PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 15 March 2012

(Extract from book 5)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, Mr Leane, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

 # Participating member

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

Economic Development and Infrastructure Committee — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

Education and Training Committee — (*Council*): Mr Elasmar and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

Electoral Matters Committee — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

Environment and Natural Resources Committee — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

Family and Community Development Committee — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

Law Reform Committee — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

Public Accounts and Estimates Committee — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella and Mr Watt.

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy President: Mr M. VINEY

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The Hon. P. R. HALL

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Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
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Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
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Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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THURSDAY, 15 MARCH 2012

Thursday, 15 March 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.

CHILDREN'S COURT OF VICTORIA

Report 2010–11

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) presented report by command of the Governor.

Laid on table.

PAPERS

Laid on table by the Clerk:

Budget Sector — 2011–12 Mid-Year Financial Report, incorporating Quarterly Financial Report No. 2 for the period ended 31 December 2011.

Gambling Regulation Act 2003 — Amendment to the Category 2 Public Lottery Licence pursuant to section 5.3.19(4)(b)(ii) of the act.

Office of the Victorian Privacy Commissioner — Report of an Investigation into Goulburn-Murray Rural Water Corporation and the Northern Victorian Irrigation Renewal Project under Part 6 of the Information Privacy Act 2000, February 2012.

Statutory Rule under the following Act of Parliament:

Gambling Regulation Act 2003 — No. 18.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 13.

BUSINESS OF THE HOUSE

Adjournment

Hon. D. M. DAVIS (Minister for Health) — I move:

That the Council, at its rising, adjourn until Tuesday, 27 March 2012.

Motion agreed to.

MEMBERS STATEMENTS

Fred Nelson

Mr LEANE (Eastern Metropolitan) — Today I pay tribute to an ALP stalwart, Fred Nelson, who recently passed away. Fred left school before his 14th birthday, working as a pastry cook and at a number of other jobs. When he turned 18 he commenced an apprenticeship in the printing industry. He joined the Printing and Kindred Industries Union and started to attend union meetings, which led him to join the union's office in 1957, serving as elected branch secretary for 12 years. He was active in his union for 28 years.

In 1980 he joined Steve Crabb, Minister for Industrial Relations in the Cain and Kirner governments, as an industrial adviser. This was followed by employment as a trainer with the Trade Union Training Authority, reforming work practices on the waterfront and overseeing the amalgamation of the Waterside Workers Federation and the Seamen's Union. Fred then joined the Victorian Police Association, where he worked for five years.

The trade union movement taught Fred how to present himself, to write and to speak with authority, and how to argue and negotiate on behalf of his members. This gave him a firm foundation in life. He was a life member of the ALP and worked tirelessly for candidates who stood for state and federal elections, and his enthusiasm for the ALP knew no bounds. He was a great man and a great member of the ALP, and he will be greatly missed in the eastern suburbs of Melbourne.

Electricity: smart meters

Mr BARBER (Northern Metropolitan) — On Tuesday, 23 November 2010, the coalition put out a press release entitled — and the heading was in caps — 'Coalition to tackle Labor's smart meter stuff-up'. What exactly is it that the coalition has done in this area to change the trajectory this process was on? One thing the coalition absolutely promised to do was release smart meter documents that the Brumby government kept hidden despite the Legislative Council ordering their production. That was a motion moved by Mr David Davis in this place, and it was supported by the Greens. To assist the government I moved a similar motion, and in both June and August last year the government said it was working on producing the secret smart meter documents. As I stand here today, we still do not have these documents.

What I want to know is what is in those documents that members of this government are so afraid of now that they have well and truly signed their names in the cement around smart meters. So far all the costs associated with smart meters have been met by electricity users like me and all of the benefits have gone into the profits of power companies. When will Victorian consumers start to see some benefits from the

smart meter program that is now fully endorsed by the coalition government?

Floods: northern Victoria

Hon. W. A. LOVELL (Minister for Housing) — Those of us who live in the beautiful northern area of Victoria are no strangers to adversity. We have dealt with bushfires and drought, and more recently we have been hit repeatedly by flooding rains that have turned roads into rivers and paddocks into lakes. The challenges of such natural disasters bring us together to protect what we can and to help those whose property or livelihood cannot be protected. Recent flood events have hit close to home for me. My family and friends have been part of the effort to safeguard towns and offer assistance. Some of those close to me have been forced from their homes by inundation. My office has been a point of reference for those needing help, advice or even just someone to talk to. I have spent time at the incident control centre in Shepparton, and I saw firsthand the selfless work of emergency crews and volunteers. I cannot speak highly enough of their dedication.

I have also been impressed by the tenacity of the communities that are battling the elements in towns including Nathalia, Katunga, Tungamah, Numurkah, Katandra, Congupna, Tallygaroopna, Katamatite and Barmah, just to name a few. These communities have had their share of hard times, but they do not give in. I am sure I speak for all Victorians when I praise them for their efforts to take care of themselves and each other.

Schools: Torquay

Ms TIERNEY (Western Victoria) — After 15 months of complete and utter debacle by the Baillieu government on the new Torquay secondary school, the Torquay community's question of when its new school will be ready remains unanswered. To say that the school community in Torquay is frustrated with the Baillieu government's lack of communication and information would be a gross understatement.

As recently as yesterday my office received calls complaining that email and phone calls to the office of Andrew Katos, the member for South Barwon in the Assembly on this issue remain unanswered. Some of these calls and emails date back to November last year. Parents have received no updates from the department or the minister's office. For Mr Katos and this government to completely ignore these requests for information from parents is utterly disgraceful. This is after Mr Katos stated last year that this was his no. 1 priority and after the minister stated that he would ensure that he kept the community informed. It is clear that no information is being provided.

For every day that the government fails to fulfil its promise, major impacts are being felt on the campus. Because of the staggered lunch and recess times, students in physical education classes are forced to share sporting grounds with students on their lunch and recess breaks. With 23 portable classrooms on site, space is at a premium. Because of substandard power, a set of portable classrooms was without air conditioning for one month this year. To break a key election promise is one thing, but to continually ignore the entire community and disrupt the lives of so many Torquay schoolchildren is unforgivable.

Wimmera Machinery Field Days

Mr O'BRIEN (Western Victoria) — Last Tuesday, 6 March, I had the pleasure of attending the Wimmera Machinery Field Days, held at Longerenong near Horsham. The field days showcase the best of farming technology and country life, and I congratulate the organisers on 50 years of this iconic event. The success of this year's event reflected the agricultural fortunes of the Wimmera in that it has enjoyed back-to-back productive seasons. The field days are an important opportunity for me to meet constituents and listen to their issues and concerns. I was pleased that several of my state and federal coalition parliamentary colleagues attended one or more days of the event.

Maryborough District Health Service: computed tomography scanner

Mr O'BRIEN — I was also pleased to see the coalition government fulfil an important election commitment in the area of rural health on 8 March, with the delivery of a new computed tomography (CT) scanner at the Maryborough District Health Service. I wish to congratulate the hospital board, including its tireless vice-president, Wendy Mclvor, who campaigned hard to secure this important technology for Maryborough and who had the pleasure of speaking on behalf of the hospital at its delivery.

I send my best wishes to the hospital staff and patients who will benefit from this $600 000 piece of technology. Prior to the CT scanner being installed, Maryborough residents requiring this level of diagnostic treatment had to travel to Ballarat or Bendigo. The coalition government is ensuring that Victorians in rural and regional areas do not miss out on state-of-the-art medical imaging services and diagnostic equipment.

Ellimatta Reserve, Anglesea: pavilion upgrade

Mr O'BRIEN — On Friday, 9 March, I joined the Minister for Sport and Recreation and the member for Polwarth in the other place for a sporting grants announcement at Anglesea followed by an afternoon at the newly completed men's shed. Thanks to a grant under the community facility funding program, construction works to upgrade the Ellimatta Reserve pavilion will begin in the coming months. When completed, the facilities for the home of the Anglesea Football and Netball Club will be significantly improved. I wish the club all the best for the season ahead.

Florina Fasolatha festival

Ms MIKAKOS (Northern Metropolitan) — On Sunday, 4 March, I had the pleasure of once again attending, along with the member for Mill Park in the other place, Lily D'Ambrosio, the annual Florina Fasolatha, or 'bean soup' festival, organised by the Cultural Centre of Florinians 'Aristotelis'. Originating in Florina, the Macedonian region of northern Greece, the festival this year celebrated its 20th anniversary. There was live music, a performance by the group's junior dance group and of course the famous bean soup!

Over the years I have got to know members of this organisation quite well, and I commend them for the time and effort they put into organising this annual event. It was also a pleasure to watch second-generation Greek-Australians playing a huge role in the lead-up to this event and taking so much pride in preserving and promoting their cultural heritage. I would like to congratulate the president of Aristotelis, Mr Sarakinis, and all the other committee members and volunteers for their hard work. I wish the group every success in the future.

Victorian Honour Roll of Women: inductees

Ms MIKAKOS — On 6 March I attended the 2012 Victorian Honour Roll of Women function to recognise the contributions of many women who have been pioneers in their field or made a significant contribution to society. I congratulate all of this year's inductees.

Victorian Indigenous Honour Roll: inductees

Ms MIKAKOS — I also congratulate the inductees of the Victorian Indigenous Honour Roll, in particular Dr Alf Bamblett, who is a passionate and committed advocate for indigenous Australians and someone I regard as a friend.

Thomastown: Greek Orthodox parish hall and school

Ms MIKAKOS — On 29 January I attended the official laying of the foundation stone by His Eminence Archbishop Stylianos for the new parish multipurpose hall and school at the Greek Orthodox Parish of the Transfiguration of Our Lord, Thomastown, together with many other MPs — —

The PRESIDENT — Time!

Abortion: journal article

Mrs KRONBERG (Eastern Metropolitan) — During debate on the Abortion Law Reform Bill 2008 contributors who felt they could not support the bill drew attention to the prospect of a slippery slope being created should the legislation be passed. Here we are in 2012, almost three and a half years since the passing of that bill, and we have academics introducing concepts that I believe the supporters of the bill would never have contemplated, let alone sanctioned. Alberto Giubilini of Monash University and Francesca Minerva of Melbourne University have published a paper entitled 'After-birth abortion — why should the baby live?', which has seemingly been inspired by the writings of Australia's most toxic export, Peter Singer. The abstract of that paper reads as follows:

> Abortion is largely accepted even for reasons that do not have anything to do with the foetus's health. By showing that (1) both foetuses and newborns do not have the same moral status as actual persons, (2) the fact that both are potential persons is morally irrelevant and (3) adoption is not always in the best interest of actual people, the authors argue that what we call 'after-birth abortion' (killing a newborn) should be permissible in all cases where abortion is, including cases where the newborn is not disabled.

Later they say:

> Both a foetus and a newborn certainly are human beings and potential persons, but neither is a 'person' in the sense of 'subject of a moral right to life'.
>
> …
>
> Merely being human is not in itself a reason for ascribing someone a right to life.

What have we come to? That slippery slope is now so steep that our society is clinging to it by its fingernails.

The PRESIDENT — Order! I might say that I did have some concern about the reference to Mr Singer. I let it pass on this occasion because I think he is a person who generates debate, and the debate aspect of it is the context in which I took the remark, but I again caution members to be careful about the adjectives they use in

respect of people who are not members of Parliament. They can be quite strong in the way we use them, and those people do not always have any recourse, or not a convenient recourse, to answer those remarks. As I said, in this case I know Mr Singer is a very provocative ethicist who ranges over many issues, and I will take the comment that was made in that spirit.

Mr Finn — On a point of order, President, by way of clarification, we have the standing orders of this place that clearly lay out whom we can and cannot criticise and the process for members of Parliament to criticise people, but in recent times, in the warning you have just given and in the ruling you made in the last sitting week, it seems that that protection of members of Parliament — and not just members of this Parliament, but members of other parliaments — is being extended. I am just wondering how far this goes. Are we talking about the extension of that protection to every single member of the community? It seems to me that we could — and I do not wish to cast any aspersions on the Chair at all — and we would be moving into the area of an attack on freedom of speech in this house, and I think that is an area we should try to avoid if at all possible.

The PRESIDENT — Order! I totally agree with Mr Finn in the respect that it is not my intention to close down free speech or appropriate comment in this Parliament. What concerns me is when there are gratuitous references to people who are not part of a substantive issue. The reference to Mr Singer on this occasion was really almost a throwaway line within a much more substantive piece, and therefore it concerned me because it was a description of Mr Singer that was provocative and I think characterised him in a way that members of Parliament need to be a bit cautious about when making such remarks.

Frankly, I think the bigger issue here is that if a member were analysing something that Mr Singer or any other person had done, that would be appropriate because obviously there would be some substance to it. I think where members sometimes err, and where I have concerns as the Chair in terms of recognising the entitlements of members but also the need for this place to maintain its professionalism, its decorum and its integrity, is that members will sometimes, in the heat of the moment, make a gratuitous remark about somebody. In some cases that is not, I think, appropriate.

However, Mr Finn can be assured that there is no attempt by the Chair to close down debate or to prevent members from assessing the work of other people and arguing ideas and so forth. I am certainly a lot less concerned about criticism of ideas than I am about criticism of individuals.

Floods: government assistance

Ms DARVENIZA (Northern Victoria) — I want to take this opportunity to call on the government to ensure that all those affected by the devastating floods in north-east Victoria are made aware of government funding and other support that is available to them. I also call on the government to keep communications open post the immediate crisis of the flood as the recovery is going to be a slow one. This water is not going to go anywhere quickly, and the community is going to need ongoing financial assistance and support.

The fallout from the floods is great; it is not just the damage that has been caused by the inundation of homes and businesses but also the effects of the floods on the farming community. Dairy farmers from the region have had to dump milk, crops have been ruined, stock marooned and fodder spoilt. There is the additional problem of vermin, an increase in the mosquito population in stagnant water and health issues with cattle and other livestock. Tomato, nectarine and peach growers face the possibility of reduced crops from waterlogged trees, and wine growers fear fungal diseases could taint their grapes.

The recovery is going to be a slow one for people in this community, not just those who suffered the inundation of their homes and their businesses but also the farming community, given the effect that the floods have had on their livestock and their ability to be able to farm in the future. Some of that farming land is going to be under water for a long time, and the government needs to be ready to assist the flood-affected areas for a long time.

Special schools: Officer

Mr O'DONOHUE (Eastern Victoria) — One of the most important commitments the coalition made before the last election in my electorate of Eastern Victoria Region was the commitment to build a new specialist school in Officer. Regrettably many parents of children with special needs have to send their children on buses for up to 2 hours to metropolitan Melbourne or other parts of Gippsland to access education for students with special needs. The government has made a fantastic commitment, and I welcome the announcement by the Minister for Education, Martin Dixon, that works to deliver the infrastructure to the school site have started. This is a welcome development and demonstrates that the government is getting on with the job of delivering the Officer specialist school.

However, it is regrettable that Labor members are seeking to play politics with such a vulnerable group of people and such an important project. The member for Bundoora in the Assembly, Mr Brooks, and one of my constituents, the member for Narre Warren South in the Assembly, Ms Graley, are seeking to play politics with — —

Mrs Peulich — One of your constituents?

Mr O'DONOHUE — Mrs Peulich should know that Ms Graley, one of my constituents, is seeking to play politics with this project. Ms Graley and Mr Brooks are criticising the additional investment the government has made. We are spending $15 million to make this one of the best specialist schools — in fact a leader in specialist education. They are criticising this investment, and it is outrageous. They should stop playing politics with this issue and instead get on board and welcome the additional investment in this critical project for these very special children.

Victorian School Sports Awards

Mrs PEULICH (South Eastern Metropolitan) — I recently had the pleasure of representing the Minister for Education at a very important annual event, being the Victorian School Sports Awards. These awards were presented for the very first time in Victoria in 1994 and were an initiative of a Kennett government education minister. I recall being a member of that education committee. What a wonderful initiative it has been.

The Victorian Schools Sports Awards recognise excellence across all categories of major school sports. They are given to students, teams, coaches and volunteers who have excelled and made an outstanding contribution to school sport. Sixty-one awards were presented, and there was a display of exceptional talent across a range of sporting codes showcasing some amazing Victorian primary and secondary school talent as well as the contributions of the many others who supported them. No doubt these young individuals will grace our domestic arenas and international sporting arenas in the years to come. We will see them on our TV screens and in our newspapers for the next decade and more. I am absolutely astonished at the amazing talent that is coming through. In particular I would like to commend those schools that are specialising in sport, because they seem to be generating a lot of results.

I was pleased to participate in the awards along with some of our sporting elite and would like to congratulate all those who are associated with Victorian schools sports, whose job is a difficult one at a time when Australians and Victorians are facing rising levels of diabetes and obesity. Well done to Jude Maguire from Victorian school sports and her team on the work that they do. May that effort continue.

Leadership Ballarat and Western Region

Mr RAMSAY (Western Victoria) — I was also at the Wimmera Machinery Field Days and would like to congratulate the committee on its half-centenary. It was a great pleasure to see the federal opposition leader, Tony Abbott, in attendance. Mr Abbott shows a great affinity with rural communities at those field days.

It was with great pleasure that I represented the Minister for Regional and Rural Development, Peter Ryan, at the official launch of the $800 000 Leadership Ballarat and Western Region announcement in Ballarat on Wednesday, 6 March. I take this opportunity to congratulate the Committee for Ballarat and its chair, Tony Chew, on its drive to make this funding one of its priorities. I also congratulate the Baillieu government on providing $6 million to a statewide leadership program from the $1 billion Regional Growth Fund.

I get enormous pleasure from speaking to young potential leaders, as I did when I launched the Young Agribusiness Professionals. This division of the Victorian Farmers Federation is fulfilling its charter to provide leaders in agripolitics. I wish the Leadership Ballarat and Western Region program similar success, and given that the question and answer session identified significant problems with youth, youth space and drug dependency, I think we are in good hands.

Hepburn Shire Women's Honour Roll: inductees

Mr RAMSAY — Also on Thursday, 7 March, I attended the Hepburn Shire Council's induction of two remarkable women to its Women's Honour Roll, Valmai Heap and Susan Waters. Valmai Heap was inducted posthumously onto the honour roll. I had the pleasure of presenting an award to current Country Fire Authority and State Emergency Service volunteer Susan Waters. Valmai, who died in 1991, was a member of the Yorta Yorta people and became the first Aboriginal woman to be appointed CEO of the Ballarat and District Aboriginal Co-operative. It is fitting that both women were recognised and inducted into the Hepburn Shire Women's Honour Roll as part of International Women's Day.

BUILDING AMENDMENT BILL 2012

Second reading

Debate resumed from 1 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the Building Amendment Bill 2012. This bill came about because of a Supreme Court decision of June 2010 when His Honour Justice Bell in *Ariss v. Building Practitioners Board* illustrated a deficiency in the way in which the current Building Act 1993 operates. The Building Practitioners Board wanted to inquire into conduct engaged in by Mr Arris in 2001 and 2005, to see whether he had complied with his obligations as a builder. Mr Arris had failed to pay his $90 statutory fee and therefore his registration as a builder had been suspended. This meant that under the provisions of the act the Building Practitioners Board could only investigate conduct that had occurred in the three years immediately prior to the suspension and that the conduct which had occurred in 2001 and 2005 was no longer within the jurisdiction of the board.

His Honour Justice Bell lamented the fact that Mr Arris had deliberately delayed the disciplinary inquiry which was to be conducted by the Building Practitioners Board. Mr Arris's incentive to delay the inquiry was so he could take advantage of the fact that the board's jurisdiction was limited to that three-year period prior to his suspension. His Honour Justice Bell talked about the consequences of that limitation. He talked about the fact that the Building Act 1993 is a very important defence against unscrupulous, delinquent building practitioners and that it is an important protection to maintain the standing of the building industry, and he said the purposes of the legislation are weakened when some builders are able or are seen to be able to avoid regulatory scrutiny of their practices by delaying an inquiry and orchestrating their own suspension. Justice Bell then recommended some changes. He suggested the legislation could be amended to ensure that the integrity of the legislation and the standards of building practitioners are maintained.

This is an important issue, and I am confronted on a regular basis by constituents and other members of the public who complain about the standards of building practitioners. There is a real concern about the standards of building practitioners, and it is an issue that is often in the media. It is a very important issue. Often one of the biggest and most expensive decisions that people make involves the engagement of building practitioners, so when there is a gap like this in the legislation, which does occur from time to time, and you find a judge very clearly setting out how important it is to address that deficiency, then you would assume that the government would act in a speedy manner to address that deficiency. One would assume that any government worth its salt and any minister worthy of the position would act quickly to address such a gap when it emerges.

Today's legislation seeks to address that gap, but our concern is that it has taken 20 months for this minister to come up with a six-clause bill. It has been 20 months since it was clearly identified as an issue. It took 20 months for the minister to come up with a solution, which is to give the Building Practitioners Board jurisdiction so that proceedings can be commenced, but they have to be commenced within three years of the date on which a suspension takes effect.

From time to time issues emerge through the courts, and that is not our concern. Our concern is about what has been exposed and about those families who have been exposed during the 20 months that it has taken the minister to come up with a solution. It is a very simple solution, and I do not have any qualms about that solution. It is a very simple way forward; in fact it is a one-clause way forward. I suppose and I would hope that as part of their contributions members opposite could offer some explanation for this tardiness and for the inability of this minister to get on top of the portfolio and get on top of these issues in a timely manner. This minister seems to have a very large desk, because we have seen time and again that there is a large number of issues sitting there waiting to be dealt with.

On occasions like this there are consequences. There are consequences when gaps in the jurisdiction of the Building Practitioners Board are not addressed. There are gaps when unscrupulous builders are able to manipulate current legislative provisions. In this case they have been able to orchestrate their suspension by not paying a $90 fee, and they have therefore been able to delay any action by the Building Practitioners Board. This has all been identified and made known to the government since this minister became the minister. There is nothing new there; it is all on the public record.

Mr O'Brien interjected.

Mr TEE — Those opposite ask what we did. This issue came out six months before the government changed, and yes, it was an issue that this minister inherited, but he then sat on it for a further 20 months. It took 20 months to come up with a way forward — and I do not begrudge the way forward; I am just not sure

what explanation there is to give the community, and in responding to his interjection I urge Mr O'Brien to respond to the community as part of his contribution. Something that is as clear and obvious as this has not been responded to in a timely manner, and the consequences for families can be very severe when unscrupulous builders are able to manipulate a loophole in the legislation, which is allowed to tick over day in and day out.

It is a very brief bill; effectively it has just one clause in it, which addresses this anomaly in a way that members on this side do not object to. It addresses it in a way which I think looks like it will remedy the issue identified by His Honour Justice Bell. But I think the deficiency that has emerged is the inability of this minister to do his job, and in their contributions those opposite should try to offer an alternative explanation for why it takes more than 20 months of exposure for families before this government can introduce a six-clause bill.

That inability to get on with the job and to get on top of the portfolio is what concerns us because of the consequences it has for families. When these issues come up from time to time we urge those opposite to move more expeditiously, because it is the financial futures of families which are at risk while unscrupulous builders are able to roam at large and manipulate the situation and avoid the jurisdiction of the Building Practitioners Board. With those words, I say the opposition does not oppose the bill.

Mr BARBER (Northern Metropolitan) — The Greens will support the bill. I believe the rationale for the bill has been adequately described by other speakers.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Building Amendment Bill 2012. The purpose of the bill is well outlined in the explanatory memorandum. It is to provide that a disciplinary inquiry may be commenced by the Building Practitioners Board (BPB)against a building practitioner whose registration is suspended provided the inquiry is commenced within the three-year period after the suspension takes effect.

The circumstances of the bill coming to this place have been well outlined by speakers in the other place. It was an example of a considered debate in the other place, I might say, where in a sense I did not detect anything other than a genuine bipartisan approach to this important piece of legislation, which is to close a loophole that has arisen. On the contrary, when I listened to Mr Tee's contribution I thought he was seeking to take what I would call a cheap point in relation to the government's response. It is an ill-considered point when one considers what the government is doing in responding to a court decision. This court decision, of course, is the case of *Ariss v. Building Practitioners Board* (2010) VSC 295, which was a decision of His Honour Justice Bell in the Supreme Court of Victoria handed down on 25 June 2010.

The decision has been well summarised by speakers in the other place, and I will turn to it, but the most important thing to put in the context of the decision is the opening analysis by Justice Bell of the nature of the Building Practitioners Board, which is a creature of statute. As such, it does not have the inherent jurisdiction of courts; it obtains its jurisdiction as a result of the various jurisdictions conferred by the Building Act 1993.

As outlined by Justice Bell, the situation that occurred in this case is that the 1993 act, as originally passed, did not provide for the board's ability to discipline a builder in circumstances where their registration had been suspended. In short compass amendments were made to the legislation in 2001 so as to confer a jurisdiction to do that, but these amendments provided only that the board had jurisdiction to inquire into conduct that occurred in the three years prior to the suspension coming into effect. That of course related to the 60-day appeal period.

In effect the decision of the court involved a builder whose registration was allowed to lapse after the inquiry had commenced. His Honour Justice Bell found that the matter nevertheless went beyond the jurisdiction of the Building Appeals Board because the events had occurred outside that three-year period and, notwithstanding the commencement of the action, it could not be continued under the provisions of the Building Act 1993.

Such circumstances occur from time to time in the court system when the courts review legislation involving the rights of parties before them. Then the question becomes: how should the government respond to the particular decision? Governments should not seek to respond to every court decision by seeking to overturn its result. The separation of powers means the Parliament makes laws and the courts determine the application of that legislation in relation to particular cases. From time to time there will be cases where Parliament has to act quickly to overcome a court decision that has an unintended effect upon a large number of people. There is no better example of this than the debate we had during the last sitting week on

the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012. It is another example of the government bringing in legislation to overcome the effect of a court decision.

It is simply churlish for Mr Tee to sit there and say we should have done it sooner. The previous government had this legislation, including the 2001 amendments, under its jurisdiction for 11 years but did not seek to eliminate any loophole, identified or otherwise. I do not want to enter into debate, because I would like to return to the bipartisan approach that was taken in the other place, where the important purpose of this legislation and its effects were the primary issues.

The government has taken its time to consider the issue. It has brought forward a piece of legislation that will deal with the situation that has arisen. No doubt there will be other loopholes in the Building Act 1993 that are presently being explored by litigants before the courts. They might not be called loopholes by some of the litigants; they might be called vested rights, jurisdictional limits or important restrictions on the scope of the Building Act 1993, the Building Practitioners Board and the Building Appeals Board. Those will be matters for individual cases, but that is something that is part of the nature of the separation of powers in this state and in any commonwealth jurisdiction where the Parliament makes the laws and courts, tribunals and other bodies have to determine disputes between parties through the application of those laws.

This matter relates to one other aspect of the bill that I will turn to quickly, and that is the decision of the government not to make the legislation retrospective. This is also a decision that takes time to consider and has important implications, and it is in contrast to the Evidence Act 2008, which is a retrospective piece of legislation. That has a greater impact upon the rights of persons before courts and tribunals because the legislation had not been passed. But in extremely rare circumstances, as was outlined in the debate we had last week, retrospective legislation is sometimes called for.

In this instance it is not intended that this act operate retrospectively; rather, the nature of the transitional provisions will operate prospectively but will effectively deal with situations where suspension of registration has taken effect prior to the commencement date of this legislation. In those circumstances the current law will apply and such a person will not be affected by the amendment. Retrospective legislation would be required in order to capture those cases. However, where a suspension of registration has not taken effect prior to the commencement date of this legislation the amendment will apply and any inquiry will be able to continue without a loss of jurisdiction, even if the inquiry had started before the commencement date of the amendment.

The government has taken a careful and considered approach. It has taken some time since it came into office to carefully consider this approach. Mr Tee's criticism could have equally applied to his five months in the role, if he is going to make that point, and he effectively conceded that during his debate. I do not wish to go any further there.

I would like to briefly put in context the importance of the Building Practitioners Board, which is an important regulatory body under the Building Act 1993. The BPB ensures that we, to the best of our ability, have building practitioners of the highest standards, and I wish to commend the building industry and the vast majority of practitioners who uphold that standard.

Anyone who has worked in or around the building industry, or who has been a consumer of the building industry — which probably includes most Victorians, given that building one's own home is one of the most important investments someone can make — knows that if a building project goes well, is on time and on budget, things run very well. It is a bit like a good state. If things are on time and on budget and delivered with competence and care, you will have a completed project. If things are rushed and done without financial planning, like the previous government's desalination project, the north–south pipeline and everything that Mr Tee was involved in in his time in office, and if you engage in that sort of sloppy planning, failure to plan or failure to plan properly, things can go wrong.

In relation to building practitioners, when things go wrong, because of the nature of an unfinished site it can have devastating consequences, as is the case if a building practitioner goes broke, because there are subcontractors all across the building industry — plumbers, electricians, carpenters — who are dependent upon the receipts from their head contractor. If the head contractor goes broke, the subcontractors can themselves be put under pressure, and this can have a cascading effect on other innocent people in the sense that they have relied on people who formerly had good trading reputations and good credit histories but who have found themselves in some difficulty through no fault of their own.

That is why it is important to have as thorough a regulatory environment as possible. In this regard I refer briefly to the Building Commission's annual report 2010–11, which states:

In 2010–11, the BPB:

> oversaw a 3 per cent increase in RPB registrations from 24 199 in 2009–10 to 24 958.
>
> …
>
> issued 9606 certificates of consent for owner-builders
>
> …
>
> heard and completed 89 inquiries, an increase from 60 in 2009–10 …

The report also goes on to state:

> Whilst it is regrettable that the BPB should need to apply disciplinary sanctions, the number of such actions remains small in relation to the total number of active practitioners in Victoria. In several cases the inquiry findings represented the final stage of a thorough and comprehensive complaint, investigation and inquiry process going back over several years. The BPB will continue to adapt its approach to changes in the industry, the expectations of practitioners and their representatives at inquiry …

That issue of the length of inquiry is another reason the process in the new legislation will better serve the industry. As was well outlined by the Parliamentary Secretary for Local Government, Mr Morris, the member for Mornington in the other place, one of the problems with the previous legislation was that because the three-year period took effect from the time of suspension, if a builder was suspended, the three-year period over which the BPB could look back was rolling along. By giving a clear notice date this legislation will effectively crystallise the time certainty for those dealing with building practitioners and will allow investigations and complaints to be thoroughly investigated in the time taken to do so.

It is an important piece of legislation. I will turn to the bill, which is brief, and indicate that the main operative provision is clause 4, which simply substitutes the existing section 179A(2) of the Building Act 1993 with the new subsections (2) and (3). Subsection (2) reads:

> An inquiry into a person whose registration as a registered building practitioner has been suspended may not be commenced by the Building Practitioners Board after the end of the 3 year period immediately following the date on which the suspension takes effect.

As I said, that is after the 60-day period for appeal has expired. New subsection (3) reads:

> For the purposes of subsection (2), an inquiry commences when the Building Practitioners Board causes a notice to be served under section 178(2) on the person whose registration as a registered building practitioner has been suspended.

In concluding my contribution on the bill, given that it has been well covered, I should say the second-reading speech covers the government's intentions clearly. It is clear, simple legislation that has been delivered as a considered and timely response and will serve the industry well. I note the situation and the context where we find ourselves in challenging times internationally and globally. It is an important time for this government to be fiscally responsible and to be on top of its game in the delivery of its important commitments. That is why — a related matter — I welcome the tabling today by the Treasurer, the Honourable Kim Wells, of *2011–12 Mid-Year Financial Report*. The report is important because the Labor government failed to plan many of its key infrastructure projects. We respect the importance of the building profession continuing to grow.

I have heard contributions referring to the Geelong area. In Armstrong Creek a lot of development is taking place, and at Torquay there has been a failure to plan for infrastructure growth, but a lot of good builders are getting on with the job of building. The global economic circumstances in which we find ourselves may well put further pressures on jobs and the building industry, which is why it is important that this type of legislation will allow proper regulation and proper scrutiny of building practitioners.

Briefly in terms of the circumstances, the relevant words of the Treasurer are important to bear in mind. He said:

> Global and national economic conditions weakened in the six months to 31 December 2011, influenced by significant sovereign debt concerns in the eurozone. The Victorian economy has faced headwinds associated with a high Australian dollar, impacting on several traditional Victorian industries. Employment has softened over the past year and transaction activity in the housing sector has slowed materially, reflecting subdued sentiment and heightened financial market volatility. Weak consumer sentiment is also dampening consumer demand, which has been reflected in the relative poor performance of the retail sector. These conditions have translated into a softening of state taxation revenue and goods and services tax (GST) receipts.
>
> The challenging economic environment reinforces the importance of sound financial management. In the 2011–12 budget update, the government announced several new initiatives to return the state's finances to a more sustainable path. Part of this reflected the government's strategy to address the high growth in government expenses over the past decade. The fiscal impact of these measures will become evident as they are rolled out over the second half of this financial year and over the forward estimates period.

In these challenging times the government has delivered another piece of simple legislation with this bill, but it is an appropriate response to an important issue that has arisen. I commend the minister for

bringing the bill to the house, and I commend the government on its response.

Mr SCHEFFER (Eastern Victoria) — My remarks on the Building Amendment Bill 2012 will be brief. As we have heard, the amendments contained in the bill close a loophole in the Building Act 1993 that enables a registered builder to avoid investigation by the Building Practitioners Board by letting his or her registration lapse. This legislation affects many thousands of Victorians who pay considerable sums to builders to build, extend or renovate their homes, and it should be supported as it seeks to afford them greater protection against unscrupulous builders.

Governments need to do everything possible to make sure that builders the Building Practitioners Board has reason to investigate do not escape scrutiny by relying on the unintended consequences of the Building Act 1993. For better or worse, home ownership is an aspiration of the vast majority of Victorians, and it is often said and true that for most of us buying our home is the biggest investment we will ever make. Buying a home almost always requires a mortgage, and typical mortgages take many decades to pay down and of course require the combined resources of a family. Difficulties facing homebuyers are considerable, and despite considerable efforts on the part of the previous Labor government making housing more affordable has been a continuing and to some extent intractable and challenging problem in Victoria and Australia.

Builders, once engaged, have clients who are vulnerable because they have got so much at stake financially and also emotionally. In fact in most cases the builder has the advantage because they have the expertise and resources and they know their client is not in a position to withdraw from the contract. Builders can use this unequal power to maximum advantage. They can take other contracts and run a number of jobs at the same time, moving from site to site, keeping each one going just enough to avoid the client taking action against them. Also, people who engage builders are at the same time managing the disruption to their lives and living circumstances, and they usually take on trust that the quality of the work the builder is delivering for them is at the standard for which they have paid.

The Building Practitioners Board plays a crucial part in upholding the standards of those who work in the building industry and in the registration of commercial and domestic builders, as well as those involved in demolition and various inspectors and engineers who also work in the industry. The Building Act 1993 requires most of those making their living in the building industry to register and to take out appropriate insurance to protect themselves and those who contract their work and expertise. The board has the power to conduct inquiries and hearings into the competence and capacity of builders who have registration.

We have heard and we have seen in the bill and in the second-reading speech certain anomalies in the present provisions that resulted in the Honourable Justice Kevin Bell deciding in the context of the case against Mr Stephen Ariss that the present legislation inadvertently prevented the Building Practitioners Board from inquiring into the conduct of this particular builder where the builder's registration was suspended and the relevant conduct occurred more than three years before the suspension. It is important to ensure that the board has maximum jurisdiction over persons who work in the building industry so that they can be made to answer to concerns that their customers may have had over work that has not been completed or is not up to standard. As we have heard, the provisions of this bill seek to remedy the loophole by preventing builders or building practitioners from avoiding the jurisdiction of the board by deliberately allowing their registration to lapse.

The opposition fully supports the government bringing forward the amendments in the interests of Victorians, who as I have said have a right to expect that the standards of builders are appropriate and that unscrupulous builders who give their clients the run-around can be called to full account by the board. I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — I am very pleased to rise to make my contribution to the debate on the Building Amendment Bill 2012. In doing so I congratulate the minister for instigating this legislation and congratulate my colleague David O'Brien for his erudite contribution, which I think set this legislation out in a readily understandable but legally driven framework. I congratulate him on his presentation today.

While I am making comments about contributions before mine, I have to say that Mr Tee is renowned for maintaining his composure when he makes contributions to debates. Some people would perhaps say that he maintains a poker face, and today his contribution was probably an academy award-winning performance. While he was stressing the bipartisan nature of the support we see from both the opposition and the Greens for this bill today, we saw him blithely skipping over the fact that this is legislation to remove a loophole in the Building Act 1993.

In 2001 the previous government was cognisant of the problems that had arisen from this loophole, and on the record is the amendment it brought forward. The purpose of that amendment to the act by the Bracks government in 2001 was to allow inquiries into the conduct of building practitioners whose registration had been suspended, but it limited inquiries to conduct that had occurred three years immediately prior to the suspension. This brought forward a cascade of unintended consequences — or perhaps because of that government's Rip Van Winkle state or other distractions, it was aware of the consequences but had already gone too far down the track with its amendment to do anything about it. We need to put the focus on the previous government's lack of will or ability to bring this legislation to bear much earlier.

We understand that the trigger for this bill, as has already been referred to, was the decision made in the Supreme Court by Justice Bell in the case *Ariss v. Building Practitioners Board* (2010) VSC 295, 25 June 2010. In terms of the burdens the Baillieu government has had and the adjustments it has had to make since coming into government at the end of 2010, this is a timely response and a very important one as well.

We have seen examples of the consequences of building practitioners peddling their trade and engaging in obscene forms of exploitative conduct that bend all the rules of proper conduct and morality to grab a quick or easy dollar from unsuspecting people who might be renovating their homes. They might also be people who have built homes in housing estates, and I think this is the case within the municipal boundaries of the Shire of Melton, where people have been building their homes on what is described as reactive soils, causing havoc to the structure of the buildings. The advice that has been coming through is that the current legislation has been a very poor means of limiting the impact. It seems to me that where there are builders building in areas where they know there is reactive soil, where there is shoddy workmanship, where there is no proper oversight of subcontractors and where there are other examples of malfeasance in the building and construction industry, these practices need to be brought to a shuddering halt. This is important.

The Supreme Court held that the Building Practitioners Board's disciplinary jurisdiction was lost in respect of alleged misconduct that occurred more than three years before the suspension even if the Building Practitioners Board disciplinary inquiry had commenced before the building practitioner became suspended and it appeared that the practitioner had engineered the suspension through a failure to pay annual registration fees. If a building practitioner engineers their own suspension in this way, there is the potential for them to subsequently seek re-registration. Legal or administrative difficulties may arise if the re-registration is refused.

Cases in which a building practitioner may attempt to engineer their own suspension and therefore avoid the Building Practitioners Board's jurisdiction tend to be cases in which the allegations of misconduct are very serious. They tend to be cases in which, if the allegations are proven, the building practitioner will likely have their registration cancelled. It is unlikely that a building practitioner would engineer his or her own suspension where they are likely to receive merely a fine or a reprimand.

People who are advising building practitioners for their own purposes and from their own perspective are providing advice that there are inquiries pending where jurisdiction could be lost through practitioners engineering their own suspension by failing to pay their annual renewal. Furthermore, legal advisers advising building practitioners in disciplinary matters are now promoting lapses in licence renewal in order to delay Building Practitioners Board inquiries as a deliberate tactic to avoid the board's disciplinary jurisdiction.

This is a very important and timely amendment to the legislation, and I commend it to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012

Second reading

Debate resumed from 1 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the debate on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. This bill is a bit out of the blocks as far as this government is concerned, because we have come to expect an approach that is about degrading the environment, putting cattle into

national parks, walking away from the state's commitment to reduce carbon emissions, breaking its promise to produce 5 per cent of the state's energy from solar resources and abolishing the premium solar feed-in tariff schemes.

We have come to expect a plethora of decisions that are about destroying the environment, and here we have a decision that seems to be taking the opposite approach. The irony is not lost on members on this side that when something has finally come from this government that seeks to enhance the environment it is on a day that will see some 600 Victorian families left without a breadwinner and will see a massive impact in regional Victoria as the wind farm transitional provisions that the Minister for Planning has put forward take effect and start to bite.

Mr Ondarchie — Do you have a plan?

Mr TEE — We do have a plan.

Mrs Petrovich — On a point of order, Acting President, I question the relevance of the member's remarks.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! Mr Tee is the lead speaker, so he is allowed some latitude.

Mr TEE — I was just responding to Mr Ondarchie's interjection about our plan in relation to wind farms. I thank him for the opportunity, because we have a plan that is about balance and the government has a plan that is a radical stripping away of farmers' rights and farmers' incomes. We have a plan that will get the balance right, and the government has a plan to take wind farms out of Victoria.

When I had a closer look at this bill — which as I have said is a bit of a surprise because it has the word 'environment' in it but does not have the words that usually come next for this government, such as 'remove' or 'take away', in relation to environmental protections — I realised very quickly that the only time this government will stand up for the environment, as it has done on this occasion, is when it is asked to do so by someone else. On this occasion it is the City of Melbourne. Every other time this government has acted in relation to the environment, without exception, it has been to degrade the environment. This bill does not represent the convictions of this government, but I welcome it because it shows that if the government is approached by someone else, it does have the capacity to do something that will enhance the environment — which, as I have said, is a first for this government.

This bill will ensure that the current system provides for agreements that help building owners finance and retrofit works that reduce energy, save water and lower carbon emissions. This is a proposal for a tripartite agreement. It has been in place and was introduced by the former government. It has been in place since March 2010, and the City of Melbourne is trying to find innovative ways to retrofit buildings to make sure that they are more energy efficient, that they do save water and that they do lower their carbon emissions.

As I said, these agreements have been in place, the council has identified a number of deficiencies with them and it has asked the government to rectify them. The core deficiency is the fact that some 40 per cent of these commercial buildings are held in trust arrangements where it is not easy to identify the financial structure and the potential exposure of the building owner. The bill will create a requirement for the building owner to provide a statutory declaration, which will ensure that the proposed environmental upgrades do not exceed the capital value of the land, and that will give the lenders comfort that in the event of a default the money that has been loaned can be recovered. The bill also makes specific provisions to deal with mortgages that are held over multiple properties.

In effect what we have in this bill is a mechanism to enhance the operation of the environmental upgrade agreements. It does so by ensuring a greater degree of transparency and openness — something else that is deficient in this government — in terms of the financial arrangements for the buildings that are affected, so that lenders can be sure that the money they advance under these agreements will be recovered. That will make the system more open, it will make it smoother and it will give lenders the comfort they need to ensure that they can lend this money and that there is no risk of the money not being recovered in the case of a default.

We on this side of the house welcome this one-off opportunity to enhance the environment. I would love to see another bill in this Parliament while this government is in charge that will protect the environment, but I expect that I will not. This is an outlying event. I suspect we will continue to see this government consistently acting to degrade the environment, so we on this side certainly welcome every initiative that is positive for the environment, and that is why we will support this bill.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill that is designed to assist Melbourne City Council with its innovative financing mechanism to encourage energy efficiency upgrades

for commercial buildings. This is a program that we have wholeheartedly supported from its genesis through to today. It is a great program that has been created by Melbourne City Council.

What I want to know is: where is the Premier's program to do this? Why is this state government not rolling out a program like this across the commercial building sector? After all, according to the government's own studies, $1 billion of energy savings could be had in the commercial sector between now and a few decades time for only a $10 million up-front investment. Let me say that again to be very clear: if the government spent $10 million on energy efficiency in net present value terms, it could save $1 billion worth of electricity in net present value terms.

Members may ask, 'Where does this amazing magic pudding of money come from, Mr Barber?'. It is quite simple: it comes out of the profits of electricity generators. Where does the money tree come from? It comes from the profits of electricity generators, as we can see at table 25 of the Department of Primary Industries regulatory impact statement (RIS) on the Victorian energy efficiency target (VEET). That RIS anticipated that small to medium enterprises (SMEs) would account for about 31 per cent of the activity needed to fulfil the 5.2 million-tonne target under VEET. Of that 31 per cent, 57 per cent was to be achieved from energy efficiency through water-heating measures, 19 per cent through stand-by power controls, which switch your appliances off when you are not using them, and also through installing efficient shower roses in commercial buildings where there are showers for employees and so forth.

As an aside to that, in that same regulatory impact statement savings in the residential sector were anticipated to be driven mainly by ceiling insulation, at 37 per cent of the certificates, to the point where that would largely be achieved and exhausted as a form of savings by 2015. The energy minister has not yet approved ceiling insulation as a measure under VEET, which is the only program that this government has in place to try to reduce energy bills in any significant way. The minister is too scared to approve roof insulation as a mechanism to be funded under VEET because of what happened with the federal government.

Mrs Coote — Just remind us what happened with the federal government.

Mrs Petrovich — Yes, do you want to talk about it?

Mr BARBER — I am absolutely confident that Mr O'Brien would not let that sort of debacle happen as part of a program that he was responsible for regulating through the Essential Services Commission. I am absolutely confident of that. However, seemingly for purely political reasons and despite his own regulatory impact statement pointing to it as a major form of energy savings, he will not approve it under the VEET scheme, and those stand-by power devices that many of us now have in our homes — I have been doorknocked and offered a stand-by power controller to switch off my TV and DVD and all the rest of it — are not available to small to medium enterprises either. The opportunity for small businesses to make savings on their energy bills has been blocked by Mr O'Brien's speed-of-lichen approach to building up the VEET scheme.

As we see in the aforementioned table 25, under option 3, which is the option we ended up going with, the 5.2 million-tonne target, at net present value calculated using a 3.5 per cent discount rate, the costs of the program are: households to spend $86 million; small to medium enterprises to spend $10 million; and, the way this RIS looks at it, the cost of decreased profits to electricity generators. Under this analysis if a power company does not get to sell you electricity, that is considered a cost to the economy, yet the benefit is to you. When we look at the benefits listed in the RIS we see that for large businesses there are electricity savings of $650 million, for households there are electricity savings of $1.7 billion and for small to medium enterprises the figures is just over $1 billion worth of savings in net present value terms to 2030.

What is this government doing with its time? We are 18 months in. Smart meters got a quick review and then a wave through. If the government is promoting clean coal, it is doing it in secret, because every question I ask gets knocked off. On the absolute win-win for everybody except power companies, the minister is barely moving. Someone should confiscate his pogo stick, because he must be spending a lot of time bouncing around his office while small business, large business and for that matter households are desperately in need of some sort of support — some sort of program to help cut their energy bills. It should be a source of embarrassment to the government that Melbourne City Council has jumped ahead.

If a program like this had been in place five years ago, we would have had an alternative to the Brunswick electricity substation upgrade that has caused so much controversy because it is largely feeding the growing power demands of the Melbourne CBD. Yes, Melbourne City Council covers the CBD and therefore has a keen interest in this area, but the commercial sector broadly and the SME sector, as I have pointed

out on the government's own figures, go much wider. There are huge savings to be had out there if only the government would act.

It seems that the only beneficiary of the government's inaction are the electricity generators. It is as if the Liberal-Nationals government is a wholly owned subsidiary of power generators in the state. I will have to go down to Business Victoria and see if there has been a change to the Liberal Party's records. Perhaps next time I am reading through International Power's annual report I will see a note on the account saying 'wholly owned subsidiary, proprietary limited, the Baillieu government', because the decisions the minister has made on the quiet have all been to the benefit of power companies, and he has very little to show that has been to the benefit of bill payers.

I commend Melbourne City Council on putting forward this initiative. I am waiting to see how the Baillieu government can deliver anything that even faintly resembles it and, with all the mounting problems resulting from cost of living increases and the difficulties the SME sector is having with its own cost structures, particularly where it is export exposed, it would seem that the government should have all hands on deck and be offering every form of support that it can. Instead, every one of its decisions so far has been to the benefit of power companies, and that is something I am going to be talking about a lot in this Parliament in the coming months.

Mrs PETROVICH (Northern Victoria) — It gives me great pleasure to speak on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012, which at first glance appears to be a simple bill, but it delivers on a number of fronts. Firstly, it will deliver significant environmental outcomes that will enable the City of Melbourne to achieve carbon neutrality by 2020 by retrofitting at least 1200 buildings. I believe the legislation will be recognised in the future as a significant environmental achievement.

Melbourne City Council is faced with an accommodation crisis and the need to rebuild or retrofit two buildings. From the accommodation and safety perspective, the buildings are no longer fit for purpose, are old, tired and unhealthy.

The bill deals with a number of errors and oversights in previous legislation with regard to environmental upgrade framework. The amendments set out in the bill will allow that legislation to operate more effectively. This is in no way a criticism of the fact that the legislation contains errors; that often occurs with groundbreaking legislation. We should be commending the City of Melbourne, and also the Lord Mayor of Melbourne, his councillors and city officers. A great adage that I often use is that if you do nothing, you do not get criticised. Something that is innovative or unusual, something which breaks new ground, is often a work in progress.

The bill deals with a number of issues and introduces what will in fact be tripartite agreements between the council, building owners and a lending body. Under the agreement the lending body provides funds to the building owner to pay for approved works that will improve the environmental efficiency of the building. The council levies an environmental upgrade charge on the building owner to recover the funds and repay the lending body. It will provide a higher level of security for council rates and charges which, if unpaid, become a charge on the land, and it will enable funds to be provided to a building owner at a more attractive rate. It will give people the capacity to continue on with those works, which are most important because we know we have many buildings that have become unhealthy and inefficient. This retrofit program will encourage and support building owners, managers and facility managers to improve energy and water efficiencies, reduce waste to landfill and assist the municipality of Melbourne.

It is important to talk about some of the buildings where agreements have been entered into since 2010. During 2011 the council entered into agreements for a retrofit of 123 Queen Street, Melbourne, where funding was provided through the National Australia Bank and Low Carbon Australia Ltd of $1.3 million; 460 Collins Street, Melbourne, where the lending body was the Sustainable Melbourne Fund, and a $400 000 retrofit of that building has commenced; part funding of a retrofit at 100 Dorcas Street, South Melbourne, where the lending body was SMF. The processes around these agreements are vigorous and they have helped to expedite the projects.

Council's Sustainable Melbourne Fund assesses the proposed works. Council, the building owner and the lending body sign an environmental upgrade agreement, and the lending body advances funds to the building owner so it can get on with the works. Council levies the environmental upgrade charge to the building owner, including interest, and the building owner undertakes the works, the building owner pays the charges to the council over an agreed period and the council then repays the lending body. It is good to have that process in place. It gives people who are looking to do this sort of work some security in where they are going with that.

There is also another component to the bill. A review is being conducted by the Victorian Electoral Commission into the electoral arrangements at the Melbourne City Council. That is to be completed very soon — March 2012 — and VEC has released its preliminary report. Final submissions were due to be lodged by Thursday, 23 February, and public hearings were held on 29 February. VEC anticipates publishing its final report on 21 March. VEC's preferred option was to retain an unsubdivided council and to increase the numbers of ordinary councillors from seven to nine. The preliminary report also includes five alternative options, which include wards.

I would like to take up a couple of points that were raised by Mr Tee in his contribution, which contained his usual rhetoric of doom and destruction and 'bagging' of our government. There is no light at the end of the tunnel, I would have to say.

Mrs Peulich — Surprise, surprise!

Mrs PETROVICH — As Mrs Peulich says, surprise, surprise! It is more of the same. According to Chicken Little over there, the sky is definitely falling. But there is a very positive approach to looking at environmental solutions that provide real outcomes for the environment and real and sustainable outcomes for the community, such as practical options for waste management, catchment protections and recycling — outcome-based, sustainable solutions — instead of the clap-trap we saw under the previous government with black balloons but no solutions and no outcomes, just more waste and spin. We have established very clearly since we came to government that there has been an enormous amount of wasted rhetoric without any thought of providing real solutions.

We constantly hear about wind farms from Mr Tee and how Labor is the champion of wind farm energy. The previous government used wind farms as a hero for sustainable solutions and alternative energy. However, the collateral damage was unfortunately suffered by the communities in rural Victoria. Labor developed an atlas with no consultation; it excluded local councils from that process, denied the communities around those turbines any voice and turned neighbour against neighbour and community against community. Road networks were degraded, but no compensation was provided. There was no plan for the removal or restoration of — —

Mr Leane interjected.

Mrs PETROVICH — It does, and that is why I find it so ironic. I often look across the chamber and think, 'Are these people suffering from amnesia?'. It is very sad. We have established a process for wind farm planning, enabled councils and communities to have a voice and looked at the way the farms are constructed, with buffers to create some protection for communities. It is much better to have a process and some thought around where you are going than to have the ridiculous laissez-faire approach of the previous Minister for Planning who, in many respects, told Victorian communities what was good for them.

When members look at this bill they will see how it reflects where our water policy is going. We are looking at stormwater collection, we are looking at tanks and, from the perspective of Matthew Guy, our Minister for Planning, we are looking at the way new estates are developed. We are looking at how we can build more sustainably, and we are looking at how those communities can have some surety that they are not going to have a suburb built out in the middle of nowhere with no support services, let alone alternative energy sources or sustainable principles.

It is a great call from Mr Tee to talk about this side of the house in negative tones when we have a desalination plant that is the largest desalination plant in the Southern Hemisphere — —

Ms Crozier — Two million dollars a day.

Mrs PETROVICH — What Ms Crozier says is absolutely right: $2 million per day for the next 30 years — and it is raining outside! It is very expensive water; it is the most expensive water you can get. Under the previous government there was no thought about planning for drought conditions until we were 10 years into the drought. We have ended up with the north–south pipeline, which has become a white elephant; we have ended up with a desalination plant and its associated problems of which we are all aware. That plant will cost every man, woman and child in Victoria a total of $2 million a day for the next 30 years.

There is a little irony in some of these issues. If we look at what has been done internationally with desalination plants, we can see small, localised, community-based desalination plants where they are needed in some of the driest continents in the world.

Mrs Coote — In Western Australia.

Mrs PETROVICH — In Western Australia; we can see what has been done in our own country. If we look at what has been done in Spain and California, we can see plants that can be switched down, because there are some economies of scale. I know there was a

conversation in the other house yesterday involving the member for Lyndhurst, Mr Holding. Crikey! He should not even mention the word 'water'.

Mrs Coote interjected.

Mrs PETROVICH — Exactly! Little boy lost. Unfortunately with his track record he has no credentials and no credibility when it comes to talking about water.

I would now like to take up the points made by Mr Barber about the insulation industry. My background is in the building industry; I spent 20 years in construction, and I know a little bit about insulation. It is an unregulated industry and has its share of fly-by-night contractors. Anyone who wants to think about what has happened federally can see it is a very good example of what not to do and what sort of impact governments can have on communities when they dive into things they know very little about, do not consult and give no thought to where they are going to end up.

On the basis of that, let us have a look at where we are going. We have a strategy; we have a plan; we are working through the issues, which are not about black balloons and not about TV advertisements, but are about providing sustainable and long-term solutions for communities in a practical way. That can only be good for the environment.

The other issue we should turn to, if we are really fair dinkum in our conversation about sustainable solutions, is the imposition of a carbon tax. Why has the federal government imposed a carbon tax? This issue has taken the conversation away from what is really important. It is just a grab for money; it is not providing one sustainable solution; it is not reducing carbon emissions by one iota. The big issue for communities is what it is going to cost them. An article in the *Herald Sun* of 9 March headed 'Hospitals face $170 million hit from sick carbon tax', states that:

> Hospital catering costs will rise by $131 000 from next year while Victoria's ambulance service will have to find an extra $334 000 as higher energy and aviation fuel costs flow through.
>
> The total annual tax hit from July across the public health sector will be $13.4 million.
>
> The Sinclair Knight Merz report, obtained by the *Herald Sun*, shows carbon tax costs will rise to $14.8 million in 2014 — —

Mr Barber — On a point of order, Acting President, as a courtesy to the house, can the member table the Sinclair Knight Merz report that I believe she is reading from? It would lead to an informed debate.

Mrs PETROVICH — On the point of order, Acting President, I am happy to table my notes. I am referring to my copious notes.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! The member is referring to her copious notes. There is no point of order.

Mrs PETROVICH — The article further reports that:

> A report commissioned by the Victorian Department of Health reveals the state's public hospitals will have to find $12.3 million more for energy bills in the first year of the carbon tax.

Interestingly, the federal Minister for Climate Change and Energy Efficiency, Greg Combet, said during an interview on 3AW that he does not know what the average household electricity bill is.

Mr Barber — What's yours?

Mrs PETROVICH — I know what mine is. It is far too high. Mr Combet said he understood — —

Mr Barber interjected.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! I was going to say, 'Time'! I will let the member finish her sentence, given the level of interjections.

Mrs PETROVICH — Thank you, Acting President. In conclusion this is a good, practical bill. It is a great start and a great initiative, and all those who were involved should be commended.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to speak in the debate on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012, because much of the city of Melbourne stretches into my electorate of Southern Metropolitan Region. I am particularly interested in the Dorcas Street, South Melbourne, building that has been mentioned by many of the speakers in their contributions today.

The original bill that introduced the concept of the environmental upgrade agreements had tripartite support, as does this bill. The Lord Mayor of Melbourne, the Honourable Robert Doyle — an excellent man — approached the Victorian government with suggestions about improving the manner in which environmental upgrade agreements are implemented. We have spoken many times in this place about retrofitting and how expensive it is. Mr Barber in his contribution spoke about shower roses, which we know about. But retrofitting buildings is an expensive

exercise, so this sort of initiative is a very good one to be looking into.

These environmental upgrade agreements are between the council, a building owner and a lending body and will allow the building owner to undertake building improvements and refurbishments that increase the energy efficiency of the building or undertake other similar environmental upgrades. This is quite complicated and involves several parties, and the various contributions we have had this morning, particularly the contributions made by Mrs Petrovich and by the lead speaker for the opposition, Brian Tee, have highlighted this, so it is important that the bill clarifies all of that.

Firstly, the building owner submits their plans to the Sustainable Melbourne Fund to ensure that they meet the requirements and will actually improve the building's environmental impact. This is a very important first step. Secondly, assuming the plans are approved, the building owner borrows funds from the lending body to implement these upgrades, with the approval of the council. The works are then completed. The council then levies a charge against the building, recouping these costs on behalf of the lending institution and forwarding these moneys on to the lending institution. This reduces the risk for the financial institution, the cost of borrowing for the building owner and the energy and other costs for the tenant. In short, everybody is better off, but at the end of the day the environment is the winner.

We can now start to refurbish some of these buildings across the city of Melbourne. The City of Melbourne hopes that some 1200 commercial buildings will be refurbished to improve their environmental efficiency, and this bill will help to make that a reality. So far there have been three environmental upgrades undertaken, and as I mentioned, one of these was at 100 Dorcas Street, South Melbourne, within the Southern Metropolitan Region. With three already undertaken, there are only 1197 to go, so we are on the way. This bill will expedite that process, and I am certain that everyone in this chamber hopes that the City of Melbourne will reach its goal.

Since providing for the environmental upgrades in 2010 there have been a few small problems in the way the legislation has worked in practice. This bill presents a good opportunity to fix and tweak some of those issues. One example is that the City of Melbourne and lending institutions need to better determine when a building owner may be at risk of defaulting. This will be achieved by ensuring that a statutory declaration from the building owner is received before the environmental upgrade agreement can be approved. This may sound like an unnecessary technicality, but when we are dealing with large amounts of money it is very important to tick this box and make certain it is clear. The statutory declaration will contain relevant information regarding the building owner's financial position, specifically any registered and unregistered mortgages, taxes, rates and charges imposed by or under an act.

Allowing more buildings to be included in these environmental upgrades will help the City of Melbourne reach its target, and we are all in furious agreement about that. This is an important bill. We all hope the council reaches its goal of having 1200 buildings upgraded to make them more environmentally sustainable, and I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I join in placing on record some remarks in support of the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. As already mentioned, the bill amends the City of Melbourne Act 2001 to improve the procedures relating to environmental upgrade agreements under section 27N(1) of the act. It specifically amends provisions to ensure that existing mortgage-holders are not disadvantaged by the levying of the council charge on the land.

The environmental upgrade agreement is a complex, tripartite agreement between the City of Melbourne, the owner of the non-residential building in the city of Melbourne and a lending body. It is particularly relevant to the City of Melbourne because so many of the buildings are owned by various trusts, which makes these agreements more complicated. Under such an agreement the lending body advances the funds to the building owner to finance approved environmental upgrades, which can be substantial given the age and the size of the buildings. It makes a lot of good sense — not only environmental sense but also good economic sense, because it reduces the outlays on electricity and water bills. It make sense from every angle. Minimising expenditure is important, especially in the context of rising costs which are aggravated in part by new taxes such as the carbon tax. It means that in the future we all have to be mindful of trying to reduce the outlays and be more efficient, and this is one very concrete way of doing that.

The council will levy an environmental upgrade charge to recover the funds and repay the lending body. I think it is a good way to ensure that the council's ambitious target of retrofitting 1200 buildings — it is called the 1200 Buildings program — is met. Hopefully it will

encourage and support building owners to undertake these much-needed upgrades that will improve energy and water efficiency or that will otherwise enhance our environmental sustainability and add to Melbourne's reputation as one of the world's most livable cities — these types of initiatives will make it even more so. It makes good environmental sense and good economic sense.

Some of these points were already well covered by others. Mrs Coote identified the three agreements that have already been entered into since 2010, so I will not cover those. She also outlined in part the process of the agreements. It is obviously very complex, and hopefully this bill will facilitate these agreements and help the City of Melbourne to realise its very ambitious program. It will help pay for building upgrades that improve the energy efficiency of commercial buildings in the city of Melbourne.

The City of Melbourne's Sustainable Melbourne Fund will assess proposed works to see if they meet the program objectives. The council, building owner and lending body will sign an environmental upgrade agreement. The lending body will then advance funds to the building owner to undertake the works. The council will levy the environmental upgrade charge on the building owner, including interest. The building owner will undertake the works and then pay the charge to the council over an agreed period. The council will then repay the lending body; so it is complex, but I think it can work.

The legislation was proposed and initiated by the City of Melbourne, which must be commended for its foresight in requesting these amendments to deal with its problems. The legislation for environmental upgrades that empowers the council to levy the charge was first passed in 2010, and the provisions in the Local Government and Planning Legislation Amendment Act 2010 relating to environmental upgrades received cross-party support — and that was welcome.

With those few words I wish the bill a speedy final passage, in full confidence that the technical issues in the way that mortgage debts are calculated under the existing legislation — which has currently prevented property trusts in particular from entering into an environmental upgrade agreement — will be resolved and that property trusts, which own approximately 40 per cent of the commercial floor area in the city of Melbourne, will be able to take advantage of what is an excellent program. It will improve the livability of the city's biggest commercial buildings, improve the livability of the city of Melbourne, generate some good environmental outcomes and of course most importantly make savings on electricity and water charges. With those few words, I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CARERS RECOGNITION BILL 2012

Second reading

Debate resumed from 1 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — I am pleased to speak today on the Carers Recognition Bill 2012, which is a bill that the Labor opposition does not oppose. Labor recognises the great contribution that carers make to our community each and every day. It is estimated that approximately 700 000 Victorians perform the unpaid and often silent work that supports some of the most vulnerable members of our community. The Australian Bureau of Statistics survey of disability, ageing and carers, which was last conducted in 2009, found that there were 703 100 carers in Victoria, or 13 per cent of the Victorian population, of which 194 100, or 28 per cent, were primary carers. It also found that of those primary carers 138 000 were women — that is, 71 per cent of the total number of primary carers. I will explain the distinction made by the ABS in relation to a carer and a primary carer. The ABS defines a carer as:

> a person of any age who provides informal assistance, in terms of help or supervision, to a person with disability, or long-term medical condition, or an older person aged 60 years or over. The assistance must be ongoing or likely to be ongoing for at least six months.

It defines a primary carer as:

> a person who provides the most informal assistance, in terms of help or supervision, to a person with one or more disabilities. The assistance has to be ongoing, or likely to be ongoing, for at least six months and be provided for one or more core activities (communication; mobility; and self care).

The economic contribution that carers make to our society is absolutely enormous, and I think if those carers were not there to support their loved ones, the cost to the community and to governments would be

absolutely enormous. A report produced in 2010 by Access Economics titled *The Economic Value of Informal Care in 2010* estimated that the annual replacement value of informal care provided just in that year was over $40.9 billion, with carers providing 1.32 billion hours of unpaid care in 2010. This is a huge contribution that carers are making, and I think it is important that these unsung heroes of our community are recognised. They do deserve all of our thanks.

As a member of Parliament over the years I have had the opportunity to meet many families with a family member who has a disability — or it might be an elderly person who might require additional support. I have absolute admiration for these people. They work in a totally selfless way and devote huge numbers of hours to the task of caring for those loved ones, and I do not think it is possible to do justice to the contribution that they make. I know this issue is very dear to your heart, Acting President, and it is very dear to many of us, because many of us know people who are carers. I would just like to place on record my thanks to them for the contribution they make on a daily basis. They are people who make many sacrifices. Being a carer means they are less able to work in paid employment. The Australian Bureau of Statistics survey on caring in the community, which I referred to earlier, found that being a primary carer can impact on a person's ability to participate in the workforce.

Foster carers and kinship carers care for some of the most challenging and vulnerable young people in our community. Carers support those who have a severe medical condition or a chronic illness, those with a disability and the elderly or frail members of our community, some of whom may be in palliative care. The circumstances in which people find themselves being carers can be very broad in nature. Carers might be young or old and the person they are supporting might be young or old, and it is important to record the breadth of experiences that people are facing in supporting people to live to their fullest, to retain their dignity and to remain active members of our community.

As I said, a carer's tasks can involve an enormous contribution and enormous sacrifices, such as those relating to career, study, health, finances and relationships, many of which are put on hold, sometimes indefinitely. In reading the parliamentary library's research brief on this bill — and I commend the library for the brief as I thought it was — —

Mrs Coote — Excellent.

Ms MIKAKOS — I agree, Mrs Coote, it is an excellent brief. It includes information about the number of hours that carers put in. I was quite astounded to read that there are 69 600 Victorians, or 35.9 per cent of primary carers, who spend over 40 hours a week providing care. That is equivalent to a full-time job providing care to a loved one. We all know from talking to people who are in those circumstances that the level of care can be quite complex. Supporting someone who is elderly or frail or who has a disability can be a very difficult task, and there can be extremely challenging circumstances. Just recently a family who had a very severely autistic child came to see me. He had severe behavioural issues, and that was very challenging for the family. The strain was written all over the mother's face, but she was doing an absolutely fantastic job in supporting her son.

This is an important bill in that it provides recognition of the role of carers. I will speak more about the bill in a moment, but I believe it builds upon some existing things that have already been put in place in relation to supporting carers. The previous government developed a Victorian Carer Card program, which was designed to alleviate some of the pressures on carers, particularly financial pressures, by providing discounts and benefits from over 700 businesses and government venues. We also provided additional accommodation and respite places. I think this is a very important area, and I hope the government will continue to provide additional respite, because the need and demand is just so enormous.

I was really pleased that whilst we were in government we were able to provide funding for some additional respite places in one of my local community organisations, AGAPI Care, which has a respite centre in Preston that provides respite for multicultural families, particularly families from the Greek community. I see many parents who are becoming elderly themselves and who are finding it increasingly difficult to look after children who are now adults and who have severe disabilities. They need to be able to place their children in respite and have that additional level of support.

The previous government also introduced the first-ever Victorian charter supporting people in care relationships. This charter articulates a carer's rights and responsibilities and seeks to protect their rights and the rights of those they care for by ensuring that all care relationships are recognised, respected and supported. I understand that following the passage of this bill the charter will be updated to reflect the new legislation, and I particularly welcome that. The charter's aim is also to support the people in care relationships. I think it

is important to view this bill in the context of things that are already in place. The bill provides further symbolic recognition of the role that carers play in our community.

The main purposes of the bill, as stated in the purposes clause, are to:

(a) recognise, promote and value the role of people in care relationships; and

(b) recognise the different needs of persons in care relationships; and

(c) support and recognise that care relationships bring benefits to the persons in the care relationship and to the community; and

(d) enact care relationship principles to promote understanding of the significance of care relationships.

The bill contains broad definitions of carers and care relationships. For the purposes of the bill a person is deemed to be in a care relationship if he or she provides another person with care or receives care from another person because one of the persons in the relationship has a disability, is old, has a mental illness or has an ongoing medical condition, including a terminal or chronic illness or dementia.

As shadow minister for seniors and ageing, I note that we have an increasingly ageing population. We now have baby boomers who have reached retirement age. Clearly this is going to be a big issue in the community, and it is already a very significant issue. We have many family members providing support to elderly family members, which is why I believe the home and community care program and continued funding and resourcing for it are absolutely critical. We must continue to provide some assistance to elderly members of our community to enable them to age in place, within their family home, which is usually their preference, for as long as possible, and we must provide them with in-house assistance, whether that is meals on wheels or other assistance towards the upkeep of their home. If that assistance is not provided, it will fall to the extended family members to provide it, and, as I said earlier, the contribution that carers make comes at a significant cost. If we are always asking extended family members to provide that level of assistance, obviously it has quite significant consequences in terms of their ability to participate in the jobs market et cetera.

For the purposes of the bill a care relationship also includes children and carers in the child protection system where there is a permanent care order, a child-care agreement or a protection order in place. The bill does not recognise those care relationships where a person is paid to care for another person or cares for another person as part of education or training or as a volunteer through a community organisation.

Part 2 of the bill sets out the care relationship principles, and part 3 goes on to establish the obligations of care support organisations in relation to persons who are in care relationships. This is all very good; it is a positive thing to see these things enacted in legislation.

I note that in its media release of 9 February Carers Victoria said:

> Too many carers are struggling financially. They are physically and emotionally exhausted, and many are socially isolated.

Carers Victoria sees this bill as a symbolic gesture. Symbolism is important, but financial support and practical support is also important. The point I make to the government is that it is important that this bill is also matched by practical support for the families of people with a disability. During the adjournment debate on Tuesday evening I expressed my concern about the restructure of the Department of Human Services and the fact that my electorate has a very high number of people with a disability and the highest number of disability residential facilities in Victoria. I raised my concern that the proposed reduction in staff at DHS might have a detrimental impact on the type of support that the families of people with a disability receive from that department.

On a previous occasion, when I raised an adjournment matter last year with the Minister for Community Services specifically about the family I referred to earlier who have a severely autistic son, I expressed my concern about the lack of flexibility in the individual support package administered through DHS. The mother had explained to me that she wanted to use some of the funding available in that package for respite — for paying for a support worker who had been very helpful to that family — but that the lack of flexibility presented a real problem. It is important that there is recognition, but it is also important that there is practical support for carers and those with disabilities. We need things like growth funding for individual support packages to avoid lots of families waiting indefinitely on the waiting list for that level of support.

I will conclude with some words from Carers Victoria in its media release of 9 February:

> … many carers will see the bill as largely a symbolic gesture. They will be disappointed to have to wait for the government's carer action agenda to learn what real changes may take effect.

As I said, this is a positive step; I do not want that to be misunderstood. However, this legislation has to be matched with more practical support for carers in the May budget, which is only a short time away. Recently a very important report relating to vulnerable children and their families was tabled. As I said, the bill's definition of carers extends to those providing foster care, and those families would also expect there to be some additional practical support for them in the budget. I conclude by saying that the rhetoric contained in this bill today must be matched by action.

Ms HARTLAND (Western Metropolitan) — I would like to thank the previous speaker, Ms Mikakos, for expressing the level of emotion that goes with these issues around carers. I consider myself to be quite fortunate; I am not in a caring role. However, I have seen it among friends who are either caring for a disabled child or, because of their age group, are now starting to care for their elderly parents. It takes a huge toll on a family and is a very difficult role.

The Greens support this bill because it recognises that caring is such a huge job. It is also one of those jobs, it has to be said, that saves the state a great deal of money. I also read the library briefing paper, which was, as usual, of an incredibly high standard. It gave me the facts and figures about the numbers of carers in Victoria. I was interested to read that, as stated on page 14 of the brief, the 2009 Australian Bureau of Statistics survey of disability, ageing and carers found that in Victoria there were 703 100 carers, which is approximately 13 per cent of the Victorian population, that of that number 194 100, or 28 per cent, were primary carers and that 138 000 of these were women and 56 100 were men. It is obvious that it is mostly women who carry out these roles. As Ms Mikakos said, it often comes at a cost to careers and to the way people live, as lives often have to be put on hold for a considerable period of time.

I, too, am interested in the comments of Carers Victoria. At page 18 the library brief refers to the CEO of Carers Victoria, Caroline Mulcahy, as having stated that the recognition of the care relationship, which is unique to Victoria's legislation, is an important element of the bill because it acknowledges the interdependency of people with care needs and their family members. She said the bill is 'long overdue' and noted that it brings Victoria into line with other states with carer recognition legislation. She also said, however, that the bill is 'largely a symbolic gesture'.

From my conversations with a number of carers and carers groups, they really like the legislation but they want the money, they want the flexibility in their care packages and they want the respite. I am aware, as other members of this chamber would be, of two families who in the last two years have taken their children to respite on Friday and refused to collect them on Sunday. There is a massive blockage in respite beds. I absolutely understand why these families did it; they were at the end of their tether and could no longer cope with the physical and emotional needs of that member of their family. It had just become impossible. A friend of mine who has a severely disabled child once said to me that if she could just get the kind of support she needed for her child she could get on with the job of being a mother.

While the Greens support this bill, we need to see dollars and support for carers in extremely practical ways. We will be looking closely at the budget and hoping the government will supply the dollars that are needed for the programs that truly support carers.

Mrs COOTE (Southern Metropolitan) — I have a great deal of pleasure in speaking on the Carers Recognition Bill 2012. At the outset I will read from the Carers Victoria annual report 2002. Under the heading 'What are the kinds of things carers need to keep going?', it says:

> Most of us have a pretty normal expectation of our lot in life. If not great fortune and eternal happiness, then at the very least to be able to work, be financially independent, engage in mutually supportive relationships, plan and make provisions for our future.
>
> For a large number of people, life has not gone quite to plan. As a consequence of accident, chronic illness or disability experienced by a family member or close friend, this large and diverse group find themselves in the role of primary carer. Carers are usually ordinary families meeting extraordinary demands: parents, partners, children, siblings, other relatives or friends of any age, any culture. For these people there are financial, physical and emotional consequences of their caring roles. They are not on a level playing field with peers of similar age or life cycle stage. This inequity is compounded for those carers who already experience the disadvantage of belonging to a group that is already 'marginalised': the indigenous community, CALD communities, someone who is living in remote Victoria or someone who is already financially disadvantaged.
>
> There is a high degree of expectation placed on carers to accept this responsibility privately and silently. In addition, the contribution carers make to the economic wellbeing of the community, often at the expense of their own, is largely taken for granted.

It is in this context that the bill is being debated today. I have to say I welcome the bill's support by both the opposition and the Greens and the poignant contributions that have been made in the debate both in this chamber and in the other place.

The bill fulfils one of the coalition government's election commitments — that is, to introduce legislation to recognise, promote and value the role of carers. That is absolutely essential. Victorian carers and people in care relationships have been missing a clear statement that recognises their important contribution to the community and sets out how they can expect to be treated. This is the vital aspect of the bill. It is essential to understand and achieve the clarity that the whole sector is seeking.

The bill will raise the status of carers and care relationships in the community and align Victoria with other states and territories. The commonwealth enacted carers recognition legislation in 2010, and every other state — with the exception of Tasmania — has implemented carers recognition legislation. The bill will provide legislative recognition of the contribution that carers make and have a positive impact on their day-to-day experiences. For the first time Victoria will have legislation that sets out clear expectations for people and organisations engaging with carers about how they should be treated.

The purpose of the bill is to recognise, promote and value the role of carers. It focuses on supporting care relationships rather than carers themselves. It sets out principles addressing carers, people being cared for and care relationships. The bill also defines the organisations that must comply with and report on these principles.

The Minister for Community Services, Mary Wooldridge, has paid me, as Parliamentary Secretary for Families and Community Services, the extraordinary compliment of having me deal with the disability sector. It is an enormous privilege to do so. I feel extremely humble working in this area. I have seen people in the most extraordinary circumstances. Sadly, over many years this sector has been let down, but it is extraordinarily resilient. I do not have time in this contribution to tell all the wonderful stories I have heard, but I would like to share them with the chamber at other times, because they are quite remarkable.

From my experience there are two types of carers in the disability sector. There are older parents, now in their 80s and 90s, who have children in their 50s and 60s who have profound and severe disabilities. To me these people face some of the most tragic circumstances in our community. When their children were born they were told, 'Take them home. They will not live until their 20s; they will gradually wind down and die'. These parents have lived with this most of their lives. Their children now have many complicated issues associated with ageing. Tragically, those with Down syndrome have a strong predisposition to develop early dementia. These parents are now saying, 'My children may very well outlive me. Where will they go? Who will care for them? What will happen to them?'. This is absolutely tragic.

I recently drove to Mildura and stopped in at Warracknabeal, where I was informed that some disabled people on local farms had never presented at any government agency. Nobody knew who they were, but now that their parents are getting old and frail — and accessing the home and community care services Ms Mikakos spoke of — they are now presenting to the Department of Human Services. These are people we did not even know were out there. It is a tragic experience. We are all working hard to address these issues and to try to establish what the unmet need is.

On the other hand, there are parents who have just had a child diagnosed with a disability. These parents have a very different attitude to life and to the disability. They are far more aggressive, assertive and realistic about the needs, costs, issues and challenges ahead for them. I admire these people, and I put on the record the exemplary work being done by Liz McGarry and Liz Kelly from the Association for Children with a Disability. One of its important programs is to establish a circle of friends around a young child with a disability, recognising what that child's life experiences need to be, how their experiences can be enhanced, how going further forward will be helpful for them and how they can be supported by 'a circle of friends' in their community.

I know we are about to stop for question time, but I have quite a lot more to say. I want to talk about the purposes of the bill in detail, so I will make a start before question time and resume after question time. The first purpose of the bill is to recognise, promote and value the role of carers and people in care relationships. As I said earlier, the bill will raise the status of carers and care relationships in the community and set out clear expectations for people and organisations engaging with carers about how they should be treated.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Places Victoria: chairman

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. On 2 March this year the *Age* reported that in June last year Mr Clarke was hand-picked by the minister to become the chairman of

VicUrban, which has become Places Victoria. The article quotes Mr Clarke as saying:

> Matthew simply rang me up and asked to meet with me and then said to me would that be a task I would be interested to take on …

When the minister appointed Mr Clarke did he know that Mr Clarke's conduct as director of Prime Retirement and Aged Care Property Trust was being investigated by the administrator of that trust?

Hon. M. J. GUY (Minister for Planning) — I have been waiting for Mr Tee to ask me a question all week, and I hope there are a few more. This is hopefully the first of four plus four supplementaries, so we will see what Mr Tee can draw out today. I appointed Mr Clarke as someone who is absolutely qualified for that job. He is not only experienced in planning, local government and industry but also has a huge amount of experience in the planning industry and with community consultation. I think he is the right person for the job. He stands in stark contrast to people like Christian Zara, Monica Gould, Robert Ray, Geoff Hilton and John McQuilten, all of whom were appointed by the previous government and who were not qualified for government positions, in comparison to Mr Clarke. Mr Clarke is an architect. I think he is the right appointment. I made that appointment, and I stand by it 100 per cent.

Supplementary question

Mr TEE (Eastern Metropolitan) — I note that again Mr Guy has not answered the question as to whether or not he knew. At the time the minister appointed Mr Clarke he had received a letter of demand from the administrator of Prime Retirement and Aged Care Property Trust and has subsequently been hit by a $50 million lawsuit, so I ask: will the minister assure the community that a full and proper investigation of Mr Clarke's background was undertaken before the minister appointed him to a job that requires him to oversee billions of dollars worth of development?

Hon. M. J. GUY (Minister for Planning) — Mr Tee might be aware that every candidate for a government-appointed position such as this goes through a full cabinet probity process, as did Mr Clarke, and that process would have brought to attention any issues outstanding on the probity side.

Industrial relations: government policy

Mr O'DONOHUE (Eastern Victoria) — My question without notice is to the Minister for Employment and Industrial Relations, Mr Dalla-Riva, and I ask: can the minister inform the house of how the Baillieu government is working to create a more flexible and productive industrial relations framework, and is the minister aware of any alternative policy approaches?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question, because there is ongoing interest in helping businesses to succeed in Victoria. As the house is aware, the Baillieu government is committed to maintaining a strong and vibrant economy that will deliver long-term benefits to Victorians and generate investment and jobs. However, in order to achieve this we need an industrial relations system that promotes employment practices, productive workplaces and flexibility in industrial relations law.

That is why we welcome the recent decision by the commonwealth to undertake its long-promised review of the Fair Work Act 2009. Many in this chamber would know that we have been calling for this review for a long time. Needless to say, we have been saying for some time that the re-regulation of the labour market under federal Labor's legislation has been detrimental to business in Victoria and, we believe, detrimental to the state's economic prospects. We believe that, as industry body after industry body in Victoria has commented, the current industrial scene is deeply worrying.

As we stated in the Victorian submission to the commonwealth's panel of review, the experience of stakeholders with the Fair Work Act 2009 demands that the commonwealth give proper consideration to sensible amendments that will better promote employment opportunities and generate better business investment. We noted that submissions from business and employer groups, particularly in Victoria, called for a raft of changes to the federal act's unfair dismissal and general protections provisions.

As reported by the *Australian Financial Review*, a recent International Monetary Fund study of 97 countries, including Australia, found that 'inflexible labour laws hamper employment and push up the jobless rate' and that greater labour market flexibility 'could cut the unemployment rate by as much as 1.3 percentage points'. In terms of Victoria these findings could not be any more relevant at a time when the Fair Work Act 2009 is undergoing a review process.

The Victorian government believes practical and sensible reform is possible whilst still maintaining a guaranteed net of fair, relevant and enforceable minimum terms and conditions. For example, in our

submission we do not believe that strike now, bargain later should be the governing creed in enterprise bargaining. That is why the government intervened in the Qantas case — to terminate the industrial action crippling the airline. That is why we are particularly concerned about the regulatory burden that the current commonwealth laws impose on small business. That is why we intervened to defend the rights of retailers, especially in regional Victoria, to hire students for after-school work. That is why we are gravely concerned by unlawful activity by unions on construction sites in Victoria and why we introduced the building and construction industry code of conduct. That is why we in Victoria strongly oppose the abolition of the Office of the Australian Building and Construction Commissioner.

It is indeed alarming from the government's perspective to see that the Gillard government in the dead of night granted special legal immunity to the standover men of the construction industry unions. This marks, in our view, a rank approach by Labor to assist militant building unions. They are only the first of the unions in the queue. We know that, for example, Mr Pakula's National Union of Workers in its submission wanted greater right-of-entry powers and to exert control over the hiring processes of management. Mr Somyurek's Shop, Distributive and Allied Employees Association wants the abolition of individual flexibility arrangements. What this does is make Victoria less productive — —

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

Smoking: regulation

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. In the lead-up to the 2010 election the minister's leader, Mr Baillieu, gave an undertaking that an incoming Liberal government would introduce reforms in terms of smoking bans in open dining settings and public places in accordance with the advice it received from VicHealth. In light of that undertaking, and in light of the interest of the minister's government in exploring the role of health outcomes in planning legislation or planning amendments, is there any intention of the government to incorporate those commitments and bring those elements together?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. As he knows, I have always treated this as an area requiring broad public discussion but also an area where the opposition and other parties have significant points to make on these matters. Smoking control — tobacco control — has involved a long series of steps taken over many years, usually with bipartisan support and usually with the — —

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — No, that is absolutely true. Let me evidence that for Mr Pakula, who sniggers. Mr Drum brought to this chamber a bill that was supported by the Greens, the Liberals and The Nationals — and indeed the Democratic Labor Party — that sought to do two things in the last Parliament. It sought to ban smoking in cars where children were present and also to put a ban on smoking display at point of sale. That was supported by everyone in the Parliament. I think this is an important principle, and I indicate that the incoming government was proud to implement that point of sale ban on 1 January 2011. I pay tribute to Mr Drum and to the previous government for the steps in that direction. It took a little while, but we did get there.

I can indicate that the current government also fixed up the problems with the legislation that did not allow the enforcement of bans on smoking in cars. We have also taken some steps, as some in this chamber may remember, to ban flavoured and coloured tobacco papers that were being used as inducements for younger people to take up tobacco activities. We have also supported in a genuine bipartisan way the efforts of the federal minister to deal with plain paper packaging. I have been quite — —

Mr Jennings — That is not exactly what happened; it was not exactly bipartisan.

Hon. D. M. DAVIS — On our part it was indeed — we actually did support it. I stood with the then federal Minister for Health and Ageing, Nicola Roxon, and made supportive comments of her position on plain paper packaging. My point here is that there is a longer term sequence of events that will need to occur, and the government is very committed to working with VicHealth and a number of bodies, like Quit, the Cancer Council and others, including the Municipal Association of Victoria, to introduce better tobacco control measures over time.

The point of outside tobacco bans at restaurants and related venues involves an important set of steps that is being discussed at the moment. It is true that I have received advice from VicHealth. I have met with VicHealth officials. I have also had discussions with Quit. I have had discussions with the Cancer Council, the Heart Foundation and other significant groups. This

is an area we need to thoroughly work through and make sure that we get the very best outcomes.

My commitment to the member — and I welcome the question — is that the government is committed to tobacco control. We are committed to doing that in a way that leads to bipartisan outcomes across the Parliament and support from the community as further steps are taken. We will continue to take sensible practical steps, and we will do that after working through the issues in each of those areas. If the member has particular points that he wishes to make to me in a broader sense than in the chamber, I am happy to discuss those and would look forward to those comments.

I also make the point that the government is proud to have launched the first public health and wellbeing plan that lays out important steps on public health, including tobacco control.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — President, you know I would appreciate that totally diplomatic and inclusive answer from the minister. What I am interested to know, though, in terms of the consideration of some of those matters that he has already indicated to the house he is considering, is whether the consultation involves other relevant stakeholders apart from the good stakeholders that he mentioned — for instance, the Australian Hotels Association in relation to the potential impact on beer gardens, the retail sector, restaurant associations or local government — and the nature of inclusion in that process. I seek from the minister some undertakings in that regard. Can he provide some clarity on whether he will be bringing those reforms to the chamber or whether the planning minister may be assuming responsibility for legislation that deals with public health and public health spaces?

Hon. D. M. DAVIS (Minister for Health) — Again I thank the member for his question. I indicate that no significant steps will be taken in these areas that involve broad sections of the community or economy without proper and full consultation. I was very happy, for example, to take the step of banning the — —

Mr Lenders — The same groups you mentioned?

Hon. D. M. DAVIS — Including the Australian Hotels Association and restaurateurs — the full spread, of course. They are matters that need to be worked through in exactly the spirit I have indicated to ensure that any steps taken are able to be delivered sensibly and with minimal economic impact. Indeed there is a long list of steps that could be taken, and we will certainly seek advice from the broadest possible spectrum including, I might add, Mr Jennings if he has something to contribute.

Higher education: training programs

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, and I ask: what is the government doing to ensure that training programs delivered in Victoria are of the quality expected for both industry and of those engaged in training?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mrs Coote for this very important question about a matter of quality in training programs and which has been raised with me by various members of this chamber, including Ms Pennicuik in recent times. This is an important issue, how in a market-driven training system we can ensure that quality is not compromised by the need to make a profit out of training. Some very strong measures are being actively considered by government, and in some cases have already been implemented, to ensure that the product needed by both consumers and industry from training in Victoria is one of quality that meets their needs.

Included in the suite of measures being considered by the government is, first of all, a number of measures which seek to better inform consumers about the quality of the product which they are about to engage in — that is, the commitment they are making to training. They need to ensure that what they are signing up to will lead them to a qualification of integrity and will lead them to a vocational outcome at the end of that.

Part of having better informed consumers is to make available in a readily accessible and comparable format items you need when you are seeking to enter an area of employment or a vocation: firstly, what courses will lead you to that vocation; and, secondly, what providers actually deliver those courses. You need to know something about the provider too so that you can look at the provider's status and make some decisions on that as well. You also need some cost factors, and now Skills Victoria is requiring providers to make available and publish the costs for the delivery of some of those programs. On a readily accessible website that is currently being developed by Skills Victoria we will put together such information so that consumers can make a better informed choice about a training program which they are about to sign up to.

Also as part of that consumer choice we are seeking to develop third-party endorsement for those training programs. When we buy a washing machine or a refrigerator we look for some third-party endorsement — it might be a star rating alongside it — to help us in making that choice. What we are looking at is whether we can get third-party endorsement for training programs by industry associations, for example.

An honourable member interjected.

Hon. P. R. HALL — That may be the case. What we are looking to do is to work with industry to get its endorsement, so if you are signing up to a program and it has a Housing Industry Association endorsement or an Institute of Chartered Accountants in Australia endorsement, then you know something about the product you are buying and you have more confidence in the quality of that product. Those are the sorts of things we are doing.

Within Skills Victoria we will be establishing a market monitoring unit that will have constant oversight of the market to ensure that it is delivering the sorts of things and the outcomes that employers need and that people who are engaged in those training programs will benefit from. We are also looking at establishing a rapid response team to ensure that any complaints about providers or the quality of programs are followed up immediately, not just by a paper audit but by a physical presence at the training provider to ensure that quality measures are not being compromised.

I have also mentioned that Skills Victoria has already introduced some stronger contractual requirements on providers, and many — and I am talking about of the order of 40 or so — who were qualified and were contracted to deliver government-subsidised programs last year, and now this year, have not met those higher standards.

We acknowledge that quality is the prime concern in training in Victoria, and the measures I have just mentioned are but some that we intend to implement to ensure that quality is not compromised.

Hospitals: waiting lists

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. I remind the minister that as recently as last year, in April 2011, which may seem a long time ago, he said in this chamber that the coalition government was committed to reducing waiting lists for elective surgery in Victorian hospitals. Subsequently, through the remainder of 2011, the minister entered into contracts with these very hospitals in Victoria to increase the waiting list and make it longer by 7564 patients, the number expected by the end of this year. Does the minister have any way in which he can reconcile his commitment and his intention with the outcomes of the contracts he has signed?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his questions and indicate that the government is committed to delivering the very best through Victorian hospitals. We have record spending of $13 billion through the Department of Health this year — that is an increase of $725 million. The acute budget increase is $565 million. We are working as hard as we can with health services to get the best outcomes possible, and we will seek to work at every turn on the waiting lists to get the very best results for the Victorian community.

It is true to say there were a number of black holes left to us by the previous government that have needed to be filled and dealt with, including the Olivia Newton-John Cancer and Wellness Centre, which was not fully funded and required a $44.9 million injection to finish the project, of which only the shell of the centre had been funded. Another key point is that ICT projects and other projects of that type had massive black holes left by the previous government. We are working very hard to deliver the best we can for the Victorian community and will continue to do so.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Clearly, in my hearing, the minister did not in any shape or form reconcile what was an undertaking to reduce the waiting lists with the outcomes he expects from the contracts he has entered into, which are to increase the waiting lists for elective surgery in Victoria. Does the minister believe he will make any further undertakings to reduce waiting lists within the remaining two-thirds of the term of this government?

Hon. D. M. DAVIS (Minister for Health) — Again I thank the member for his question and indicate that the government is committed to getting the best results for patients and the best results in relation to waiting lists. As I have pointed out in this chamber before, we have faced the very significant withdrawal of $4.1 billion worth of commonwealth GST revenue, with $2.5 billion of that withdrawal of GST being a carve-up of the funds available, and that has worked detrimentally against Victoria. That is having a very significant impact on the state budget and a significant impact on the outcomes that can be achieved across a

number of portfolios. As a government, we will be working very hard in the hospital sector to deliver the very best outcomes we can possibly achieve for Victorians.

Planning: zoning initiatives

Mr FINN (Western Metropolitan) — My question without notice is to the Minister for Planning. Can the minister advise the house what action the Baillieu government is taking to increase housing densities throughout central Melbourne and in regional cities?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Finn for his interest in how the Baillieu government is growing central areas of our cities right across Victoria and how it is growing central Melbourne and regional Victoria. I have pleasure in informing the house that recently I instructed my department to begin work on examining the expansion of the capital city zone and its use outside of the Hoddle grid within the central Melbourne area and also for its possible use around regional cities in Victoria.

That zone in itself can be an enabling zone — one that can provide job opportunities and growth to not just central Melbourne but also regional Victoria. It is an enabling zone that can have in-built heritage protections, which can be much more significant, say, than an activities centre zone or a mixed-use zone. It gives a greater level of flexibility and a greater level of certainty to those who want to invest and to councils that may wish to incorporate the capital city zone into their planning scheme as a mechanism for use in those central city areas.

This builds on the work that has been done previously by both the City of Melbourne and past state governments, notably the Kennett government around the Postcode 3000 initiative, to bring people into central Melbourne so that our central city area is populated and vibrant and people actually want to live there. It diversifies our CBD as a place to live and work. Some people think that if you live in the outer suburbs of Melbourne, you are instantly going to become obese. They think we should legislate for bok choy to be on sale in every Woolworths in, say, Point Cook or Mernda. But the Baillieu government actually believes in a much more pragmatic approach, and that is to use the planning system to expand the capital city zone to bring density to our central city areas.

As members might know, the Hoddle grid was designed for a town. The grid of 1 mile by 1.5-mile streets, which outlines the Melbourne city area, was designed nearly 160 years ago. It has been serving us well, but we have reached a period where we believe that we need to examine the use of the capital city zone.

The central city zone in the capital city of Melbourne is a vibrant place to be. It is more vibrant now that we have a major events calendar for the central city area. Mr Finn made reference to the beginning of the major events calendar last night, which opened in 1990 with John Cain's international tram festival — which was so popular that they welded the trams to the tracks! The calendar has been added to over the years with other events introduced by the Kennett government, and other governments to a limited extent, to make Melbourne's CBD vibrant. It is about jobs growth and opportunities through the planning system.

Mr Lenders — That was John Cain the first.

Hon. M. J. GUY — Mr Lenders is quite right — it was John Cain who brought the Olympics delegates to Melbourne when the tram festival was on, I believe, in 1990. They might have had their McDonald's in a Z-class tram that was welded to the tracks on Elizabeth Street. Mr Lenders might have worked for him at that stage.

We are also looking at expanding that zone and offering expansion to regional cities. We want our regional cities to grow and grow well. It is an offer to regional cities that will be on the table, and the work will be done.

Look at Geelong and the opportunities that exist there. Geelong has a north-facing city centre, a Hoddle grid of its own and good education. It is close to world-class tourist facilities, and it has a hospital initiative that is being worked through at the moment by the Minister for Health, Mr Davis, and me, with planning approval recently being given. It has the ability to grow and grow well, and we have great confidence in Greater Geelong.

Look at Ballarat as well. That city has land resources to the west of it and precinct structure plans being approved. We have confidence in Ballarat, as of course we all do in Bendigo, a city in the forest that is growing well, that plans to expand and to grow. The Baillieu government has confidence in Melbourne and Victoria's regional centres, and it is going to offer all of those councils the ability to grow.

Budget: government performance

Mr LENDERS (Southern Metropolitan) — My question is to the Assistant Treasurer. I draw his attention to the midyear financial report, particularly page 4 and note 7 on page 38, which, among other things, shows that revenue from payroll tax is above

expectation by 2.4 per cent, shows that revenue from insurance tax is up, fees from electronic gaming machines and traffic fines are up and shows that commonwealth grants — that is, GST and specific purpose payments less capital — are up on what was predicted for the first half of the year. Also page 9 shows that capital expenditure has slowed, but page 10 shows that despite this, net debt has gone up by $4 billion in six months and net financial liabilities from insurance have gone up by $6.5 billion in six months.

I ask: how is it possible with this strong revenue coming forward that for six months of the Baillieu government under the minister's stewardship debt has gone up by $4 billion and net financial liabilities in the minister's portfolio, for superannuation, have gone up by $6.5 billion?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question — or his grab bag of questions, statements, claims and references to 10 or 15 different pages from the midyear financial update. As Mr Lenders well appreciates, this does not reflect a full-year outcome for the state of Victoria or for the general government sector. As Mr Lenders also well recognises as a former Treasurer, there are timing differences between receipts and expenditure. On the issue Mr Lenders raised of an increase in general government net debt, I might point out to him that that was built into his last budget.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I note that my question on debt is exactly the same as Mr Rich-Phillips's question to me some years ago, but on the issue of net debt I point out to Mr Rich-Phillips that the last Labor budget had net debt rising to 5 per cent of the Victorian economy; this rises to 7 per cent. The last Labor budget did not have more than $30 billion of net debt. I ask Mr Rich-Phillips: in his stewardship as Assistant Treasurer, will he explain to this house and the Victorian community how unfunded superannuation liabilities in his portfolio have risen by $6.5 billion in six months?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question that has now been narrowed down to superannuation liabilities. I draw his attention — not that he needs it to be drawn — to the issues of discount rates and falling interest rates and the impact they have on superannuation liabilities.

Employment: health infrastructure

Mrs KRONBERG (Eastern Metropolitan) — My question without notice is directed to the Minister for Health and Minister for Ageing, the Honourable David Davis. I ask: can the minister inform the house how investments by the Baillieu government in expanding health infrastructure are creating more jobs in Victoria?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her ongoing interest in some key health infrastructure, particularly in her electorate of Eastern Metropolitan Region. I draw the attention of the house to a number of key projects that relate to the metropolitan area in this case. Just last week I referred to a number of country hospital projects that have delivered significant jobs across country Victoria. Today I am going to refer to a number of city health projects that will create a number of jobs in the city of Melbourne.

Construction worth $447 million at the Box Hill Hospital redevelopment will result in more than 1300 construction jobs over the duration of the project, including 250 new jobs. As the community will appreciate, this was a greater commitment by the coalition than by the previous government, lifting the focus of $407 million to $447 million. The significant increase in spending to upscale the project will deliver a better project for the people of Melbourne's eastern suburbs, and I note Mrs Kronberg's long-term advocacy, and indeed the President's advocacy, for the proper scaling up of the Box Hill Hospital redevelopment. That process is well under way. Last November I announced that Baulderstone would redevelop the Box Hill Hospital, and I marked the start of construction. The Victorian government is committed to the additional upscaling.

I also note that in the last budget we announced a $35.9 million redevelopment of the Frankston Hospital, which will deliver a jobs boom of more than 100 full-time jobs. This is significant. The Frankston Hospital project will include additional beds, an intensive care unit and additional capacity that will make a significant difference at that hospital. Whether those jobs are in the country or in the city, the key thing is that these important health projects will not only deliver health infrastructure that will make our health system stronger and better but also deliver jobs. They will deliver economic activity not only at the site but also throughout the whole supply chain — that is, the supply chain that will deliver jobs right across Victoria.

The advocacy of coalition members for the upgrade of the Box Hill Hospital funding to $447 million and the

advocacy of Mr Shaw, the member for Frankston in the other place, for the $35.9 million development of Frankston Hospital have been significant boons for their communities and indeed the whole Victorian community.

Children: Take a Break program

Ms HARTLAND (Western Metropolitan) — My question is to the Minister for Children and Early Childhood Development, Ms Lovell. The last time I asked the minister a question about the Take a Break occasional child-care program was in November last year. On that occasion the minister did not rule out re-funding the program, but in the meantime child-care programs are closing and staff are losing their jobs. The Association of Neighbourhood Houses and Learning Centres is monitoring the impact of these cuts. It knows for certain that 9 child-care programs have closed and another 17 are scheduled to close. At least 6 of those are the only centre-based child care available in regional towns. Sixteen per cent of providers have cut their hours — for example, in Port Fairy providers have cut back from five days to two days per week, and in Swifts Creek providers have cut back from three days to one day per week. Once again, they provide the only centre-based child care in those towns. Furthermore, 28 staff have lost their jobs. Most of the places — —

The PRESIDENT — Order! The member's time has expired, and I am concerned that there was no question; it was all statement.

Ms HARTLAND — If there had not been so much talking in the background, I might have been able to finish my question.

The PRESIDENT — Order! In this case I do not believe that was the case. I ask Ms Hartland whether she could frame the question within seconds.

Ms HARTLAND — Will the government restore funding to the Take a Break program?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — As I have explained on many occasions in this house, the funding of child care is a federal government responsibility.

Supplementary question

Ms HARTLAND (Western Metropolitan) — My supplementary question relates to Western Metropolitan Region Take a Break programs at Duke Street Community House and Craigieburn Education and Community Centre, which are facing closure in June, and to cuts to place numbers that will be made to the program in Wyndham. There is also a cut to hours at Wyndham of 12 hours, and three staff members have lost their jobs, while the costs have gone up by 15 per cent. Does the minister have any idea of the impact these sorts of cuts to child care are having on families in the western suburbs?

The PRESIDENT — Order! My concern now is that the supplementary question goes to a totally different matter to what was raised in the original question. Perhaps that is because I required Ms Hartland to frame her question very quickly because of her running over with her commentary. I will let the minister answer as she wishes.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I welcome the opportunity to comment further on this issue. As a result of my advocacy to the federal government around its defunding of occasional care in Victoria, the federal government has actually announced 250 additional places for occasional care in Victoria, and former Take a Break services are eligible to apply for this commonwealth funding. As I have previously explained, the commonwealth government is the level of government responsible for the funding of this program.

Employment: manufacturing sector

Mr KOCH (Western Victoria) — My question without notice is to the Minister for Manufacturing, Exports and Trade, my colleague the Honourable Richard Dalla-Riva, and I ask: can the minister update the house on any recent jobs data in the manufacturing sector?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question. I know Mr Koch and many others in this chamber have been very supportive of the manufacturing sector over this term of government. I acknowledge that we have been facing over that time many challenging issues. We all know about the high Australian dollar, we know about Australia's interest rates, we know, as I discussed before, about Labor's inflexible workplace laws and we have also noted the impact the carbon tax will have on manufacturing.

I can, though, look at the latest ABS (Australian Bureau of Statistics) data figures released today. While there are fluctuations in the quarterly figure, in terms of the quarterly report we now find that manufacturing employment in Victoria rose by 13 900. We are now at 310 900 jobs in manufacturing here in Victoria — and Mr Lenders does not want to hear it!

Mr Lenders — On a point of order, President, the minister has referred to an ABS report. I think for the clarification of the house he should tell us which ABS report he is referring to. That would be helpful to his answer.

Hon. R. A. DALLA-RIVA — Yes, I can provide it: http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6291.055.003Feb%202012?OpenDocument.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — I put that on the record because the great architect of Labor debt wanted to know the figure. As I said, we have been taking a measured approach to this; we have been sensible. We have been recognising the challenges facing the manufacturing sector, and what I find fascinating is that when we report a significant growth in manufacturing we are subject to an interjection to play what I would call, really, a smarty-type approach.

This is important, because we have heard time and again those opposite wishing to talk down the manufacturing sector. This week, last week and every other week I have talked about the importance of manufacturing, and every week we have heard those opposite squawk and bark. They love to wallow in the doom and gloom of an industry that is really trying to do the best it can under federal policies that are making it as hard as it could be.

When you look at the year to February 2012 you see in fact that manufacturing employment rose by 2200. That does not seem to correspond with the attitude of those opposite. Of course we are very focused on ensuring that manufacturing remains a core component of employment here in Victoria. We announced recently 350 jobs at Tomcar in Oakleigh. What I find staggering is that when we are here to provide support to the manufacturing industry — we went through it with the strategy, we are on target, we know what we are doing — those opposite, and I have seen it time again, fail to understand the importance of the manufacturing sector — —

Mr Koch interjected.

Hon. R. A. DALLA-RIVA — Or care, as Mr Koch points out. As I said, while the opposition talks the economy down and takes political delight in any negative jobs data, the Baillieu government is taking the tough decisions to fix Victoria's economy. We know the previous Labor government squandered the boom years and economic prosperity and frittered billions of dollars away down the drain.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 343, 345, 349, 357, 368, 370, 382, 396, 404, 417, 471 and 475.

CARERS RECOGNITION BILL 2012

Second reading

Debate resumed.

Mrs COOTE (Southern Metropolitan) — Prior to question time I was talking about the purpose of the bill. As I explained, it is to recognise, promote and value the role of carers and people in care relationships. The meaning of a care relationship is a very important point, and it is defined in clauses 3 and 4 of the bill. The bill focuses on supporting care relationships rather than focusing exclusively on the carer. Focusing on the concept of a care relationship acknowledges that carers are in a shared arrangement between the carer and the person for whom they care. In this aspect, this legislation will be unique to Victoria.

The bill is not intended to recognise carers who are paid to provide care or are doing so as part of voluntary work, training, education or coursework. I go back a long way with Carers Victoria, and this was always a moot point. It was very difficult to identify what was meant by the term 'carer' — whether it was those who work in the voluntary area and those who have paid employment or whether it was the primary carers. I think there is a very good explanation and differentiation of this in this bill, and I know that the whole sector is going to be very pleased with these definitions and this clarity.

The bill contains a statement of care relationship principles in clauses 7, 8, 9 and 10 that build on and expand Victoria's existing charter of supporting people in care relationships, which came into effect in 2010. I was pleased to hear Ms Mikakos mention this issue, and we can reassure her that, yes, the charter will be updated once the bill is passed here today. The charter supporting people in care relationships is still current and relevant to this new legislation. It will be updated just as I have said and as Ms Mikakos expected and called for.

In clauses 5 and 11 of the bill, the obligations for agencies covered by this bill are very important to understand. State government departments, local councils and service organisations funded by government to provide programs and services to people in care relationships must comply with the bill. It is

important to understand that the bill does not apply to schools and early childhood services, as these organisations already recognise, promote and value the role of parents as the carers of their children. Organisations must also consider the principles in the Care Relationships Bill 2012 when setting their policies and providing their services, and they must report annually on their compliance with their obligations under the legislation. This will have a long-term impact on the change in culture in relation to carers. This is a very important aspect. People in organisations will be able to go back to this bill to check that.

The reporting and compliance provisions in clauses 11 and 12 state that organisations will be required to report their compliance with their obligations under the legislation through their annual reports. That will provide clarity, which is very important.

As has been said here before, there are over 700 000 unpaid carers in Victoria, and they deal with mental illness, disability, older people and younger people. Children are increasingly becoming the carers of their parents who have a disability of some sort. For many Victorians — approximately 200 000 — their children are the primary carers.

It is interesting to look at the history of Carers Victoria. When members look at some of the milestones in its history, they will see that the issue of carers, the responsibilities of carers and their place within our community have really only been recognised relatively recently. For example, the organisation Carers Victoria has only been going since 1992. It is important to realise that it was at this stage that the work that carers had been doing for decades was formally recognised.

Carers Association Victoria started in Richmond, and the first part-time staff were employed in 1993. In the year 2000 it changed its operating name to Carers Victoria, and a statewide counselling program was started in early 2003. In 2005 Carers Victoria launched its website, and there were nearly 3 million hits, which is enormous. In 2007 the value of pro bono support and gifts in kind obtained for Carers Week was in excess of $50 000. We are starting to see a litany of what was happening with Carers Victoria and the opportunities it seized right through until 2009, when there were over 5000 members, including carers, former carers, support groups and organisations.

I want to put on the record my acknowledgement of one of the former presidents, Anne Oakley, for the extraordinary amount of work she did to raise the recognition of carers, as indeed did Maria Bohan, who was one of the initial directors.

It is interesting, with all this background, to hear what Carers Victoria, the peak carers organisation in this state, has said about this bill. I will quote from a Carers Victoria media release of 9 February 2012:

> Carers Victoria's CEO Caroline Mulcahy said 'This legislation is important because it recognises the care relationship; a principle that is unique to Victoria's legislation and one that acknowledges the interdependency of people with care needs and their family members. We congratulate the Victorian government for its commitment to supporting and recognising caring families.

As I said at the outset, this is an important bill. It enhances recognition of the absolutely extraordinary work that carers do in this state. I am pleased with the contributions made by members of the opposition parties. I commend the bill to the house and congratulate everybody who was involved. I also want to say that I congratulate, praise and respect all the carers across this state — more than 700 000 people perform extraordinary caring tasks every day. Each and every one of them is to be commended, and this bill is for them.

Ms DARVENIZA (Northern Victoria) — I am very pleased to rise to make a contribution to the debate on the Carers Recognition Bill 2012 before the luncheon break. The opposition is not opposing this bill. Labor members have a record of supporting carers; in fact this bill is a logical extension of the work that we did when we were in government. In June 2010 the then Labor government launched *A Victorian Charter Supporting People in Care Relationships* and the Victorian Carer Card. The charter articulated the rights and responsibilities of people in care relationships and set out how they could be supported by organisations, governments and the community. The charter also sought to empower carers to access the services available to them and to the person in their care, as well as providing practical assistance such as listing the supports and resources available to assist carers.

There are more than 140 000 carers in Victoria, and they represent all age groups. They can be friends, neighbours or family members who care for people who are unable to care for themselves. In my previous life, before I became a member of Parliament, I was a nurse. Working particularly in mental health services and related services, and as a union official covering these workers, I came into direct contact with many people who were carers, and I want to take this opportunity to acknowledge the tremendous work they do and also acknowledge the tremendous pressure and strain they work under. A lot of that strain is not just emotional or the result of time constraints or the relentless burden of continually caring for someone; it

is also the result of the financial assistance that is required when you give up your work, change your job or reduce your hours so that you are able to care for someone. I want to acknowledge all that.

The charter document states at page 4 that:

> One thing in common for all carers and the people they care for is being in a care relationship.

It then states:

> Each care relationship has different needs and challenges.

This bill continues to promote that care relationship rather than the carer or the person being cared for.

I note that in the second-reading speech the minister said:

> This bill is consistent with the charter … The charter will be updated to reflect the new legislation and will support implementation of the bill.

I will not go into the detail of the legislation. Mrs Coote has covered that adequately. However, I want to note that the focus of the bill is on the care relationship rather than the carer. Clause 4 defines a care relationship as follows:

> (1) For the purposes of this Act, a person is in a care relationship if he or she provides another person, or receives from another person, care because one of the persons in the relationship —
>
> (a) has a disability; or
>
> (b) is older; or
>
> (c) has a mental illness; or
>
> (d) has an ongoing mental condition …

In addition, a care relationship includes children and carers involved in the child protection system who have a permanent care order, a child-care agreement or a protection order in place. Mrs Coote also covered the range of those relationships in her contribution and pointed out those areas that are not covered by the bill, so I will not repeat all that.

The bill applies to public service care agencies, publicly funded care agencies and subcontractors of funded care agencies as well as any person, body or class of person to be prescribed by the regulations.

In the second-reading speech the minister refers to the bill as being part of a carer action agenda. Carers Victoria has said that while the Victorian carer action agenda will provide an opportunity for this government to deliver tangible changes in funding policy and service delivery to better support caring families, it wants to know how long Victorian carers will have to wait before they see real action taken for them and the people they care for. This is really important, because we know too many carers are struggling financially for all the reasons I mentioned earlier. They have to give up work, change jobs or go to reduced hours, so the financial burden on them is great. They are physically and emotionally exhausted, and many are socially isolated. They are also desperate for change so that they have the services and support they require.

I am keen to see that the government matches the words and sentiments outlined in this bill — which build on the actions of the previous Labor government — with action, and that real support is provided to support carers in their everyday activities and their everyday lives as they meet the challenges they face daily in caring for someone who is physically disabled, intellectually disabled or elderly or who has a mental illness. I think that the May budget will be a perfect time for this government to show just how serious it is about supporting carers.

Talk is cheap. What we want to see is action out there on the ground so that those people who are stepping up every day to the challenges faced by carers have the support they need — primarily financial support, but also access to a range of services that will assist them, whether that be respite services, whether that be their ability to get out and about more easily or whether it be additional support in their home so that their time is freed up to deliver the personal care that is required by the person for whom they are caring.

It is not enough to say we have a bill. It is not enough to say we are building on what the previous Labor government has done. It is not enough to say that we care about carers and want to support them. We have to put our money where our mouth is, and that is what I am asking the government to do. It is very important that this legislation is backed up with the funding that our carers need.

The Labor opposition supports carers. We always have. We are not opposing this bill. We think it is a good bill that builds on the work that has been done before. I wish it a speedy passage.

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to rise in support of and to offer my commendation for the passage of the Carers Recognition Bill 2012. From the outset I put on the record that the input from the opposition in support of this bill is welcome, as is the input from the Greens. All the contributions have been very grounded, based on

extensive contact with people who are reliant on carers and fully cognisant of all the challenges. I also place on the record just how much I acknowledge and value the role of carers in our society, especially a number of those who I know are carrying an extraordinary burden.

I want to make particular comment about the plight of ageing carers. As Mrs Coote mentioned earlier, many of them are parents of children suffering Down syndrome. The outlook for people with Down syndrome is that they live a longer life nowadays, so a lot of adjustment has had to be made to accommodate what it means to be the carer of people over a 50-year or 60-year period — the horizon being extended from people passing away in their 20s — which is a whole new paradigm.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Mrs KRONBERG — Before the break I was making a point about the role that elderly carers play in our society and how they deserve the opportunity for respite and the opportunity for recognition. This is also an opportunity for me to underscore the fact that in making my contributions on this bill I do so looking through the lens of my own experiences. In 2000 and 2001 I was the primary carer for my mother before her untimely death through cancer, and in the first half of last year I was the primary carer for my father, who was also dying from cancer. The role was reversed when I became a person in need of a carer — namely, my loving husband, Mike, whom I thank for the care he provided during the four months that it took me to learn to walk again last year.

I want to give special recognition to a family I know where the mother is suffering from multiple sclerosis and the son is disabled as a result of being diagnosed as in the autism spectrum and also suffers from neuropathy. The very brave father, who I think draws strength from his Christian faith, is a physically strong man, but even he succumbed to illness. He is only in his early 50s, but last year he was hospitalised for some time.

There is an enormous physical toll on carers, and it is wonderful that we are finally providing this form of recognition. This is a promise the Baillieu government made as part of its election commitments to the people of Victoria to introduce legislation to recognise, promote and value carers. This bill honours that commitment and brings Victoria into line with other states and territories that already have this sort of legislation.

Importantly the bill will raise the status of carers and their relationships in the community and extend the recognition of carers into the Disability Act 2006. The bill also marks an important step in the government's carer action agenda and supports the actions the government has already taken to improve services for carers in Victoria. The focus of the bill is on supporting care relationships rather than exclusively focusing on the carer. Focusing on the concept of care relationships acknowledges that carers are in a shared arrangement between a carer and the person for whom they care. If the relationship is strong, the carer and the person being cared for will have better lives. This approach is consistent with Victoria's existing charter supporting people in care relationships. The care relationships approach has been subject to significant consultation, which is the signature conduct of the Baillieu government, and it is broadly accepted by the community sector. Schools and early childhood services do not have to comply with the act because they already recognise, promote and value the role of carers of their children.

I would like to pick up on a comment in Ms Mikakos's contribution. Whilst the Labor opposition is supporting this legislation and its members went to great pains to give their emotive contributions, they had to make a comment which, I understand, arose from the debate on this legislation in the other place, and it goes to the important reforms the Department of Human Services is undertaking. These initiatives are going to broaden the approach for the delivery of services out of the department.

We are going to take down the silos and the fiefdoms that prevailed in that department and have a department with a broader understanding, better communications, better reporting structures and an interaction for a whole-of-life, whole-of-person, whole-of-issue and whole-of-matter response. I have to congratulate the minister on this, and she was ably supported in her contributions by the parliamentary secretary.

An important point to make is, given that such legislation was brought forward in every state and commonwealth jurisdiction in around 2004 — and it was a 2002 election promise from Labor — why did it take Labor so long to come up with its carers charter in 2010? I commend this legislation to the house.

Mr TARLAMIS (South Eastern Metropolitan) — I also rise to speak on the Carers Recognition Bill 2012. I will begin as others have by indicating that the opposition will not be opposing this bill. The bill's purpose is to recognise and support the needs of people in care relationships and enact principles to promote

understanding of the significance of care relationships. It provides a formal recognition of the care relationship and the significant role that carers play in the community.

Hundreds of thousands of Victorians perform unpaid and unsung work every day of the year to support children in foster care or kinship relationships, as permanent carers, for people with a disability, a severe or chronic medical condition or a mental illness and for people who are frail, aged or in need of palliative care. I am sure that everybody in this chamber would agree that the sacrifice and contribution carers make to improve the lives of others is invaluable. They give those they care for the opportunity to live their lives to the fullest, retain their dignity and remain part of the community.

A report produced by Access Economics estimates that the annual replacement value of informal care provided in 2010 was more than $40.9 billion, with carers providing 1.32 billion hours of unpaid care in 2010. This informal care was provided without charge and usually by a family member.

Carers represent all age groups, and while the majority are family members, they can also be friends and neighbours. I am personally aware of the pressures that are placed on families when performing a carer's role. I experienced it firsthand when my then 15-year-old brother was diagnosed with cancer and underwent two years of chemotherapy and radiation therapy treatment, and my parents were faced with the challenges of having to look after him — with the ups and downs of the treatment and everything that was going on — as well as raising my 11-year-old sister and me. I was aged 13 at the time. To add to that my father was also running his own business. The pressures on the family were immense, but they paled in significance compared to what my brother was dealing with. Unfortunately the treatment was unsuccessful and we lost my brother, which led to a new set of challenges for my family. However, many carers endure much longer periods as carers, and I can only image the toll that it takes on their families and them personally.

Before turning to the detail of the bill, which builds on the work undertaken by the former Labor government, I wish to reflect on Labor's record of supporting carers. In June 2010 *A Victorian Charter Supporting People in Care Relationships* was launched by the former Minister for Community Services, Lisa Neville, which not only created the Victorian Carer Card but also sought to define, among other things, how the rights of people in care relationships were protected. This feature of the charter outlines the rights and responsibilities of people in care relationships and how they can be supported by organisations, governments and the community. It aimed to empower carers to access the services available to them and the person in their care and to provide practical assistance such as listing the support services and resources available to assist carers.

In addition to launching *A Victorian Charter Supporting People in Care Relationships* the Labor government created the Victorian Carer Card. The Carer Card offered carers affordable access to sorely needed recreational time and respite from the demands of providing care. It provided benefits from over 700 businesses and government venues, including free Sunday travel on public transport in metropolitan Melbourne and bus services in regional centres and two off-peak return rail travel vouchers to anywhere in the state. It provided access for a deserved holiday, or the means to reconnect with family and friends across the state. This was an important investment in the wellbeing of carers, as it provided well-deserved leisure and recreation options, which for many carers is prohibitive due to the associated costs.

The Productivity Commission confirms what those in this chamber know, that the majority of carers have lower average incomes when compared with the rest of the population. I am proud of Labor's investment in key infrastructure which supports carers, the cared for and their families. On top of the 181 places we built for people with a disability, we invested in a further 100 places specifically for people with a disability living with older carers. Unless they have experienced it firsthand, I do not think anyone can fully appreciate what carers endure — for example, the anxiety around the future of dependent adult children which is faced by ageing carers who are fearful of what will happen to their loved ones once they can no longer care for them. We invested in respite services to support older carers, committed funding for three new respite care facilities in our final budget and provided funds for over 20 000 episodes of respite care in our last year in office.

I return to the detail of the bill, which as I said earlier builds on the work done by the Labor government and was backed up with real funding to promote the charter and evaluate its effectiveness regarding the lives of carers. This straightforward bill seeks to enshrine values for supporting care relationships, with a focus on care relationships and not just the individual carers. For the purpose of this bill, a person is considered to be in a care relationship if he or she provides for another or receives from another person care because one of the persons has a disability, is older, has a mental illness or has a chronic illness. A care relationship also includes children and carers involved in the child protection

system who have in place a permanent care order, a child-care agreement or a protection order.

Carers doing paid or voluntary work for a community organisation or carers undertaking a caring role through study are not considered to be in a care relationship for the purpose of this bill. The bill applies to public service care agencies, publicly funded care agencies, subcontractors of funded care agencies, or any person, body or class of person to be prescribed by the regulations. It does not apply to family day care services, education and care services, preschool programs and government and non-government schools.

Part 2 of the bill sets out the principles relating to respect, recognition and support of carers. It also establishes principles for the person being cared for and principles relating to the care relationship. The principles do not create or confer on any person any right or entitlement enforceable at law.

Part 3 of the bill provides a set of obligations that care support organisations must adhere to in understanding and providing support for care relationships, but it explicitly states that it is not creating any funding obligations.

Whilst we are not opposing the bill, the question remains as to how long families will have to wait for this government to allocate funding to actually improve the lives of carers and the people they care for. When will the government put up the money to address financial disadvantage and improve services for carers? Hopefully the May budget will provide the government with an opportunity to provide additional funding, including funding for individual support packages, just as the former Labor government did — over 14 500 of them — giving recipients greater choice and independence to choose the type of respite that best suits their needs.

This year exhausted and socially isolated carers expect more than statements from this government, and I can assure it that the Labor opposition will do its utmost to make sure it properly supports carers. I conclude by commending all carers for their significant sacrifice and contribution. I commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — It gives me pleasure to speak on the Carers Recognition Bill 2012. At the outset I commend the Minister for Community Services, Ms Wooldridge, and the Parliamentary Secretary for Families and Community Services, Mrs Coote, for their input into this very important area. We have heard some moving contributions from various members in the chamber today. It has evoked some emotion and a lot of memories for us all in relation to our personal experiences; I am sure many of us know people who undertake a carer's role in a really significant manner, and that role cannot be understated.

Mrs Coote said that the debate puts the bill into context. It is about recognising the enormous contributions that carers make to the lives of so many people. They make huge sacrifices in their lives — in their independence, in their financial security, in their careers and very often in their relationships. If a parent is dealing with a disabled or unwell child, it is often the siblings who suffer, and it can take a great toll on those relationships. Anyone who is involved in caring for someone, whether they are elderly, mentally ill or chronically ill, knows about the huge toll. The amount of work done by carers cannot be underestimated.

The bill fulfils an election commitment. It takes a positive step towards implementing a plan for carers that was announced in the lead-up to the 2010 election. The minister has undertaken an enormous amount of work in this area, and she should be commended for the very thoughtful and considered approach she has taken. The bill brings Victorian legislation into line with legislation in other states and territories. I commend the library staff for putting together the research brief for the bill. It is very detailed, and it certainly helped me when I was looking at the definitions of a primary carer and a carer. I have worked in the health system for many years and I understand those differences, but it is very important to understand the difference between carers and those who capture the informal care process. The research paper has been well put together.

I want to highlight a number of areas in the bill. As I said, it brings Victoria into line with legislation in other states and territories. I found it interesting that Western Australia enacted its Carers Recognition Act in 2004. The most recent legislation was enacted by New South Wales in 2010. Victoria is making a great move forward. Many speakers have highlighted that more than 700 000 people across the state are carers and 194 000 of them are considered to be primary carers. These are extraordinary people with an extraordinary devotion to those they care for and love.

The purpose of the bill is to recognise, promote and value the role of people in care relationships; support and recognise the fact that care relationships bring benefits to the persons in the care relationship and to the community; and enact care relationship principles to promote understanding of the significance of care relationships. It also recognises the different needs of

persons in care relationships, and that is what the bill underpins. A great deal of thought has been put into the bill by the minister in understanding what carers do for so many people across the state. As Mrs Coote highlighted very succinctly in her contribution, there are a whole range of carers and we cannot underestimate the significant work they do. Various members have pointed out the enormous economic benefits of carers to the state, but being a carer can exact a huge toll on personal relationships.

I was pleased to see that there have been a number of comments from those stakeholders who are most closely associated with the bill, including Carers Victoria, which said it welcomed the introduction of the bill and it congratulated the government for its commitment to supporting and recognising caring families. Carers Victoria CEO Caroline Mulcahy said that the recognition of the care relationship, which is unique to Victoria's legislation, is an important element of the bill because it 'acknowledges the interdependency of people with care needs and their family members'. Ms Mulcahy also stated that the bill was 'long overdue' and would bring Victoria into line with other states with carer recognition legislation.

With that short contribution, I put on the record, as other members have done, my great admiration for those carers who selflessly give of themselves to so many. They deserve our respect, our support and our recognition for the very important role they play.

Mr ONDARCHIE (Northern Metropolitan) — It is indeed an honour and a privilege to follow Mrs Coote and others in speaking to the Carers Recognition Bill 2012. Mrs Coote has been an extraordinary support to me in my electorate of Northern Metropolitan Region in that she has come with me to meet carers in the city of Whittlesea. I know they were most appreciative of the time and the advice she gave and indeed the grace she brought to that meeting. It is a delight to follow her.

This bill raises the profile of people in care relationships and ensures that carers can be appropriately involved in the treatment of and planning for people under their care. The bill defines carers widely enough to incorporate many diverse care relationships or arrangements, including young carers, kinship carers, foster carers, those providing support and assistance to people with a mental or chronic illness, ageing parents, frail aged people in general and people with disabilities. A carer is defined as someone who provides ongoing support, assistance and personal care to another in a care relationship.

I have been a carer. I had the somewhat unfortunate situation, but then again the privilege, of having to care for my late father. Shortly after he retired from the bench he developed cancer, and my mother, my wife and indeed my young children and I helped to care for him. Being a carer is tough. Being a carer often means that all the plans you have as a family or as an individual go right out the door because circumstances change all the time. You might be planning a dinner date with your wife and suddenly Dad is not so well and that dinner date is off. You might be planning a night at the movies or a day out with the kids and suddenly it changes. This happens to carers every single day in this state, and that is why it is appropriate to recognise that carer relationship. Indeed from meeting the people of RAW — Respite Alliance Whittlesea — I learnt about the hardships carers face daily. That is why the bill's recognition of these relationships is important.

A carer should be respected and recognised as an individual with his or her own needs, as someone who might have a career and as someone with special knowledge of the person in their care. They should be supported as a carer and as an individual, including during changes to the care relationship.

The person being cared for should be respected, recognised and supported as an individual and as a person in a care relationship, including during changes to that care relationship. Their views should be taken into account in determining how they are cared for.

A person in a care relationship should have his or her care relationship respected and honoured. Where appropriate, their views should be taken into consideration in the assessment, planning, delivery, management and review of services affecting them and that care relationship.

Carers are very important people. This bill represents a collaborative approach between the Baillieu coalition government and carers. It says to the 700 000 carers in Victoria: 'We care about you, we respect you and we recognise the relationships that the bill will help develop'. I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I join other members in placing on the record my support for the Carers Recognition Bill 2012, and I commend the Minister for Community Services, Mary Wooldridge, for doing something that is long overdue. I preface my comments by saying that notwithstanding the bipartisan support for the legislation there has also been criticism of the government — but Labor failed to implement such a bill during its time in office.

Before looking at the specifics of the bill, I stress that it aims to bring about cultural change — a shift in our thinking about care relationships. It will change how organisations that deal with carers and people in care operate and how they report on the services and education they provide and the other obligations they are required to comply with. It is akin to a significant inquiry that was undertaken under the former Kennett regime, which was an all-party inquiry on positive planning for ageing. That inquiry not only revolutionised aged-care principles but also provided a blueprint for a range of things that impact upon people's ability to age positively — from the layout of the physical environment to infrastructure, the development of roads, the delivery of services and so forth.

This bill is about changing our culture; it is not just symbolism. I acknowledge and support all the sentiments that have been expressed by my colleagues, but it is the cultural shift that is the most important. I am quite excited about seeing all those organisations — whether they are local councils or funded organisations — lifting their game and professionalising the way they deal with carers.

Specifically the bill proposes a new principal act to recognise, promote and value the role of people in care relationships. That is an important statement. It recognises the different needs of persons in care relationships. It supports and recognises the benefits that care relationships bring to those people and the broader community, and it sets out care relationship principles. Before I turn to looking at those principles, which are central to the bill, I say that one would hope that many of those principles would already be being followed. Nonetheless it is important that they are encompassed in a piece of legislation that provides a vision for the development of policies, programs and service delivery around carers.

The bill sets out 11 principles relating to carers, people being cared for and care relationships. The principles recognise and value carers and will guide the community's understanding of the significance of care relationships. Under the legislation, organisations will be required to consider the bill's care relationship principles when developing their policies and providing their services. This will cause a powerful cultural change which we will see unfold over the next decade. The bill also provides reporting and compliance obligations. If organisations do not report as they are required to do, one will not be able to be confident that the principles are being followed and being given the emphasis they deserve. All organisations associated with providers covered by the bill will be required to report on their compliance with their obligations under this legislation.

A broad range of organisations are bound by the bill, including state government departments, obviously, entities established by statute and local councils. As the level of government closest to the people, councils are responsible for delivering many services to the community. Whilst they do a good job, it is vital that these principles be reflected in legislation. The bill also applies to other service organisations, including their subcontractors, that are funded by government to provide programs and services to people in care relationships. All these organisations must comply with the provisions in the bill.

The bill does not apply to schools and early childhood services. As Parliamentary Secretary for Education, I chair a task force for students with disabilities, and I stress that the entire emphasis of that task force is on making all policies as inclusive as possible. Of course there are always challenges, and there is always a shortfall in funding. That is why it is exciting that we are currently engaged in a debate about the proposed national disability insurance scheme (NDIS). Following the federal government's raising of expectations about the NDIS, it will be interesting to see what it does and how it funds the scheme. It cannot fall entirely upon state governments to fund a vision of the federal Labor government, although that is often the case.

In closing I will just refresh people's memories about some of the important care relationship principles that are set out in the bill:

> A carer should —
>
> (a) be respected and recognised —
>
> (i) as an individual with his or her own needs; and
>
> (ii) as a carer; and
>
> (iii) as someone with special knowledge of the person in his or her care …

That is very basic but very important. The bill goes on to state that a carer should:

> (b) be supported as an individual and as a carer …
>
> (c) be recognised for his or her efforts and dedication as a carer …
>
> (d) if appropriate, have his or her views and cultural identity taken into account …

This is very important in the multicultural community, especially for older persons, as the problems they have that may stem from their multicultural background may

be accentuated as they age. It is important that we focus on this.

The bill goes on to state that a carer should:

> (e) have his or her social wellbeing and health recognised in matters relating to the care relationship; and
>
> (f) have the effect of his or her role as a carer on his or her participation in employment and education recognised and considered in decision making.

This legislation is revolutionary; it will lead to a cultural change. I welcome it; I think the community will welcome it. It is a mark of a more civilised approach in the way we operate as a government and the organisations we fund. I commend the bill to the house and congratulate the minister on bringing it before this chamber.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure this afternoon to rise to support this particular bill. It has to be said that without carers this society would not be able to function. If we had a situation where those who give freely of their time on a voluntary basis were to walk away from the responsibilities that they have taken on, if they were to say to the state, 'It is now the responsibility of the taxpayer to look after the person I have been caring for', this society would collapse, because we have an extraordinary number of people who fit the category of carers. Whether they be carers of elderly parents, and there are a number of those, whether they be carers of children with disabilities, whether they be carers of other members of the family who have a disability or whether they be carers of someone with some other impairment, there are a huge number of carers in our community. This bill gives some recognition to them, and that is long overdue.

I have known and still know many carers, particularly over the last decade or so. One cannot help but admire the enormous personal sacrifice they make in order to care for, quite often, a loved one. These sacrifices are sometimes on a level that we cannot possibly begin to imagine. They sacrifice their own personal ambitions; they sacrifice their own aims in life. They give up what they would really love to be doing and feel they are capable of in order to be carers. We owe them in this house and as a society a huge debt of gratitude. It is a gratitude that I do not think we can ever properly express, but of course we can support them. We need more practical support for carers and those who are being cared for.

I know time is on the wing, but there is one thing I want to say: we have to accept that the basis of carers and caring is respect for those who are being cared for. The fact that somebody is, for example, aged, has Alzheimer's, is disabled in some way or is impaired in another way, does not take away from the fact that these people are human beings; it does not take away from the fact that they are owed the same respect that each and every one of us is owed by the mere value of their humanity. By their mere humanity they deserve the respect they are given by their carers.

We as a society have much to learn in this regard, because as a society, by and large, we look at the old, we look at the young, we look at the disabled, we look at people who are perhaps a little bit different from ourselves, and we do not give them the respect they deserve; we do not give them the support they deserve. That is something that we as a society have really failed to do in a fairly substantial way.

This bill is a statement. It is a statement to those carers that we as a Parliament, we as a government, are on their side. We are saying to those people who care for their elderly parents, we are saying to those people who care for their disabled children or whoever they may care for, that we know what they are doing. We accept and applaud you for the sacrifices and the contribution you make. We thank you for the wonderful work you do and we know that we could not survive without you. We say to each and every one of those people that they are gems of humanity. They are out there doing the work that the rest of us, quite frankly, do not want to do.

That, I suppose, is in some ways a reflection upon humanity itself, but the fact that this bill is before the house today says to those people who have made that sacrifice that we recognise the great things that they have done and the great things that they continue to do. I say to each and every one of the carers throughout this state of Victoria: thank you for the wonderful things you do, and God bless you all.

Motion agreed to.

Read second time.

Third reading

Hon. D. M. DAVIS (Minister for Health) — By leave, I move:

> That the bill be now read a third time.

I am pleased to thank members for their contribution to the debate on this bill. It is an area of responsibility that I share jointly with Ms Wooldridge, the Minister for Community Services, and an area that I think is

important for our community. This is a historic step. The recognition of carers that will come as a result of this bill is important.

I pay tribute to the work that Minister Wooldridge has done and to work of the groups that have provided input and supported her in this process. I also acknowledge the work that Mrs Coote, the Parliamentary Secretary for Families and Community Services, has undertaken during this process. The recognition, promotion and support for carers that is inherent in this bill is an important reflection on the values that are held across this chamber and across the Parliament. In that sense I think we can be proud of the fact that the Victorian government has taken the step to put in place the Carers Recognition Bill 2012.

Motion agreed to.

Read third time.

CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011

Second reading

Debate resumed from 1 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — I am pleased to rise to speak on the Control of Weapons and Firearms Acts Amendment Bill 2011, as amended by the Legislative Assembly, and to indicate that the opposition will not be opposing this bill, particularly as it has been amended by the Legislative Assembly.

I indicate that from the perspective of the opposition the process of amending this bill was quite unsatisfactory. It was unsatisfactory not only from the opposition's point of view; I think I can say quite confidently that it was quite unsatisfactory from the point of view of many of the sporting shooting stakeholders, particularly given the long process of engagement they had with the government, which as I understand it was a process that went back to the middle of 2010 — to the previous government. The amendments that were finally made to the bill in the other place were brought in at the last minute on the day it was to be debated, because of a fairly poorly executed response by the government and the department to the consultation that had occurred with sporting shooting stakeholders over that previous period of time.

Unlike the government, the opposition did a significant amount of due diligence, including significant negotiation, discussion and consultation with sporting shooters, and it was done early and done well. Conversations with the stakeholders were carried out, and amendments were discussed and proposed. There was a process by which the relevant shadow minister spoke to the clerks and the Office of the Chief Parliamentary Counsel, liaised with them, prepared those amendments, drafted them and circulated them. We did all of that because the bill, as it was first read and presented in its original form, simply did not reflect the more than one year of consultation with stakeholders. The bill, as presented in its original form, was not what those stakeholders believed they had agreed to with the government. Certainly the bill did not reflect the commitment that those stakeholders believed they had received from the government.

It appears that what then occurred was that at the very last minute — on the Tuesday morning of the last sitting week, a full month after the opposition had been briefed by the department on quite a different bill with quite different implications for sporting shooters — the government finally rushed amendments into the Legislative Assembly. These were amendments to the government's own bill, and that was done on the day the bill was to be debated. The opposition was kept in the dark until the last minute, and the stakeholders in the industry were kept in the dark until the very last minute. All in all I think that is a reflection of a fairly sloppy process. However, the government got it right in the end.

It is quite a rare event and occurrence that amendments proposed by the government in the Legislative Assembly and ultimately passed are identical to the amendments that are proposed and circulated by the opposition. For the fact that at least in the end the government got those amendments right the opposition is thankful, and no doubt sporting shooters are relatively thankful as well. Whilst the opposition is pleased that the government got there eventually, it is becoming all too common that bills are being drafted either in a rushed way or without appropriate care and attention. We all recall last year the hilarity that ensued after the government introduced a bill which made it an offence to insult the Minister for Gaming. The minister — —

Mr Elsbury — That was not the case.

Hon. M. P. PAKULA — Mr Elsbury says that was not the case, and I accept that the government's line is that that is what it meant to say. However, I am sure that if the government had its time over and could draft that bill again, it would have drafted it a little bit differently. We are seeing bill after bill which either have to be amended or where another bill has to be

brought into the Parliament some time later to fix up the fact that the bill in the form in which it was originally brought to the Parliament was not correct.

Having said that, I refer to some of the key elements of the bill. As members would be aware, particularly those who intend to participate in the debate, the Firearms Act 1996 is the ultimate controlling instrument in the state of Victoria for target shooting licences in particular. Different jurisdictions across Australia deal with licensing requirements somewhat differently. There are areas of commonality, but there are areas of difference as well. I note that jurisdictions across the country are trying to reduce those areas of difference through legislative means to the greatest extent they can. In Victoria there are four classes of general category handgun: class 1, air pistol; class 2, rim-fire .22 calibre; class 3, centre-fire up to .38 calibre; and class 4, centre-fire .38 to .45 calibre.

The main element of the bill, and the one that has caused the need for amendment and that has had sporting shooters somewhat agitated, is contained in clause 10. Clause 10 is headed 'Conditions applying to handgun licences'. To bring the house up to speed, the areas that the Assembly amended are on page 6 in clause 10 of that bill. As it now reads, the very first line of new section 16(3) includes the words:

> … he or she must, on at least 10 separate days, participate in —

and it goes on.

Prior to the amendments that were moved in the Assembly, that excerpt simply read 'on separate days'. The reason that amendment was necessary, as sporting shooters pointed out, was absolutely not because of a desire by sporting shooters — or the opposition or indeed the government — to reduce the number of separate days that the participation in target shoots and the like needs to be undertaken. Ten has been the number, and 10 remains the number. However, the way the provision was originally drafted — referring only to 'separate days' — did not properly take into account the fact that the way that shooting tournaments often work is that shooters might participate in more than one category of event on a single day. Whilst the reference to at least 10 days remains, the way the bill has now been amended takes into account the fact that a shooter might participate in more than one event on a single day.

The second area of the bill that required amending in the Legislative Assembly was the table on page 6. Members will see a reference in the bill to the numbers 10, 10, 12 and 16, which represent the total number of handgun target shoots or target shooting matches or a combination of both, depending on the particular category of weapons. When this bill was first brought to the Parliament those numbers read: 10, 12, 14 and 16. Whilst members would note that there is no change to category 1 or category 4 as a result of the amendments, categories 2 and 3 have been amended to 10 and 12 from 12 and 14. The numbers 10 and 12 are a reflection of what sporting shooting stakeholders believe to be their commitment from the government. Certainly it is a reflection of what the opposition had been told by sporting shooters was their commitment as well, and it appears from the briefing the opposition had a month before the bill was introduced into the Legislative Assembly that there was no particular rationale behind the original numbers that appeared in that column, being 10, 12, 14 and 16, other than the fact that it seemed to be an evenly spread progression that was put there for some convenience.

The effect of the now-amended table is that the minimum of 10 separate days is retained, but what has not occurred is a blow-out in the number of days that a participant needs to participate in a match or a shoot in order to maintain their handgun license. It is worth reflecting, as the Deputy Leader of the Opposition in the other place made clear in his contribution to the debate, that we are talking about some 20 000 or more participants in sporting shooting competitions throughout the state. The opposition is pleased that, even though it was belatedly, the government came to the table and amended the bill. A more rigorous examination by the department of exactly what commitment had been made to sporting shooters could perhaps have avoided some of those issues.

I also want to put on record the fact that Labor is very proud of all the work it did with sporting shooters over the life of the previous government. It is a strong relationship and one that the opposition proudly maintains. During the life of the Labor government it committed almost $13 million to fund the purchase of land to provide the state's first-ever multidisciplinary shooting centre. It was a centre that would have included an indoor and an outdoor range. The intention of the previous government was that that would be a fantastic facility for sporting shooters, and I am very hopeful that it still will be. For the individuals who are participating in their legitimate recreation, that facility was planned to be one of the best of its type anywhere. It was not just a commitment, it was budgeted for — almost $13 million was allocated. It would have been available not just for recreation but for development of the sport more generally, and it certainly would have been made available for elite competition.

Unfortunately, some 16 months into the life of the Baillieu government nothing has been done to progress that facility. The money, as I said, had been budgeted for, and it would have been the expectation not just of the opposition but of sporting shooters themselves that some progress would have been made by now in terms of the construction of that facility. I look forward to government speakers on this bill making clear that the government will be progressing the development of that facility and hopefully indicating when that will be done.

The other thing that is worth pointing out is that the government also promised to establish a game council. It now appears that the Minister for Agriculture and Food Security has indicated to sporting shooters that the government no longer intends to create that game council. That is what sporting shooters have been told. It is not something that has been elucidated by the government to any great degree, and again I think it would be quite appropriate, given the nature of the bill we are debating, for the lead government speaker to make clear what the government's intentions are in regard to the establishment of a game council, as was committed to by the government, particularly in its conversations with sporting shooters.

Finally, I am aware that Ms Pennicuik, on behalf of the Greens, is planning to introduce some amendments. Without wanting to steal her thunder, I take this opportunity to indicate that the opposition will not be supporting those amendments. I also indicate that the opposition will not be supporting a motion to refer this bill to the relevant upper house committee. I have indicated on numerous occasions that the opposition's default position generally is to support such referral motions, but it is certainly not the opposition's position to support the referral of each and every bill that comes before the Parliament to an upper house committee. I am not suggesting that the Greens party seeks to refer each and every bill, but we do not have a blanket position of supporting referral on each and every bill. We have supported most of these referral motions, and I daresay in the future we will continue to either move or support referral motions in the majority of cases.

This particular bill, as I indicated at the outset, has been through an extended period of consultation going back to the middle of 2010. There was one particular issue that, if it had not been resolved, would have certainly led to the opposition supporting a referral motion, and that is the issue of how many separate days and how many days in total sporting shooters need to participate in matches in order to maintain their licence.

In the circumstances that confront us with this bill, as I have indicated at some length, we are satisfied that the amendments that were first proposed by the opposition, and which were ultimately moved by the government in the Legislative Assembly, deal with those concerns. As far as the opposition is concerned, that was the only matter that it took issue with. It was the only issue that would have borne further examination, and given that the matter has been resolved by the amendments that were moved in the other place, we see no need for this bill to be referred for further examination. With those few words, I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Firearms (Trafficking and Handgun Control) Act 2003 amended the Firearms Act 1996 to implement the Australasian Police Ministers Council's National Firearms Agreement in response to the Port Arthur incident in 1996 and the National Handgun Control Agreement in response to the Monash University shooting in 2002. It also implemented a national agreement on firearms trafficking. In the aftermath of the Port Arthur incident in 1996, the Australasian Police Ministers Council entered into the National Firearms Agreement. Under that agreement, broadly uniform regimes for the regulation and licensing of firearms were put in place in all states and territories.

The Australian government subsequently entered into two further agreements to enhance community safety while preserving the privileges of responsible firearms owners. The first agreement, the National Handgun Control Agreement, arises from the tragic events at Monash University on 21 October 2002, and the resultant demand from the community to restrict the availability and use of handguns, particularly concealable handguns, to target shooting purposes in order to minimise the risks of future tragedies. That agreement significantly strengthened controls over access to handguns throughout Australia.

The second agreement, the National Firearms Trafficking Policy Agreement, was designed to provide a broadly national approach to allow police to better detect and deter the illegal trade of unregistered firearms, which is an issue that continues to this day.

The bill before us will amend the Firearms Act 1996. Acts such as this came into being across Australia as a result of the tragic events at Port Arthur in 1996. That act was further amended in 2003 to introduce stricter controls over handguns following the tragic shooting at Monash University in October 2002, almost 10 years ago. In that particular incident a young student, Huan Yun 'Allen' Xiang, walked into his maths and science lecture at Monash University's Clayton campus allegedly carrying five guns. He killed two students and injured four others before he was wrestled to the ground

by other students and a university lecturer. Police found a box of ammunition in his vehicle as well as two more guns and ammunition at his Clayton home. In the six months before the shooting he had allegedly bought seven guns in North Melbourne, Clayton, Dandenong and Flemington from licensed firearms dealers. He became a member of the Sporting Shooters Association of Australia and attended target practice. He became an approved holder of a Victorian handgun licence and submitted permits to acquire applications in respect of handguns, all of which were approved.

The Monash shootings sparked a state and federal crackdown on handguns, which included a handgun buyback. When the buyback period finished at the end of 2003, 18 000 handguns had been surrendered. The shootings also gave rise to national laws that restricted the range of handgun target shooting matches in which sporting shooters could compete and the handguns that could be used for legitimate shooting matches. The laws also provided a system of graduated access to handguns for target shooting based on training experience and much participation. The laws required sporting shooters to produce a police clearance prior to acceptance as a member of an association along with information on other shooting clubs they had belonged to and their current firearm ownership. The Chief Commissioner of Police is able to refuse and revoke firearm licence applications on the basis of criminal intelligence and other matters.

The Council of Australian Governments (COAG) agreed to restrict the classes of legal handguns that can be imported or possessed for sporting purposes to those meeting recognised sporting shooter classifications in the Olympic and Commonwealth Games and other accredited events. Those target shooting disciplines and matches were for the purposes of retaining the ownership of handguns and licences to have those handguns. Minimum participation rates for continued access to handguns were introduced. The important issue here is that COAG agreed that target shooters needed to show dedication to the sport in order to maintain possession and use of handguns. In order to achieve that, people are required to participate in a minimum number of competitive target shooting matches and additional matches depending on the class of handguns they own and use.

Those provisions were inserted into the Firearms Act 1996 following the tragic shootings at Monash University and the realisation that there were too many handguns in circulation, and following the fact that 18 000 handguns were surrendered in Victoria, which included those surrendered by sporting shooters who decided that they were not dedicated enough to comply with the new restrictions, such as the requirement to participate in a minimum number of competitions.

The agreement and the subsequent legislation, which stands today in the Firearms Act 1996 as amended in 2003, banned some of the handguns that were found on the person who committed the offence on 21 October 2002. However, three of the handguns that were in the possession of that person are still able to be used by sporting shooters who meet the requirements of the act — for example, they have to be a member of a sporting shooters club for six months before the other requirements of the act are taken into account, such as the minimum number of competitions they have to participate in annually, safety training, maintenance and the security requirements for the storage of their handguns.

The Australian Institute of Criminology has released several reports on the lack of compliance among certain gun owners with the security requirements for the storage of handguns. The institute reports that thousands of handguns have been stolen from registered firearms holders, and it is unknown where those handguns are.

One of the seven types of weapons possessed by the person responsible for the Monash University shootings was a semiautomatic pistol, which can still be used. The Greens federal leader, Bob Brown, said at the time, and I agree with him, that the use of these semiautomatic handguns should be phased out, that they should have been included in the list of banned handguns and that there is no reason for use or possession of these guns in the community.

I will commence my discussion on this bill, as did Mr Pakula, on clause 10 of the bill, because clause 10 includes provisions to relax the restrictions that are put on sporting shooters for the possession and use of handguns. It is going to make it easier for people to maintain their sporting shooters licences. That is against the spirit of the COAG agreement, which was to ensure that sporting shooters showed a level of dedication in return for being allowed to possess and use handguns. It was a clear intention of the national agreement that there would be some burden put on those people for the privilege — there is no right — of being able to possess a handgun. They would have to show some dedication and they would have to comply with the new rules that were introduced by that COAG agreement.

This bill at clause 10 seeks to relax those conditions, and there is no justification for that. The minister in his second-reading speech said:

> One of the requirements … is that the licensee must be able to demonstrate the ongoing validity for that licence by participating in a number of shooting events each year. This bill will amend the minimum number of shoots a licensee with multiple classes of handguns must undertake and where those shoots can take place.

He uses the word 'amend', not 'relax' or 'reduce' — —

Mr Drum interjected.

Ms PENNICUIK — I thank Mr Drum, but he is not the minister and is not the one who wrote the second-reading speech. I think this second-reading speech is a very flimsy document and is misleading in several ways. The minister then goes on to say:

> Shooting events undertaken overseas as well as interstate will be recognised for the purposes of the handgun participation rules. These rules are a requirement of the national handgun agreement, supported by COAG. The amendments will bring Victoria's rules more into line with other states and territories.

I took that at face value, so I went to the minister's office and asked, 'What COAG agreement are you talking about? Where's the COAG agreement? Because we have looked on the COAG site and we can find no such agreement'. The response was, 'We'll send you the agreement'. We got sent the agreement, which was the 2002 agreement. There has been no further agreement since then. This is a very misleading statement by the minister in his second-reading speech because it sounds like in 2012 there was another COAG agreement according to which he has to amend the licence requirements. That is just not the case, and there is nothing in that 2002 COAG agreement I have looked at which mentions anything about overseas competitions. They are not mentioned — not mentioned at all — and I can find no evidence that any other state has inserted that into their firearms act.

I am very disappointed that the minister has made such a misleading statement in his second-reading speech. The courts and other people rely on second-reading speeches to tell them what bills are about. This second-reading speech misleads the reader as to what is going on. There is no recent COAG agreement; there is only the 2002 COAG agreement that was entered into following the tragic shooting of students at Monash University to reduce the number of handguns in the community, and we know thousands of them were handed in across the country and also hundreds of thousands of gun parts were handed in. The reason this was done was for community safety.

Mr Pakula virtually repeated the speech that was given by Mr Merlino, the member for Monbulk in the lower house. He mentioned a few things about the bill, including the last-minute amendments to clause 10 that were rushed in — and in fact it was lovely to see that the government and the opposition had exactly the same amendments to the bill, which were to reduce, in clause 10, the number of handgun target shoots, matches or competitions or combinations of those that people are required to participate in on an annual basis to maintain their licence.

That is the least that can be expected of them by the community, because we do need to reduce the number of handguns in circulation. Handguns are stolen because they are not stored securely by licensed handgun holders, and the reason these restrictions were put in place and the reason the law required sporting shooters to demonstrate that they were dedicated sporting shooters and that they were on an annual basis competing in a minimum number of shooting competitions was so that people could not get a licence the way the person who committed the offence at Monash University did.

There was no requirement for him to demonstrate that he was a dedicated shooter; he just had to join a club. That was the situation before these amendments to the act were made. That is why there were so many unregulated handguns in the community. That is the reason those requirements should stay in place. If people want to have the privilege of having a handgun, they can be subjected to some burdens. Mr Pakula did not mention the word, but I noticed that Mr Merlino in his speech used the word 'burdens', saying there are too many burdens on sporting shooters and that the number of shooting competitions they have to prove they have been in in order to have the privilege of having a handgun is too high. That is the whole point of it, and there is no justification given except by the minister to say it was to do with COAG rules, which I have just shown is not true. There has been no recent change to the COAG agreements.

Mr Ramsay interjected.

Ms PENNICUIK — Mr Ramsay, as expected, has chimed in with an interjection. That takes me to something that was said by Mr Pakula, which was: 'Okay, there has been a move to reduce the differences across the nation'. I am not sure about that. I have not seen any other recent amendments to the Firearms Act 1996, but I am happy for a government speaker to — —

Mr Ramsay interjected.

Ms PENNICUIK — The national handgun rules were put in place in 2002, which is exactly my point,

Mr Ramsay. There has been no change to them since then.

Mr Ramsay interjected.

Ms PENNICUIK — 'Consistent with the other states' — let us talk about that. I would have thought that in the area of community safety 'consistent with the other states' would mean moving upwards, not down to the lowest common denominator. Let us not move downwards. If we are going to make the states consistent, let us go to the most restrictive way of dealing with handguns.

I was interested in Mr Merlino's and Mr Pakula's comments with regard to the required number of target shoots or matches that is currently in the act. Mr Merlino stated, and Mr Pakula repeated, that departmental staff were challenged on how they came to those numbers, which are: if you own one class of handgun, your minimum number is 10 matches; if you own two different types of allowable handgun, you must participate in 12 competitions; if you own three different types of handgun, you must compete in 14 competitions; and if you own four different classes of handgun, you must compete in 16. There is a formula that arrives at those numbers, but Mr Pakula and Mr Merlino make out that what the departmental staff did was go '10, 12, 14, 16 — that is a nice little jump. Let's just do that'.

That is not how it works. There are even case studies. If members look at the quick guide to licensing and regulation on the Victoria Police website, they will find how it works. For example, Tony is a handgun shooter who owns three rim-fire handguns — rim-fire handguns being class 2. He owns three weapons, but they are only of one class. He is deemed to have one class of handgun, so he is, according to the table, required to participate in 10 events on no less than 10 separate days. Kate, example 2, is a keen handgun target shooter who owns three centre-fire handguns, which are class 3; three air handguns, which are class 1; and three rim-fire, which are class 2 — so she has three different classes of handgun. She actually owns 11 handguns in this particular example. She is, according to the formula that is outlined here, required to participate in 14 events per year. It is not an onerous requirement for someone with three different classes of handgun. I do not think the community would see it as an onerous requirement.

However, the amendments were brought in, as Mr Pakula said, at the last minute and rushed into the bill. I must say the only thing Mr Pakula talked about in relation to this bill was that the amendments the government had to rush in were amendments to reduce the number of competition target shoot matches required to be attended by people who own two classes of handgun from 12 to 10 and for those who own three different classes of handgun from 14 to 12. There is a lot more to this bill than clause 10, and I will get to that at some stage.

What is the justification for that amendment? The justification is that it is burdensome and hard for sporting shooters to comply with those requirements. As far as I know, they have been complying with them since 2003, so that is nine years that they have been complying with them. The only reason that I can ascertain from the second-reading speeches is that it all came about — —

An honourable member interjected.

Ms PENNICUIK — 'Due diligence'. Due diligence was followed by the now opposition, which consulted with the stakeholders — the stakeholders being the Victorian Firearms Consultative Committee. Other sections of the community that may have had an interest in community safety and the reduction of handguns in the community were not consulted — no, it was the firearms consultative committee, mainly made up of shooting associations.

A deal was agreed to in June last year that the number of target shooting matches that people would have to compete in to maintain their licence on an annual basis would be reduced. There is no justification for that. It is not a hardship on sporting shooters, and even if it is, it is a privilege to own a handgun. We need less handguns in the community. I would be very happy to ban them.

Honourable members interjecting.

Ms PENNICUIK — I think Mr Drum knows I would like to see handguns banned. It has certainly made the front page of the *Weekly Times* many times.

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Barber is out of his place and interjecting. Interjecting is disorderly at the best of times, but interjecting out of one's place is most disorderly. I ask Mr Barber to refrain from interjecting or perhaps go back to his place.

Ms PENNICUIK — Acting President, I draw your attention to the Minister for Employment and Industrial Relations, who is doing the same thing. He is out of his place and interjecting.

Mr Drum and Mr Ramsay would be aware of that. My position on handguns is well known.

The Greens are very concerned about this, because there does not seem to be any justification for it and there is no justification for it. There is no justification for relaxing the rules regarding ownership of handguns — none. It is a disgrace that this has been brought in here. Parts of clauses 10 and 11 provide that in order to satisfy both licensing requirements a person can have participated in a sporting shooting match anywhere in the world, which place may have very different regulations and laws regarding guns than Australia has. We could perhaps have accepted Australia and New Zealand; but no, it is anywhere in the world. That is not part of the national rules; it is just something that has been brought in by this government and we are totally opposed to that too. There is no justification for it. As I said, sporting shooters have been able to comply, albeit they have obviously been complaining. But as I said, it is a privilege to have a handgun, not a right.

The spirit of the national rules was to reduce the number of handguns and make sure that people demonstrated that they were dedicated to their sport. In so doing they would be able to have a licence issued on an annual basis. That licence could be revoked at any time, and that is how it should be.

This bill is like a lot of bills that come to this place in that it contains some good provisions as well as some not-so-good provisions. Other provisions in the bill are mainly implemented through clauses 3 and 4 to correct an anomaly in the law. It has been difficult to convict a prohibited person for possessing any firearm, because the Firearms Act 1996 talks about registered firearms. This bill corrects that to mean that a prohibited person is prohibited from possessing any firearm, which is a welcome provision, and we support it.

We also support clause 7(2) of the bill, which amends the definition of firearm in section 3(1) of the Firearms Act 1996 to include something that is designed or adapted 'or is capable of being modified', because we know there are a lot of that type of firearm in circulation. Again we support that particular provision, together with the changes to include the prohibition of certain imitation firearms. We understand this does not include toy guns such as water pistols but rather imitation guns that are designed to look like a real firearm and can be used in criminal offences. We welcome those provisions.

The other significant provision in the bill is in clause 5, which amends the Control of Weapons Act 1990 with regard to the declaration of designated areas for stop and search powers. The stop and search powers were brought in by the previous government and opposed by the Greens. At that time the government admitted that they fell foul of the Charter of Human Rights and Responsibilities, particularly with regard to the searching of children and people with a mental health problem or an intellectual disability who would not necessarily understand what was happening to them.

In the first tranche of those laws introduced under the previous government there was at least the requirement for an independent person to be present when a minor or a person with an intellectual disability was searched. But for some unknown reason late in its term the former government amended the legislation to remove that requirement. There was until that time one safeguard at least in the act for minors and people with an intellectual disability. The provisions that are extant in the Control of Weapons Act 1990 are contradictory to the charter of human rights, contradictory to the international Convention on the Rights of the Child and in anybody's language an infringement on the rights of children.

The Control of Weapons Amendment Bill 2010 brought in two ways in which the police could declare designated areas. Designated areas do not exist in any other jurisdiction; they are just something that exists in Victoria. They can be designated by way of a warning, or police can declare an area as a designated area, perhaps where there is going to be a community event, and they are required to give seven days notice in the *Government Gazette* and the newspaper, so people will know that is going to be a designated area. These powers allow the police to stop and search people without a reasonable belief that they have a weapon, which had been a requirement under the law for many decades. It had been quite adequate up until the time the government decided to bring in those provisions as a reaction to whipped-up hysteria about knife crime and knife violence. At the time, using the police statistics, I said that knife crime was falling in Victoria, not going up, and that people should look at the statistics. I do not want to reprosecute that, but if members want to know, they should look at the statistics.

New section 10D(6), substituted in the Control of Weapons Act 1990 by clause 5, does away with the requirement that seven days notice be given for designated areas. Under the current act the police already have the ability to designate an area as an emergency designated area. Other declarations could be made with a notification period of seven days to the community. That notice period will be removed by this bill. In the second-reading speech, the minister said:

> The distinction between planned area designations, which require pre-notice, and unplanned area designations, which do not require pre-notice, will be maintained.

I cannot see how they will be maintained. They will virtually be indistinguishable, because there is no longer any time requirement on the declaration of a designated area.

I will be moving amendments to the bill, which the lead speakers and other members already have in their possession. I am happy to have them circulated. They are amendments to remove the reference to overseas competitions.

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

Ms PENNICUIK — I also propose to move that this bill be referred to the Standing Committee on Legal and Social Issues for inquiry, consideration and report by 17 April, which is two sitting weeks hence. Without pre-empting what I will say when I move that motion, there are issues raised here about the provisions of the bill and the changes they will make to the two key acts — the Firearms Act 1996 and the Control of Weapons Act 1990 — including the lack of justification for those changes and the misleading statements made by the minister in his second-reading speech regarding the reasons for them.

With those few words, I look forward to the committee stage.

Mr DRUM (Northern Victoria) — I am pleased to have the opportunity to talk on the Control of Weapons and Firearms Acts Amendment Bill 2011. The bill will make a range of amendments to the Firearms Act 1996, and both Mr Pakula and Ms Pennicuik have been through them. One of the most noticeable areas in which the bill will make a difference is that it will be much easier for Victorian police to conduct a planned weapon search in designated areas. I would have thought that the incidence of knife attacks is becoming more and more prevalent — —

Ms Pennicuik interjected.

Mr DRUM — Ms Pennicuik has formed the opinion from reading the statistics that knife attacks are on the way down. I would like to think that is true. However, that certainly does not seem to be so from anecdotal evidence. I wake up every morning and hear on the radio reports of more and more people who are victims of knife attacks. Anyway, apart from that, this bill going to make it much easier for police to conduct a planned weapon search in designated areas. It is going to make it an indictable offence for a prohibited person to possess or carry imitation firearms, and the police have been asking for that for some time.

This bill changes the definition of a firearm to include blank-firing pistols such as starters guns and guns that can be modified to fire live rounds. The bill will also make it easier for people with a handgun licence or multiple licences for multiple classes of handgun to maintain their licences. If Ms Pennicuik wants me to state that it will reduce the number of days that people have to spend at an event, then I will clearly put that on record, because that is what we are doing. Shooters who participate in a single event will be able to count that as their having participated in more than one class of event; currently that is not the case. It will allow many of those shooters the opportunity to participate in numerous events on any one day, which you would think would be common sense. We now have a more manageable quota of matches that shooters have to participate in, ranging from 10 matches for one class of gun up to 16 for shooters who have four different types of handgun.

In 2010 imitation firearms were taken out of the Firearms Act 1996 and relocated to the Control of Weapons Act 1990. Under the Firearms Act 1996 there was a provision relating to prohibited persons found in possession of imitation firearms, but there is no such offence under the Control of Weapons Act 1990. Clause 4 inserts new sections 5AA and 5AB into the Control of Weapons Act 1990 to create a high-level indictable offence, and that will apply to prohibited persons if they are found to be in possession of an imitation firearm. Again, that is simply righting a fault that has been in the system for the last couple of years since the previous change was made to the firearms act of moving imitation weapons into the weapons act.

In relation to the notice period of seven days that is currently in place for police to actually take part in a planned designated area search, that is covered in clause 5. There are still going to be some significant imposts on the police; they cannot just suddenly decide that they want to conduct a search without going through the proper processes; all the appropriate planning has to be done first. Clause 5, by substituting section 10D(6) of the Control of Weapons Act 1990, will ensure that the requirement to publish a notice before a planned search can take place still exists. It provides that the notice can be published at any time prior to the planned search commencing.

No distinction is made between a planned and unplanned search. There are also safeguards that

currently apply to the manner in which the searches are to be conducted, which include that searches must be the least intrusive kind necessary — a wand down or pat down. There are also particular safeguards that apply to children and persons with impaired intellectual functioning. These provisions are unchanged within the safeguards that surround planned searches. Police are going to be able to act in a more spontaneous manner, and that will hopefully put the message out to people who are carrying weapons that they are going to be subjected to more random, more frequent and less advertised police searches in the future. I think we all want to see happen.

There is also a provision in the bill that will enable firefighting organisations to continue to use the various devices that enable them to go about their back-burning work. For example, a compressed carbon dioxide driven incendiary device shoots into the bush and enables those carrying out fuel-control burns to get this work done more easily and quickly, and that is critically important to Victoria as we shoulder preparations for each season. It is very important that we bring that exemption through so that we can get our fuel reduction under control. There was some confusion about this, and there was concern that the shape of those guns and their fireability would have them caught up in this legislation. That is why there is a special provision in the bill that will enable firefighting agencies to continue to work in the way they do. The devices they use will be acknowledged as not being subject to the legislation.

Clause 10 seems to have caused an awful lot of concern to the Greens. We are going to allow shooters to claim overseas or interstate events as events according to the provisions of this bill. Participation in these events will be able to be registered as part of the requirements shooters must meet to maintain their basic licences. By allowing, through this amendment, an overseas or interstate event to be claimed we will be assisting our best shooters, and that is common sense. The people we are actually trying to look after in this regard are high-level participants — people who are likely to be representing their area, their state or even their country — and this amendment will enable them to claim events that they participate in when they travel around regional Victoria and regional Australia, including crossing the river and competing in New South Wales.

We still have quite an arduous set of rules and regulations that means all of these shooters are still going to have to attend up to 16 different events, if they happen to have four different categories of handgun. Ms Pennicuik talked about owning a handgun as being a privilege, and it surely is a privilege, but under the current legislation we have a provision that exists and has existed for years that simply forces those people to have to come back on a separate day. Even though an event may be taking place 100 yards away, if they have already been involved in one of them, they cannot then get themselves involved in another event on the day and have that classified as competing in a legally sanctioned event to make sure they are able to maintain their compliance with the licensing conditions.

Organisations have come to government and said, 'This is the situation we are battling. We already have these arduous restrictions that require us to compete in so many events. We have to do so much to prove we are actually committed and dedicated to the sport. We are happy to do that 16 times a year'. There are not many other pursuits — I cannot think of any — where to get involved you have to do a particular number of parachute jumps, for example. If you are an archer, how many times do you have to practise shooting your bow and arrow? Is there a requirement for how many times you have to do it? I do not know the answer, but a bow and arrow can be just as lethal as a handgun. Maybe I should not have said this — the Greens will be out trying to ban all bows and arrows!

Ultimately we have taken a common-sense approach to enabling people who have already proven their bona fides in relation to their dedication to the sport to be licensed to own their firearms. They have already proven they are committed by what they are prepared to go through. One does not simply rock up to a shooting range, buy a gun from the top shelf and a bucket of bullets and then go and shoot away one's afternoon. The restrictions and regulations and the amount of time, energy and effort that goes into acquiring a handgun license are substantial — and they should be significant — but to suggest that people have to keep going back to the range 22 different times each year to enable them to continue to partake in a sport they love is overly arduous, especially when the opportunity is there for them to compete in several events on any given day and to have all of those different classes of events count towards their compliance for their licence eligibility.

In relation to having this bill referred to the Legal and Social Issues Legislation Committee, it has been made clear to the government that the pistol shooters association is very keen for this bill to pass with the amendments in place. They are happy with our amendments, and they are happy and in fact very keen for this bill to pass as it is.

As I said, by looking after some of our Australian sporting shooting representatives and some of our state

sporting shooting representatives and by enabling them to claim overseas and interstate events towards their licence eligibility, that will certainly give them the opportunity to travel around the event circuit as opposed to making sure they come back to Victoria to keep up their quota of events to enable them to keep their licence — and when you think about that it is quite ridiculous. We are all happy to put our shooters on a pedestal when the Olympics and the Commonwealth Games come around every four years. Here we have an opportunity to help, and there are a whole range of common-sense safeguards for the community. We understand the bill has been past Victoria Police and that it does not have a concern with the new regime we are putting in around participation.

When it comes to acting in a common-sense fashion, the new rules surrounding shooters are sensible and will allow our law-abiding licensed gun holders to maintain their licences in a less arduous fashion. We are convinced that the level of dedication, which is being questioned somewhat, is well and truly established if you are prepared to turn up for 10 events for one class of gun or for 12 or 16 events, depending on how many classes of handguns you have.

We will not be accepting the amendments put forward by the Greens. We believe that clause 10 is a common-sense approach that allows shooters who have an ability to travel interstate or overseas to compete to have those events registered in relation to handguns. Clause 7 amends definitions relating to firearms. We do not believe the Greens' amendment is relevant. We believe that making it more difficult for prohibited persons to have access to imitation firearms is very important. We have made house amendments in the Assembly in order to pick up the very difficult area in relation to guns that have been produced to fire blanks but which can be modified to fire live rounds. Again, it makes the police and everybody more comfortable that we have picked up this delicate area.

This overly burdened regime has been simplified, and we believe we now have a balanced way forward. It brings us into line with other jurisdictions around Australia, which is something we are always trying to do. We believe it strikes the balance that will keep our sporting shooters in a situation where they will be able to handle their arduous commitments while still showing they are truly dedicated without making it almost impossible for them to manage their other pursuits and still maintain a handgun licence.

I wish the bill a speedy passage and acknowledge we will not be sporting the Greens' amendments.

Mr SCHEFFER (Eastern Victoria) — As we have heard, the bill makes a range of amendments to the Control of Weapons Act 1990 and also to the Firearms Act 1996 that relate to prohibited persons possessing and using imitation firearms and the removal of the need to give public notice seven days ahead of a declaration of a search area. It includes in the definitions a firearm that fires blanks, and it makes it an offence for a prohibited person to possess or use a firearm irrespective of whether the firearm is registered or unregistered. The bill also permits handgun licensees to count shooting events undertaken overseas and interstate in the number of shooting events they need to participate in so as to retain their licence. Finally, the bill permits people who are fighting fires and providing emergency services to use ignition devices in planned operations.

Mr Pakula has already indicated that the opposition is not opposing the bill, and Mr Pakula and the member for Monbulk in the Legislative Assembly, Mr Merlino, have both indicated the support that the previous Labor government and the now Labor opposition have given to the sporting shooting community and representative organisations such as the Victorian Firearms Consultative Committee and the Amateur Pistol Association to ensure that effective requirements for licence-holders are in place. The opposition supports the sporting shooting community in ensuring that the participation requirements for shooters to hold their licences are coordinated and synchronised as much as possible across the country. I understand that this is being worked through in the context of Council of Australian Governments discussions, notwithstanding Ms Pennicuik's remarks to the contrary.

The government's initial mishandling of the bill has now been set right through amendments that were jointly supported by the government and the opposition in the Legislative Assembly. The other amendments contained in the bill concern community safety, and the opposition is fully supportive of them. My work as a member of the Drugs and Crime Prevention Committee over a number of years now has given me some understanding of the range of issues and policies that can reduce crime and violence. The control of firearms is an important element in keeping communities safe. Clarifying and tightening our laws to make sure, for example, that imitation firearms are classified as firearms contributes to reducing the danger to which community members can be exposed.

There is also merit in removing the word 'registered' from section 5(1) of the Firearms Act 1966 so that it becomes an offence for a prohibited person — and by 'prohibited person' we mean a person who is serving a

prison sentence or who is under a relevant court order — to possess or use a firearm, whether or not it is registered, because having a distinction between unregistered and registered does not protect community safety in any way whatsoever.

Finally, the substitution of section 10D(6) of the Control of Weapons Act 1990 by clause 5 makes a minor change to remove the need for police to give seven days notice ahead of the start of a planned declaration. Let us remember that the previous Labor government amended the Control of Weapons Act 1990 so that Victoria Police has the power to identify areas where it believes there is a likelihood of public violence and where it can have the power to search for weapons. The amendment removes the requirement for notice to be given seven days prior to a planned declaration.

I believe the former Labor government had a good approach to community safety. We had a balanced perspective on street crime in the face of some shrill voices in the media and also from the then coalition opposition. While statistics can be bandied about and deployed to support a range of interests, it is fair to say that overall there has been a decline in crime rates and that street violence and drunken behaviour were effectively tackled during the period of the Labor government, acknowledging that obviously there remains much to do in that area.

Labor massively increased the number of front-line police. We upgraded technology and equipment for Victoria Police. We improved or rebuilt police stations right across the state, and I attended many of the openings of those new and upgraded police stations. We progressively upgraded railway stations, increased the number of youth workers, established the Respect on the Streets campaign, improved access to justice, improved services for victims of sexual assault, increased assistance to Victoria Legal Aid and strengthened measures to better provide counselling through mediation in the Children's Court.

We appropriately acted on street crime through increasing police powers to undertake weapons searches — and this bill makes minor changes to that provision — and also giving police the power to issue on-the-spot fines for a first offence of carrying a knife or other weapon; banning the sale of knives to minors; introducing the Knives Scar Lives campaign that people will remember; increasing penalties for drunk and disorderly behaviour; increasing powers to ban individuals from pubs and venues; and so forth. Labor introduced a whole raft of measures in this policy area. Street violence can only be tackled — and the evidence confirms this — through a multipronged approach, and it is fair to say that as a community we were having some success.

I note that some commentators are now writing pieces in the papers that are critical of Victoria's achievements in recent years — and at the moment they are starting to pin that on the present government — in reducing crime and purporting to show that key areas of crime are on the way up. I am no expert on the interpretation of crime statistics, but there is something not quite right about seizing on the 7.1 per cent increase in violence without also mentioning that if we take family violence out of that, the figure comes down to a reduction of 3.1 per cent. The increase in reported family violence related assaults could also be the result of increased reporting because more women are coming forward and more people are seeking support, which of course increases the statistic. But the increase in that statistic is a good thing and is a positive response to policies we have set in place, and the increase in more effective services now being available has been of benefit to the community — at least that is what the figures would suggest is happening. Similarly, drug offences are cited as increasing by 11.2 per cent, without further scrutiny or linking this to policy, operations or social or economic factors.

I see from looking at some of the newspapers that the police say this increase is the result of more intensive work being undertaken by them, leading to more prosecutions. That may well be another factor that does not necessarily mean there has been an increase in offences in that area. The point is that we can cite the figures to create almost any impression we want, and that always makes easy copy for commentators. When it was in opposition the coalition was always ready to inflame public insecurity about crime.

The other matter that has recently raised its head again is the assertion that Victoria spends less on police than do some of the other states. This so-called fact was used repeatedly by the previous opposition to attack the previous Labor government.

In a September 2011 report from the Office of Police Integrity, *Enabling a Flexible Workforce for Policing in Victoria*, Michael Strong, the then director, wrote:

> Although the recent increased numbers of operational police per head of population will bring Victoria more in line with other Australian jurisdictions, the historic alignment of debates about police numbers with political law and order campaigns is problematic.

He went on to say:

> We must be careful not to assume that more police alone will mean a more efficient or improved quality policing service.

What impact the smaller geographical size of Victoria has on policing expenditure is a good question and what impact the differing types and distribution of — —

Mr Ramsay — On a point of order, Acting President, I am at a loss as to what the issue around policing has to do with this bill. In fact there is no mention in any of the clauses I have read in the bill of policing or policing numbers or anything else. Could I ask the member to refer his contribution back to the bill?

Mr SCHEFFER — On the point of order, Acting President, the reason for my excursion to community safety was that the purpose of the bill is to improve community safety through better control of weapons and through the provisions relating to the designation of search areas.

The ACTING PRESIDENT (**Mr Eideh**) — Order! There is no point of order. The member, to continue.

Mr SCHEFFER — I guess this bit of an excursion around this area is a plea that we refrain from using statistics to kick government in general — any government — and in particular to criticise police performance without interrogating with some sense of responsibility those figures to unpack the underlying policy or operational changes that might have produced those statistical results. I acknowledge Mr Ramsay's point that this has moved a little away from the focus of the bill, but I think the wider debate around the effectiveness of Victoria Police in improving community safety is central to our consideration. I commend the bill to the house.

Mr ELSBURY (Western Metropolitan) — I rise today to support the Control of Weapons and Firearms Acts Amendment Bill 2011. By and large registered gun owners are good people. They go about their daily lives and they enjoy being able to participate in their sport, whether it is static target shooting or clay target shooting. Some of these people are farmers, and they use guns for their employment to deal with feral animals or unfortunately at times to dispatch animals that have got themselves into some trouble. Vets also use firearms; when their efforts are unfortunately not able to assist an animal, they humanely put it out of its misery.

I need not remind members of this house that the duck season opens this weekend. A number of my friends will be out on the wetlands over the weekend participating in that activity. The bill amends the Firearms Act 1996 and the Control of Weapons Act 1990. The latter of the two relates to weapons which are not firearms and to body armour. The bill develops an indictable offence for a prohibited person possessing, carrying or using an imitation firearm, and so it should. If someone already has a court order against them saying they are not supposed to have a firearm in their possession, you certainly do not want that person roaming around the streets with an item which can be mistaken for a firearm.

The bill changes the seven-day notice requirement for the declaration of a planned designation of a search area. Currently police have to advertise an area they are going to use as a search area, but this is highly restrictive of their job of protecting our community. If a member of the police force or police command becomes aware of a potential issue that is arising because of gang violence or some event that will potentially cause people to carry weapons of some description, it only makes sense that we allow our police force to protect the community before anything eventuates.

Section 3 of the Firearms Act 1996 will be amended to include in the definition of firearm, blank-firing pistols which can be converted to fire live rounds. There are some pistols out there that have been converted from firearms to pistols that fire blank rounds. These items are already classified as firearms and are required to be licensed. Other blank-firing pistols, such as some types of starter pistols used in athletics, swimming or other sporting activities, can be converted into projectile-firing weapons. They will be classified as firearms.

The bill will remove the distinction between a prohibited person in possession of a registered firearm and a prohibited person in possession of an unregistered firearm. This makes sense. If a person has been told they are not allowed to carry a firearm, it does not matter whether it is registered or not. The distinction should not be used as a legal loophole to get out of the restriction placed on prohibited persons carrying firearms. As I said, whether it is registered or not does not matter; the law needs to be upheld in this regard.

The bill reduces the minimum number of shooting events a licensed handgun owner must participate in in a calendar year. A minimum of six matches must be participated in, no matter the number of classes of handgun a shooter owns. This is to allow for people who participate in handgun sports — that is, handgun target shooting, which is about the only practical sporting application for pistols. The control needed to hit a target at distance with a pistol is quite a challenge. You do not have any other equipment to rest against or

use to support your arm to help you aim your weapon. Hitting the target at range is very much a matter of the control of your arm and your breathing.

On this topic, the bill includes amendments to recognise interstate and international shooting events for the purposes of handgun participation rules. A handgun owner has to be committed to the sport if they are going to participate in an international event. The cost alone would be prohibitive to most people. If you are not committed to the cause, you will not casually decide to have a bit of a shoot in the US or participate in an event in the UK. If people want to take up the sport at such a professional level, or seek the experience of participating in shooting sports across the globe, we should certainly support them by allowing them to use those experiences to satisfy the requirements for owning a handgun.

Finally, members of Victoria's firefighting and emergency services who use category E firearms will be exempt from licensing requirements. A category E firearm fires a small incendiary pod into bushland. It is used during controlled burns when we need to reduce fuel loads to ensure that catastrophic fires do not threaten our communities.

I could go on. Members of the opposition mentioned that the government amended the bill in the Assembly. We also need to remember that when in government Labor made rules and regulations about the sex industry that meant a violation of the requirement to carry accreditation at all times incurred no penalty because it was not included in legislation. The government also introduced 11 pieces of legislation for the Office of Police Integrity, but that still did not work, and it commissioned a desalination plant that we do not need.

This is a good bill that will look after the good citizens of the community — people who take up shooting sports or use firearms in their work — and protect the community by allowing police to get on with their jobs.

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Control of Weapons and Firearms Acts Amendment Bill 2011. My contribution will be brief, because I do not need to repeat what my colleagues have already said. Having said that, it would be foolish not to think about illegal handguns within our local communities, especially when we hear or read stories about drive-by shootings occurring in Melbourne suburbs. It comes as no surprise to me that all governments are, and should be, obligated to legislate safety precautions for our citizens. Fortunately the right to bear arms is not enshrined in the Victorian constitution.

At the outset I would like to point out that Victoria Police already utilises its capacity to control the inappropriate use of imitation handguns. This amendment bill further strengthens the penalties for using a toy pistol to commit crimes. The new penalty — 10 years in prison or a hefty fine — is a much more effective deterrent than are the penalties under the current legislation.

The bill also makes a number of amendments to the Firearms Act 1996 regarding the definition of firearms, including toy handguns that have been modified to become dangerous weapons. If a person is confronted with a toy gun and they cannot tell the difference between a toy gun and a real gun, the experience is no less horrific for them psychologically than it would be if it were a real gun.

The Labor Party does not oppose this bill, with good reason; it is sensible in its application. The bill provides minor and major amendments which, when applied, will make police more efficient and more effective in their search for illegal weapons. It will also make Victoria a safer place to live and raise a family.

Mr RAMSAY (Western Victoria) — I rise to speak on the Control of Weapons and Firearms Acts Amendment Bill 2011, and as I do I wish to state that I am a card-carrying class A and B longarm licence-holder. On that basis and as a primary producer I have had many years experience with the safe handling and use of firearms, shotguns and rifles in particular. From a very early age my family instilled in me a respect for the use and safe carriage of firearms, particularly rifles and shotguns. I appreciate, as Ms Pennicuik has pointed out to me, that these amendments are principally in relation to handguns.

This bill makes a range of amendments to the Control of Weapons Act 1990 and the Firearms Act 1996 to improve the operation and effectiveness of those regulatory regimes. I do not wish to go into a lot of detail about that. I note that three members of the other place — Mr Merlino, the member for Monbulk, Mr Donnellan, the member for Narre Warren North, and Mr Tresize, the member for Geelong — were all bleating in unison that it was their amendment, that they thought of it first and that it is very similar to the amendments they proposed. I think that is a good thing. There is nothing wrong with having a bipartisan approach to amendments that we think are in the best interests of the community we serve, so I am pleased that we have bipartisan support — almost, Ms Pennicuik — for these amendments.

An honourable member — Through the Chair!

Mr RAMSAY — I will address my comments through the Chair. To me this is recognition of the fact that the opposition knew that the Control of Weapons Act 1990 and the Firearms Act 1996 were weak in nature and did not provide a mechanism to deter the increase in violence using firearms. However, rather than take the necessary steps to introduce new legislation, the previous government waited until there was a community outcry and a breakdown in law and order, and as a consequence it was booted out of office.

While I note that the opposition is supporting this bill, I point out that it was the Baillieu government that, prior to the election, committed to a tougher law and order platform, and that included tougher offences for the misuse of firearms. While it was already an indictable offence for prohibited persons to possess, carry or use imitation firearms, the important thing about this legislation is the quite substantial increase in the penalty from 2 years imprisonment to 10 years. That is a significant deterrent.

The Baillieu government has also committed to reduce knife crimes. I do not believe Ms Pennicuik's statistics that suggest a reduction in knife attacks. There are many knife attacks that are not reported and do not become part of the statistics. I would argue the case that in fact there is more use of knives, machetes, clubs, stakes and whatever else can be appropriated at the time as part of the rise of antisocial behaviour and violence in our community.

In relation to prohibited persons carrying imitation firearms, the threat and intimidation is very real and terrifying if you are on the receiving end, particularly if you do not know if the weapon is real or not. The menace is the same and should be treated that way. We are not talking about toy guns; they fall outside the definitions of this act, so our children can still play cowboys and indians and pretend they are the Terminator without the threat of a jail sentence.

The incidence of knife attacks is increasing. Sadly we are witnessing violent attacks by perpetrators of all ages — young and old — using all manner of tools, as I have suggested. We as a society are sickened to see that children are now attending schools — and Ms Pennicuik should be aware of this, being a past schoolteacher — with all sorts of weapons, knives included, that seem to be used with gay abandon in expressions of antisocial, aggressive and violent behaviour. The Victorian community gave the Baillieu government a mandate to introduce tough legislation to respond to the ever-growing violence in our society, particularly amongst our youth, and these two clauses go some way towards fulfilling this mandate.

The bill amends the Control of Weapons Act 1990 to remove the requirement to publish notice of a planned declaration of a designated search area at least seven days prior to the declaration coming into effect. Ms Pennicuik raised an objection about that. To me it seems she wants it both ways: she does not want handguns to be used by anyone, whether it is police, security guards or anyone else who may have a legitimate use for them, yet she feels rights are affected by the fact that there can be a search and seizure if required without an appropriate seven-day notice, as was the case in the previous bill. I do not quite understand her argument there.

While the amendments to the Control of Weapons Act 1990 are important, the amendments to the Firearms Act 1996 seems to create the most interest, particularly amongst opposition members.

The Government Whip is winding me up. Most of the other speakers have covered the ingredients of the bill's clauses in their contributions, but I want to say that I think even my loving shooter forebears would welcome tighter controls over the use of handguns. Greater control of the licensee of a handgun — I do agree with Ms Pennicuik in this instance — or multiple classes of handguns will require amended minimum shoots; we have gone through that.

In conclusion, these amendments to the aforementioned acts go some way to improving community safety. The real issue in getting to the root of the problem is how we deal with the escalation of antisocial behaviour within our community. We are fighting against modern technology, which glorifies violent behaviour. We are fighting against a generation that is displaying a total lack of respect for each other. It is a generation that is easily bored and seeks intimidation of others in order to endear themselves to their peers. We are also dealing with a lack of moral education in our early learning stages. These are the important lessons we must learn. I commend the bill to the house.

Motion agreed to.

Read second time.

Referral to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

> That the Control of Weapons and Firearms Acts Amendment Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 17 April 2012.

I am moving this motion because I believe this bill raises serious issues with regard to the relaxation of the

requirements that are in place for a person to obtain and hold on an annual basis a licence to possess certain classes of handguns. These requirements were put in place to restrict the number of people who can obtain and maintain such a licence on an annual basis in order to protect the public's safety and reduce the number of handguns in the community and in circulation following the tragic events of October 2002. They were the amendments put into the Firearms Act 1996 at that time. There has been no justification put forward for amending those provisions.

There is also the issue of allowing overseas competitions to be included in the competitions that can be used by a licence-holder in support of the continuation of their licence. No rationale is provided for that, which raises a number of issues which I will ask the minister about during the committee stage of the bill.

There is also the removal of the seven-day requirement for designated search areas for the use of stop and search powers. As it stands, the act allows the chief commissioner to designate an emergency area, but in general seven days notice has to be given to the community because, as the previous minister admitted when he introduced the bill to make those amendments to the Control of Weapons Act 1990, those amendments are in contravention of the Charter of Human Rights and Responsibilities. I might say that that is unlike the current minister, who made the comment that in his opinion the change to that provision contained in clause 5 has no effect on human rights whatsoever and that none of the other provisions of this bill do either, which is clearly contradictory to the finding of the Scrutiny of Acts and Regulations Committee on the original bill and the declaration by the previous minister with regard to that.

They are the main provisions of the bill, which I think raise serious issues. I think this is about the ninth bill in 16 months that we have tried to refer to our standing committees. It is not as if I try to refer every bill to a committee. However, I think a bill that raises human rights issues and does not provide in its second-reading speech any rationale or justification for provisions that raise human rights issues, and goes against the original reasons given for the insertion of a provision in the act in the first place without justification, warrants inquiry and scrutiny by not only members of Parliament but the community. That is why I moved the motion to refer the bill to the Standing Committee on Legal and Social Issues, which I think would be the appropriate committee to look at these issues.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In response to the motion by Ms Pennicuik to refer the bill to a committee, we note the concerns she has raised but we also note that from the government's perspective the amendments proposed to be moved in committee by Ms Pennicuik essentially relate to the issue of shooting events being held in places outside of Australia. The amendments seem to go to that particular point, which I am happy for the government to go through in the committee stage. We do not believe at this point this bill is appropriate for reference to a committee, therefore we will be opposing the motion.

Mr LEANE (Eastern Metropolitan) — For the reasons outlined by Mr Pakula in his contribution in the second-reading debate, the opposition will not be supporting this reference.

House divided on motion:

Ayes, 3

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

Noes, 37

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

Motion negatived.

Ordered to be committed later this day.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances (Supply by Midwives) Bill 2012.

In my opinion, the Drugs, Poisons and Controlled Substances (Supply by Midwives) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to provide for suitably qualified registered midwives, whose registration has been endorsed by the Australian Nursing and Midwifery Board, to possess, use, sell and supply a number of drugs used in the course of midwifery practice. In accordance with the Drugs, Poisons and Controlled Substances Act 1981, the midwives will be authorised to use those drugs specified on a list approved by the minister. The bill also empowers the minister to specify at which health services and in which clinical circumstances the drugs may be used.

Human rights issues

1. **Human rights protected by the charter that are relevant to the bill**

The bill does not engage any human rights protected by the charter.

2. **Consideration of reasonable limitations — section 7(2)**

As the bill does not engage any of the human rights protected by the charter it is unnecessary to consider the application of section 7(2) of the charter.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

Hon. David Davis, MP
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to amend the Drugs, Poisons and Controlled Substances Act 1981 to authorise midwives with a prescribing endorsement to possess, use, sell or supply certain scheduled medicines required for midwifery practice.

I should point out that in due course the Drugs, Poisons and Controlled Substances Regulations 2006 will also be amended to facilitate these changes, and a list of medicines required for midwifery practice will be approved by the minister in accordance with provisions of the act.

I would like first to provide the house with some background to this bill.

In 2008, the commonwealth government made an election commitment to develop a plan to promote the national coordination of maternity services. A maternity services review was then undertaken by the commonwealth chief nurse and midwifery officer with a report published in February 2009.

The report made a number of recommendations including expanding the role of midwives to deliver greater access to a range of maternity care services within a collaborative multidisciplinary care environment.

In response to the review the Australian government announced a maternity services reform package in its 2009–10 budget and a National Maternity Services Plan 2010 was developed following national consultation and agreement by Australian governments.

The plan provides a five-year vision for maternity care in Australia and gives effect to the commonwealth's maternity reform package of budgetary measures.

In accordance with the plan, Victoria, along with all other states and territories, agreed to 'use best endeavours to amend the relevant drugs and poisons legislation to enable appropriate prescribing rights for midwives to facilitate access to pharmaceutical benefits scheme (or PBS) subsidies for women'.

To facilitate the maternity services reform package, in November 2010 the Australian Parliament passed the Health Legislation Amendment (Midwives and Nurse Practitioners) Act 2010 which amongst other things amended the Health Insurance Act 1973 and National Health Act 1953 to add midwives as a new prescriber group.

Granting PBS authority for midwives at a commonwealth level, however, is not an authority to prescribe. It is an authority to claim the rebate for certain PBS medicines. Authority to prescribe is granted through state and territory drugs and poisons legislation.

To give effect to this PBS access for midwives, all states and territories have either undertaken, or are currently making the necessary legislative changes, to authorise prescribing by midwives.

With prescribing authority, midwives will be able to provide a broader range of midwifery services, working in close collaboration with medical practitioners. Their clients will also be able to benefit from the commonwealth rebate schemes for these services.

Without this authority, Victoria's midwives will be unable to provide a range of private midwifery services. Victorian women and families will be more limited in their access to maternity services and will not benefit from the public rebate schemes set up for this purpose and now in operation across most of Australia.

I would like to address the issue of safeguards in relation to the proposed amendment to the act.

Firstly, the Nursing and Midwifery Board of Australia has a comprehensive regulatory framework for midwives inclusive of registration standards for:

> notation as an 'eligible midwife', which is one of the requirements to qualify for MBS and PBS authority; and
>
> scheduled medicines endorsement for midwives under section 94 of the national law.

The latter endorsement is the one that is relevant to the bill we are considering today.

Secondly, midwives must satisfy the board that they meet a number of requirements to gain this endorsement. These requirements include evidence of current competence to provide pregnancy, labour, birth and postnatal care through a professional practice review. Midwives must also demonstrate that they hold an approved qualification to prescribe scheduled medicines required for midwifery care.

Thirdly, endorsed midwives are required, as are all registered health professionals under the national law, to have professional indemnity insurance (except where otherwise exempt) and to complete additional mandatory continuing professional development each year.

Lastly, and in all cases, midwives who access the Medicare or PBS scheme are required under the commonwealth act to have in place a collaborative arrangement with a designated medical practitioner. This might be an obstetrician, a medical practitioner who provides obstetric services or a medical practitioner employed or engaged by a hospital authority.

I would now like to turn to the key features of the bill itself.

The bill will amend the Drugs Poisons and Controlled Substances Act 1981.

The definition of midwife to be included in section 4 of the act means a person registered under the Health Practitioner Regulation National Law —

> to practise in the nursing and midwifery profession as a midwife (other than as a student); and
>
> in the register of midwives kept for that profession.

Section 5 of the bill amends section 13(1) of the act to provide an authorisation for a midwife who has been endorsed under section 94 of the national law to obtain and have in his or her possession and to use, sell or supply any schedule 2, 3, 4 or 8 medicines approved by the Minister for Health and specified in the endorsement in the lawful practice of his or her profession as a midwife.

Various amendments to the act authorise endorsed midwives to prescribe in the same way as other health professionals with scheduled medicines endorsement under the national law.

As I indicated earlier, section 7 makes provision in the principal act for the minister to approve a list of medicines for midwife prescribing.

There is also provision for the minister to limit the circumstances in which a midwife can prescribe, for example, to a class, list or type of medicine, or with reference to the form of the medicine, or the purpose for which the medicine is used, sold or supplied.

It is expected the list of scheduled medicines the minister will approve will be developed in due course in consultation with clinical experts, other jurisdictions and the board to reflect contemporary evidence-based practice and best practice guidelines.

Summary

In summary, the amendments will enable clients of an eligible midwife to receive comprehensive services and not need to also see a medical practitioner or nurse practitioner to have medicines prescribed for their routine maternity care where this referral is unnecessary.

These amendments are made in the context of a strong regulatory framework that will ensure that only midwives endorsed as having the competence to do so will be authorised to prescribe. The commonwealth law for the purposes of Medicare and PBS access also builds in the important requirement of maintaining an ongoing collaborative relationship with a medical practitioner.

This bill is widely supported by key stakeholders and will align Victorian midwives' practice with their professional colleagues in other states.

This bill will enable Victoria to fully participate in National Maternity Services Plan 2010, especially with respect to its intention to provide more maternity services for rural and remote communities. Furthermore, birthing women will be able to receive a PBS rebate for medicines prescribed as a part of private midwifery practice.

I commend the bill to the house.

Debate adjourned for Mr JENNINGS (South Eastern Metropolitan) on motion of Hon. M. P. Pakula.

Debate adjourned until Thursday, 22 March.

WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. P. R. HALL (Minister for Higher Education and Skills) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. P. R. HALL (Minister for Higher Education and Skills), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Water Amendment (Governance and Other Reforms) Bill 2012.

In my opinion, the Water Amendment (Governance and Other Reforms) Bill 2012 (the bill) as introduced to the Legislative Council is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to convert the three Melbourne water retailers from Corporations Act companies regulated under the Water Industry Act 1994 (the Water Industry Act) into statutory corporations regulated under the Water Act 1989 (the Water Act). This will confirm the Melbourne water retailers as being in public ownership. The bill, to the extent possible, will also provide a common operating and governance framework across the Victorian water sector.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

Right to privacy

The bill engages section 13 of the charter act which provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with or to have his or her reputation unlawfully attacked.

An interference with privacy will not be unlawful provided it is permitted by law, is certain and is appropriately circumscribed. Any interference will not be arbitrary provided that the restrictions on privacy are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter act.

Clauses 20 and 55

Currently, under section 133 of the Water Act, an officer of a water corporation or an authorised person may enter any land:

> without prior notice for the purposes of reading a meter, inspecting and measuring a septic tank, inspecting works or making a test to find out whether the act, regulations or by-laws are being complied with, and carrying out any other function under the act; and
>
> after giving seven days' notice in writing, for the purpose of carrying out works authorised under the act.

In the case of residential land, entry for any of these functions may only occur between the hours of 7.30 a.m. and 6.00 p.m. unless the water corporation has reasonable grounds for believing that the act, regulations or by-laws are not being complied with or if the occupier consents.

Entering residential land to inspect for legal compliance

Clause 20 amends section 133 of the Water Act to require an officer of a water corporation or an authorised person to give an occupier seven days' notice in writing before entering land used primarily for residential purposes (residential land) for the purpose of inspecting works or making a test to find out whether the act, regulations or by-laws are being complied with.

Entry to residential land will continue to only be permitted between 7.30 a.m. and 6.00 p.m., as is already required by section 133. The notice and entry time requirements will not apply where the occupier consents to entry and inspection to assess for legal compliance.

Clauses 20 and 55 provide that, alternatively to the requirement to give seven days' notice, an authorised water officer will be able to access residential land for the purpose of inspecting works or making a test to find out whether the act, regulations or by-laws are being complied with, where the officer has obtained a search warrant.

An authorised water officer entering residential land will be able to search for and seize anything named or described in the search warrant. He or she will be able to take any action necessary to collect evidence of any offence being committed on the premises, including taking photographs and soil samples.

Entry with a search warrant will not be restricted to entry only between 7.30 a.m. and 6.00 p.m. The time of entry will be as permitted by the warrant.

To the extent that sections 133 and 291E of the Water Act allow entry onto residential land, clauses 20 and 55 engage the right to privacy.

An authorised water officer can apply for a search warrant only if they have reasonable grounds to believe that the issue of a search warrant is necessary for the purpose of inspecting any works, or making any test on the land to find out whether there is evidence that the Water Act, or any regulation or any by-law of an authority, is not being complied with. An authorised water officer must provide evidence to a magistrate on oath or by affidavit that it is necessary to issue the search warrant for the purpose of inspecting any works, or making any test on the land to find out whether there is evidence that the Water Act, or any regulation or any by-law of the authority is not being complied with.

An authorised water officer can only execute a search warrant if that officer is named in the warrant and only in accordance with the conditions of that warrant. An officer must announce themselves before entry unless immediate entry is, for example, required to ensure someone's safety. The officer must provide a copy of the warrant to the occupier or another person present on the premises.

A search warrant issued under section 291E will not authorise an authorised water officer to arrest a person.

Section 291H of the Water Act allows an authorised water officer to seize things that were not named in the warrant issued under 291E but the authorised water officer believes could have been included or will afford evidence of the

commission of an offence and it is necessary to seize that thing to prevent concealment, loss or destruction of the evidence.

To the extent that section 291H relates to entry to residential land under section 133 it engages the right to privacy but does not limit the right to privacy. The power to seize things under this section will be lawful, reasonable and not arbitrary as an authorised water officer will be acting under the authority of a search warrant and within defined parameters specified by the warrant. Further, an authorised water officer will be seizing things only if they afford evidence of an offence and seizure is necessary to prevent a frustration of justice or continuation of an offence.

Entering residential land to carry out any other function

Clause 20 amends section 133 of the Water Act to also require an officer of a water corporation or an authorised person to give an occupier seven days' notice in writing before entering residential land for the purpose of carrying out any other function under the act. Entry to residential land will continue to only be permitted between 7.30 a.m. and 6.00 p.m., as is already required by section 133. The notice and entry time requirements will not apply in an emergency or where the occupier consents to entry.

The requirement for giving seven days' notice will not apply in relation to a water corporation with an irrigation district performing the function of providing, managing and operating systems for delivering water to land under section 221(a) of the Water Act where the water corporation needs to pass over residential land to access its irrigation channels.

To the extent that section 133 of the Water Act allows entry onto residential land, clause 20 engages the right to privacy.

Some water corporation-owned irrigation channels can be accessed by the corporation only via a private road that passes by residential premises on a rural property. While driving by residential premises may interfere with the property owner's privacy and thus engage section 13 of the charter act, the interference will be minimal because a water corporation would not seek to enter the premises. It would not be possible for rural water corporations to operate all their irrigation channel systems if they could not have regular access over residential land to specific channel infrastructure.

If however performance of these section 221(a) functions means that the water corporation will be carrying out works on residential land under section 133(2) of the Water Act (as opposed to merely crossing over residential land) the water corporation will be required to give seven days' notice.

Conclusion

These new constraints, together with other existing safeguards, promote personal privacy and minimise inconvenience for members of the public, while still ensuring that water authorities have access to land for limited and specific purposes that are essential for the safe, efficient and effective operation of our water and sewerage systems.

In this context, any interference with personal privacy associated with these entry powers is reasonable, lawful and not arbitrary. As such, the right to privacy under section 13 of the charter act is not limited by clauses 20 and 55 of the bill.

Clause 41

Clause 41 of the bill amends section 273A of the Water Act to place the onus to notify the relevant water corporation of a tenant occupying a property on the owner of the property. This triggers a meter reading by the water corporation and transfers liability to pay any water usage and sewage disposal charges from the property owner to the tenant.

The amendment will maintain the status quo in Melbourne as it reflects existing requirements under the Water Industry Act. However, it represents a change for regional Victoria, as the Water Act currently places the onus on the tenant to notify the water corporation when the tenant commences occupation of a property.

Clause 41 engages the right to privacy to the extent that property owners in regional Victoria will provide name information of tenants to the relevant water corporation. The address is already known as the property is already connected to the water corporation's works. In handling this personal information, water corporations are bound by the Information Privacy Act 2000.

In these circumstances, the right to privacy is engaged to a minor degree and any interference with personal privacy associated with this amendment is reasonable, lawful and not arbitrary. As such, section 13 of the charter act is not limited by clause 41 of the bill.

Property Rights

Clause 26

Section 20 of the charter act protects against deprivation of property other than according to law. The bill engages section 20 property rights.

Clause 26 of the bill will amend section 147 of the Water Act to reduce the scope of its application, so that a water corporation can only compulsorily require the connection of a serviced property to its sewerage works (not 'any' works) and only where it is of the opinion that, after consulting with the Environmental Protection Agency and the Department of Health, this is necessary to avoid an adverse impact on public health or the environment. For this reason, the impact on property rights is quite minor and the right in section 20 is not limited.

Clause 42

A consequence of converting the Melbourne water retailers into statutory corporations under the Water Act is that section 274(4A) of that act will apply to customers in Melbourne. That section provides that, where a person who is liable to pay an amount to a water corporation in relation to a property is the owner of the property, the debt is a charge on the property.

Clause 42 of the bill will amend section 274(4A) of the Water Act and clause 72 of the bill will amend section 4F of the Water Industry Act to enable the ESC to regulate, via its customer service code (ESC code), the application of section 274(4A) of the Water Act by water corporations. The proposed amendment will:

> provide that an amount owed to a water corporation is a charge on the property only if an ESC code does not provide otherwise; and

ensure the ESC has a power to do this under section 4F of the Water Industry Act under which it can regulate standards and conditions of service by making codes requiring water corporations to issue and comply with customer-related standards, procedures, policies and practices.

ESC codes are developed through a transparent and participatory public process, and are readily accessible to members of the public.

The bill engages section 20, but only to a limited extent. The term 'deprived' in that section has a wider meaning than being stripped of title, and includes substantially depriving a property owner of the ability to use his or her property, including disposing of it.

However, section 274(4A) of the Water Act does not deprive a property owner of the ability to use his or her property; it does not lead to a disposal of the property by a water corporation and it does not deprive the property owner of an ability to dispose of the property when they choose to. Section 274(4A) only enables the water corporation to have the debt registered on the title to the property. The property owner is free to use their property until such time as they seek to settle a contract to sell the property; at which point in time, financial adjustments are made for settling any encumbrances on the property, including the debt to the water corporation.

The purpose of section 274(4A) is to secure, and encourage payment of, debts owed to water corporations by property owners. This is important as it minimises the extent to which customers who pay their bills subsidise recalcitrant debtors, noting that bad debts are ultimately recovered through higher water prices.

Any impact of a charge on property on the rights protected by section 20 of the charter act can be avoided by the property owner paying for water and sewerage services they have received. Furthermore, debt management by water corporations must occur in accordance with the ESC code which contains a number of safeguards. This includes requirements to send reminder and warning notices for unpaid bills, to provide flexible payment options and to implement hardship policies to assist customers experiencing financial difficulties.

The circumstances in which a debt to a water corporation will be a charge on property are clearly set out in the act. They serve an important public purpose and are subject to ESC regulation and safeguards contained in the ESC code. The impact on property rights is quite minor and the property rights protected by section 20 of the charter act are not limited.

Right to a fair hearing

Clauses 25, 26 and 27

The bill also engages section 24 of the charter act which provides for the right to a fair hearing. Clauses 25 and 26 of the bill will make available to rural and regional consumers the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction under the Water Act to review decisions of the water corporations regarding connections and discharges to their works and maintenance of works.

Clause 27 will also make available to regional consumers the VCAT jurisdiction under the Water Act to determine a claim for compensation for an intentional or negligent spill of sewage from a water corporation's works.

Currently, these rights are only available to water customers, or potential customers, in Melbourne under the Water Industry Act. These clauses promote the right to a fair hearing protected by section 24 of the charter act.

Clause 61

Clause 61 of the bill inserts a new section 303A into the Water Act containing evidentiary provisions. One of these provisions is that despite the rule against hearsay, the results of any analysis based on analytical techniques which by their nature infringe that rule are still admissible in evidence in proceedings. Whilst this engages section 24 of the charter act, it is fair and reasonable and does not limit the right to a fair hearing, because:

the purpose of this provision is to ensure that parties to proceedings are able to utilise all available evidentiary technology; and

it is reasonable to expect that any such analysis would be carried out by appropriately qualified people to legally recognised standards.

Right to be presumed innocent

Clause 61

Section 25(1) of the charter act provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The bill engages section 25(1) of the charter act.

Clause 61 of the bill inserts a new section 303A into the Water Act containing evidentiary provisions that deal with the problem of dangerous, polluting and/or unauthorised discharges into sewers. This provision replicates the existing section 177C of the Water Industry Act.

New section 303A(6) provides that anything found in a sewer on a property, or which exclusively services a property, or in any works connected to that sewer, is presumed, in the absence of evidence to the contrary, to have been discharged by the occupier of that property.

To the extent that this provision applies a presumption of fact against an accused, it engages the right to be presumed innocent. To the extent that the provision may limit the presumption of innocence, the limitation is reasonable under section 7(2) of the charter act for the following reasons:

New section 303A(6) imposes an evidential onus on an accused person, not a legal onus, which is a less significant limitation on the right.

The placing of the evidential onus on a property occupier is consistent with the strict liability of the property owner under section 145(c) of the Water Act. Section 145(c) provides that a person must not, without an authority's consent, cause or permit anything to be discharged into the works of the authority.

The physical circumstances of sewerage infrastructure and the nature of the offence make it more likely that for an unlawful substance —

to be in a sewer on a property; or

to be in a sewer which exclusively services a property; or

to be in any works connected to that sewer (being either a sewer on a property or a sewer which exclusively services a property);

the substance could only have found its way into the sewer or works if the occupier had caused or permitted the substance to be discharged into the sewer or works.

The purpose of the presumption of fact is to support the enforcement of offences targeting the illegal use of sewers to dispose of dangerous or polluting materials, which can have serious effects on public health, the environment, the safety of water corporation employees and the integrity of the sewerage system.

It would be unreasonably difficult and onerous for a water corporation to prove exactly how a substance came to be in a sewer that is under the control of a property occupier. In contrast, the occupier will have particular knowledge of evidence that may challenge this presumption of fact and is therefore the appropriate person to carry the evidentiary burden.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because although it engages the section 13 right to privacy, section 20 property rights, and the section 24 right to a fair hearing those rights are not limited by the bill. Any limitation on the section 25 right to be presumed innocent is reasonable under the charter act.

Peter Hall, MLC
Minister for Higher Education and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

One of the strengths of the Victorian system for water management is the state's model for provision of essential water services by state-owned water corporations, rather than a mix of private, state and local government bodies as in other states.

In the government's plan for water this government made a commitment to keep Victoria's water utilities in public ownership. While there is a role for the private sector in providing contractual water services in Victoria, Victoria's water utilities will continue to be owned by and accountable to the Victorian government.

Unlike Victoria's rural and regional water corporations, which are statutory corporations, the three Melbourne water retailers — City West Water Ltd, South East Water Ltd and Yarra Valley Water Ltd — were originally established as three special-purpose Corporations Act companies. This bill will convert them into statutory corporations and migrate them from the Water Industry Act 1994 to the Water Act 1989 under which all the other water corporations are established.

The provision of retail water and sewerage services is currently regulated under two acts, the Water Act 1989 for regional Victoria and the Water Industry Act 1994 for Melbourne. The two acts provide the state's water businesses with the functions and powers they need to operate their businesses. The distribution of the legislative arrangements for these services across two acts has resulted in unsupportable discrepancies in the provision of water services between Melbourne and regional Victoria.

This bill will therefore simplify the current arrangements in Victoria by unifying the incorporation, governance and regulatory arrangements that apply to the state's 19 water corporations under the Water Act.

The bill establishes three new statutory corporations, with names similar to their current names, and provides for a whole-of-business transfer from each retailer to the relevant new water corporation. Specifically, any rights, property and assets that vested in each retailer immediately before conversion will be vested in the relevant new water corporation and any debts, liabilities and obligations that exist immediately before conversion will be the debts, liabilities and obligations of the relevant new water corporation upon commencement of the act. The bill will ensure that the conversion process is smooth and seamless.

The government recognises that water is the most crucial of the essential services for meeting human needs. The bill therefore removes the power of a water corporation to cut off a person's supply of drinking water because that person has not paid their bill.

This bill also repeals two outdated debt recovery provisions from the Water Act. In regional Victoria, where a person has been in debt to a water corporation for more than three years, the water corporation could forcibly sell that person's land and use the proceeds to pay off the debt. Further, if a landlord owed money to a regional water corporation, that water corporation could require the tenant to pay its rent to the water corporation to satisfy the landlord's debts. Both of these debt recovery powers will be removed from the act because they no longer present a reasonable and proportionate response to recovering moneys owed to water corporations.

The government acknowledges that there is a small number of people who choose to avoid paying for the water services they receive. The cost of their avoidance, if not properly managed, is unfairly borne by the whole community as it must ultimately be passed on to other customers in the price of water. The Water Act will keep two debt management powers, being the ability to charge interest on unpaid moneys and providing that debts owed to a water corporation form a charge on the land to which they relate.

It is appropriate to leave these remaining debt recovery powers in the Water Act to assist the water corporations in recovering potentially significant debts of hundreds of

thousands of dollars accrued by some large commercial water users. It is not fair for all water customers to subsidise the cost of these debts through the price of water.

However, the bill will also ensure that a water corporation's use of these two remaining powers can be regulated by the Essential Services Commission through a customer service code for water services, in consultation with the community, to make sure use of these powers is appropriate and sensitive to the needs of those in our community facing financial hardship.

The bill introduces new requirements for water corporations' personnel entering residential land that will provide a better balance between Victorians' right to privacy and the importance of water businesses being able to enforce water laws, respond to emergencies and carry out their statutory functions generally.

Until now, regional Victorians have not enjoyed all the same rights as people in Melbourne. This bill will remedy this situation. For example, it will provide all water and sewerage customers in Victoria with the right to seek a review by the Victorian Civil and Administrative Tribunal of decisions made by a water corporation regarding connections and discharges to a water corporation's works and maintenance of works.

A water corporation's power to require a property owner to connect to its works will be limited to sewerage works and only where it will benefit the environment or public health.

A person's right to seek compensation through the Victorian Civil and Administrative Tribunal if there has been an intentional or negligent spill of sewage from a water corporation's works will now be extended to apply across all of Victoria, rather than just Melbourne as has been the case.

The bill starts us on the road of reducing unnecessary red tape in the water sector. It will allow the Minister for Water to determine water and sewerage district boundaries for water corporations. These reforms will facilitate the move to statewide, contiguous districts, to provide greater certainty around responsibility for planning for the community's needs for water supply and sewerage services.

Additional regulation-making powers will be inserted into the Water Act to enable the making of regulations for trade waste, water supply and sewerage services, to apply across the state and replace a myriad of by-laws that currently regulate these services.

The government has announced that it will integrate the Northern Victorian Irrigation Renewal Project with Goulburn-Murray Water Corporation. Upon integration, it may be necessary to appoint some additional directors to the board of Goulburn-Murray Water Corporation. The bill facilitates this by increasing from eight to nine the maximum number of directors that may be appointed to a water corporation board.

Requirements for each water corporation to have an emergency management plan will also be streamlined under the Water Act, while retaining the water corporations' accountability to the Minister for Water to ensure service continuity in times of emergency.

Overall, this bill creates a uniform and much fairer set of arrangements for the provision of water supply and sewerage services to customers across all of Victoria and reinforces the government's commitment to keep Victoria's water utilities in public ownership.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Hon. M. P. Pakula.

Debate adjourned until Thursday, 22 March.

AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips.

WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Wills Amendment (International Wills) Bill 2011.

In my opinion, the Wills Amendment (International Wills) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Wills Act 1997 to adopt into Victorian law the uniform law contained in the UNIDROIT Convention providing a Uniform Law on the Form of an International Will 1973 (the convention), which was signed in Washington DC on 26 October 1973.

The primary objective of the convention is to eliminate problems that arise when cross-border issues affect a will, for example where a will deals with assets located overseas or

where the will-maker's country of residence is different to the country in which the will is executed.

The convention's uniform law provides for an additional form of will — an international will — that sits alongside other forms of will. An international will that complies with the uniform law will be recognised as a valid form of will by courts of other states party to the convention, irrespective of where the will was made, the location of assets or where the will-maker lives, and without the court having to examine the internal laws operating in foreign countries to determine whether the will has been properly executed.

The uniform law sets out requirements for the form of the will and the process for its execution; it does not deal with issues such as the capacity required of the will-maker or the construction of the terms of a will. These are matters that will continue to be dealt with by existing Victorian law.

By a decision of the Standing Committee of Attorneys-General in July 2010, all Australian states and territories have agreed to adopt the uniform law into their local legislation to allow Australia to formally accede to the convention and to provide a consistent approach to the recognition of international wills across Australian jurisdictions.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

The bill does not engage any of the rights under the charter act.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not engage any of the rights under the charter act, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not engage or limit any of the rights under the charter act.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill amends the Wills Act 1997 to adopt into Victorian law the uniform law contained in the UNIDROIT Convention providing a Uniform Law on the Form of an International Will 1973 (the international wills convention), which was signed in Washington DC in 1973.

UNIDROIT — the International Institute for the Unification of Private Law — is an intergovernmental organisation that formulates uniform law instruments aimed at harmonising and coordinating private laws between countries.

The international wills convention is one such uniform law instrument. The primary objective of the convention is to eliminate problems that arise when cross-border issues affect a will — for example, where a will deals with assets located overseas or where the will-maker's country of residence is different to the country in which the will is executed.

The international wills convention came into force on 9 February 1978 and currently has 12 state parties and an additional 8 signatories. These include the United Kingdom, the United States of America, Italy, France, Bosnia and numerous provinces in Canada.

While Australia has been a member of UNIDROIT since 1973, it is not yet a signatory to the international wills convention. However, in July 2010 the Standing Committee of Attorneys-General (SCAG) agreed that all Australian states and territories would adopt the convention's uniform law into their local legislation to allow Australia to formally accede to the convention and to provide a consistent approach to the recognition of international wills across Australian jurisdictions.

This bill therefore meets that commitment and is based on a model bill prepared by Parliamentary Counsel's committee at the request of SCAG.

The international wills convention requires contracting states to introduce the uniform law on the form of an international will (the uniform law) into their own law. Contracting states must reproduce the actual text of the uniform law or translate it into the official language or languages of the state.

The uniform law provides for an additional form of will — an international will — that sits alongside other, existing forms of will. An international will that complies with the uniform law will be recognised as a valid form of will by courts of other states party to the international wills convention, irrespective of where the will was made, the location of assets or where the will-maker lives.

The uniform law sets out requirements for the form of the will and the process for its execution; it does not deal with issues such as the capacity required of the will-maker or the construction of the terms of a will. These are matters that will continue to be dealt with by existing Victorian law.

The formalities required for international wills executed under the uniform law are similar to the requirements for other wills under the Victorian Wills Act 1997. For example, an international will must be made in writing and be signed by the will-maker in the presence of two witnesses.

The main difference is that the uniform law contains an additional requirement that the will-maker must also declare the will in the presence of an 'authorised person', who is required to attach to the will a certificate to the effect that the proper formalities have been performed. The certificate, in the absence of contrary evidence, is conclusive of the formal validity of the instrument as an international will.

The international wills convention allows contracting states to designate these authorised persons. Through SCAG, states and territories have agreed that authorised persons should have an understanding of local laws concerning wills and of the uniform law's form requirements. The bill therefore designates Australian legal practitioners and public notaries as persons authorised to act in connection with international wills.

Australia will not accede to the international wills convention until states and territories have the necessary implementing legislation in place. Further, the convention provides for a mechanism so that entry into force of the convention occurs six months after accession. The Victorian amendments will therefore not commence operation until the convention comes into force in Australia, which may not be until 2013.

When the uniform law is operating in all states and territories, there will be a consistent approach to the recognition of these types of international wills across Australia. Australian courts will no longer need to look to the internal laws operating in foreign countries to determine whether such wills have been properly executed. In uncontested cases, this may make assessment of probate for wills that involve international elements quicker. Further, an expanded number of foreign countries will be required to recognise wills made in Australia in compliance with the uniform law.

This means that a testator, wherever they or their assets are located, and whatever their nationality or language, can choose this form of will knowing that it will be recognised as a valid form of will anywhere in Australia, as well as in any country that is party to the international wills convention.

I commend the bill to the house.

Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).

Debate adjourned until Thursday, 22 March.

LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Eastern Metropolitan) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Legal Profession and Public Notaries Amendment Bill 2012.

In my opinion, the Legal Profession and Public Notaries Amendment Bill 2012, as introduced into the Legislative Council, is compatible with the human rights set out in the charter act. I base my opinion on the reasons outlined in this statement.

Privacy

Section 13 of the charter act provides that a person has a right not to have his or her privacy unlawfully or arbitrarily interfered with or reputation unlawfully attacked.

Clause 15 of the bill adds to the eligibility requirements for a person to be a public notary, that the board of examiners must be satisfied that he or she is a fit and proper person. This addition enables the board, using its existing powers to make inquiries relating to eligibility, to make inquiries into and seek further evidence relating to a person's fitness and propriety and have the applicant appear in person before the board.

The board's powers to make these inquiries as to the fitness and propriety of an applicant are neither unlawful nor arbitrary as they are part of an appropriate assessment of an applicant's eligibility for appointment to a responsible office. The amendments in the bill are therefore compatible with the right of a person set out in the charter act not to have his or her privacy unlawfully or arbitrarily interfered with or reputation unlawfully attacked.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of the Legal Profession and Public Notaries Amendment Bill 2012 is to make a number of amendments to the Legal Profession Act 2004 and the Public Notaries Act 2001. These amendments will cut red tape in the regulation of the legal profession, including removing unnecessary legislative restrictions that currently prevent government and corporate lawyers who hold a valid practising certificate from volunteering their services for pro bono legal work other than with community legal centres. This bill is a further demonstration of the government's commitment to reducing regulatory burdens, boosting productivity and opening up opportunities.

The amendments to the Legal Profession Act 2004 will achieve these reforms without having to wait for the intended replacement of the act with new legislation under the national legal profession reforms being developed under the auspices of the Council of Australian Governments.

The principal amendment to the Legal Profession Act 2004 alters the definition of 'corporate legal practitioner' to permit corporate legal practitioners (that is, legal practitioners working as in-house counsel for businesses, community organisations or government) to provide pro bono legal services provided they hold a practising certificate and have the required professional indemnity insurance. This is an important and positive change that has been keenly sought by those involved in providing pro bono legal assistance to the community.

The current definition of 'corporate legal practitioner' limits those practitioners to providing legal services to their employers only, or as volunteers at community legal centres. It would not presently be possible, for example, for legal practitioners working in a Melbourne corporate head office to form a temporary team to provide pro bono legal services to assist a disaster-affected community in regional Victoria. This is a source of frustration for those legal practitioners who are willing and able to provide such assistance, and is a lost opportunity for the community as a whole.

The government is also working with the Legal Services Board to assist in arranging a suitable professional indemnity insurance policy for corporate lawyers that will provide cover for their pro bono work. This process is already well advanced. Once these arrangements are in place, the way will be open for up to 2700 legal practitioners currently holding corporate practising certificates to engage in pro bono work on the same basis as other practitioners.

The Victorian legal profession has an outstanding track record in pro bono legal service provision and this reform will further enhance the ability of the profession to apply its unique skills and knowledge for the benefit of the community.

The bill also contains provisions regarding the delegation by the Legal Services Board of certain of its functions in relation to setting professional indemnity insurance requirements.

Due to the significant administrative burden involved with these functions, the bill provides that the board may delegate its functions with respect to approving the terms and conditions of professional indemnity insurance for community legal centres, Australian-registered foreign lawyers and corporate legal practitioners, and may also delegate its functions in relation to exempting particular law practices from the requirement to hold professional indemnity insurance with the Legal Practitioners Liability Committee. The board will provide guidelines to direct the performance of these functions by its delegates. The delegation of these essentially administrative functions will leave the board free to devote more time to its significant policy and strategic roles.

In addition, the bill will allow the legal services commissioner to summarily dismiss a disciplinary complaint where the commissioner considers there is no public interest in taking further action on the complaint because the practitioner that is the subject of the complaint has already been struck off the Supreme Court roll. Similarly, the commissioner will be empowered to take no further action in respect of an investigation arising from a disciplinary complaint, where the commissioner considers it is in the public interest to do so because the practitioner who is the subject of the complaint has already been struck off the Supreme Court roll, or to suspend the investigation where an application to have them struck off has been made. This amendment will avoid the commissioner being required to initiate disciplinary proceedings in the tribunal in circumstances where the ultimate disciplinary sanction — that is, striking off the Supreme Court roll — has already been applied, rendering further disciplinary action superfluous.

The bill also makes a range of other amendments to the Legal Profession Act 2004, largely targeted at removing unnecessary administrative and regulatory burdens on the Legal Services Board and legal services commissioner. For example, the bill removes an unnecessary annual reporting obligation that requires the Legal Services Board to report on whether or not the board performed all the functions it was required to perform under the Legal Profession Act during the year.

As well, the bill clarifies the matters the Legal Practitioners Liability Committee is required to consider when setting professional indemnity insurance premiums and includes 'judicial education' as an additional ground of discretionary grant funding from the Public Purpose Fund.

The bill also amends the Public Notaries Act 2001, to make clear that a person must satisfy the Board of Examiners that he or she is a fit and proper person for appointment in order to be appointed as a public notary in Victoria.

The current disclosure requirements for applicants presuppose that the Board of Examiners is entitled to consider the fitness and propriety of an applicant when assessing their eligibility for appointment. The ability of the Board of Examiners to consider such matters is consistent with the findings of the Review of the Evidence Act 1958 (Vic.): Role and Appointments of Public Notaries, undertaken by the Scrutiny of Acts and Regulations Committee in October 1996.

Public notaries exercise significant responsibilities to witness documents, administer oaths and perform other functions, many of which are internationally recognised, and it is appropriate that public notaries must be fit and proper persons for appointment, reflecting the importance of preserving the integrity of notarial appointments and ensuring public notaries in Victoria meet the highest ethical and professional standards.

I commend the bill to the house.

Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).

Debate adjourned until Thursday, 22 March.

CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011

Committed.

Committee

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I seek leave for Mr Drum to join me at the table.

Leave granted.

Clauses 1 to 4 agreed to.

Clause 5

Ms PENNICUIK (Southern Metropolitan) — Clause 5 of the bill changes the Control of Weapons Act 1990 such that there is no longer a requirement in the case of a planned designated search area for there to be seven days notice given in the *Government Gazette* and in newspapers before the designated area can actually be implemented. The question I have of the government is: what rationale, evidence or reason is there for taking away that seven-day notice period, given that there is already the ability of the Chief Commissioner of Police to make an emergency declaration of a designated area if there is an emergency?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for her question. Clause 5 of the bill ensures that publication of a notice in the *Government Gazette* and a newspaper will still be required, but publication in the *Government Gazette* will be able to occur at any time prior to the declaration taking effect rather than seven days prior. It should be noted that the seven-day requirement has only ever applied to the *Government Gazette* publication requirement; it does not apply to publication in a newspaper.

The timing of the publication in a newspaper has always been at the discretion of Victoria Police. Victoria Police will be able to select the timing most appropriate to the circumstances in relation to the publication of notices for the planned designation of search areas. There will be no required period of time between notification of the designation in the *Government Gazette* and newspaper and when the designation may validly operate. Victoria Police will have the discretion to choose when to publish the notice, whether it is seven days prior or otherwise, to suit the circumstances of a particular event or high-profile activity.

The notice requirement has been retained because it is often in the interests of the police and the community that published notices be provided in addition to the search notice, if police continue to be required to provide notices in regard to each individual to be searched. Forewarning that random searches will be conducted at a particular event can often be effective in deterring the carriage and use of unlawful weapons.

Ms PENNICUIK (Southern Metropolitan) — I would suggest that is why the seven-day notices were originally introduced. There is a difference between notification in a newspaper and the requirement of seven days for publication of such a notification in the *Government Gazette*. The minister's second-reading speech says that:

> Publication of the notice in the *Government Gazette* and a newspaper will still be required, but will be able to occur at any time rather than seven days prior.

As has happened in other parts of the second-reading speech, the minister has jumbled things together as if they both apply to the same thing. I reiterate that I have been a bit disappointed with this second-reading speech. The minister says 'will be able to occur at any time rather than seven days prior', but the actual new provision says that the 'declaration under this section has effect, after the date of publication of the notice in the *Government Gazette*', not 'at any time'. I am just clarifying that 'after the date' means that the declaration cannot have effect until at least the day after it appears in the *Government Gazette*.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have received is that it needs to be in the *Government Gazette* before the police can undertake a planned search.

Ms PENNICUIK (Southern Metropolitan) — Yes. So is it the case that they cannot undertake a planned search on the same day that it appears in the *Government Gazette*? I am looking at the actual wording of the provision, which states 'after the date of publication'.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have received is that, as I said before, it needs to be in the *Government Gazette* before the police can undertake a planned search. Given that it takes time for the *Government Gazette* to be printed, my understanding is that it needs to be in the *Government Gazette* before the police can undertake a planned search. They would obviously notify the department, it would go in the *Government Gazette* and then they could undertake their planned search.

Ms PENNICUIK (Southern Metropolitan) — I just make the comment here that I have raised a couple of issues about this second-reading speech. Members of Parliament and members of the community rely on second-reading speeches to be clear. This one is not clear. It is unclear in relation to a number of key aspects, which I have raised with the minister. I have had some answers on that lack of clarity, and I know the minister's office has been chasing things up and has kindly provided these to me during the debate here, but

I draw the attention of the committee to the fact that there are contradictory statements in the second-reading speech that are confusing with regard to the actual provisions of the bill. I have to go by the provision, which I would suggest is not clear, that, notwithstanding how long it takes to print the *Government Gazette*, the day the declaration is made public in the gazette cannot be the same day on which it is implemented. I do not have a clear answer to that question.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again, clause 5 ensures that the requirement still exists that a notice must be published before a planned search can take place. The notice can be published at any time prior to the planned search commencing. There is no change to the distinction between planned and unplanned searches.

Ms PENNICUIK (Southern Metropolitan) — There is a change. There is a change from requiring it to be in the *Government Gazette* for seven days to requiring it to be in the *Government Gazette* for — I think — for just one day, meaning that the day after it appears the actual implementation of it by the police could occur. If we cannot clarify this in the committee, I am not quite sure how the chief commissioner is going to do so. I think it is a very important issue. I have asked the question three times. It is the government's problem if it cannot answer it.

My next question relates to evaluation. When the original bill to introduce these stop and search provisions came to this house I tried to amend it to include a review provision and an evaluation provision so that the use of these powers by the police would be evaluated. I ask the question: what evaluation has the police done and what were the outcomes of the evaluation in terms of the numbers of weapons actually found and seized?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — There are no evaluation requirements in the weapons act, despite Ms Pennicuik's proposal, which, as she indicated, was not agreed to.

Ms PENNICUIK (Southern Metropolitan) — The Parliament is being asked to make it easier for these weapons searches to occur with less notice — really the notice could be just one day. These are arbitrary powers to stop and search citizens as they go about their business, which are in breach of the charter of human rights, particularly in terms of searching children and people with an intellectual disability, for whom there is no requirement for an independent person to be present. And there has been no evaluation undertaken by the government in support of actually strengthening these powers. Is that what the minister is saying?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Can I again just remind the house that the amendment implements the government's election policy commitment to remove the seven-day notice provision in relation to planned designated area searches for weapons. In terms of the second point, there is no change to the safeguards that currently apply in relation to the manner in which searches are to be conducted. These safeguards include the requirement that the searches be of the least intrusive kind necessary — that is, a wand, then a pat down et cetera. There are also particular safeguards that apply to children and persons with impaired intellectual functioning, which are unchanged.

Ms PENNICUIK (Southern Metropolitan) — I must respond to that because the safeguards are very few and far between. The safeguards the minister is talking about for children and people with an intellectual impairment are that apart from the police person doing the search there can be another person present, who is nominated by the police officer. It does not have to be an independent person representing the child or the person with an intellectual disability, and in fact it can be another police officer, which in the case of a person with an intellectual disability could make the situation more frightening for them because they would then have two people in uniform involved in the search. These are not safeguards. There were some minimal safeguards in the original bill introduced by the last government, but for inexplicable reasons they were taken out of the act.

This clause the government has put into this bill, contrary to the minister's saying it has no human rights implications, does have human rights implications, because previously people at least had seven days notice that a designated area would become an area where they could be stopped and searched if they happened to be wandering into it. Now they will not have any notice. I would like the government to give us some idea of how many ordinary citizens it thinks read the *Government Gazette* every day.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I said earlier, and I will say again, that it should be noted that the seven-day requirement only ever applied to the *Government Gazette* publication requirement; it did not apply to publication in the newspaper. The timing of publication in the newspaper, which I gather most

people would read, has always been at the discretion of Victoria Police. Victoria Police will be able to set the timing most appropriate to the circumstances in relation to the publication of notices for planned area designation. The notice has not changed for publications.

In relation to the second part of Ms Pennicuik's question, again the government notes Ms Pennicuik's concerns, but those concerns are not founded in terms of this legislation because there are no changes to the safeguards that currently apply in relation to the manner in which searches are to be conducted, and there are also particular safeguards that apply to children and persons with impaired intellectual functions which are unchanged in the act.

Ms PENNICUIK (Southern Metropolitan) — The provision is changed in that there is no requirement now for it to be in the *Government Gazette* for seven days, so that has a practical effect on whether or not it appears in a newspaper, because if the designated area can be declared and acted upon within 24 hours, then the time available for it to appear in a newspaper so that ordinary people who happen to come across it in the newspaper would know about it has basically disappeared under this provision.

The other provision allowed for that to happen within the time span of the seven days. That was the whole point of it. So it has changed completely, and it is, I think, disingenuous of the government to try to make out, as the minister did in his second-reading speech, that this is a minor amendment. It is a significant amendment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I believe I have answered the specific question.

Committee divided on clause:

Ayes, 35

Atkinson, Mr	Lovell, Ms
Broad, Ms	Mikakos, Ms
Coote, Mrs	O'Brien, Mr (*Teller*)
Crozier, Ms	O'Donohue, Mr
Dalla-Riva, Mr	Ondarchie, Mr
Darveniza, Ms (*Teller*)	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Elsbury, Mr	Scheffer, Mr
Finn, Mr	Somyurek, Mr
Guy, Mr	Tarlamis, Mr
Hall, Mr	Tee, Mr
Koch, Mr	Tierney, Ms
Kronberg, Mrs	Viney, Mr
Leane, Mr	

Noes, 3

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

Clause agreed to.

Clause 6 agreed to.

Clause 7

The DEPUTY PRESIDENT — Order! Does Ms Pennicuik wish to move her amendment now or ask some questions first?

Ms PENNICUIK (Southern Metropolitan) — I will ask a question or two first. I will refer to my amendment but not move it just at this minute.

The amendment that I will move is to delete subsection (1) of clause 7. That provision is to insert into section 3(1) of the Firearms Act 1996 after 'State or a Territory' the words 'or a place outside Australia'. That provision means that in order to comply with the requirement to participate in a certain number of shooting competitions it will now be possible for a person to include matches that have taken place outside Australia in addition to shooting competitions within Victoria and, following amendments made to the legislation in 2010, other states of Australia. Of course 'outside Australia' means anywhere else in the world.

It is interesting to note that under the current act, when a person is applying to the chief commissioner to have a particular shooting match recognised, the chief commissioner has to be satisfied that the person participated in the handgun target shooting match. The chief commissioner may at any time before deciding whether a person has participated in a handgun target shooting match conducted in another state or territory — and with this new amendment, any place outside Australia — require the person to produce evidence of that participation.

The rationale for this that was sent to me by the minister's office while the debate was going on was that this will make it easier for people to comply with licence requirements, but I put it to the minister that it will make it more difficult for the chief commissioner. We are now talking about the chief commissioner having to verify the participation of people in target shooting competitions anywhere in the world. It would be reasonably simple for the chief commissioner to ascertain whether a person had participated in a competition within Australia because we are the one country, but for the chief commissioner to satisfy

himself or herself that a person attended a shooting match anywhere else in the world would be more difficult. The chief commissioner will not have the power to audit or call in people who attended a particular competition. The person could say they had participated without participating — they could have posted on Facebook that they were there, but they may not have been there.

I am also concerned — and I do not mean to cast aspersions on particular countries — that, for example, countries in Eastern Europe or former members of the Soviet Union would have very different legal systems and would not have agreements with Australia about how these things should be ascertained. My question is: how is the chief commissioner going to satisfy himself or herself that a person has actually participated in an event at a place outside Australia?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have received is that it is the home club of the shooter that provides the evidence that either the interstate or international event complies with the Victorian standards for compliance.

Ms PENNICUIK (Southern Metropolitan) — Under what head of power is that? The act says the person must do that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In relation to the question asked by Ms Pennicuik, the principal act is the Firearms Act 1996 as amended. Under part 6A, 'Approved clubs', division 1, section 123B, 'Approved handgun target shooting clubs — record-keeping requirements', on page 185, it says:

> (1) In relation to any approved handgun target shooting match conducted by an approved handgun target shooting club, the club must keep a record of —
>
> (a) the time and place of the match; and
>
> (b) details of any handgun used by each person participating in the match; and
>
> (c) the name and handgun licence number of each person participating in the match —

and so on.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for his answer. I am aware that they keep those records about shooting matches that occur in Australia. We are talking about a new world here. At the moment there is no reference in the act to a person being able to claim participation in a shooting competition in a country other than Australia. The current act does not allow for that. The current act allows for shooting clubs to keep those records only for shooting competitions that occur in Australia.

My question is: how are shooting clubs going to maintain records of what goes on in places other than Australia? That may be easy when the international competition is a shooting competition of the Olympics or something like that. However, it may not be so easy when it is a shooting competition held in Azerbaijan, for example. Without casting aspersions on that country, it could be difficult to verify that the shooting competition was an accredited one — according to the act they have to be — and that the person who is the license-holder, not the club, attended the event.

These are the practical implications of this clause, and I am trying to get to how it will play out.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again the provisions of the Firearms Act 1996 as amended outline the reporting requirements of approved handgun target shooting clubs in section 123C on page 185. As I indicated in my earlier response, it is the shooter's target club that provides the evidence that the match, either interstate or international, complies with Victorian standards, and the Chief Commissioner of Police is satisfied on that basis.

Ms PENNICUIK (Southern Metropolitan) — It has not been possible before for a person to claim attendance at an international event; it has only been possible for a person to claim attendance at an event in Australia. I a club able to say, 'That is an event that is accredited according to the accreditations.'?

Mr Drum — Yes, that the member competed.

Ms PENNICUIK — I think that is a big loophole. 'That the member competed' — is it up to the club to do that?

Mr Drum — Yes, it is in the legislation. It is in the act.

Ms PENNICUIK — According to the advice I have just received from the minister's office, the person has to apply to the Chief Commissioner of Police for an exemption to allow an interstate competition to be included. This requirement is burdensome for them and therefore it has to be removed to make it easier for them. I am concerned because I do not know how the law can rely on a club to speak on behalf of a person who, under the act, has to apply to the Chief Commissioner of Police. I do not see how the bill changes any of those provisions under section 16. It

does not. It says that the person has to apply, so again, the practical implications of this are confusing. It is a problem that people are able to use competitions that perhaps are not up to the standard of Australian competitions, which we have been using for the purpose of licensing people to carry handguns. The verification of their attendance is also a problem, which I do not believe has been answered well, or at least to my satisfaction, by the minister.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again I acknowledge the terms of Ms Pennicuik's question. However, I must insist that its reference is in section 123C of the firearms act. I do not propose to go through the whole lot, but it does outline the details that the handgun target shooting club has to provide to the Chief Commissioner of Police in respect of each approved handgun target shooting match. We believe the amendment is appropriate in the circumstances and, as we have indicated, it will make it easier for Victorian handgun shooters to meet their requirements under the handgun participation rules and to participate in interstate and overseas handgun shooting competition events.

Ms PENNICUIK (Southern Metropolitan) — I have a couple of other practical questions. Will the person applying to have that competition included in their account of competitions be able to do so from outside Australia?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The purpose of the amendment is to cut some of the unnecessary red tape that has hamstrung Victorian sporting shooters who own multiple class handguns and required them to attend a minimum number of shooting events in Australia and overseas. The bill balances the needs of the sporting shooters with the needs of greater community safety more appropriately than do the existing laws. Sports shooters will be allowed to list overseas events or matches as part of their requirement to prove that they need a handgun for this sport without their having to apply to the Chief Commissioner of Police for an exemption. The government is of course committed to supporting sports men and women who want to lawfully engage in sports shooting, a discipline that Australia has excelled at in international competition such as at the Olympic Games and Commonwealth Games.

Ms PENNICUIK (Southern Metropolitan) — I will try only twice with each question, Deputy President. Will the person be able to apply for the exemption from outside of Australia?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that it does not matter where you make your approach from. It does not matter where you are; the host club does the work.

Ms PENNICUIK (Southern Metropolitan) — I hear and understand the answers, but they just cause me more concern than joy. I have another question. The use of overseas competitions is not in the COAG (Council of Australian Governments) agreement of 2002; is that correct?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It is not part of the agreement.

Ms PENNICUIK (Southern Metropolitan) — No, and despite the clarification that the minister's office sent me, the second-reading speech implies in the way it is written that it is part of the national agreement and that the government is making these amendments because it is part of the national COAG agreement, but it is not part of the COAG agreement. The government has said that it wants to be in line with other states, but in fact we are out on a frolic of our own in this regard because as far as I know no other state includes it. If the minister wants to correct me on that, I am happy to hear it, but as far as I know there is no other state allowing this.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In terms of other jurisdictions, the majority of other jurisdictions in Australia allow for the recognition of international shooting events for the purposes of the handgun participation rules. The amendment will ensure that Victorian handgun shooters have the same opportunities as their interstate partners and are not disadvantaged by burdensome administrative requirements to have their international competitions recognised.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister, because I genuinely did not know the answer to that question. Can the minister list which states they are?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am seeking that advice. If we can continue on, I will get that advice in due course.

Clause postponed; clauses 8 and 9 agreed to.

Postponed clause 7 reconsidered, by leave.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that the Northern Territory and Queensland legislation expressly state that it is the same. The advice I have is that I understand others rely on their shooting clubs, which have international standards and accept international events that comply with their regulations. They make that judgement.

Ms PENNICUIK (Southern Metropolitan) — Queensland and the Northern Territory?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It is expressed in legislation.

Ms PENNICUIK (Southern Metropolitan) — I just would not describe it as the majority of states; that is all.

The DEPUTY PRESIDENT — Order! That is a point in debate. Does Ms Pennicuik have a question or further matters that she wishes to raise?

Ms PENNICUIK — I suppose I am a bit nonplussed at that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I know we have sought leave to go back to it. I am seeking some further clarification from the advisers, because I want to get it clear in my mind exactly what I am saying so I do not mislead Ms Pennicuik. I will sit here and wait for the advisers to give me that advice.

The DEPUTY PRESIDENT — Order! As shall we all, because I am not going to postpone it and recommit it again.

Hon. R. A. DALLA-RIVA — I understand that Queensland and the Northern Territory have express legislative provisions. The department's advisers have made inquiries through the firearms and weapons policy working group and received advice from jurisdictions and firearms registrars that their shooting clubs recognise international events. This includes Western Australia, Tasmania, New South Wales and, as I have said, Queensland and Northern Territory, so that is the majority of states and territories.

Ms PENNICUIK (Southern Metropolitan) — I do not want to prolong the committee's discussion on this, but I thank the minister for trying to find the answer because I think it is important. I think I can glean that there is express legislation in the Northern Territory and Queensland but there is not in the other states. Given my difficulties with the practicalities of it, and perhaps that is what is happening and why it is not expressly in the legislation in other states, I will proceed with my amendment without further ado. I move:

1. Clause 7, lines 3 to 6, omit all words and expressions on these lines.

The DEPUTY PRESIDENT — Order! The question is that Ms Pennicuik's amendment 1 be agreed to, and I advise the committee that I regard that as a test of her amendments 2 to 5.

Committee divided on amendment:

Ayes, 3

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

Noes, 37

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

Amendment negatived.

Clause agreed to.

Clause 10

Ms PENNICUIK (Southern Metropolitan) — Clause 10 contains provisions that affect the overseas competitions that we have talked about and reduce the number of competitions a licence-holder whose licence enables them to use certain classes of handgun has to take part in. A person who is licensed for one class of handgun currently has to participate in 10 competitions per year. A person who is licensed for two classes of handguns currently has to participate in 12 competitions per year, which will be reduced to 10 competitions under this bill. A person who is licensed for three classes of handguns currently has to participate in 14 competitions per year, which will be reduced to 12 competitions under this bill. A person who is licensed for four classes of handguns currently has to

participate in 16 competitions per year, and that will remain the same under this bill.

Mr Drum — Currently 22?

Ms PENNICUIK — Twenty-two is not correct according to the two tables I have. The changed provisions affect people who have licences for two or three classes of handgun. Those people will have to participate in a reduced number of competitions — that is the point.

The Australasian Police Ministers Council agreed in 2002 that there should be a requirement for members of an approved shooting club to attend a minimum number of shooting events offered by the club; that a failure to meet the requirement for attending those events would make a person liable to have their licence revoked; that, specifically, jurisdictions should require shooters to meet minimum participation rates annually; that six competitive shooting matches were to be organised by clubs for each type of handgun that is owned and used in different events; and that the sporting shooter must take part in at least four organised club shoots.

Under the bill the more types of handguns you own, the more competitions you have to compete in. The reason for that is obviously to make sure that a person is across the safety requirements for that particular type of handgun, because it is not about the quantity. A person who has 15 handguns and who is deemed to have only one class of handgun is required to be in only 10 competitions. A person could have only four guns — so significantly fewer guns — but in three classes. They would have to participate in more competitions, and there are obvious reasons for that.

What is the rationale in terms of safety for reducing this number where people own two or three different classes of handguns? I know the rationale that the minister is putting forward is that it makes it easier for sporting shooters, but my concern is about safety. It is about the safety of the use of those guns.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Clause 10 amends section 16 of the Firearms Act 1996 to make changes to the conditions applying to handgun licences. Currently section 16 of the Firearms Act 1996 obliges a licensed handgun owner to participate in a minimum number of target shoots in which the participant shoots individually to improve marksmanship and a minimum number of shooting matches in which the participant shoots competitively with other shooters. These rules are a requirement of the national handgun agreement supported by the Council of Australian Governments. The national firearms agreement requires that licensed gun owners attend a minimum number of shooting events, and failure to do so will make the handgun owner liable to have their licence revoked.

These handgun participation rules specify the number of shooting events that a licensee must take part in each year. The number of events increases with the number of different types of handguns the licensee owns. The agreement provides that states must ensure that licensed handgun owners participate annually in a minimum of six shooting matches and, for each different type of handgun, four shoots. Victoria had previously implemented this requirement strictly, and that is where Mr Drum indicated 22.

Handgun licence owners owning one class of handgun must attend at least 10 shooting events, including 6 matches and 4 shoots. Those owning two classes of handgun must attend 14 events — 6 matches plus two times 4 shoots. Those owning three classes of handgun must attend 18 events — 6 matches plus three times 4 shoots. If a person owns four classes of handgun, 22 is the minimum number of events in which he or she must participate each year — 6 matches plus four times 4 shoots.

The other jurisdictions have interpreted the requirement with the view that for each handgun class owned the licensed handgun holder must participate in a minimum of four shoots with a minimum of six matches. This includes the assumption that a match includes a shoot. Together they are referred to as a shooting event. The bill amends section 16 so that it reflects an interpretation of the national firearms agreement that is more in line with that of other states and territories. The proposed changes for Victoria do not exactly follow every other state's participation rules, because it is not considered desirable to lower the minimum number of shooting events that an owner of one class of handgun must attend. Instead the changes are intended to lower the onerous number of events owners of handguns from a high number of classes are required to participate in.

The bill amends section 16 so that the number of shooting events that a licensed handgun owner must partake in each year are: if they own one class of handgun, 10 events, including 6 matches and 4 shoots; if they own two classes of handgun, 10 events; if they own three classes of handgun, 12 events; and if they own four classes of handgun, 16 events — that is, 4 events for each handgun type owned, 6 of which events must be matches.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for all of that, but the upshot of it is that for people owning two or three classes of handgun there will be a reduction in the number of competition shoots that they have to partake in.

Mr Drum — Yes.

Ms PENNICUIK — So we are clear on that. Without all the other details we are clear on that.

Mr Drum — There is a system.

Ms PENNICUIK — Yes, and as the member says, the system is different. But the upshot of this is that it does not actually fit with the agreement. A person with two classes of handgun should not be participating in fewer than 12 or 14 events, at least. It is coming down to 10. Under this new regime there are no different requirements of a person with two classes of handgun than there are of a person with one class of handgun.

Mr Drum — That is true.

Ms PENNICUIK — That is what we are looking at. We are also looking at a person with three classes of handgun having to participate in only two more events than a person owning one class or two classes of handgun. My question is: how is that going to improve public safety? People have been able to comply with current requirements of the act for the last 10 years. Why is the government changing it?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The amendment to section 16 is basically to make it easier for Victorian handgun shooters to meet requirements under the handgun participation rules and to participate in interstate and overseas handgun shooting competition events. The purpose of the amendment is to cut some of the unnecessary red tape that has hamstrung Victorian sporting shooters who have multiple classes of handgun and require them to attend a more manageable minimum number of shooting events in Australia and overseas. The bill balances the needs of the sporting shooters with the needs of the greater community's safety more appropriately than do existing laws.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister. He is just repeating what we know, which is that this makes it easier for sporting shooters, but my point is that while the minister talks about balancing the rights of shooters — and I am sure all of that was discussed when coming to the national agreement — there was a good reason why more stringent requirements were put on people who own a number of classes of handguns. The requirements were put in place to prevent people from obtaining licences easily.

It should not be made easier for someone to obtain a handgun licence. The whole point of the national agreement was to make it difficult for people to obtain and maintain handgun licences. That was the point. The reason for the national agreement and for the requirement on handgun licence-holders to attend a certain number of shooting matches was to make sure that they were bona fide shooting competitors and not just people who joined the gun clubs to get hold of guns and licences, which was the case prior to the national agreement. That is why I am concerned about the watering down of this requirement. It goes against the spirit of the national agreement, which was intended to make it difficult for people to get handgun licences.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In relation to the public safety issue, it is important to note that Victoria Police is aware of these changes and is comfortable with the new requirements. I understand the Victorian Firearms Consultative Committee was also consulted regarding this part of the bill.

Ms PENNICUIK (Southern Metropolitan) — That may be so. The police may be relaxed; I am not. The Victorian Firearms Consultative Committee is made up almost entirely of representatives of shooting clubs, so of course it is happy with it. I understand that these requirements are an impost on shooting competitors, but that impost was put on them by the national agreement in order to make sure that people who hold firearms licences are bona fide competitors.

The requirement is not put on shooting competitors to make life difficult for them; it is so that the rest of the community can understand that if a person has a handgun licence, they are a bona fide competitor. The only way they can do that is by demonstrating that every year they compete in a certain number of events, and the number of events required should go up with the number of classes of handguns they hold. That was the agreement, and that is what is being undermined by the amendment made by clause 10. I will leave it at that.

Committee divided on clause:

Ayes, 37

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

Noes, 3

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

Clause agreed to.

Clauses 11 to 13 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the house do now adjourn.

Costerfield mine: ministerial visit

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the attention of the Minister for Energy and Resources, Michael O'Brien. It relates to the mine at Costerfield, a matter I also raised in the adjournments on Tuesday and Wednesday of this week. To recap, on Tuesday I raised a matter for the Minister for Agriculture and Food Security and Minister for Water suggesting he meet with the farmers there. On Wednesday I raised an issue for the Minister for Environment and Climate Change, suggesting he speak to the Environment Protection Authority. The issue I raise tonight is for the Minister for Energy and Resources in his purview regarding Costerfield mine.

Mr Drum — Will it be the Minister for Innovation, Services and Small Business next week?

Mr LENDERS — I got five in earlier this year on firewood, but this will be it because I think this will acquit all the issues.

The issue I raise for the Minister for Energy and Resources goes to getting some clarity for the local community about how the mine operates and on some issues regarding the mine. There are issues regarding the whole mining process and the extension of leases. Labor Party members are certainly very supportive of the mine as a regional employer, but we think there are some issues the Minister for Energy and Resources can address by speaking to the local community and making things quite clear.

Some of the issues that the local community has raised include the fact that AGD Operations is now a wholly owned subsidiary of Mandalay Resources. The local community is concerned about how one company can get a licence, then change its entity and have another company carry on the business. Conceptually there is nothing difficult about this, but in the local community there is a lot of anxiety among farmers about what is happening in the mine, as I have outlined previously. There is anxiety among local farmers as to whether agriculture or mining has precedence. There is also anxiety around who is actually taking water out of the aquifer and whether the aquifer is being contaminated. Now there is anxiety about the legal status of the exploration agreements and the hydrology reports entered into by former legal entities that have been passed on to a new entity.

The matter I raise for the minister is that he acquaint himself with the Costerfield mine, engage the farming community and address these issues so that the local community can be satisfied that the mine is acting appropriately, jobs can be protected and, most importantly, the mine can be embraced as an employment opportunity that can be shared. The community should not be wary of it simply because the minister cannot be bothered visiting.

Mental health: women's facilities

Mr RAMSAY (Western Victoria) — My adjournment is for the Minister for Mental Health, who is also the Minister for Women's Affairs, the Honourable Mary Wooldridge, and is in relation to

meeting the needs of women in hospital receiving care for mental health issues. As a member for Western Victoria Region, I have particular concern for this part of the state and the services for women in this area. I wish to question the minister with regard to the government's response to the need for gender-sensitive funding for South West Healthcare.

I note that research conducted six years ago by the Victorian Women and Mental Health Network found that more than 60 per cent of women in inpatient units experienced harassment or abuse. This is clearly not acceptable. The safety of women in inpatient mental health care has been a persistent concern of people with a mental illness. This is a very real worry for their carers and families, communities, health services and government.

I have also been made very conscious of this issue in my work as chair of the Drugs and Crime Prevention Committee. Women in hospital, particularly those with mental health issues, feel a greater vulnerability and require a more acute sense of security and calm around them. Gender-specific provision within a hospital environment will help give women that space and heightened protection. Women feel particularly vulnerable when being treated for mental health issues in mixed gender areas, where there are typically more males than females. This vulnerability is heightened by limited privacy and an inability to lock rooms or protect belongings. Women have the right to receive treatment and care free from fear of victimisation, violence, sexual assault and retraumatisation.

The 2011–12 state budget included $4 million in capital funding for modification works to improve conditions for women in mental health care. In relation to allocating that funding, I am also aware that the minister invited submissions from Victorian inpatient mental health service providers. This funding will go towards improving the safety, security and comfort of women in mental health inpatient facilities.

I ask the Minister for Mental Health whether consideration has been given to providing some of this allocation to South West Healthcare. I ask this because ensuring that services respect and are sensitive to women's needs and their safety is a real concern for the coalition government.

Koo Wee Rup bypass: funding

Mr SCHEFFER (Eastern Victoria) — The matter I raise is for the Minister for Roads, the Honourable Terry Mulder, and it concerns the funding and completion date of the Koo Wee Rup bypass. During the last Victorian elections in 2010 the coalition promised road users that it would fix traffic problems in South Gippsland by committing $50 million to the construction of the Koo Wee Rup bypass.

The coalition in its media release of 15 November 2010 acknowledged the problems for local residents of increased traffic flow and resulting noise, loss of trade, threats to safety and road damage and stated that the bypass would be a major link for tourists and freight to Phillip Island and the Bass Coast highway. The media release stated that the coalition would act immediately to fix the problems and build the Koo Wee Rup bypass and that it would include a direct link from the Pakenham bypass to the South Gippsland Highway with three roundabouts.

My question to the Minister for Roads is: will he provide me with a completion date for the bypass, the total cost of the project and advice on whether he will be pushing for the full funding allocation in the May Victorian budget? In the lead-up to the 2010 election the coalition wanted voters to think that there was a hold-up caused by the inaction of the previous Labor government in constructing the road. The coalition also wanted voters to believe that $50 million would be enough to deliver the bypass. Of course this is nonsense.

I checked the VicRoads website, which confirmed that planning had been under way well prior to 2007, when the concept options were first put on public display. The Minister for Roads put $50 million for the bypass in the 2011–12 state budget, and in his media release of 3 May 2011 he implied that the bypass will cost $50 million. That, I suspect, is not quite right. Way down in the city the *Melbourne Leader* got it right, describing the $50 million as being for the first stage of the bypass construction.

Here we are nearly 12 months later and we see in the *South Gippsland Sentinel-Times* a report that the federal member for Flinders, Greg Hunt, says that the Koo Wee Rup bypass will be a priority if he is re-elected at the next election. But the *Koo Wee Rup Blackfish* reports that when Edward O'Donohue attended the Koo Wee Rup township committee annual general meeting last November he told them the money was on the table. Clearly the Koo Wee Rup bypass is the gift that keeps on giving — you never need to build it; you just need to keep committing to it.

Employment: health infrastructure

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for

Health, Mr David Davis, and it is to do with jobs. All week in this place we have heard the ALP go on and on about the lack of jobs. I would like to remind ALP members at the last juncture of our sitting week that much has been done about jobs. The Minister for Employment and Industrial Relations, Minister Dalla-Riva, has done an enormous amount, as has Minister Davis.

It is important to reflect on the 1300 construction jobs on the site of the Box Hill Hospital redevelopment that are going to be protected as a result of Mr Davis's work. In addition to those 1300 construction jobs, 250 new jobs are going to be created as a consequence of the Box Hill Hospital redevelopment. This is an enormous number of jobs, and it is important for members of the opposition to take that home with them as they leave this place today. They should remember this, stop their whingeing and moaning, and listen.

The other interesting part of this is that the Box Hill Hospital redevelopment will have a mandated 80 per cent local content applied to the overall design, construction and fit-out of the new facilities. The flow-on effects from these jobs and the local content is going to be really important in the Southern Metropolitan Region, particularly in and around the Box Hill catchment area, which is in the Southern Metropolitan Region. It is really important to see the flow-on effects for people in and around the Southern Metropolitan Region. The action I seek from the minister is for him to investigate more ways in which health infrastructure can create jobs across the Southern Metropolitan Region.

Stamp duty: young farmers

Ms DARVENIZA (Northern Victoria) — I raise a matter for the attention of the Minister for Agriculture and Food Security, Peter Walsh. The matter I raise concerns the fact that young farmers have been let down by the Liberal-Nationals coalition's failure to honour its election commitment. Along with many other people in rural and regional Victoria, I am very disappointed that the state Liberal-Nationals coalition's election commitment to cut stamp duty for young farmers has been badly bungled. In the lead-up to the last state election the coalition said it would exempt farmers aged under 35 years from paying stamp duty on the first $300 000 worth of agricultural land purchased, but the devil is in the detail.

That fact that young farmers buying properties costing over $400 000 will still have to pay the full stamp duty amount is just ridiculous. There would be very few viable farms that would cost less than $400 000, and I understand that other young farmers have missed out on the exemption because they are members of their family's farm trusts. The VFF (Victorian Farmers Federation) points out that while young farmers have to fork out over $19 000 in stamp duty if they buy a property worth $400 000, their counterparts in Melbourne — first home buyers — are getting first home owner grants of $7000 on properties worth up to $750 000, plus another $13 000 if they are buying a new home.

My specific request to the minister is that he honour his election commitment and exempt young farmers from stamp duty as promised. It would seem that the Liberal-Nationals coalition government does not have a handle on rural issues and as a result has let farmers down at a time when the agriculture sector could do with a helping hand in the face of the strong Australian dollar and the lingering effects of both drought and floods. The VFF has been quite vocal in its criticism of the government. The federation's president, Andrew Broad, has been reported in the media as saying:

> We've also been done over by the government on their election promise …
>
> …
>
> It's tough enough getting into farming as it is, let alone finding the government lets you down …

Young Agribusiness Professionals spokesperson, Prue Addlem, said that the government had been misleading young people and that it talks about wanting to support rural and regional Victoria but lets young farmers down. I ask the minister to honour the election commitment and to exempt young farmers from stamp duty as promised.

Climate change: reports

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Environment and Climate Change, Mr Smith. I request that Mr Smith release two particular reports regarding climate change and coastal inundation. The first of those reports is the Victorian Coastal Hazard Guide under the umbrella of the Future Coasts program as outlined in *Future Coasts — Preparing Victoria's Coast for Climate Change.* The website states:

> Following stakeholder feedback, the Department of Sustainability and Environment has reviewed the scope and purpose of the 'Victorian coastal climate change hazard guideline' …
>
> In line with this refined scope and purpose, the 'Victorian coastal hazard guide' … will replace the VCCCH guideline.
>
> …

> The guide will be produced primarily for land managers, council planners, engineering and planning consultants …
>
> …
>
> catchment management authorities;
>
> flood management authorities;
>
> coastal boards;
>
> the insurance and property industry; and
>
> emergency services.

The website also states that work has now concluded on the guide and that it is expected to be completed by the end of 2011, but it still has not been released.

The second report I request the minister to release is the report of the Coastal Climate Change Advisory Committee. Its website says:

> Following the hearings the committee submitted its report in December 2010. The report will be made available … once it has been released to the public.

That was more than a year ago, and I know many people around the coastal communities in Victoria are concerned, particularly those in Southern Metropolitan Region where communities are under threat of inundation and stormwater surges. In fact I have already experienced stormwater surges in the city of Port Philip. Many members of the community are awaiting both these reports, which will assist councils and land-holders to mitigate the effects of climate change and sea level rise on the Victorian coast.

These two reports are both under the remit of the Minister for Environment and Climate Change. I presume he has these reports, and my request is that he release them.

Carbon tax: health sector

Mr O'BRIEN (Western Victoria) — The matter I raise is for the Minister for Health, and the action I seek is in relation to the serious impact that the commonwealth carbon tax will have on the Victorian health service and Victorian hospitals when it commences on 1 July this year. I am particularly concerned about a number of hospitals and health services in my electorate of Western Victoria Region. There are many, but I will just name a few: Portland District Health, Barwon Health, the Warrnambool hospital, Edenhope and District Memorial Hospital, Penshurst and District Health Service, Stawell Regional Health, the Ballarat base hospital and Maryborough District Health Service.

Mr Finn interjected.

Mr O'BRIEN — And Colac Area Health. Newspaper reports on modelling by the Victorian government show that in the first year alone there will be a cost to the Victorian health system of over $13 million, rising to $14 million in the second year and accumulating to well over $100 million over the next decade. I want the minister to take action and go into bat for the people of Victoria in relation to this ill-conceived carbon tax.

Health agreements are sometimes referred to in this chamber, but they were signed long before the carbon tax was introduced. A reconsideration by the federal government of these funding agreements is needed. There is no specific provision for carbon tax compensation, and there needs to be full compensation for Victoria.

The other issue in relation to these agreements is that they are based on national prices, which do not take full account of Victoria's high reliance on brown coal compared to other states. Victoria's competitive advantage for all its services, including hospitals, and for manufacturing and industry is its cheap electricity. That is our competitive advantage.

Mr Tee interjected.

Mr O'BRIEN — I will tell you what is not a competitive advantage, and that is the contribution from Mr Tee towards the running of Victoria by Labor over the last 11 years.

Additionally, as I understand it there is no allocation for the impact of the carbon tax on the private sector, which ultimately will be forced to pass on those costs to families through higher private health insurance premiums. The non-government sector, which includes our bush nursing hospitals, is left hung out to dry. Ambulance services and ambulance aviation are also not exempted from the commonwealth's carbon tax, and this is a very serious problem. The commonwealth has decided to tax cemeteries. Not content with taxing just the living, it will also be taxing the dead — again without compensation.

This is a very serious issue in my electorate. I note the recent High Court challenge to this tax. The commonwealth has not taken into account these crucial factors and their impact upon Victorian health service patients. I raise this matter for the attention of the minister, and I encourage him to continue to fight for compensation for Victorian hospitals and to take this fight to the commonwealth. The action I seek is for the minister to advocate to protect Victoria from the impacts of this ill-conceived carbon tax.

Public transport: fares

Mr EIDEH (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport, Mr Mulder. Last October he said:

> … it took 11 years to put the public transport network on its knees, and it has taken 11 months to pick it up and put it back where it should be.

The proof is to the absolute contrary: the punctuality of our public transport services slumped dramatically during the first year of the Baillieu administration and the rate of cancellations has hit new heights. As members of Parliament, pretty much all of us tend to drive, except for ministers who have the additional privilege of having chauffeurs. We rarely use trams, trains or buses — in that sense we are unlike our electors — but that is no excuse for allowing public transport to become worse under the Baillieu administration.

It should not be something about which we are complacent. Rather than acknowledging its failings, this government has chosen to slug Victorian commuters with the largest price hike in nearly a decade, one which in some cases is more than twice the current rate of inflation. Public transport is critical to Victorians, but it is a low priority for the Baillieu government. I ask the minister for an explanation as to why commuters' fare increases exceed the current rate of inflation.

Climate change: government expenditure

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change, Ryan Smith, and in doing so I commend the minister for the interest he has shown in the Western Metropolitan Region since coming to the portfolio. A number of people in my local region have commented on the very positive impression that Minister Smith has made throughout the western suburbs. Many people have commented to me that they have never before seen a minister for the environment so interested in the western suburbs. That is something I thank and commend the minister for.

Tonight I wish to raise with the minister the particular area of his portfolio concerned with climate change. I have my own views on climate change, as I am sure most members of this house would be aware, and I do not seek to advance those tonight. But we hear a great deal about climate change, and sometimes it is as if everyone is talking about it. In fact you would have to say the campaign on climate change is no coincidence; it is not something that just happens. It is clear that climate change is a very big part of various governments' agendas, including the Victorian government's, given that the minister is the Minister for Environment and Climate Change. Clearly as a result of that a good deal of energy and resources go into warning the community of the dangers of climate change.

As we know in Victoria, and as we have discovered again today, the economic wolf is at the door. The previous government left the cupboard bare, and we are again suffering from the economic irresponsibility and incompetence of a Labor government. A Liberal-Nationals government has again been called on to save Victoria from the incompetence of Labor. We know as a result of that particular situation that dollars are tight and every dollar needs to be accounted for. Therefore I ask the minister to provide full costings for the climate change section of his department. What we need to know is how much the Victorian taxpayer has spent on climate change. It is a question that I am often asked as I move throughout the western suburbs, and I hope the minister can provide an answer.

I ask the minister to inform Victorians in a very public manner how much of their money has gone into the promotion, sponsorship, employment and other aspects of the Victorian government's efforts on climate change. If the minister could make those figures public, I am sure that there would be a good many Victorians who would be very keen to take a look at those very interesting figures.

Minister for Housing: comments

Ms MIKAKOS (Northern Metropolitan) — My adjournment matter this evening is for the Minister for Housing. I specifically refer to the deplorable comments the minister made during Tuesday's question time about Department of Human Services staff. She referred to DHS as the Department of Human Suffering. This is a particularly insulting and demeaning attack on DHS staff, and the minister's comments show her contempt for the workers in her department, a contempt that explains the Baillieu government's decision to restructure the Department of Human Services and axe 500 jobs.

This restructure is occurring at a time when the Baillieu government should be creating jobs, not destroying them. It shows how out of touch the minister and this government are when it comes to the needs of working people who help the most disadvantaged families and individuals in our community by providing outstanding work through the Department of Human Services.

The irony will not be lost on anyone in this house, because the very public servants and senior managers whom the minister seeks to denigrate as being part of the Department of Human Suffering are exactly the same staff and leaders who now work for her government. This is the very same department that supports some of the most vulnerable in our community — people who are homeless, people who have disabilities and families who are most in need of assistance.

The specific action I am looking for this evening is for the Minister for Housing to do the honourable thing and apologise to the staff in her department for her inappropriate and mean-spirited attack.

Special schools: Officer

Mr O'DONOHUE (Eastern Victoria) — The adjournment matter I raise this evening is for the attention of the Minister for Education, the Honourable Martin Dixon. It pertains to the construction of a special school in Officer. By way of background, the Minister for Education, who was then the shadow minister, made a commitment via a public meeting and a press release dated 11 November 2010 that a coalition government, if elected, would build a special school in the first term of a Baillieu government.

Labor members have been trying to say this is a bipartisan commitment, but I wish to quote from a press release dated 27 October 2010 and issued by the Labor Party in which former education minister Bronwyn Pike announced that a re-elected Brumby Labor government would design and plan the new special school and stated that:

> As part of the planning for the new school, we will work with the community to determine the best location to build it.

Clearly the previous government had a plan for a plan for another four years in which to plan for a school, whereas the coalition gave an unequivocal commitment to build the school in this term of government. I note that, as part of delivering on that commitment, in the budget of May last year the Minister for Education, Mr Dixon, made the Officer special school a priority and identified funding for the construction of that school. In a press release dated 3 May 2011 he is quoted as having said:

> The coalition government's top priority will be the most generous funding allocation in Victoria for more than a decade for schools educating students with autism and special needs …
>
> This funding will reverse years of neglect under the Labor government …
>
> The coalition government is determined to give Victorian parents of children with autism and special needs improved schools and better opportunities …

There has been some discussion of this project by Labor members, notwithstanding their refusal to build a school during 11 years in power and notwithstanding their refusal even to commit to building a school prior to the last election. They merely committed to plan for a plan — on the never-never. We know that my constituent Ms Graley, the member for Narre Warren South in the Assembly, issued a press release saying the government would build a special school in Casey, while Ms Lobato, the then member for Gembrook in the Assembly, issued a press release saying the government would build a special school in Cardinia. They were having a bob each way — proposing a school in Casey or Cardinia, not knowing where and not knowing when.

The coalition identified Officer as a location, and to clarify this discussion and how this matter proceeds I ask the minister to provide an indicative timetable of the construction and delivery of this most important community project.

Planning: Richmond development

Mr TEE (Eastern Metropolitan) — The matter I wish to raise this evening is for the Minister for Planning. It relates to a written request he has received from Urbis, which wants the minister to intervene to bypass a council process that has occurred and to bypass Victorian Civil and Administrative Tribunal (VCAT) proceedings that are on foot. The development which is the subject of the request for ministerial intervention involves a 356-apartment development by Salta Properties at 520 Victoria Street and 2–30 Burnley Street, Richmond.

I suppose what has occurred here is that on a number of occasions the minister has intervened in a somewhat footloose way in issues such as this — most recently we have seen that at the Brunswick terminal station. Because of the number of times the minister has intervened, ignoring councils and community concerns and jumping on the sides of developers — because of that track record — there is a degree of uncertainty on the part of councils, communities and indeed developers. No-one knows what is going to happen next. No-one knows when the minister will intervene and on what basis.

On this occasion we have a dispute involving the provision of car parking spaces. As I said, the developer has already been through a council process and been knocked back by council. The developer has also already gone to VCAT — I understand there are currently VCAT proceedings under way. They are well under way; there will be a directions hearing on 13 April and a final merits hearing on 10 July. As they are well on foot, there is no requirement for the minister to intervene on the basis of urgency. I would urge the minister not to intervene. This is a dispute about car parking. It is not of state significance. The minister has promised — and I am citing a media report about him — to where possible remove the planning minister from the planning process. This is an opportunity to walk the walk. It is a single developer arguing about car parking spaces. As I said, it is not a matter of state significance.

The council and the community are opposed to the intervention. In a letter to the minister, the mayor of the City of Yarra has expressed his very strong opposition to the intervention. The community and the council want the open and transparent process to proceed without political interference. They do not want the issue hijacked. They do not want the process decided behind closed doors in the minister's office. They want a planning process. They do not want the community or the council circumvented. I urge the minister to publicly declare that he will not intervene so that the community can have certainty.

Manufacturing: Geelong

Mr KOCH (Western Victoria) — My matter is for the Minister for Manufacturing, Exports and Trade, and it concerns the state of the manufacturing industry in Victoria, with particular emphasis on Geelong. It is well recognised that Victoria is home to local, national and multinational manufacturing enterprises which are significant contributors to the state's economy. Manufacturing firms across the state employ more full-time workers than any other sector, and they are still an important source of exports and investment in new technology.

In recent times it has been getting much harder for those directly and indirectly involved in manufacturing to sustain viable operations, not only in Victoria but across the nation. Manufacturers must deal with the effects of a high Australian dollar, the growing interdependence of global supply chains, subdued consumer demand at home, falling productivity and rising energy costs, not to mention the carbon tax. These are the challenges for all our manufacturers, and they also confront increasing competition from growing economies like China and India in the global marketplace.

Geelong is the engine room for manufacturing in Victoria. It has a well-developed port and direct access to advanced technology and education. The Geelong region is rapidly expanding in population as a tourist destination and as a technology, health and education hub. For Geelong manufacturers to remain competitive, they need a future with more innovation, state-of-the-art technology, improved upskilling of workers, increased trade opportunities and advanced infrastructure. It is well documented that Victoria's growth in manufacturing has stagnated over the past decade due to the failure of the previous Labor government to initiate a strategy to support productivity and promote a competitive manufacturing industry.

Geelong's manufacturing industry faces challenges like the high Australian dollar, the migration of jobs overseas by multinational companies seeking lower input costs and, most importantly, the introduction by the federal government, in collusion with the Greens, of the world's biggest carbon tax. This has the potential to destroy manufacturing and eliminate jobs across the nation. Geelong will not remain immune from this travesty.

Alcoa has announced it would be reviewing its operations at Point Henry due to a range of factors, including low metal prices, a high Australian dollar and increasing input costs. It was also pointed out that the future price of carbon would be an additional cost. The possible consequence of this review is that 600 highly trained workers jobs will be under the spotlight. If job losses occur, it has been estimated that the flow-on effect could threaten a further 2000 jobs. This would be a shocking consequence. My request for the minister is that he outline the coalition government's plans to sustain the future of Geelong's essential manufacturing industry in this state.

Responses

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have a range of matters for reference to other ministers. Mr Lenders raised a matter, which I understand is the same issue that he has raised with other ministers, for the Minister for Energy and Resources. I shall pass that on.

Mr Ramsay raised a matter in relation to South West Healthcare for the Minister for Mental Health, who is also the Minister for Women's Affairs, in relation to mental health issues. I shall certainly pass that on.

Mr Scheffer, interestingly, raised an issue for the Minister for Roads about the Koo Wee Rup bypass. He wanted advice on the completion date and cost of that project. It was interesting that this week we did see the Auditor-General's report on the capacity of the former government to relocate the Melbourne Markets and how it mucked that up. I will certainly pass that on to the minister, when Mr Scheffer is down there, of course, visiting his electorate.

Mrs Coote raised a matter for the Minister for Health on the great announcements by the minister in relation to providing health infrastructure and its capacity to create more jobs. Clearly there are threats around with the carbon tax that has been outlined.

Ms Darveniza raised a matter for the Minister for Agriculture and Food Security in respect of young farmers. It has been put to me that, as opposed to those opposite, we have policies for young farmers. I will certainly refer that on.

Ms Pennicuik raised a matter for the Minister for Environment and Climate Change regarding some reports. I will refer that on.

Mr O'Brien raised a matter for the Minister for Health with regard to the impact of the carbon tax on western Victoria. We know that the impact is expected to be quite substantial. I must say to Mr O'Brien that back in August last year we indicated the impact that the carbon tax would have on Victorian jobs growth and its significant impact on his electorate of Western Victoria Region. I will certainly pass that on.

Mr Eideh raised a matter for the Minister for Public Transport, and I will pass that on.

Mr Finn raised a matter in relation to the cost of running climate change activities within the department of the Minister for Environment and Climate Change. I am sure we would all like to see exactly how much energy they burn, in terms of their funding.

Ms Mikakos raised a matter for the Minister for Housing. I note her concerns about jobs, and I will certainly pass them on to the minister.

Mr O'Donohue raised a matter for the Minister for Education outlining the timetable of a particular project. As opposed to the previous government, we at least will deliver on that. I will pass that matter on.

Mr Tee raised a matter for the Minister for Planning, and I will refer that on.

Mr Koch raised a matter for me in relation to the manufacturing section and concerns about outlining a sustainable future for Geelong. As I indicated, in response to that matter, there has been an upturn in manufacturing jobs in Victoria. We have always stood firm and said we need to have a strong, coherent policy in regard to the manufacturing sector. In particular, we understand the importance of Geelong.

Geelong is home to a number of innovative and world-class manufacturing facilities. For example, we know about the announcement by Marand Precision Engineering about the continuation of the contract for the joint strike fighter, the F-35, which is a significant international contract. We have recently made announcements with the federal government about providing surety for the workforce at Ford and its supply chain. I have also been to visit the Backwell IXL automotive component supplier, and I understand its needs.

Air Radiators is a significant company that supplies Bushmaster. This is just one example of where the manufacturing supply chain is critical. We were very critical about the federal government not considering the Bushmaster for the defence contract, because there are downstream effects when contracts are awarded overseas by the federal government. That is why we argued so hard for the retention of the Bushmaster contract at Bendigo, because not only would it secure the jobs at Bendigo but it would also mean that the supply chain, including companies such as Air Radiators, would at least be in the ballpark for those contracts.

Mr Lenders interjected.

Hon. R. A. DALLA-RIVA — We made our purchasing policy very clear, Mr Lenders. I find it amazing that those opposite turned their faces against manufacturing for 10 long years and allowed it to drift.

Mr Lenders — President, I direct your attention to the state of the house.

Quorum formed.

Hon. R. A. DALLA-RIVA — As I was saying, the importance of manufacturing cannot be understated in terms of Geelong. We have worked with the Geelong Manufacturing Council to deliver our policy commitment. I was at the formal opening of Godfrey Hirst Carpets, a company that had closed down under the former government, a company that had no assistance provided to it. This company has now opened with 80 jobs secured for people in the manufacturing sector in Geelong. That is another

demonstration of our commitment to the manufacturing industry, and we know the textile clothing and footwear industry is critical to the supply chain. We do not for one moment take regional manufacturing for granted. It is no less important than manufacturing here in Melbourne, and we know that regional manufacturers have a greater impact on the local community than perhaps manufacturers in Melbourne, in a range of ways in terms of employment and importance.

I note, as Mr Koch indicated in his adjournment matter, the importance of Alcoa, and we are working as hard as we can to ensure that the issues of Alcoa and the global supply chain are being addressed. We are not playing politics with that matter, and, unlike those opposite, we are certain about ensuring that there is some sustainability for manufacturing in Victoria, and Geelong in particular. Whilst we understand that there is a whole raft of issues confronting the manufacturing sector, as I said, we have confidence as a government in the strength and resilience of manufacturing in Geelong. I look forward to making more visits to Geelong in the near future.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.42 p.m. until Tuesday, 27 March.