities.

There are a range of other drafting, procedural and administrative changes in the bill, and of course the minister has just a few minutes ago given notice of additional amendments, which have been circulated and which I and other opposition members are seeing for the first time.

In assessing the bill and the operation of the confiscation regime I think one of the key issues that needs to be addressed is the extent to which the regime is successful in targeting and confiscating the assets of the so-called Mr Bigs of organised crime, or whether it is simply catching a lot of the small fry who are involved. This is a difficult issue to assess based on the information that is publicly available.

A report prepared by the Auditor-General a few years ago is one of the few public documents to report on the number of orders being made as well as on the value of the property confiscated. The figures in the Auditor-General’s report, as I observed when we debated amendments to the principal act in 2007, could lead to the conclusion that by and large it was relatively small amounts that were being recovered from each offender. We have now had more recent data, including data up to 2008–09, in relation to amounts of assets being seized or money being paid into consolidated revenue, but there is no readily available data on the numbers of orders being made. To my mind that is a significant omission from the reports made to Parliament.

The asset confiscation operations report to the Attorney-General, pursuant to the Confiscation Act 1997, for 2008–09 lists figures for the annual amount of revenue yielded from asset confiscation operations for the period between 1 July 1998 and 30 June 2009. In particular it shows that in the 2008–09 financial year the confiscation scheme yielded $15.635 million. That is a figure that calls for some further explanation from the Attorney-General or members on the government side of the house who speak on the bill.

On 24 February the Minister for Police and Emergency Services, the Premier and, I believe, the Attorney-General were involved in a visit to an asset confiscation impound warehouse. The Attorney-General issued a media release in relation to that visit, proclaiming what he said were the achievements of the confiscation regime. He nominated a figure of more than $53 million in assets being seized from suspected criminals in the 2008–09 financial year. Obviously there is a big difference between $15.635 million and $53 million, and that is what calls for some explanation. There may well be a perfectly reasonable explanation for that difference. It appears the $53 million relates to the amount seized and the $15.635 million relates to the amount yielded. I understand there can often be timing differences, particularly when, as I believe has happened in the past, various confiscation operations have had to be put on hold — or at least the disposal of assets has had to be put on hold — because of litigation before the courts that may have affected what could be done. Those timing matters may be one reason for difference.

There is also a reference in a media report to the fact that, as the release says, the vast majority of what was seized — some $45 million — was in valuable real

estate, some of which was owed to bank mortgages. It may be that a very large component of the $45 million was owed to bank mortgages. Nonetheless it is not particularly informative for the public or for others trying to assess how well the scheme is working to have the Attorney-General and others out there trumpeting a $53 million figure when the report that comes to Parliament says the amount that ended up coming into revenue was $15.635 million.

Nonetheless there has been a steady progression in the amounts yielded from the scheme over past years. In the debate on the 2007 amendments I drew some contrast between the Auditor-General's figures and this data series in relation to the amounts being yielded in the earlier part of the past 10 years, but it is clear that the regime established by the previous government and continued by the current government is continuing to reap generally increasing amounts of revenue.

However, as I said previously, what is not clear is the extent to which that additional revenue is coming through effective targeting and confiscation of assets from the Mr Bigs of organised crime, or whether it is coming from catching the smaller fry. Again, I referred to this in the 2007 debate, and I made the point that a lot of people who may be involved at the lesser end of the spectrum in terms of being distributors and smaller dealers in drugs are being nabbed but the ones who are driving these organised crime rackets are not being nabbed. Clearly if the legislation is not achieving that, then it is not achieving one of its key objectives.

Some concerns about the operation of the regime are illustrated by reference to the case of Mr Robert Moloney of Nirranda. His case has received some media coverage. I have also been contacted by his solicitors, Davies Moloney, who have sent me a press release relating to what their client is experiencing. In that press release Davies Moloney refers to what the Attorney-General said in Parliament in 2003:

> … the new —
>
> automatic forfeiture —
>
> provisions are intended to apply only to those people who are involved in the drug trade for profit reasons. There are unfortunately many people who are addicted to drugs, and who traffic in drugs simply to support their own addiction. Such people should not be subject to automatic forfeiture. Rather, for them the focus must be on rehabilitation.

In the case of Robert Moloney, according to what Davies Moloney states, Mr Robert Moloney was charged with possessing and trafficking approximately 50 kilograms of cannabis; however, the trafficking charge was almost immediately withdrawn. At the hearing of the matter in the Warrnambool Magistrates Court and on the submission of the Director of Public Prosecutions, Her Honour Judge Campton found that there was no evidence whatsoever of any commerciality in the matter. Nonetheless, according to what Davies Moloney states, the Director of Public Prosecutions made an ex parte application to the County Court of Victoria and an incorrectly sworn affidavit stated that Mr Moloney had been charged with trafficking in excess of 50 kilograms of marijuana.

Davies Moloney further contends there was no suggestion by the Director of Public Prosecutions that Mr Moloney's house was acquired pursuant to the proceeds of crime, but nonetheless an order was then made ex parte — that is, without Mr Moloney's side of the argument being heard — against Mr Moloney, relying upon the affidavit that had been sworn, and then shortly thereafter his property was administratively transferred into the name of the Attorney-General. Davies Moloney states that the matter is before the County Court and that the Attorney-General is a party to the proceedings and is continuing to resist Mr Moloney's application to have his house returned to him.

Davies Moloney states in the press release that Mr Moloney has a drug addiction problem and is not a drug trafficker. It further states that several approaches have been made to the Attorney-General to rectify what it describes as a glaring abuse of power. The response of the Attorney-General has been that he would not interfere with these proceedings because the matter is before the court, even though he is a party to the proceedings.

Obviously I am making no comment whatsoever on what the court may proceed to find, and we have not heard the Attorney-General's point of view on this matter. Nonetheless, the case made by Davies Moloney, which is also borne out by a media report on the case that I am aware of, is that an error was made in an affidavit and it was that error that led to the court initially, on an ex parte basis, ordering that Mr Moloney's house be taken away from him. If that error had not been made, his house would not have been taken away from him. However, he has so far been unable to get his house back and the Attorney-General, according to what Davies Moloney alleges, has not been willing to resolve the matter.

If the facts are as claimed in that media release and there is an anomaly in the law whereby once an asset such as a house has been seized it cannot be 'unseized', as it were, and there are difficulties in a person getting that asset back even though as far as the law is concerned they were not liable to forfeit ownership in the first place, then that is an issue with how the regime works. There is nothing that I have seen or picked up in the second-reading speech that indicates that the bill is

going to address Mr Moloney's situation. It seems appropriate to me that the Attorney-General should address not only Mr Moloney's specific case but also the question of whether there needs to be an amendment in the bill that will allow for errors such as that to be reversed to avoid the sort of problems that Mr Moloney appears to have experienced.

There is a further observation that needs to be made about confiscation legislation and the successive amendments that this Parliament may make and that is that it is important to ensure that innocent parties are not unintentionally made the victims of legislation such as this. I appreciate that some efforts have been made in the bill to ensure that that is not the case, but it is important to ensure that those efforts are sustained because otherwise there is a risk that a person whose so-called crime is being the spouse or partner of an offender may end up being put in a position where, effectively and regardless of what the letter of the law may say, they could lose their home and they and their children could be disadvantaged accordingly.

To an extent it can be said that if an offender commits an offence which results in a confiscation regime being applied to their property and others who rely in some way or other on that property suffer, then that is something the offender has brought on those close to them and the offender should not be able to wholly escape liability by using the adverse consequences of their actions on other people. It is obviously a balancing act that the law has to engage in to ensure that assets that ought to be confiscated are confiscated while providing some protection for innocent persons who would be adversely affected.

One further specific matter that I would raise in relation to the bill goes to clause 7. It is a point that has been raised with me by a senior member of the bar. That member of the bar made the point that proposed new subsection 16(6), to be inserted into the bill by clause 7, provides that certain applications in relation to property or an interest in property may be made more than once, whether on the same grounds or different grounds, for any purpose referred to in section 15(1) of the principal act. The point this senior member of the bar raised with me is that this seems to allow multiple applications to be made even if an identical application has already been heard and determined by the court and has been dismissed.

Looking at the explanatory memorandum to the bill, there is reference made to there being no intention in that provision to allow abuse of process, but nonetheless the drafting of this provision does not seem to distinguish between successive applications where there might be a different factual situation or new evidence has emerged and where a further application has been made because somebody thinks the judge has got it wrong the first time.

If that latter possibility has been contemplated in producing this bill, there is a degree of irony here because the bill has been brought to the house by an Attorney-General who, when it comes to allowing a new trial in the case of new and compelling evidence such as DNA evidence that might demonstrate that someone who had previously been acquitted was in fact guilty of an offence or conversely demonstrates that someone who has been convicted is innocent, is strenuously resisting adopting the recommendation of the Council of Australian Governments for a uniform model around Australia to make provision for retrials in those limited circumstances, and yet the same Attorney-General seems to be allowing multiple repeat applications even where there is no fresh evidence, new grounds or other good reason in cases such as this. The point that this senior member of the bar has raised with me seems to have some merit, and I trust that it will be addressed by the Attorney-General or other government speakers in the course of this debate.

As I mentioned earlier, some amendments were circulated by the minister just before the debate commenced, and I am seeing these for the first time. On very quick inspection one amendment seems to be consequential on an objective that is already in the bill of changing a reference to the duration of freezing orders from 72 hours to three business days. The other amendment appears to be remedying a drafting matter, but without having had advance notice or any briefing from the government as to the purpose of those amendments, they will require further consideration.

Subject to any possible effect of those amendments, the coalition parties are not opposing the bill. We believe that many of the amendments contained in it are reasonable; however, we are concerned that there is inadequate data being made public on the operation of the confiscation regime. We are concerned about whether or not it is operating as intended, which is to capture the major figures engaged in organised and high-value crime. There are also the two specific matters I referred to in debate in relation to the Moloney case and possible similar cases and in relation to clause 7 of the bill, which we hope will be addressed during the course of debate.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise in support of the Confiscation Amendment Bill. Clause 1 sets out the purposes of the bill which are to improve and clarify the operation of

existing powers and processes in the Confiscation Act 1997 and to reinforce and clarify the preventive and remedial purposes of civil forfeiture powers in the act. Clause 2 provides for the act to commence on a day or days to be proclaimed. This will allow for the making of associated regulatory changes consequent upon the amendments in the bill. Clause 3 provides that the Confiscation Act 1997 is the principal act for the purpose of the bill.

There is a series of changes to improve and clarify the act's operation. These are particularly welcome, because as members would be aware our government is strongly committed to ensuring that we strengthen Victoria's already tough asset confiscation laws to ensure that criminals are stripped of the proceeds of their crimes even more quickly and efficiently. The bill makes a series of changes which will improve and clarify the act's operation. It expands the availability of automatic forfeiture and civil forfeiture powers in relation to money laundering offences and certain serious fisheries offences. It extends the tainted property substitution powers, which are currently limited to court-ordered forfeiture, to apply to automatic forfeiture cases.

The bill also creates a new general anti-avoidance power for the court to set aside schemes or arrangements that are designed to defeat the act's operation. As members would be aware, criminals go to great lengths to avoid being caught, and therefore I think this is a particularly good improvement to the act. The bill enhances the information-gathering powers of confiscation agencies to enable them to obtain key information for the effective administration of the act and ensures that restraining order powers operate as originally intended, following recent court decisions.

The bill also makes a range of amendments relating to the civil forfeiture powers in the act. These powers enable property to be confiscated if it is suspected to be tainted in relation to serious criminal activity in the absence of a criminal conviction. These powers are, of course, preventive and remedial in purpose and are aimed at ensuring that tainted property is prevented from being used in future illegal activity. This is in contrast to the conviction-based powers in the act, which are directed at specific persons who are convicted of criminal offences and involve a punitive element.

The government is strongly committed to ensuring that it toughens up legislation, that it puts in place tough laws to ensure that criminals cannot get away with criminal activity, and that the proceeds of their criminal action can be intercepted as quickly and as efficiently as possible. In addition, the government believes that we have to give Victoria Police the additional powers and tools they need to fight illegal activity in the state and to make sure that crime does not pay. We need to send a clear message to criminals in Victoria that if they commit a crime and they benefit or intend to benefit from that crime, we will do everything in our power to ensure that they are caught.

This is part and parcel of a much bigger package of legislation and policies that the government has very proudly brought about over the last almost 11 years to ensure that Victoria becomes a much safer and better place to live. We very proudly put on record that without a doubt this is the best place to live, to work, to raise a family and to feel safe, because the legislation and policies we have developed over a decade in government have delivered that result. We will continue to deliver that objective and to work in the same direction.

With organised criminals becoming more and more sophisticated, these reforms mean that Victoria Police can stay ahead of the game. These laws will ensure that when Victoria Police works hard to catch criminals it will also hit them in the hip pocket to prevent them benefiting from illegal activities. We are absolutely determined to send a message to those involved in organised crime that we will do everything in our power to ensure that we get in their way and catch them.

Victoria's asset confiscation scheme has created a hostile environment for serious and organised criminals to fund their illegal activities, and we are now introducing very tough amendments to widen the net and to make it even harder for them. In 2004 the Victorian government introduced new laws that allow police to seize assets on suspicion of criminal activity rather than having to wait until the charges had been laid. We have brought about this amendment to the act to make a distinction between the civil and criminal conviction that was required in the past, and it is proper practice that we make this amendment now.

Over the past decade the estimated value of criminal assets frozen in Victoria has increased substantially. Victoria's tough asset confiscation scheme has been very successful and has recovered millions of dollars from criminals and resulted in millions of dollars being paid directly into the victims of crime funds.

The Labor government and Victoria Police are ensuring that criminals in the state know they will be punished and stripped of any wealth derived from their criminal activities. The government is providing additional

resources to assist agencies in pursuing cases before the courts to speed up recovery and further disrupt and deter crime.

This is very good legislation. It is welcomed by every good man and woman in the state but certainly not by criminals or organised crime bodies, because this is tough legislation. It gives police additional tools with which they can work to deliver a safer Victoria. It gives the government the opportunity to continue to work on what is fundamentally our commitment to make the state safer for families — men, women and children — to live in. The legislation and policies we have developed over a decade are part and parcel of our quality of life, as is the continuation of the principal act which was introduced by the previous government.

The Confiscation Amendment Bill 2010 improves and clarifies the operation of the Confiscation Act 1997 to ensure that it remains an effective tool in deterring and combating serious crime. The amendments in the bill will give effect to the government's 2006 election policy commitment to further streamline the operation of Victoria's confiscation schemes.

We are very committed to this act and to ensuring that Victoria is a safer place. We are committed to introducing tough legislation, including tough asset confiscation laws, to ensure that criminals are stripped of the proceeds of crime even more quickly and efficiently.

With those remarks I commend the Confiscation Amendment Bill 2010 to the house and commend the efforts of the government and the minister in satisfying the expectation of all Victorians — bar the criminals — that Victoria be a very safe place. To meet that expectation we need good, tough legislation, and I am very proud to support the Confiscation Amendment Bill 2010 and wish it a speedy passage.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Confiscation Amendment Bill 2010 and indicate that I will not be opposing the bill, which could be seen as a belated attempt by a tired, out-of-touch Brumby government to convince people that it is tough on crime. After 11 years in government we have these sorts of measures being put forward in the last hundred days.

Those comments aside, as the member for Box Hill has so eloquently outlined, the bill has generally sound underlying principles, and apart from a major concern that the bill may capture the little guys but the big fish might still get away, we see a lot of merit in what it is seeking to achieve.

The second-reading speech explains that the bill expands the availability of automatic civil forfeiture for serious fisheries and money laundering offences. The fisheries issue may well be of interest to you, Acting Speaker, given your electorate and your previous career. It is also of interest to me — and this will come as an absolute surprise — in relation to Lake Mokoan. That is because once upon a time Lake Mokoan was a wonderful fishing ground containing many native fish, and on more than one occasion there were incidents where illegal commercial fishermen put in long lines and hooked a very large number of fish. It was quite difficult to catch those people, particularly with the limited surveillance that was going on.

They plundered many Murray cod and yellow-belly in particular, which were breeding in that location. Interestingly, in spite of the illegal fishing activities and the many fish caught by legitimate recreational fishermen, there were still thousands of native fish in the lake when it was dried out in 2007. In fact the official estimates at that time were about 6000 Murray cod and 11 800 golden perch. Just as an aside, when the rescue operation was done to save those fish as the lake dried out, only 107 were saved.

The ACTING SPEAKER (**Mr Ingram**) — Order! The member for Benalla needs to restrict his comments to the bill. I understand the point the member for Benalla is trying to make, but the contribution must be consistent with the contents of bill.

Dr SYKES — Thank you for your guidance, Acting Speaker. The relevance of my commentary, with a little expansion, was to highlight that there had been illegal fishing going on in Lake Mokoan and that there was a need for tougher penalties and greater surveillance to catch those people. Therefore, had this legislation been in place at that time, there may have been greater success and greater deterrence of that illegal activity.

The other aspect mentioned in the second-reading speech related to money laundering. There is the suggestion of a general anti-avoidance power in the act, and the second-reading speech states:

> …this power will allow a court to declare a scheme or transaction to be void if satisfied that its purpose is to defeat the operation of the act.

I put a hypothetical forward for consideration by the minister, and it relates to a situation where you have an organisation seeking a quote for a job. Two possibilities then arise. One is that there is collusion between those bidding for the job, and they up the price and get the services at a very good return for their effort. We have seen those sorts of things happening in a number of

cases, such as that of Visy Board, where there were serious concerns — and I know there is an overlap with the Australian Competition and Consumer Commission in that area. The other possibility is collusion with the provider of services and the purchaser where there is an excessive margin that can then be split between the contractor and the employees, with a kickback going to the purchaser of the services. I wonder, Acting Speaker, whether that sort of situation would be covered by the provisions of this bill.

It has been suggested to me that there is a particular example of that type of activity occurring at the moment in relation to the desalination plant. It has been suggested that the quote for the work down there was very high and that amongst the beneficiaries were the contractors and their employees — and the purchaser of these goods is a Labor government using taxpayers money. What is being put to me is that the contractors are then giving a kickback to the Labor Party to fund campaign activities and that the union dues of the employees, who are members of the Construction, Forestry, Mining and Energy Union, are also providing a kickback to the Labor Party to fund campaign duties. That is what has been asserted to me, and I am just raising the question as to whether this confiscation bill, in the event that there is substance to that assertion, would cover that situation.

Given that the employees are getting in the order of $150 000 to $250 000 a year for jobs that would normally be worth about $60 000 to $80 000, you have to scratch your head and wonder what is going on. I would also say — and it would be no surprise to you, Acting Speaker, that I mention this — that the same assertions have been made in relation to the north–south pipeline.

Mr Scott interjected.

Dr SYKES — For the benefit of the member for Preston, I will say plug the pipe!

Coming back to the bill, as the member for Box Hill outlined, the range of its provisions are supported by the Liberal-Nationals coalition. It is interesting and desirable to expand on the civil forfeiture powers to include property that is likely to be used in a future serious offence — for example, a schedule 2 offence such as drug trafficking, extortion, theft or robbery — because they are the sorts of high-level crimes we really need to nail criminals for if we are going to achieve the outcome of a safe society. At this stage there would be serious questions about safety in society, which is partly related to the prevalence of drug traffickers and the existence of fellows such as Mr Carl Williams until recent times.

In winding up my contribution, I indicate that the concerns we on this side of the house have basically come down to three major ones. Firstly, the government has stopped publishing data which allows the public to see whether it is the Mr Bigs of organised crime that are being caught or just small fry. In other words, we are wanting to see the information to back up whether there is success or not, because so often with Brumby Labor government programs there is a disconnect between the program and measurable objectives based on outcomes. In fact this government's policies are very often devoid of such objectives.

The second concern is potential anomalies concerning people losing their property if their spouse or partner uses it for unlawful activity. Given the wide range of relationships that can occur, there will often be the possibility of totally innocent people being caught up in the application of this legislation when it becomes law. The third particular concern is that it is unclear whether this bill fixes the anomaly of a forfeiture not being able to be reversed even when it is shown to be based on an error — and I understand that the Moloney case has been mentioned. We need to factor into all things that we do that there are very few occasions when anything is perfect and that therefore you do need to be able to reverse things if by mistake a wrong decision is taken.

With those remarks, Acting Speaker, I reiterate that we do not oppose the bill. The basic intent of the legislation is good. I would appreciate the Attorney-General responding to the questions I have about the issues I have raised.

Mr SCOTT (Preston) — It gives me pleasure to rise to speak on the Confiscation Amendment Bill 2010. As has been stated, this is a bill to strengthen Victoria's asset confiscation laws to ensure criminals are stripped of the proceeds of crime more quickly and efficiently. Firstly, I would like to make a few principal statements. Like other members of this house, I believe that criminals should not financially benefit from their crimes, that wherever possible the state should intervene to prevent criminals benefiting from their crimes and that, where they have benefited from crimes, the proceeds of crimes should be taken from them. This is an important aspect of law which provides a brake on criminal activity and on people benefiting from it. To achieve that end this bill expands the scope and application of Victoria's confiscation scheme, improves existing information-gathering powers and clarifies and improves a number of procedural matters relating to asset confiscation schemes. The asset

confiscation scheme clarifies and improves the operation of civil forfeiture powers in the act.

I would particularly like to focus on an issue other than the issues relating to illegal fishing which were touched upon by the previous speaker, but I would like to say in response to the member for Benalla that that was one of the most disgraceful abuses of parliamentary privilege I have heard in some time. To make a serious allegation of corruption without evidence — and I presume it will not be repeated outside of the house — is a particularly egregious example of an abuse. Making very serious allegations of corruption without a shred of evidence is a serious thing to do, and I think it should be approached with much more caution by members of this house.

I turn to the issue I want to speak on further, which is the issue of money laundering. Part 2 of the bill makes specific amendments to improve the operation of the act in relation to money laundering, which is a growing area of criminal activity. Particularly given the electronic transfer of funds and complex business structures, money laundering plays an integral part in criminal activities, and tracking money laundering and providing that people involved in money laundering face forfeiture of the proceeds of money laundering is an important aspect of this bill. I believe it will improve the operation of the law in Victoria and the ability to respond to the growth in white-collar crime and international crime, which rely on and are part and parcel of money laundering.

I also note that money laundering can play a key part in some of the most heinous crimes, such as terrorist activities. Money laundering often funds terrorism and criminal activities can be interrelated with terrorist activities. Money laundering is a critical area to attack in any law that targets asset confiscation, and I think this bill makes useful amendments in order to achieve that goal.

I note that over the last decade the estimated value of criminal assets frozen in Victoria has increased substantially. The confiscation regime has recovered millions of dollars from criminals for the community, resulting in millions being paid directly to victims of crime. The Brumby government is proud to work with Victoria Police to make sure criminals in the state know they will not only be punished but they will be stripped of any wealth derived through crime. The government is also providing additional resources to assist agencies in pursuing cases before the courts to speed up recoveries and further disrupt and deter criminal activity.

It is not my intention to make a long contribution on the bill, just to reiterate that it is very important to ensure that persons who undertake criminal enterprises do not benefit from those criminal enterprises, because to attack and affect the economic basis of criminal activity is an important adjunct to incarceration or to other forms of punishment. I also note that the scale of criminal enterprises can turn into millions of dollars, and therefore substantial assets are often procured in the conduct of criminal activities, and these are assets that can be seized. This is a sensible bill that I believe will improve the confiscation regime in Victoria. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The opposition does not oppose the Confiscation Amendment Bill 2010. There are two specific areas I wish to comment on. The bill amends the provisions relating to fisheries matters and the forfeiture and penalties to be applied by reference to the volume taken rather than to a financial value to be applied to fisheries product. I can understand the practical intent where a more consistent regime or ratio might apply.

A number of years of ago a subcommittee of the Scrutiny of Acts and Regulations Committee undertook an inquiry into the abalone industry in Victoria relating to the taking of stock. The study entitled *Taking Stock* looked at the implications for an industry that had one of the world's last great sustainable supplies of a rare resource that 15 years ago generated millions of dollars for the Victorian economy. There were a number of licence-holders in the state who were dependent upon a return from that industry, and the licences were allocated to a number of operators across Victoria in zones or regions. It is an industry that the Acting Speaker is, no doubt, very familiar with, and he might have had occasion to be eye to eye with a white pointer. For divers it is a dangerous job.

Increasing the penalties to be applied to those people who illegally appropriated fish stock and affected the viability of the industry was a very important outcome. There was a tagging process so that from the point of taking product from the ocean floor it was tagged and put into crates and taken through to processing factories, so you could follow it through the system. But because a milk crate or a boot load of abalone was worth tens of thousands of dollars it was an industry that was open to corrupt process and the transfer of stock across borders where different regimes might have applied. It was also an industry that was placed at risk by the activities of rogue operators who took more stock, which had an impact on sustainable supplies.

There were also wider regulatory issues regarding the enforcement of the law. Sometimes rogue operators just had a boat out on the ocean, and it was difficult to detect breaches of the law.

The ACTING SPEAKER (**Mr Ingram**) — Order! I apologise to the member for Sandringham, but I have kept other members to making comments in relation to the bill. I know what the member is trying to point out, but he needs to ensure his comments relate to the Confiscation Amendment Bill, which is before the chamber.

Mr THOMPSON — Thank you, Acting Speaker. I appreciate that you are in a unique position in your understanding of the industry, but not everyone in the chamber appreciates the importance of maintaining a viable abalone industry in the state and the consequences of rogue operators. In terms of enforcement, the refinement of fisheries regulation was designed to meet a prosecution standard to a higher degree so there would not be a burden of proof to establish a market value for product, and obviously referencing offences to the weight or volume of product was a preferable way forward in order to protect the viability of a critical Australian industry.

In relation to the confiscation of property acquired through the proceeds of crime, there have been some valuable reforms in this area in Victoria in recent times that have put money back into general revenue. An example was given to members where there was concern regarding what amounted to a trafficable quantity of drugs and whether that brought an offender into the ambit where confiscation, with its effect on wider family members, may have been an appropriate remedy. Nevertheless, it sends a strong deterrent message to the wider community. There have been improvements in the operation of the criminal justice system through the powers of confiscation to show that at the end of the day, whether it be dealing in drugs or the taking of abalone or other fish product from Victorian coastal waters, crime certainly does not pay.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until later this day.

JUSTICE LEGISLATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from 12 August; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Justice Legislation Further Amendment Bill 2010. This is a sort of rats-and-mice bill, if I might so term it. It is the sort of bill that comes through at the end of each parliamentary term and its intention is to clean up the bits and pieces that are left on the statute books as a result of errors and omissions. However, it also incorporates some other matters which are of greater significance in terms of the operation of those respective pieces of legislation and their impact on Victorian communities.

I might say the nature of the legislation has not always enjoyed universal support in this place. Indeed, the Premier once said of omnibus bills that they affect:

> … many acts of Parliament that contain matters of great substance and the amendments to them deserve full debate of their own.

He went on to say they were a gross abuse of the democratic process. In the context of some of the decisions that the government has made over these past few weeks and months — even as recently as last Friday when after literally years of resisting the proposition of a change to the fire services levy it did a complete backflip — this is more of the same backflipping in that the Premier apparently does not object to the structure of the bill. This is apparent simply because it is his government that has brought it in.

On my best count this bill amends some 22 individual acts of the Parliament and occupies about 85-odd pages. In doing the appropriate work to prepare for today's proceeding I had regard to the statement of compatibility which has been submitted by the minister. It is 23 pages long, and the second-reading speech is 13 pages long. Suffice it to say that there seems to be a rather significant change in attitude on the part of the Premier and the government since those statements were made by the Premier some time ago.

This legislation incorporates numerous amendments, which to a greater or lesser degree affect these 22 acts of Parliament. In the interests not only of time but also of paying due respect to the legislation referred to in these pages I do not intend to go through every element

of every act but rather to refer to only some of the matters that are accommodated in the bill.

Regarding the changes to the Crimes Act, these amendments are significant for a couple of reasons. The first is that we are amending a piece of legislation that has not as yet commenced to take effect. It has been delayed because of government amendments in the Legislative Council. Before the amending bill in its original form can take effect that bill has to be amended again because there are flaws in it.

This bill inserts further subclauses into the definition of the term 'authorised person' as it appears in the Crimes Act to include what are termed 'investigating officials', and their delegates and people who are responsible to departments to store or retrieve recordings. The idea is to clarify both the rights and obligations of Victoria Police and departments in storing such recordings for a period of seven years. It amends relevant provisions in relation to using such material in the course of training what are termed proscribed persons — that is, police, lawyers, law students and the like.

The bill is interesting not only on the merits of what it seeks to do but also, as I said, for the further fact that it is looking to cure a fault in regard to amending legislation, which as I join this debate has not actually taken effect. It is unfortunate when these things occur. It is incumbent upon the government of the day to make sure that when amendments to legislation are brought in and when legislation is initiated through the house that what it is doing is accurate. We should not have the rather unedifying prospect of having to amend amending legislation before that amending legislation even gets a chance to take effect. In summary, those are the amendments to the Crimes Act.

There are significant amendments to the Liquor Control Reform Act. They enable what are termed fire service inspectors to have certain powers and duties in relation to the way in which they fulfil their role under the terms of the act. They provide a suite of powers for the chief officers of both the MFB (Metropolitan Fire Brigade) and the CFA (Country Fire Authority) and for the director of liquor licensing Victoria regarding important issues around the inspection, evacuation and closure of licensed venues should there be a serious fire threat. This bill confers rights of entry powers on fire service inspectors, or FSIs as these inspectors appointed by MFB and CFA chief officers are termed, for the purposes of entering any licensed premises and any premises within close proximity of a licensed premises if the inspector suspects there may be a serious fire threat.

These are important provisions for obvious reasons. In the case of the emergencies that are contemplated by these provisions it is very important to have a mechanism for dealing with the matters to which these inspectors are directed. The inspectors are given powers under the bill to search, make inquiries and take copies of documents. However, it is also important to note that they cannot enter any part of the premises which is used for residential purposes. If an inspector determines there is a serious fire threat, then the inspector has to inform the director of liquor licensing of such a determination. Before notifying the director the inspector does have the discretion to offer the licensee the opportunity to carry out immediate rectification works. That is a sensible provision, because sometimes it is the case that with the best will in the world the owner or operator of a premises may not know the extent of the risk represented by the problems identified by an inspector. It is therefore only fair and reasonable that an opportunity be afforded for appropriate measures to be taken to cure the problem.

The bill grants powers to the director of liquor licensing to order the closure and evacuation of premises. The director can make that order in relation to a licensed premises on the advice of an inspector of a serious fire threat. Those decisions to close or evacuate are reviewable, and in that case an application can be made to VCAT (Victorian Civil and Administrative Tribunal). However, the order which has been made for closure or evacuation cannot be stayed by VCAT. In other words, an application can be made to VCAT for a review, but while that is happening the import of the orders that have been made should properly take effect. Again one can argue that both ways, but if one takes the worst case scenario of a pressing problem which requires immediate action, then it seems to me it is appropriate that for the ultimate purpose of ensuring the safety of those persons who might otherwise be threatened physically with injury or worse because there is a problem with a particular premises, there be no stay and that the closure and evacuation notice should be allowed to take effect.

It must also be said that one would hope and anticipate that these wide-ranging powers are exercised in a manner where appropriate discretion is given to their application. We do not want the circumstance to arise where a small business is needlessly closed down and the financial aspects of its operation are threatened because of a misapplication of provisions of this import. That is not what this is intended to do.

I understand therefore that in the application of these provisions, appropriate care and standards will be observed by those who have the power provided under

the bill to make certain that we pay due regard to the elements that apply for anybody who is operating in the small business sector, whether it be premises of this order or otherwise. If there is uncertainty or an interruption to business or if any other untimely event intrudes so as to preclude a small business being able to operate smoothly, then that can have serious ramifications for the operator of that business. It therefore behoves the inspectors and those who are otherwise acting upon their advice to make sure of the basic facts and circumstances under which the relevant orders and their impact are given effect under the bill.

The bill also inserts new offences into the act which are in effect the enforcement provisions around these new elements of the legislation. These deal with the penalties that apply to refusing or failing to comply with the orders that have been made, refusing an inspector entry to the premises and providing false or misleading information. There are severe penalties for those offences. In some instances they carry a penalty of 240 units, which is a fine of about $24 000. It means therefore that the legislative provisions ought properly be reviewed most seriously, because the implications arising from a breach of them are in turn very serious.

There are also amendments to the Drugs, Poisons and Controlled Substances Act. Part 4 of the bill inserts a new part into the act to provide for the banning of the sale of what are termed ice pipes. The development of the use of these instruments is reflective of the problems we as a community continue to encounter. It is an unfortunate fact — and we have seen this happen all too recently in the sphere of AFL football over the last 24 hours — that we are increasingly set upon by the impact of inappropriate drug use in Victoria. This particular amendment is intended to make it an offence to display or sell an ice pipe in a retail outlet. That will attract a penalty of 240 penalty units for a person and 600 penalty units for a body corporate. Having regard to the nature of these instruments, that seems to me to be a sensible thing to do.

One of the benefits of being involved in these debates is that it affords us the opportunity to obtain some exposure to what are often issues that are discussed in something of a vacuum. In this instance I had the opportunity to investigate what precisely an ice pipe is. Although I have a background in the law, I must say — and perhaps I am showing my age here — that when I was practising law the use of ice pipes was not something I regularly encountered. Back then it was marijuana, probably at the extreme, and a few other things that are now taken as being part of the lexicon, but ice pipes sure as hell were not part of the lexicon when I was practising law.

Mr Foley — Did you inhale?

Mr RYAN — I might also emphasise, in the face of the commentary coming to me from across the chamber, that I did and do observe all this from afar. There was never any participation in the sense that is being suggested to me by my ‘colleagues’ on the government benches.

Mr Weller interjected.

Mr RYAN — And some coming from behind too; I hear the murmurs. Even as I mention the matter, the level of interjection seems to have grown somewhat.

First there is the issue of what ice is in a contemporary sense. Once upon a time ice was what you got out of the fridge and put in your glass of lemonade, me being a simple country boy. Most unfortunately and tragically it has now taken on a new meaning. Ice in a contemporary world is also a street name for crystal methylamphetamine, and it is a powerful synthetic stimulant drug. The intention of those who take this is to speed up the messages going to and from the brain. In context, I resist the urge to develop that particular concept any further.

Ice is more potent than other forms of amphetamine. It is more pure than the powder form of methamphetamine, otherwise known as speed. It often appears as a large, transparent and sheet-like crystal that I am informed may have a hint of pink or blue or green about it, and it is otherwise known by different names such as meth, d-meth, crystal, crystal meth and various other variations on the theme. It can be used in a number of ways. It can be smoked, swallowed, snorted, injected or indeed brought into the human frame in a variety of other ways. Some people actually smoke ice using a glass pipe, and this is where the legislation under discussion has its relevance. It is this latter instrument which is termed an ice pipe.

The explosion in the use of ice in Australia is nothing less than equally staggering and alarming. In 2004, 3.2 per cent of Australians aged 14 years and older had used amphetamines for non-medical purposes over the previous year, and over 38 per cent of that group reported the type of amphetamine that they had used was ice. Then, however, ice use amongst injecting drug users increased from 15 per cent in 2000 to 52 per cent in 2004. In 2004, 63 per cent of a sample of people who used ecstasy had tried ice at least once and 45 per cent had used ice in the previous six months.

The dramatic increase in the use of this very, very dangerous drug is nothing less than extraordinary; and of course it is highly dangerous. There are a number of

effects which flow from the use of the drug. They vary from person to person depending on the physical make-up of the individual and other such matters. Some of those effects are quite dramatic. There can be feelings of euphoria, excitement and wellbeing; there can be increased alertness, confidence and energy; and there can be feelings of increased strength. Talkativeness, I notice, is one of the side effects, and as I look around the chamber here one's mind does wander to consider the fact that talkativeness is one of the side effects of taking this drug. It can speed up bodily functions and increase breathing rate, body temperature and blood pressure. It can cause a rapid and irregular heart beat and excessive sweating, and there are a number of other impacts from the use of this drug.

The reality is that these instruments — these ice pipes — which can be used for the purposes of taking in this drug should be and are now being banned. There will be, as I said, an offence created to deal with those who display or sell these instruments. By their very nature and purpose, they are dangerous in the extreme, and I think the amendments to the legislation are accordingly to be welcomed by all members of the house.

There are various amendments which deal with administrative arrangements within the Metropolitan Fire Brigade and the Country Fire Authority that have to do with penalty interest rates which apply where fire services are provided to those who have sought them and who may not enjoy the benefit of coverage by way of insurance. Unlikely as it is that endeavours would be made to recover the cost of the provision of services, in the case of that occurring these penalty provisions apply to the amounts of money involved.

There are amendments to the Children, Youth and Families Act and the Infringements Act 2006. These arise out of the Premier's child protection proceedings task force. That was established after the Ombudsman's review in November 2009 — a review which was an own-motion investigation. There are amendments to the Corrections Act which allow the sheriff and staff of the sheriff's community centre to access offender address information and personal details held through Corrections Victoria and to do so on the e-justice system. The intention there is to recover amounts of money which are due and which would otherwise escape detection. It is important that we equip the people responsible for recovering those moneys with all available and reasonable mechanisms to enable them to achieve their intended goal, and the amendments in the bill will facilitate that.

There are amendments to the Legal Profession Practice Act that are retrospective in nature and deal with financial arrangements regarding the Public Purpose Fund. There are amendments to the Sex Offenders (Detention and Supervision) Act, which are also important in context. The amendments clarify that a media outlet may publish the identity and location of a serious sex offender despite the existence of a suppression order if the information is being published at the request of a member of Victoria Police and that is happening in the course of the execution of a law enforcement function. These are amendments under clause 27 of the bill. They are important because this is a contentious element of the application of law in Victoria. It has been the subject of much public commentary, and this issue of being able to publish the identity and location of a serious sex offender has come into focus even in the last 12 months. This provision will better empower police to take appropriate steps to recapture those individuals or to capture those individuals who might otherwise be able to have protection because of a suppression order.

There are amendments to the Interpretation of Legislation Act, and they are truly technical. There are amendments to the Guardianship and Administration Act. These amendments are important because they set up within the act a new capacity to create a system for the appointment of an administrator to oversee missing persons estates, and these provisions follow those that exist currently in New South Wales and in the Australian Capital Territory. They have about them certain qualifications as to their usage. Essentially the tribunal must be satisfied that it is not known whether the particular person whose estate is under consideration is alive. There must be reasonable measures that have been taken to find that missing person where the missing person has not contacted anyone at that person's last known address or any relative or friend of that person for at least 90 days. Under separate provisions the duration of the relevant order must be no longer than two years and, further, an administrator may be removed if a missing person is found alive, dead or presumed dead.

There are amendments to the Gambling Regulation Act 2003. I know that if the opportunity is able to be afforded to him, the member for South-West Coast will wish to speak on this provision in his role as the shadow Minister for Racing. These provisions deal with what are termed various technical amendments to the Gambling Regulation Act to reflect changes in the post-2012 gambling environment. As we in this chamber are all painfully aware, beyond 2012 there will be numerous changes happening within the gambling industry in the state of Victoria. These amendments are

said to marry with those changes. There will be a power provided to the Treasurer to grant wagering tax exemptions to what are termed premium customers. The definition of 'premium customer' is a licensee or a wagering operator who invests more than what is termed a prescribed amount of money in totalisators.

There is inherent in a provision such as this an element of risk. These are significant powers being given to the Treasurer of the day. They set up a process whereby, in effect, through the discretion of the Treasurer, there is a capacity within the ambit of the legislation in the way I have just outlined it to grant these wagering tax exemptions.

I acknowledge that the legislation itself creates parameters which have to be observed, but by the same token the very nature of a legislative initiative of this type lends itself to the necessity for very careful scrutiny and for its operation to be given effect in a most transparent way. If those matters are not dealt with, then it can perhaps lead to wrong conclusions about the way in which the legislation is given effect. As I said, I am sure that the member for South-West Coast will have more to say about that matter and issues associated with it, should it be that the speaking order affords him the opportunity to speak.

There are amendments to a basket of legislation in the judicial area which extend the statutory immunity that now applies to judges and judicial and non-judicial court officers in the exercise of their administrative functions in courts and IN the Victorian Civil and Administrative Tribunal to judicial officers for any administrative functions that are performed as persona designata, such as issuing warrants, conducting committal proceedings and the like. The fact of having statutory immunity is important to enable those who are invested with important responsibility to have the freedom to carry out their functions in the appropriate manner. This is an extension of that statutory immunity in the manner in which the bill sets it out.

There are amendments to the Prostitution Control Act. I might say the Greens have recently been vocal in relation to this issue. There has been a call from the Greens candidate for Richmond to decriminalise all forms of prostitution. One wonders, once again, where we would be if we were in the clutches of the Greens in the sense of their having any realistic capacity to govern Victoria.

Mr Foley interjected.

Mr RYAN — I hear the interjection from the government benches about a statement I recently made. I think it was 'Nothing is in, nothing is out'. There was forthcoming almost immediately from the Treasurer's office a rather bizarre press release. I trust the member for Albert Park was not the one who wrote it, although he tells me there might be another version arriving soon.

While the member for Albert Park is paying such careful attention to my comments here today it is an opportune time to say to him and all members of the Labor Party that I understand — I think I do, from the sorts of commentary we are hearing from it at the present time — it has some, shall we say, differences of opinion with the Greens. That is a position with which I think he concurs. I understand that Labor members, particularly in some inner city seats, are feeling a bit edgy — I think that is an accurate way of putting it — about what might happen at the election in 87 days time.

On the other hand these differences of opinion with the Greens seem to be giving rise to rather strong commentary between the Labor Party and the Greens. The two situations do not seem to me to sit necessarily together, because on the one hand the Labor Party across Australia — and we have just seen this to be the fact in the federal sense as well — is dependent to a high degree upon having Greens preferences. The best way to resolve this imbroglio on the part of Labor Party members is really pretty simple. They should use every opportunity, and indeed they might be able to use this debate, to impress upon Greens voters that under no circumstances does the Labor Party want Greens preferences. That would put the whole argument beyond debate. If Labor Party members, starting with the Treasurer, who issued that press release the other day — —

The ACTING SPEAKER (**Ms Green**) — Order! I ask the Leader of The Nationals to return to the debate. I have allowed a fair bit of leeway, but now I ask him to return to the bill.

Mr RYAN — Acting Speaker, I was just warming to the task, too! I have made the point, and I come back to the bill, but where was I?

Honourable members interjecting.

Mr RYAN — Indeed, how appropriate — I was talking about the Prostitution Control Bill. I hear the member for Albert Park expressing concerns about these matters apropos the Greens, and I have offered a ready solution which would give him and many of his colleagues great peace of mind with regard to their dealings with the Greens. I will be interested to see if

the imminent press release he is going to issue gives effect to this proposal I have just suggested to him.

Moving along, there are amendments to the Prostitution Control Act which allow members of Victoria Police to issue 72-hour banning notices if the police reasonably suspect that a person is engaged in committing an offence within what is termed a prescribed area — and a map is provided to determine that — under section 12(2)(b) of the act. The interesting thing is that the banning notices can only be issued to the clients who are soliciting street prostitution, as opposed to those who are engaged in prostitution itself. One wonders why that is so. Very probably someone from the government benches will explain that.

The bill creates an offence of breaching a banning notice for which 20 penalty units apply, and the banning notice provisions sunset in 12 months after the commencement of the legislation. The Chief Commissioner of Police must then report to the Parliament via the minister on the operation of the banning notices.

Finally, there are some minor consequential amendments to the Emergency Management Act and the Fair Work (Commonwealth Powers) Act.

There are, as I have highlighted, several areas of concern, first and foremost with the fact that the Premier of the day bagged unmercifully the notion of omnibus bills when he was in opposition. We who are now in opposition have undertaken that we will not go bagging any of these things in that way, should it be that we succeed on 27 November. The Premier did it, but nevertheless we have this bill before the house.

The bill also amends the Crimes Act in the way I have indicated, even though existing amendments have not been enacted. It bans ice pipes, but it does not ban the sale of bongs. On this side of the house we have been concerned to have that further ban applied under the terms of the relevant legislation. We encourage the government to take the next step and incorporate through amending legislation the banning of the sale of bongs in the same manner as now applies to ice pipes.

There is the issue of the premium wager fees, which by nature carry with them elements that will need to be administered very carefully. Finally, I have referred to the issues around the Prostitution Control Act in some depth from various angles, not least that of the Greens position. We do not oppose this legislation.

Ms THOMSON (Footscray) — I am pleased to hear that the opposition does not oppose the legislation. It is true that it is a collection of tidy-ups in the main, but these changes still impact on the community in some quite profound ways. I will not go to the prostitution component in addressing the bill. The member who spoke before me has adequately listed the acts affected by this piece of legislation, and as I only have 10 minutes, I might concentrate on elements within it. I will leave the changes to the Prostitution Control Act mainly to the member for Albert Park to comment on. However, I note the reference to the Greens, and I would say it is more an act of prostitution by members opposite who are so opposed to Greens policy that they would think about entering into preference deals with them. It would be nice to know for the record, whilst they are challenging us on the issue, whether they intend being clear about not doing that.

I want to concentrate on a number of matters, particularly the amendments to the Serious Sex Offenders (Detention and Supervision) Act. To make it clear, this is a very emotive issue. As parents — and most of us in this chamber are parents — and we want to protect our children from sex offenders, there is no doubt we want to protect vulnerable women and men from sex offenders. There is an issue around how much identifying information the public should have about a sex offender, including where they are residing. I think we will continue to debate for some time the question of when a person ceases to be a sex offender and is given the benefit of the doubt. In some instances we are going to rely very much on the courts being able to properly set the duration of a person's sentence based on the crimes they have committed, and the likelihood of reoffending should affect the way offenders are treated.

Having said that, this is not an open-ended move to allow the names and addresses of sex offenders to be published. That is not what this is about. This is about giving a tool to the police to assist in the arrest or apprehension of a sex offender. That is the purpose of this part of the bill: it is about arming the police better by enabling them to give to the media the name, identity and whereabouts of an offender. That is an important exercise when the police are executing a warrant for the arrest or apprehension of an offender for a breach of a supervision order. That is really what we want to see happen. We do not want to see the potential for vigilantes arise. We want to see proper enforcement of the law by the police force, which is entrusted to do that. That is an important amendment that we need to take into account.

I also want to talk about the amendments to the Guardianship and Administration Act. The member preceding me spoke about what the provisions of the

bill will actually enable someone to do. The bill addresses the current limitations on dealing with the estates of people who go missing, and I would like to give an example of that. Staff at the Loddon Campaspe Community Legal Centre raised on behalf of a client a case where an adult son went missing in January of this year and the family encountered a number of legal difficulties when trying to deal with his affairs.

The parents were seeking to redirect their son's mail and also wanted to continue to make payments on certain contracts so they did not incur further debt or have matters sent to a debt collector. They wanted to protect their son's property and interests in the hope that he would return. The legal centre made submissions to the Victorian Law Reform Commission's review of the Guardianship and Administrative Act, but it is not clear whether that review will deal with all of the relevant issues, and in any event it will not report until next year. The amendments included in this bill provide the opportunity to put in place an administrator and for immediate and appropriate action to be taken to help fix problems and support families who find themselves in such difficulties. I think that is really important.

When we are dealing with estates we often have the image of the greedy family fighting over the spoils, but you would hope that is not really the case in most instances, particularly where someone goes missing. You hope that there are family members who want to take on the responsibility of trying to protect the interests of those who are left waiting for that person to return and also look after the interests of the missing person. It is a heart-wrenching situation. We all hear stories of how people are affected by not knowing what has happened to a missing person.

Not only are they left not knowing if that person is alive or dead, where they are or what kind of life they are leading but they have to deal with the fact that there are possessions, assets and, in this instance, potential debts that are not being dealt with while that person is missing. The bill will enable administration of those things to be undertaken occur, and that is crucially important for people in that situation. That is a very important part of what this piece of legislation is doing.

On the whole the amendments made by the bill relate to administrative legislation. They are tidying up little anomalies.

The other thing I want to mention is that a number of amendments in the bill recognise that we all use computers. Some lawyers have yet to discover computers, but most have had to. There are such things as being able to properly compile and distribute our own legislation online, and the compilation of that legislation needs to be properly provided for. We need to recognise that we will be required to use and access documents in different ways on a computer. A number of provisions in this bill recognise the use of computers in updating legislation, and we have taken the time to update legislation to comply with new technologies.

We are living in an age when we have a generation of people who do not understand pen and paper and probably everything they read is on a screen or on their iPads. It is very important to ensure that we keep up with the times, that our legislation is updated and that we take the time to reflect on and ensure that we pick up any anomalies within legislation and fix any small ones that make a difference. I commend the bill to the house.

Mr TILLEY (Benambra) — I rise to make a contribution to the debate on the Justice Legislation Further Amendment Bill. From the outset I indicate that the coalition will not be opposing this bill. Firstly I would like to place on record my thanks to the staff from various departments and ministerial staff who provided a good briefing. It is good to see a lot of them in attendance in the gallery. I thank you all for your contribution in assisting us to work through the bill to enable us to make our contributions.

This is another one of those government omnibus bills which amend many acts of Parliament that contain matters of great substance. It has been said that often the matters contained in omnibus bills need full debate on their own. Some people have even said that pushing through omnibus bills is a gross abuse of the democratic process. Let me point out that this bill amends something like 18 acts of Parliament.

The matters covered in these bills range from evidence collection to combating the use of illegal drugs, protection of children who need care, fire safety, judicial immunity, the investment of trust moneys, the amendment of provisions in relation to Victoria's post-2012 gaming environment, the admissibility of court evidence and the scourge of illegal street prostitution. This debate is not enhanced by having such little time to consider these issues. I have limited time available to speak on this bill, but my colleagues the member for Box Hill and the member for South-West Coast will expand on the debate with their vast and wide-ranging knowledge in these areas. The bill amends provisions of the Crimes Act which have not yet been enacted, which confirms the long-term track record of this government of poor implementation of legislative reform. I do not have time to focus on all

the aspects of the bill, but I will highlight some of our major concerns.

Firstly I turn to part 2 of the bill, which amends sections 464JA, 464JC and 464JD of the Crimes Act 1958. New sections 464JA–JD were introduced via the Justice Legislation Miscellaneous Amendments Act 2009. Commencement of the act has been delayed by government amendments in the Legislative Council to fix the flaws in the digital evidence capture scheme legislative provisions.

The bill inserts further subclauses in the definition of 'authorised person' under the act to include 'investigating officials' and their delegates and people responsible to departments for storing or retrieving recordings. The bill clarifies the obligations of both Victoria Police and departments to store any such recordings for a period of seven years, and it amends provisions in relation to using such material in the course of training 'prescribed persons', such as members of the police force, lawyers, law students et cetera.

I turn to the amendments to the Drugs, Poisons and Controlled Substances Act. Part 4 of the bill inserts a new part VAB into the Drugs, Poisons and Controlled Substances Act 1981 to provide for banning the sale of ice pipes. Earlier we heard a long contribution from the Leader of The Nationals detailing his experiences as a practising country solicitor of the scourge of drugs on our society. These days we are seeing a heightened use of methamphetamines and other types of drugs. As a former member of the police force I have experience of dealing with speed, cannabis, heroin and those sorts of things, but now we are having to deal with such things as ice pipes. The use of cannabis has not decreased, and the coalition has a strong policy on banning the sale of bongs. Bongs can be made of pretty much anything, including an orange juice bottle. However, it is that brass piece — the cone — which we need to stamp out. Some bongs are ornamental, but the brass pieces enable people to inhale cannabis while smoking. It is a longstanding policy, and the coalition will implement that policy if we are given the opportunity to form government.

I turn to the amendments to the Serious Sex Offenders (Detention and Supervision) Act. Clause 27 of the bill clarifies that a media outlet may publish the identity and location of a serious sex offender, despite the existence of a suppression order, if that information is published at the request of a member of the police force in the course of the execution of a law enforcement function. The previous speaker said it was very important to be able to return to custody those who have escaped. It is also important to ask for the assistance of the media in doing so on direction from Victoria Police. This is an additional way of ensuring that these types of people do not continue to wander our streets.

There are many concerns about the direction in which we are heading and about Victoria becoming the suppression state. My colleague the member for Kew has also highlighted on many occasions that there have been escapes from custody when suppression orders have been in place. We are seeking that that information may be disseminated widely in our community to ensure that people are brought back into custody in as short a time as possible.

I turn to the amendments to the Gambling Regulation Act 2003. Part 8 of the bill makes various technical amendments to the Gambling Regulation Act to reflect changes in post-2012 gambling. Clause 45 of the bill provides power to the Treasurer to grant wagering tax exemptions to premium customers. A 'premium customer' is defined to be a licensee or wagering operator who invests more than a prescribed amount of money in totalisators. On the subject of wager fees, the bill provides a significant power for the government to enter into quiet deals with gambling concerns, such as the Premier's deal with Crown Ltd.

I turn to the Prostitution Control Act 1994. Part 11 of the bill inserts a new part 2A into the Prostitution Control Act to allow members of Victoria Police to issue 72-hour banning notices if police reasonably suspect a person has just committed or is committing an offence within a prescribed area. A map I have with me shows a stamping ground familiar to me from the time I was in the police force, not as one of the people we are trying to keep away from the area, Grey Street, Inkerman Street, Blessington Street, Shakespeare Grove, Carlisle Street and Barkly Street are all traditional prostitution stamping grounds, and there is nothing to say that those plying their trade will not move to some other part of the council area.

The banning notices can only be issued to those soliciting street prostitution and such notices do not apply to the prostitutes themselves, which does concern me. We heard in a previous contribution to the debate about some comments from a Greens candidate in an inner suburban area of Melbourne, and certainly it is of great concern that the Greens are seeking to decriminalise street prostitution.

Mr Ingram interjected.

Mr TILLEY — No! There is very strong feeling on that. Nevertheless, the banning notices provisions will

sunset 12 months after commencement and the Chief Commissioner of Police must report to the Parliament via the minister on the operation of the banning notices. I certainly look forward to hearing the results of this trial.

In the time left to me I will speak about the Guardianship and Administration Act 1986. I raise the concern that VCAT (Victorian Civil and Administrative Tribunal) is the body hearing the application, and perhaps only judicial members of VCAT should be allowed to hear such matters.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to support the Justice Legislation Further Amendment Bill 2010. I note the support, or at least the lack of opposition, coming from the opposition benches, thus ensuring the swift passage of this bill.

This is a wide-ranging bill that deals, as we have heard, with some important amendments to the Crimes Act, the Liquor Control Reform Act, the Drugs, Poisons and Controlled Substances Act and a range of other acts including the Children, Youth and Families Act, the Corrections Act, the Country Fire Authority Act, the Emergency Management Act, the Legal Profession Act, the Metropolitan Fire Brigades Act, missing persons issues, serious sex offenders issues, gambling issues and a range of other matters.

As forecast by the member for Footscray, I want to focus my comments, as brief as they will be, on issues surrounding part 3 of the bill and the amendments to the Prostitution Control Act. As we have heard, these amendments create a power for Victoria Police to issue a banning notice against a person who is suspected of an offence under section 12(2)(b) of the Prostitution Control Act — that is, for want of a better phrase, a kerb crawler or customer of a street sex worker. This would be a particular power that Victoria Police would have within a described and declared area, and this has been forecast as essentially the area of St Kilda, a large portion of which falls across the boundaries of the electoral district of Albert Park.

It is appropriate that, in my opinion and the opinion of government, that particular tool be applied to those who form the customer base of the street sex worker. Of course section 12 also makes illegal the act of prostitution — that is, the act of selling the services that these customers buy. But the truth of the matter is, and this has been a bipartisan position in this Parliament for over 20 years, that the most appropriate public policy manner in which to deal with some of the most vulnerable and marginalised members of our community, people who suffer disproportionately high rates of homelessness, substance abuse, mental illness and violence and who come from incredibly disconnected backgrounds of high exposure to the justice and corrections system, is to deal not so much with, in a sense, the real victims of this trade — that is, the street prostitutes and street sex workers — but with the customers who provide the attraction for that service to be provided in the first place. This has been a longstanding, and I would like to think continuing, position of this Parliament and parliaments before it.

If this is indeed the oldest profession, the long-held policy position of both sides of this Parliament has been to regulate it, not to deregulate it as has been suggested by some — members of The Nationals and the Liberal Party have pointed to some odd comments that were put on Twitter by the Greens candidate for the seat of Richmond. The real issue is how to bring appropriate sex work regulation into a managed framework. Since the Neave report both sides of this Parliament have done this through the prescription of regulated, legalised brothels as areas in which this sometimes distasteful but long-held trade can be plied and to continue, as is only appropriate, to have the issue of street sex work dealt with as an illegal activity.

Having said that, the real victims in the street sex work area are the street prostitutes themselves and the communities in which this trade is plied. It is in managing that issue of the needs of both those workers and the people who make that area of St Kilda their home that the really difficult public policy areas are dealt with. I was pleased that at the time of announcing this bill the minister also announced significant continued funding for the Inner South Community Health Service to extend its pilot program of working with street sex workers on a redirection program around an intensive case management process to deal with the real causes of how their lifestyles and livelihoods have put them in a place where, having been disconnected from mainstream society, they remain disconnected. I was pleased to see that the early work done by the Inner South Community Health Service in redirecting some of these people — admittedly a small number, but it was a good start — to an intensive case management approach was seeing results and was seeing street sex workers put into housing, put into training and put into redirection work.

In dealing with this issue the government is clearly committed to a process that looks to arming Victoria Police with the necessary and flexible tools to ensure that in a timely and low-maintenance kind of way the issuing of banning notices for up to 72 hours, together with a range of other measures, can deliver to Victoria Police the means to deal with the nub of the problem —

that is, the male purchasers of street sex — whilst at the same time dealing with the substantial and complex needs of the women who, to be blunt, have fallen to a pretty low level of existence in having to eke out a living by selling their bodies on the streets of, overwhelmingly, St Kilda but also one or two other areas.

In dealing with this issue I have made mention of the fact that people in the community in which this trade is plied are equally the victims. I would like to think the message the community is picking up from this bill is that Victoria Police will, in its view, be armed with an appropriate mechanism to apply banning notices in a timely, forthright and easily administered way to those they reasonably suspect of breaching section 12(2) of the Prostitution Control Act.

I would like to acknowledge the work that has been done by the local St Kilda police in liaising with the community, local members of Parliament in that area and the City of Port Phillip around building up some form of consensus to give this measure a go and to ensure that the opportunity to manage this difficult public policy issue and deal with the causes and impacts is real and achievable.

I will not go through the mechanisms by which this new power and the penalties associated with it will work, or how the fines and extra measures that allow Victoria Police to ban people for up to 72 hours will be applied other than to say that I take the advice of Victoria Police that this legislation will provide it with an exciting and flexible tool with which to manage this most difficult problem.

In regard to what has been promoted by both the speaker for The Nationals and the speaker for the Liberal Party on this issue so far, I ask that members of the coalition in their subsequent contributions to the debate perhaps clarify whether they are calling for banning notices to be issued to street sex workers as well as to their customers. If that is their position, I would urge them to seriously reconsider, because what they will be doing is making life worse for some of our most vulnerable community members. If that is their position, I urge those members to have second thoughts.

Finally, I will rise to the challenge set by the two speakers from the opposition benches and say that it is the position of the federal Greens party that where its candidate has been successful he has surfed into a lower house seat on the back of Liberal Party preferences. I do not know specifically what the Greens candidate for Richmond has proposed in this area other than what I read in the *Herald Sun* as to the position she speaks of on her Twitter account, but I know it is this government's position that we support this bill and wish it a speedy passage.

Mr CLARK (Box Hill) — I want to comment specifically on those parts of the bill that relate in whole or in part to the Attorney-General's portfolio. First of all, I make reference to part 9 of the bill, which contains further amendments to the children and young persons infringement notice system and, in relation to that, to time limits for filing a charge sheet, which appears to be yet another attempt by the government to remedy problems it created some time ago when it shortened the time period for the bringing of proceedings in the Children's Court.

The bill also amends the Legal Profession Act 2004 to allow the Legal Services Board to enter into financial arrangements in relation to the Public Purpose Fund. I understand from the very helpful briefing with which opposition members were provided by the department that this amendment is intended to overcome an issue in relation to the operation of funds administered by the Legal Services Board, where in reality certain moneys are held in trust accounts by solicitors with the company that has entered into the arrangement with the government in relation to that. I believe it is Westpac Bank. The Legal Services Board, rather than having access to money from those accounts directly, has in effect an offset account, an advance or arguably in some senses an overdraft made available to it on the back of the moneys that are held under the operation of the act in the individual law firms' accounts. This amendment is to make sure that that arrangement can continue.

This is a different point to another issue that has arisen in relation to the managing of funds by the Legal Services Board, namely the operation of the Public Finance and Accountability Bill, which would require, together with related policy decisions by the government, the Legal Services Board and various other bodies that currently manage their own funds to instead have those funds managed through the Victorian Funds Management Corporation. We understand the government has not to date had a change of heart in that respect, and I flag that there is a degree of concern within the legal profession about what is likely to be the imminent removal from the Legal Services Board of its power to manage those funds itself under the legislation that is currently before the Parliament.

There are also provisions in the bill that amend a range of acts related to the immunity of judges and other

judicial officers, and of non-judicial court officers in the exercise of their official administrative functions in courts and in the Victorian Civil and Administrative Tribunal. That is effected by part 10 of the bill, and the point I raise is whether that has the consequence that someone who suffers due to the poor exercise of an administrative function by one of these officers is therefore left entirely without redress. It may well be appropriate to provide immunity from personal liability to the holders of these various administrative offices, but it is unclear to me what then happens if there has been some maladministration, which is more likely to be negligent than malicious.

Let us assume that through some negligent act or omission someone suffers a loss. Do these amendments mean that the victim of that mismanagement is left entirely without redress, or does the victim still have some form of redress against the state? It is a matter that is in some respects analogous to how one treats the position with police officers where they are given immunity for some of their functions. I hope that is something government speakers on the bill will address during the course of debate.

The final area on which I wish to make remarks regards amendments to the Guardianship and Administration Act to make provision for the handling of estates and affairs of persons who become missing persons. I congratulate the Loddon Campaspe Community Legal Centre, in particular, for taking up this issue and pursuing it to the point where the government has acted on it. As is the case in so many other areas of administration of the law by the current Attorney-General, speed is not a notable quality. The Attorney-General has been tardy in many, many matters of practical importance to Victorians that need attention, including reforms to bail going far beyond the bill currently before the house, the need to reform jury directions, his stubborn refusal to get rid of suspended sentences for all offences, his refusal to act on double jeopardy laws, the tardiness in bringing domestic violence legislation to the house and his refusal to take action in relation to outlawing criminal bikie and other gangs.

This measure was introduced in New South Wales in 2004 and in the Australian Capital Territory (ACT) in 2007, and it is welcome that it is now being introduced in Victoria as a result of campaigning by the Loddon Campaspe Community Legal Centre in particular. It is not necessarily a provision that is used a lot. We were told in the departmental briefing that to date there have been six cases in New South Wales and none under the ACT legislation. Nonetheless, it is easy to imagine the cases in which it can be important for families of missing persons to be able to carry on the day-to-day administration of their affairs, to pay essential bills, to make other legal arrangements to do with mail and all the other important aspects of day-to-day life and affairs that need attending to when someone is absent or as can apply if they are incapacitated and unable to manage their affairs.

The New South Wales legislation is based on decisions being made by the Supreme Court of that state, and the ACT legislation is based on decisions being made by a tribunal which a summary note on the www.missingpersons.gov.au website refers to as being the Guardianship and Management of Property Tribunal of the Magistrates Court but which the act itself refers to by the acronym ACAT. In any event this body can make a decision under the ACT legislation to make an appointment in various circumstances, and the Victorian legislation appears to draw heavily on the ACT legislation. It is a balancing act to ensure that proper provision can be made for what are hopefully the vast majority of cases where family or friends of the person who has gone missing wish to act, bona fide, to protect the best interests of their loved family member or close friend, while on the other hand ensuring that there are adequate protections for those instances where somebody might seek for ulterior motives to take advantage of the fact that someone has gone missing.

The bill seeks to achieve that balance by authorising the tribunal to be quite specific in the powers that it grants to an administrator it appoints. One hopes the law will work well in that regard. There will need to be careful attention given by the tribunal to practical matters as it enters into this jurisdiction, because some of the considerations with missing persons are different to those people who operate under disabilities. Let us hope that will work well. As the Leader of The Nationals has said on behalf of the coalition parties, we are not opposing the bill. Certainly in relation to the missing persons provisions we sincerely hope it will operate as intended to the benefit of missing persons, their friends and families.

Mr INGRAM (Gippsland East) — I rise to speak in the debate on the Justice Legislation Further Amendment Bill. Like the member for Box Hill, I will focus a large proportion of my contribution on the section regarding missing persons. It is an issue that came to me through normal constituent work. Members of a family came into my office and explained their dilemma that they had with a missing son, and the reasons he went missing were very traumatic. He had an undiagnosed mental illness, and the family ended up in a dispute with neighbours and one day the son just turned around and left. The problem was that

substantial assets were left behind and there was a mortgage over part of those assets, and because of the current laws the family could not actually manage the assets, which basically left them in limbo.

The family were paying off the mortgage but theoretically had no rights to rent the property out or utilise it because of the nature of the relationship. It was a very traumatic period and the family was just lucky that financially they could afford to cover the mortgage until they sorted it out. When that matter came before me the family had done a lot of my work for me. They had looked at the issue in some detail, they had examined the New South Wales act and then they came to me with how the situation needed to be fixed. I brought the matter to the attention of the Attorney-General in Parliament on 5 May this year. I also spoke with him in his office at length about the details of the problem. I did not name the person in the chamber, but I gave the details of that person to the Attorney-General.

What is very interesting is that at the same time another case arose that was exactly the same — and this came up in the discussions I had with the Attorney-General. Surely therefore this has occurred on other occasions in Victoria. Unfortunately, all too regularly people go missing and their family cannot contact them. They may have come to an unfortunate end or been kidnapped, or it may be that they deliberately do not wish to be found because they are involved in an illegal activity. In one way or another these persons are often found and the situation is resolved, but in some cases they are not found, and that is what the bill is about.

In my view the bill allows a reasonable time, thus ensuring that the person does not turn up before measures are taken. It provides a reasonably simple mechanism for the family to access a ruling through the Victorian Civil and Administrative Tribunal to provide a trustee to manage the assets. That is really what I asked for.

Interestingly after I raised that matter in here the Loddon Campaspe Community Legal Centre, which has been mentioned by the member for Box Hill, raised with me that it had made a submission to the Victorian Law Reform Commission. Exactly the same issue had arisen in a parallel period. The community legal centre contacted me because what I had raised in the Parliament and a bit of media coverage I got on that matter had been brought to its attention.

This really highlights that a member of Parliament's job is to solve problems, and the only way you can solve this issue is through legislation. I congratulate the government for taking up that reform. I think it is an important reform. Hopefully we do not have other families having this problem in the future. It is very traumatic when families or individuals get into a situation where they are confronted with something like this and the law just does not work to help them. That was clearly the frustration the family members to whom I spoke had in relation to their circumstance — the law was not able to assist them to resolve a very unfortunate event. They wanted to make sure that someone could manage the assets to ensure that the value of those assets was protected so that if this young man decided to rejoin his old life or sought treatment through the mental health system and re-engaged with the family his assets would be there for him to utilise and to assist him in his treatment. That is what the family was after. The family members did not necessarily want to make any money out of the assets; they just wanted to make sure that the man's assets were not lost to him.

Ultimately what would have happened in that case if the bank had been able to foreclose on that asset is that a large portion of its value would have been lost. Arguably the family may have got something at some later stage but the law really was not just or fair in that circumstance. Clearly there was a gap in the rules. This is a good change, and I thank the government for taking this issue up. I do so not just on my behalf or on behalf of the family that made a representation to me but on behalf of the other family which dealt with the Loddon Campaspe Community Legal Centre and which had some press recently. It is a good reform and one that will address a clear gap in our legal system.

There are amendments in the legislation in relation to the Liquor Control Reform Act concerning fire inspectors and ensuring that fire threats in liquor venues are dealt with. This is an important issue that the law must be able to deal with. The inspectors must have access. In Australia most of our venues are safe and well managed, and thankfully we do not see the terrible situations of real tragedy that occur in other countries around the world — for example, when a nightclub venue catches fire and the safety provisions have not been in place. Ensuring that the authorities have adequate ability to inspect, regulate and control those venues is important in terms of making sure they are safe and that fire escapes and other infrastructure are properly accessible or operational.

Another issue in the legislation is in relation to the sale of ice pipes. That relates to really tragic situations; many members of this place would have seen some of the impacts of drug abuse, particularly with some of the emerging drugs such as ice, and the real damage it does to individuals. As a Parliament we need to put in place

laws that allow the control of access to drugs in terms of their import or manufacture, and if there are particular technologies or implements that are being used to make their consumption easier, we need to find legal means to stop that occurring and stop their sale. That is important.

There are also some issues with the gambling legislation and how that will be managed going forward.

Having said those words, I would like to conclude on the issue of the missing persons. Hopefully in the future families will not have to go through the grief, angst and anguish the family that came to me suffered because of the problems in the law in relation to their situation with their son.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until later this day.

OCCUPATIONAL LICENSING NATIONAL LAW BILL

Second reading

Debate resumed from 12 August; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr WELLS (Scoresby) — I rise to speak on the Occupational Licensing National Law Bill 2010. The opposition will be supporting this bill. The bill gives effect to a COAG (Council of Australian Governments) intergovernmental agreement signed in April 2009 for the establishment of a national licensing system for specified occupations, and initially applies to seven economically important occupational categories. The seven categories include building and building-related occupations, electrical, land transport — passenger vehicles and dangerous goods only, so it is restricted to that area of land transport — maritime, plumbing and gas fitting, property agents and refrigeration and air conditioning mechanics.

Before I turn to the detail of the bill, I want to thank the minister and his staff for organising the briefing which took place.

The bill results from a Council of Australian Governments agreement signed in 2009 to work towards a seamless national economy. A national licensing harmonisation scheme for economically important occupational areas is one of 27 separate reforms identified to improve national economic efficiency and productivity, something which is important to this country and which is supported by both sides of the house.

The seven occupational areas I have outlined that are covered by these reforms were identified as those that would have the most significant economic benefits following a report by Gary Banks of the Productivity Commission in 2006. Victoria is hosting the primary enacting legislation to establish the national system, and other states and territories will follow by the end of this year. It is cooperative national legislation, not a referral of powers to the commonwealth.

The national licensing system is designed to facilitate businesses and workers operating across state and territory borders — obviously this is a situation we have in Victoria where we have people living in Victoria but working in Albury and for whom living in Wodonga is an ongoing problem. The aim is to reduce red tape and provide increased labour mobility, productivity and business efficiency. The national law provides for a regulation framework and a set of comprehensive general licensing requirements with specific licensing requirements for individual occupations being detailed in regulations, and we understand those are still to come.

The regulations will be developed by the ministerial council responsible for the national licensing system. Consumers and businesses will receive improved protection through the establishment of a national register to enable verification that a person or business is properly licensed. The implementation of the legislation and the requirement for national licensing for individual occupational groups will come in two phases. The first phase, which is for the occupational categories of refrigeration and air conditioning, electrical, plumbing and gas fitting, and property agents, is scheduled to commence on 1 July 2012, with the three remaining occupational areas of building and building-related occupations, land transport and maritime to commence one year later on 1 July 2013.

Whilst harmonisation of the national licensing regulation framework was the primary focus of these initial reforms, harmonisation of existing licensing fee structures across the states and territories is not dealt with in this proposed implementation stage. It is envisaged that a secondary objective of achieving licensing fee harmonisation will be worked out towards the medium term, and that is a point that was clarified for us during the briefing.

As I said at the outset, we support the bill. Our only concern is that the national licensing board should comprise members who come from a wide range of occupations and not be dominated by Labor union hacks or Labor Party hacks. We request a strong business influence on the board.

Underpinning the legislation is the COAG agreement entitled *Best Practice Regulation*, a document that was produced in October 2007 under the Howard Liberal-National coalition federal government. It is subtitled 'A guide for ministerial councils and national standard setting bodies', and relates to the push for a seamless national economy. What underpins this document is the fact that governments will establish and maintain effective arrangements at each level of government to maximise the efficiencies of new and amended regulation and avoid unnecessary compliance costs and restrictions on competition. It spells out five points. They are:

(a) establishing and maintaining 'gate-keeping mechanisms' as part of the decision-making process to ensure that the regulatory impact of proposed regulatory instruments are made fully transparent to decision-makers in advance of decisions being made and to the public as soon as possible;

(b) improving the quality of regulation impact analysis through the use, where appropriate, of cost-benefit analysis;

(c) better measurement of compliance costs flowing from new and amended regulation, such as through the use of commonwealth Office of Small Business' costing model;

(d) broadening the scope of regulation impact analysis, where appropriate, to recognise the effect of regulation on individuals and the cumulative burden on business and, as part of the consideration of alternatives to new regulation, have regard to whether the existing regulatory regimes of other jurisdictions might offer a viable alternative; and

(e) applying these arrangements to ministerial councils.

For those people who conduct their businesses in up to four different states across the country the amount of red tape that exists at the moment is quite unacceptable. It is costly and it is inefficient. However, moving towards this sort of licensing will make industries far more efficient, and hopefully it will reduce the cost on business and on consumers.

The Council of Australian Governments meeting which took place in Sydney on 3 July 2008 was where the legislation had its genesis. A communiqué put out after the meeting states very clearly that:

> Leaders reaffirmed their commitment to the goals of the COAG reform agenda to address the challenges of boosting productivity, increasing workforce participation and mobility and delivering better services for the community. This reform agenda will contribute to the broader goals of social inclusion, closing the gap on indigenous disadvantage and environmental sustainability.

Under the heading 'A seamless national economy' it states:

> COAG acknowledged that Australia's overlapping and inconsistent regulations impede productivity growth. Without change Australia's future living standards would be compromised, the competitiveness of the economy reduced and our ability to meet the challenges posed by an ageing population diminished.
>
> Many of the challenges facing the economy can only be addressed through more effective commonwealth-state arrangements. By moving towards a seamless national economy through the reform of business and other regulation, COAG's reforms will make it easier for businesses and workers to operate across state and territory (state) borders. These reforms will make life simpler for businesses and consumers, while continuing to provide the necessary protections and access for consumers and the community.

It further states:

> COAG has also agreed to develop a national trade licensing system that will remove inconsistencies across state borders and allow for a much more mobile workforce. Under current arrangements, an array of occupational trades is licensed to varying requirements in each state. COAG's agreement today will result in a new national system that will be signed off by COAG in December 2008. The system will see a national approach to the licensing of a range of economically important trades.

It goes on to mention the trades I mentioned earlier. There was a wide-ranging interim advisory committee made up of trade unions, the Australian Industry Group, the Energy Networks Association, Master Electricians Australia, Energy Safe Victoria and the different energy and safety organisations from varying states, and it consulted widely. It put out a decision regulation impact statement which states the problems facing the country in regard to the bureaucracy, red tape and costs. Section 3 of the report is titled 'The problem' and under the subheading 'Licensing across jurisdictions is not consistent' it states:

> Licensing of occupational areas is predominantly a state and territory function and is conducted by a range of regulatory bodies in each state and territory.
>
> For historical reasons, licensing systems have developed in different ways in each jurisdiction so that approaches to licensing are not consistent. Depending on the occupational area and/or the jurisdictions involved, the objectives of licensing may focus primarily on consumer protection, occupational health and safety and/or public safety.

The COAG regulation impact statement goes on to describe different areas where there are certain differences between each state. The first one is that there is no common approach to the regulation of air conditioning and refrigeration mechanics. In some states they are regulated as part of the plumbing occupations and in others as air conditioning and refrigeration mechanics.

A national training package exists for plumbers with an agreed four key streams of training. This is used differently by each jurisdiction, with different numbers of streams and different units of competency considered mandatory depending on the location of the person being trained and which licence structure applies.

Some jurisdictions license both domestic and commercial builders but some only license domestic builders based on the low risk presented by commercial builders. This presents a problem, for example, for a commercial builder from New South Wales who is not required to be registered, should they choose to operate in, say, Victoria.

Some jurisdictions regulate property agents based on the concept of a general agent licensed to undertake work in a variety of areas. For example, in Victoria estate agent licences cover real estate and business agencies, while in other areas they are licensed separately. For example, New South Wales has categories of real estate agent, stock and station agent, strata managing agent, business agent and residential property manager. As members can imagine, for people wanting to do business on both sides of the border between Wodonga and Albury the difference would be quite significant and frustrating.

There has also been a lack of progress in attempts to harmonise the regulation of restricted electrical licensing. For example, in 1996 the then Regulatory Authorities Licensing Committee developed a national model of eight restricted electrical licence categories, but without the cooperation or coordinated national support for the implementation of the model, jurisdictions implemented the model in different ways. As a result, the number of licence categories now ranges from 1 in NSW to 16 in Queensland.

There is obviously a need for a national licensing system. The direct compliance costs from overlapping regulations that are borne by business, and eventually consumers, include the cost of multiple licensing fees, and the indirect costs include managing multiple licensing regimes. The cost of trying to implement many regulations obviously has a high impact on small to medium size businesses and constitutes a greater proportion of their total cost.

Moreover, the number of businesses affected is growing faster than the sector of the economy within which the majority of them operate. For example, the Australian Bureau of Statistics indicates that the construction sector accounts for a significant proportion of employed tradespeople and a significant proportion of licensed contractors. Between 1 July 2003 and 30 July 2007 firms in this sector employing less than 20 people grew by 45.9 per cent, while construction firms overall grew by 11.3 per cent. During this period the number of construction firms operating in two jurisdictions grew by 19.9 per cent, and the number of construction firms operating in more than one jurisdiction grew by 30 per cent.

The cost of holding multiple licences can be significant. There are a range of fees that can apply to holding some of the relevant occupational licences, either in the first year or on an ongoing basis. In building, for example, for the individual builder it can range from $333 to $1010 per year. For an individual electrician the variation in the licence fee can be between $0 and $350. In the property industry for an individual real estate agent it can vary from $262 to $1060, and in the maritime industry master class licensing can range from $29 to $304.

The implications of mutual recognition remain, so that a licence issued in one jurisdiction can be equivalent to a number of separate licences in another jurisdiction. For example, a plumbing contractor in South Australia may require up to eight different licences or registrations if they wish to undertake exactly the same scope of work in New South Wales. There is obviously a concern about the administrative side of trying to organise all those different licences.

Mutual recognition is something that most states are going down the track of, but the point is that mutual recognition does not work. Most states and territories maintain mutual recognition, but the different licensing regimes mean that if you want to move from jurisdiction to jurisdiction, you still have to apply for a licence. For licensees that means meeting different non-skills requirements and paying a separate licence fee for equivalent licences in each jurisdiction if they wish to work. In certain circumstances they may also need to satisfy other additional requirements not covered by mutual recognition.

The number of licences in the different occupational areas is quite significant across all the states and territories. To finalise the mutual recognition work for

the seven occupational areas to be included in the national licensing system over 800 licences were identified. These numbers are contained in a table in the COAG document, and I will look at that shortly. It indicates the number of different licence categories, classes and subclasses, licence levels and licence endorsements that are listed or expected to be listed in the mutual recognition ministerial declarations for these occupational areas. As such, the numbers reflect the complexity of the licence categories rather than the number of base licences alone.

If you look at, for example, building and building-related licences, you see that there may be 50 different licences in New South Wales but that in South Australia you have 102. In the occupational group of land transport you may have 12 in Victoria but 17 in South Australia. In plumbing and gas fitting you might have 27 in New South Wales but only 6 in Western Australia. In property there might be 1 in Victoria but 14 in New South Wales. There is a significant difference between each state.

Obviously with the bill coming before Parliament the opportunity to reduce red tape by introducing more consistent licensing requirements for a large number of licence-holders currently meeting regulation requirements is going to be significant.

In terms of COAG's objective, the regulation impact statement states:

> COAG's objective in establishing the national licensing system is to remove overlapping and inconsistent regulation between jurisdictions in the way that they licence occupational areas. By so doing, it aims to improve business efficiency and the competitiveness of the national economy, reduce red tape, improve labour mobility and enhance productivity.

The regulation impact statement further states:

> The proposed objectives of the national system are to:
>
> 1. ensure that licences issued by the national licensing body allow licensees to operate in all Australian jurisdictions;
>
> 2. ensure that licensing arrangements are effective and proportional to that required for consumer protection and worker and public health and safety, while ensuring economic efficiency and equity of access;
>
> 3. facilitate a consistent skill base for licensed occupations;
>
> 4. ensure effective coordination exists between the national licensing body and relevant jurisdictional regulators;
>
> 5. promote national consistency in:
>
> licensing structures and policy across comparable occupational areas;
>
> regulation affecting the conduct requirements of licensees;
>
> the approaches to disciplinary arrangements affecting licensees;
>
> 6. provide flexibility to deal with jurisdiction or industry specific issues …

The agreement was signed on 30 April 2009 and confirms its operational scope. It sets out the seven occupations I mentioned and establishes a national licensing board which will oversee the implementation of the legislation once it is approved by all states and territories.

According to the regulation impact statement:

> The board will comprise one independent chair and up to nine general members. The independent chair must be an eminent person and not currently practising in any of the occupational areas admitted to the system. The general members must comprise people with a range of union, employer, consumer advocacy and training experience …

It must also include a minimum of two regulators appointed on a twice-yearly rotating basis across the jurisdictions. That is one of the concerns we had right from the very start with this bill; we are looking for a clear balance on that national licensing board. Apart from that concern the opposition supports the bill before the house.

Ms RICHARDSON (Northcote) — It gives me great pleasure to rise to speak in support of the Occupational Licensing National Law Bill 2010. It is a very important bill that will do much to increase productivity in Australia and Victoria by making it easier for businesses to work across jurisdictions in Australia.

As we all heard today from the Premier during question time, Victoria remains the economic powerhouse of Australia and is delivering better than expected growth rates, better than expected employment rates and high business and retail confidence. Of course all these great economic indicators do not happen just by accident; they come through very careful and considered management of Victoria's economy. This bill is an important part of that prudent economic management by Labor in this state.

But what does the bill actually do? It implements decisions that have been made by the Council of Australian Governments (COAG) to create one licensing standard for specified occupations right across Australia. There are anomalies in the licensing regimes across the country, but through this bill and the preceding process a seamless licensing arrangement can

be reached. This process is not only important for business, our economy and productivity but also because an increase in our productivity leads to an increase in jobs, which is music to my ears as a proud Labor member.

There is another very important outcome of this process: different licensing standards lead to different standards in occupational health and safety. Some jurisdictions require licensing for very specialised occupations and other jurisdictions do not. No doubt in some circumstances workers' health and occupational safety may be compromised if they have in place lax licensing standards. It is my sincere hope that through this process we will deliver for all workers across Australia not only the same licensing standards but also the highest standard possible to deliver their safety. In my view we should find the jurisdiction with the highest safety licensing standard which assures consumer protection and public safety and implement that standard nationally.

I have had some personal experience of these licensing anomalies across the jurisdictions of Australia and have raised concerns about the impact this may have on workers' health and safety as well as on public safety. My cousin is a sparky from South Africa, and he has worked here in Victoria as a line worker and in Queensland. He brought to my attention how odd it was, as it occurred to him, that working in Queensland required a different licensing standard to working here in Victoria, where he simply had to be registered as a line worker. He is working in a highly specialised field, and I am no expert in electrical matters but I imagine that he has undertaken very dangerous work. I am very pleased that this bill and the process ahead of us will seek to iron out these kinds of anomalies across jurisdictions in not only the interests of the wider public but importantly also the interests of safety.

Under the COAG agreement the national occupational licensing system will commence on 1 July 2012 and will include the categories of air-conditioning and refrigeration; electrical; plumbing and gasfitting; and property-related occupations, excluding conveyancers and valuers. From July 2013 occupations that will be included in the national system are building and building-related occupations; land transport — passenger vehicle drivers and dangerous goods only; maritime; and property-related occupations, which is when the conveyancers and valuers are brought into the system.

This bill applies the national law here in Victoria and fulfils Victoria's role as the host jurisdiction for these reforms. The remaining states and territories will pass legislation to give effect to the national law in each of their jurisdictions.

The national law sets out the high-level framework for the national occupational licensing system, including licensing eligibility requirements, disciplinary arrangements, monitoring and enforcement powers, and governing arrangements. The national law establishes the National Occupational Licensing Authority, which will be governed by a board appointed by the ministerial council. The licensing authority will be responsible for administering the system and developing licensing policy for approval by the ministerial council.

This National Occupational Licensing Authority will be established on 1 January 2011 and a governing board and chief executive officer will be appointed by 30 June 2011. In doing the work that it undertakes in licensing policy the authority will be supported by occupational licensing advisory committees, which are also going to be established under the national law. The advisory committee for each of the occupational areas will be established through this process. Through these advisory committees it is hoped that expertise from all stakeholders will be drawn upon to produce the best possible set of consequential reforms.

In conclusion, I believe this bill is a very important bill in terms of what it will do for productivity across Australia and here in Victoria, but it also provides us with a very important opportunity to streamline licensing arrangements across Australia. This will have consequential benefits for workers in each of these occupations, and I therefore commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the Occupational Licensing National Law Bill 2010, and The Nationals in coalition are supporting this bill. The purpose of the bill is to create a national law to regulate the licensing of certain occupations. These provisions will enact an intergovernmental agreement for a national licensing system for trades in air conditioning and refrigeration, building and building-related occupations, electrical, land transport — passenger and dangerous goods only — maritime, plumbing and gas fitting, and some of the property-related occupations. It establishes a system to operate in a transparent, accountable, efficient, effective and fair manner and limits state interventions to where risks arise from market failure or a risk to public health and safety. It aims to create single national licences for some of those specified trades.

This comes about from a rather long story that probably should be told. It results from an initial Council of Australian Governments (COAG) agreement to work towards a seamless national economy through a national licensing harmonisation scheme for economically important occupation areas. This is one of 27 separate reforms identified to improve national economic efficiency and productivity.

The seven occupational areas covered by these reforms were identified as those that would have the most significant economic benefits, following a study by Gary Banks of the Productivity Commission back in 2006, and Victoria is hosting primary enacting legislation to establish the national system. Other states and territories will follow by the end of 2010. This is cooperative national legislation, not a referral of powers to the commonwealth. The national licensing system is designed to facilitate businesses and workers operating across state and territory borders. The national licensing system will also aim to reduce red tape and provide increased labour mobility, productivity and business efficiency.

The national law provides for a regulatory framework and a set of comprehensive general licensing requirements, with specific licensing requirements for individual occupations being detailed in regulations. The regulations will be developed by the ministerial council responsible for the national licensing system. Consumers and businesses will receive improved protection through the establishment of a national register to enable verification that a person or business is properly licensed.

Implementation of national licensing for individual occupations is proposed to be done in two phases. The first phase is scheduled to commence in 2012, and that is the legislation before the house now, and then there will be other areas that will commence on 1 July 2013.

Whilst the harmonisation of the national licensing regulation framework is the primary focus of these individual reforms, harmonisation of existing licence fee structures across states and territories is not dealt with at this proposed implementation stage. It is envisaged that the secondary objective of achieving licensing fee harmonisation will be worked towards in the medium term.

We have a concern with this, and the member for Scoresby went into detail on this. Our concern is over the national board and the balance that is required in setting up that board. The national licensing board will comprise people with a range of union, employer, consumer, advocacy and training experience and include a minimum of two regulators. There is a concern that this could be distorted by the ministerial appointment process; we certainly hope not.

I would now like to talk about some of the stories I heard from tradespeople when I consulted on this bill. In a region like Mildura we have cross-border issues, and with some of the changes that have occurred in Mildura we have a lot of people who do what we call fly-in fly-out work for various mines and in other locations throughout Australia. I spoke to Peter Freckleton, who is the refrigeration mechanic in Mildura, and I think he probably reflects the opinions of electrical and building tradesmen when he says that in order to go to work you have to carry with you green cards, white cards, red cards — enough cards that, just like the old joke out of the movies, you open your wallet up and the cards in the holder fall all the way to the floor. Those licensing fees are an enormous impost on these businesses, and in this particular case Peter works in four states. Mildura is a supply base for skills for places as far away as southern Queensland where there are table grape operations that are run out of Mildura, so as a refrigeration mechanic he can work as far away as St George in Queensland, in South Australia, New South Wales and Victoria.

There are also some issues, and there have been in the past, with some of this licensing and how you structure subcontracting, so in order to take on a large coolroom installation for a table grape farm in some part of Australia Peter has to work through all the interstate problems and make sure everyone is licensed in order to take the other contractors with him. There is a similar situation with work involving mines, so I am hoping that this legislation will clear that up.

With the shortage of tradesmen and the high cost of licensing, it is very hard for some of our businesses to have the right tradesmen to make the right call. There are plumbing businesses or electrical business that have a mixture of people who are licensed because of the costs. If one of them is working away and a call comes in from another state and they are not licensed, they sit at the workshop. If someone's toilet or hot-water service is not working, that is not good for businesses.

Also, because of some of the complications with the way things are, the tradies in Mildura suggest that for every six tradies they now need two and sometimes three people in their offices to manage the red tape and the work that goes with supporting tradesmen. This adds considerably to the cost of doing business and is therefore a considerable impediment and affects the viability of our rural economy. Having too many compliance fees is simply driving these tradesmen mad

and also sometimes even limits the number of jobs they seek out or take on. I used Peter Freckleton as an example, but Phil Hand, an electrician I telephoned, also has similar stories to those told by Peter, as do some of the builders I know.

This legislation will hopefully overcome some of those problems. It will enable the businesses in Mildura to range further and compete for work over a longer range. It will also help many of those people who are involved in fly-in fly-out use of their skills by businesses in Mildura. Should, for example, a mine want to transfer them to another state, which happens quite frequently, they will be able to take up that position rapidly. They will not have to go through a complex process of being relicensed and re-accredited, or be required to maintain licences in many different states and incur the associated costs when they may never set foot in those different states. With those words and the concern about making sure that there is balance on the board, The Nationals are supporting this legislation.

Mr DONNELLAN (Narre Warren North) — I am pleased to have the opportunity to speak in the debate on the Occupational Licensing National Law Bill 2010. It is something this government has been pushing nationally for some years now. The government has been encouraging commonwealth governments of various persuasions, including the previous one, to deal with these issues. These issues are not generally particularly exciting to the community and will not capture the public's imagination, but for tradesmen it is important that if they want to work across the border, as was mentioned by the previous speaker, there be a system which recognises skills so that they can transfer from one state to another. At the end of the day it is part of the ongoing reform agenda of this government to deal with these business-related regulation issues which cost money and time. It is something we have been pushing over the last four or five years. I know the Premier did so in his previous role as Treasurer, and it is now starting to come into play. It is obviously due to the discussions of the Council of Australian Governments that are held every couple of years that the agreement was made to deal with a seamless national economy.

Under this agreement, in July 2012 there will be a national system of licensing for air-conditioning and refrigeration technicians, electricians, plumbers, gasfitters and property-related occupations excluding conveyancers and valuers; and thereafter in July 2013 it will include building and building-related occupations, land transport, maritime and property-related occupations which will include conveyancers and valuers. It is important that people like valuers, who are not necessarily working in only one state, have the ability to work across borders. It has probably been only over the last 20 years that the quality of the qualification for valuers has been raised from a certificate or diploma level to degree level. It is important that those skills are recognised and standardised across the country, either through experience or through both experience and the undertaking of appropriate courses.

I note that the Victorian government will be the host jurisdiction. That is good, because at the end of the day this is very much an initiative that we have pushed, and it is therefore appropriate that we be the host jurisdiction. We have largely been the leaders in pushing this concept at a federal level.

This bill will also help with something that was a concern of the federal government and parties of both persuasions in the last federal election, and that is the mobility of the workforce. Obviously, if you are working across borders, you then have to deal with mutual recognition and various other bits and pieces which might be attached to mutual recognition in one state to another. It will take time and be a waste of energy, and realistically it should be done simply. This bill will certainly encourage greater mobility, although hopefully not to the extent that we end up with a skills shortage in Victoria, which is a possibility. However, it is important that we have that mobility.

I also note that the national authority will delegate a lot of the day-to-day operation of the licensing services to the states and territories. They are doing that currently, and it would be silly to duplicate it at a national level when there are existing agencies that can undertake those services. Despite the mutual recognition that currently exists, there is substantial inconsistency in the current system across Australia. Some tradesmen still have to apply for a licence, meet different non-skilled requirements and pay a separate licence fee for the equivalent licence in each jurisdiction in which they work. With that small contribution, I suggest that this bill will deal with those serious issues of workforce mobility and inefficiencies in business regulation and will move forward a small part of regulation, which is probably not going to excite most of the public but will certainly decrease costs for business and make it a lot easier for people to do business. I commend the bill the house.

Ms ASHER (Brighton) — I also rise to speak in the debate on the Occupational Licensing National Law Bill 2010. As has already been indicated by the member for Scoresby, the opposition is supporting this bill. I

wish to speak on the bill in my capacity as shadow Minister for Small Business and because this bill, as the minister has indicated in the second-reading speech, is part of what the government claims as its red-tape reduction program.

The bill has as its genesis the economic reform motivation of the Council of Australian Governments (COAG). I remember, as does the member for Scoresby, who is sitting next to me, the initial push for this reform under Prime Minister Keating at the federal level and Premier Kennett at the Victorian level. This is the process that we on this side of the house strongly support because this process was put together as economic reform to try to get consistency across the states to make doing business across the states easier and more accessible to business. The basis of the bill before the house was an agreement at COAG in 2009 in relation to a national licensing system, which was in turn based on a 2008 agreement.

Significant benefits will flow from this bill. The benefits in the main will flow to business, and we think that is a good thing. Anything that results in a reduction of red tape for business, provided there is still adequate consumer protection, which I am convinced is the case here, is a good thing. For example, for businesses only one licence, instead of multiple licences, will need to be paid in the sort of examples that the member for Mildura was just talking about. Also, and most importantly, this sort of licensing reform adds to mobility across the states, and this is exactly the sort of economic reform that those who instituted the COAG (Council of Australian Governments) process had in mind. I think they had in mind a slightly quicker process, but certainly the net long-term benefits to business were the aim.

There are seven economically important — that is the word — categories of licence which will be impacted on by this bill. They are: building and building-related occupations; electrical; land transport — passenger vehicle drivers and dangerous goods; maritime; plumbing and gasfitting; property agents; and refrigeration and air-conditioning mechanics. Again the time line has been adequately outlined by the member for Scoresby. From 1 July 2012 licensing for four categories will start, and from 1 July 2013 the remainder of those licensing categories will come into being. That is the plan, anyway. Victoria's will be the first bill in the national process, and we are advised the aim is that the other states and territories will have similar legislation by the end of this year. The bill sets out governance arrangements and a range of other factors.

I wish to refer in particular to the Victorian Competition and Efficiency Commission's report entitled *Regulation and Economic Recovery — Annual Report 2008–09*, in which VCEC in particular talks about the benefits of licence reform in terms of reducing red tape for business. At page 9 of this report VCEC makes the observation:

> Many administrative costs — such as those that relate to requirements for annual (or more regular) record-keeping, or annual licence renewals — most directly affect the day-to-day costs (and profitability) of doing business. As a result, costs of this nature are likely to have a significant direct effect on existing business. (These costs also affect potential entrants who consider the total cost of business, including regulatory costs, when considering whether their business is potentially viable.

VCEC goes on to make the general point that if licensing reform can be achieved, there are benefits to business. That is of course the basis of the opposition's support for this bill today. However, COAG has a much wider agenda than the business licensing regime that has been presented in this bill. Indeed I note that in the annual statement of government intentions dated February 2008 the government flagged that as a consequence of a COAG agreement in July 2006 it was going to introduce a single online registration process for Australian business numbers and business names. That report flagged that the Minister for Small Business would be in charge of this process and that there would be a meeting of ministers for small business to work out the details. Given, as I indicated, I am very interested in this type of business reform through the COAG process, I had hoped the government would deliver on this earlier.

It was of interest to me to read the annual statement of government intentions in February 2009, a year later, in which the government said that in November 2008 COAG had agreed on a number of areas of national business regulation reform, and one of these was a new business name registration system. By this stage the matter had been taken away from the Minister for Small Business and given to the Treasurer or the minister for finance; this element is unclear in the statement of government intentions. It was a great surprise to me not to see that legislation and to again read in February 2010 this year in the annual statement of government intentions at page 12:

> In 2010, the government will maintain Victoria's business competitiveness by:
>
> …
>
> Introducing legislation to progress key elements of the COAG seamless national economy national partnership agreement, including Australian Consumer Law, registration of business names and referral of consumer credit regulation powers to the commonwealth …

Registration of business names, which is a very important part of this COAG process, has been flagged

by the government as an area for reform in 2008, 2009 and 2010, and the government still has not done it. I was somewhat aghast at the previous speaker's lauding of the government's reforms in this area, where the government still has a lot of work to do after 11 years of being in power. Again if one looks at the VCEC annual report that I referred to earlier, VCEC makes the point that when the government talks about how much red tape it has reduced — and it talks about it all the time — these savings cannot be verified. Indeed the Public Accounts and Estimates Committee has been asking this question of various ministers for years: that they designate the starting point for the so-called percentage reduction of red tape, what has been repealed and how this will assist business. I note that VCEC has the same view, that these claims cannot be verified, because at page 4 of that report VCEC says:

> Most of these savings are yet to be formally verified by the commission.

It is all very well for the government to talk about the reduction of red tape, which is something we on this side of the house strongly support, but we want to see the government get on and do it rather than say it is doing it. The final say in this matter should go to a report by VCEC called *The Victorian Regulatory System 2009*, which makes the following observation:

> At 1 January 2009, Victoria's business regulators administered 188 acts comprising 26 096 pages. While the number of acts had decreased since 1 January 2008 (from 191), the number of pages had increased (from 25 617). In addition, these regulators administered 218 regulations (up from 209 in 2008) comprising 8561 pages (up from 8311) and over 370 codes of practice (up from 352 in 2008).

The report then goes on to say:

> The codes of practice are made up of over 100 legislated codes and over 260 voluntary codes.

The question crosses my mind, as I am sure it crosses many members' minds: how on earth can a business, whether it is a cross-border business or a business operating in Victoria, deal with this volume of regulation? We have heard time and again that the government wishes to reduce regulation, and its own body, VCEC, is reporting time and again that, first of all, the government's claims cannot be verified, and secondly, there is still too much regulation in the system and that is adversely impacting on business.

Debate adjourned on motion of Ms KAIROUZ (Kororoit).

Debate adjourned until later this day.

Sitting suspended 6.28 p.m. until 8.03 p.m.

MARINE SAFETY BILL

Second reading

Debate resumed from 12 August; motion of Mr PALLAS (Minister for Roads and Ports).

Government amendments circulated by Ms D'AMBROSIO (Minister for Community Development) pursuant to standing orders.

Opposition amendment circulated by Dr NAPTHINE (South-West Coast) pursuant to standing orders.

Dr NAPTHINE (South-West Coast) — The main purpose of this bill is to provide for the safe operation of vessels in Victorian waters. That includes our coastal waters and inland waters like Lake Wallace at Edenhope — that is, when there is water in Lake Wallace. I am sure the people of Edenhope would appreciate the fact that we will have a Marine Safety Act and regulations to protect those boat owners who want to participate in boating activities on Lake Wallace at Edenhope, a great part of the state of Victoria.

The bill will replace and update the Marine Act 1988. Victorians love their water, and many Victorians are actively involved in boating as a recreational activity or in a commercial sense. Victoria has approximately 1200 kilometres of ocean coastline and 21 000 square kilometres of inland enclosed waters. We have four commercial ports — Melbourne, Hastings, Geelong and Portland — 13 local ports and 46 inland managed waterways. In the second-reading speech for this bill the minister advised that as at 30 June this year there were 1421 domestic commercial vessels registered in Victoria, with a further 204 being constructed or under survey, and that there are more than 200 000 recreational vessels registered in Victoria.

In July 2009 a discussion paper on this bill was circulated. In that discussion paper we were advised that the marine industry is very important to the Victorian economy. It contributes $4.5 billion per annum and employs more than 7000 Victorians in manufacturing, wholesaling and retailing in the area of boating. In terms of safety outcomes, Victoria has recorded 1.3 fatalities per year in the commercial boating sector over the past 19 years. There have been an average of 9.6 fatalities per year in the recreational sector over the same period. It is of note that in the past five years the average fatality rate has been 4.4 fatalities per 100 000 vessels, compared to 10.8 in the previous five years. I think there have been significant

improvements in the awareness of safety, in boat design and in the use of personal flotation devices.

Data on injuries, collisions, groundings, near misses and disablements is more problematic because of reporting difficulties in this area. In his second-reading speech the minister referred to a 100 per cent increase in hospitalisations over the five years from 2002–03 to 2007–08 and to an 84 per cent increase in disablements, near misses and other incidents, but we need to be wary of these figures because there have been changes in reporting. There have been significant increases in reporting systems, and the emergence of coastguard operations in our coastal waters has meant better record keeping of activities such as disablements and near misses that were previously unreported.

Also, in the context in which we are looking at this increase, there has been a significant increase in boating activity and an emergence of new types of recreational vessels such as personal water craft or jet skis. There has also been a significant reduction in inland waters, and people from Edenhope would understand that many of our inland waters have dried up over the past 10 years. Many of our lakes, rivers and reservoirs have dried up, hence we have had a concentration of boating activity on the remaining waterways. Even where there has been boating activity, if we look at a place like Rocklands Reservoir or many of our other inland waterways, with the decline in water levels there has been an emergence of snags and hazards that are potentially dangerous for boating.

The government released a 235-page discussion paper in July 2009 entitled *Improving Marine Safety in Victoria*, which was a forerunner to this legislation. There were a number of well-attended public meetings following the release of this paper, and a number of serious issues were raised at those meetings and in the community. Indeed, *Hansard* records that on 29 July 2009 I called on the Minister for Roads and Ports to 'immediately rule out a number of extreme and ridiculous proposals' in this discussion paper. Among what I believed were inappropriate recommendations was a requirement that all wind-powered vessels, including windsurfers, kite surfers, young people on skiffs on Albert Park Lake et cetera, had to be licensed. I thought that was an extreme and unnecessary proposal.

I also thought it was inappropriate to place a limit on how vessels could operate according to their length. The discussion paper proposed that vessels of 4.8 metres or less in length would be permitted to operate only in enclosed waters and vessels of 4.8 metres to 8 metres in length would be limited to operating within 20 nautical miles off the shore.

When this discussion paper came out a public meeting held at Portland was packed to the rafters with 130 people in attendance, and I was one of those people. At Warrnambool over 200 people crowded into the meeting room. The *Portland Observer and Guardian* reported on 7 August 2009 under the heading 'Fishermen speak up':

> Angry recreational fishermen in Portland have vowed to continue a campaign to torpedo a proposal to introduce boat size and distance restrictions into a new marine act.

The Warrnambool *Standard* of 6 August ran the headline 'Fishers sink reform' with the subheading 'Strong opposition to proposed laws' on an article by Alex Sinnott, an award-winning journalist who reported:

> South-west boat operators strengthened their calls for the ditching of proposed changes to Victoria's marine safety laws last night.

The article quotes a Mr Trevor Uebergang as saying:

> Most of the guys that fish around the district are up in arms about these restrictions …

At the time the minister said, 'Let the discussion paper run its course; we will not intervene in the discussion paper process'. But then of course the minister found that the groundswell of opposition was so strong that he had to adopt the recommendations I had given him some weeks earlier. The Warrnambool *Standard* of 7 August, under the heading 'Licence reform blown away', said:

> A proposal to license kite boarding and wind surfing has sunk as quickly as it surfaced.

It goes on to report:

> But officials told an information session held in Warrnambool this week that wind-powered vessel licensing was no longer an option.

The government should have listened to what I said but it waited until hundreds of people had attended meetings and were up in arms.

The *Portland Observer and Guardian* of 7 September 2009 ran the headline 'Anglers score stunning win' on an article by Bill Meldrum which says:

> Recreational fishermen in Portland have achieved a stunning victory with the Department of Transport dropping controversial plans to implement restrictions based on the length of boats.

Fortunately some of the more extreme proposals in the discussion paper did not get very far; they were sunk fairly quickly because of opposition across Victoria. As a result of that process we now have this Marine Safety Bill before us. I suppose the issue now is: what is the coalition's view of the bill, and what position do we take on it? Our position is to propose an amendment to the bill, and I will talk about that shortly.

We will not oppose the bill. The reason we will not oppose it, rather than supporting it, is because this is a 355-page bill. It is an enormous piece of legislation with 421 clauses, 3 schedules and a 154-page explanatory memorandum, but the Brumby government wants to rush it through Parliament only 20 days after it has been introduced and before interested stakeholders and Victorians have had a chance to study, understand and comment on these proposals.

What is worse, despite the government offering us briefings and saying that because of the short period of time it would provide all the assistance necessary, today in this house we have been presented with 19 amendments which have not been given to the opposition before today. It is absolutely disgraceful. I was going to comment on the great cooperation we have had from the minister's office and the departmental officials, but this undermines our confidence in that support. Why were we not advised of these amendments? Why were they not sent to us? Why were we not told the government was planning the amendments to this enormous bill? That is why we cannot support the legislation — because we still have not had a chance to study it, let alone the amendments.

I have written in my notes, 'I appreciate the prompt briefings from the department and the assistance of the ministerial adviser'. However, I feel betrayed, as does the opposition, by these last-minute amendments of which we were not advised and which I have not had a chance to examine. That is a disgraceful way for the minister to behave and to treat the Parliament and the people of Victoria. This is an important issue of marine safety that should have bipartisan support and on which everyone should have a chance to contribute.

Government members say there was a discussion paper and public meetings, and that the bill has come out of that process. However, it is the bill that becomes the law, not discussion papers and not the components of them. It is what is in the legislation that the boat owners, boat operators, commercial fishermen and recreational fishermen need to see. It is exactly what is in the legislation that they have to adhere to. We are not opposed to the legislation, but we are opposed to the way the government is treating the Parliament and the people of Victoria with utter contempt, particularly people in the boating industry. It is arrogant, contemptuous behaviour from the minister and the government.

The opposition has proposed an amendment to introduce provisions which would allow regulations put forward by the legislation to be disallowed in whole or in part by resolution of either house of Parliament. The reason we have put forward that amendment is that the bill contains a whole raft of regulation-making powers which provide the essential operating nuts and bolts of the act, and we believe these regulations must be subject to disallowance by either house of our democratically elected Parliament and not merely be constructed and enacted at the whim of the government of the day. Without this amendment we could get backdoor regulations restricting the use of vessels based on length — and restricting the use of vessels based on length measurement was vehemently opposed by all stakeholders last year. However, I do notice that there is an amendment to that effect in this raft of amendments, which we have not yet had a chance to study.

There are also regulations relating to fees, rates and charges; conditions relating to licenses; and conditions relating to registration and to vessel usage. It is of interest for students of legislation that the government is introducing an enormous range of regulation-making powers and not including in the bill any provisions for disallowance by either house of Parliament. On page 245 of the bill clause 278(3) specifically states with respect to codes of practice made under the bill:

> An approved code of practice may be disallowed in whole or in part by either house of Parliament.

The government has included in the bill disallowance provisions for codes of practice but not for regulations. I find that inconsistent, not in the best interests of marine safety and not in the best interests of the people of Victoria. That is why, on behalf of the Liberal-National coalition, I am proposing an amendment, and I urge the government to take up and support that amendment.

I now refer to the findings of the inquest into the tragic deaths of Jenifer and Alexander Elliott, who died as a result of the explosion of a vessel at Pier 35, South Wharf. Coroner Peter White, in his report dated 5 August 2010, had a number of things to say that are relevant to the legislation. He said in his recommendations:

> We have had an understaffed and underresourced marine police unit, tasked to investigate and prosecute instances of regulatory non-compliance.

He stated further:

> I would simply observe that in my view a combination of enforced regulatory control, supported by adequate policing and prosecution in appropriate cases, (together with ongoing public education), is far more likely to achieve the Marine Safety Victoria's objectives in this area, than that which has been secured under current arrangements.

Further, he added:

> I recommend that the resources currently available to the police marine units be reviewed and that, going forward, adequate resources be made available to Victoria Police to allow for an increase in the level of policing in this area.
>
> … I also recommend that Marine Safety Victoria and the Victoria Police marine division continue their campaign, and further highlight the dangers involved in the use of petrol-driven inboard motor cruisers, particularly following a period of disuse.

The main point the coroner made in those comments following those tragic deaths was the need for appropriate levels of policing. The coroner has quite rightly said you need good legislation, but that legislation needs to be supported, and working hand in glove with that legislation you need adequate police resources and policing of that legislation. Legislation alone will not deliver the safety outcomes required. You need good solid legislation and good public education, but you also need an adequate level of resourcing of our policing units to ensure marine safety. What the coroner has said quite clearly is that there are issues of understaffing and underresourcing with respect to marine safety operations. When we talk about marine safety legislation it is absolutely imperative that we also have adequate levels of policing.

The coroner also made a number of comments about the resale of boats and about ensuring that vessels that are resold are appropriately safe for use. I understand some of those issues will be picked up in the regulation-making powers under this legislation, and I urge that those regulations be subject to disallowance by either house, as they should and must be in a democratically elected Parliament.

I now want to go through a number of the provisions in the legislation which should be examined while the bill is between here and another place, where there may be an opportunity to enhance and improve the legislation. I understand that in a number of circumstances the issues may already be dealt with in the existing legislation, but that does not mean they cannot be enhanced and improved and made to work better in the interests of marine safety and all Victorians.

I refer to part 8.7, headed 'Review of decisions'. Clause 290 outlines how a person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of a decision. Subclause (2) provides that an application for review must be made within 28 days of when the person is notified of the decision that they are concerned about. But under clause 289 a person may apply to the safety director for review of a decision, and again they must apply within 28 days to the safety director for review of that decision.

That denotes a conundrum for the person who is concerned about a decision that has been made. If they apply for an internal review and wait for the outcome of that review in most cases they will be out of time to apply for a review of the decision by VCAT. That is absolutely unfair. There should be a system through which people can apply to the safety director for an internal review and, if they are not satisfied with that review, should be able to apply to VCAT for a review of that initial review decision. I think that concern should be considered. I raised this issue with the minister's office, saying in my question:

> It would seem that if you proceed with an internal review you will be out of time for a VCAT application by the time the internal review is completed.

The response from the minister's office was:

> The provisions essentially assume that either an internal review will be sought or that an eligible person will seek a review of the decision by VCAT.

The system would work better if a person were encouraged to seek an internal review first, and if they were not satisfied with the outcome of that, to seek a review by VCAT. That would take some workload off VCAT and provide a stepwise process. I ask that that be considered while the bill is between here and the other place.

I wish to raise some issues about clause 93. Part 3.5, division 4, beginning on page 90, refers to reporting of incidents, and clause 93 relates to that. Clause 93(2), under the heading 'Reporting requirements in relation to reportable incidents' states:

> The master of the vessel involved in the reportable incident …
>
> (a) must immediately stop the vessel, drop anchor or otherwise secure the vessel …

The provision goes on to address a whole range of other issues. I understand that this is based on road accident procedures, which are based on the premise that police and ambulance personnel are normally readily available to attend a scene and attend to injured persons. However, on the water often the best approach in terms of saving lives and safety for injured persons when

there is an incident is for a vessel to take them as quickly as possible to shore for attention. That would be contrary to this legal requirement to stop, drop anchor and secure the vessel. That may not be in the best interests of the safety of the person or persons concerned.

There are also issues in clause 93(2)(e) and (f), which provide that reports must be made to the nearest police station — the station that is most accessible. I think that is an ancient translation that is being put into current legislation. I would think that calling 000 would probably be the most appropriate way to report an incident, get the best advice and be able to take appropriate action. I think this clause needs to be revisited and revised in the light of more appropriate systems and technologies.

Clause 258 is another area I wish to raise. It concerns the functions of the safety director. They include a whole range of functions, including registering vessels, licensing masters, issuing certificates concerning the safety of vessels and the competency of key personnel, licensing of harbour masters and pilots, developing and enforcing safety standards and procedures, and monitoring compliance and prosecuting alleged breaches. However, if you look at clause 258(r) you see that one of the roles of the safety director is to 'investigate incidents adequately in order to identify deficiencies in operational procedures, vessel standards or crew training'.

The safety director therefore has in this area dual roles which may sometimes come into conflict. We will have a safety director who is responsible for a lot of the fundamentals in terms of registration, licensing and operational safety issues, but who is ALSO involved in investigating incidents. That may cause a conflict of interest, where the investigation of incidents may raise issues about whether the role of the safety director with regard to registration of vessels or licensing of people was fulfilled appropriately.

I think it is totally wrong that the safety director could be put in the position where there is a fundamental conflict of interest between their two roles. I wonder whether we should be looking at having an independent body to investigate incidents that can investigate them without fear or favour. This would mean the safety director would not be compromised by potentially needing to protect their own backside with regard to the registration of vessels and the licensing of people when the investigation of incidents might have uncovered activities in other areas that had not been up to standard. I would say there would be a fundamental conflict there.

Clauses 7 and 8 provide wide powers to the safety director with regard to the declaration of the status of different vessels. I seek advice here, and I would appreciate it if the minister at the table, the Minister for Community Development, or the departmental officers, could ask the minister to respond to this issue in his summing up. Many people involved in the industry have asked me to find out what guidelines and rules will be used in the making of these declarations and whether these guidelines and rules will be publicly available so that people know the rules of the game when it comes to declaring vessels. These people have asked particularly for information with respect to clause 8, which says:

> The Safety Director, by notice published in the Government Gazette, may declare that a class or type of commercial vessel or hire and drive vessel is unsuitable for recreational use.

I seek advice from the minister and an assurance that if a vessel is used, for example, for commercial fishing charters or commercial abalone diving, it can also be used by its owner as a recreational vessel for family and friends on the weekend or in other activities.

In consultations on this legislation the issue has been raised with me as to whether there is a conflict between a vessel being declared a commercial vessel and it also being used for recreational activities — for example, a work vehicle that might also be used at the weekends for family activities.

I just want to go to a couple more of the smaller points. Clause 11 provides that the Occupational Health and Safety Act prevails over this bill if there is any inconsistency. Clause 22 is interesting in that it relates to three pages of principles that apply to the act, but the clause makes it clear that:

> The Parliament does not intend by this Part to create in any person any legal right or give rise to any civil cause of action.

The principles are fine and dandy, but they do not actually apply, and the minister can ignore them completely; there is no process.

People need to be alert to clause 33 because it contains a significant issue. There are responsibilities and a legislative requirement for passengers to take reasonable care on a vessel, and they can be fined up to 25 penalty units or $3000, so there are significant penalties for passengers.

Clause 279 requires the safety director to produce a marine enforcement policy within 12 months of the commencement of the act and every three years thereafter, and I think that is a useful thing so we know what it is about.

Coming back to the overall bill, it is a very large piece of legislation, and I do not think the community has had sufficient time to study it properly. It is being rushed through despite the discussion paper. To add insult to injury tonight we have two and a half pages with 19 amendments, which have not been shown to the opposition despite the minister writing to me asking, 'Do you want any further discussions? Can we help in any way?'. At the last minute the government has betrayed this Parliament, the people of Victoria and me by introducing 19 amendments at this stage. It is discourteous, it is disgraceful and it is against the proper process of the Parliament.

This legislation should have bipartisan support. It should be legislation that is in the interests of all Victorians. It is legislation that should be out for proper consultation, and it should go through this house in an orderly process. Unfortunately that is not the way this minister and this government seem to operate. They operate in an arrogant way and a way that is not conducive to fair and reasonable community consultation. That is why we will move an amendment to the legislation to ensure that the regulations — and there is a vast array of regulation-making powers in the legislation — are disallowable by either house of Parliament. Other than that, we will not oppose the legislation. In the few weeks that the minister has in his office we urge that he behave a little more appropriately.

Mr NARDELLA (Melton) — I wish to pick up on a number of points raised by the member for South-West Coast in his contribution and the crocodile tears he brings into the house on a quite regular basis. He said the legislation is being rushed through the Parliament. Unfortunately the honourable member makes things up, and he does it in every single debate he enters into in the house. How can you rush this thing through the Parliament when it has been being developed since 2004? If we have been rushing it through the Parliament, it has taken seven years. The member cannot count. Is seven years rushing things through? Obviously for the shadow minister for ports seven years is moving things too quickly.

Let me take this further. The transport legislation review included a number of stakeholder workshops in 2008 and into 2009, and a discussion paper in July 2009 on hoon boating. This is the rushed legislation that we are talking about here. There were public meetings, and some 800 people turned up to them. This is rushed legislation of seven years! There were also 400 written submissions made to this rushed process. The government is still waiting for a submission from the opposition, because it has not provided one. It never did, and it never will provide a submission to any forum or to any review, because its members are too lazy to put pen to paper and express an opinion. The member for South-West Coast would rather come in here and make up things, like his claim that we are rushing through this legislation over seven years.

There were further stakeholder forums held by the minister in March. Here we have the member for South-West Coast saying, 'We are rushing this through. We have not got enough time. I am so busy being a shadow minister that I do not have enough time to put pen to paper and to think about these things'. He then criticised us on the amendments. The government is so naughty that it has presented the amendments tonight when the member has not seen them — this is a dastardly act! We are a secretive government that has put amendments to the house, and we should not do that. We are just so terrible!. The crocodile tears flowed in bucketloads from the member for South-West Coast. Members set their own standards here. Did he provide his amendments to the government? Did he contact the minister or the minister's office to say, 'I have a set of amendments I want to put up'. No, he did not; of course he did not put up amendments, yet he wants us to tell him about the amendments as a courtesy.

But it gets worse, because what has been occurring, and it has not been acknowledged by the member for South-West Coast, because it is not part of his story — not part of his narrative — is that the amendments put up by the government tonight are the result of matters raised by him in extensive consultations and in the discussions he has had with the office of the Minister for Roads and Ports and officers of the department. The issues he raised are embodied in the amendments, yet he is critical of us putting together amendments to make the legislation what the member actually wants. He says, 'Why didn't you tell us?'.

Mr Weller interjected.

Mr NARDELLA — The member for Rodney only has to read them, even in a cursory way, just to have a quick squiz at them, as we used to say in Sunshine. You just need to have a quick look at them to see that the points made by the member for South-West Coast are embodied in the amendments. Here we see the crocodile tears flowing from the member. He says we are the worst government since the last Labor government back in the 1980s and 1990s, disregarding the seven long, dark years of the Kennett government, yet we are putting in place a number of points, because we do listen, that both the stakeholders and the shadow minister have placed before the government.

This bill will become very important legislation. Not only has it taken seven years to put together but it is about safety. It is about attempting to make our waterways safer, be they inland waterways, the sea or the bay. It is about trying to make it easier to enforce the legislation before the Parliament and the people of Victoria.

The gestation period where we consulted with stakeholders — with people interested in this legislation, all 400 of them who put pen to paper and those who turned up to the forums to have their say — means the government has put together in this piece of legislation something that it can be absolutely proud of.

The bill also builds upon the work that is occurring on the national stage in other jurisdictions and other states. The bill is part of the work of trying to standardise what occurs not only in Victoria but throughout Australia. This important work should be recognised by many people within our community, certainly by people who are boat users who might throw a line into the water or engage in other kinds of recreational boating. My brother-in-law had a boat for many years, and we definitely enjoyed going out on the bay.

Boating has to be as safe as possible, and this bill will make it easier to enforce the rules and regulations around these types of vehicles. It also goes further than that. For example, the bill provides that people who are in charge of these vessels at anchor can be tested for drugs or alcohol. It is about ensuring that the laws that are being put in place are making boating safer for people and families. The honourable member for South-West Coast detailed to the house what was obviously a tragic case. As legislators we must try to do what we can to minimise as much as possible those types of situations on our waterways and within the boating fraternity.

This is very good legislation. We have listened to the stakeholders; we have listened to the opposition, especially the shadow minister for ports, even though he does not want to recognise it; and we have listened to industry. That is very important, and I support the bill before the house.

Mr WELLER (Rodney) — It gives me great pleasure to rise tonight to speak on the Marine Safety Bill 2010. The purpose of the bill is to provide a regulatory framework for safe marine operations in Victorian inland and coastal waters. The main provisions of the bill include imposing safety duties on owners, managers, designers, manufacturers and suppliers of vessels, marine safety infrastructure and marine safety equipment; marine safety workers; masters and users of recreational vessels; and passengers on vessels.

The bill provides for the registration of vessels, for the licensing of masters of recreational vessels, for regulating and managing the use of and navigation on state waters, for requirements for port management bodies to engage harbour masters, for the licensing of persons to act as harbour masters and for the authorisation of persons to act as assistant harbour masters. The bill provides for the registration of pilotage service providers and the licensing of pilots, requires the use of pilots in declared parts of state waters, requires compliance with nationally agreed standards for commercial vessels and commercial vessel operations, and provides for the verification of compliance through certification. In addition, the bill requires compliance with nationally agreed standards for masters and crew of commercial vessels and provides for the verification of compliance through certification.

This is a very important bill for my electorate. The Murray River runs along the northern boundary of my electorate, although the river is actually in New South Wales. The bill talks about creating nationally consistent regulations right across Australia so that there are no border anomalies. We do not like border anomalies as they confuse people when they are in other states.

In my electorate there is also the Waranga Basin, Greens Lake, Lake Cooper and Lake Eppalock, which this year will all be very popular for boating activities. Lake Cooper has been dry for about five years and we have been having banquets on the lake bed. We will not be able to do that this year because there is water in Lake Cooper. The Victorian Water Ski Association will be able to come back to Lake Cooper and run activities there this year. Likewise, Lake Eppalock has previously been below the safe level for speed boats, but at the moment there is some 100 000 megalitres of water in Lake Eppalock and that is rising. The rain this weekend will probably send it closer to 200 000 megalitres. Waranga Basin has been down around 100 000 megalitres, but this year it is up around 400 000 megalitres. It is a lot safer for the boats when there is that amount of water.

Regarding the alignment with the national reform process, I will just quote from the second-reading speech. It states:

> Australia is moving towards a single national system of regulation in marine safety and other areas of transport.

> The Council of Australian Governments transport reform agenda aims to centralise the regulation of commercial vessels under commonwealth administration.
>
> As part of this important work, the commonwealth Navigation Act 1912 — described in a previous review as 'archaic' — is being examined with a view to a major rewrite.
>
> The national reform effort over the next few years should lead to a modern and coherent national marine safety framework.
>
> Victoria is fully committed to playing its part in improving marine safety outcomes across the country and is working actively with the Australian Maritime Safety Authority, the commonwealth and other jurisdictions to progress the national reforms.
>
> Victoria's reform work dovetails neatly with these developments and supports the increasing regulatory harmonisation in the marine sector. The Marine Safety Bill adopts current national settings in a number of areas.

Why are we going through 355 pages of a bill which the government says is going to dovetail neatly with the national reform when we do not know what the national reform is? This has happened here before: we had the transport bill about fatigue management across Australia, and Victoria was different to the other states. Even though it was meant to be national reform, each state went off and did its own thing. What guarantees do we have that we are going to be compliant in Victoria and that we do not have to come back here and debate these 355 pages all over again in two years time when the commonwealth gets ITS act together and all the states agree? I think we should have been up front and gotten nationally consistent regulations right across Australia; we do not have that, even though the second-reading speech would have us believe that was the case.

I have another question. According to the second-reading speech:

> The bill introduces a new power to test for drug and alcohol impairment when a vessel is at anchor.

Does this also apply to houseboats? There are houseboats on the Murray River. People pull up at night-time and probably enjoy a drink with their tea; I think we need to clarify if this power applies to houseboats as well as other boats. I can understand if it is going to be a speedboat or a fishing boat where people are heading off, but what about a houseboat where the boat is moored at night and probably does not move for two or three days? I wonder whether the power applies to that.

Unfortunately there have been too many accidents. That is why we are not opposing this bill. Even though I could highlight a lot of shortcomings, we will not be opposing the bill because it increases safety. At Echuca on the Murray there have been too many accidents in the last few years; there have been some terrible tragedies where there have been deaths and there have also been other accidents where people have suffered injuries. One of the high-profile ones occurred on Christmas Eve last year when Brad Ottens, the Geelong ruckman, was trying to get back into a ski-boat; the motor was not turned off, and the prop cut his arm.

Geelong is very fortunate to have Brad Ottens still playing for the team this year, because it could have been quite a disaster. It took some weeks, or months, for him to get over it; it took some time. We need to make sure that everybody on a vessel is responsible, and that is what this bill talks about. It talks about the vessel master and the passengers being responsible as well. Everyone has to be responsible and aware of the need to be safe and take all precautions.

There are some interesting parts of this bill. I have had a look at clause 184, which is headed 'Making of waterway rules' and says:

> (1) Subject to this Part, the Safety Director, by notice published in the Government Gazette, may make rules for or with respect to —
>
> (a) regulating or prohibiting the operation on State waters or any part of State waters …

If you have people swimming, you do not want boats where the swimmers are, and the government will be able to make regulations around that. That makes sense, but I also support the proposed amendment of the member for South-West Coast that either house of Parliament could disallow regulations. That is an important amendment.

Clause 186, which is headed 'Waterway rules to be made on request or on initiative of Safety Director', states:

> (1) The Safety Director may make a rule —
>
> (a) at the request of a port management body, local port manager, waterway manager or member of the police force …

That is obviously a good channel for the decisions and changes to come through, but we need to make sure that the amendment the member for South-West Coast has proposed is brought in there so that regulations may be disallowed in whole or in part by resolution of either house of Parliament in accordance with the requirements of section 23 of the Subordinate Legislation Act 1994.

I would just like to finish by saying that we talk about common sense and respect for each other in this house,

and it is disrespectful that the government's 19 amendments have only been given to the opposition today. The member for South-West Coast went into the briefings in good faith and made his points, and it would have been a lot more respectful of the minister to have got on the phone last week and to have said, 'We are going to address some of the issues that you put forward to improve this legislation'. There should be recognition of the good work done by the member for South-West Coast.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise to speak in support of the Marine Safety Bill. Before I go to the detail of my contribution I just want to pick up on one of the issues that the member for Rodney raised in his contribution. He essentially raised the question of why we would bother as a Parliament to deal with this particular piece of legislation now. He is right in saying Australia is moving towards a single national system of regulation in marine safety and other areas of transport, but the question I pose back to the member for Rodney is: why would you not put a piece of legislation like this up in the Victorian context if it is about saving lives and preventing injuries on our waterways?

The member for Rodney raised a number of those issues in his contribution — I think he referred to some incidents that occurred in Echuca, as well as others — so I pose that question back to him. Why would you not move to put a piece of legislation in place in Victoria that would save lives and prevent injuries on our waterways?

This bill is particularly relevant to my electorate of Williamstown, which enjoys approximately 17 kilometres of Port Phillip Bay frontage and naturally attracts many boating and sailing enthusiasts. If I get the time, I will come back to that and talk in some detail about my local boating and sailing community.

I want to focus my contribution on the substantial review process that others have mentioned, which really led to the introduction of this bill, and outline what I see as some of the key features of this bill. Firstly, I will go to the review process which underpinned this bill's development. In doing so I want to acknowledge the work undertaken by the Department of Transport and the minister's office in releasing the discussion paper entitled *Improving Marine Safety in Victoria*, which was released in July 2009.

In the foreword to the report the department secretary, Jim Betts, outlined that a major review of Victoria's transport policy and legislation has been under way since 2004. He stated that:

> The Marine Act 1988 has changed only minimally since its enactment. The act does not reflect modern thinking about how to regulate to achieve optimal safety outcomes.

Mr Betts provided further context in his foreword by explaining that there has been 'sustained growth in commercial shipping traffic and recreational boating on Victoria's waterways'. He stated:

> Increasingly, there are competing demands for the use of Victoria's waterway resources. Some of these uses are incompatible with each other, or at least generate safety risks that need careful management.

The discussion paper confirms that these safety risks are translating into hospital admissions, and worse still, boating fatalities.

The release of the discussion paper was supported through a series of 26 information sessions statewide, which were attended by more than 800 people, and more than 400 written submissions were received in response to the department's discussion paper, demonstrating the desire of many to see enhancements in the area of marine safety in this state. I think it would be fair to say that the government has absolutely listened to the community and stakeholders on this issue. I suppose this was endorsed by the Boating Industry Association in a recent statement which stated:

> BIA Victoria congratulates the government for having listened carefully to the views of industry stakeholders during the thorough consultation process.

I would like to acknowledge all of those individuals, stakeholders and organisations that made submissions or participated in the many forums and information sessions.

I now turn to some of the key objectives and features of the bill. I suppose the central objective of this bill is to provide Transport Safety Victoria and other enforcement agencies with contemporary marine laws to improve safety on our waterways. As has been widely acknowledged, there has been huge growth in commercial and recreational boating activities in Victoria.

The minister provided some statistics on that in his second-reading speech. I believe the statistics indicate that more than 200 000 recreational vessels are now registered in Victoria. Of those, more than 170 000 are powered vessels and approximately 40 000 are unpowered vessels, and more than 330 000 Victorians have recreational boat operating licences. Without

question these numbers will simply increase year on year.

I think we would all appreciate that the great majority of boating enthusiasts do the right thing on our waters and obey the law, but unfortunately there are a minority of people who have a complete disregard and obvious disrespect for our marine safety laws. These people put themselves, their passengers and other water users at risk.

The Victorian government has already responded to the hoon behaviour element on our waterways. We were in fact the first jurisdiction to put in place hoon boating laws, which took effect from December last year. These were coupled with the introduction of a culpable driving offence which introduced jail sentences for those convicted of the dangerous operation of vessels causing death or injury.

This bill introduces a raft of further reforms, including increasing fines to achieve parity with penalties imposed on other transport modes; enabling infringement notices to be issued to the owner of the vessel when there is evidence that the vessel has been operating in breach of speed and zoning limits, which again mirrors what happens on our roads; reducing the prohibitive cost of enforcement by introducing infringement notices to enable general rules of navigation to be more easily enforced; and allowing drug and alcohol testing to occur when a vessel is at anchor.

Importantly, the bill will also introduce a new system of seaworthiness checks, something which was recommended by the Victorian coroner in the aftermath of the tragic deaths at Pier 35 on the Yarra River in 2008. These seaworthiness checks will be established through the regulations and should provide a power to make registration of a type or class of vessel subject to conditions, and this may include older vessels or those with inboard petrol engines.

In terms of the commercial marine sector, the legislation creates a chain of responsibility which ensures that all parties play a role in ensuring safety. The chain of responsibility is not a new term to us in a transport context because it mirrors what we have seen in other modes of transport but particularly in areas such as heavy vehicle freight movement and more recently in the bus industry.

This is a welcome reform that should elevate the issue of safety to all levels of the commercial marine sector. My experience in the road freight setting is that the introduction of a chain of responsibility mechanism through law has placed enormous pressure on rogue operators to clean up their acts. It has also meant that the law-abiding operators have been better able to compete in a highly competitive industry. Chain of responsibility laws should not be feared by reputable, law-abiding commercial marine operators. If anything, these laws should be welcomed by the sector as they should drive out those operators in the chain who cut corners with their safety regimes.

As the minister stated in his second-reading speech, owners of commercial vessels are required to have a safety management plan certified by the safety director in line with the nationally agreed reform.

The bill also introduces some changes that impact on port management bodies and waterway managers. Each of these initiatives included in this bill is designed to establish a contemporary safety framework for the marine sector in Victoria.

In the short time I have left I want to mention that the bill is highly relevant to the Williamstown electorate due to its high level of boating activities, marinas, boat launching facilities and its proximity to the shipping channel. Today Williamstown is home to three yacht clubs, a sailing club, sea scouts, the water police, ferry facilities, the sea plane, private and council boat launching facilities and a number of angling clubs. I am sure this set of reforms will be welcome in my electorate. These are common-sense reforms, and I have not had any level of opposition from my local boating and sailing community regarding those reforms.

In conclusion, I believe this bill strikes the right balance. It has been supported widely. Indeed the Boating Industry Association said in a recent statement that the Marine Safety Bill is a well-considered and measured response to the need to update Victoria's marine laws and improve safety on the water.

I want to congratulate the Minister for Roads and Ports for introducing this piece of legislation into the Parliament. The passage of this bill is very important in the context of the current session of Parliament because, as I stated at the outset, it will save lives and should prevent serious injuries on Victoria's waterways. I commend the bill to the house.

Mr MORRIS (Mornington) — What is proposed with the Marine Safety Bill 2010 is a new principal act — an act with the intent of providing a safe marine operating environment in Victoria.

It is a substantial piece of legislation, and I think comment has already been made that it is 355 pages,

over 420 clauses and 3 schedules. It is a real doorstopper piece of legislation. We now add to that three pages of amendments, and while there may well be some merit in the amendments — and I cannot pretend to have sat down and worked through the three pages since they were introduced to the house — I make the observation that I believe it is a gross discourtesy not only to the member for South-West Coast but to the Parliament as whole, particularly on a day like today when we have very limited debate opportunities, for the minister to waltz into the house and put down on the table three pages of amendments that we are expected to get across and consider in the context of a bill of this size.

Notwithstanding the size of the bill and the size of the amendments, I wanted to acknowledge that the member for South-West Coast and I received a comprehensive briefing on the legislation as it stood at that point. I appreciated at the time, and that appreciation remains, that we were assisted to get across the detail in that way, but as I have said, I am extremely disappointed with the actions of the minister, and I distinguish between the actions of the minister and the actions of the department in this matter.

Given the size of the bill it is a difficult task for members to get across the detail of the legislation and to ensure that the stakeholders that may be impacted are aware of all the details. Given the telescoped time frame we have to consider the bill, that is simply not possible. I acknowledge that the bill follows a substantial period of consultation on the review of the old Marine Act and a substantial discussion paper. There were, I think, 400 submissions, including 200 submissions from individuals.

Many options were considered in that discussion paper, as the member for South-West Coast indicated. Many of them fell by the wayside; some, I suspect, more quickly than others. But — as is the nature of any discussion paper — it is exactly that, a discussion paper. It includes all sorts of things you may want to consider, and it obviously includes all sorts of things that do not find their way into the final bill. That is really the core of the issue in this matter.

Despite having a very extensive and, I think, good consultation process, at the end point the bill is lobbed in the front door and we are expected to deal with it and get it out again. It is not just about the 88 members of this house, it is about the community. It is about the thousands, probably hundreds of thousands, of Victorians who go out and get into their boats every weekend. It is about the substantially large number of people who are about to get into their boats as the weather warms up, and those are the people who do not have the opportunity to have a say on the bill.

I certainly would prefer that we work through the issues with users, that we do it with a draft bill — and this would have been, in either version, an excellent draft bill — but members should have the opportunity to work through the issues with those who use vessels, and the industry, and get it right. However, I accept that we are on a tight time frame leading up to November and that we need to deal with the matter, but it would be nice to be able to do it with a little more cooperation than we have received.

I also contrast the approach taken with this bill with the approach taken by the government in the implementation of the new boating zones. I last spoke on the new boating zones in October 2009 in this place. At the time I indicated that the final recommendations for the new boating zones had been published and comment was invited until 5 December 2008. It was on 15 October 2009 that I sought some speed in implementing the recommendations. When we came to deal with the bill before us tonight I thought I would check to see how the new boating zones were progressing, because clearly no-one had managed to get them in place by the commencement of the 2009 boating season.

I knew it was taking a while because Parks Victoria had to be involved with the former body, Marine Safety Victoria, but imagine my surprise to find when I went to the Parks Victoria website that none of the new boating zones had yet been implemented and two are promised for this month. This is 22 months after the final consultation closed. I would have thought it was a pretty open and shut case, yet it has taken almost two years to get these things implemented. A little less haste on the Marine Safety Bill and a little more speed in introducing the new boating zones, I would suggest, would have been a much better outcome for not only the users of recreational craft but all water users, including swimmers. There would have been a much better outcome altogether on both fronts.

This is, as I said at the outset, a substantial piece of legislation intended to provide for safe marine operations in Victoria. It imposes, and I think the member for Rodney commented on this, a range of safety duties on not only people like owners, managers, designers, marine safety workers, masters of recreational vessels and people who have traditionally been required to behave in an appropriate manner but also extends, and it is a useful extension, to passengers and users of recreational vessels.

The bill also provides for the licensing of masters of recreational vessels and hire-drive vessels. It provides for the regulation and management of the use and navigation of vessels on state waters. That regulation and management includes substantially increased enforcement powers, impoundment powers, immobilisation provisions, seizure provisions, forfeiture provisions and procedures for the disposal of vessels. It requires the port management bodies to engage harbour masters and assistant harbour masters. It provides for the pilot service which is obviously a critical service in an area like Port Phillip.

I have had the privilege of going out on a pilot boat and seeing specifically how the pilots operate. They are a very important part of our commerce, and the provisions in the bill are appropriate for that. The bill also deals with the need for compliance with nationally agreed standards on a range of matters. As I have said, it is a substantial bill.

The whole series of legislative reform undertaken in the transport sphere seeks to achieve consistency, and that is a more than reasonable objective, but unfortunately a number of provisions appear to have been lifted directly from the road safety legislation and some fit better than others. It is probably fair to say that the same very few idiots who cause problems on the roads are causing problems on our waterways. Obviously with an electorate like Mornington I am very much aware, like most of the members who have spoken tonight, of the difficulty we have with a few idiots on the water and the risk they pose to the community.

I still think the hoon boating bill was a gratuitous insult and swipe at largely law-abiding personal watercraft users, but it is one thing to have laws and another thing to enforce them. The fact is we have a chronic inability in this state to enforce the laws we have in place. No doubt this refusal of the government to adequately fund enforcement activities in the marine area has led to the decision to issue fines to the owners of craft rather than try to catch offenders in the act. It may well help the situation but it is a secondary measure rather than an attempt to nip bad behaviour in the bud and stop potential incidents. I repeat my concerns about the government's amendments, and I will certainly be supporting the amendment proposed by the member for South-West Coast.

Debate adjourned on motion of Mr TREZISE (Geelong).

Debate adjourned until later this day.

EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL

Second reading

Debate resumed from 12 August; motion of Ms PIKE (Minister for Skills and Workforce Participation).

Government amendments circulated by Ms PIKE (Minister for Skills and Workforce Participation) pursuant to standing orders.

Opposition amendments circulated by Mr DIXON (Nepean) pursuant to standing orders.

Mr DIXON (Nepean) — It is a pleasure to speak on behalf of the opposition on the Education and Training Reform Amendment (Skills) Bill 2010. In doing so I thank the department for the excellent briefing and materials it provided, which gave us good background in forming our response to this bill, and also Peter Hall, a member for Eastern Victoria Region in the other place, for his work in preparing our response to this bill.

As the house is aware, the opposition has circulated amendments which deal primarily with disallowance provisions for this bill but which also address the clauses regarding the governance of TAFE institutions, which I will go into greater detail about later. We do not oppose the other aspects of the bill, and I will address those as well.

In terms of the main provisions of the bill, the bill is basically made up of about five sections which address the Victorian training guarantee; VRQA (Victorian Registrations and Qualifications Authority) matters; protecting the interests of overseas students; the governance of our TAFEs; of adult and community further education, or ACFE, and of the university acts. That last one is a minor section with minor amendments.

I want to start by talking about the provisions relating to the Victorian training guarantee. Basically this bill amends the current principles in the Education and Training Reform Act to include the Victorian training guarantee. The Victorian training guarantee is about providing subsidised training for those under 20 years of age and subsidised training for those over 20 years of age who are upskilling. The bill does not enact anything new; it amends those principles that are articulated in the principal act.

Some sections of the Victorian training guarantee are good. If you are a student who is under 20 and you are going to receive subsidised training, you would be very

pleased with that. If you are over 20 and you are upskilling, again you would be pleased that you were receiving subsidised training. However, since 1 July this year when these changes were implemented there have been some major issues for a number of providers, students, the Australian Education Union and the industry in general, which is not happy with these provisions. That has been made very clear to the government. Those issues have certainly been made clear to the opposition.

Under the training guarantee there are winners and losers. A number of students might wish to move sideways and start a new career path altogether, and they have to pay quite steep TAFE fees to do that. There are also those people who might want to take up a course at a TAFE and who are up for a lot more money than used to be the case. It has been a disincentive for a number of people. Obviously the long-term effects remain to be seen, but the short-term effects are very clear, as I said to the government and to the opposition.

It is interesting to read the comments of the Australian Education Union on the matter, which are best summarised as follows:

> … makes a mockery of calling the system a government education and training system; reduces TAFE institutes' ability to function in rural/regional areas; upskilling is confined to gaining higher qualifications rather than the attainment of other needed skills, e.g., retraining into higher needs areas.

That is a very good summary of everybody's complaints about the training guarantee, and the training guarantee does not address the need to identify new industries or new needs in an area where people wish to upskill or to gain initial skills. I think the training guarantee could provide a disincentive for people to be more gainfully employed or even employed in the first place.

The amendments contained in the provisions relating to VRQA will implement the Australian quality training framework standards. In practice this will provide greater scrutiny of all aspects of an applicant who wishes to become a training provider. It is an excellent provision, because an applicant is taking on a great responsibility and we need to have the right people providing training in this state for the right reasons. It is not about making a quick buck or giving an open cheque; applicants have to be committed to what they are going to do, to see it through and to take on the responsibilities that come with being a training provider.

The bill also imposes more conditions on registration, which is very important. It is very important that anyone who wants to go into the industry and take on the running of training courses has a clear understanding of what they are doing and what the conditions are so that all parties — the government, the VRQA, students and the provider — are all aware of their responsibilities. Those conditions on registration are also welcome.

The bill provides for the VRQA to act quickly on deregistration in exceptional circumstances. Issues have arisen where a training provider has got into trouble due to financial difficulty or other issues to do with the provision of training. The passage of this legislation will ensure that the VRQA is not as hamstrung as it was and will be able to act more quickly on deregistration in exceptional circumstances. The bill also provides that education and training must be the principal business for a registered training organisation. Some organisations might be centred around accommodation or employment and do a bit of education on the side, which is getting things the wrong way around. Some organisations have done that to gain a foothold in the industry and to make a buck in many cases. The provision of education and training has to be the principal reason for the existence of a registered training organisation (RTO) and the organisation's principal purpose. That amendment is welcomed.

My understanding of the house amendments is that they will include the insertion of a new division 7, which will provide for the placing of an RTO under judicial administration if it fails to protect the interests of students. This measure is also welcomed. Sometimes I think government needs to apply a heavy hand, and hopefully this will provide that heavy hand. If an organisation goes under, students can lose a lot of money. I am aware of many cases of that happening in my own electorate. The son of my electorate officer undertook a course and his family had to borrow money for him to do so. The course stopped, and they have lost the money and are still repaying the loan they took out. We need to protect the interests of students on a monetary level but also on an educational level.

Students may have already submitted work and been given marks, but sometimes that information is not available to them when a training organisation goes under, so there is absolutely no proof of what they have done. Perhaps they might want to go on to another course or employer, but they cannot prove they have attained anything. Such students have nothing but their word to prove that they have undertaken training. In some cases students have almost finished their courses when the training provider goes under and they have

absolutely nothing to show for it. Sometimes they are in debt and have no qualification or proof that they have completed any of their units. If those students go to another training organisation, they have no proof to enable them to get credits on another course.

All of that is good and an improvement, but it is bit like closing the stable door after the horse has bolted. This government has been in office for 11 years, and this has become a growing issue. About five or six years ago, when I was shadow minister with responsibility for this portfolio, these sorts of issues were being brought to the attention of the government and the VRQA, but not much was done. The minister of the day did not think it was very important. She had her eyes on other issues in other parts of her portfolios, and a lot of damage was done to a lot of people. What we are doing today has not helped. Probably thousands of students over the last 11 years have lost the money, the credits or the qualifications that they would normally have expected to have had. As I said, opposition members welcome these changes, but they are very late for many.

During Mr Hall's consultation with the industry he heard many registered training organisations complain about the red tape that is required by the VRQA. There is the matter of the balance between red-tape requirements and the practicalities and protections that are needed. Mr Hall received a lot of complaints about heavy-handedness and inconsistency. Some of my own contacts within the industry made a lot of complaints about that. Inconsistency is a worry, and I think training providers need to know exactly where they stand. They need to know that they are being protected, but they do not want to be strangled either. They are private providers trying to run a business and provide an education, but they are running a business.

I will refer to two letters we received from RTOs. A letter from the Warner Group states:

> I am concerned that the legislation has been prepared with minimal consultation with the private education sector …
>
> Small providers have a place in this industry … do not push us out please.

The letter from Shearing Contractors Association of Australia Shearer Woolhandler Training states:

> Unfortunately compliance has now become a significant cost factor to us …

There are real issues out there for these training providers. A balance is needed. The providers understand they have certain responsibilities, but there have been a number of complaints about the VRQA, its governance and what they are asking many providers to do. The government needs to look at the industry very carefully and to listen to its participants about some of the inconsistency that is out there and some of the heavy-handedness that is also out there.

Turning to the issues of overseas student protection, the bill provides that RTOs must have dispute resolution processes and student welfare schemes. This is excellent. Whether the organisation is an RTO or a university, students should be at their centre. Any issues that arise need to be addressed in a transparent way for the protection of everyone — the provider and the students. No matter in what scenario a student is being educated and no matter what the student's age, the provider has some responsibility for the total education and welfare of that student. The provider cannot just be there to make a dollar out of them or to say, 'We are going to teach you a lot of facts and give you your qualification, and we do not care about anything else'. You have to look at the total picture.

I think these processes of having student welfare schemes and dispute resolution processes go a long way towards achieving that. Records of any use of that process and the schemes now have to be kept, again for the protection of the provider and the protection of the student. Also, there will be authorised officers to ensure, and I am sure that they will not do it in a heavy-handed way, that those processes are being carried out correctly, so that both the providers and the students have somewhere to complain and someone to investigate if there are issues. There will be penalties applying for those who do not do the right thing. This is good, but we have had a lot of problems in this area.

I am sure everyone in this house knows how important overseas students are to Victoria, both in terms of the dollars that are earnt at educational institutions in the short term and the goodwill and the flow-on effects that follow in the long-term, whether they be in accommodation or in retail. Just look at the overseas students who live in the centre of Melbourne and the vibrancy they provide to this community. There is a flow-on effect to tourism when their families come out to visit them. There are many flow-on effects.

I attended a stakeholders meeting at Melbourne Airport on Monday evening. Representatives of the airport were talking about how important overseas students are to the tourism industry in Victoria and to the airport itself, not only the students themselves as they move between here and their country of origin but also as their families visit. Overseas students are of massive importance to Victoria. The issue of violence involving overseas students has been quite pre-eminent in the media; it has been a real concern, and it is putting many

students off Victoria. There are issues in dealing with the actual welfare of students and the bona fides of the organisations that are training or educating them. Some organisations go under and students lose their money and their qualifications.

The message gets back in relation to all of those sorts of things — and it gets back instantly. Overseas students do not wait the 12 months until they go home for a break to tell their families and their friends about the bad experience they have had in Melbourne or in Victoria. It is instant — it is on Facebook, it is on Twitter, it is messaged straightaway back home to family and friends. It is very important that the right thing be done and be seen to be done; that things are being done fairly and that the Australian institution of a fair go is being acted out. Students need to see this, because a lot has happened and there is some ground to be made up. We have gone backwards in this area. We have got the legislation, and that is just the start. We have got to see the implementation of this legislation, and hopefully that will turn the tide.

Moving on to the TAFE governance aspect of the legislation, currently the boards at TAFEs have between 9 and 15 members. Half are appointed by the minister and the other half are coopted by the board. Boards will usually coopt people with skills in specific industries of relevance to the community and also the courses that the TAFE provider is offering. The board then elects its own chairperson. This bill will provide for a board with between 10 and 14 members, all of whom will be appointed by the Minister for Skills and Workforce Participation, as will the chair. There will be one staff representative and one student representative, and the CEO of the TAFE institute will be independent of the minister. That is a massive change. TAFEs have said to us that they did not ask for that; they were not consulted about that and they do not like it.

We are going in the opposite direction here. It is very important for TAFEs and any other educational institutions to have some sense of freedom, trust and autonomy, so that they can provide the training they think best reflects the needs of the community they are serving, the needs of the students, and the needs of business and industry. However, the closer they are tied to government and the closer they are beholden to the minister — and the board is the key group; it makes decisions — the greater the risk there will be a whole set of stoppages and a reduction in opportunities for our TAFE boards to actually accept the freedom and autonomy that so many of them wish to have and do a good job with. We have a fairly decentralised TAFE system; other states are nowhere near having the basic system we have here. In the past Victoria has recognised the TAFE system as having decentralised and autonomous organisations, yet here we are going in the opposite direction.

Our amendments actually address these concerns. If we are not successful in getting our amendments through — we will not be opposing the bill as such — and if we are elected in November, that trend is something we will be reversing. I think it is very important that we send a very strong message about that. It could not be better summed up than in a letter from the chief executive of Holmesglen TAFE, who said:

> … the need for ministerial control, especially in relation to the breadth of membership that a complex institution requires, is not reflected in the categorised membership. This especially applies to institutions such as Holmesglen which requires representation from industry, the professions as well as academia — because of its undergraduate and multisector programs.
>
> The process that is envisaged will take longer because of its complexity.
>
> The legislation threatens the entrepreneurial and self-governing capacity of Victorian TAFEs …
>
> The legislation reflects a naive view of how institute boards operate.

That is very typical of the sorts of responses that we have received from all the TAFE boards and of the responses Peter Hall, Leader of The Nationals in the Legislative Council, received.

The final aspect of this legislation tackles some of the issues to do with adult, community and further education boards and their regional councils, which through this bill are subject to some of the minor amendments due to the many changes in the training system. The amendments will make them a bit more relevant. There are also some minor changes to the university acts which mainly address terminology and punctuation and, I understand, something to do with Deakin University being in the wrong category. Those aspects are only minor.

As I said, we have amendments which we think will address our main concern regarding the governance of TAFEs; we think the changes in the bill are a retrograde step. The other provisions, as I have said, are welcome. In many instances they are a case of closing the stable door, because the horse has well and truly bolted. But it is good that when this legislation is enacted, hopefully those aspects of the bill to do with the Victorian Registration and Qualifications Authority and overseas students will make the system we offer here even better than it is now, especially for overseas students.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Education and Training Reform Amendment (Skills) Bill because this is a bill which continues many of the reforms this Labor government has been introducing in relation to education and training. One of the most important elements of the bill is the robust consumer protections we are putting in place to strengthen the rights of students and ensure that they are not open to exploitation. Whilst our system of training providers is generally a good one, it is an unfortunate fact that there have been some rogue providers that have taken advantage of vulnerable overseas students in particular. They have taken advantage of the fact that those students are here on visas with conditions that require them to maintain continuous enrolment with a registered training provider. The system lacks a clear and robust process for handling students' complaints and resolving the disputes they might have with a training provider that is not doing the right thing.

It is clear when you look at the statistics that there are quite a number of complaints that have had to be dealt with by, for example, Consumer Affairs Victoria, which in 2008–09 dealt with 153 complaints and 515 inquiries regarding education and training services. Whilst our system has served us well to date, it is clear that students find parts of it overly complex and a little difficult to manage. This bill introduces additional safeguards that will protect the interests of students and ensure that their complaints are handled properly. Division 4 of the bill formalises the role of the Victorian Registration and Qualifications Authority in investigating complaints by students.

This bill also requires registered training organisations to establish an effective complaints handling process for dealing with complaints by students. Indeed it will be a condition of their registration that they have such a complaints handling procedure, and it has to be one that meets some of the key requirements set down in this bill. Many of the details as to what constitutes an effective complaints handling process will be prescribed in regulations which are allowed by this bill. That is an important advance which will come into effect following the issuing of a regulatory impact statement in 2011.

A registered training organisation will also be able to choose to be part of a dispute resolution scheme approved by the minister. But to receive approval for that scheme it must meet certain criteria, including that it must cover overseas students, that the appointed arbiter is independent and that decisions are made on the merits of the case. That decision is binding on the registered training organisation. The whole purpose of that is to ensure that students have confidence that the process is robust, impartial and fair.

The bill also seeks to ensure that students are put in a much more equal bargaining position with these training organisations by allowing us to set by regulation fair contract terms between the training organisation and the student. This is quite a comprehensive element of this bill, because the regulations will cover areas such as fees, contract termination, cooling-off periods, compensation rights, the awarding of qualifications, the provision of information to students and dispute resolution itself. Members can see that this is a robust package of protections for students which will ensure that not only are the reputations of good-quality training providers and the education and training sector protected but also that students and the community have the confidence they need in the system of protection we are providing to them, that it is fair, that it is impartial and that it has integrity.

Another key part of the bill is the whole issue of TAFE governance. This has attracted some comment by the opposition in relation to the Education and Training Reform Act. What we have to acknowledge is that TAFE institutes are now very large organisations. Holmesglen Institute of TAFE, which is in my electorate of Bentleigh — it has a campus in Moorabbin — is an organisation which now has a budget of over $100 million. These bodies are not only running a wide suite of training programs, they are increasingly operating a lot more commercial activities. They are offering programs on a fee-for-service basis, they are borrowing large amounts of money on the strength of the programs they are providing and in many instances they are engaging in some very significant capital works programs to provide the facilities they think are going to be needed for the training programs they are going to be providing in the future. It is absolutely essential that those bodies have a robust form of accountability back to the state and the minister who — —

Mr Dixon interjected.

Mr HUDSON — At the end of the day they are receiving funds from the public purse and they should be properly accountable to the minister.

Mr Dixon interjected.

Mr HUDSON — Opposition members would be the very first people to get up in this Parliament if there were a problem with one of those bodies. If they got into financial difficulties, if there was any

misappropriation of funds and if there was any shortfall in their accounts, opposition members would be saying, 'What is the minister doing about this particular TAFE institute?'.

Under this bill's provisions the minister will appoint the chair of a TAFE institute and then the chair will make recommendations about other board members in terms of the relevant skills and experience that they might have. I must say that is absolutely no different to what happens with most other semi-independent authorities such as Victorian hospital boards, where the chair is appointed by the health minister. I cannot for the life of me see what the issue is that the opposition has with this important reform, which will improve governance, improve accountability and ensure that when the minister is in this Parliament answering questions about the performance of our TAFEs the minister will have had responsibility for the appointment of the chair and therefore the directions of the board.

Another aspect of this bill is that it will require the institutes to outline their views as to how their operations will be conducted each year in line with the minister's statement of government intentions for the TAFE sector. Again, this is very important because every TAFE institute needs to have a strategic plan, needs to have priorities and needs to ensure that those priorities are in accord with the objectives of the government and where the government wants to see our education and training system go.

That brings me to the training guarantee. It is very clear that we cannot sustain a situation where 1.6 million Victorians have no post-school qualifications. That is untenable for our society and for our economy. If we want to compete in the world and if we want to have a society that is socially inclusive, we have to make sure that every young person can get qualifications to the maximum of their potential and can be trained in such a way that they are able to obtain a satisfying job with good pay and a good career path. In a historic way this bill enshrines a training guarantee that provides that every Victorian under the age of 20 is entitled to government-subsidised training. It also enshrines the state's commitment to provide access to training to all other Victorians who are upskilling to a higher vocational education and training qualification.

That is a Labor reform. We believe in equal opportunity in education. We believe in ensuring that people have the skills they need for the future. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise and speak on the Education and Training Reform Amendment (Skills) Bill 2010. From the outset I will say I support the amendments to be moved by the member for Nepean.

What does this bill do? It seeks to amend the Education and Training Reform Act 2006 to strengthen the powers of the Victorian Registration and Qualifications Authority in regulating the vocational education and training sector and in protecting the interests of overseas students; it enacts the Victorian training guarantee; it makes significant changes to TAFE governance arrangements; and it makes minor amendments affecting the Victorian Skills Commission, the adult community and further education sector and various university acts.

The first part of the bill I would like to speak to is part 2 under the heading 'Principles'. This part deals with what has just been spoken about: the Victorian training guarantee. This refers to a guaranteed place for people in vocational education and training. It refers to two different situations whereby a place is guaranteed. At the same time it also provides three factors that are to be considered within the part. Part 2, clause 3(2), proposes section 1.2.2(2)(e), which states:

> a student has a guaranteed vocational education and training place for a government-subsidised course if —
>
> (i) the student is under 20 years of age on 1 January in the year the study is undertaken; or
>
> (ii) the student is 20 years of age or older on 1 January in the year the study is undertaken, and the study leads to a higher vocational education and training qualification than the highest such qualification already obtained by the student …

I will raise a couple of examples in reference to this in a minute. This guarantee provision is only applicable:

> in the following circumstances —
>
> (iii) the course of study is available and has been approved to receive a Government subsidy; and
>
> (iv) the student meets the admission requirements for the course of study; and
>
> (v) the student meets any citizenship or residency requirements to undertake the course of study and the student is not an overseas student …

Much has been said with respect to these particular elements, particularly the provision I referred to enabling students to undertake a qualification equal to or higher than the qualifications a student already has. It is pretty easy for a member of Parliament to get up in opposition and criticise particular elements of this legislation, but I want to raise a couple of examples that have arisen in my electorate that in some sense

demonstrate the inequity that exists here. I understand the principle behind these provisions, but there are some examples where one would have to say that the legislation before us is not fair in some circumstances.

The first example I raise is of a mum and dad who held various degrees and who had a child who was profoundly deaf. The mum and dad decided they would undertake a diploma in Auslan. They could do that, but the principle in this particular example was that the mum and dad would have to fork out $5000 each to undertake this study. That would hardly be fair.

The second is an example of a person again who held a form of qualification. This person had an accident and ended up in a wheelchair. To assist her to get employment with her disability she decided to undertake some vocational study. Under the current criteria applied by the government she would have to pay for that privilege. I believe these are examples of some flaws in the legislation. I understand that TAFEs have an option to provide exemptions in some cases and that is all well and good, and in fairness I understand an exemption was applied in the first example I raised. Part 2 of the bill, to which I have been referring, is only a statement of principle. It does not provide details of exemptions to the eligibility criteria or to other matters relevant to the government's skills reform agenda.

From a local perspective, GippsTAFE in the Morwell electorate has been a great provider of services and training for our community for a long time. The TAFE services six campuses across Gippsland — in Traralgon, Morwell, Yallourn, Warragul, Leongatha and Chadstone — and some 16 000 students undertake training at the various campuses. I have raised in the Parliament before the concerns I have just raised about ensuring that there will not be a reduction in programs offered by GippsTAFE under the skills reform agenda proposed by the government. I think there is a bit of hypocrisy when you look at the Labor Party's 2006 election platform which stipulated that Labor would ensure that TAFE entry costs would not be a barrier to participation by students from disadvantaged groups. We have many disadvantaged groups within the Morwell electorate, and I think the agenda currently being pursued by the government would be seen as being a little hypocritical in terms of its 2006 statement.

As the member for Nepean said, some concerns have been raised about elements of the proposed legislation, and the Australian Education Union has been quite critical of some parts of the reform agenda across our TAFE sector. A survey undertaken in July last year indicated, in part, that 77 per cent of the public was opposed to the increasing of TAFE fees for diplomas and advanced diplomas, 66 per cent believed the government's changes to the TAFE system would decrease demand for TAFE courses and 80 per cent agreed that increasing TAFE student fees would limit skills training and only make the skills shortage worse.

A member for Eastern Victoria Region in the other place, Peter Hall, who is the shadow Minister for Skills and Workforce Participation, has made it clear that on the evidence we have, and this has certainly been indicated in the media, we have seen a reduction in the number of enrolments in the TAFE sector this year. The reports vary but it has been indicated quite extensively, and there is some concern in that respect.

I would also like to deal with clause 54, and the member for Nepean spoke about the government's arrangements around institute boards. While there might be some differing views, and the member for Bentleigh expressed his view, it is really important to ensure that we strengthen the governance arrangements around TAFE boards. I still think there should be some form of independence and local input on those boards, and therefore the amendments proposed by the member for Nepean in relation to clauses 56 and 57 need to be considered.

The bill seeks to alter the existing arrangements for TAFE boards. Currently there have been between 9 and 15 people appointed to the boards, and at least half of them are appointed by the minister from names submitted by the boards. The remainder of board members are coopted. The important point to remember in this is that a board elects its own chair.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr NORTHE (Morwell) — Clause 56 proposes that persons are appointed to a board by the minister on the recommendation of the chair, and the chair must be appointed by the minister. Under the proposal only 3 people out of a possible 14 will be appointed independently. As the member for Nepean pointed out, that is of some concern to our local TAFE boards. I can only speak from having some involvement with the board of GippsTAFE, which is a very proactive board that does a fantastic job — but there is no doubt about that. I am sure that a number of TAFE boards across Victoria, particularly those in regional Victoria, would like to see some local involvement in the appointment of persons to their boards. It is imperative that local knowledge is kept and considered to ensure that TAFEs

across regional Victoria and all of Victoria remain vital into the future.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I rise to speak on the Education and Training Reform Amendment (Skills) Bill 2010. This is a very important piece of legislation. It is very detailed, and I fear that only a few aspects of what I want to cover will be addressed in the 10 minutes allocated to me.

Briefly, I want to talk about the overall objectives of the legislation before us. Firstly, it is about consumer protection for both overseas and domestic students of registered training organisations which provide vocational education and training, which is known as VET. As a related objective the bill provides protection of the reputation and integrity of the VET system to the benefit of the industry and the state as a whole. These are well-known and important benefits to both students and the economy of the state.

The second overall objective of the bill is to lead or contribute to national reform in this area. Again, I compliment all those within the Victorian government who have been involved with the drafting of the legislation, because yet again Victoria leads in the formulation of national reforms in relation to regulation.

The third overall objective of the legislation is to ensure that governance changes to public authorities operating in the sector better reflect their roles and accountabilities. The member for Bentleigh mentioned briefly, and it is a point I want to cover as well, that Victoria's reputation as a high-quality education provider is dependent upon having quality registered training organisations which not only care for students but which provide high-quality education courses that can be nationally and internationally acclaimed, and that where there are problems in relation to the provision of those courses, there are complaints mechanisms, dispute resolution processes and monitoring of standards. The legislation will cover that, and student rights will be protected. We will be ensuring they get value for money and that a high standard of education is provided. The bill enables standards, regulations and frameworks to be formulated to assist in safeguarding against misconduct.

Briefly in relation to clause 12, it is important to have legislation that enables VET courses to be prescribed and provides for high-quality courses to be implemented and monitored.

I want to make a few points in relation to consumer protection. The first is in relation to what this bill actually does. It contains a number of provisions that are designed to improve the fair treatment of students, especially overseas students, who enrol in Victorian training organisations operating on a fee-for-service basis.

Division 4 of the bill will formalise the role that the Victorian Registration and Qualifications Authority currently performs in investigating complaints. It is all very well to have authorities such as the VRQA charged with responsibilities to do certain things, but enforcing it with legislation enables students who are attending those various institutions to know that the force of the law can come down hard against rogue providers. We will now be formalising the role the VRQA performs in investigating complaints; it is something that I understand the VRQA is already doing, but this legislation will strengthen it.

There will also now be an effective complaint handling mechanism, and this implements standard 2.7 of the national Australian quality training framework, also known as the AQTF. Standard 2.7, requires RTOs (registered training organisations) to have defined, efficient and effective complaints and dispute-handling processes to be eligible for registration.

If it is a requirement of registration that training providers have dispute-handling processes established, it is not going to be arbitrary; it is non-negotiable, and they will have to do it. This dispute-handling process is a condition of registration and a ground on which the VRQA can determine whether to suspend or cancel a provider's registration. If the provider is not doing the right thing by the student and making sure that consumer protection is in place, its very livelihood as a provider and its success as a business is in jeopardy. If people do not want to do things for the students they are supposedly educating for the right reasons, they can do it to ensure that their bottom line is protected.

The bill also ensures that the registered provider will be required to maintain a register of complaints to facilitate compliance audits by the VRQA. Those of us who have been involved in governance and public accountability in our various roles in this place know that organisations that may not be all that reputable can tie the public service up in knots if they do not have their paperwork correctly in place. This is a very important provision. It will ensure that compliance audits will be able to be done effectively and efficiently. The register can be inspected by authorised and appropriately trained officers of the VRQA. In the interests of student privacy, which is very important,

the student details can be minimal, but full records of complaints must be kept separately.

Time is not in our favour for talking about this important legislation. In relation to dispute resolution and student welfare, to gain approval a scheme must meet certain criteria, including that it must cover overseas students and that the dispute resolution process will enable the independent decision-maker to make a decision on the merits. That decision will be binding on the RTO.

This is very powerful legislation. For example, in other legislation that has been passed by this house we have overseers being able to make recommendations, and those recommendations may or may not be followed. This legislation ensures that the recommendations are enforced.

In the minute or so I have left I want to talk about the importance of the Victorian training guarantee. Skills for life are absolutely essential. For people who may not have life circumstances that enable them to have good quality education, good quality skills and a relevant tertiary qualification available to them so they can get a good job. Skills for Life, the Victorian training guarantee, makes sure that this happens.

The Brumby government has delivered $316 million in extra funding over four years to provide an additional 172 000 training places for Victorians. When I was chairing the manufacturing inquiry recently with the Economic Development and Infrastructure Committee we highlighted the importance of skills for Australia's future, for family income and for the individual concerned. This is great legislation. I compliment everybody involved in the formulation of it, and I wish it a speedy passage.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Education and Training Reform Amendment (Skills) Bill. I wish to cover just three areas in the bill. Firstly, there is an error on page 53 of the explanatory memorandum. This is unfortunately reflected in amendments proposed in the bill on page 83, which is a schedule with amendments to university acts, the first of which amends the Deakin University Act 2009. The final dot point on page 53 of the explanatory memorandum of the bill reads as follows:

> substitutes a phrase in section 5(h) to describe more accurately the types of educational awards that Deakin University may confer. As a dual-sector university, Deakin also grants diplomas, certificates and other awards. The amendment makes this section consistent with corresponding provisions in the acts of other dual-universities …

However, this statement is simply untrue; it is wrong. Professor Sue Kilpatrick, pro vice-chancellor, rural and regional, at Deakin University, has sent me an email in which she writes:

> There is an error, which Deakin is drawing to the attention of the minister's office, where it is stated that Deakin is a dual-sector university (p. 53 and consequences for p. 83): it is not.

It seems extraordinary to me that the Minister for Skills and Workforce Participation could make such an extraordinary error as to list Deakin University as a dual-sector university.

Ms Pike — We're on the big picture.

Dr NAPTHINE — The minister is interjecting here, but I think there is an issue of accuracy and attention to detail. If the minister does not know which universities are dual-sector universities and which are not, and not only does not know but puts it in writing in legislation, I think that shows a lack of attention to detail. I trust the minister will correct that error.

I now refer to clause 3, which concerns the principles underlying the government education and training system. Clause 3(2) inserts into the Education and Training Reform Act 2006 the following provision:

> (e) a student has a guaranteed vocational education and training place for a government-subsidised course if —
>
> (i) the student is under 20 years of age on 1 January in the year the study is undertaken; or
>
> (ii) the student is 20 years of age or older on 1 January in the year the study is undertaken, and the study leads to a higher vocational education and training qualification than the highest such qualification already obtained by the student …

There are serious concerns about this amendment. It will adversely affect the Victorian economy, damage employment and training opportunities for many people across the state and make it much harder to fill positions, particularly where skills shortages exist. Let me give some real-life examples from western Victoria. A 22-year-old man recently completed a bachelor of arts and has now decided that he really wants to become a builder. He has found a local builder who is keen to take him on as a mature-age apprentice, but under the proposals in this legislation he will be required to pay full fees for his apprenticeship training at the local TAFE. That is a huge impediment to that young person making that career change and becoming a mature-age apprentice. There are an increasing number of mature-age apprentices in a whole raft of trades in areas of genuine skills shortage and need in

our community who will be precluded from undertaking training or at least will have financial hurdles of a significant magnitude placed in front of them which could prevent them undertaking those apprenticeships. I think that is a retrograde step.

The second example is a 37-year-old lady who has a university degree. After raising a family and being out of the workforce for some years she wants to return to the workforce and work in child care. She wants to undertake appropriate TAFE training to gain certificates III or IV in this area. Again, because she already has a university degree, under the legislation before the house she can only undertake that course by paying full fees. That is a huge impediment to that relatively young person, particularly when she has a young family and is paying off a mortgage. She genuinely wants to return to the workforce. She wants a career change and wants to undertake appropriate training, but under this legislation she will be financially precluded from doing so.

I have example after example of people who want a career change in midlife or a career change after being out of the workforce for some time, whether it be due to child rearing or being overseas. They want to come back and do TAFE training in areas of genuine need, but they are going to be locked out by this legislation, or it will certainly make it significantly harder. The local TAFE institute estimates that 20 per cent of local apprentices and trainees will fall foul of this law and be forced to pay full fees.

The South West Local Learning and Employment Network says this:

> … will disadvantage our region by
>
> 1. Preventing our small and medium businesses (and employees) from easily responding to the needs of new and emerging business/jobs
>
> 2. Preventing businesses from meeting skilled and labour shortages
>
> 3. Compounding current low qualification attainment and completion rates by placing a disincentive across cohorts that traditionally do not aspire to post-compulsory and/or further education
>
> 4. Lessen individual life chances.

I urge the minister to reconsider this or at least make significant exemptions for apprentices and people who have been out of the workforce for some time who might have higher degrees but want to retrain and rejoin the workforce.

I now wish to refer to clause 56 with regard to the governance and membership of the boards of our TAFEs. The current board of the South West Institute of TAFE and the boards of many other TAFEs in regional and rural areas do a fantastic job; they represent their local communities and they fight for key local issues concerning their local TAFEs. They are going to be completely decimated by these proposed changes.

Under the current rules half of the members of the TAFE boards are appointed by the minister but from a list of recommendations provided by the local TAFE board. Half of the members are coopted locally for their expertise and experience, and the chair is elected by the board. However, under the changes proposed by this minister and the Brumby Labor government the chair will be appointed by the minister and then the chair will nominate who else is to be on the TAFE board. We will have a situation where the chairs of those boards will be beholden to the minister and the government. They will be there to push the minister's agenda and the government's agenda rather than to fight for the agenda of the local community, local students and the local TAFE institute. This will be compounded by clause 56(1)(e) under which the minister's toady will select their fellow board members. There will be stacking of boards across the state with factional Labor puppets. That is what we will have rather than having boards that are truly representative of their communities and local employers and which fight for the interests of local TAFE institutes.

Clearly this government is not prepared to let the local community speak for itself. It wants to take control by appointing its own factional mates or puppets to the position of the chairman of the local TAFE board and then have that person nominate their coterie as the board of the TAFE so that the chair and members of the TAFE board will be representing the government's views in the community rather than representing the community and TAFE views to the government.

This government has it completely the wrong way around. Clearly this is another case of the Brumby Labor government trying to ride roughshod over the interests of local communities. It is not prepared to listen to local communities. When push comes to shove, it legislates to sack local involvement in key local institutions. The local TAFE is an important local institution. The South West TAFE does a great job. The local chair of the South West TAFE fights for his local TAFE institute. The local board members fight for what is best for the students, industry and the local economy. That is what we want in TAFE boards, not government appointees or government-run committees.

Debate adjourned on motion of Ms GRALEY (Narre Warren South).

Debate adjourned until later this day.

RESIDENTIAL TENANCIES AMENDMENT BILL

Second reading

Debate resumed from 12 August; motion of Mr ROBINSON (Minister for Consumer Affairs).

Government amendments circulated by Ms PIKE (Minister for Education) pursuant to standing orders.

Mr O'BRIEN (Malvern) — It is extraordinary that at 25 past 10 in the evening the government would move four pages of amendments to the Residential Tenancies Amendment Bill, which is already a 137-page document. The government has not provided any explanation or briefing to the opposition on these amendments or why they are being moved. I do not understand why the government has not been able to facilitate this. I received a copy of this earlier in the day, but there was no briefing and no explanation as to why this was being done. This is just another example of this government treating the Parliament with contempt. The matters that we are debating in this bill are important, and yet the government dumps four pages of amendments on the Parliament late at night without any explanation. No government minister has the courage to stand here and explain what these amendments seek to do. As a result, I have no idea of what they seek to do. I have only 30 minutes to debate the entire bill. I do not have time to go through the amendments now with the government. As a consequence I cannot give any assurance at all on whether the opposition will support these amendments.

I do not understand why the minister is not in the house. Where is the Minister for Consumer Affairs? It is his bill, and they are his amendments; he should be here explaining them.

Mr Hodgett — He's asleep.

Mr O'BRIEN — As the member for Kilsyth has pointed out, he probably is asleep. This is just not good enough. He was happy to go out to the showgrounds today for a photo opportunity with show bags, but he will not come into the Parliament and explain his amendments to this bill before the Parliament. It absolutely appalling.

Mrs Maddigan interjected.

Mr O'BRIEN — If the member for Essendon wants to defend this sort of behaviour, I would be delighted to hear her do so. I can just imagine what she would have said if a previous government had slunk in with four pages of amendments and dropped them on the table at 25 minutes past 10 in the evening without the minister being present to explain what was happening.

Honourable members interjecting.

Mr O'BRIEN — I hear the sanctimonious and patronising caterwauls from the Minister for Education. At least we will be hearing them for only another three sitting weeks and then they will disappear; that we can be assured of.

I turn to the provisions of the bill. The Residential Tenancies Amendment Bill is a significant piece of legislation which seeks to effect a number of different changes to the principal act. I can distil the components of the bill down to five main elements. No. 1, the regulation of arrangements involving those who own moveable dwellings but rent the sites upon which they are located; no. 2, the regulation of rooming houses; no. 3, fire safety and emergency management in caravan parks; no. 4, measures dealing with residential tenancy databases; and no. 5, increasing penalties and offences.

First I turn to the provisions dealing with owner-renters in residential villages. Based on the government information provided to me, there are more than 4200 people across some 500 sites in Victoria who own their own moveable dwellings but rent or lease the land upon which those dwellings are situated. While these are technically called moveable dwellings, the reality is that in many cases the dwellings are far from mobile. They are, in fact, semipermanent in many cases.

We are seeing an increase in the phenomenon of residential villages set up around this sort of accommodation type, where a resident will own their own unit in a village as part of the site but rent or lease the land on which that particular unit is situated. The site owner or the park owner provides common areas for the tenants as well. This is an increasingly popular style of accommodation, and for that reason we welcome seeing some movement in improving the regulation in this area. I also note that these provisions do not apply to Crown land, so only privately owned residential villages are dealt with by this bill.

Many permanent communities have been established through these types of arrangements, and the bill seeks to better reflect the reality of life in those sorts of

environments. People who rent both the dwelling and the land are already covered by the Residential Tenancies Act. The proposed insertion of part 4A into this bill would regulate written tenancy arrangements for owner-renters. A number of important provisions are contained in the proposed new part 4A.

The first provides for an increase in the minimum notice to vacate from 120 days to 365 days. This is a key element of this bill, because these dwellings, although technically moveable, are in reality not very mobile at all. It puts the people who own them at a distinct disadvantage if they are advised that they need to quickly vacate. The present minimum notice period of 120 days, which is essentially four months, does not give a lot of time, particularly in circumstances where moving the dwelling may not be a real option and selling the dwelling may be a far more practical option. Extending the minimum period for notice to vacate from 120 days to 365 days means that residents have a year's notice during which time they can either arrange to move the dwelling, if that is their wish, or make other arrangements, presumably subject to the agreement of the site owner, for the sale of the dwelling.

I note in proposed sections 317ZF and 317ZG that 'notice requirement' applies to both fixed-term site agreements and periodic site agreements, so it would not matter if an owner had a fixed two-year term, as they would still get a minimum of 365 days' notice to vacate. If it was on a periodic basis, say a six-month to six-month term, at least a year's notice to vacate is still required. That is a very important step in giving these people a little more certainty and security. For many people these dwellings are their major asset — essentially their house. It is their home. The idea that you could be forced to sell up or move the dwelling out, at considerable cost, with only four months' notice is something that has preyed on the minds of many residents in these environments. The opposition is therefore very supportive of the notion of an extension to the minimum term of notice to vacate to 365 days.

Some further provisions in the bill relate to these so-called part 4A agreements. There is a limitation on liability for an owner-renter when they break a fixed-term agreement so that liability can be for no more than 12 months of outstanding rent. That would also be subject to a park owner's duty to mitigate losses, which is appropriate. The site agreements must contain certain prescribed information, and if there is a failure to specify certain fees and charges in those written site agreements, they will be unenforceable against the tenants. That provides an incentive for the owners of the sites to ensure that the tenants are very well aware, clearly and in writing, of what their liabilities will be for the various fees and charges that they may incur as a result of their occupancy.

The bill states that there is also to be a period for consideration of a written site agreement which must be at least 20 days, and there must also be a cooling-off period of at least 5 days. The intent behind that provision is sensible, but I have a concern with the way in which it has been drafted. To give members an example of that concern, proposed section 206I provides:

> … A site owner must not give a site tenant —
>
> (a) a proposed site agreement; or
>
> (b) any other document which contains terms that are proposed to form part of the site agreement —
>
> to sign unless the site owner has given the site tenant a copy of that proposed site agreement or other document at least 20 days earlier.

That is one of most convoluted clauses I have seen in any bill that has come before Parliament on which I have spoken. This provision seems to say that you need to give somebody a copy of an agreement, but you cannot give them the actual agreement; it has to be a copy of something that you have not given them yet. It makes absolutely no sense at all. I think we understand what the government intended to achieve with this provision, but God help anyone who has to go to the tribunal and rely on this clause, because it is so convoluted it would be very difficult to find it enforceable.

The other difficulty is that it suggests a site owner who is providing a written agreement for perusal to comply with the 20-day requirement would have to give an agreement with no exit clauses. You would not be able to give an agreement that had any provision for that agreement to be signed. You could give the proposed tenant an agreement that was capable of being signed and say, 'You must keep this for at least 20 days. You can consult your lawyer or whomever you like, but I do not want to see this back here within 20 days'. If that person then came back in a week's time and said, 'I have consulted my lawyer, we have signed up and here is our signed copy', technically that would be a breach of the act.

The bill appears to have been drafted in such a way that strict liability applies, but even where somebody might be acting with legal advice it is illegal for the site owner to provide an agreement which can be executed within the 20-day period. It appears the government has taken what is a reasonable intention and muddied it through

poor drafting. This is a matter I raised during the bill briefing, and I have to say there did not seem to be a very satisfactory response other than to assume the tribunal would seek to make the law work. With respect, the tribunal should be able to apply the law. People who are subject to the law should be able to apply it without hoping a tribunal will fix up mistakes the government has made. The government should just try to get it right in the first place.

That leads me to a more general concern about the bill — and I will be moving on to talk about rooming houses shortly — which is that aspects of this bill have been the subject of discussion papers, reports and task forces, and there has been some level of consultation on everything except, it seems, the actual bill. This is not a budget paper; there is not market sensitive information contained in the bill before the Parliament at the moment. I do not understand why this government is so secretive and afraid of proper consultation that it cannot put out an exposure draft of legislation. Why can it not give stakeholders an opportunity to go through a draft of the bill and point out where there may be unintended consequences or errors or suggest improvements that would make it work better so that the government's intent would be better delivered?

That would be a better outcome that would lead to better legislation. This government fails and refuses to do that. It will have discussion papers, but when it comes to the crunch — the crunch is the legislation before the house — the first time anyone sees it is when it is introduced, except for the four pages of proposed amendments the government dropped on us tonight. One plea I make to the government is: if it wants to follow through on consultation, it cannot leave the legislation out of it. It should be consulting on the legislation as well; it should be releasing exposure drafts of this sort of legislation so that all relevant stakeholders can work together. In my consultations I have spoken to the Real Estate Institute of Victoria (REIV), I have spoken to the Housing for the Aged Action Group and I have spoken to the tenants union. I have spoken to a number of groups, and these groups are all working well together to try to deliver a positive outcome. Why these groups should have been locked out of the process of consultation on the legislation before the house is beyond me.

In terms of a few other aspects of the owner-renter provisions, the bill provides general duties for site tenants and site owners. There are also provisions for park rules, for consultations on those rules for tenant committees and for VCAT (Victorian Civil and Administrative Tribunal) to intervene at the request of particular parties where there are disputes over matters such as rent increases and breaches of park rules. Many of these provisions reflect what is already in the Residential Tenancies Act in other circumstances. These seem to be relatively sensible. VCAT has been given the power to consider harsh or unconscionable terms. It has had its jurisdiction increased from $10 000 to $100 000. Given the value of some of the moveable dwellings we are talking about in these circumstances, we believe that is an appropriate thing to occur.

There is an outstanding concern about the way in which new part 4A has been drafted. Some of the definitions contained in it seem to be fairly circular. Many definitions rely on meeting compliance with another definition — that is, relationships among part 4A sites, part 4A site agreements and part 4A dwellings. There is a lot of circularity about this. It has been put to me by stakeholders that there is a concern the bill may not work as well as is intended because of the circularity in the definitions.

Beyond that, at a more general level the complexity in the way the bill has been drafted is something which does not lend itself to an easy understanding of the rights and responsibilities of site owners and site tenants. It is a pretty basic precept of law that the easier a law is to understand the better the chance you have of people understanding their rights and obligations and therefore of improving compliance rates. I would have thought that was something that everyone in this Parliament was interested in when it comes to reform measures such as this, so it is disappointing that the bill has been drafted with such complexity that it might actually detract a little bit from the ultimate outcome.

Having expressed those criticisms, which I think are legitimate ones, I will say the intent of the bill in relation to owner-renters and caravan parks is a positive one. We think that these provisions are quite useful. We also note that the bill will provide for new part 4A parks — that is, part 4A parks created after this bill is proclaimed. An additional condition will apply to such facilities whereby they will have to offer minimum lease terms of no less than five years. That will provide some increased certainty and security for tenants who choose to take up leases on those sorts of sites.

The government has decided — I would say rightly, certainly at this stage — not to apply that requirement to offer minimum five-year terms to existing sites for a number of reasons, the first of which is that it would be retrospective in nature. However, I think that where the move to impose on new parks the requirement to make a minimum five-year offer is helpful is that hopefully that will become an industry benchmark. For people who live in these residential villages with notionally

moveable dwellings, security of tenure is an absolutely core part of what they seek when they are making these sorts of decisions. If tenants or prospective tenants had the choice between a new part 4A park that had to offer a minimum five-year term and an old part 4A park that maybe only offered one or two years, I think the market would definitely show a preference for the longer lease term. Hopefully imposing the requirement for new part 4A parks to offer minimum five-year terms will build up the level of security that is available to all tenants, with older parks strengthening the terms they are prepared to offer their tenants as well.

The bill also deals with rooming houses. There have been some fairly difficult issues relating to rooming houses, none more so of course than the tragic deaths of a number of people in a Brunswick rooming house. In fact the Victorian coroner reported on the deaths of Leigh Sarah Sinclair and Christopher Alan Giorgi, and those investigations informed what the government has done here to some extent. I note that in his second-reading speech the minister acknowledged those tragic deaths and flagged that the reforms he was introducing were brought about partly in response to them. Opposition members also extend our condolences to the families of those two people, and we hope that the measures that are being undertaken here will ensure that vulnerable people are not placed in those sorts of situations again.

In relation to the rooming house proposals, some of these arise out of the recommendations of the rooming house task force, which was chaired by the member for Albert Park. The government responded to those recommendations late last year. A number of those recommendations related to improving regulation of rooming houses. There are quite a number of Victorians who live in rooming houses at the moment. In most cases it is not seen to be a particularly luxurious form of accommodation; most people in rooming houses are there because they cannot afford to live in other circumstances.

Rooming houses involve, by definition, more than six people in the one dwelling. They all have their own individual relationships with the rooming house operator, so it is not a case of subletting, and there are common areas that people have access to. It would be fair to say that the standards of these venues can vary widely. At the bottom of the scale some of them are quite appalling. I acknowledge the work that has been done by a number of advocacy groups in this area. The Tenants Union of Victoria, the Victorian Council of Social Service and the Council to Homeless Persons, amongst others, ran quite a strong campaign on this issue under the banner ‘Call this a home?’. They have been running this campaign for safe rooming houses for some time, and I am grateful to them for that and for some of the information they have provided. They note that the latest census in 2006 recorded approximately 4500 people living in Victorian rooming houses, mostly in suburban Melbourne. This figure is likely to be underreported, as they note.

What are the major issues concerning rooming houses? Lack of safety, lack of privacy, lack of security, financial exploitation and health and hygiene are all very significant matters. It is probably fair to say that rooming houses used to be mainly the province of single men, but increasing problems with housing affordability and lack of crisis accommodation has unfortunately seen an increasing number of women and women with children being forced into rooming house accommodation, some of which is entirely inappropriate. In the absence of anything else, that has been the experience for a number of very vulnerable people.

To that extent, the opposition welcomes the moves in this bill to try to resolve some of these concerns. Specifically, in part 5 of the bill, the proposal is to amend the Residential Tenancies Act to provide for the Governor in Council to have the power to make regulations in relation to rooming houses. In particular the sorts of matters that can be dealt with in those regulations relate to privacy, safety, security and amenity. They will not apply just to rooming houses; they can apply to rooms in rooming houses, rooming house facilities and services, common areas of rooming houses and the general amenity of rooming houses. That is a fairly broad, sweeping power, but in this circumstance we think the situation in some rooming houses is so dire that it warrants the ability to make regulations and set standards as contained in this bill.

The bill also gives the director of Consumer Affairs Victoria (CAV) the power to investigate, without the need for a complaint, rooming house rent increases, whether a rooming house owner is in breach of a duty to maintain a room or rooming house in good repair and whether the owner is in breach of the standards that will be prescribed under the bill. Breaches of standards can lead to fines of 60 penalty units for individuals or 300 penalty units for bodies corporate, so there are some very stiff fines involved, and hopefully that will provide a sufficient economic incentive for rooming house operators to ensure that the standards to be prescribed will be complied with.

We are also advised that a regulatory impact statement will be made before the standards are prescribed. We think that is important, because obviously it would be a

retrograde step if the standards were imposed to such an extent that it led to rooming houses that are providing adequate standards of accommodation being shut down. The last thing we want to see is already vulnerable people who are in rooming houses lose even that level of accommodation. That is not an issue which the chairman of the Rooming House Standards Taskforce noted in his report, which says:

> … it is the view of the task force chairperson that some loss of stock will be an inevitable consequence of the reform agenda outlined through the preceding recommendations.

It is important, if that is to be the case, that the government steps in with measures to ensure that with the welcome improvement to standards for rooming houses any loss of stock is made up through alternatives to ensure that vulnerable people are not out on the street.

A couple of concerns have been raised with aspects of the bill. One relates to a requirement that a property owner or agent must notify a municipal council where they have reason to believe that a property is being used as an unregistered rooming house. The REIV has asked what constitutes a reason to believe. It may be that the difference between a rooming house and a house that is sublet is not necessarily on the surface. Given that this is a penalty provision, the REIV suggests, not unreasonably, that some clarification be provided in terms of what constitutes 'a reason to believe' for the purposes of that part of the bill.

There are also increased powers for Consumer Affairs Victoria inspectors to enter non-residential areas of rooming houses to enforce compliance. There is no need for a warrant or consent to do that, and the director of CAV is being provided with further investigatory and information-gathering powers. A concern has been raised by the Scrutiny of Acts and Regulations Committee on that issue, and that is captured in *Alert Digest* No. 12. In the 2 minutes available to me I do not have time to go through that, but I note that SARC has made some reasonable statements and expressed concerns about that matter, and it is incumbent upon the minister to respond to those concerns of SARC.

Part 6 of the bill provides for fire safety and emergency management of caravan parks. Those provisions seem quite sensible in the circumstances.

Part 7 of the bill deals with residential tenancy databases. There is a move to some national standards in relation to this. It appears that the part will commence operation on 31 March 2012. Again, the REIV has expressed some level of concern in terms of the restriction on information that can be used, as is provided in this bill, and also about the fact that failures to pay rent which do not exceed a certain level or which cause damage to property that does not exceed a certain level apparently cannot be included in the residential tenancies database. The REIV makes the point that as a Parliament we should not state that any level of failure to pay rent is acceptable or any level of damage to a property is acceptable, so why should not those matters be able to be recorded in a database? I think that is a reasonable position to take.

The bill also increases penalties widely across the Residential Tenancies Act, including doubling of the maximum penalty available for infringements against regulations from 10 penalty units to 20 penalty units. It increases the penalties for breaching fire safety-related compliance and closure orders from 50 penalty units to 120 penalty units in place of an ongoing daily penalty.

The opposition was minded to not oppose the bill. In the absence of any explanation by the government of these four pages of amendments it has dropped on the opposition in the Parliament late at night, we obviously have to reserve our position. We look forward to the government explaining itself to the opposition and to the Parliament.

Mrs MADDIGAN (Essendon) — I am pleased to rise tonight to support the Residential Tenancies Amendment Bill and the amendments circulated by the government. It is always a pleasure to follow the member for Malvern, although he did seem a little put out today that the Minister for Consumer Affairs had a show bag and he did not. However, I have really good news for him, because the Royal Melbourne Show starts on 18 September at a wonderful showground, updated by this government. I invite him to go out there and cheer himself up by buying a few show bags. I am sure he will enjoy the experience.

It is good to hear that the opposition supports some parts of the bill, and we hope it will support all of it by the time we get to the end of the debate in this house.

In relation to the house amendments that the member for Malvern referred to, they are not all that complicated, really; they are quite simple. Even though there are a number of amendments in the bill, they actually relate to two changes which are only ways to make it clearer how those clauses operate. The changes to clause 79 clarify the termination of leases. The proposed amendments ensure that the bill comprehensively addresses recommendation 28 of the task force report while achieving an appropriate balance between the interests of the building owner and residents. They also ensure that the provision works as

intended and applies to the relevant parties. The amendments provide an explanation of that clause and do not bring anything further into the legislation.

The second change is to the provision relating to urgent repairs and the amount of $1000. It says that in some circumstances the amount can be more than $1000, which was not provided for in the original bill. It is more of an explanation to make that clearer and to ensure that justice is done to everybody involved. The two parts are that, firstly, it provides for an amount greater than $1000 to be prescribed in regulations as the maximum amount that a landlord, rooming house owner or caravan park owner must reimburse a tenant or resident for the cost of urgent repairs to a rented premises and, secondly, it provides for an amount greater than $1000 to be prescribed in regulations as the amount that may trigger an application to the Victorian Civil and Administrative Tribunal to order a landlord, rooming house owner or caravan park owner or their agent to carry out urgent repairs. The amendments do not actually change the act. They are more an explanation of those two areas to make them fairer to all parties concerned.

This bill is the result of considerable examination of issues relating to residential tenancies that has been undertaken over a number of years. There are a number of problems which I think many of us have been aware of, perhaps through working with our constituents, that the amendments in this bill seek to overcome.

A number of discussions were held leading up to the release in 2009 of an options paper on rooming houses. Today I want to talk particularly about the Rooming House Standards Taskforce. I should perhaps go back a bit to the options paper, as I have jumped ahead of myself. This bill is the result of a consultation process. It was foreshadowed in the statement of government intentions in 2010, and the Victorian integrated housing strategy 2010 to enact a tenancy framework for owner-renter site agreements in parks that recognises the interests of park operators while protecting the tenure and interests of owner renters.

That is that particular area, but I want to speak about rooming houses and amendments relating to them and particularly about the Rooming House Standards Taskforce, which my excellent friend sitting in front of me at the moment, the member for Albert Park, was so involved with. Rooming houses have been a problem for many years in this state. I recall that a review of rooming houses was undertaken during the Cain and Kirner years. Barry Rowe, then the member for Essendon, was involved in that when I was a councillor with the then City of Essendon. I accompanied him on a number of tours of rooming houses. It really was a very depressing experience.

We saw mainly young people, obviously heavily sedated, in very poor accommodation with very little to do but watch television. They had substandard bedding and often really poor bathrooms and sanitary equipment. Some significant changes were made then. I think it is good that we have further amendments now as a result of the review undertaken by the member for Albert Park. We have to remember that people in rooming houses are often very vulnerable people with intellectual or mental disabilities, and they really need the help of our society.

Interestingly enough, we have very few rooming houses left in Essendon. I guess that is a part of increasing property values. Many of our rooming houses were very large old houses. A number of them have been purchased and reinstated as private homes. That capacity to provide inexpensive accommodation unfortunately has been lost from our area now, and obviously we want them to be of a very high quality.

One of the major things in this bill is as a result of the tragic deaths of two people in Brunswick. In fact in his report the coroner recommended what is provided for in one of the main parts of this bill — that is, new minimum standards. As the member for Malvern said, the current standards do not provide adequate levels of safety, security, privacy or amenity for residents. Hopefully these changes will make things much better for those very vulnerable residents.

The further amendments in this area include expanded powers for the director of Consumer Affairs Victoria. Firstly, this will enhance the director's ability to initiate investigations against rooming house operators in the absence of complaints or referrals from VCAT (Victorian Civil and Administrative Tribunal); secondly, it will enhance the director's evidence-gathering powers — namely, enabling the director to require a person by notice in writing to produce information documents or give evidence; thirdly, amend the powers of consumer affairs inspectors to inspect common areas of rooming houses; fourthly, make it a duty of the landlord or agent to notify council of suspected unregistered rooming houses; and finally, provide a 45-day minimum notice period required to be given by landlords to rooming house residents where the lease between the landlord and rooming house operator is terminated.

I think all these changes will be really significant in giving much more security to people in rooming houses and also ensuring that they have a reasonable standard

of living and that their rights are protected. I hope that with the introduction of these changes — I trust that the opposition will support them in the long run — we can be serious about ensuring that very vulnerable people have safe housing and we have the regulations in place to ensure they are protected.

Mr NORTHE (Morwell) — It gives me pleasure to rise to speak in the debate on the Residential Tenancies Amendment Bill 2010. From the outset can I say I accept the explanation of the amendments proposed by the government and by the member for Essendon, but I want to endorse the principle as raised by the member for Malvern with respect to those amendments tabled in this Parliament at the last hour, if you like. The principle behind that is certainly one that is not acceptable from an opposition perspective.

The purpose of the bill itself is to amend the Residential Tenancies Act. It does a number of things. In part it provides for the regulation of agreements between park owners and tenants with respect to moveable dwellings. Essentially what we are referring to is situations where the moveable dwelling is owned by the resident but the site where the dwelling is situated is leased from a park operator. The bill also regulates residential tenancy databases, and this is in line with the national model legislation. It also enables improved minimum standards to be introduced into rooming houses and enhances identification of and enforcement against unregistered rooming houses. It improves fire safety and emergency management planning in caravan parks and increases penalties for offences under the Residential Tenancies Act.

There has long been consternation about the regulation of agreements or lack thereof between site owners and tenants, particularly at caravan parks. Essentially this is with respect to moveable dwellings whereby the dwelling is owned by the resident but the land is leased from a park owner. We saw the release in 2009 of the public options paper entitled *Tenancy Policy Framework for Residential Parks* that sought to deal with some of those elements of concern. In his contribution the member for Malvern spoke about the notion of residential parks and how they have now really become villages.

Some of the issues that this options paper sought to discuss were issues around the security of tenure, the internal dispute resolutions with respect to those agreements, the resident participation in the decision making, some of the contractual issues relating to the resale and disclosure conditions around management fees and park rules, rent increases, capital replacement, energy charges, information disclosure et cetera. There was a particular focus on owner-renters and how an improved regulatory framework would benefit not only the owner-operators but also just as importantly the park operators themselves. My understanding is that post that public consultation period over 300 residents provided submissions, as did some 16 park operators.

Parts 3 and 4 of the bill deal specifically with owner-renters in caravan parks. As indicated by the member for Malvern, there is in excess of 4000 owner-renter caravan park residents who own those 'moveable' dwellings across some 500 caravan parks in Victoria. As indicated, many of these moveable dwellings are really fixed structures; they are not easily moved, hence some of the issues that we have before us today.

I can attest that my dear mother is one of those persons who lives in such a situation. In the past we have deemed them to be holiday rentals, but now we are seeing more and more people — and my mum is one of them — who live full-time within what is a village community. What we want to ensure is that people such as my mother are looked after under this legislation before us.

I want to quote some correspondence that was received from a constituent in my region expressing some concerns about the existing regulations and legislation that applies to their particular situation. This person will remain anonymous. The letter states:

> I live in an over-55s residential village where the tenants own the units but 'lease' the land it sits on plus some of the services provided. Personally, I have never had an issue with the owners of the village and the way it is currently managed.

Digressing slightly, I think that would be the norm in most circumstances. The letter continues:

> However, I share a concern with many of the residents that technically I can be told to vacate with 90 days notice and relocate or sell my unit.

Again I digress; I believe that should be 120 days and not 90 days. It goes on:

> As you may be aware it is not that practical to relocate my unit without significant financial loss … I have spent moneys improving my quality of life by adding garden beds, shrubbery, driveways, sheds, patios, verandas et cetera and it is certainly not reasonable to expect that one could sell the unit within 90 days of notification.
>
> …
>
> However, to allow only a five-year term and only for new residents and then only in new parks or villages I believe is hugely discriminatory and does nothing to address or allay the fears of thousands of aged Victorian citizens already residing

> in residential parks and villages that are interpreted as akin to a caravan park and subject to those same regulations.

You can get a sense of how this particular person feels. I know some elements of the legislation before us deal in part with some of the concerns raised by my constituent. I wish to deal with particular elements of that now. If you look at new part 4A of the act, you see one of the provisions seeks to increase the minimum notice to vacate from 120 days to 365 days. That is obviously a vast improvement for the particular constituent who wrote that letter to me. Increasing the minimum notice from effectively 4 months to 12 months is certainly a much better arrangement for people in those situations. The bill also provides that site agreements must be in writing, and allowing a 12-month grace period to arrange that is a sensible step in the right direction. The provision also prescribes no less than 20 business days for an owner-renter to consider a site agreement, and having a cooling-off period of five days is also sensible.

Another clause in part 4A deals with new parks. The member for Malvern touched on that in his contribution. The bill prescribes minimum terms of five years to be offered to residents in new parks. That will give some sense of long-term security for people who invest in new homes. The member for Malvern spoke about the difficulties and challenges if you apply this legislation retrospectively. I understand the point of view of the constituent of mine who raised such concerns, but I also understand that attempting to apply such legislation retrospectively is extremely difficult.

The member for Malvern also spoke about rooming houses. Unfortunately we had the terrible situation in 2006 where there were a couple of fatalities in a rooming house in Victoria. Subsequent to that the member for Albert Park chaired the Rooming House Standards Taskforce, which looked into simple ways in which we could improve standards and regulations associated with rooming houses. I understand that the government accepted in principle all of the 32 task force recommendations; however, some would say that their enactment has been a little bit tardy. Wendy Lovell, a member for Northern Victoria Region in the other place, made it clear that an implementation plan was to be delivered by December 2009, so it has taken some time to get to this point.

In this bill there is also a tightening of the minimum standards that apply to rooming houses. There are six new standards related to issues such as ensuring that they have fire safety plans, power overload protection, working double power outlets, fire-safe locks on bedroom doors and window coverings. These are sensible steps that move in the right direction by ensuring that tenants who are based in rooming houses have the appropriate safety regulation measures around them. It also gives some guidance to owner-operators to make sure they do the right thing in protecting not only the rights but the safety of tenants.

Ms HENNESSY (Altona) — I rise to make a contribution to debate on the Residential Tenancies Amendment Bill 2010 and the amendment that has been circulated. I happily speak in support of this bill and the amendment. This is a bill with a reasonably wide domain and a number of purposes, including the regulation of agreements between site owners and tenants in relation to certain dwellings in caravan parks, the regulation of residential tenancy databases, improving the regulation of fire safety and emergency management planning in caravan parks, increasing the penalties for a number of offences under the act, and increasing the regulation of rooming houses to improve standards, security and enforcement powers. It is the latter, the regulation of rooming houses, that I would particularly like to focus on in my contribution to the debate.

We know that housing and homelessness are ongoing challenges, not just for individuals, families and communities but for all levels of government. Accessing affordable housing that is appropriate and dignified, particularly housing that can be connected to appropriate services, is challenging at the best of times, but it is particularly so for vulnerable Victorians. In the tight rental market we saw the emergence of some rooming house practices that were in my view not just substandard but downright exploitative. Rather than invest in purpose-built, dignified and appropriate housing, we saw some — not all — in the industry convert suburban or commercial properties and then sublet rooms in those premises. I am aware of such practices in my own electorate. That is why I was pleased that through the 2009 the rooming house task force, as part of the state strategy to take action on predatory operators, the practices of those who intentionally leased substandard rooming houses, those who preyed on some of the most vulnerable members of our community, were incredibly adequately canvassed in the task force report.

The task force report, as some previous speakers have already mooted, canvasses not just some compelling but some downright heartbreaking instances of exploitation of vulnerable individuals and families, and it points to some of the profiteering that occurred at the expense of people who had no other viable housing options. The standards of amenity and safety in properties in which many people were living were not

appropriate and were, as many of the previous speakers have outlined, absolutely appalling.

As the report explains, rooming houses were traditionally seen as low-cost options, and low standards were explained away as being related to the low returns that owners received. We now know that some operators are extracting incredibly high returns from low-income people living in rooming houses because the renters simply have no choice, but we see absolutely no evidence of any trickle-down effect in terms of improved amenities where this has occurred. I want to put on the record that the work of the task force is critically important, and I look forward to the ongoing translation of that work not just into government policy but into legislation. I am pleased tonight to speak on a bill that imposes a regulatory head of power which will enable us to realise that in some part.

The minimum standards for rooming houses are clearly inadequate. There are no floor or minimum standards to address adequate levels of safety, security, privacy or amenity for residents. As a result, many private operating rooming houses fail to meet the standards one would expect of a civilised community. That was a matter not lost on the coroner in respect of the tragedy that occurred in Brunswick in 2006. It is an issue that has been canvassed by many other members here this evening, so I will not dwell on it. But members of the house ought to remind themselves of what occurs when we do not have adequate regulations in place and when we do not have the parliamentary will to ensure a regulatory framework that enables the government and agencies to ensure that we have a significant disincentive so those sorts of tragic events do not occur again.

I am pleased this bill provides for a head of power to enable regulations around standards. When you look at some of the standards the task force asked that we immediately implement, on the face of it they do not appear that controversial. They are things like locks on toilet doors, fire-safe locks on bedroom doors, the provision of working double power outlets in each bedroom, fire evacuation plans and power overload protection.

I note that, as one would expect with any regulatory impact statement, there will be more consultation on the potential new standards. I am confident the government and its agencies will work with all stakeholders to ensure that those who have firsthand experience of private rooming houses will be able to participate in that process and that we will be able to look at what standards currently exist and how we might meet the gap where inadequacies are identified.

As was spoken about by the member for Malvern, it is important that we seek to achieve the fine balance of ensuring that any new regulations are focused on achieving the objective of improving quality, safety and amenity for residents whilst also being cognisant of the impact that could have in terms of a reduction in precious stock. As the regulatory impact statement process unfolds there will be further opportunities for input, discussion and debate around those issues, as well as looking at what sorts of transitional arrangements can be put in place, while still ensuring that the objectives of the bill are met, again without having a negative impact on supply.

The bill makes it patently clear that this government is very serious about ensuring that new standards are properly enforced, and an important part of the equation is ensuring that operators who fail to take their responsibilities seriously are appropriately dealt with. Non-compliance with rooming standards will be an offence, and Consumer Affairs Victoria will be able to prosecute offenders. I understand that enforcement will be done as an offence and not a duty provision and that some people may have concerns about that. That is why the government has committed to monitor the effects of these new provisions, and it will work closely with the hardworking stakeholders in the housing sector to explore their implications.

The bill also introduces an obligation for landlords and agents to notify local government, as part of the ordinary course of their duties, if they believe or suspect a property is being used as an unregistered rooming house. Again, this is an issue some of my constituents have experienced.

Whilst the member for Malvern has shared some of the concerns from the real estate industry it is my experience that as these matters unfold, with the support of the government agency, greater clarity around the exact nature of their obligations will unfold. On balance I think this is a negligible burden against the pressing need to ensure that rooming houses in the community are identified, that they are registered and that they comply with the law.

This is an important step forward in realising the important aims and aspirations of the rooming house task force, and I wish the bill a happy and speedy passage through the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise and make my contribution on the

Residential Tenancies Amendment Bill. The bill will seek to make a number of amendments. Principally it will seek to provide for the regulation of agreements between caravan park owners and tenants in respect of moveable dwellings, essentially where a moveable dwelling is owned by a resident but the site on which it is situated is leased from a park operator. The bill will also seek to regulate residential tenancy databases in line with the national model legislation. Something I wish to address is the fact that it will enable improved minimum standards to be introduced for rooming houses and enhance identification of enforcements against unregistered rooming houses.

What we have seen tonight is symptomatic of the way in which the government has handled the issue of rooming houses in this state. In many respects it has been a case of sloppy management and too little too late. I recall that prior to entering this house when I was serving as a councillor in the City of Knox there were major concerns about the way in which rooming houses were operating in my community on an unregulated basis, and I recall our council making representations to this government well over five years ago to do something with respect to the regulation of rooming houses.

People throughout Victoria recognise that every Victorian has a right to accommodation, and for many vulnerable Victorians, rightly or wrongly, rooming houses are the only form of accommodation they have. The closing down of rooming houses can subject those Victorians to having no home at all. However, that in itself does not mean that those Victorians need to live in substandard facilities. We have heard many stories in this house about the plight of rooming house tenants. I have met with rooming house operators and with residents of rooming houses in my electorate and I have toured rooming houses in Ferntree Gully, and all the people I have spoken to have indicated a propensity to see greater regulation.

It took the government many years to do something about this issue, and I am mindful that the member for Albert Park is in the house and that he has chaired a task force on this issue. As many would be aware, it has taken this government many months to act on the findings of that task force; it is not only months but years too late.

The way the government has handled this issue can be simply summed up with the four pages of amendments to this legislation, which were dumped on members of the opposition as the second-reading debate commenced. Twenty-nine amendments were identified. There are over four pages of them. I understand that the member for Essendon in her contribution tried to indicate that they were only minor administrative changes, but one has to ask the question: why, if they are minor changes to fix a minor error in a bill, do we get four pages and over 29 amendments?

Clearly no indication was provided in advance to members of the opposition. More importantly, no indication was provided to the relevant shadow minister, the member for Malvern, on this very important issue, and these amendments again relate specifically to rooming houses. I know that the people in my electorate who are affected by the operation of rooming houses — both those residing in rooming houses and those who live in their vicinity — and want to see greater regulation would be deeply concerned to think that the way in which this government handles this issue is through the introduction of sloppy amendments such as these. I am not in a position to comment on the amendments, because, as has been indicated by those who spoke before me, we have not read them and there has not been time for us to be briefed by the department so that we could understand the full implication of those amendments.

It is clear that there are proposals in this bill that will improve the current situation regarding the operation of rooming houses in this state. Amongst a number of things the bill seeks to give the director of Consumer Affairs Victoria the power to investigate, without the need for a complaint, rooming house rent increases, whether a rooming house owner is in breach of a duty to maintain a room or rooming house in good repair or whether the owner is in breach of the standards to be prescribed under the bill. As has been indicated by other members, standards will be developed in respect of such simple measures as fire safety plans, power overload protection, working double power outlets, fire-safe locks on bedroom doors, locks on bathroom doors and window coverings.

These are all good initiatives, but it raises this question: if the government sees these measures as being simple and important, why has it taken it 11 years to implement standards that allow for simple regulations, such as those for fire safety plans, working double power outlets and power overload protection and — heaven forbid! — locks on bathroom doors and window coverings? This reflects the situation in which many Victorians have found themselves in respect of the operation of rooming houses. I have visited rooming houses, as have many members of this place, but it was stories such as one on *Stateline* which visually outlined the problems with many rooming houses in this state and the substandard conditions in which people were living. The question has been asked: in a first world

country with a modern economy and a government flush with money that had been in power for 10 years at that point, how could Victorians be living in such substandard conditions in rooming houses across the state?

We acknowledge that the government has acted by creating a task force and that it has introduced this bill, but why has it taken it so long to act? It is not as though someone approached this government in 2009 and said, 'There is a problem with rooming houses, and you need to do something about it' and the government acted by creating a task force that came up with recommendations which were then implemented. These issues have been on the table for many years. They have been pushed by many people, not only members of the opposition but councillors, community activists, residents and various other people throughout the community. Heaven forbid, even members of the government have probably made representations to the minister about these issues. One can only assume there has been great concern about the way in which this government has been reluctant to deal with this important issue.

We are pleased to see that the bill will put an onus on property owners and agents who have reason to believe a property is being used as an unregistered rooming house to notify the local council. Part of the issue we found in my local area was that if somebody was operating a facility that had less than 10 habitable rooms, it was treated as a normal suburban residential dwelling, despite the fact that it looked like a rooming house, acted like a rooming house and was housing people who were residing in a rooming house. Councils will now have a greater opportunity to have their say.

Many people who reside in rooming houses are drug affected and many of them are suffering from mental health issues, but there are no links to services, enforcement authorities or community health services. It is imperative that these services are linked under the legislation in the future.

I wish the bill a speedy passage, and I look forward to hearing the government's conclusions in relation to the amendments that have been circulated.

Debate adjourned on motion of Mr CARLI (Brunswick).

Debate adjourned until later this day.

Remaining business postponed on motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

ADJOURNMENT

The ACTING SPEAKER (**Ms Campbell**) — Order! The question is:

That the house do now adjourn.

Western Port: foreshore management

Mr K. SMITH (Bass) — I wish to raise an issue for the Minister for Environment and Climate Change. I ask him to sort out his department and determine which government agency has the authority to issue managerial rights to foreshore committees: is it the Department of Sustainability and Environment (DSE) or is it Parks Victoria? This is an important decision, as a war has broken out between the two agencies over the foreshore between Pioneer Bay and Grantville in Western Port.

Let me explain the issue to the house and the minister. A very willing group of residents want to clean up and has cleaned up some of the beaches in the area, and they wish to continue doing their good work. In November 2009 the Grantville and District Foreshore Committee of Management was appointed under the Crown Land (Reserves) Act 1978 by the DSE. In the months since its formation it has done a wonderful job of consulting with the community. On advice from the community some works have been completed already.

The committee is a credit to the current wave of community empowerment, and the community wishes some more of these works to be completed. It is a great setback to this committee's progress that this bureaucratic delegated-manager issue should now surface between Parks Victoria and DSE, and all the more so because the committee of management has been advised that much of its hard work must be put on hold while a lengthy process is undertaken involving a revision of the gazettal.

The works include cleaning up some of the access tracks and building a boardwalk through the mangroves to allow people to enjoy the natural beauty of the area. The committee of management put in for grants from DSE and was given two grants, one for $30 000 for the boardwalk and one for $8000 to clean up the beach from Pioneer Bay to Grantville — a beach that has been very badly neglected by the department in the past. Parks Victoria, that bureaucratic monolith, has stopped the works on the basis that it has authority over managerial rights.

The problem is this question: who has the authority? Is it DSE or Parks Victoria? How could DSE authorise this foreshore group to be the delegated manager, have

it approved by the minister and allocate it $38 000 in grants to carry out authorised works when Parks Victoria says the group does not have the right to do so? This is not the first time Parks Victoria has overstepped the mark. It has also happened at Rhyll where DSE and the Phillip Island Nature Park — also known as Parks Victoria — in a similar situation closed off beaches and denied people access to public beaches they have used for years.

I ask the minister to make a decision: is it DSE or Parks Victoria? It will be important for the minister to make a decision quickly and allow these community workers to get on with the job of trying to clean up the foreshore between Grantville and Pioneer Bay. We need an answer, and we need an answer quickly.

Tell Me a Story project: funding

Mr TREZISE (Geelong) — I raise a matter tonight for the Minister for Community Development, and the action I seek is for the minister to support an application to the Victorian community support grants program for $30 000 from the Geelong Ethnic Communities Council, or Diversitat, for a great project — an important project — called Tell Me a Story. This project is a pilot oral history film to be delivered by Diversitat in partnership with the Geelong Performing Arts Centre, the City of Greater Geelong and a number of other key stakeholders.

By enabling local CALD (cultural and linguistically diverse) community representatives to record and archive their personal stories, this project will support community building by celebrating difference in diversity and by providing the opportunity for broad community involvement across a range of areas. The project will be delivered at Diversitat's new Geelong media education centre, which has state-of-the-art training rooms, a Mac lab for mixing and editing, a fully equipped music studio and a professional television studio. It is also home to the local Pulse radio station.

The project seeks to strengthen social networking relationships between local CALD, indigenous and disability groups, local schools and universities, youth groups, the local and metropolitan film industry and the Geelong Performing Arts Centre. In addition to fostering valuable relationships, it will allow the opportunity for community members to learn new skills that may provide the option of further training and potential career opportunities.

For CALD communities this project also facilitates the important process of storytelling, enabling senior members to share their stories with younger generations and also with the broader community. As all members would appreciate, the sharing of personal history and stories is an invaluable resource to family members, the specific ethnic group and of course the wider Geelong community. The funding being sought would go towards workshop programming, including training and community consultations, project coordination, evaluation and promotion.

Diversitat is a very effective organisation in Geelong, representing the numerous ethnic communities that call Geelong home. I know that this program, if funded, will be another very worthwhile project. The Brumby Labor government has long facilitated the creation of strong, inclusive and resilient communities. I believe this project would go a long way towards reducing social isolation and increasing opportunities for members of the Geelong community. This is an important project, and I call on the minister to support the application from Diversitat for the Tell Me a Story project.

Buses: Latrobe Valley service review

Mr NORTHE (Morwell) — I raise a matter for the Minister for Public Transport, and the action I seek is for the minister to urgently release the long-awaited and overdue Latrobe Valley bus service review. The review was conducted with the aim of improving local bus services and considered factors such as longer hours of operation, additional and more frequent services, extended and new routes, improved existing routes and improved linkages with connecting trains.

The history of the review goes back over some time. Indeed on 15 August 2008 the *Latrobe Valley Express* published an article about the valley bus service under review which included a quote from the then Minister for Public Transport about the review. The minister at the time encouraged people to have their say on the make-up of a future bus service in Latrobe city, to participate in the workshops and to make submissions. I emphasise that those comments were made in August 2008, and two years later we are still waiting.

Workshops and public consultation sessions were conducted in the early part of 2009, and on behalf of the Morwell electorate I provided a submission to the review which covered a number of issues that had been brought to my attention. Some of the issues I raised were appropriate linkages between trains, buses and our educational and training facilities in the Latrobe Valley and also the extension of town bus services into new residential developments in Traralgon and other centres in the Latrobe Valley. I also highlighted the non-existent services within the Churchill township

itself and the need to ensure that smaller communities such as Yallourn, North Tyers, Glengarry, Boolarra, Yinnar and Traralgon South have public transport options available to them.

I can assure the house that I am not the only person who is losing patience with this matter. On 2 August the Latrobe City Council moved a motion that the chief executive officer write to the Department of Transport requesting advice as to when the Latrobe Valley bus service review would be concluded and the findings released to the community. This motion was carried unanimously, which is somewhat surprising given the make-up of that council.

In the government's announcement of the blueprint for regional Victoria was a statement that the minister had allocated $11 million for town bus services in the Latrobe Valley, Romsey and Lancefield. Whilst this is welcome, we do not know how much of the $11 million will be for the Latrobe Valley and whether this money will be utilised to implement changes from the Latrobe Valley bus service review. The action I seek from the Minister for Public Transport is that he urgently release the long-awaited and overdue Latrobe Valley bus service review to our community.

Libraries: Hampton Park

Ms GRALEY (Narre Warren South) — The matter I wish to raise tonight is for the attention of the Minister for Local Government, and it concerns the extension to the Hampton Park library. The action I seek is for the minister to visit Hampton Park to inspect the new facilities and officially open the extended library.

I have always believed in the role of local public libraries as community meeting points and local learning environments. Strong communities need public libraries to foster a sense of community pride and belonging as well as a very important love of reading. We have a terrific library in Hampton Park. It has high usage, and it has now become even better thanks to a substantial grant from the Brumby Labor government. The government provided $399 500 for the project, which had a total cost of $799 000. Construction of the extension is now complete, and it is being used by the community. It has delivered additional space for the library, which is being used for a larger collection, including increased provision of DVD, CD and talking book resources; additional public internet computer access to meet high demand; the provision of computer game consoles for children and young adults; additional study and reading space, including increased access to public internet computers and to the free public wi-fi connection — if you go down to the library, you see a lot of people taking advantage of that — and increased targeted space for the children and young adults area, including reading and story time activity spaces. They are also being well used.

The Hampton Park Youth Information Centre is also co-located at the library, which was a high priority of the Hampton Park community renewal project. The renewal group is a great group of young local citizens who fought to have the facility included, and how right they were, because I have already heard some terrific stories about the success of this youth information space.

As I said, libraries are very important community facilities, and they are especially so in my growing electorate. As well as celebrating the extension of Hampton Park library, for some time now I have been campaigning for a new library for Narre Warren South residents at the Casey Central shopping centre. Currently there is a plan to establish a library at Casey Central as part of the redevelopment of the shopping centre, and I have already tried to encourage Casey City Council to expedite this plan, because the community has waited far too long for a new library. I am pursuing this campaign because strong communities need public libraries.

I ask that the minister visit Hampton Park to inspect the new library facilities and officially open the extended library.

Planning: government policy

Mr THOMPSON (Sandringham) — The matter I wish to raise is for the attention of the Minister for Planning. What I seek is an opportunity to lead a deputation to the minister comprising representatives of the local communities of Sandringham, Highett, Moorabbin, Mentone and Cheltenham to discuss the implications of the government's planning policies. I also seek an opportunity for representatives of the cities of Kingston and Bayside to join the delegation.

Mr Hudson — That is a big delegation.

Mr THOMPSON — In response to the interjection that it is a big delegation I say that it is a big issue. Long-serving members of this chamber would note the practice at question time when there were original preambles to questions, following the influence of Lygon Street or Sussex Street. It has become apparent that parrot-like phrases are uttered on regular occasions that render meaningless original phrases such as, 'Victoria is a great place to live, work and raise a

family'. That may once have been a mantra, but later on down the track, once Sussex Street has got to work, the mantra might well become, 'Victoria was a great place to live, work and raise a family'.

Phoney campaigns and phoney expressions were judged in the last federal election campaign. In the Sandringham electorate the people can see the impact of overdevelopment on their streets, their neighbourhoods and their shopping centres. In yesteryear the visionary planning of legislators in Melbourne encompassed grand boulevards — and a boulevard like St Kilda Road has the capacity to accommodate high-density development. Smaller streets such as Highett Road in my electorate do not have that capacity, and yet the one-size-fits-all approach to planning in Melbourne lacks capacity for good development to take place.

Mr Hudson interjected.

Mr THOMPSON — I welcome the interjection from the member for Bentleigh that we will stop it all, because the development at the Moorabbin town hall site on the one hand provides much-needed and much-valued social housing and is well suited to other places in nearby neighbourhoods, but the encroachment on valuable car parking space that has been used for school communities throughout both Bayside and Kingston over generations is taking away their quality of life. People have to adjust their expectations through Sussex Road and Lygon Street, where they are expected to accept that less is in fact more. On behalf of the Bayside and Kingston communities I want to take this matter up with the Minister for Planning.

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

Kingston Centre: funding

Ms MUNT (Mordialloc) — The matter I wish to raise tonight is for the attention and action of the Minister for Health. I ask the minister to take action to ensure that health services at the Kingston Centre continue to improve and that upgrades to Kingston Centre's equipment can match the continued massive upgrade to its facilities to provide the highest possible quality medical care for local residents in the area.

Kingston Centre is currently undergoing a $45 million redevelopment. This redevelopment, which is a huge expansion of the centre, will provide a new 64-bed subacute ward, a new hydrotherapy pool — —

An honourable member interjected.

Ms MUNT — Yes, it is fantastic — and new rehabilitation facilities. These are vital services that help people recover and rehabilitate properly from serious illness or injury. The redeveloped Kingston Centre will provide an extra 32 000 treatments for local patients each year. This project will deliver the very best rehabilitation facilities for our community and give patients increased privacy in new wards. These works build on the $25 million of already completed works, making the Kingston Centre an important regional centre for subacute wards and rehabilitation. These capital works that are providing a wonderful new facility — capital works worth over $70 million so far — are quickly nearing completion. As I drive past along Warrigal Road I am amazed at the speed of the works, their size and their importance for the local community.

The Brumby government is investing record resources in our health capital works program, with a $7.5 billion investment — the largest capital works program in Victoria's history. The Brumby government has now committed a further $225 million over four years to replace medical equipment. As part of this commitment I ask the Minister for Health to take action to ensure funding for the upgrade of essential medical equipment at the Kingston Centre so we can continue to provide quality health services to the residents of my electorate and to add to the wonderful redevelopment works now under way and almost complete at the Kingston Centre.

Mildura Base Hospital: salary packaging

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Health. The action I seek is for salary packaging to be made available to employees of the Mildura Base Hospital. It has become apparent that the Mildura Base Hospital has been severely disadvantaged by not being able to offer salary packaging to its employees. It appears that the Mildura Base Hospital is not a public benevolent institution. This means that its employees are not able to access salary packaging. Their colleagues in just about every other hospital in Victoria are able to do this. Recruitment of staff is made all the more difficult because of the lack of salary packaging. Medical staff who can access unlimited salary packaging in Melbourne will not be induced to come to Mildura by any incentives they are offered, as they will not make up the difference that this advantage gives them in Melbourne. Nursing staff are similarly disadvantaged, as well as engineers, porters and administrative staff.

The abnormality has existed for some time. The allocation of benevolent status is a matter for the federal government. However, earlier this year the state and

federal governments renegotiated their roles in hospital funding, and the federal government became the dominant funder of the hospital system. These negotiations should have included benevolent status for Mildura Base Hospital. While the Premier was working so hard to have the commonwealth on the ropes over improving health for Victoria, this issue should have been addressed.

It is bad enough that the Mildura Base Hospital was overlooked in the budget and described as the envy of many by the Treasurer, but to be disadvantaged in the recruitment and retention of staff further compounds the problems at the Mildura Base Hospital. If the health minister and Premier have secured public benevolent status, then it needs to be conveyed to the Mildura Base Hospital. If the minister and Premier did not negotiate the end of this anomaly in the federal takeover of health, then they should hang their heads in shame.

The federal government has some history of fixing this problem. Back in 2004 the problem was fixed by intervention of the commonwealth so that paramedics could enjoy salary packaging. However, that has not been the case for Mildura Base Hospital. Salary packaging, to give an indication of the areas and the advantages it makes available, can be applied to your private health insurance premiums, meals, entertainment, higher education contribution scheme payments, work-related self-education, tuition fees, additional superannuation, salary, living expenses, rental payments, professional memberships, mortgage repayments, laptop costs, personal loans and venue hire. There are clearly significant benefits that can accrue to employees, and for a country location and a remote hospital this is a considerable disadvantage that the minister should address.

Monash Medical Centre: funding

Mr HUDSON (Bentleigh) — I raise a matter for the attention of the Minister for Health. I ask the minister to take action to ensure that the Moorabbin campus of the Monash Medical Centre continues to have access to high-quality hospital equipment to treat patients. Since 1999 the government has dramatically increased funding to Victoria's health services by 153 per cent. In addition we are making a record investment this year in capital works in our hospitals.

The Monash Medical Centre has been a significant beneficiary of this funding over the years — for example, the works that are under way at the Monash Medical Centre to build a new pregnancy assessment unit, a new endoscopy ward and a new prevention and recovery service at a cost of over $11 million. The expansion of the accident and emergency department has been another important development. When you consider that the Kennett government closed the accident and emergency department at the Moorabbin campus of the Monash Medical Centre, the expansion of the emergency department at the Monash Medical Centre in Clayton has been extremely welcome.

On top of that there has been a $10 million expansion of paediatric and neonatal services at the Clayton campus, and the member for Mordialloc and I have had the opportunity to inspect those works. The Moorabbin campus has also received $25 million for the redevelopment of its elective surgery wards, a new dialysis centre and new radiotherapy bunkers.

These developments are absolutely necessary to meet the growing demand for health services in the south-eastern region of Melbourne. When you consider that Southern Health covers around a third of Melbourne's population and serves over 1 million people you realise that the demand for its services is acute. It performs over 39 000 emergency and elective surgery operations, and it provides outpatient care to over half a million people and hospital care to another 572 000 patients. It also deals with 150 000 people through its emergency departments. It is a very busy health network.

The Monash Cancer Centre does an outstanding job in delivering cancer treatment services in partnership with the Peter MacCallum Cancer Centre. However, to maintain the quality of these services Monash Medical Centre in Moorabbin does need to continually upgrade its medical equipment to meet the highest standards of patient care and to make sure that the best available technology is being used to enhance patient outcomes. I therefore ask the minister to take action to ensure that funding is provided to Monash Medical Centre in Moorabbin under the $225 million targeted equipment program.

Western Port Secondary College: upgrade

Mr BURGESS (Hastings) — I wish to raise a matter for the Minister for Education. The action I seek is for the minister to meet with and explain to the Hastings community what has happened to the $4.3 million of state government capital works funding that was promised for upgrades to Western Port Secondary College three years ago. I have received numerous complaints from members of the community that this funding has simply not arrived.

One of the explanations offered by the Department of Education and Early Childhood Development is that the

money has been held up in the tendering process. How or why that has occurred seems to be uncertain. The end result of the delays has been that the school has not received the funding and no infrastructure has been built. Another consequence of the government's failure to fulfil its funding promise to this important school is that it has completely missed out on Building the Education Revolution funding. Because the school technically received the state funding, it was ineligible to receive BER funding.

The funding promised by the Brumby government was intended to complete badly needed works, including an upgrade to the school's gym, hospitality works, landscaping and the installation of new toilets and school canteen. The project went to tender in September 2009 and came in over budget.

Instead of funding the works the school so badly needs, this government expects the school to remove critical elements that would make it a better learning environment. The department suggested that the project be taken to tender again. However, this step was delayed by the requirement that the school obtain a bushfire attack level assessment because it has been listed on the bushfire risk register.

The inability or unwillingness of the department to ensure that this critical project proceeded in a timely manner and that the school was not excluded from BER funding has cost the school and its community dearly. To date there has been no indication from the department as to whether the tender process can be recommenced or if changes need to be made to the specifications.

Further concerns have been raised by the failure of the department to review the amount of funding available. The funding was first announced in 2006–07 and budgeted in 2008 at $4.3 million. However, it seems that even at that early stage, the funding that was available was something less than the amount announced. The demand generated by the way the BER was implemented has had a very strong inflationary effect on the costs of all school construction work. Therefore even the originally announced amount would now fall well short of covering the cost of getting the necessary work carried out.

Western Port Secondary College has not received any funding or additional infrastructure from the state government. It has also been completely excluded from receiving any funding or infrastructure available from the federal government under the BER. Western Port Secondary College is a very important educational facility for the families of the Mornington Peninsula. The school's current enrolment is around 700 students, and it is only through the hard work, leadership and dedication of the school's principal, teachers and council that it is able to continue to provide the very high level of education that it does to local families.

This school community needs and deserves the support of the state government. I ask the minister to explain to the Hastings community why Western Port Secondary College is yet to see any result from the $4.3 million it promised it more than three years ago.

Shire of Nillumbik: Maroondah pipeline trail

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for him to fund a minor facilities grant application from the Shire of Nillumbik for a Maroondah pipeline trail connection through Killarney Ridge Reserve in Greensborough.

The project seeks to develop a trail link to extend the Maroondah pipeline trail to the Metropolitan Ring Road trail through Killarney Ridge Reserve. This vital link will be provided through a connection to enable a complete network of trails within the eastern stretches of Nillumbik shire.

Linking Nillumbik trails to neighbouring municipality trails and activity centres offers myriad recreation options and opportunities. Nillumbik residents love being active at any age, whether it is through organised sport or walking, running or cycling through our great parks and trails. I am sure that this is one of the reasons that Nillumbik's citizens have close to the highest life expectancy in the country — something we might improve upon if we went to bed earlier.

I want to put on record my thanks to the minister. He is a great Labor minister who has overseen the funding of so many projects in the Yan Yean electorate, particularly in the Nillumbik shire. Whether it is the Greensborough Hockey Club's second pitch and redevelopment, the resurfacing of tennis courts at Diamond Creek, Hurstbridge, Wattle Glen, Kangaroo Ground and Plenty, works at Diamond Creek Bowls Club, Coventry Oval, Marngrook Oval and Yarrambat Park, or the much anticipated Diamond Creek stadium, the minister has been an absolute champion of my community's local sporting facilities.

I cannot mention the Diamond Creek stadium without also acknowledging the work of the newly elected federal member for McEwen, Rob Mitchell, in securing $3.5 million from the federal Labor government towards the total cost of the stadium. I was delighted to

see Rob Mitchell finally elected to federal Parliament last week, and I wish him a long and happy period of service to the community that we are both privileged to represent. I look forward to turning the stadium's first sod very soon together with him and my dear friend, that Diamond Creek champion, Councillor Peter Perkins.

Notwithstanding the huge amount of funding that the minister has delivered to my community, I respectfully ask him to also consider funding this modest project that will be a boon to walkers, runners and cyclists alike.

Responses

Ms D'AMBROSIO (Minister for Community Development) — I wish to thank the member for Geelong for the dedication he shows to his electorate and for his enthusiasm for the project he spoke about. He is a very active and vocal supporter of a number of community projects and initiatives in his electorate.

The member for Geelong has asked me to support a Victorian community support grant application by the Geelong Ethnic Communities Council for $30 000 to deliver a pilot oral history film project focused on culturally and linguistically diverse communities within the greater Geelong area.

Victorian community support grants aim to build stronger, more active and inclusive communities and neighbourhoods. These grants help communities to build on their assets, which range from local skills, knowledge and the strength of social connections and networks through to facilities, buildings and other infrastructure.

As the member for Geelong explained, the Tell Me a Story project will be led by Diversitat and will enable a range of local community representatives to record and archive their personal stories and share them with the broader community. While the films themselves will clearly be a valuable community asset, the process of creating these films offers a range of opportunities for community members to get involved, network and learn new skills. It is hoped that this process will facilitate community strengthening by celebrating diversity in a very creative and hands-on way.

It is my understanding that the Geelong Ethnic Communities Council's application is currently being considered, and I will be looking at it carefully very soon. For now I would like to thank the member for Geelong for taking the time to support the hard work of his constituents and communities. I would also like to thank the Geelong Ethnic Communities Council and the many partners involved in this project for their work in pulling together this unique proposal.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Yan Yean raised the matter of an application by the Shire of Nillumbik to our community facility funding program for the Maroondah pipeline trail connection. As the member for Yan Yean pointed out, this highlights the importance of those projects that promote recreational pursuits outside organised sport, and that is what the community facility funding program seeks to do. It funds basketball courts, soccer pitches, swimming pools, footy and netball clubrooms and also supports the establishment of skate parks, walking trails and playgrounds. If you look at the community facilities that we have funded across the board, you see we have given over $200 million to over 2000 projects for people of all ages and abilities.

I thank the member for Yan Yean for raising this matter with me. She is a terrific local advocate for her community. The Shire of Nillumbik is a beautiful place in which to live, work and raise a family and will be made even more so by the development of these walking trails throughout the municipality. I can assure the local member that I will take her strong advocacy of this project into consideration when determining the outcome.

I will ensure that the other eight items are referred to the relevant ministers for their action.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 12.04 a.m. (Thursday).