

**PROOF**

**PARLIAMENT OF VICTORIA**

**LEGISLATIVE COUNCIL**

**DAILY HANSARD**

**Thursday, 13 March 2008**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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## Legislative Council committees

**Legislation Committee** — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

**Privileges Committee** — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

**Select Committee on Gaming Licensing** — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

**Select Committee on Public Land Development** — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

**Standing Committee on Finance and Public Administration** — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

**Standing Orders Committee** — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Mr PHILIP DAVIS (to 23 January 2008)

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Ms WENDY LOVELL (from 30 January 2008)

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Mr DAMIAN DRUM

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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP



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09:30

**Thursday, 13 March 2008**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.**

## RELATIONSHIPS BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. J. M. MADDEN (Minister for Planning).**

09:35

## PETITIONS

**Following petitions presented to house:**

### **Planning: St Kilda triangle development**

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the development of the site at 1 Lower Esplanade, St Kilda, as the site for the St Kilda triangle development. Citizens have major concerns over the loss of public space and important public view-lines, the adverse effects on the heritage of the Palais Theatre and the overdevelopment of the site for use as a shopping, commercial, office, hotel, and nightclub precinct, resulting in the loss of existing character and amenity of this unique suburb of Melbourne.

The petitioners therefore request that the Minister for Planning moves to reject the application accepted by the City of Port Phillip on 7 February 2008 and ensures that any development on the St Kilda triangle site be for public purposes only as described in the Crown Land (Reserves) Act 1978 and in accordance with the City of Port Phillip urban design framework, that is primarily for cultural, entertainment and recreational purposes and public open spaces.

**By Mrs COOTE (Southern Metropolitan) (2208 signatures)**

**Laid on table.**

### **Planning: St Kilda triangle development**

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the development of the site at 1 Lower Esplanade, St Kilda, as the site for the St Kilda triangle development. Citizens have major concerns that a commercially focused overdevelopment of the Crown land known as the St Kilda triangle site has been approved, in part, because no public funds have been allocated to the refurbishment of the heritage Palais Theatre or for the decontamination and remediation work required on the St Kilda triangle site. Citizens are also concerned that the proposed development, which would physically abut the Palais Theatre on two sides, will severely compromise this unique heritage building. Citizens are also concerned that Crown land is being given over to private developers for purposes contrary for which it has been reserved and that the

commercial focus of the development is inappropriate for Crown land on the foreshore.

The petitioners therefore request that the Minister for Planning moves to ensure that sufficient public funds are made available to enable the restoration and refurbishment of the heritage Palais Theatre and for any required decontamination and remediation work on the Crown land known as the St Kilda triangle site.

**By Ms PENNICUIK (Southern Metropolitan) (2453 signatures)**

**Laid on table.**

## **Gaming: Cardinia**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the residents of Officer and Beaconsfield strongly reject any move to bring and install electronic gaming machines ('pokies') into their community.

The Shire of Cardinia has received applications to install over 200 gaming machines at three separate locations in the townships of Beaconsfield and Officer. If these applications are successful, these townships will have a concentration of electronic gaming machines that is significantly higher than the community desires.

The petitioners request that the state government of Victoria recognise without delay the effect their gaming policies are having on local communities. The petitioners request that the flawed state government gaming policies, which allow the proliferation of gambling, be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines ('pokies').

**By Mr O'DONOHUE (Eastern Victoria) (64 signatures)**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Ombudsman —

Report on Conflict of Interest in Local Government, March 2008.

Report on Conflict of Interest in the Public Sector, March 2008.

Statutory Rules under the following acts of Parliament:

Liquor Control Reform Act 1998 — No. 13.

Public Administration Act 2004 — No. 14.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 14.

09:40

**BUSINESS OF THE HOUSE****Adjournment****Mr LENDERS** (Treasurer) — I move:

That the Council, at its rising, adjourn until Tuesday, 8 April 2008.

**Motion agreed to.****MEMBERS STATEMENTS****Foreign Affairs and Trade: international travel advice**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The decision by Cricket Australia to postpone the Australian cricket team's tour to Pakistan highlights a worrying development in the way the commonwealth government distributes advice to travellers. It has long been the practice of the Department of Foreign Affairs and Trade (DFAT) to publish travel advice on its website to warn Australian travellers about potentially hazardous destinations. This information has been bland to the point of useless, often out of date and frequently reactive. However, the principle was maintained that all pertinent information was made available to all travellers via that website. DFAT was at pains to emphasise that the information made available to the public was the only information that was used by the government in making its own travel decisions.

That has now changed. Rather than relying on the general advice available to all citizens, the Minister for Foreign Affairs gave Cricket Australia private briefings as to the security situation in Pakistan. Regrettably we now have a two-tier system of regular travel advice for ordinary citizens and special briefings for select groups. How can Australians have confidence in the official published travel advice when it is clear that a separate brief is made available for select groups on a select basis?

The Minister for Foreign Affairs must reassure Australians that the current published travel advice for Pakistan encompasses all the information that was made available to Cricket Australia and must cease the new practice of special briefings for select groups.

**Roads: east–west link**

**Mr BARBER** (Northern Metropolitan) — We are currently going through the \$5 million farce that is the Eddington inquiry into inner Melbourne's east–west

transport links, which is ultimately going to lead to the inevitable predetermined conclusion of a north–south tunnel. I guess if you ask a stupid question, you get a stupid answer.

The promoters of this, Mr Brumby and his private sector partners, do not understand the meaning of the word 'sustainability', they do not understand that our neighbourhoods are important to us and they do not understand that air pollution is killing more people in Melbourne than are car accidents. Apparently the only language they do understand is the language of power, votes and ultimately the seats they will lose. While that is my second language, I am very fluent in it, and the government can expect an enormous backlash when this tunnel is announced.

**Our Lady of Lebanon Maronite Catholic Church: consecration**

09:45

**Mr ELASMAR** (Northern Metropolitan) — On 8 March thousands of people from across Victoria attended the consecration of a new Maronite church, Our Lady of Lebanon, in Thornbury. I am proud to say that the Australian Lebanese Maronite community has dug deep into its own pockets to fund this wonderful project.

There were so many members from different parties from both the state and federal parliaments that it is impossible for me to name them all, except to say that my heart swelled with joy that the Australian Lebanese Maronite community is held in such high regard by my parliamentary colleagues.

To His Grace, the Bishop of Sydney, Ad Abikaram, who performed the blessing, and to Monsignor Joseph Takchi and to all the other priests and sisters together with the committee who organised this splendid event, I offer my wholehearted congratulations on a job magnificently well done.

**Consumer Affairs: *10 Things You Should Know About Credit***

**Mr ELASMAR** — On another matter, on 6 March at the Banyule Support and Information Centre in Burgundy Street, Heidelberg — near my office — I attended the launch of the booklet *10 Things You Should Know About Credit*. The booklet was launched by the Minister for Consumer Affairs from the other place. The member for Ivanhoe from the other place was also present. This booklet is very useful and, importantly, written so that most people can understand it. I congratulate the minister and his department for this timely publication.

### **Licola Wilderness Village: government assistance**

**Mr P. DAVIS** (Eastern Victoria) — I draw the attention of the house to the visit to Licola last Friday by the parliamentary Environment and Natural Resources Committee of. It is now 15 months since the bushfires up there, 12 months since the mudslide and 9 months since the floods. The visit essentially highlighted the slow recovery of the access tracks and walking tracks, with the school camps remaining closed. An enormous amount of work is yet to be undertaken by the agencies who are undertaking the recovery tasks.

It highlighted also the major problem which exists for the Licola village, which is owned by Lions. Many members of this house are members of a Lions club — indeed, the parliamentary Lions club — so I am sure they have a very keen interest in the future of the Licola Wilderness Village, which has operated for 38 years, with the exception of this summer, because its role has been to provide services and holiday opportunities for disadvantaged and disabled children particularly. The village needs a fair bit of support to get back on its feet. In particular, there is a need to replace a levee bank and that will cost in the order of about \$200 000; at the present time it seems there is no funding available for this levee bank. I urge the government to throw its weight behind the recovery of the Licola Wilderness Village.

### **Health: federal budget**

**Mr THORNLEY** (Southern Metropolitan) — This government has been very strong on the power of human capital economics and particularly, as an example of that, preventive health care. When you invest early, you not only improve people's lives but you save a lot more money later on. Both sides of that equation are productive.

Another example that needs attention — and it is one that the federal government needs to consider seriously — is dental health care. There has been an anomaly in that system for a very long time, which means that the sort of care that we provide for the rest of people's health has not been extended to dental health. There are obviously difficult concerns in framing a tight budget this year, but I would encourage the federal government to consider the fact that it can frame budgets around a range of parameters. The one that makes the most sense when things are tight is to think about the things that generate a positive return in the future, which will make future budgets easier.

Preventive health care in general and dental health care in particular are good examples of that.

I hope that as it takes on board the type of thinking this government has promoted through the national reform agenda by means of a range of measures — be they in early childhood development or in preventive health care on issues like type 2 diabetes — it gives full economic weight, as well as full social justice weight, to the opportunities to improve access to dental health care along with the other great Labor milestones in the Medicare system.

09:50

### **Victoria Police: register of inappropriate associations**

**Mr DALLA-RIVA** (Eastern Metropolitan) — We are continually astounded by the approach that Victoria Police continue to take. Today I am again astounded by the notion of a register of inappropriate associations that it is proposing to establish. It reminded me of the old days when Victorian police used to have what they called consorting reports. I was one of the very few in this chamber who would have actually filled those out. You would actually 'consort' criminals — remember those Mr Finn? — in the community, whether they were reputed thieves or known criminals. That procedure was removed because it was an infringement on the rights of the criminals, yet what we have today is the notion of establishing some register of inappropriate associations.

I note that Victoria Police says that it will bring us into line with other jurisdictions — for example, New South Wales and Queensland. One difference is that those jurisdictions actually have established, independent anticorruption bodies. What we are again doing is single out the police for their associations while excluding everyone else. We will exclude politicians, we will exclude public servants — we will exclude everyone else. I ask: why is it that Victoria Police are always singled out in these instances? We have crime occurring everywhere, and all they are worried about is who is up who!

### **Multiculturalism: funding**

**Mr EIDEH** (Western Metropolitan) — I am very pleased to see that 65 community groups in Brimbank have received the funding necessary to enable them to plan multicultural events and festivals in my electorate. I am also pleased that the Victorian government continues to support multiculturalism and cultural diversity. This can be seen in the Brumby Labor government's increase in funding of the Victorian Multicultural Commission's community grants

program from a level of \$750 000 to \$4 million per year since 1999.

As a Victorian from a culturally diverse background I sincerely appreciate and welcome the opportunity for communities to preserve their cultural identities, share their cultural heritage and strive to create harmony between all Victorians. The spirit of multiculturalism is alive and well in my electorate, and I am proud of the support that the Brumby Labor government has given to these groups. Victorians can be pleased with what the government is doing to maintain a harmonious society where all Victorians can live with respect and trust in each other.

I congratulate Mr Merlino, the Minister Assisting the Premier on Multicultural Affairs in the other place, and the Victorian Labor government for their commitment to the creation of a better Victoria that is inclusive and harmonious.

### **Government: performance**

**Mr VOGELS** (Western Victoria) — Following the resignation of two Ballarat City councillors, ratepayers will be going to the polls next week to elect two new councillors. The Ballarat *Courier* has been interviewing prospective councillors, and some of their comments make very interesting reading. I would like to quote Ms Dianne Hadden, who is a former member of this house. She was a very good member. However, the Labor Party decided they had to get rid of her because she was representing her community too well. The question posed to Ms Hadden was ‘Are you or have you ever been a member of a political party?’ Dianne is reported in the article as having said that she was a member of the ALP for 26 years until she resigned in 2005 because she thought that the Bracks government had become arrogant and she was very angry with the treatment of country Victoria. She said that she thought the current Premier, John Brumby, is also arrogant and he needs to tone that down.

That was reinforced today by an article in the *Age* by Paul Austin which carries the headline ‘Labor sings the democratic tune but ignores the chorus’. The last paragraph in his article reads:

Labor’s contemptuous treatment of the adjournment debate is worth keeping in mind next time you hear John Brumby talking about how he has worked so assiduously to make his government more accountable to the people.

Labor has been in power for nearly nine years and we find that they are becoming more arrogant, they are not transparent, and they treat this place with absolute disdain.

### **Kyoto protocol: ratification**

**Mr SCHEFFER** (Eastern Victoria) — On Tuesday the Prime Minister announced that Australia’s ratification of the Kyoto protocol has now come into force, 90 days after the ratification instruments were provided to the United Nations Secretary-General. The Prime Minister said that climate change is an immense economic and environmental challenge.

He also said that climate change presents an immense moral challenge because its greatest impact will fall on those who are least able to sustain it.

09:55

Australia is now formally aligned with those nations that have collectively committed to addressing climate change. Most people have now swung behind the federal Labor government and support the ratification of the Kyoto protocol; they want to see their governments, state and national, accelerate action to address climate change. The federal Labor government and the state Labor governments in partnership are committed to reducing carbon emissions. They now face the complex task of detailing the particular path that will be followed to bring about a real reduction in carbon emissions.

A lot has been said about how Australia is meeting its Kyoto targets. But we need to remember that the Kyoto target of 108 per cent of 1990 emission levels was brokered by the Howard government, which threatened to walk away from the negotiations unless concessions were allowed that would enable Australia to increase to at least 120 per cent of 1990 levels by 2010 while still coming in at around 108 per cent. Australia’s behaviour was seen at the time by international representatives as misleading, wrong and immoral. However, that is now history and the Rudd and Brumby governments should be congratulated on working hard to move the economy onto a lower carbon path through an emissions trading scheme and through the introduction of renewable energy targets.

### **Hindu Society of Victoria: silver jubilee**

**Mr SOMYUREK** (South Eastern Metropolitan) — Last Saturday night I had the good fortune of attending a function organised by the Hindu Society of Victoria at the Springvale town hall commemorating the silver jubilee of the society. I take this opportunity of congratulating the society’s president, Mr Thanikasalam, and the committee of management of the society for their good work.

The Hindu Society of Victoria since its inception in 1982 has provided a valuable service to the Victorian

Hindu community and has been at the forefront of promoting the Hindu community to the wider Victorian public. A significant achievement of the Hindu Society of Victoria is the construction of the Shri Shiva Vishnu temple in Boundary Road, Carrum Downs, which, I am advised, is the biggest temple in the Southern Hemisphere. The temple was built at a cost of \$1.5 million entirely from the proceeds of donations and the hard work and dedication of community volunteers. Hindu worship is centred around Shiva and Vishnu, the presiding deities of two dominant streams in the Hindu ritualistic tradition. The temple attempts to bring the two streams together and provide a synthesis.

The next major project of the Hindu Society of Victoria is the construction of a \$5.5 million cultural and heritage centre. The centre will comprise a multipurpose community hall, meeting rooms, meditation room, storage facility, heritage centre and library. This facility will service the rapidly growing Hindu community of not only the south-eastern suburbs but also the entire state.

### Leader of the Opposition: comments

**Ms PULFORD** (Western Victoria) — I rise today to suggest to the leader of the Liberal-Nationals coalition, Ted Baillieu, that he ought to apologise for a disgraceful attack on local police after he was caught out peddling false information. In his media release of 26 February — —

**Mrs Peulich** — On a point of order, President, I believe that the member is currently in breach of standing orders in reflecting on a member even though the member is in another place. That can only occur by means of a substantive motion.

**The PRESIDENT** — Order! Mrs Peulich is correct as far as she claims that it is improper to reflect on another member, particularly in another place. However, I am not convinced we have got to that stage just yet. I will pay particular attention, but Ms Pulford should be aware of the impropriety of reflecting on another member in another place. Whilst she can criticise — there is no question about that and this is a political house — she should be careful.

**Ms PULFORD** — Mr Baillieu's media release of 26 February 2008 claimed that Victorian Police statistics from 2000-01 to 2006-07 showed that there had been an increase in crimes against the person in the Horsham area. This is just not true. Crimes against the person actually fell 8.8 per cent in Horsham during this period thanks to the great work that is being done by local police.

I believe this attack on the good work of local police is somewhat misleading and part of a campaign by the opposition to incite fear in the community on the issue of community safety.

In my view it is just not appropriate to be peddling false numbers. I call on Mr Baillieu to see firsthand the work that police are doing in Horsham to reduce crime in the area and apologise to those he has insulted. 10:00

The government is proud of the work of the Chief Commissioner of Police, Christine Nixon, and the men and women of Victoria Police. We have strongly supported the work of Victoria Police by increasing the number of police on the front line by over 1400 since 1999.

### Doncare Community Services: funding

**Mr TEE** (Eastern Metropolitan) — My member statement relates to Doncare Community Services. Doncare is the only overarching community welfare service provider in the city of Manningham. It provides an excellent and indeed vital service including counselling, reducing the isolation of the frail and elderly, emergency relief, domestic violence support, migrant support and other forms of assistance for families in my electorate.

It provides an excellent service and is mainly run by a large number of volunteers. Unfortunately, its existing temporary accommodation has become very cramped. I would like to take this opportunity to thank and congratulate the Minister for Health in the other place for allocating an additional \$50 000 to Doncare. This \$50 000 will, together with \$50 000 provided by the Manningham City Council and \$50 000 provided by Doncare, provide six additional counselling rooms and a meeting room. This additional space will go along way to helping Doncare meet the needs of the most vulnerable in the community.

## STATEMENTS ON REPORTS AND PAPERS

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

**Mr P. DAVIS** (Eastern Victoria) — I am pleased to make a statement on the Economic Development and Infrastructure Committee report of the inquiry into mandatory ethanol and biofuels targets in Victoria, which I think was tabled on 7 February.

In summary, I think it is fair to say that the conclusions of the report and of other investigations of biofuels

essentially come down to its being no panacea for agriculture or the environment. There had been a great deal of expectation and hope, particularly in cropping circles, that a large market for agricultural crops would evolve as a result of the development of a biofuels and ethanol industry. However, it seems at this stage, without assistance — that is, government and taxpayer assistance — and with regard to the environmental impact, that that hope will not be realised.

It is important for us to note the reasons for that, which are quite clear. There are a range of concerns relating to the early stage of the development of the industry, which means the technology has not advanced sufficiently. Competitive land use issues are critical. We are seeing evidence of the increasing costs of foodstuffs as a result of the transition of feedstock into biofuels rather than its being available for livestock or human consumption.

One of the issues that has been flagged here and elsewhere which I find interesting — and I would be pleased to hear some discussion about this in future — is the use of lower quality agricultural land to grow feedstock for biofuels. It does not make a lot of logical sense, because it seems to me that if you have arable land and can produce a crop, you can produce a food crop. I do not understand that link. It was one of the missing explanations in the report that I noted.

I come back to the substantive points which I wish to make.

10:05 The report recommended against mandatory targets for Victoria. That was because the risks outweigh the potential developments. Principally, the finding was that the biofuels industry is not sufficiently developed but the technology is advancing and holds promise for the future — we would all expect and hope that the development of such an industry would hold promise for regional development. The committee concluded that the best alternative fuel in the short run is compressed natural gas, which offers an alternative to the current fuel mix.

Committee members made a number of interesting observations during the debate on the report when it was tabled on 7 February. They said that mandatory biofuel regimes in other parts of the world have begun to have a significant impact on food prices, that there are issues about whether biofuel targets are helpful environmentally, and in fact that there are strong reservations about the environmental credentials of biofuels at this stage. Further, they said that cellulosic ethanols, which use waste fibre and other vegetable matter, offer exciting prospects.

Interestingly, recent studies in America recorded in *New Scientist* underline the first two points in the strongest terms. Those studies have found that land clearing — clearing forest and bush to meet the growing demand for crops for biofuels — in fact creates a significant carbon debt. Carbon emissions are also generated in the production, harvesting and processing of crops. One study, by The Nature Conservancy, cites two hypothetical case studies. In the first of these, if 10 000 square kilometres of Brazilian rainforest were cleared to make way for soya beans, used to produce biodiesel, this would release 700 000 tonnes of carbon dioxide, which the savings generated by the resulting biodiesel would take around 300 years to cancel out. That is a staggering revelation. In the second example, the clearing of peatland rainforest in Indonesia to grow palm oil would create a carbon debt that takes more than 400 years to repay.

Research has also found that, when the broader production cycle scenario is taken into account, corn-based ethanol produces nearly twice as much carbon as petrol. Another study, led by Princeton University environmental law researcher Timothy Searchinger, found that replacing fossil fuel with corn-based ethanol would double greenhouse gas emissions for the next 30 years. These are staggering implications, given the received wisdom that has been promoted by certain people in the environmental lobby groups — that we need to get away from traditional fuel sources and move to biofuels. In fact what the research is finding in practice is that this is unfortunately going to be deleterious in terms of environmental outcomes. As the subject is researched more intensively we are finding that crop-based fuels are not necessarily the magic green bullet that has been expected.

There is a positive note, however, to emerge from the studies, and it accords with the comments of the committee members in the house when the report was tabled. It is that, as The Nature Conservancy found, crops grown on degraded farmland that would not support food crops could be beneficial. So — —

**The PRESIDENT** — Order! The member's time has expired.

**Auditor-General: *Accommodation for People with a Disability***

**Mr DRUM** (Northern Victoria) — I wish to make a statement on a report handed down by the Auditor-General just yesterday in relation to accommodation for people with a disability. Seven or eight members of Parliament met in room K yesterday

to hear the government present a brief summary of this report about how Victoria is currently situated with accommodation for people with a disability.

The report has a frightening message for this government. It puts in very clear language the debate that we had in the Parliament last week when members of the government were standing up and telling the opposition parties that the government's current policies are working, that the work it is doing in finding accommodation for people with disabilities is on target, on track. What we heard yesterday from the Auditor-General's office is exactly the opposite.

10:10 If we persist with the existing policies and the existing methods of housing people with disabilities, we are not going to make one skerrick of difference. We are not going to cut into the waiting list number, which has actually risen by 300 or 400 since my time in Parliament. The number of people who are on the urgent waiting list and are in desperate situations at home has now risen to 1370. There is no potential for that waiting list number to come down at all if we continue with the existing system.

People in this chamber say that the old community residential units — they now have a different name but we all understand what they are — are the best and only model that we are going to use. The Auditor-General's office has reflected carefully and strongly and says we are going to have to look for other models if we are going to address the need that exists in the community.

One of the key findings was that over half the Department of Human Services (DHS) houses need to be replaced or substantially upgraded. That has been agreed to by the government. The government has acknowledged that it is going to cost \$225 million to fix up the 443 houses. That was acknowledged back in 2002. Unfortunately, of that \$225 million, only \$44 million has actually been received and only 60 of those 443 houses have actually been upgraded. The government's own policies and promises in this area seem to be falling well short when it comes to working out what it is doing.

It is also apparent in the report that the whole accommodation issue for people with disabilities is driven purely through crisis. There is very little planning because the funding and the resources do not allow adequate planning. There is a real lack of data. There was some concern about whether DHS actually compiles the correct data, and certainly all of the data that was requested by the Auditor-General was not able to be collated. We are looking at purely a crisis driven

system. It is of great concern to the people who have been working within this area.

There are nine recommendations overall that cover support plans for shared support accommodation residences. The expertise of the service providers and the management of the current and future accommodation needs has also been brought into question by this report. Some very strong support plans need to be put in place, because they are not in place at the moment. The expertise of the providers needs to be improved. The management and the current and future accommodation needs need to be looked at and need to have substantially more funding.

### **Office of the Child Safety Commissioner: report 2006–07**

**Mr THORNLEY** (Southern Metropolitan) — I rise to speak on the Office of the Child Safety Commissioner annual report 2006–07. Apart from my longstanding interest in a range of important issues around children, I was particularly attracted to the report by its having a young Western Bulldogs supporter featured prominently on the front cover.

In all seriousness, the work of the child safety commissioner is extremely important. It is an office that was created following the Premier's Children's Advisory Committee recommendation in 2004 that there be such a separate office. Then Premier Steve Bracks acted on that immediately. The Office of the Child Safety Commissioner has a range of responsibilities that cover the full spectrum of child safety issues: from seeking to work to ensure against accidental harm, be that in care environments or play or educational environments or through consumer products or other issues; through to obviously the oversight of issues around neglect and other unfortunate situations where children are not receiving the full care that they of course deserve; and through to the oversight of the various agencies that deal with even more tragic incidents of intentional harm to children, which were most graphically discussed in this house yesterday in our discussion of the child homicide bill.

The Office of the Child Safety Commissioner has a wide-ranging brief to attend to any of these matters that impact on children's safety, and I believe it has been doing an excellent job in doing so. I will take a few highlights from the report which I think illustrate that assessment. Having a separate child safety commissioner who can interface with a range of other agencies, both government and non-government, brings a single point of focus to ensure that a holistic perspective on children's welfare is adopted somewhere

10:15

which can then interface with the specialist provision of other services elsewhere. For example, the child safety commissioner has been involved, as I said, on matters of basic safety, creating resources like *'A Guide for Creating a Child-safe Organisation'* through to a review of the Working with Children Act, and obviously the very important provisions that ensure that the tragic and unfortunate possibility that predatory individuals may seek to work with children to further their own dreadful and misguided aims is prevented; through to issues such as under-age drinking, which is one that is certainly very prominent and one that the child safety commissioner has been holding a number of round tables about with associated community organisations for some time.

The commissioner's office has also done some reviews on living-out-of-home care and the issues associated with that. It has also taken positive steps to improve the lives of children who are otherwise in those types of circumstances which can be very difficult. The one that I thought was particularly attractive, although I recall that a writer in the *Age* recently seemed to think that such a thing would be a bad idea, was that the commissioner was talking with a number of young wards of the state who were reflecting on the challenges that they faced in growing up in the circumstances they have. Many of them expressed the view that they wanted to have a coming out — a debutant opportunity — as other children have. The commissioner organised such an event, which I think went very well. That is exactly the sort of thing which shows that it is good to have somebody who cares enough to ensure it occurs.

Before finishing I should also reflect on the fiscal parameters. It is always good as a fiscal conservative to see an agency that works under budget. In this case the budget for the organisation was \$2.75 million or thereabouts, and it came in at about \$2.3 million. It has done a range of good work in meeting the obligations that it was established to meet, and I think in extending above those obligations with efforts like the debutante ball, responding to opportunities to really improve the lives of these children, and it has managed to do so with an excellent management outcome. I think that reflects well because we all know that there is an enormous multiplier effect in preventing harm to children and in improving their lives early. The dividends of that go on in human happiness and indeed in financial terms for the rest of their lives and often for the lives of their own children. I commend the work of the child safety commissioner to the house.

### **Parks Victoria: report 2006–07**

**Mrs COOTE** (Southern Metropolitan) — Thank you, Acting President. It is nice to see you in the chair.

Today I would like to speak on the annual report of Parks Victoria 2006–07. It is a pity that the minister responsible for this portfolio, Gavin Jennings, is not in the chamber this morning, because in his past portfolios that I have shadowed him on he has been shown to be a minister who is a very fair and concerned employer of people in his departments. He is very concerned about the wellbeing of the people who work in the departments, and he is particularly keen on equal opportunity, which is why I have raised the issue of equal opportunity in Parks Victoria.

I will give some background about Parks Victoria. As I have said in this chamber on many occasions, I was on the inaugural board of Parks Victoria, and I remind members that Parks Victoria was an amalgamation of Melbourne Parks and Waterways, which looked after urban parks and waterways, and the National Parks Service. At the time of the amalgamation, which was not without its contentious moments, some major concerns were expressed, particularly by those people who had been involved in the metropolitan parks. May I remind members that every person in metropolitan Melbourne pays a parks levy, and the revenue is hypothecated to metropolitan parks and used for suburban parks throughout Melbourne on an annual basis. 10:20

People from Melbourne Parks and Waterways were very concerned about joining with the National Parks Service. They thought the two cultures would be difficult to marry. The problem was that, under its chief executive officer Jeff Floyd, Melbourne Parks and Waterways had an equal gender balance. The organisation encouraged women into senior positions and to undertake further study and work cooperatively and constructively within Melbourne Parks and Waterways. There was a clear career path for women in Melbourne Parks and Waterways, but not so in the National Parks Service, which was then headed by Mark Stone. The National Parks Service was straight out of *Boys Own Annual* and was full of blokes. The blokes had jobs everywhere, and there were very few women in any positions of responsibility within the parks themselves.

The amalgamation was quite positive and, yes, we saw some women in more senior positions, but I was absolutely horrified when I read this annual report. It is an indictment on Mr Mark Stone, and I believe that the responsible minister, Mr Gavin Jennings, is going to be

horrified when he realises what is transpiring in Parks Victoria.

There is a wonderful photograph on page 48 of the annual report. The picture is of a number of senior officials — eight men and two women who have executive status, and one who is an executive assistant. If you look at the structure of the organisation, you will see that there are very few women in executive positions. If you turn to the next page of the report, page 50, you see that it talks about equal opportunity:

Parks Victoria continued its implementation of the 3-year Equal Opportunity Management Plan to raise and maintain awareness and eliminate barriers to equal opportunity within the organisation.

I would suggest it has a very long way to go, because if you look at the figures in the statistics you will see that of a total of 1010 employees, 687 are male and 323 are female. This is seriously not good enough, and I think the fears that were expressed at the time of amalgamation — that is, the expectation that Parks Victoria would be by a blokey organisation top-heavy with men — have transpired. This is appalling for a government that is trying to achieve equal opportunity and for a government and political party that places such emphasis on having women in places of responsibility. This government has put women in on quotas, but the Liberal Party promotes women on merit. I do not believe that more of the 323 women who work for Parks Victoria cannot be in positions of responsibility. I know for a fact that only three senior park rangers are women, and it is just not good enough.

I call upon the minister to look into this issue and to report back to this Parliament within six months about a change in the direction of employing women and putting women into positions of responsibility in Parks Victoria.

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

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the report of the Economic Development and Infrastructure Committee's inquiry into mandatory ethanol and biofuels target in Victoria. Before I get into the report itself I wish to congratulate the members of the committee, including those who sit in this house — Evan Thornley, Brian Tee, Bruce Atkinson and David Davis — on their in-depth analysis and detailed recommendations.

It is my sincere hope that, as a Parliament, we can move positively towards the committee's recommendations

as they hold promise for the future of this state in so many areas. This report should be regarded as a milestone in economic development and environmental considerations such as the Parliament has never witnessed before.

Indeed, I respectfully suggest that even the committee members themselves were not aware when they began their inquiry just where it would lead them.

In the beginning, the inquiry was about the future of transportation and the growing fuel crisis. Fossil fuels have a time-limited future — they will not last forever — and climate change issues and growing health concerns have also come into play. While my research suggests that these concerns have been raised even before the start of the Second World War, our society has now come to fully understand the significance of what all this means. Even the former Prime Minister Mr Howard refused to accept climate change until the political reality hit him just before the federal election last year.

This report contains some 27 recommendations that are critical to the development of a tangible biofuels industry. As the report identifies, such an industry will lead to significant economic growth in the state's regional sectors. The state Labor government has been committed to regional economic growth since being first elected in 1999 and this report fits squarely into that commitment. The report goes on to identify potential industries involving the use of a variety of fuel products that would go a long way to supporting industry in our state, create jobs, add to regional infrastructure and create a better future for more and more Victorians. It also has recommendations that yet again show that this state leads the nation in so many areas — on this occasion with a view to the future regarding reducing pollution, lowering greenhouse emissions and thus improving the health of Victorians. This is seen, for instance, in recommendation 20 where the committee recommends investigation of the feasibility of requiring all vehicles sold in Australia be hybrid fuel vehicles — that is, able to use more than one type of fuel. The committee seeks discussions between all governments, including the federal government, and its purpose should be supported by all members of the Parliament of Victoria.

I am also encouraged by recommendation 24 and the material it contains. Under this recommendation, waste plastics would be converted into diesel fuel. This would increase fuel sources but would also mean that at last we could find a viable means of reducing the hideous collection of waste plastic that plagues mankind. Only last week, ABC radio broadcast a story about a growing

plateau of plastic in the ocean. Such a scheme could lead to the reduction if not the elimination of plastic waste. This is an exciting prospect and again I commend the committee.

There is so much that could be stated about this well-researched, well-considered and well-written report. Again I thank the members of the committee and respectfully commend this report as one that must receive our serious consideration for the future of our state and its citizens.

### **Auditor-General: Records Management in the Victorian Public Sector**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I rise today to discuss the Victorian Auditor-General's report of March 2008, *Records Management in the Victorian Public Sector*. This is a quite detailed report by the Auditor-General in the sense that it is an extensive review and examination of public records and the capacity of government agencies to provide services in various areas to ensure efficient administration and governance of public sector agencies.

As outlined in the executive summary, the principal aim of public records management is to ensure:

- sound decision making
- efficient and effective customer services
- managing business information and resources
- meeting legal, evidential and accountability requirements
- documenting significant events and preserving historically and culturally important records.

It is really designed to provide assistance, as I said, to the government. If this had been in operation effectively you would have thought that, for example, when we in opposition apply for information under FOI the data and documents would be readily available, but sadly that is not the case, as we experience on an almost daily basis under this government.

I want to refer to the findings of the Auditor-General. They are quite extensive in the sense and it really does make the critical point that there are significant concerns. In fact of the 100 or so agencies that were asked to participate in this investigation and consider their standard of records management framework almost half thought that it needed improvement, and only 12 per cent thought that their records management framework was unsatisfactory. There is no doubt that the strategic capacity of departments and agencies in records management is a complex area, and that is

identified in the Auditor-General's report. The report goes on to say:

These skills are not ordinarily found in the records management function.

It makes the point also that some of these processes do not necessarily comply with the current approaches in proper business frameworks, saying that the current set of record-keeping practices conforms more with traditional registry approaches and do not reflect today's business environment. You probably have to ask why it is the case that the system appears to still run under a very archaic process.

An issue that is relevant and was raised last night and this morning is the licensing of firearms. In a sense that is a traditional registry function, but it needs to have a more streamlined approach. To up the fees substantially, as we know has been recommended and reported, really is not to deal with current business practices as they should stand.

There was also a review of the performance of PROV — that is, the Public Record Office Victoria. Along with a co-regulatory framework for the management of public records, PROV was established under 1973 legislation. The Auditor-General has identified concerns about PROV in the sense that it really has been not failing but trying to do the best it can as an agency with significantly limited resources made available. The Auditor-General's report states that:

Agencies were generally satisfied with the quality of the services they received from PROV.

I think there was a general acceptance that a lot of concerns raised about PROV were not as a result of the lack of capacity of that agency but more by the fact of the lack of resources that that agency had in terms of dealing with the solution.

In the limited time I have remaining, I note that an extensive set of recommendations are made in this report. These are significant. My only concern about the report is that the response provided by the director and keeper of public records identified that whilst it is all good, PROV has very limited resources, and that I think is the bottom line of this report.

### **Centre for Adult Education: report 2006**

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Centre for Adult Education annual report for 2006. The Centre for Adult Education was founded in 1947 as the Council for Adult Education and was established under Victorian government legislation. Its

broad charter was to provide adult education to the Melbourne community in the areas of drama, arts, music and theatre. In 2001, by way of amendment of the act, the Centre for Adult Education was established, with reporting responsibility to the Adult, Community and Further Education Board and the Victorian Parliament. Although the CAE is governed by a body corporate, it is still subject to the control of the ACFE. Over time the CAE curriculum has altered substantially to include business studies, computer training and tertiary pathways. The then board of governance was comprised of men and women of sterling qualities who managed the policy direction and strategic planning of the organisation.

Many thousands of programs were initiated and completed by adult learners. Many thousands of migrants to Victoria have undertaken studies in English as a second language, and this is of critical importance to our migrant communities.

10:35 The opportunities for employment are dramatically increased for people who are able to master the skill of speaking English. The ability to communicate within the structures of our society equips a bilingual or multilingual person with the ability to pursue all the dreams within their imagination, and that is the enduring legacy of the Centre for Adult Education. I could talk more on this subject, but I commend the report to the house.

**Commissioner for Environmental  
Sustainability Victoria: strategic audit of  
Victorian government agencies' environmental  
management systems**

**Mr D. DAVIS** (Southern Metropolitan) — My contribution to the statements on reports relates to the report by the commissioner for environmental sustainability, Dr Ian McPhail. The report is titled *Strategic Audit of Victorian Government Agencies' Environmental Management Systems* dated January 2008, and was tabled in Parliament yesterday.

I commend this report to the house. It is an extraordinary read in the sense that it is a sincere attempt by Dr McPhail who, as the commissioner for environmental sustainability, is making a very strong effort to lift the performance with respect to environmental sustainability across government. That is not an easy task. Government is obviously a large sector, and there are challenges within recording and accounting frameworks and the development of language and systems of accounting that properly account for a whole range of matters. I pay tribute to Dr McPhail's efforts, and I place firmly on the record

my understanding that those steps and tasks by any government are a significant challenge.

However, Dr McPhail makes a number of points about the government's failure to step through this process adequately. In the foreword — and I put this on the public record — Dr McPhail makes the point that:

Government leadership is required to signal the importance of incorporating environmental sustainability into government's business processes. To date this has not been evident. The lack of commitment has hindered more effective implementation support being established and individual agencies taking action.

It is an important point to note that this government has not been a leader when it comes to environmental sustainability in this way, and Victoria's greenhouse performance has not been good. I have referred to that in this chamber recently, incorporating a chart in *Hansard* which shows a steady increase in greenhouse gas emissions in Victoria.

Government is obviously only one sector and this report relates to the environmental management systems put in place in 12 agencies, 10 departments, the Environment Protection Authority and Sustainability Victoria, and a further 5 voluntary agencies agreed to participate in this year's audit program.

I have referred to the issue of the difficulty of measurement and reporting. I have said that that is a difficult task, and one that will take government and the community a long time to get to a satisfactory point. At page 7 the report states:

Performance measurement and reporting remains an important component of the environmental management approach being adopted by agencies.

I am quoting directly from Dr McPhail's report because I think it is instructive. That paragraph continues:

While monitoring and reporting programs within agencies have improved, challenges remain. These include the availability of trend data, limited reporting against targets, inconsistent methodologies and use of extrapolation and in some cases unrepresentative data and non-compliance with the government's financial reporting direction (FDR) 24B. It is acknowledged that to some extent this reflects the evolving nature of environmental performance reporting by government agencies, however, there is a need to further develop the reporting guidelines, build IT tools and provide further education and training to improve data capture and whole-of-government reporting. This is the fourth year that agencies have reported their environmental performance and independent verification of this data prior to its publication should be considered to ensure its correctness prior to its publication.

What that is saying in a bureaucratic way is that the whole thing is a shambles. There is really no

satisfactory certainty about the quality of the data and a great deal of work is going to have to be done. If you start at the budget paper 3 level — and I look forward to seeing this year's budget paper when it comes down — it is pretty clear that the government does not have its act together with respect to environmental reporting in these ways.

**Mr Lenders** — That is a bit harsh.

**Mr D. DAVIS** — In response to the Treasurer, I think it is true, and I said that to the former Minister for the Environment from the other place, John Thwaites, at a hearing of the Public Accounts and Estimates Committee a year or so ago, and he agreed. I put that on the record too and suggest people have a look at that transcript.

I pick up a point made in the *Age* of today's date. An article by Royce Millar and Adam Morton — and I put the Minister for Environment and Climate Change, Gavin Jennings, on notice, because I think he is heading in the wrong direction — reports:

Mr Jennings congratulated Dr McPhail for his passion but suggested he might have 'slightly diverged' from his professional role when writing his report.

The minister has got to be very careful not to attack independent commissioners.

### **Regional Development Victoria: report 2006-07**

**Ms PULFORD** (Western Victoria) — It gives me great pleasure to rise to speak about the annual report for 2006-07 of Regional Development Victoria. This report details the considerable work of RDV during the reporting period, which of course was a time when many parts of the state were experiencing, and continue to experience, the severe impact of the drought.

A highlight of the year for RDV includes the creation of 2395 new jobs, which is a great result and an improvement on the target for the year which was set at 1000 jobs. Other highlights include \$1.52 billion in new investments in provincial Victoria and \$273.7 million in new exports. The people at RDV certainly had a busy year and commenced implementation of all aspects of the \$502 million plan: *Moving Forward: Making Provincial Victoria the Best Place to Live, Work and Invest*.

10:42 The report indicates that at the end of the 2006–07 reporting period \$152.22 million is held in the Regional Infrastructure Development Fund trust to meet the considerable existing commitments that are due in future periods. Regional Development Victoria has offices throughout regional Victoria to enable access

for local communities and a service as responsive and engaged with the community as it can provide. The offices are in Ballarat, Bendigo, Geelong, Mildura, Shepparton, Traralgon and Wangaratta, enabling the staff at RDV to always work very closely with communities.

The report details that during this period RDV grants in total amounted to \$35 933 228 and goes to some considerable detail explaining some of these investments, and there are some case studies highlighted. Regional infrastructure development grants totalled \$38.3 million, and there were Small Towns Development Fund grants of a further \$10.1 million. There are examples cited throughout the report of assistance provided to industry in managing water resources. Some of our highest water users were provided with assistance to manage their water needs. There was a considerable program detailed in the report about improvements to roads servicing the dairy industry throughout the state and certainly in western Victoria. RDV supports leadership programs, and many members will no doubt be aware of the wonderful benefits they can bring to young community leaders in developing their skills.

I would like to identify for members a couple of examples of the breadth of work being done. There was a \$250 000 grant to Horsham Rural City Council from the Small Towns Development Fund for the third stage of the almost \$430 000 upgrade to Firebrace Street. It has been brought to my attention that there is one more stage that Horsham would like to see completed at some point, and that streetscape really is a wonderful boost and a great improvement for Horsham.

The other example I want to bring to members' attention is the support that the government has provided through RDV to the Geelong food cluster. Working with the City of Greater Geelong, a \$50 000 grant was made to assist the Geelong food industry — people working in businesses dealing with seafood, meat, poultry and dairy production. There is a great deal going on in regional Victoria. With the support of the government it continues to be the best place to live, work and raise a family.

### **Auditor-General: *Accommodation for People with a Disability***

**Mrs KRONBERG** (Eastern Metropolitan) — I am pleased to speak on the Auditor-General's report on *Accommodation for People with a Disability*, which is dated March 2008. I should say from the outset that an examination of this report is frankly heartbreaking in that there is so much suffering that is masked by the

bureaucratic speak contained therein. I was staggered to read that in 2003, 1 million people, or 20 per cent of Victorians, had a disability. Some 323 300 or 6.5 per cent had severe or profound limitations. Such limitations inhibited individuals from taking care of themselves, communicating clearly and undertaking normal cognitive or motor development tasks.

As a rule of thumb it is estimated that the disability of one person directly affects a further eight people. Support for people with severe or profound disabilities is the responsibility of the Department of Human Services (DHS). The department provides either shared supported accommodation with 24-hour support or tailored individual support packages, such as home help, respite care, equipment or the opportunity to live in the community. The Auditor-General states that the Department of Human Services has taken some positive steps to address longstanding systemic shortcomings in the delivery of shared supported accommodation services. However, the locus of concern centres on unresolved issues. The department is still largely delivering broadbased services rather than services that support an individual.

The Auditor-General tells us that the demand for intensive support is rising rapidly. Some people receive only minimal or inappropriate support and others receive no support at all. In reporting on the Disability Act 2006, which was the consolidation of the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991, the expected outcome thus being a more whole-of-government approach to service provision, I was astounded by the bluntness of the language the Auditor-General used when stating what the new act recognises:

... that resources are limited and that people with a disability cannot expect universal and total access to disability services.

I ask why? The new act states that if a person is assessed as disabled, that assessment itself does not provide an entitlement to service. What in heaven's name does?

It is against this background and prevailing mindset that the government and an ever-increasing number of disabled persons and their exhausted, overworked carers do battle. It is my view that any government or society is judged by the way it treats its most vulnerable. On this point this government stands condemned. The report emphasises the fact that the Disability Act 2006 reinforced the transition of the disability support model from a medical model involving health care to a social model or a model designed to facilitate a more flexible support regime for individuals.

I now move to an examination of how the DHS is actually delivering on these government intentions. We find that around 4600 people reside in shared supported accommodation in 914 houses where groups of four, five or six persons live with 24-hour rostered support. Community service organisations provide 40 per cent of this form of support. The Auditor-General states that whilst the DHS has taken some positive steps to address longstanding systemic shortcomings, significant issues remain which unless addressed will continue to impede the transition from a medical to a social model of support.

As far as the capacity and expertise of service providers is concerned the DHS has not yet conclusively assessed whether the disability sector is able to comply. Right now service providers are struggling to meet their existing obligations for supporting residents, especially when it comes to the application of a social or individualised model. Currently there are 1370 people, or a staggering 30 per cent, of disabled people in this state with unmet demand who continue to be cared for by their exhausted carers. Demand is increasing by a staggering 4 to 5 per cent per annum, although the DHS is yet to quantify future support needs and in fact what resources would be needed. It is still flying blind. This means its response is purely reactive. When combined with the stringent prioritisation criteria — —

**The ACTING PRESIDENT (Mr Elasmar)** — Order! The member's time has expired.

## CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL

*Legislation Committee*

**Mr JENNINGS** (Minister for Environment and Climate Change) — I move:

That the Council adopt the report of the Legislation Committee on the Criminal Procedure Legislation Amendment Bill.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The Liberal Party has considered the report from the Legislation Committee that was developed when the committee met in the last sitting week with respect to this legislation. The concerns that were expressed in the course of the second-reading debate on the bill — namely, the differences between the bill as presented to the house versus what the Attorney-General committed to in the course of his media statements about the bill, and equally the differences between this bill and what the Sentencing Advisory Council had recommended — remain

concerns for the Liberal Party. We believe that the provisions of the bill should be subject to a trial, as was provided for by the Sentencing Advisory Council.

We are concerned that the bill does not have exclusions for the offences of murder and sexual offences, as the Attorney-General said the bill would have. We have concerns about the fact that the requirement for a court to give a reason for a sentence discount will not be subject to review either. There are concerns on this side of the house that there will be difficulties for a court in giving reasons for a sentence discount and separating out that element relating to a guilty plea versus the element relating to remorse versus an element relating to the potential for rehabilitation.

During the last sitting week the Liberal Party foreshadowed its intention to move amendments to this bill when it reached the committee stage to ensure that a trial of this bill is conducted or that these provisions are undertaken as a trial, as the Sentencing Advisory Council recommended in its report. We will be proposing that there be a two-year trial of the provisions that relate to sentence indications, as they apply across the Supreme, County, Magistrates and Children's courts. We will also propose that there be a two-year trial of the proposal for the courts to give reasons where they have given sentence discounts. We believe this will give the government the opportunity to demonstrate whether these proposals work as the Sentencing Advisory Council intended and indeed as the Attorney-General has indicated they will, and it will give this Parliament, in two years time, the opportunity to consider that review and decide whether it wishes to proceed with the practice of reasons for sentence discounts and sentence indications on an ongoing basis. We believe two years is more than enough for the Department of Justice to collect relevant data for a trial. A two-year period will give this 56th Parliament time to decide whether it wishes to proceed with the legislation it is considering today.

They are all the comments I wish to make on the report of the Legislation Committee, other than to say that during the general committee stage of the chamber the opposition will seek a commitment from the minister that he will endorse the remarks made by the government's representative at the Legislation Committee. The government was represented by Mr Tee and representatives of the Department of Justice. The minister with responsibility for the bill in this place, the Minister for Planning, and the minister with principal responsibility for the bill in the other place, the Attorney-General, did not attend the Legislation Committee and give answers themselves — they were represented by Mr Tee — so we will be

seeking in the committee stage a commitment from the minister that the government will be bound by those answers that were given to the Legislation Committee by Mr Tee on behalf of the government.

**Mr TEE** (Eastern Metropolitan) — I, too, rise to speak on the Legislation Committee report which, as the report says, provides a consideration in detail of the Criminal Procedure Legislation Amendment Bill. I welcome the report.

The Legislation Committee engaged in a thorough, comprehensive and detailed examination of the bill. The transcript attached to the report reveals that over 2½ hours were spent by the committee carefully examining every aspect of the bill. Members of the committee were given every opportunity to address each and every clause of the bill. Over that period there was extensive discussion around the bill. After that opportunity to speak on the bill, each and every clause was put to the committee members for their approval.

When the Chair asked members to indicate their support for each and every clause, each and every clause was supported by the committee, not by the majority but unanimously. There was not one dissenting voice on any of the clauses in the bill. Each and every clause was put to the committee and each and every clause was supported by each and every member of the committee. Over 2½ hours Mr Rich-Phillips, Mr Hall, Ms Pennicuik and Mr O'Donohue did not oppose any of the clauses, nor did they propose any amendments to any of the clauses.

We have a situation where the house has been provided with a report which followed a thorough examination of each and every clause of the bill, an examination during which each and every party, except for the Democratic Labor Party, was represented on the committee; and the house today has their unanimous recommendation that the bill be endorsed by the house. I very much support the committee's unanimous view that this bill be agreed to in its current form, and I think it is incumbent on this house to respect the unanimous view of the Legislation Committee. As I said, it was a view that was reached following extensive and careful consideration of the bill. To do anything other than adopt the unanimous recommendations of the committee would be an affront to the hard work of the members of the committee, so I urge that members support those recommendations in full and support the bill in its current form. 11:00

I am disappointed that Mr Rich-Phillips, notwithstanding this careful examination of the bill, has foreshadowed amendments that would provide a trial period for indicative sentencing in the Magistrates

Court. We now have this absurd situation where the practice of the Magistrates Court since 1993 will now be subject to a two-year sunset clause.

The foreshadowed amendments will subject sentence discounts, a practice that has been in place for a considerable time — I think it might be up to 30 years — to a 2-year sunset clause. This is an absurd situation and an absurd outcome, so I foreshadow that it is the government's intention to move an amendment which will provide for a sunset clause in relation to sentence indications in the County and Supreme courts. This is above and beyond the recommendations of the Sentencing Advisory Council, and I urge the house to support the amendment we have been forced to put forward.

**Mr HALL** (Eastern Victoria) — I want to say a few words on this motion to adopt the report of the Legislation Committee. In particular I want to respond to comments made by Mr Tee.

First of all, he proposed to the chamber that because the Legislation Committee did not oppose any clause or propose any amendments as result of its consideration process, we should not have the right to bring amendments back to the chamber today. I reject that outright. Let us go back to when the Legislation Committee was first formed, with, mind you, the support of the government. I think it was a government initiative prior to the last election when it set up the Legislation Committee as a trial. As I recall it two pieces of legislation were referred to it at that time.

In establishing the Legislation Committee it was made clear that the committee would not usurp the rights of this chamber to move further amendments to a bill before it is passed. That is the situation we have here today. The Legislation Committee has been, as Mr Tee said, a valuable experience in that we have had the opportunity to spend 2½ hours, or thereabouts, carefully going through the bill, learning more about it and seeking responses from the government. To his credit, Mr Tee made himself available to appear before the committee, and I for one am grateful that he did that. It is a pity that the government minister in charge was not able to appear, but at least there was a government representative there to respond to the queries of members of the Legislation Committee.

The whole purpose of the Legislation Committee is to enable members to have time out of the chamber so they can examine the bill in more detail, and that is exactly the process that occurred. It is important that the report be tabled — and that happened some two weeks ago. Every member has had the opportunity to look at

the report produced by the committee, to go through the Hansard transcript of the committee proceedings and to think about what was said.

On reflection, that is what all the members of the Legislation Committee have done. As explained by Mr Rich-Phillips, after further consideration of the committee's deliberations he has decided to move amendments to the bill. That is entirely his prerogative, and I would support the right of any member of this chamber to move amendments for consideration by the committee of the whole rather than simply through the Legislation Committee. It is somewhat hypocritical for Mr Tee to accuse the opposition and to suggest that it should not move amendments when I understand from his comments that he has amendments he proposes to move. It is a classic case of hypocrisy on behalf of the government.

Let me summarise by saying that it is the right of members of this chamber to move amendments to a bill following receipt of the Legislation Committee. That is what has occurred in this instance. It is appropriate, and I look forward to the house forming a committee of the whole which will consider amendments that may be put by one or more members.

**Ms PENNICUIK** (Southern Metropolitan) — I participated in the deliberations of the Legislation Committee on this bill. It is an important bill, in some ways it is a simple bill and in some ways it is a complex bill. It arose from recommendations by the Sentencing Advisory Council, I was concerned that the bill did not follow the recommendations of that council, which were to in effect formalise procedures that are currently practised in the Magistrates Court, and to initiate a trial of sentence indications, in particular in the County Court.

The Sentencing Advisory Council fell short of recommending that that trial be extended to the Supreme Court but advised that it would probably be a good idea to extend the trial to the Supreme Court. The bill did not do that and that is why it went to the Legislation Committee. We were able to further explore the issues there.

My concerns about this not being a pilot project, which is what was recommended by the Sentencing Advisory Committee, were not allayed by anything I heard in the Legislation Committee. I believe that it should be a pilot project and a trial as has happened with another bill we debated this week. A good process for changing procedures in the courts is to do it by way of a trial or pilot to see whether it works and what the pros and cons might be. You can put forward theoretical arguments to

justify provisions contained in a bill, but there can be unforeseen consequences. If you have a trial, you can address those before you make something completely formal in terms of an act of Parliament. That is what came out of the Legislation Committee.

I want to make a couple of comments about the Legislation Committee. It was the first time I had participated in deliberations of the committee. As I said, I found them valuable, but I think on reflection that it would be useful to look at the way the committee operates in terms of allowing some exploratory time or time for general questioning about a bill rather than following a formal process which pretty well mirrors the process of the committee of the whole where clauses are put one by one. I say that because the first clause that was put was the purposes of the bill. However, the committee did not get to the stage of asking questions about other clauses which might then have affected its position on the purposes of the bill.

If we are going to have a Legislation Committee, the purpose of which is to further explore the issues that might arise from a bill, it would be useful to have some open, exploratory, questioning time before we get to the stage of actually putting the clauses. That is just a suggestion about the way the committee might work to make the process of resolving issues and questions that members have about bills a little better. With those comments I also look forward to the committee stage of the bill.

**Motion agreed to.**

**Report adopted.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT** — Order! The house adopted the Legislation Committee's report. During the debate on the adoption of the Legislation Committee's report, there has been an indication that further amendments will be moved. There are two competing sets of amendments that are to be moved before the committee — amendments submitted by Mr Madden on behalf of the government and amendments submitted by Mr Rich-Phillips on behalf of the opposition. There are some differences, I would suggest, between the two sets of proposed amendments. The first listed amendment from each member is the same. Each member proposes by way of amendment to insert a new clause following clause 11. On this basis the government's amendments are to be moved first. I suggest that in due course clauses 2 to 22 be postponed. I will invite the minister at the appropriate time to move

that motion so that he can, on behalf of the government, then move the amendment which introduces the new clause.

Mr Madden's proposed new clause will be a test for all of his remaining amendments which affect earlier clauses. If his new clause is carried, it will be held to have also tested Mr Rich-Phillips's amendments on behalf of the opposition. If Mr Madden's proposed new clause is not carried, then Mr Rich-Phillips will be able to move his proposed new clause, which has some additional matters incorporated in it. To allow members to consider the bill in an appropriate fashion, I would first of all invite any comments in regard to the purposes clause of this bill, clause 1.

**Clause 1**

11:15

**Mr VINEY** (Eastern Victoria) — The comment I want to make on this process relates to the issue of why we are in the committee of the whole. In the last Parliament the government and opposition trialled a legislation committee process and put in place standing orders for this process to take place, including the opportunity for the sitting of the committee of the whole.

If the Legislation Committee process is to work well, there has to be some goodwill. The goodwill ought to involve dealing with all these issues in the Legislation Committee stage. This is really a second bite of the cherry, an opportunity to take the bill through the detailed consideration of the Legislation Committee and have another crack in the committee of the whole. That is not what was really intended. We accept that it is appropriate on some occasions to bring a bill back to the committee of the whole, and we all agreed that that should be allowed, but this is the second time a bill has gone to the Legislation Committee and it has immediately been decided that we might as well have it considered by the committee of the whole. If we continually go down this path, we will not need to have the Legislation Committee process at all. If we remove the Legislation Committee process, then we lose the opportunity for members to contribute and for open discussion to take place, where compromises and agreements can be reached, amendments moved and explanations given in a far better forum than with 40 members in the house.

That was the purpose of the Legislation Committee, so I want to take this opportunity in speaking on clause 1 of the bill, the purposes clause, to say that it is extremely disappointing that a bill has gone to the Legislation Committee and then, after all the hours of deliberation, with no amendments proposed or moved

but the bill basically agreed to, we have a second bite at it as the committee of the whole. I do not think that is a good process, and I hope that it does not start a pattern. We set up a good process, recognising that it is unlikely that future governments will hold absolute majorities in this chamber. With the new structure this chamber will be a house of review, and the Legislation Committee was the process, means and mechanism by which to do this well

I think the Legislation Committee has done its work well previously, and it sounds like it did so on this occasion, but somehow or other it has not been able to resolve what will ultimately be put before the committee of the whole. I urge all members of the house who have additional matters that they want to raise, even if they are not formal members of the Legislation Committee, to take the opportunity to go to the Legislation Committee, participate in debate and even move amendments. From my recollection of the standing orders, any member can move an amendment, although they may not be able to vote. There are plenty of opportunities to do that in the Legislation Committee meeting, where advisers and ministers are able to attend and explain the bill and the reasons for it. It is disappointing that we are bringing the bill back to the committee of the whole.

**The DEPUTY PRESIDENT** — Order! Mr Viney, I might make some comments first, in my capacity as chair of committees and as chair of the Legislation Committee. In this capacity, I do not want to enter into debate with Mr Viney or indeed with other members of the chamber — that would be improper and not terribly beneficial to the process. However, I indicate to the committee of the whole — and, by extension, to the house — that the process by which the Legislation Committee operates is established by the standing orders of the house. There is no exclusiveness in that process in terms of the prosecution of amendments. It is clearly possible under the standing orders for amendments to be introduced in the committee of the whole after the receipt of a Legislation Committee report. Indeed I could anticipate a situation where the Legislation Committee comes back with a report containing a number of recommended amendments which the government then tests in the committee of the whole, perhaps seeking to overturn the recommendations made by the Legislation Committee. The Legislation Committee meeting is a process which allows the intent of legislation and indeed clauses within the legislation to be tested, discussed and understood to the benefit of the house and of all parties, but it certainly does not prevent members from subsequently coming to this house with amendments.

Whilst I believe that it might have been preferable if the amendments before the committee of the whole today had been raised in the Legislation Committee meeting and for there to have been an opportunity to discuss them there, there is certainly no exclusion of those amendments under the standing orders. I am sure that when the standing orders were debated and the Legislation Committee was established there was a very clear view by all the parties that there ought to be an opportunity for the house to consider matters, notwithstanding the decision of the Legislation Committee.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The Liberal Party rejects the argument put by Mr Viney, and indeed that put by Mr Tee in the previous procedural debate. Our agreement to the adoption of the standing orders that created the Legislation Committee was not on the basis that it would be to the exclusion of matters being considered in the committee of the whole.

In respect of this particular piece of legislation, the proposed Liberal Party amendments have arisen as a consequence of the opposition's consideration of the report from the Legislation Committee and our view that the responses given on behalf of the government to matters canvassed in the Legislation Committee meeting were not adequate to address our concerns. It was following that Legislation Committee process that we proposed to bring forward amendments to the bill in the committee of the whole, and that is an entirely appropriate process.

With respect to the process that was adopted for the Legislation Committee, the opposition seeks an undertaking from the minister that the comments made on behalf of the government by Mr Tee in the course of the Legislation Committee meeting are endorsed and supported as being the comments of the responsible minister for the purposes of this process, given we did not have a minister present during the Legislation Committee process.

11:22

**Hon. J. M. MADDEN** (Minister for Planning) — I thank Mr Rich-Phillips. If there were members from the Labor Party present at that Legislation Committee meeting, I would expect that the position that they put in those discussions would be the position of the party, and I would not have any particular reason to contradict that position.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question was not about the Labor Party's position. It was about the position of the government and whether those representations made in

the Legislation Committee bind the government with respect to this bill. Can the minister give the house an assurance that the government will be bound by the representations made by Mr Tee on behalf of the government in the Legislation Committee?

**Hon. J. M. MADDEN** (Minister for Planning) — My answer is the same. When I referred to the Labor Party I was referring to the government as well.

**Clause agreed to.**

**Clauses 2 to 22 postponed.**

**New clause**

**The DEPUTY PRESIDENT** — Order! We will move to the minister's amendment 14 to insert a new clause. I am of the view that that is a substantive amendment in its change to the bill and is therefore a test of amendments 1 to 13 that have application in the clauses that have been postponed, subject to us testing the substantive change.

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

Insert the following New Clause to follow clause 11—

**“AA Repeal of provisions concerning sentence indications in Supreme Court and County Court**

- (1) Sections 23A and 32A of the **Crimes (Criminal Trials) Act 1999** are **repealed**.
- (2) Section 25(1)(ed) of the **Supreme Court Act 1986** is **repealed**.
- (3) Section 78(1)(hh) of the **County Court Act 1958** is **repealed**.”

I do not wish to prolong the discussion. There has been a lot of discussion around these matters in the Legislation Committee and I suspect there will be further discussion this morning. Basically I understand that the opposition is seeking to sunset the entire bill. We believe that the proposal does not need to be that broad but that the sunseting of particular clauses is a more appropriate way to manage the bill going into the future.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The minister is proposing to insert into the bill new clause 11, which is similar to that which the opposition has previously foreshadowed. However, it is the view of the opposition that, in addition to trials in the Supreme and County courts, the proposed sunset clause, which will take effect in 2010,

should also cover trials in the Children's Court, the Magistrates Court and sentence discount indications.

I also make the comment that Mr Tee, speaking earlier for the government, said that sentence discounts had happened for 30 years and the proposal of a pilot is a nonsense. Clearly Mr Tee's comment misrepresents the position of the opposition, and I would submit that Mr Tee clearly knows that. What we are seeking is that the new requirement that this bill imposes — that is, for the court to give reasons for sentencing discounts, which is a new provision and not currently practised in the courts — be subject to a two-year sunset, a trial period, in the same way that the sentence indication provisions of this bill should also be subject to a two-year sunset.

What I seek from the minister is an explanation as to why the government does not believe a trial is appropriate with respect to the issue of sentence discount indications which will be introduced by this bill.

**Hon. J. M. MADDEN** (Minister for Planning) — By way of some background information and some comments, hopefully I will satisfy the request of Mr Rich-Phillips. I am informed that sentence indications in the Magistrates Court will not be subject to a sunset clause. Sentence indications have been available, I understand, in the Magistrates Court since 1993. The amendments simply codify existing practice in legislation. The Sentencing Advisory Council found that the scheme has been very successful in the Magistrates Court. The council did not indicate that this reform should be introduced on a pilot basis. I am also informed that sentence discounts will not be subject to a sunset clause. I am advised that for more than 20 years Victorian courts have been required to take a guilty plea into account in determining sentence. I am also advised that the amendments in the bill simply require greater transparency because the courts will state the sentence that would have been imposed if the accused had not pleaded guilty. The Sentencing Advisory Council did not indicate that this reform should be introduced on a pilot basis.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The Liberal Party's concern with this provision is that a judge or court will have some difficulty in drawing a distinction between the elements it considers when giving a sentence discount — that is, the proportion of the discount given in view of a guilty plea, the discount that may be given for a defendant who shows remorse, and the discount that may be given for a defendant who has a prospect of rehabilitation. That is the reason the opposition is seeking that this

provision be subject to a sunset clause. Can the minister explain how the government expects the court, where it gives a sentence discount, will make a distinction between those three elements when it is required to give a reason for one of those elements?

11:30 **Hon. J. M. MADDEN** (Minister for Planning) — I understand the question. The last part of the question sought clarification. Do you want to know the answer in relation to all three or just the one issue specifically? You nominated three different types of arrangements.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — It is just the one — the issue of discounts for guilty pleas, as separate from the other two.

**Hon. J. M. MADDEN** (Minister for Planning) — I thank Mr Rich-Phillips for his patience. I am informed that this procedure has taken place for some years. I understand and am informed that what will now take place is that the courts and judges will have to articulate and clearly define publicly the level of discount — that is, what would have been the case and what is the case because of that particular guilty plea.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The other elements the government is not adopting from the opposition's proposed amendments relate to a trial in the Children's Court and a trial in the Magistrates Court. Can the minister explain why the government will not support a two-year trial of the sentence indication provisions in those two courts?

**Hon. J. M. MADDEN** (Minister for Planning) — I am advised that those courts have had this mechanism available since 1993. I am also advised that the advisory council did not recommend that a pilot be implemented in those two courts.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — It is my understanding it also did not recommend that this be implemented in the Supreme Court. Why does the government make the distinction?

**Hon. J. M. MADDEN** (Minister for Planning) — I am advised that basically the advisory council talked about it in the body of its report, but there is no recommendation that it should not be.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The opposition is concerned that the government is picking and choosing from the Sentencing Advisory Council's report on this matter, and very selectively at that.

*Interjection from gallery.*

**The DEPUTY PRESIDENT** — Order! I am afraid photographs are not allowed to be taken in the chamber. The problem is we are not all smiling!

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The opposition's position is that the government is selectively quoting the Sentencing Advisory Council and selectively implementing recommendations of the Sentencing Advisory Council. It is for that reason that we believe that this bill should be subject in its entirety to a two-year sunset clause, which is the nature of the amendments that we are proposing.

Another difference between what was proposed by the government and what appears in this bill is the issue of the offences of murder and sexual offences being excluded from those offences for which a sentence indication can be given. Will the minister explain why those exclusions have not been made as previously advised?

**Hon. J. M. MADDEN** (Minister for Planning) — Recommendation 9, I understand, states:

There should be no formal restrictions on the types of cases in which sentence indication can be made available.

But in the same recommendation it states:

The council cautions against the inclusion of sexual offence proceedings in a pilot sentence indication scheme and suggests that proceedings in relation to fraud, other property and illicit drug offences may be particularly suitable for inclusion in a pilot project.

I certainly recognise Mr Rich-Phillips has concerns about the government's interpretation of some of these remarks. The opposition has an interpretation of some of these remarks by the council. We believe we have made a fair and accurate assessment of those recommendations and have implemented them in the legislation. No doubt some of those recommendations may be interpreted differently by the opposition, and hence we beg to differ on those interpretations.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — Yet again the opposition believes the minister or the government is selectively quoting from the Sentencing Advisory Council. For that reason I would urge that, in considering the minister's amendment, which will be a test of the opposition's proposal that the whole provision of the bill be subject to a sunset, the house support the opposition's proposal, given there are a number of discrepancies between what the government announced, what the Sentencing

Advisory Council recommended and what we are actually seeing implemented by this bill today.

**Mr HALL** (Eastern Victoria) — I make just a couple of quick comments, having listened to both the minister's comments and Mr Rich-Phillips comments on the comparative difference between the two sets of amendments that we have before the house today. The way I see them, Mr Rich-Phillips proposes sunset provisions applying to sentence discounts in each of the four courts — the Magistrates Courts, the Children's Court, the Supreme Court, and the County Court — and the government's amendments restrict those sunset provisions to just the Supreme Court and the County Court. Mr Rich-Phillips has asked why the Children's Court and Magistrates Court have been excluded by the government.

11:37 My interpretation of the reason given by the minister is that because those practices have been applied in both courts since 1993, what the government says it is doing essentially is putting into law what has been the practice probably for the past 10 years to 15 years. That is my interpretation of the difference between the amendments. However, it seems to me that Mr Rich-Phillips has made a fair and reasonable request on behalf of the opposition — that is, because the bill introduces new law which applies to each of those four courts, the sunset provisions should apply to each of them. I do not see a downside for the government in it accepting a sunset provision across the four courts rather than just the selective two that it has chosen to agree to putting sunset provisions on. After all, it is not an onerous task to remove or even to extend a sunset provision. It is a matter of coming before the Parliament and making a simple amendment to the legislation.

I indicate to the house this morning that The Nationals are supporting Mr Rich-Phillips's amendments because they are practical, they make sense and they do not put any further onerous requirements on government to pilot these programs across four courts rather than across just two.

**Ms PENNICUIK** (Southern Metropolitan) — It would have been helpful if the minister had spent a little more time at the beginning outlining exactly what the government's amendments are going to achieve. We could probably have saved ourselves a lot of time. The minister brushed over them. It would have been helpful to the committee if he had outlined exactly what the amendments, particularly amendment 14, are designed to achieve.

As I understand it, amendment 14 is designed to put a sunset clause of two years on the application of the new

provisions in the County Court and the Supreme Court, but not the Magistrates Court or the Children's Court. I said in my previous contribution that there should be a trial in the Supreme and County courts as recommended by the Sentencing Advisory Council. Its report also recommended that the practices which already exist in the Magistrates Court should be formalised in legislation, which is why I think the position the government is putting is reasonable. It would be helpful if the minister could confirm that is what we are doing.

**Hon. J. M. MADDEN** (Minister for Planning) — I thought I had made it clear earlier. Basically, if the committee wishes me to go into a bit more detail I am happy to do that. Again, I will repeat my comments. Sentence indications in the Magistrates Court will not be subject to a sunset clause. Sentence indications have been available in the Magistrates Court since 1993. The amendments simply codify existing practice in legislation, and that is one of the most important aspects: we are codifying existing practice in legislation.

The Sentencing Advisory Council found that the scheme had been successful in the Magistrates Court. It did not indicate that this reform should be introduced on a pilot basis. Sentence discounts will also not be subject to a sunset clause. Victorian courts have been required to take a guilty plea into account in determining a sentence of more than 20 years. The amendments in the bill simply require greater transparency. Codifying it certainly assists with that transparency, because the courts will state the sentence that would have been imposed if the accused had not pleaded guilty. The Sentencing Advisory Council did not indicate that this reform be introduced on a pilot basis. We believe we have interpreted the Sentencing Advisory Council's recommendations in an appropriate way, and we have sought to codify them within the legislation. We recognise that there are some matters which the opposition has expressed some concern about. We have sought to do justice to those concerns, but we do not think we need to extend the sunset clauses right across the bill, only to certain clauses within the bill. We beg to differ with the opposition.

**The DEPUTY PRESIDENT** — Order! I propose to test the amendment. We are dealing with amendment 14 standing in Mr Madden's name, which I believe is a test for his amendments 1 to 13 on earlier clauses. In the event that Mr Madden's amendment succeeds, we will then return to those other clauses to take up their consequential amendments. In the event that Mr Madden's amendment does not succeed, then Mr Rich-Phillips will have an opportunity to move his

competing amendment, which also adds a new clause and creates consequential amendments to the earlier clauses we have postponed.

### **New clause agreed to.**

#### **Postponed clause 2**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

1. Clause 2, line 11, omit “21(2)” and insert “22(2)”.
2. Clause 2, line 14, omit “21(1)” and insert “22(1)”.
3. Clause 2, after line 15 insert—  
“(3) Section 12 comes into operation on 1 July 2010.”.
4. Clause 2, line 16, omit “(4)” and insert “(5)”.
5. Clause 2, line 19, omit “(3)” and insert “(4)”.

### **Amendments agreed to; amended clause agreed to; clauses 3 to 18 agreed to.**

#### **Clause 19**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

6. Clause 19, line 26, omit “14” and insert “15”.
7. Clause 19, line 29, omit “14” and insert “15”.
8. Clause 19, line 31, omit “15” and insert “16”.
9. Clause 19, line 35, omit “15” and insert “16”.

### **Amendments agreed to; amended clause agreed to.**

#### **Clause 20**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

10. Clause 20, line 8, before “Section 23A” insert “(1)”.
11. Clause 20, line 13, omit “.”.
12. Clause 20, after line 13 insert—

“(2) If on the commencement of section 12 of the **Criminal Procedure Legislation Amendment Act 2007** a presentment has been filed but the proceeding has not concluded, section 23A and any rules made relating to sentence indications continue to apply to the proceeding as if section 23A had not been repealed.”.

### **Amendments agreed to; amended clause agreed to; clause 21 agreed to.**

#### **Clause 22**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

13. Clause 22, line 28, omit “2009” and insert “2011”.

### **Amendment agreed to; clause 22 agreed to.**

**The DEPUTY PRESIDENT** — Order! I am of the view that the carriage of the amendments, and particularly the substantive one in respect to adding the new clause, also disposes of Mr Rich-Phillips’s amendments, and therefore they will not proceed.

### **Reported to house with amendments.**

#### **Report adopted.**

*Third reading*

11:47

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That the bill be now read a third time.

In doing so I wish to thank members of the chamber for their orderly contributions throughout the committee process.

**The PRESIDENT** — Order! I am of the opinion that the third reading of the bill needs to be passed by an absolute majority. I ask the Clerk to ring the bells.

#### **Bells rung.**

### **Members having assembled in chamber:**

**The PRESIDENT** — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. In order that I may determine whether the required majority has been attained, I ask those members who are in favour of the question to stand where they are.

### **Required number of members having risen:**

### **Motion agreed to by absolute majority.**

#### **Read third time.**

## **RULINGS BY THE CHAIR**

### **Committee amendments**

**The PRESIDENT** — Order! Members will recall that when the Freedom of Information Amendment Bill 2007 was before the committee of the whole on Thursday, 28 February 2008, several points of order were raised following a tied vote on a question that a

clause stand part of the bill. I have discussed this matter with the Deputy President, and as a result I have decided to make the following statement outlining the reasons for the procedure followed on that occasion, which I hope will clarify procedures for members.

The issue arose following debate on an amendment in Mr Dalla-Riva's name to omit clause 11. Following the division on the question that clause 11 stand part of the bill, the vote was 20 ayes and 20 noes, and the Deputy President declared that because a majority of votes were not cast in favour of the proposition, the question was lost and clause 11 would not stand part of the bill.

Points of order were subsequently raised regarding whether proper procedure had been followed and suggestions were made that it might have been more appropriate to instead put the question that the clause be removed from the bill.

The Council has traditionally adopted the following practice when dealing with proposals to omit a clause of a bill in committee of the whole. A member wishing to omit a clause indicates such intention in a list of amendments to be proposed in committee of the whole. The proposal is in the form of 'Clause XX, omit this clause'.

Although *May's Parliamentary Practice*, 23rd edition, at page 608 states that 'an amendment to leave out a clause is not in order, as the proper course is to vote against the clause standing part of the bill', the Council's practice has been to allow a member to indicate that intention along with the amendments to be moved in committee, so as to provide an indication to the committee that the clause will be subject to debate. Another reason for listing the omission of a clause with amendments to be moved is to make sense of any other consequential amendments appearing on the list of amendments as a consequence of the clause being omitted.

This practice is supported by *May* which states that 'Amendments to leave out a clause or schedule often appear upon the notice paper. While such amendments are never called, they provide an indication to the Chair that certain members wish to speak, or to vote on the questions that the clause stand part of the bill'.

When the clause is reached the amendment is not formally moved. Instead the Chair indicates to the committee that the member is inviting the committee to vote against the clause.

The question is put in accordance with standing order 14.12(3), which states:

After debate on a clause has concluded, the question must be put 'That the clause' (or the clause, as amended) 'stand part of the bill'.

Our practice of putting the clause is consistent with all other jurisdictions in Australia and New Zealand. The issue is specifically addressed in *Odgers' Australian Senate Practice*, 11th edition, at page 246, as follows:

In relation to each clause the Chair of Committees puts the question that the clause stand as printed. The committee may negative the question that the clause stand as printed and the clause is then left out of the bill as an amendment. This means that each clause of a bill must be supported by a majority of the Senate to stand part of the bill.

Section 32 of the Constitution Act 1975 provides that all questions arising in the Council shall be determined by a majority of the members present, including the President who has a deliberative vote but not a casting vote. Therefore, if a vote on a motion that a clause stand part of the bill is equal, the question has not been supported by a majority of members and is negatived.

In relation to the putting of amendments, the standing orders adopted in 2006 require the question 'That the amendment be agreed to' to be put, and that is covered in standing order 7.11. The question has only been put in this form from the beginning of the 56th Parliament. There might therefore prima facie be some ambiguity as to which question should be put. However, there is no proper issue of doubt because the longstanding practice of the Council has been to not test a proposal to omit a clause as a formal amendment and therefore standing order 7.11 does not apply. Standing order 14.12(3) is the only standing order relevant in this situation.

*Honourable members interjecting.*

**Mr Atkinson** — Deputy President one, Mr Theophanous nil.

**Hon. T. C. Theophanous** — You got it wrong, Bruce.

**The PRESIDENT** — Order! If members want to debate it, they should debate it outside or bring it on as a debate.

## DISTINGUISHED VISITORS

**The PRESIDENT** — Order! I wish to draw the attention of members of the chamber to visitors in the gallery. This is a little unusual in that they are schoolchildren and teachers, but I think they are well worthy of recognition in this place. The fact is they are

all recipients of the 2007–08 Victorian Spirit of Anzac prize.

By way of background, for this particular prize there were 100 applicants, with 27 finalists and 10 winners — dare I say, the best of the best! They come from a broad range of schools across the state — religious, independent and state — from all seats, and both genders, of course. The history of this particular prize is not particularly long, but I have had some personal either interviews or meetings with past recipients et cetera, and I can tell members that we all ought to be extremely proud of all of them, as I am sure we will be when they come back and as we were with those who have already been successful before them. We wish them well and good luck on their trip.

### ABSENCE OF MINISTER

**Mr JENNINGS** (Minister for Environment and Climate Change) — As a courtesy to the house, I know members of the chamber will already be aware that the Leader of the Government, the Treasurer, has gone to a meeting in Canberra to represent the interests of this state and he has informed all the parties of that matter, but if there are any lingering questions for his attention, I will do my best to serve his interests and the chamber's interests in question time today.

### QUESTIONS WITHOUT NOTICE

#### Manufacturing: employment

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to Mr Theophanous, the minister for industry and state development. According to the most recent ABS (Australian Bureau of Statistics) data, manufacturing — —

**Hon. T. C. Theophanous** — On a point of order, President, I would appreciate it if the member made himself aware of what my title is. I am not the minister for industry and state development, have not been for some time and, if he is seeking to be in the opposition as a shadow minister, he should get that right.

**The PRESIDENT** — Order! Mr Theophanous knows he cannot debate the point of order. The point of order is made that he ought to be addressed correctly and I think it is a fair request of Mr Dalla-Riva.

**Mr DALLA-RIVA** — I direct my question without notice to the Minister for Industry and Trade — sensitive little thing! According to the most recent ABS data, manufacturing jobs in — —

**The PRESIDENT** — Order! I say to Mr Dalla-Riva that I am, to say the least, unhappy with that remark. It is condescending at the very least, and I make him aware of the gallery. He should be more respectful of the procedures in this house and the way we want this house conducted, and he should withdraw.

**Mr DALLA-RIVA** — I withdraw. According to the most recent ABS data, manufacturing jobs in Victoria have declined again by another 18 200 jobs between mid-2007 and the end of 2007. Can the minister tell the house how many manufacturing jobs has Victoria lost between 2000 and 2007?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I am always happy to talk about Victoria's manufacturing industry because Victoria's manufacturing industry is one of the backbones of this state in relation to the way in which we have been able to provide so many additional jobs in this state over the last few years.

We are happy to stand on the record of the way in which we have dealt with the manufacturing industry in this state. Indeed the manufacturing sector, for the interest of members, employs 329 000 Victorians, so it is a very significant part of our industries. Manufacturing output has grown from \$24.3 billion in 2001–02 to \$30.2 billion in 2006–07, so there has been significant growth in the output of the manufacturing sector over the period between 2001–02 and 2006–07. The reason that that has occurred is that we have been able to put in place policies that stimulate growth. One of the things that we recognised as a government was that, after the dark years of the Kennett government, we needed in this state to provide a new stimulus — —

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — The opposition obviously does not like to be reminded of all the teachers, all the railway lines that were shut, all the schools that were shut, and all the hospitals that were shut. They do not like to be reminded of these things.

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — They do not like to be reminded that during their time there was a net exodus — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Both Mr Guy and Mr Finn are warned.

**Hon. T. C. THEOPHANOUS** — They do not like to be reminded that there was a net exodus out of the state during those years. Now we are seeing people coming into Victoria. Over 90 000—I think it is 96 000—came in last year. Why are they coming back? They are coming back because there are jobs here, the economy is growing, there are opportunities here. We are developing this state and the way of life in this city and in this state that is a result of the policies that we have put up.

Output has consistently grown from \$24.3 billion, as I said, to \$30.2 billion, and manufacturing employment grew, not fell, from 315 000 in August 2006 to 331 000 in August 2007. Manufacturing exports grew over the last five years from \$9.5 billion to \$10.7 billion. If you have a look at what is happening in just one industry which I have mentioned in this house before, the motor car industry, the exports that Toyota and General Motors are now doing, which are adding wealth to this state, were absolutely unheard of in the past, compared to what was the case before. We now have a situation where the majority of cars that Toyota is making are being exported. Why is that the case? Because they are world competitive, and they are world competitive because we have found ways to do things smarter in this state and to maintain our manufacturing industry despite the globalisation of the world economy.

12:07

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — I thank the minister for going on for nearly 5 minutes. The answer to my question, for the minister's information, was that manufacturing employment numbers shrunk by 43 500 between 2000 and 2007. Today we again learn that in regional Victoria a further 110 jobs will be lost this year when Rositas closes its doors in Bendigo.

**Hon. T. C. Theophanous** interjected.

**Mr DALLA-RIVA** — If the minister wishes to listen, he will hear that the situation has become so bad that even the Australian Manufacturing Workers Union organiser, Ale Mulipola, has spoken out against the government by saying that it should be doing something to keep jobs in the region. What is the minister actually going to do to meet this emerging crisis in job losses in this important regional industry?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I again thank the member for his question. The first thing I say is that I have provided figures to the house in which I have indicated that employment grew between 2006 and 2007. If the

member wants to go back, he should go back to the Kennett years as well, to see how much was lost.

**The PRESIDENT** — Order! The minister is more than aware of previous rulings by the Chair about debating and about sticking strictly to answering the question and being relevant. I ask the minister to reflect on that and previous rulings.

**Hon. T. C. THEOPHANOUS** — Thank you, President, for your ruling. I have indicated to the house before the growth that has taken place in regional Victoria compared to previous times under other governments.

We are in a circumstance where in regional Victoria the unemployment rate is at record lows. We are in a circumstance where regional Victoria is growing, not contracting. We are in a situation where in regional Victoria we are seeing new railway lines being built and we are seeing new schools being built. We have seen in all our regional schools — —

**Mr Guy** — What railway lines? Name the railway line!

**Hon. T. C. THEOPHANOUS** — The one up to Mildura, for a start, which is being — —

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — And all of the other ones which were closed. President, I know that you do not want me to debate the question, but it is a bit interesting when during a certain period of time — without saying who was in power at that time — which is well known to everyone, there were six railway lines in regional Victoria that were closed down. But the opposition does not want to talk about the six it closed down, nor does it want to talk about the attempts by this government to put decent railway infrastructure into regional Victoria, as well as the thousands of jobs that we have created in regional Victoria.

We are happy to stand by our record in regional Victoria, in job creation and in providing infrastructure, anytime and compare it to the devastation that was created under the previous government.

**Environment: government performance**

**Mr VINEY** (Eastern Victoria) — My question is to the Minister for Environment and Climate Change. Can the minister inform the house how the Brumby Labor government is demonstrating its commitment to environmental sustainability through its own environmental performance?

**Mr JENNINGS** (Minister for Environment and Climate Change) — Thank you, President, for the opportunity to respond to Mr Viney's question. I will say straight off the bat in relation to this important report that was tabled in the Parliament yesterday that in fact ultimately it is extremely good news for the people of Victoria and the environment that the government takes these matters seriously, and is taking its environmental obligations very much to heart in terms of its own performance.

As a community we can be extremely grateful for the role played by the commissioner for environmental sustainability, Dr Ian McPhail. Despite the tweets that are coming from the other side of the chamber, I want to put on the public record, as I did yesterday, the fact that as a community we can be very grateful for both the professionalism and the passion that Dr McPhail brings to his role, and I see these as a virtue. They are aspects of public life that I aspire to: the bringing together of a professional engagement with the relevant issues and a passion for being an active advocate and an educator. The commissioner, Ian McPhail, brings those attributes to his current responsibilities, and we as a community can be very grateful for that.

I refer to some of the positive aspects of the report which was tabled yesterday in terms of the environmental performance of the government. The report indicates that in the last reporting year, 2005-06 to 2006-07, the government reduced its energy consumption by 9 per cent per office space; it reduced its waste by 13 per cent per head of public service; and it reduced its water consumption by 21 per cent per head. That is on the basis of the use that has been attributed to public service activities. On the question of energy, those reductions have led to significant savings in terms of the environment and in relation to economic consequences. To measure that in dollar terms, it has led to a \$17.5 million reduction in the energy bill of the Victorian public sector, but importantly, in the context of the environment, the cumulative efforts of the Victorian public service have led to a reduction of 230 000 tonnes of CO<sub>2</sub> emissions into the atmosphere.

The part of the report that has been given some prominence in the last 24 hours has been the emissions that relate to the Victorian government car fleet. It is a car fleet which has significantly changed its profile during the life of this government. As an example of that, the number of liquid petroleum gas vehicles has increased 10 fold; the number of hybrid vehicles has almost increased 8 fold during the life of this government; the number of 4-cylinder cars has increased by 88 per cent during the life of this

government; and the number of 6-cylinder cars has reduced by 17 per cent during the life of the government.

Indeed over the life of the government there has been a significant reduction in CO<sub>2</sub> emissions — with between 2002 and 2005, the first reporting period, a more than 11 per cent reduction in emissions. I point that out to the house because the headline figure that was reported in the media today about a 5 per cent increase in those emissions in the last year is counter to the longstanding trend and the commitment of the government to try to make sure that our car fleet reduces its emissions and that we change the profile of the car fleet during the life of this government. 12:15

It is very important that we be mindful of our long-term trajectory and our long-term obligations to try to support the indigenous car industry in Victoria and that as a purchaser of the products of Victorian car manufacture we do our best to try to reconcile our support for the car industry and drive major long-term structural reforms in relation to our car fleet with what might be a viable, more environmentally friendly profile of the Australian car industry. We are working collaboratively with the car industry here in Victoria and indeed internationally and we are hoping to work collaboratively with the Australian government to support green car innovation in this state. We will do our bit in terms of trying to find the industry support and purchasing practices that reconcile our environmental obligations and the need to make sure that we protect Victorian jobs and enhance the car industry.

The commissioner has indicated that further work should be done in terms of the built environment, and the government has responded to this. Late last year we announced that there is going to be a major retrofitting and overhaul of the building efficiency of Victorian public sector buildings. I am very pleased to say that in the next report the commissioner will be able to comment on our achievements in making sure that we lift the environmental performance in building. It is my intention to launch next week a new resource-smart program that applies right throughout the public sector to drive our resource efficiency even further. The messages that have been provided by the commissioner for environmental sustainability and his team are timely and welcome, and we thank the commissioner and his team for both the professionalism and passion they bring to their endeavours.

**Innovation: smartcard technology**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for Innovation, Mr Jennings. Recently developed smartcard technology that disables an electronic gaming machine until a predetermined loss limit has been set has recently been adopted and implemented in Nova Scotia, Canada. I ask: is the minister aware of this innovative approach to handling problem gambling?

**Mr JENNINGS** (Minister for Innovation) — I thank Mr Drum for his lateral use of the connection between my ministerial responsibility and the subject matter that is at the heart of his question — —

**The PRESIDENT** — Order! I would appreciate it if the minister did not turn his back to the Chair.

**Mr JENNINGS** — President, I may have been side on; I would certainly never intentionally turn my back on the Chair. Through you, President, I say to Mr Drum that I am interested in all forms of innovation and the broadest application of technology.

**Hon. T. C. Theophanous** — It was an innovative question.

**Mr JENNINGS** — It certainly was innovative in its form, and it has provided me with some degree of latitude, which I have already traversed, and I will try to resist the temptation in future. I will say to Mr Drum and members of the community that I am very keen to find any ways that support the quality of life of our citizens. We establish innovative products, innovative capacities and innovative processes. In whatever aspect of public life they permeate, the innovation agenda is alive to those, and we want to make sure that we pursue best practice in any jurisdiction.

As Mr Drum knows, I am not responsible for the gaming industry, but I am interested in supporting, in the context of my responsibilities, innovative approaches to technology to solve problems and assist the quality of life of our citizens. In that regard I am very happy to look at the material he has drawn to my attention today.

*Supplementary question*

**Mr DRUM** (Northern Victoria) — We have recently heard in this chamber the minister ask questions about innovative approaches to help the health system and innovative approaches with technology to help the motor car industry, so this should not be outside his responsibilities. In light of his answer, could the minister please inform the house as to

what process is currently in place to ensure that he, as minister, and the government are consistently kept up to date with innovative technology and its advancements that could minimise harm for many Victorians?

**Mrs Peulich** — A good question.

**Mr JENNINGS** (Minister for Innovation) — It is a good question, because that is something — —

**Hon. T. C. Theophanous** — He talks to his colleagues.

**Mr JENNINGS** — Mr Theophanous has indicated one approach, which is for me to be well apprised of innovative approaches that may be adopted in other portfolios. There is a range of cabinet processes by which we share that information. Certainly within the Department of Innovation, Industry and Regional Development, in which I am one of a number of ministers(? could be expressed better), we have a divisional structure which incorporates analysis of innovative practices to try to establish a collaborative environment to drive our research and development further — our science agenda.

I appreciate the fact that Mr Drum has recognised in his supplementary that some of our major achievements have been in aspects of medical care and supporting quality of life in a variety of areas. We are alive to pursuing best practice in any jurisdiction on any subject matter that involves scientific breakthroughs and research and development and the application of those in any quality of human endeavour. We have officers who will be actively involved in pursuing these matters, and they report to me and other ministers within that department. Recently we established a part of the department which not only looks at those practices now but tries to look at blue horizon issues in anticipation of some of the emerging challenges that may not be apparent and at technological solutions to those and to develop a collaborative capacity to deal with them into the future. It is indeed a focus of our departmental structure and the people who report to me.

**Information and communications technology:  
Suna Traffic Channel**

**Mr SOMYUREK** (South Eastern Metropolitan) — My question is to the Minister for Information and Communication Technology. Can the minister inform the house of any recent investments that demonstrate the strength of local research and innovation in the Victorian ICT industry?

**Hon. T. C. THEOPHANOUS** (Minister for Information and Communication Technology) — I

thank the member for his question. I am pleased to be able to inform the house that last week I opened the new Melbourne office of Intelematics Australia. This is an innovative company which has doubled its workforce over the last 12 months. I was pleased to be involved in the national rollout of the Suna — spelt S-u-n-a — Traffic Channel, which is very much designed as a way for commuters to be to get to where they want to go sooner rather than later.

What Intelematics has developed is a radio-based system in which real-time traffic information is supplied to Intelematics through a satellite navigation system that is smart enough to spot random traffic black spots and to offer drivers a choice: they can either sit in the traffic or they can skirt around it. They are given options as to — —

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — Mr Finn might be interested in this. They are given options as to how much time it will take if they go on an alternative route as opposed to the route they are currently on. If you think about the application of this, the information is fed into a computer from things such as logs of freeway travel times, roadworks, tow-truck dispatches, the information that traffic light systems use to respond to the ebb and flow of Melbourne's traffic and so on. A whole lot of information about where the traffic is and where the blockages are is fed into a computer. Then that computer is able to dispense information through the GPS (global positioning system) to individuals in their motor vehicles, which will say to them, 'There is a blockage ahead. You can take an alternative route, and it will take this much longer time or this much shorter time'.

12:25 This is a very innovative use of technology, and it has a number of applications which are very important. Not only will it mean that people driving around in motor cars will be able to take less time to get to where they want to go, but it will also assist in protecting our environment because the less time that motor vehicles are sitting in traffic, not moving, the better it is in terms of the environment and in terms of getting there on time.

It is especially important from the point of view of trucks, because one of the things that is an enormous cost to our economy is the amount of time that trucks sit idle and are non-productive in traffic jams or in other situations when they could be moving their freight to the destination that they want to go. Indeed, it has been estimated that in every 12 hours of truck time that 3 out

of those 12 hours are taken up in non-productive time, especially in sitting at traffic lights.

A system like this, which is able to tell a truck driver or an ordinary motorist that they can take an alternative route and warn them about blockages in their traffic system, is an amazingly important development. It has occurred right here in Melbourne, it is being developed nationwide, and it will have enormous overseas applications as well. It is yet another example of how Victorians, through the use of their intellect, through doing things 'smarter', are able to solve important environmental problems, to export and, most importantly, to create more jobs in this state.

### **Melbourne Central City Studios: loan contract**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to the Minister for Major Projects. Have the first of the repayments of the Victorian government's \$31.5 million loan to the developer of the Docklands film and television studios, also known as the Melbourne Central City Studios, been provided to the state government as stipulated in the contract?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — The contractual arrangements between companies and the government are matters which come into commercial developments, but the other issue in this particular case is that this is not one of the major projects for which I am responsible. I do not know how the member expects that I would have the answer to his question in any case.

Had he wanted to ask me a question about the major projects for which I am responsible, I would have been quite happy to have provided him with a list and that way he might have been able to identify which projects would be appropriate to ask questions of me. I am happy to inform him even now that he could have asked me a question about the Austin hospital — —

**The PRESIDENT** — Order! Relevance! The minister can either answer the question or he cannot. He must be relevant to the question.

**Hon. T. C. THEOPHANOUS** — I am unable to provide the member with an answer to the question, because it is not part of my portfolio responsibility in terms of major projects. In answering the question I would inform the member that there are a number of projects for which I am responsible, which include — —

**The PRESIDENT** — Order! Minister!

**Hon. T. C. THEOPHANOUS** — Is that not relevant?

**The PRESIDENT** — Order! No, it is not.

**Hon. T. C. THEOPHANOUS** — I defer to your ruling, President. I thought that it was relevant. I am happy to provide the member with the list privately so that he knows for which areas I am responsible.

**The PRESIDENT** — Order! Does the minister want to test my patience? We will go down that road that we have visited in the past. I do not have a problem. I ask the minister to comply with my rulings from the Chair and to help me rather than to hinder me.

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — Maybe I can assist the minister. The Auditor-General's report dated August 2006, *Results of Special Audits and Other Investigations*, specifically mentions the original contracts under major projects. He specified that the government loaned the developer \$31.5 million to build the studios. I am concerned that the minister is unaware of the moneys that are owed. In the sense that if a developer is not doing what it is required to do as stipulated — that is, it is meant to pay by February 2008 — what will the minister do to collect the money on behalf of the Victorian taxpayer, or is he just unaware of his portfolios?

**The PRESIDENT** — Order! Given the previous answer from the minister, it is clear to me that he is unable to answer that supplementary question, so I am ruling it out.

**Financial services: growth**

**Mr PAKULA** (Western Metropolitan) — My question is to the Minister for Industry and Trade. Can the minister inform the house how the Brumby Labor government is promoting growth in the Victorian financial services sector?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I thank the member for his question, which is in my portfolio area of responsibility. The financial services sector is a sector which this government takes very seriously. The reason we do so is for the same reason that we take a lot of other industries seriously: it has to do with jobs, jobs, jobs for Victorians!

In this case the financial services industry is Victoria's third-largest industry. It accounts for 100 000 jobs and \$17.7 billion in gross state product. This is a big

industry. It is a very important industry for this state. The strategy that we have adopted is to encourage Victoria and Melbourne as a centre of financial management and as a finance centre generally for Australia and the Asia-Pacific region.

That is why we have been able to attract, particularly into the Docklands area, the National Australia Bank, which has its new building down there; the ANZ, which is building the largest commercial building in Australia at Docklands at the moment; as well as AXA, Bendigo Bank and a range of other companies I have mentioned before. We are building critical mass in relation to Victoria as a financial sector.

12:32

It is also the case that more than 60 per cent of all Australian industry fund assets, including the federal government's Future Fund and the Victorian Funds Management Corporation, are now all managed out of Victoria and out of Melbourne. This is a phenomenal achievement, considering that in earlier times we had a situation where the former Premier, Jeff Kennett, indicated that financial services was one of the industries that was not sustainable in this state and that we should look to Sydney as the financial centre of Australia. We have not been prepared to accept the view that Sydney should be the financial centre of Australia. We will not accept that view, and we will continue to try to make Melbourne the financial centre not only of Australia but of the Asia-Pacific region.

It was for that reason that I was pleased to speak at the Melbourne Financial Services Symposium. This symposium was held in Melbourne and not in Sydney. It was held here because we have made the effort to try to gain critical mass in the financial services sector in this state. It is also part of a strategy. More recently I established the Victorian Finance Industry Council to help promote growth in the Victorian financial services sector. Within that council we now have representation from the National Australia Bank, the ANZ, AXA, Goldman Sachs JBWere, GE Money, Australian Super, Vanguard, Members Equity Bank and the Victorian Funds Management Corporation, to name a few.

We are developing this industry. We have a committee of the absolute top people in the finance industry in this state to help us to develop this industry, and it is part of what we are doing in this state to help make Victoria the best place to live, work and raise a family.

**Crib Point: bitumen plant**

**Mr O'DONOHUE** (Eastern Victoria) — My question is for the Minister for Planning. I note that the Boral Corporation's proposed bitumen facility at Crib

Point has been listed to be heard at the Victorian Civil and Administrative Tribunal from 28 April. I further note that the Mornington Peninsula Shire Council has requested that the planning minister take action. Given the clear and unambiguous written pre-election pledge by the Bracks government, will the minister work with the council to honour the government's pre-election promise that the plant will not proceed?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr O'Donohue's question in relation to that particular Crib Point project. I am aware of that project. The council has written to me, and I am considering my position in relation to the process that should be undertaken at this time. I have sought advice from the department. When I receive that advice I will be happy to consider it in the light of any comments that might have been made previously on this matter.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — I note the minister's answer. Is the minister aware that if the bitumen facility proceeds, the community's plans to enhance Crib Point as a tourist destination by bringing to land the HMAS *Otama* submarine will be sunk?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr O'Donohue's question, and while it might confuse a number of people in the chamber, fortunately I do understand the question. I understand that the references to the submarine were not metaphoric; they were actually literal.

I am aware that there are a number of opportunities in and around Crib Point. Crib Point and that neck of the woods down around the Western Port area has undergone a bit of a renaissance in many ways. I know the upper house members on this side of the chamber who represent those communities have been very enthusiastic about the renaissance that has taken place around Western Port. Many members of the chamber would be aware that many of the towns around Western Port have been seen in an industrial light because of the activities that have traditionally taken place around Western Port, but there are more and more opportunities for those towns to in a sense redefine themselves as tourism-type townships or lifestyle change-type townships. I have seen that in the case of Hastings in particular.

In my previous portfolio we made a significant investment in Hastings with the Pelican Park redevelopment. The pool that was built by this government and the council down at Pelican Point

redefined Hastings and gave it a significant opportunity to redefine itself

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — That would not be a bad thing for Mr Drum.

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — I take up the interjection from Mr Drum and note that The Nationals have redefined themselves in many ways.

I am conscious that the community in and around Western Port sees its future linked much to tourism and tourism opportunities. We are conscious of many of those issues raised around the operation of Western Port. I think it might have even been opposition members who raised the prospect of more development in Western Port around industry and freight. These are issues that need to be defined and explored. I am very conscious of the matters around the Otama submarine and the council's proposition to make it a significant tourism feature. I am also aware that in many ways the former federal Liberal government just dumped the submarine in the lap of the council without much support, so it has to try to locate the submarine.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — It is not as easy to park a submarine as members might think, although I suspect the opposition might be able to do that.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I remind the house that I am particularly keen on listening to this answer because I happen to be a resident of Crib Point. I would appreciate it if members of the house restrained their angst against each other and allowed me to hear the answer. Mr O'Donohue might like to hear it as well.

**Hon. J. M. MADDEN** — I welcome the member's question and the acknowledgement of two issues that we have discussed today, one being the Boral bitumen plant as a proposition, and the other the Otama submarine. I am very conscious of those issues and very mindful of their local significance because I know that Mr Scheffer has been actively involved in consistently reminding me about these issues. I know that Mr Viney here in this chamber has also been very active in reminding me that these issues are very pertinent to the community in Crib Point. I will receive advice from my department and consider it. I will no

doubt make decisions relevant to the information that is provided to me.

**Planning: government initiatives**

**Ms TIERNEY** (Western Victoria) — My question is to the Minister for Planning. Can the minister please update the house on the Brumby Labor government’s initiatives to make the planning system more efficient for local councils, the planning community and all Victorians?

**Mr Finn** interjected.

**Hon. J. M. MADDEN** (Minister for Planning) — Could I take up Mr Finn’s interjection?

**The PRESIDENT** — Order! I advise the minister to just answer the question.

**Hon. J. M. MADDEN** — I will try not to dignify Mr Finn’s remarks with a response and I will take your advice, President. Thank you for that.

We are seeing the enormous growth that is taking place right across the state, which is a great thing, but it does place a bit of stress on the planning system. When you have greater demand in terms of applications for whatever projects, the officers at the front line in local government, who are predominantly the planning authority in the vast majority of the state, have to deal with many of these issues. If they are dealing with the rats-and-mice issues it means they cannot concentrate on the bigger, more strategic projects that need to make way for significant developments. That was part of the reason why the Premier made his announcements last week about getting more housing onto the market by streamlining the process.

Streamlining or cutting red tape is not new to this government. In fact it follows a very successful and ambitious program for continual improvement in the planning system. Our cutting red tape in the planning program has led to a significant number of improvements as well as removing the likes of the rats-and-mice stuff of shade sails, garden sheds and the like from the planning system — those annoying little things that we want to get out. We have been able to do that.

We have also established an e-planning system. So when Mr Davis gets his website up, he might actually know how to operate the e-planning system. It is a roadmap to online planning systems. As well as that we have reduced the time frames for the documentation associated with planning scheme amendments and we have embarked on a five-point priority action plan for

making local policy stronger. That is really about giving local councils more control over protecting their green, leafy suburbs — the amenity of their communities.

This has all paid dividends. Last week I released the *Planning Permit Activity in Victoria 2006–07* report. This is an exciting document.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — It might not strike members as exciting in the first instance, but let me tell them where the excitement lies if you read the detail. It says that residential applications for alterations and additions have been slashed by 10 per cent as a direct result of cutting red tape. For the first time since reporting began, planning permit approvals in Victoria have dropped below 50 000. You might wonder if that is a good thing. Let me tell members that it is a good thing because it is at this time of record-breaking building activity, and planning permit applications have dropped. What we are seeing are building approvals increase and planning permit activity drop, so what we are seeing is taking out that red tape. It means we allow those planners on the front line to concentrate on the bigger, more important things rather than that paperwork that is so annoying.

This means that what we are seeing is the red tape burden reduced and those on the front line concentrating on the big things that matter, cutting the red tape and streamlining the planning system. The holding costs, which often are passed on to the consumer, are reduced and delays and the regulatory burden are reduced. At the end of the day we will see savings for everybody and a better system. It is a win-win for everybody, consistently making Victoria the best place to live, work and raise a family.

**Forests: East Gippsland**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change. At the last election your government promised to protect significant new forest areas in East Gippsland. However I note that that legislation is not on the statement of intent for the coming year. The government simultaneously promised no net loss of jobs or resource in the area, which seems to be a bit of a conundrum. My question is: has your department been examining existing informal reserves such as special protection zones for a possible swap out of protection as compensation for these new areas to be protected, or is your department working with any other agency or group that has been tasked to do that?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Barber for his concern about this matter. It does not surprise me that he has a concern about this because he raised it just briefly with me privately not so long ago, so I know this is a matter that he has a deep and abiding interest in. He quite rightly identifies this as an issue where commitments have been made by our government.

12:47 In fact, regardless of whether the legislative outcome is secured during this calendar year or beyond, I am charged with the responsibility of delivering a result by the end of this term, and it is my intention to do so. I make that very clear statement even if it is not in the statement of legislative intent for this year.

There were undertakings made, as Mr Barber quite correctly said, to add about 41 000 hectares to the national park estate in East Gippsland and to try to get through the eye of the needle by making sure there were not any job losses in the timber industry as a consequence of the decision. That very delicate and difficult balancing act — to make sure that timber allocations and activity within the timber industry are maintained at that level when there is obviously going to be some loss of available timber through the additions to the national park estate — is a very contemporary issue. We are trying to make sure that we can balance those obligations and achieve a balanced outcome in line with both those elements of our public commitment.

Mr Barber is quite right in his assumption that a number of options are being pursued by the people charged with the responsibility for dealing with timber allocation, forestry matters and parks administration within my area of responsibility. A number of people have talked to me about those matters. Given that he may have seen that I had a meeting with Pete Steedman in the Parliament of Victoria yesterday —

**Hon. J. M. Madden** interjected.

**Mr JENNINGS** — Exactly, I should be so lucky to meet with Mr Steedman, who is responsible for dealing with the industry transition aspects of this matter. You would not have to be Einstein to work out that that was the subject of our discussion. These issues are very much contemporary and alive. The detailed options and the solutions to these competing but dual obligations are occupying my mind and the minds of those in my office.

In terms of the last sting in the tail of the question about subcontracting this out to other, wiser heads, I am not aware of any wiser heads that have been brought to

bear in this exercise. That does not mean people are not taking soundings, but there have been no formal requests for the exercise of wiser minds than those of my departmental officers in relation to this matter up until now.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — I thank the minister for that answer. The government's election promise was pretty clear in terms of forest protection: it actually released a map on the day of the announcement. Can I take it, then, that areas that are special protection zones and other sorts of informal reserves within the commercial estate represent the map of areas to be swapped back into production?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I do not think we should make any automatic assumptions about the way in which those outcomes will be secured. I do not want to escalate fears in any shape or form. I assure the member and the house that I will be particularly mindful of what lies at the heart of the initial delegation of some of these areas in state forests that are covered by regional forests agreements and their status in terms of the obligation to undertake environmental assessments of their value and their ongoing contribution before any decisions may be made to allocate them for timber availability. The rigour that was expected will continue to be expected to apply to any areas of state forests before they would be made available for timber harvesting.

**Planning: land supply**

**Mr SCHEFFER** (Eastern Victoria) — My question is to the Minister for Planning. The urban growth zone announced by the Premier last week will play a significant role in speeding up the planning amendment process in our growth areas, thereby releasing more land to the market in these areas. Can the minister inform the house what the Brumby Labor government is doing to respond to population growth in regional Victoria?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Scheffer's question. I know that he is particularly interested in the opportunities for accommodating growth in, while maintaining the amenity of, the regional areas he works in.

As I have mentioned — and as the Premier has mentioned — the Department of Treasury and Finance and the Department of Planning Community Development have undertaken an analysis based on the latest census data and population forecasts. We are

certainly well aware, as we have announced, that Victoria's population is set to hit 6.2 million by 2020 rather than 2030. In the order of 1400 people a week are coming into the state. Roughly 1200 are settling in Melbourne, but we are also seeing a significant number settling right across the regions. Regional Victoria's population grew by 51 000 people between 2001 and 2006. A lot of this growth is concentrated in regional centres, in peri-urban areas and in coastal areas, particularly close to Melbourne and Geelong. So there is certainly some pressure in those areas. We are seeing a lot of that taking place in peri-urban areas.

What is important is that we are seeing not only population growth but also the disaggregation of households in terms of household size. We are seeing movement through the community from households in a sense breaking up, but logically breaking up for a variety of reasons in a particular direction as children get older or establish their own households.

**Mr Drum** interjected.

**The PRESIDENT** — Order! Mr Drum!

**Hon. J. M. MADDEN** — We are also seeing a number of families or households establishing more than one dwelling.

12:55 It might be a holiday house or it might be a house in a rural area and an apartment in the city. As well as that significant population growth, which I know many of our rural members are well aware of, we are also seeing the development of a significant number of houses right across these communities.

There are significant collective growth challenges in many areas. I am working closely with the peri-urban councils in particular. We have set up a working group to deal with many of these common themes, and we are working collaboratively with the shires, which include Moorabool, Bass Coast, Surf Coast, Macedon, Mitchell, Baw Baw and Murrindindi. We have also contributed \$500 000 through the Municipal Association of Victoria to a rural land use program to assist many of these communities to work through some strategic approaches.

**Mr Hall** interjected.

**Hon. J. M. MADDEN** — It is interesting. I take up the interjection from Mr Hall. I know it is late in question time on a Thursday and I know that the concentration of members in the chambers is lapsing, but you would think that for many of the rural members of the chamber this is a very significant issue. They will

be the first to chew my ear off if I do not mention it; but now that I do mention it, they do not care to listen.

We are also assisting the development of corridor strategies, particularly linking into many of these regional communities. We have also developed the Future Coasts and Victorian Coast Strategy projects to help minimise the impact on the environment and also to support communities with infrastructure provision. We are also fast-tracking many of the planning scheme amendments for new housing lots released into the market in these rural and regional areas, because there is significant — —

**Mr Hall** interjected.

**Hon. J. M. MADDEN** — We could start again on that, Mr Hall, but I know I would just frustrate the President. He does not want to hear me rabbit on about The Nationals.

**The PRESIDENT** — Order! The minister is dead right.

**Hon. J. M. MADDEN** — The important thing in both my answers today is that we see growth as a positive thing. We are accommodating growth, we are streamlining the process, but we are also assisting communities right across Victoria. Whether they be outer suburban, inner suburban, peri-urban or regional councils, we want to make sure that we accommodate that growth. We can assist by taking pressure off the planning system, by freeing up the system from red tape and other bureaucratic hurdles. We want to continue to attract people to Victoria, because we know, and we want everyone else to know who comes here, that Victoria is the best place to live, work and raise a family.

**Hon. T. C. Theophanous** — On a point of order, President, I wonder whether you could turn your mind to investigating whether it is appropriate for the Leader of the Opposition to spend a significant amount of time during question time in the area — —

**Mrs Peulich** — There is no point of order; you know that.

**The PRESIDENT** — Order! Mrs Peulich!

**Hon. T. C. Theophanous** — He is spending time in the area which is allocated to the press, and to obviously seek to engage the press in what is occurring in the house. My understanding of that particular area — —

**The PRESIDENT** — Order! The minister understands that he is unable to debate a point of order.

**Hon. T. C. Theophanous** — Could I finish it?

**The PRESIDENT** — Order! No, you cannot, because there is no point of order. Whilst the minister may not be happy with the performance of the Leader of the Opposition, I do not know that he has to be happy with it. The fact is there is no point of order.

*Honourable members interjecting.*

**The PRESIDENT** — Order! There is nothing to prevent anyone going out of the chamber during question time and talking to the press or whoever they want outside the chamber.

**Hon. T. C. Theophanous** — So anyone can go and —

**The PRESIDENT** — Order! I just said there is nothing inappropriate in anyone leaving the chamber during question time to go and talk to the press or anyone else.

## QUESTIONS ON NOTICE

*Answers*

**Mr JENNINGS** (Minister for Environment and Climate Change) — I have answers to the following questions on notice: 725–8, 933, 934, 1329, 1330, 1332, 1333, 1335, 1337–9, 1346, 1348, 1349, 1353, 1354, 1615–26, 1725, 1727.

## RELATIONSHIPS BILL

*Statement of compatibility*

**Hon. J. M. MADDEN** (Minister for Planning) **tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Relationships Bill 2007.

In my opinion, the Relationships Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

### Overview of bill

The bill will establish a relationships register in Victoria, which will provide for domestic relationships to be registered on a register to be operated by the registrar of births, deaths and marriages. Registration will provide conclusive proof of

the existence of a domestic relationship. The bill will also provide a single location for provisions relating to property division and maintenance arrangements on the breakdown of a domestic relationship, and for the enforcement of relationship agreements. Finally, the bill includes consequential amendments to acts that currently recognise domestic partners and relationships.

The principles underpinning the charter of respect, equality, freedom and dignity tie closely to the objectives of the bill. These principles include that human rights:

are essential in a democratic and inclusive society that respects the rule of law, human dignity and equality and freedom

belong to all people without discrimination, and the diversity of the people of Victoria enhances our community.

The bill enhances the right to equality before the law for all Victorians by recognising domestic relationships, regardless of the genders of the couple. Equality before the law is a fundamental right enshrined in the charter, which is essential in a democratic and inclusive society.

### Human rights issues

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

The relevant rights under the charter which the bill will engage are:

#### *Section 8: recognition and equality before the law*

Section 8(3) of the charter provides that every person is equal before the law, is entitled to equal protection of the law without discrimination, and has the right to equal and effective protection against discrimination. Discrimination, in relation to a person, means discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act.

#### *Clauses 5 and 7: definition of 'registrable relationship' and applications*

Clauses 5 and 7 of the bill provide that in order to be in a registrable relationship and apply for registration, persons must not be married to or in a registered relationship with each other, or be married or in a registered or registrable relationship with a third person.

In relation to persons who are already married to each other, these requirements do not limit the right to equality because they do not give rise to any less favourable treatment. Marriage itself confers benefits and no detriment would be suffered as a result of a married couple not being able to register their relationship.

In relation to persons who are already married to or in a registered relationship with a third person, these requirements may limit the right to equality on the ground of marital status.

Clauses 5 and 7 of the bill also provide that in order to be in a registrable relationship and apply for registration, persons must be 18 years of age and over. This requirement limits the right to equality on the ground of age.

(a) the nature of the right being limited

The prohibition of discrimination is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, the right is not absolute and can be subject to reasonable limitations in section 7 of the charter.

(b) the importance of the purpose of the limitation

The purpose of the limitation regarding marital status is to ensure that a person is only in one registered relationship and is not married in order to register a relationship. Legal and practical difficulties would arise if a person had more than one registered partner or both a registered partner and a spouse, for example, where a doctor needs to discuss a person's medical treatment with the next of kin in an emergency situation.

The purpose of the limitation regarding age is to protect persons under 18 years of age who are more vulnerable than adults because of their age, and therefore are less likely to have the maturity and capacity to make an informed decision about registering a relationship and to understand the consequences of registration.

(c) the nature and extent of the limitation

The bill limits the right to equality only to the extent that a person cannot register a relationship if they are married or are in a registered relationship with a third person, or if a person in the relationship is under 18 years of age.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of ensuring that a person is only in one registered relationship or marriage.

There is also a direct relationship between the limitation on registration to adults and the purpose of protecting persons under 18 years of age, who because of their age, are less likely to have the maturity and capacity to make an informed decision about registration and understand the intended consequences of registration.

(e) any less restrictive means reasonably available to achieve its purpose

In relation to marital status, there are no less restrictive means reasonably available to achieve the purpose of ensuring that a person is only in one registered relationship and is not married to register a relationship. It is also open to a person to divorce their spouse pursuant to the commonwealth Marriage Act 1961 or revoke registration under this bill to meet these eligibility requirements.

In relation to age, there are no less restrictive means reasonably available to achieve the purpose of protecting persons under 18 years of age who are less likely to have the maturity and capacity to make an informed decision about registration. The age limit involves a degree of generalisation without regard for the particular abilities, maturity and other qualities of individuals. However, it is necessary and reasonable for Parliament to set an age limit reflecting its assessment of when most persons will have sufficient maturity to ensure responsible decisions are made in relation to registration. It would place an unreasonable administrative burden on the registrar to require them to assess each individual aged 16 or 17 years to determine whether they

have sufficient capacity to make the decision. The registrar is also not empowered to undertake judicial functions unlike a court who can authorise a person to marry when aged 16 or 17 in exceptional circumstances. Accordingly, this is not a reasonably available option.

(f) any other relevant factors

Similar protections exist in the Tasmanian Registration Act 2003, which requires that a person must not be married or in another registered relationship to register a relationship and that a person must be an adult to register a relationship.

(g) Conclusion

Accordingly, the eligibility requirements in clauses 5 and 7 are reasonable and demonstrably justifiable limitations under section 7 of the charter.

*Clause 39: definition of 'child'*

Clause 39 engages the right to equality because it defines 'child' in a way that excludes children of same-sex domestic partners. However, the definition does not give rise to any less favourable treatment for same-sex domestic partners who have children. This is because, the relevant provisions relating to the making of property adjustment and maintenance orders take into account children who are accepted by the domestic partners as one of the family (which could include children of same-sex couples), as well as children as defined in clause 39 (see clauses 42, 45 and 51). Therefore, no detriment would be suffered as a result of the definition of child in clause 39.

*Section 13: privacy and reputation*

A number of clauses engage the right to privacy under section 13 of the charter, in that they relate to collection of personal information.

The bill provides that the registrar may: require applicants to provide any other document or information that the registrar requires for the purpose of determining an application for registration; conduct an inquiry to find out the particulars of an application, or whether the particulars of a registered relationship are correctly recorded on the register; and collect and maintain other non-registrable information. (See clauses 7, 8, 18, 26 and 27.)

To comply with section 13(a) of the charter a person's privacy must not be unlawfully or arbitrarily interfered with. The circumstances in which the bill will authorise the registrar to collect the information in question are circumscribed. The main purpose of obtaining information is to ensure that applicants meet the eligibility requirements for registration and that the register is correct. This is vital to the integrity of the register. Another purpose of obtaining information is to enable the registrar to provide additional services in relation to the registration of a registrable relationship (for example, recording the duration of a relationship prior to registration on a commemorative certificate). The exercise of these powers is therefore neither unlawful nor arbitrary.

Clause 19 engages the right to privacy because it enables the registrar to correct, amend and add to the register. The circumstances in which the bill will authorise the registrar to correct, amend and add to the register are circumscribed. Such changes to the register may only be made to ensure that the particulars of a relationship that are recorded on the

register are accurate. The purpose of such powers is to maintain the integrity of the register. The exercise of these powers is therefore neither unlawful nor arbitrary.

A number of clauses engage the right to privacy under section 13 of the charter, in that they relate to access to and disclosure of personal information.

The bill provides that the registrar may, on application, search the register for an entry about a particular registered relationship and issue a certificate of the search results. The bill also provides that the registrar may allow a person or organisation access to information in the register or provide information extracted from the register. (See clauses 21, 22 and 24.)

The circumstances in which the bill will authorise the registrar to search and allow access to information on the register are circumscribed. Applicants must provide adequate reasons for requesting a search or access to information on the register. In deciding whether an applicant has an adequate reason, the registrar must have regard to a number of relevant factors. Further, clause 20 of the bill states that in providing information, the registrar must protect the persons to whom the information relates from unreasonable intrusions on their privacy (for example, by providing non-identifying information), and clause 23 provides that the registrar must maintain a written statement of the policies on which access to information is to be given or denied. The exercise of these powers is therefore not an unlawful or arbitrary interference with a person's privacy.

*Section 15: freedom of expression*

Clause 18 allows the registrar to require a person who may be able to provide information about the particulars of a relationship to provide such information. A person must not, without reasonable excuse, fail to comply with such a request.

This may raise the right to freedom of expression in section 15 of the charter, which includes the right not to express. However, section 15(3) of the charter provides that special duties and responsibilities attach to this right and it may therefore be subject to lawful restrictions reasonably necessary to respect the rights and reputations of other persons or for the protection of national security, public order, public health or public morality. Public order can be defined as the sum of rules that ensure the peaceful and effective functioning of society.

Clause 18 constitutes a lawful restriction on the freedom of expression under section 15(3) of the charter for the purpose of public order and rights and reputation of other persons by assisting the registrar to ensure the accuracy of the information on the register and thereby maintain the integrity of the register.

*Section 20: property rights*

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with the law. Clauses 40, 45, 51 and 58 of the bill deal with the powers of the court to make orders concerning the property and maintenance of domestic partners that seem just and equitable, having regard to a number of matters which are clearly articulated. The court's powers are formulated in a precise manner and will occur under powers conferred by legislation. The deprivation of property will therefore be in

accordance with law, and there is no limitation of the right granted in section 20 of the charter.

*Section 24: fair hearing*

Section 24 of the charter states that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Clause 61 of the bill raises the right to a fair hearing in providing that in the case of urgency, a court may make an order or grant an injunction for the purposes specified in clause 58(1)(h).

(a) the nature of the right being limited

The purpose of the right to a fair hearing is to ensure the proper administration of justice. This right is concerned with procedural fairness (that is, the right of a party to be heard and to respond to any allegations made against him or her, and the requirement that the court or tribunal be unbiased, independent and impartial), rather than the substantive fairness of a decision or judgement of a court or tribunal determined on the merits of the case.

(b) the importance of the purpose of the limitation

The purpose of the limitation is to enable a court in emergency situations to make an order or injunction, to protect certain property and/or aid enforcement of a relevant order, in the absence of a party. For example, in situations where there is a need to make an order to stay the distribution of interests in property on the breakdown of a relationship, where one party cannot be located or delaying the making of such an order would result in serious injustice to the party making the application.

(c) the nature and extent of the limitation

The bill limits the right to a fair hearing to the extent that a court can make an order or grant an injunction ex parte.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and its purpose. The court can only make orders ex parte in the case of urgency. Further, the power of the court is limited to the extent that any orders made under this clause will be for a specified time or until a further order is made.

The court has the power at the same time to give directions to serve the order or injunction on the absent party and to set the matter down for a further hearing, to enable time for the absent party to attend a further hearing to make submissions. This accords the absent party procedural fairness where temporary orders have been made in exceptional circumstances. Therefore the limit goes no further than is necessary to achieve the purpose of protecting property and/or enforcing an order, in circumstances where not having the power to make temporary orders, ex parte would result in serious injustice to the applicant. For example, where one party cannot be located or if there is a risk of a party disposing of the property in question.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to protect property and/or enforce an order. Due to the urgency of such matters, it is unreasonable for a court to delay making such an order until all parties are present.

(f) any other relevant factors

A similar provision exists under section 293 of the Property Law Act 1958.

(g) conclusion

Accordingly, the court's power to make orders and injunctions in the absence of a party in clause 61 is reasonable and demonstrably justifiable under section 7 of the charter.

**Conclusion**

I consider that the bill is compatible with the charter because to the extent that some provisions may limit human rights those limitations are reasonable and justified in the circumstances.

JUSTIN MADDEN MLC  
Minister for Planning

*Second reading*

**Ordered that second-reading speech be incorporated on motion of Hon. J. M. MADDEN (Minister for Planning).**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

In April this year, the government announced that it would develop legislation for a statewide relationships register to be introduced by the end of this year. This promise is met today, with the introduction of the Relationships Bill 2007.

The bill establishes a relationship register for domestic partners who, although not married, are in a committed relationship. Registration will allow these couples easier access to existing entitlements without having to argue repeatedly that they are in a committed partnership, or have to prove this in court. The bill also deals with financial and property matters in the event of a relationship breakdown.

This bill makes a great stride towards fulfilment of several promises, beginning with Labor's election commitment in 1999 to implement the recommendations of the *Same-Sex Relationships and the Law* report by the then Equal Opportunity Commission. That report recommended that ending discrimination against same-sex couples required a general scheme to recognise all couples, irrespective of gender, in Victorian law, and a registration scheme, which would provide proof of the existence of the couple relationship for the purposes of Victorian law.

We delivered on the general recognition scheme in 2001, when we amended almost 60 statutes to recognise the rights and obligations of partners in domestic relationships irrespective of the gender of the partners in the relationship.

The registration scheme is the subject of the present bill.

This bill and the Constitution Amendment (Judicial Pensions) Bill 2007 being introduced today honour a broader promise, found in the Charter of Human Rights and Responsibilities, to promote the values of equality, respect and dignity inherent in human rights.

Indeed, we are fulfilling these promises because this government believes in the goal of creating a fairer society that reduces disadvantage and respects diversity, as set out in *Growing Victoria Together*, our vision for Victoria. We also see it as part of encouraging a socially just and cohesive society, the subject of the government's social policy statement, *A Fairer Victoria*.

As I said in November 2000, when introducing the first of the two statute law amendment (relationships) acts, this government:

... considers the achievement of substantive rights for lesbians, gay men and transgender people as being vitally important. Human rights necessarily involve a respect for the equal dignity of all persons, without discrimination. Lesbians, gay men, intersex and transgender people have historically been denied their human rights. This bill is an important step in redressing that historical injustice.

I repeat those words today, for what this bill does is to enable couples who want the dignity of formal recognition of their loving relationship to register it, to receive a certificate, and to have the security of knowing that their decision to commit to a shared life with each other is respected in Victoria. Their relationship is not only accepted without discrimination, as the 2001 reforms established and the Equal Opportunity Act 1995 requires, but the nagging fear that they will be put to the indignity of having to justify their relationship before disbelieving or prejudiced eyes, time after time, is dispelled by this bill. Being on the register, having a certificate of their relationship's registration, is all the proof they need.

For example, when discussing a partner's health information with a doctor in an emergency situation, the last thing someone wants is to have to argue that, 'Yes, this patient is my partner'. A certificate of registration gives everyone, hospitals included, certainty and peace of mind.

As with the 2001 reforms, the relationships register is for all couples, irrespective of gender, who do not wish to or who cannot marry. While the indignity of prejudiced disbelief may affect same-sex couples most often, the register, and the legal status of 'domestic partner' generally, is available to all committed couples.

A domestic relationship, registered or otherwise, is not, of course, marriage, over which the state has no constitutional power and which is defined by the commonwealth Marriage Act 1961 to exclude same-sex couples. The bill does, however, recognise and dignify the free choice of human beings to order their own lives and relationships in freedom, and respects that choice in terms of equality as far as Victorian laws are concerned.

The bill preserves, for those who do not register their relationship, the existing scheme of recognition established in 2001, and uses the same definitions of domestic partner. There will be no adverse inference for couples who do not register their relationship.

Our announcement in April this year indicated that we would consider adopting a registration model similar to the Tasmanian scheme established in 2004 by its Relationships Act 2003. One feature of the Tasmanian scheme that does not form part of the present bill is the registration of what it describes as 'caring relationships'. In Tasmania, a 'caring relationship' involves a concept of relationship that is broader than that of a couple and can be between two family members. The inclusion of such relationships in our registration scheme will be the subject of further consultation with a view to considering possible amendment in the future.

I acknowledge that several municipal councils have instituted their own schemes to give domestic partners a registration certificate. The Municipal Association of Victoria and the Law Institute of Victoria urged the creation of a single statewide scheme of relationship registration to avoid inconsistencies and duplication that might otherwise have resulted. Those bodies welcomed the announcement in April of the government's intention to do this.

### **Relationships register**

I now turn to the register itself.

The register will be maintained by the registrar of births, deaths and marriages and will be open to unmarried couples anywhere in Victoria.

The bill describes the relationship that will be able to be registered as a relationship between two adults who are not married to each other but are a couple, where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other. A couple does not necessarily have to be living together to be in a registrable relationship, but it does not include a relationship in which a person simply provides domestic support and personal care to the other person for fee or reward or on behalf of another person or organisation.

Registration will be available for couples in a registrable relationship where both parties are adults, ordinarily resident in Victoria and not married, already in a registered relationship or in another relationship that could be registered in Victoria.

The application for registration will require a statutory declaration from each applicant that they meet these requirements and that they consent to the registration of their relationship. Just as in the Tasmanian scheme, the couple will not have to prove, other than by their declarations, that they meet the criteria for recognition as domestic partners. If the registrar is satisfied as to their eligibility, by identity, age and residence, and that they are not excluded by marriage or other relationship, then after 28 days the relationship can be registered.

A fee will be payable for making the application to register. It is intended that fees associated with the register will be set by regulations. Births, deaths and marriages is currently reviewing all of their regulated fees, and new regulations need to be made by the end of September 2008. However, these regulations will not be in place in time for the anticipated commencement of the register. Rather than delay the commencement of the register, the bill provides for interim fees, which will be taken to be the prescribed fees until regulations are made. The interim fee for an application to register a domestic relationship is \$180.

The bill also provides for the revocation of a registration. Registration is automatically revoked by the death or marriage of either person in the relationship. It may also be revoked by an application to the registrar for revocation. The interim fee for a revocation application is \$58.80.

The register will otherwise operate in a similar fashion to other registers maintained by the registrar. The registrar will control the information in the register and protect the privacy of the persons to whom the entries in the register relate.

### **Relationship agreements, property and maintenance**

In addition to establishing the relationships register, the bill provides a single location for statutory requirements governing property matters in the event of a breakdown of a domestic relationship, whether or not that relationship is registered. The bill allows partners in domestic relationships that have broken down to apply for the adjustment of interests in the property of the relationship and also establishes a limited scheme for maintenance. While the bill specifies eligibility requirements to be met before an order for property adjustment or maintenance can be made, these requirements do not apply where the domestic relationship has been registered.

The bill also provides for the enforcement of relationship agreements. Relationship agreements deal primarily with financial matters between domestic partners and can be made in contemplation of entering into a relationship, at any time during the relationship, in contemplation of the relationship ending or after it has ended. Where a court finds that there is a valid agreement, it is not to make an order that is inconsistent with the agreement. However, a court will still be able to vary or set aside the agreement where serious injustice would result from its enforcement or where there has been duress or fraud.

To achieve this, the bill repeals part IX of the Property Law Act 1958, which currently deals with the property of domestic partners, and incorporates these provisions, making some amendments to accord with additional provisions relating to maintenance and relationship agreements.

I should point out that it is only necessary to enact these property-related provisions because of the Howard government's failure to act on Victoria's referral of powers made by the Commonwealth Powers (De Facto Relationships) Act 2004 in respect of same-sex domestic partners. When it made this referral, the Victorian government recognised that the current situation, which requires former domestic partners to use both the state and federal jurisdictions, means that they are subject to greater expense and effort when dealing with the often difficult legal circumstances surrounding the breakdown of a relationship.

### **Consequential amendments**

Lastly, the bill makes consequential amendments to those Victorian acts that currently recognise domestic partners and domestic relationships, in order to make provision for registered relationships. Where a relationship is not registered, the current definition that applies in various pieces of legislation, and the criteria to establish the existence of the relationship, will continue to apply. These criteria, currently located in the Property Law Act, are now located in this bill.

### **Conclusion**

This bill is a culmination of a long process of overcoming discrimination and promoting human rights. By not only recognising but also enabling the registration of committed unmarried relationships, which this bill does, we contribute to the wider goal of promoting human rights and a fair and inclusive society, as well as benefiting individual Victorians, and their friends and families.

I commend the bill to the house.

**Debate adjourned on motion of  
Mr RICH-PHILLIPS (South Eastern  
Metropolitan).**

**Debate adjourned until Thursday, 20 March.**

14:00 **Sitting suspended 1.01 p.m. until 2.03 p.m.**

## PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL

*Second reading*

**Debate resumed from 28 February; motion of  
Hon. J. M. MADDEN (Minister for Planning).**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased on behalf of the Liberal Party to suggest that we will be providing an amendment to the bill as it stands. However, we will not be opposing the bill if the amendment does not go through. We see this as an important continuation of the original Professional Boxing and Martial Arts Act 1985, which was amended in 2000 and renamed the Professional Boxing and Combat Sports Act, of which today we have the amendment bill 2007.

It is interesting to see how things have changed. Previously the activity was referred to as professional boxing and martial arts, and it has now moved on to be called professional boxing and combat sports.

**Mr Finn** interjected.

**Mr DALLA-RIVA** — I do not know if you had time in the ring, Mr Finn, but I certainly have not.

**Hon. J. M. Madden** — You look as if you have!

**Mr DALLA-RIVA** — I might look as if I have, Minister, but I can assure you I have not.

It is a serious issue, because obviously people take a lot of interest in professional boxing. There are many people who have a strong view about the particular sport. Some view it as not a sport, some view it as a relevant sport and so on.

I put on the record my support for Mr Delahunty, who is now the shadow Minister for Sport, Recreation and Youth Affairs in the other place. I know he has done an enormous amount of work in researching this bill and providing information to me and others on this side of the chamber.

As a member of VicHealth board — although I do not represent the board in any unified approach — can I also suggest that it is an issue that we look at and consider. Obviously this is where the bill moves towards.

Certainly one of the purposes of the bill, as outlined in clause 1, is to amend the principal act to provide additional powers, duties and functions to be exercised by the Professional Boxing and Combat Sports Board. It provides for the minister to give directions to the board, and it enables the board to prevent contestants who lack the necessary professional skill from competing in professional contests. I think that is where Mr Finn comes into play. Clearly he would not have the necessary professional skills — and nor would I — of being able to get into a boxing ring as a professional contestant. Clearly there are people who, for whatever reason, may decide that they want to take up boxing or some form of combat sport, and they should perhaps be off doing something else — growing roses or something of that nature — where they are actually protecting themselves. I think some people have a high view of their perceived abilities, so I think that is important in the context of this bill.

It also provides for a list of persons who may act as timekeepers for promotions. There has been a general indication — certainly I am not aware of it — of occasions where an extension of time might suit a promoter.

I think this gives a bit more assurance, as it does in other professional sports. I cannot see any reason why boxing and combat sports should have any exception for timekeepers in the role they undertake in those sports. The bill provides power to make regulations about the list of timekeepers, the medical tests conducted for the purpose of the act and other matters relating to professional contestants and contests and promotions. That issue is the subject of an amendment that we will move in committee, but I will touch on it briefly. It relates to cage fighting. It is an issue that has been brought up before in the other place, and certainly it will be tested in this place. Our view is that cage fighting should be ruled out — —

**Mr Finn** — In the adjournment!

14:07

**Mr DALLA-RIVA** — In the adjournment. Cage fighting should be ruled out by legislation not by regulation. While in a regulatory sense the minister says — —

**The PRESIDENT** — Order! I apologise for interrupting the member, but I wonder whether he intends to circulate his amendments?

**Mr DALLA-RIVA** — If it please the house, I intend to circulate them.

**Opposition amendments circulated by  
Mr DALLA-RIVA (Eastern Metropolitan)  
pursuant to standing orders.**

**Mr DALLA-RIVA** — I will just go back to where the issue of cage fighting came from. I want to turn to articles that have appeared in newspapers. An article in the *Sunday Telegraph* of 2 December 2007 was concerned about the growing appearance of cage fighting. Members might wish to look at a website, although I probably do not encourage them to do so. It is called Ultimate Cage Wars. It is also on cable television, for those who have it. It is not at all similar to World Wrestling Entertainment (WWE) and Extreme Championship Wrestling and all those types of wrestling, which are really entertainment sports. Having attended one of those matches I can tell members that you actually laugh through the whole lot; it really is entertainment, where the wrestlers perform for the crowd. But there is a serious side to wrestling and there is a serious side to professional sport. I do not place WWE into that category with Ric Flair — ‘I can’t do the woo!’ — —

**Mr VOGELS** — What about Abdullah the Butcher? Do you remember Abdullah the Butcher?

**Mr DALLA-RIVA** — Abdullah the Butcher, yes, and all those famous wrestlers, but again I put them into the category of entertainment.

**An honourable member** — Mario Milano.

**Mr DALLA-RIVA** — Mario Milano. We can go on and relive our childhoods — Spiros Arion and King Curtis and all those people. But as I said these are in the context of an entertainment sport; they cannot necessarily be placed in the serious context of the bill.

There was a story in the *Sunday Herald Sun* of 6 December 2007 under the heading ‘Do we really want this in Melbourne?’. It begins:

Caged combat sport is coming our way.

For those who do not wish to look at the website and who do not know what it is, sites like Ultimate Cage Wars show no-holds-barred fights where contestants can punch the living daylight out of each other. We should be trying to discourage that type of behaviour not only in Melbourne but across Victoria and indeed across Australia. By allowing these cage sports into Victoria we are suggesting to the community that, while on the one hand we find that type of behaviour abhorrent, on another level we believe it to be an appropriate type of sport which people can go and see. It is unfortunate because we know that people will follow like with like.

Further evidence has been provided about cage sports and I want to put that in the context of the time lines. As we know, this government always follows what the media says and, lo and behold, on 21 December, shortly after this issue was highlighted in the *Sunday Herald Sun* and in its follow-up article, the Minister for Sport, Recreation and Youth Affairs in the other place released a media statement. He talked about the Professional Boxing and Combat Sports Amendment Bill, which is the bill that we are discussing, and said:

The Brumby government will not allow caged combat sports to be staged in Victoria.

Those were his words. He continued:

Anyone staging such events risks major fines, jail time and the cancellation or suspension of licences, permits and registrations.

The minister said it in his press release, yet when you look at the bill there is no mention of it. There is no mention of what he calls ‘cage fighting’ as being abhorrent and not allowed in the state. The reason is that the bill allows the minister to issue orders — and we will certainly ask about this in the committee stage — for certain sports not to be allowed. The permission of the board or the minister will be required to allow those to be held. The problem I have is in regard to a promoter, who might be providing a multimillion dollar promotion in Victoria — for example, for cage fighting. As I said, there has been evidence of it growing across the United States of America, and as we know we end up following the USA in a lot of things and unfortunately we will most like follow this trend. There is potential for a massive crowd coming in to watch these sports. The last wrestling entertainment I attended was with my son for the WWE at the Rod Laver Arena. There was a full house — it was at maximum capacity. Given the prices we paid for the seats, I can see that it is a very attractive proposal for promoters to bring in that type of entertainment.

**Mr FINN** — Like you had been belted.

**Mr DALLA-RIVA** — I have not been belted around the ring, Mr Finn. As I said, I have never engaged in boxing or any sport of that type. I have had martial arts training in years gone by, but I make the point that it was never in a cage.

A huge number of people go to that sort of entertainment. It is quite amazing. As the legislation stands, there is nothing to say that the promoter cannot take the government to court because of the regulations. Because it is not part of the law but is merely a regulation, promoters could challenge the government on the ground that there is a breach of their capacity to undertake a program, a breach of trade or whatever. I am not a lawyer in that sense, but there is potential for that. As I said, the number of people — —

**Mr Pakula** — In what sense are you a lawyer?

**Mr DALLA-RIVA** — In no sense am I a lawyer — and I can tell you that I do not want to be a lawyer. If you must know, on the odd occasion they are the natural enemy of the policeman.

The concern I have is that nothing is specified in the bill. The minister promotes it in a press release as though it is something that is going to be in L-a-w law, and we know the Labor government is very good at saying that. It is in the minister's press release of 21 December 2007, yet there is nothing in the legislation. We believe the amendments which we propose to move in committee are very clear. They say that cage fighting means no-holds-barred mixed martial arts fighting that allows each contestant to kick, punch, choke and knee the other contestant, and is conducted in a cage or other similar enclosed structure. This is not about Australian Labor Party factional infighting; this is about a serious matter. We see it as important in terms of protecting the community from these types of activities in the sense that we believe they should be listed in the legislation and not established by a committee or at the whim of the minister at the time.

14:17 As I said, there is nothing in the legislation that prevents cage fighting from continuing, other than where the minister himself or herself says that that may be the case. That is not clear. It allows for cage fighting to occur. As I also said, there is clear evidence of the growth of this type of combat. Whilst it is not a sport, it would clearly fall within the parameters of this legislation, and I would urge the government to reconsider this.

The intention of the Minister for Sport and Recreation is clearly set out in his press release of 21 December

2007, in which he said that the Brumby government is serious about not allowing caged combat style sports to be held here. If that is the case the government should endorse the Minister for Sport and Recreation and not oppose his own statement from late last year.

That is the crux of where we are at in terms of the legislation. There are no major changes to current practices. From a practical viewpoint it simply tidies up the legislation, which mostly reflects what is already occurring in the industry. It is appropriate to look at the legislation after a period of seven years, as we are doing.

As I have outlined previously, timekeepers were not previously recognised in the act. Due to the fear of litigation, the board will appoint official timekeepers, and only those people will be able to be used by the promoters.

I indicated that there have been a number of community concerns. Obviously organisations that object to boxing will express concerns. We are not here to talk about whether boxing is good or bad. It is about providing some level of surety for boxing and other combat sports, and during the committee stage I will be moving some amendments to enhance that surety.

The public and the media generally support this legislation, which is designed to promote safety, increase the integrity of the sport and reduce the risk of competitors being injured. It is also good that the legislation provides for the exclusion of certain individuals from engaging in professional boxing and combat sports where they lack the necessary professional skills. That is important, because the reputation of the sport comes from those types who believe that they are of a good skill. I think of somebody who is wanting to come back in — —

**Mr Pakula** — Fenech.

**Mr DALLA-RIVA** — That is right; Mr Fenech wishes to come back. My personal view, which is not the view of Liberal Party, is that a boxer might get to a point in his life when it might be more dangerous to come back to professional boxing because his reaction times are slower; and there could be a variety of other reasons. As has been said, 'I love youse all', but other than that I will be suggesting that we move those amendments in the committee stage. If the amendments are not passed, and I hope they are, the opposition will still not oppose the bill.

**Mr DRUM** (Northern Victoria) — The Nationals will not be opposing this legislation, and we will be

supporting the amendments that will be put forward by Mr Dalla-Riva.

It is an interesting bill, because in effect it is taking away powers that the minister currently has and is handing them over to the Professional Boxing and Combat Sports Board. In a practical sense the board already has those powers. The board decides whether or not two combatants have equal skills and whether each of the combatants has the ability to defend himself, so that we are not going to get a mismatch.

It is sometimes sad to go along and watch amateur boxing, or even some of the boxing that came to Bendigo with the Commonwealth Games. I have seen young Islanders competing with some of the more accomplished fighters from Ireland and Great Britain, who were clearly a class above some of these boys from Tonga and other islands in the Pacific. The people involved in those bouts had to be very careful that no-one got hurt, but we clearly saw some mismatches. This bill will provide for those types of safeguards in professional boxing, because the consequences in professional boxing, where the gloves are much thinner and the two fighters do not wear the headgear, can be quite substantial and have some horrendous consequences. Whilst the powers that currently rest with the minister are going to be handed over to the board, it will not create any major changes in practice, because the board is carrying out many of those duties anyway.

Although the minister will be handing over those powers to the board, he will be able to give direction to the board on such issues as those surrounding cage fighting and the Ultimate Fighting Championship-type, no-holds-barred martial arts — the all-inclusive, come-what-may-type bouts that are screening on Foxtel at the moment. I am not talking about Floyd Mayweather taking on the Big Show, because that is also a big bout that is coming up soon. I think that has been sanctioned by World Wrestling Entertainment) Floyd Mayweather was able to land a couple of cheap shots on the Big Show recently, but even though it is going to be a no-holds-barred cage match, it will be not be under the same sanctions as we are talking about here.

The minister made a statement late last year that he was going to ban combat sports and cage fighting, and I think he has reiterated those statements since that date. The provisions in the amendments that Mr Dalla-Riva will move in the committee stage will in effect put what the minister has said in the legislation itself.

These provisions will allow the board to exercise those powers when its members see that an event has not been well promoted or that its promoters are not acting within the regulations. It will also enable board members to look at bouts in which combatants may have been mismatched and to make sure that each of the fighters has the necessary skills so that safety remains paramount in the sport.

I know that a lot of people — including members of the Australian Medical Association and a range of other associations, such as the Sports Medicine Association, the Association and Society of Neurologists and a whole range of medical bodies — have a blanket objection to boxing, and that is an understandable position. However, I support the sport. I understand that it has great support around throughout Victoria and around Australia. If the sport is regulated, controlled and safety provisions are placed around it, I think it offers tremendous benefits to the community. There have been a lot of young men involved in the sport, and young women are now getting involved in the sport in its various forms, whether it be in the ring itself or in boxercise classes that have become very popular at gyms.

We have to take a holistic view of the sport. Boxing is a very demanding sport. Some of the hardest training that I have ever done has been in a gymnasium, inside the ring. All young men would do well to spend two or three rounds in a boxing ring having a bit of a spar, because it would give them an appreciation of just how hard that particular sport is. The most exhausted I have ever felt was after a two-by-2-minute spar.

It certainly would give everybody a clearer understanding and a firsthand understanding of just how fit these boxers are.

14:27

In relation to the cage fighting that is at the moment very popular throughout America, we have had some bouts here in Australia, in Sydney. There was one at the theatre at NIDA (the National Institute of Dramatic Arts), which resulted in some pretty horrific injuries to some of the combatants. There was an excessive amount of blood, and I do not think that the university that currently surrounds the dramatic arts institute is going to be too happy to have Ultimate Fighting Championships back on the agenda there at that theatre in the near future.

As I said, that happened in Sydney. I understand that the New South Wales government is moving to legislate to legalise that type of fighting in the state of New South Wales. It is not a move that we want to follow here in Victoria. We are in fact keen to look at

the potential harm or damage that can be caused by that particular sport.

There is another side to the argument, and I think it needs hearing. It is that the promoters and proponents of Ultimate Fighting Championships will claim that if in the sport of boxing a boxer happens to be hit well and firmly and maybe buckles at the knees he has in fact suffered a concussion. Under the rules of boxing, the referee would come in and allow that fighter the mandatory 10 seconds count. It sometimes takes longer than 10 seconds — by the time he starts fighting again, he has probably had 20 seconds — and in that time most fighters are effectively able to recover, superficially anyway, from that concussion. Maybe two rounds later if the boxer suffers another serious knock and again buckles at the knees, maybe even goes down and gets to his feet again, he has time to recover. In the context of the entire fight in normal boxing it is possible for a fighter — before he is actually knocked out, is defeated or has a TKO (technical knockout), or the actual fight finishes — to have had three, four or five concussions and to have been able to effectively superficially recover from each of those knocks to the head.

The proponents of Ultimate Fighting Championships will tell you that when a fighter is belted or hit in a fashion that would, in a split second, see him go to his knees or buckle at the knees — and I think those of us who understand the sport would understand where I am at — the attacker then would finish off the fight there and then. If it looks like it is going to go to a dangerous level, that is where the referee would come in and either tap the victim out or, if they believe the fighter who has been hit is currently not functioning to his ability, then rule him out.

That is the argument that is put forward by the proponents of Ultimate Fighting Championships. I think it needs to be acknowledged that within the medical fraternity in America they have serious support for this philosophy or opinion, and that is why it has been able to flourish in that country. Whilst it looks barbaric and some quite serious injuries have been sustained, it must be said that we also lose a number of people in boxing matches around the country. So we have to be a little bit careful about being overly precious about Ultimate Fighting Championships when we are still able to publicly say that we support boxing to the fullest.

As I say, our opinion is that, on balance, Ultimate Fighting Championships is in fact another combat sport that we do not need in Victoria. It must also be said that there is a genuine need for our sports minister to talk

seriously to his state counterparts as well, because if this sport is going to flourish in Australia it will not take long for many of our young athletes to move into another jurisdiction, such as New South Wales, where they may be able to grow the sport and increase its popularity amongst our young people.

Whilst that needs to be laid out, I think it is also important that we are very clear with where we sit with professional boxing. We understand that there will be more provisions around the promoters and more restrictions. There will be registration of timekeepers to ensure that at all times they will be acting in a non-partial way and a totally scrupulous manner because they play a very important role. At the moment they are totally without any registration and that is something that has been addressed in this bill.

In relation to the amendments, they will simply bring the minister's wishes into the legislation, as opposed to leaving them as directions that may be given by this minister and may be rescinded by a future minister. We are simply effectively putting in place what we believe to be the expectations and the wishes of the majority of Victorians. We have very little doubt that if we were to go to the people of Victoria and ask about whether this sport should be allowed to come into Victoria or should be legislated against, they would quite clearly say that this needs to be legislated against. If we are of that opinion, and it is the opinion of the minister, then we cannot see why the government would not support the amendments to put these bans in legislation.

For the safety of the participants in boxing, we believe that the provisions of this bill are good and will help protect people who are looking to enter into caged Ultimate Fighting Championships. We are saying at this stage, 'You are not going to be able to do that in Victoria. If you want to do that, you are going to have to go to some of the other states'. We believe that putting a bit more regulation around some of the promoters and requiring registration of them will enhance what is already happening. Whilst these powers will be officially handed over from the minister to the board, we believe that is just a tidying up and effectively formalising what already takes place anyway. We believe that these provisions will help the sport of boxing and that the government would do well if it were to support the amendments put forward by Mr Dalla-Riva. As I said, effectively that will simply carry out the government's own wishes anyway.

**Ms HARTLAND** (Western Metropolitan) — From the outset I will say that the Greens will be supporting this bill. We are inclined to support the amendments proposed by the Liberals, but some issues about the

amendments have been raised with me in the last few minutes, so we will wait to hear the argument during the committee stage from the Liberals and the government before we make up our minds on that.

14:37 I start off by saying that I am very grateful for the advice I have received from the Australian Medical Association in dealing with this issue. My personal concern about boxing is the fact that we all seem to passively accept the linking of the two key words: 'boxing' and 'sport'. In most sports such as netball, football, running and surfing, incidental injuries are experienced by participants. For those who participate in boxing, causing injury seems to be quite deliberate. Inflicting bodily harm is a basic tenet of boxing. The object of boxing appears to me to be to beat your opponents until they are unconscious. The principal way of winning a boxing bout is to inflict blows to the head of your opponent until they are knocked out. While a soccer player heads the ball a few times on the average in each match, a boxer can be at the receiving end of hundreds of blows to the head in a single bout. It is almost as bad as using a person's head as a football.

Again I say it is pathetic that we condone boxing, and worse still that we continue to refer to it as a sport. I have even seen and heard it said that boxing is a way out of poverty for the disadvantaged in our community. This view is both patronising and lazy. Boxing is a blood sport and not a way out of poverty. Participating in boxing is a way to acquire a brain injury. If you want to help people, particularly children, out of poverty you should encourage them not to box and not to have an acquired brain injury. The most effective way to break the cycle of poverty in marginalised communities is to invest in education and non-violent sports and activities.

I find it very strange that the government on the one hand is alarmed by the increasing levels of drunken violence in our community, but is prepared to continue on the other hand to allow boxing to be called a sport. Permitting children and adolescents to box before their brains are fully formed is irresponsible. I was very pleased to read an article by Michael Carr-Gregg, who is a well-known adolescent psychologist, who wrote recently in the *Herald Sun*:

The problems of street violence, bullying, obesity and lack of respect will not be solved by teaching —

children —

... boxing.

Boxing can and does cause serious — —

**Mr Pakula** — That is not what Les Twentyman would say.

**Ms HARTLAND** — I know. I would absolutely disagree with Les Twentyman on this one. I think education is a much better way to solve people's problems than allowing them to box each other. The most important fact to emphasise here, and it was stated by the British Medical Association in 2007, is that the major concern over boxing is the brain damage that is sustained over many bouts. To quote further from the same document:

In the last few years fighters have been left wheelchair bound, blind and comatose after going into the ring.

Since 1983 the World Medical Association has recommended that boxing be banned. The World Medical Association's policy on boxing was updated in May 2005 and states:

Boxing is a dangerous sport. Unlike most other sports, its basic intent is to produce bodily harm in the opponent. Boxing can result in death and produces an alarming incidence of chronic brain injury. For this reason, the World Medical Association recommends that boxing be banned.

A number of much more civilised countries than our own, including Norway and Iceland, have prohibited their governments from supporting or funding boxing.

Since the early 1980s the British Medical Association has called for a total ban on amateur and professional boxing. The BMA states:

Boxing ... cannot be justified on health and safety grounds as an appropriate or legitimate 'sport'.

In 1991, 11 national medical associations — and Australia was one of these — confirmed their opposition to boxing and their belief that it should cease to exist. To quote from the report from the British Medical Association:

These medical associations state that modern medical technology demonstrates beyond doubt that chronic brain damage is caused by the recurrent blows to the head experienced by all boxers, amateur and professional alike.

In conclusion, I just have to say this all again: boxing causes brain damage, because the blows received during boxing cause the brain to move within the skull, damaging blood vessels, nerves and brain tissue. Boxing causes acute brain haemorrhage, and this is the leading cause of boxing death. Boxing causes eye, ear and nose damage. In some cases boxing causes permanent sight and hearing loss.

While we support this bill because, as the previous two speakers have said, it clarifies a number of matters and

strengthens some controls, what I ask of society and governments at all levels is that we should not fund or support boxing and we should not be calling it a sport.

**Mr PAKULA** (Western Metropolitan) — I rise to support the bill. As other speakers have indicated, the bill aims to strengthen the Professional Boxing and Combat Sports Act, and it is about improving the safety and welfare of the combatants as well as controlling and reducing the risk of malpractice. After yesterday's unfashionable love-in between the Labor Party and the Greens in regard to the Tottenham fire, I think we need to revert to type because I, unlike Ms Hartland, have to rather unfashionably tell the chamber that I lend my support to the bill as a lifelong fan of boxing.

There were two or three golden eras of boxing, and I was lucky enough to grow up during one of them. I grew up watching some of those incredible welterweight and middleweight contests with fighters like Sugar Ray Leonard, Marvin Hagler, Roberto Durán and Thomas Hearns, and the heavyweight fights of Ken Norton, Joe Frazier and Mohammed Ali. After that came the eras of Larry Holmes and Mike Tyson, before he went right off the rails. I was one of the people actually at Festival Hall for the Lester Ellis-Barry Michael world title fight. I saw the Fenech-Nelson fight live at Princes Park and I saw Kostya Tszyu's first professional fight live, so I have been a lifelong fan of the sport of boxing, but as a fan I have to say there are few spectacles less edifying than a contest where one of the contestants is clearly unfit to fight or where there is a clear mismatch between two combatants.

14:45 Anyone who followed boxing in the early 1980s would recall the terrible mismatch between a fully fit Larry Holmes at the peak of his career and a 40-year-old Muhammad Ali when he was clearly past his best.

**Mr Koch** — Acting President, I bring your attention to the state of the house.

#### **Quorum informed.**

**Mr PAKULA** — As I was in the middle of saying before Mr Koch decided to entertain himself, many of us would remember the spectacle of Holmes and Ali in 1980 when Muhammad Ali was clearly unfit to fight. Many experts say that that fight certainly contributed to his current state of health.

This bill enhances safety controls, provides clear authority for regular fitness and blood tests and reduces the risk of malpractice in the industry with regard to timekeeping. The momentum for the bill was a Victorian Civil and Administrative Tribunal case of 2005 which cast some doubt on the ability of the

Professional Boxing and Combat Sports Board to cancel or suspend a contestant's registration merely because that contestant lacked skill or ability. The current act requires a 'certificate of fitness for participation in professional contests' issued by a medical practitioner, but the judge hearing the VCAT case I referred to cast some doubt on whether that provision allowed the board to refuse registration on the grounds of skill or ability or whether the refusal had to be based solely on a ground was related to the fighter's fitness in a medical sense.

The bill before the house today expressly provides that the board can cancel or suspend a fighter's registration if that person lacks the required skills. The board is able in those circumstances to consider a fairly comprehensive range of factors, including the fighter's defensive skills, evasive skills, reaction speed, mobility, ringcraft, stamina and tactical awareness. Some would unkindly suggest that that would rule out pretty much every fighter that Anthony Mundine has beaten in the last couple of years. I suggest that the only ones who would have got certificates were the ones who beat him, and possibly Sam Soliman. A few of the others seem to have been hand-picked primarily for their lack of skill.

The bill also provides that fighters have to 'present' — that is, actually undergo a medical examination both before and after contests. That is critically important in a sporting environment where there is the risk of contracting a blood-borne disease. In certain circumstances, bleeding can be profuse and the risk of contracting HIV, hepatitis B or hepatitis C is significant. The bill also provides for a MRI (magnetic resonance imaging) scan where a doctor advises it is necessary. The board already seeks a range of those tests in various circumstances, but the bill formalises practices which at their heart are about protecting the welfare of contestants.

As Mr Dalla-Riva pointed out, the bill also contains a provision about timekeepers, and that is essentially an integrity measure. It is the sort of provision that would probably discourage Don King from ever setting up in Victoria, I suspect. Currently the act and regulations are silent on the role of timekeepers, and that is not good enough. The promoters of boxing could engage anyone to act as timekeeper, and you do not need too much imagination to know that a corrupt or incompetent timekeeper could affect the result of a match. If a fighter is being badly beaten and looks like they might be knocked out, a timekeeper could either choose to end a round early to prevent the knockout occurring or allow a round to run over to ensure that a fighter is able to finish his opponent off. That is not only unfair, it

could also potentially be extremely dangerous. The bill allows the board to maintain a list of approved timekeepers, and promoters will have to choose a timekeeper from that list.

A number of other consequential amendments are outlined in the second-reading speech, but I do not propose to go to them. I would, however, like to comment on Mr Dalla-Riva amendments.

**Mr Dalla-Riva** — They are good amendments.

**Mr PAKULA** — Mr Dalla-Riva says they are good amendments. I would be surprised if the mover of an amendment did not think an amendment was good.

**Mr Dalla-Riva** — Then support them!

**Mr PAKULA** — I said I would be surprised if you did not think they were good amendments. The government is not supporting the amendments, and Mr Dalla-Riva should not be surprised because the same amendments were moved in the lower house and were not supported there either. With regard to the proposed amendment to ban cage fighting, I have been advised that the amendment proposed by Mr Dalla-Riva would create some real technical problems with the drafting of the bill. I do not propose to go to that, but no doubt the minister will do so in the committee stage.

However, on the substance of the amendment, the act already allows the minister to determine what is a combat sport for the purposes of the act and he has determined that cage fighting is a combat sport for the purposes of the act. As a result professional cage-fighting contests cannot be conducted in Victoria without a permit. That is the case right now. It is an offence to conduct such a contest without a permit and the minister has publicly announced that no permits will be granted for cage-fighting contests, so there is no need to specifically proscribe caged combat in the act. The government says that the act is already clear. The minister would need to issue a permit — it would need a positive act, the issuing of a permit. The minister has said no such permit will be issued, so the government says the amendment is not necessary. As I say, I am sure that in the committee stage the minister will go into further detail about that.

As Ms Hartland said, both the Australian Medical Association and, I think we have to concede, a number of other members of the community would like to see boxing banned as a sport. One thing we know that banning boxing would do is it would send it underground. It would not end boxing.

**Ms Pennicuik** — Like bear-baiting.

**Mr PAKULA** — I do not know if Ms Pennicuik is trying to bear-bait me, but banning boxing would send it underground. That would do nothing for the health, safety or welfare of the participants. The fact is that nobody involved in boxing either underestimates or ignores the dangers of boxing, and that is why it is important to have in place legislation and regulation to protect the welfare of the contestants.

14:55

People should not overlook the fact that some of this nation's greatest sporting heroes have been fighters — whether it has been Les Darcy, Johnny Famechon, Jimmy Carruthers or Jeff Fenech — and there have also been some incredible role models for the indigenous community in fighters like Lionel Rose, Graeme Brook and Hector Thompson.

This bill is a far better option than banning boxing and sending it underground. It recognises boxing's legitimacy as a sport, but it strengthens protections for the welfare of the participants — the fighters — and strengthens regulations for the integrity of the contest. I commend the bill to the house.

**Mr ATKINSON** (Eastern Metropolitan) — I think I stand with the majority of Australians in the view that boxing should be banned. Boxing ought not to continue to be recognised as a sport in this country. Australia should withdraw funding from boxing and direct those funds to other sports that have much better objectives and much more to recommend them in terms of the personal and physical development as well as the personal discipline that some people would argue boxing might bring to our young people.

I find absolutely no former boxers inspiring: there is not a single person I can think of who has gone through the so-called sport of boxing who, in my opinion, would make anything like a hero or a significant role model. A couple of boxers were mentioned by the last speaker, Mr Pakula. I am very saddened when I see some of those men today. I am very saddened when I see many other people who did not quite reach the dizzying heights in their so-called careers but who participated in the so-called sport of boxing and did an enormous amount of damage to themselves, damage to their loved ones and damage to other people around them as well, because they were involved in an activity that is senseless. It is beyond my comprehension that in this day and age it would even be considered to be a sport.

Fortunately we stopped throwing Christians to the lions quite some time ago. We really ought to have stopped

boxing as well, because the reality is that it has no place in a modern society.

I was talking with a member outside the chamber just before this debate began. Our observation — both his and mine, and I think I have expressed this observation in this Parliament on a previous occasion — is that most of the people who come up through the sport of boxing are people from extraordinarily disadvantaged backgrounds. It is, inevitably, their ticket out of poverty, out of total obscurity. That is an indictment on society. That is not something to praise in terms of their personal journey, because for every one who happened to use that ticket to get out of poverty there are hundreds and thousands left behind still in that squalor. Whilst some people seem to be prepared to pay a king's ransom to sit in the front seat to watch this brutality, to claim it as some sort of entertainment, other people suffer because we as a society refuse to get our priorities right.

I happened to agree with Ms Hartland when she made a comment on a recent press report by Les Twentyman, who is a man that I also admire. He has done a considerable amount of work, particularly for youth in the western suburbs, but his suggestion that boxing ought to be incorporated into the physical education programs in schools as some sort of an opportunity to teach young people self-discipline and give them some defensive skills and so forth is, in my view, a bad error of judgement. It is clearly not an appropriate thing for us to pursue. We ought to be getting those young people to participate in other sports: sports that have quite different objectives, that do not start out on the very premise that to win you have to knock out your opponent.

It is interesting that boxing people say, 'That is not what it is all about because you win bouts by scoring points'. That is true. But the points are better if you hit somebody on the head; the points are better if you hit somebody around the heart; the points are better if you hit somebody around the kidneys, as long as it is front on. The points are better! The reality is that this is the only so-called sport where the object of the exercise is to take out your opponent, full stop. It is not to show any other skills but to take out your opponent. It is said, 'Well, it is points, particularly in amateur boxing. It is fine. It is all on points, and you do not need to kill or maim your opponent to win the bout'. That is true — in the rules you do not have to — but boy it helps, because if you do, you are assured of a win. If you knock your opponent senseless, you win the bout.

I think that is outrageous in a modern civilisation. I think that is outrageous in a place like Victoria. I can

see absolutely no justification for continuing boxing as a sport. The premise that banning it might drive it underground is a badly flawed premise. We ban lots of things, and we do not seem to worry about whether or not those activities might surface underground because we know that if they do and we come across them then there will be punishments and a toll exacted on those people who defy our laws. And so should it be if we ban boxing and people continue to promote and participate in boxing matches unfairly or improperly or illegally.

It is a ludicrous proposition to maintain boxing as a sport. It is anything but. There is nothing heroic about it; there is nothing entertaining about it. When people talk about violence in the community, it is a good place to start the debate. It could be in this chamber or it could be reported in the newspapers and other media. We ought to stop and have a really good, hard think about what sorts of messages a sport like boxing sends to the rest of the community, and particularly what sort of encouragement it is to impressionable young people

15:02

If we are going to go half-measures on boxing, then we ought to take up some of the premises that have been advanced by the Australian Medical Association, which are reasonable contributions to this debate. At the very least we ought to be saying that there ought to be no boxing contests, full stop, for anyone who is under 18, and perhaps under 21, because the reality is that those young bodies are not formed and developed, certainly before 18 and in some cases, 21. We see that with the development of the bodies of young footballers who play in the Australian Football League. Those bodies ought not to be taking that sort of punishment. Even when amateur boxers are kitted out in their safety equipment, they should still not be subjected to that sort of treatment as part of a contest where the objective is to inflict sufficient pain to at least win a bout.

It amazes me that there are even contradictions in this legislation. I am surprised at the legislation, because we are wallpapering over the cracks far too much. The board, for instance, at the moment reports to the minister. This bill would change that and have the board distanced from the minister. I am not surprised about that; there are lots of good reasons why that should happen. I can think of one very good reason why the minister would want that to happen. Could you imagine what would happen if on the minister's watch somebody were seriously maimed or killed? Imagine the controversy of having been the minister responsible for the regulations that control boxing in the event that somebody is killed or maimed? It is a good idea to handpass it off to someone else.

It interesting to note that there is a police member on the board. It is a provided position; in other words a designated position — there must be a police officer on the board. That bemuses me. Is the reason an admission that there is a significant link between boxing and criminal activity? Why else would we put a police person on the board? Why would we not stipulate that one of the people on the board ought to be somebody from a medical practice? I am aware that currently there is somebody with medical qualifications on the board, and I understand it would be prudent practice over an extended period to have a medical practitioner on the board. But unlike the police officer it is not a mandated position; it does not have to happen, and it ought to. I think the board structure needs to be looked at carefully if we are to have adequate controls. The input of a medical professional is crucial.

Boxing has had a colourful history and is part of the folklore of Australia. A number of people have achieved fame as a result of their participation in this sport, but when we look a little further into their lives, we find them very sore and sorry. The reality is that this pursuit has given them little advantage and has done much to advance Australia's overall sporting credentials.

I am absolutely staggered that the government is not prepared to accept the proposed amendment on cage fighting. Is this government really turned on by the entertainment, the spectacle value, the worldwide championship wrestling-type approach of exaggeration, brutality and larger-than-life characters whose behaviour is little short of despicable? What is this so-called sport all about? We have Tony Mundine criticising a potential opponent, a fellow called Green, for deferring a match because he has already got an eye injury and does not want to exacerbate that injury, or worse. Green is a man who has already fought in many contests with significant injuries, and Mundine is mocking him. He is a wimp because he will not front up on the designated night to fight.

What are we on about with this so-called sport? There is no way that a civilised community ought to tolerate things like cage fighting and kickboxing, and allow it to proceed. It sets an example and sends a message to young people that sometimes violence is all right and boxing is okay; that it is a noble sport. It is nothing more than a brutal and violent action.

There are all sorts of problems with boxing, and to some extent that has been acknowledged even as this bill progresses through the house today in terms of there not being a national jurisdiction for boxing. There is no national registration, but some states have

different rules which allow people to register, and because of the recognition of rights between the states they are then able to cross the borders into states where their registration would not have otherwise been accepted. That is just an outrageous situation that does not do any justice to the so-called sport and puts those people in a position where there is some danger to their personal health.

In many cases of course those people whose registrations would be subject to a query have medical conditions or have not met the physical conditions prescribed in some of the states toughest on boxing that are designed in fact to protect their very wellbeing.

15:10

I want to read into *Hansard* some comments from the Australian Medical Association (AMA). I notice Ms Hartland also referred to it. Its position on boxing is appropriate and one that we would all do well to consider very carefully. Over the years it has not only shown that it has an informed position on boxing but indeed it has been fair in terms of allowing the sport, if you like, to go through what I consider ought to have been its death throes. In April 2006, the AMA president, Dr Haikerwal, said that, given the last Commonwealth Games had just concluded in Melbourne, it was effectively time to ban boxing:

A competition in which the winner is determined either by delivering a greater number of blows to his opponent or by literally knocking his opponent senseless is no sport.

He went on:

Boxing has damaging health effects, both immediate and over the longer term. The potential for serious injury was evident in some of the mismatched bouts at the Melbourne games.

And, I daresay, on any boxing card on any night in any venue. He said also:

International events based on a spirit of goodwill — such as the Olympic and Commonwealth Games — are no place for interpersonal violence and injury.

That is all that boxing is about.

Dr Haikerwal's boxing ban challenge back in April 2006 followed that very incident that I spoke of before, when Anthony Mundine taunted Danny Green over his decision to postpone a bout because he already had an injury. He could have faced a very significant adverse health outcome had about proceeded while he was not fit.

In terms of boxing around Australia, I notice that currently in a number of jurisdictions contests are in areas where there are not adequate neurosurgical facilities immediately available for the skilled

emergency treatment of injured boxers. In some cases it is doubtful that there are even portable resuscitators available at venues. Certainly I doubt that many of them have a comprehensive evacuation plan for the removal of seriously injured boxers to hospital facilities in the event of an adverse incident. These are all very important and constructive recommendations of the Australian Medical Association and indeed the World Medical Association, which supports a ban on boxing world wide. The World Medical Association points out:

Boxing is a dangerous sport. Unlike most other sports, its basic intent is to produce bodily harm in the opponent. Boxing can result in death and produces an alarming incidence of chronic brain injury. For this reason, the World Medical Association recommends that boxing be banned.

I notice that OzBoxing, which is a pro-boxing group in Australia, has refuted some of the arguments against boxing put by the AMA and claims that the injuries in the sport in fact are less than many other sports. The reality is that there are few sports where the injuries are as severe, permanent and long-term as are delivered through boxing. There are no other sports where in fact the objective is to simply go out and knock your opponent senseless.

It is interesting that in this debate and most debates on combat sports karate and judo do not get a lot of criticism. They are also combat sports but they do not get a lot of criticism because in the contest the objectives of those sports are quite different from the objectives of boxing. They in fact recognise in their point-scoring and methods of determining winners of contests that there is a need to ensure that there is not injury to one of the contestants brought about by that contest. There is a very great distinction between boxing and other combat sports such as karate and judo which are also covered and referred to in this bill. It is a very different situation.

I might add that these days not just the Australian Medical Association is opposed to boxing. The National Health and Medical Research Council and the Public Health Association of Australia have also issued policies calling for boxing to be banned and in the short term at least for a number of measures well beyond those prescribed in the bill before the house today to be introduced to control and regulate boxing.

I seek leave to table the AMA's policy on boxing that was reaffirmed in 2007.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — Leave is granted.

**Mr ATKINSON** — That being the case I do not need to continue my contribution to the debate. I urge

members to familiarise themselves with the AMA's policy when it is printed in *Hansard*. I simply urge members in the context of this debate to support the amendment which goes at least some way to ensuring that we are not just trying to create some bizarre spectacle or entertainment by allowing such things as caged boxing on the premise that that somehow has anything to do with sport.

Whilst the bill takes us forward and makes some improvements — and for that reason the Greens and I have shared a similar platform in terms of our contributions and our approach to this barbaric activity — this house and this Parliament should bite the bullet and ban boxing. It is not a sport. It is not something that sets an appropriate standard or sends an appropriate message to young people or indeed to the rest of the community about our expectations and tolerance of violence.

15:17

**Mr THORNLEY** (Southern Metropolitan) — I rise to speak in favour of the Professional Boxing and Combat Sports Amendment Bill 2007. This bill, as other speakers have indicated, has as its primary purpose the further regulation of boxing and related combat sports to try to prevent or minimise some of the dangers and concerns that Mr Atkinson outlined in the previous speech. I think that is a very productive exercise.

Other speakers have gone into much greater detail, and I must confess I do not have the same knowledge or background as my colleague Mr Pakula in terms of this sport. My knowledge is pretty much confined to watching *When We Were Kings* and the fight scene in *Pulp Fiction*. First and foremost, ensuring that fighters who are not prepared to be or are not capable of being in the ring are not in the ring is an obvious and critical requirement. I am very pleased to see that that is being implemented, and not before time.

I make a similar point regarding the actions to ensure integrity in the sport, as we seek to ensure it in all sports. I do not think boxing is the only sport where there is a risk of lack of integrity: look at the activities of bookmakers in cricket, for example, and it springs to mind that there are plenty of sports that have that risk. I do not think boxing is unique, but nevertheless ensuring that there is integrity by improving the standards of timekeeping in particular, and related things, is an important intervention.

The cage boxing issue will come up in the amendments to be moved in the committee stage, so I will not deal with that in great depth except to reiterate what has already been said: that the minister has already made

his position on that matter perfectly clear, and that is consistent with the powers that are granted under this bill and previously.

I want to respond, though, to the impassioned speech of Mr Atkinson about banning boxing. As I have already said, I am not a big boxing fan — it is not something that particularly attracts me — but I am a little cautious about running around wanting to ban things I do not like, because each of us has a different view about what we like and do not like.

**Mr Dalla-Riva** — President, I direct your attention to the state of the house.

### **Quorum formed.**

**Mr THORNLEY** — As I was saying, I am very cautious about arguments such as those put forward by Mr Atkinson, that we should ban things we do not like. It seems to me that there is a range of people who do not like a range of activities — perhaps because they are dangerous either to the person undertaking them or to others — and if you start making that argument it becomes a very slippery slope. Unfortunately plenty of people are killed or injured in other sports — motor racing springs to mind. I was listening to Jackie Stewart on the radio this morning talking about Formula One racing 20 or 30 years ago, when two in three drivers did not make it through their first five years. Thankfully they did not ban the sport; they fixed it, and it now has one of the best safety records around. It seems to me that this is precisely what this legislation is seeking to do — to remedy the concerns that Mr Atkinson and others have put forward.

The reality is, unfortunately, that people get injured in a whole range of sports, such as motor racing, football, horseracing and obviously all the adventure sports — parachuting, hang-gliding and a whole pile of other things. We could prevent people from doing anything that injures themselves. We could ban smoking, drinking and gambling. However, the history of the past century, along with that of other times, has shown us that that is not normally the best way to deal with something. Unless there is uniform and widespread community consensus on such a thing, banning tends to be ineffective. It tends to drive things underground and make them less regulated. The bans do not tend to last very long as a consequence of that. The most famous example of that is the tragically misguided, although no doubt well-intentioned, banning of the drinking of alcohol in the United States of America in the 1920s.

identify the varied concerns that people have outlined and seek to remedy those concerns rather than telling a large number of people who enjoy doing what they are doing and who clearly derive benefit from it that in the opinion of apparently wiser people that there are no benefits to be derived and that their enjoyment of it is somehow illegitimate and inappropriate. This bill simply seeks to do that. I do not think I will add anything further at this stage, but I may well speak in the committee stage on the amendments.

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise to speak in support of the Professional Boxing and Combat Sports Amendment Bill 2007, which improves the Professional Boxing and Combat Sports Act in a range of areas, including enhancing safety controls — for example, by preventing people who lack the required skills from competing; providing clear authority for regular fitness and blood tests to be undertaken during a contestant's period of registration; updating the regulation-making powers to enable appropriate new regulations to be made from 1 July 2008; reducing the risks of malpractice in the industry, particularly in relation to timekeeping; clarifying the roles and responsibilities of the minister and the board; and improving the functioning and practicality of some provisions of the act. I will speak on a couple of the details of the proposals a little bit later in my speech. In several areas the bill confirms sound practices that have evolved in the board's administration of the operational provisions of the act. The amendments are necessary to ensure that the act keeps pace with changing knowledge, practices and technologies.

The issue of cage boxing, though not specifically mentioned in the bill, has been raised during the course of this debate, because the opposition has given notice of an amendment that would specifically proscribe cage boxing. Whilst the government shares the opposition's distaste for cage boxing, we do not feel it is necessary to specifically proscribe cage boxing, as the act allows the Minister for Sport, Recreation and Youth Affairs to determine what a combat sport is for the purpose of the act, and the minister has determined that professional cage fighting is a combat sport. As a consequence, professional cage fighting contests cannot be conducted in Victoria without a permit. The minister has publicly announced that no permit will be granted for cage fighting contests. Thus there is no reason to specifically proscribe cage fighting in the act. The bill also gives the minister a new power to direct the board, which could be exercised in relation to particular types of combat sports. For these reasons, we do not believe the amendments sponsored by the opposition are necessary.

15:25 The bill the government is putting forward here presents a much more sensible approach, which is to

Even though the issue of cage boxing is incidental to this bill, members have spent a lot of time debating its merits, and because I am a conformist I will also indulge briefly in that debate. Growing up I took a keen interest in and was an active participant in boxing, taekwondo and kickboxing, so I have a good understanding of and respect for the skill involved in these sports. Unlike some who would view the terms 'boxing' and 'civilised' as mutually exclusive, I believe the martial sports I have referred to can be civilised activities, with participants improving their physical fitness and spectators enjoying the prowess of the competitors on show. Cage boxing, however, is a sport that makes me cringe every time I inadvertently get a glimpse of it while channel-surfing on Foxtel. Cage boxing is an activity which I consider to be uncivilised and therefore having no place in our community.

I will now turn to some of the details of the provisions that I delineated at the outset of my contribution. One of the provisions requires that contestants have sufficient skills in the various martial, or combat, sports. In order to be registered a fighter will need to meet certain prerequisites, including an adequate level of skill. The bill enables such prerequisites to be included in the regulations. The board will use information provided on the application form, its knowledge of the industry and, if necessary, demonstration of the applicant's skills to assess whether the applicant has an adequate level of skill. Unsuccessful applicants have a right to appeal to the Victorian Civil and Administrative Tribunal.

The board will be able to assess the skills of contestants who are already registered using the criteria listed in section 10B(5). This will involve an element of judgement, which the board is well qualified to exercise. If a contestant is found not to have adequate skills, the board must cancel or suspend his or her registration. The board will give the contestant written notice and the contestant will have a right of appeal to the Victorian Civil and Administrative Tribunal. Based on that, I can say that there will be sound procedures in place to assess whether a prospective contestant is sufficiently qualified to be getting into the ring or into a combat situation.

A question also asked is whether contestants have to undergo a medical examination before a fight or whether they can just turn up. They have to undergo an examination. The bill requires contestants to present for medical examinations before and after contests. The ordinary common-sense meaning of 'to present for a medical examination' includes actually undergoing the examination. It is also clear from the context, which is about compulsory medical examinations, that contestants are required to be examined. These factors

would be necessary to lead a court to determine that an obligation to undergo an examination exists.

The reason for replacing the word 'submit' with the word 'present' is to avoid any suggestion of limiting a contestant's human rights.

15:32

I will briefly turn to the issue of timekeepers. Timekeepers have a significant impact on the conduct of fights. Substandard timekeeping can influence the outcome of contests and the likelihood of serious injury. Current arrangements create potential conflicts of interests for promoters. Promoters are responsible for the selection, engagement and remuneration of timekeepers who fulfil a role in ensuring the integrity of the fight. At the same time, promoters are closely associated with contestants who train at the gyms, whose opponents come from competing gyms. In addition, for commercial reasons promoters wish to put on a good show for their paying customers.

These provisions will work in the following way: the proposed new arrangements will allow the board to determine who can perform the role of timekeeper. The board will develop a list of persons who have the necessary skills and knowledge to carry out this role. It is not just a matter of pressing a button to start a contest and then pressing the button again for time out. It is an intricate and complex process that requires the timekeeper to be knowledgeable of the particular combat sport.

Each promoter will be required as a condition of his or her licence to engage timekeepers from the list. The bill establishes this as a condition of a promoter's licence. The members of the board have, as required by the act, a good knowledge of boxing or combat sports. Board members may attend and closely observe all the promotions conducted under the act. They are in an excellent position to determine who possesses the required skill and knowledge.

The bill confirms sound practices that evolved in the board's administration of the operation and the provisions of the act. The amendments are necessary to ensure that the act keeps pace with the changing knowledge, practices and technologies. I commend the bill to the house.

**Mr LEANE** (Eastern Metropolitan) — I support the Professional Boxing and Combat Sports Amendment Bill. The bill is about strengthening the controls on professional boxing and combat sports, particularly in relation to the health and safety of the contestants. It will do a few things such as provide the board with the power to prevent fighters from contesting fights if they

do not have the required skills. It is obviously very important. There have been occasions in this nation where there have been unevenly matched contests, much to the detriment of the sport and obviously to the safety and health of one of the contestants.

This bill removes some of the responsibility away from the minister to the Professional Boxing and Combat Sports Board. I have personally dealt with the Professional Boxing and Combat Sports Board's chairman, Mr Bernie Balmer, in our joint endeavours to assist a group of boxers to establish a boxing club in the Croydon area which interacts closely with the community. Some other boxing clubs in the metropolitan area do have involvement from local police officers who invite young people, some of whom have lost their way. Getting involved in the boxing club and getting involved with these disciplined boxers has helped many young people get back on a track that you would hope a they would be on. Mr Balmer definitely knows and is passionate about his sport, and he is passionate about his sport having a good standing in the community. He is a great person to be chairman of the board. I know he will take his responsibilities very seriously.

I also know Frank Quill, who is chairman of the World Boxing Council's ratings committee and also the World Boxing Council's representative in Australia. I have spoken to him and he is passionate about boxing contests being properly matched for the sake of contestants' safety.

Another boxer I have had the pleasure to be involved with is Steve Marks, who has been Australian champion a number of times. I have to say he is one of the most community-minded and disciplined people I know. I have said before in this house that boxers and serious martial arts exponents are some of the most disciplined people in all aspects of their lives. When it is treated properly boxing is a discipline. The serious boxing fraternity is very serious about what is good for their sport, and this bill is good for their sport.

If I could briefly touch on martial arts, I know a program that has been extended into a lot of schools in the east, including public and private schools, that originally started from Croydon Community School's martial arts program that concentrates on training young people to stay calm and disciplined. You might think that training people — and some of them have had a history of being very angry with the world — in martial arts might not be a great idea, but this program has been very beneficial, as has been proved time and again. It started at one school in the east, and it is

actually being developed right across the metropolitan area.

Once again, it is not all about punching and kicking. It is really about discipline and, in most cases, not punching and kicking. I would have to disagree with Mr Atkinson's calling for a complete ban of boxing. There are a lot of things in our shared electorate that we agree on in terms of what is good for the community, but this time I would have to disagree.

I will just touch on Mr Dalla-Riva's proposed amendment. I understand its intent but under section 5 of the act the minister can already determine which activities are legal combat sports for the purposes of the act. I acknowledge that Mr Dalla-Riva's amendment says fighting is conducted in a cage or other similar enclosed structure, but it is not necessary to narrow it down in the bill to cage fighting when the minister is already able to ban it under the act. He has already said there will be no cage fighting in Victoria, and the Premier agrees with that.

15:40

With the evolution of cage fighting some fight promoters will find ways to promote fights out in the middle of football ovals, and they will call them footy fights. There will not be an enclosure like a cage, but they will find a way. The best safeguard we have is for the minister and the board to determine that that is not on, and they will. I commend the bill to the house. As I have already stated I think a lot of benefit can come from well-organised boxing and martial arts programs.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 3 agreed to.**

**Clause 4**

**The DEPUTY PRESIDENT** — Order!

Mr Dalla-Riva has an amendment no. 1 which in my view is a test for his remaining amendments nos. 2 to 4.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I move:

1. Clause 4, after line 20, insert—

“*cage fighting* means no-holds-barred mixed martial arts fighting that—

- (a) allows each contestant to kick, punch, choke and knee the other contestant; and

- (b) is conducted in a cage or other similar enclosed structure;’.

This amendment is a test for the remaining amendments in the sense that it relates to cage fighting. The Liberal Party is concerned about a media release from the Minister for Sport, Recreation and Youth Affairs dated 21 December 2007 which states that the Brumby government is serious about not allowing cage combat-style sports to be held here. We are concerned that the preventing of cage combat sports, or cage fighting as we have referred to it in our amendment, is only via regulation or permit. We are asking the minister to tell us how it is that cage fighting is allowed in the act, and yet it is not mentioned in the bill before the house.

My understanding is — and the minister might like to provide advice on this — that when a sport is allowed via permit or regulation, it can be challenged through the courts because it is not on the statute book; it is a regulation. Therefore, as I indicated in my earlier speech, if substantial amounts of money are involved a promoter may wish to pursue the matter of cage fighting through the courts by suggesting it is a block of free trade, or whatever term is used in the legal system.

There are a range of issues and I am happy to go through them one by one, but that outlines why we are proposing this amendment to the bill. For the minister’s information, we support the bill. Apart from this matter we think it is a sensible move forward. Those are some of the issues and the minister may wish to answer them.

**Hon. J. M. MADDEN** (Minister for Planning) — I appreciate Mr Dalla-Riva’s and the opposition’s point that they want to completely rule out cage fighting. The minister has already done that. The point in dispute here is the mechanism by which it is done. Much of it is done through regulation. Basically, the legislation allows for many of the initiatives which were discussed during the broad second-reading debate to be achieved through regulation and through the board. The minister can also direct the board.

The minister has made it patently clear in media announcements and press releases that there will not be cage fighting. The intention is to provide for that through regulation because if cage fighting is covered specifically by legislation, some promoter might come up with some wonderful concept of doing something that is slightly different and does not quite fit into the definition of cage fighting, which has been described by Mr Dalla-Riva in his amendment. In some ways it might not be too different to cage fighting, but it might not fit Mr Dalla-Riva’s definition.

I could go into a long-winded discussion about why regulation is preferable to legislation, but regulation allows some flexibility for the minister, in a sense, to head off other sports that might come into the public domain. That has often been the case, particularly with combat sports. Promoters generally try to find a product that excites people — possibly one with a bit of blood and gore — and they come up with different mechanisms to do that. Some years ago when I was sports minister there were certain sports that came to light including kickboxing and the like. Then there were different variations on that theme, and cage fighting follows that.

The ability to have some flexibility through regulation is a critical component of the way in which this bill has been framed, and whilst we appreciate Mr Dalla-Riva’s concerns and have the same concerns in relation to cage fighting not taking place in this state, defining it too tightly through legislation may give rise to the opposite position to that which we all seek. Somebody may come up with a mechanism to circumvent the definition as Mr Dalla-Riva has described it, and they may come up with something that is not dissimilar to cage fighting but in legal terms is defined differently. Hence they may be able to deliver some entertainment along those lines — it may not be an event; it might be some entertainment. Our preference is to use regulation as the mechanism for ruling out cage fighting.

**Mr DALLA-RIVA** (Eastern Metropolitan) — That clarifies a range of issues. On the regulations, I need clarity from either the minister or his advisers about cage fighting or equivalent contests that might be promoted in Victoria. As I indicated in my preamble and in my main speech — and I do not want to get into hypotheticals — it is an issue relating to this amendment. As the minister said, a promoter could come up with a different concept resembling cage fighting but badged slightly differently. Our understanding is that because such matters are governed by regulation and not by statute, appeals against such regulation could be taken to court. That could leave the gates open for combat sports such as cage fighting to enter Victoria. I ask for some clarity in a definitive sense. If an activity is referred to in regulation, would that allow promoters to pursue matters through the courts so that they could get their promoted events — be they cage fighting or some other violent sport in a cage — allowed in Victoria? Could they win such matters in a court environment? 15:50

**Hon. J. M. MADDEN** (Minister for Planning) — I certainly appreciate the inquiry from Mr Dalla-Riva about the difference in the various mechanisms and the likelihood of challenges against either of those

mechanisms. Again, we do not want to go into the territory of hypotheticals but if activities are banned by legislation or regulation and somebody feels strongly enough, there is always the prospect of challenging a law or regulation and taking the matter through the courts. That is not to say whether such appeals will or will not be successful, but I suspect that either legislation or regulation are challengeable. Often the challenges are because the definitions are far too proscriptive or descriptive rather than leaving some flexibility in the regulation, which is the mechanism through which we seek to define away any opportunity or room to move. If you are far too definite in your proscriptions, you might lock that avenue out completely but you might also open up other avenues. I understand that the use of regulation is one which allows for a little bit more flexibility on the part of the board. That flexibility is important on short notice. I notice a number of members are interested in this area.

In instances around this legislation in other incarnations has been that if you do not have sufficient flexibility in the regulation and a promoter is locked into an avenue and finds a loophole, you really have to come back via this place to implement a legislative change on short notice. There is a degree of cumbersomeness about not having flexibility. The intention has always been to have a regulatory mechanism that allows some flexibility so that if at any point in time there might be a loophole then another regulation can seek to overcome that loophole.

I know Mr Dalla-Riva is seeking the definitive ruling out of cage fighting. We have ruled it out, but we also need — and I suspect he might appreciate this if it were to come pass, without going into hypotheticals — a flexible mechanism. Regulation allows that, particularly on short notice. If, as I mentioned, somebody comes up with a different type of product that might have worked in a different domain and suddenly somebody wants to bring it into this neck of the woods and it slips through because of a loophole, then the board has the ability to regulate that activity and the regulation will come through this place. That is certainly a way of overcoming any potential issue in the future.

**Ms HARTLAND** (Western Metropolitan) — Can the minister remind us what other activities or sports are banned by the act? If we cannot explicitly ban cage sports, are there other things in the act that have been banned?

**Hon. J. M. MADDEN** (Minister for Planning) — I am informed that there is nothing banned in the act per se, but there are mechanisms within the act to ban those activities, so that is where the regulations come into

play. The minister and the board — predominantly the board — define what is or is not banned through that regulatory mechanism. As the legislation exists at this point in time, nothing is banned per se. If it were banned it would be banned through regulation. Such activities are likely to be cage fighting and other variations of one sort of another on that theme.

**Ms HARTLAND** (Western Metropolitan) — Does that include the principal act?

**Hon. J. M. MADDEN** (Minister for Planning) — I advise Ms Hartland that that is also in the principal act. The same mechanisms exist in the principal act: nothing is definitively banned in the act, but there are mechanisms to ban certain activities through regulation and the board decides what is banned in relation to the promotion and conduct of those events.

**Ms HARTLAND** (Western Metropolitan) — Then what is banned in the regulations?

**Hon. J. M. MADDEN** (Minister for Planning) — For clarity on that, it is not so much that anything is banned per se, it is what is deemed acceptable. The regulations determine what activity is acceptable to be conducted as a bout and hence it is allowed. But it is not allowed unless it is determined through the regulation within the prevailing act. There is no definitive ruling out of any activity; it is about ruling in. I understand that nothing is ruled in until it is regulated to be ruled in.

**Mr DALLA-RIVA** (Eastern Metropolitan) — A double, triple back somersault negative!

**The DEPUTY PRESIDENT** — With pike!

**Mr DALLA-RIVA** (Eastern Metropolitan) — With pike! Can the minister clarify the issue of who determines the regulations? I understand that previously the minister made the determination under the principal act. With these amendments it now falls under the responsibility of the board that is referred to later on. On cage fighting, I understand the minister's explanation in terms of the regulation being established, but it has opened up this other, slightly different area about the regulations previously providing that it was the minister who determined what was in or out, and now what is in or out will be determined by the new board that is being established. Is my understanding correct?

**Hon. J. M. MADDEN** (Minister for Planning) — I have a couple of technical issues I am happy to explain and if Mr Dalla-Riva needs more information I will be happy to go back and retrieve the technical details.

Basically it is the minister who rules what is in or out, and the board enacts that and proscribes it as well — that is, the minister determines what is an acceptable combat sport, then the board is the mechanism by which that is put in place. I am happy to give the member any further technical answers if he wants them.

16:00 **The DEPUTY PRESIDENT** — Order! Can I just clarify something from what you said? Apparently the minister in the other house has given an assurance that cage boxing contests would not be allowed but, given the fact that he has given that assurance, will he now be the one who also makes the decision to stop them from happening or is that power vested in the board? That is what Mr Dalla-Riva and Ms Hartland are both trying to establish.

**Hon. J. M. MADDEN** (Minister for Planning) — That is vested by delegation in the board. The minister rules basically what is in or out, but the board itself is the instrument by which that does or does not occur after the direction of the minister.

**The DEPUTY PRESIDENT** — Order! And that direction will be by the regulations that are to be promulgated?

**Hon. J. M. MADDEN** (Minister for Planning) — I will have to check on the way in which the regulations come into being.

I have advice from my colleagues that the minister determines what is a combat sport, and currently the minister or the board has the power to give a permit. In future it will be the board, and in future the minister can direct the board to issue or not issue a permit.

**Ms HARTLAND** (Western Metropolitan) — In that case if there is a change of minister and the next minister is an enthusiast for blood sport, does that mean that that minister could then issue permits for this practice?

**Hon. J. M. MADDEN** (Minister for Planning) — I understand the issue here, which is the issue the opposition has raised. Whilst it is a matter for the minister, it is a matter for the government, and these decisions are normally made more broadly than just by the minister in isolation. There is normally a bit of consultation on these broader issues, so whilst the minister may give the direction, I think the minister would consult more broadly rather than just making the decision unilaterally or on a personal whim. That is often the case in any ministerial determination or decision in relation to any ministerial responsibilities, so it is worth bearing that in mind.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am not too sure if my cauliflower ears picked this up, but I am trying to get some clarification. If we had cage fighting — this is not a hypothetical because the issue is cage fighting — cage fighting is a directive by the minister to the board and then the board sets the regulation. Is that the process?

**Hon. J. M. MADDEN** (Minister for Planning) — The way it works is that the minister will say, basically, ‘These are the combat sports which are allowed. Assuming boxing is allowed, these are the combat sports which will be allowed’. Any others we do not even take into consideration. One of those might be cage fighting, so cage fighting is not allowed because it is not deemed a combat sport and it cannot happen. Some other form of martial arts might be described as a combat sport and that is allowed. The regulatory mechanisms by which that occurs are then put in place, but of course the regulations would have to come back to this place as they normally do.

**The DEPUTY PRESIDENT** — Order! Are there any further comments in respect of the amendment moved by Mr Dalla-Riva to clause 4? If not, I propose to test that amendment. We are dealing with amendment 1 put by Mr Dalla-Riva, which in my view is also a test for his amendments 2 to 4. The question is that the amendment be agreed to.

**Committee divided on amendment:**

*Ayes, 18*

Atkinson, Mr	Hartland, Ms
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs ( <i>Teller</i> )
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O’Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs ( <i>Teller</i> )
Guy, Mr	Peulich, Mrs
Hall, Mr	Vogels, Mr

*Noes, 18*

Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Smith, Mr
Jennings, Mr	Somyurek, Mr ( <i>Teller</i> )
Kavanagh, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Madden, Mr	Thornley, Mr
Mikakos, Ms ( <i>Teller</i> )	Tierney, Ms
Pakula, Mr	Viney, Mr

*Pairs*

Drum, Mr	Lenders, Mr
Rich-Phillips, Mr	Broad, Ms

**Amendment negatived.**

**Clause agreed to; clauses 5 and 6 agreed to.**

be made by the minister because it is outlined in the act, and I understand that.

**Hon. J. M. MADDEN** (Minister for Planning) — I do not wish to prolong the conversation, but I suppose it would go to the extent of the medical expertise. There are experts and experts, depending on the specific fields. It could be a generalist or somebody who is a specialist neurologist or the like; or it could be a specialist in the field of sports medicine. That is the difficulty you get into if you choose one above the other. In the vast majority of cases where the board would need to consider information, it would take external information provided by the relevant experts.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I have a final question about the board issuing a permit to conduct a promotion that involves a cage fighting contest. I notice the board will also include a member of Victoria Police and I am curious as to why that would be. I am curious about why you would single someone out. We have been speaking about the fact that a medico may or may not be on the board, subject to what the minister says, but the minister has been very specific about the board including a member of Victoria Police. I am curious why I am not on the board.

**Hon. J. M. MADDEN** (Minister for Planning) — The inclusion of a member of the Victoria Police on the board is a tradition that has carried through from my time as minister to the present time, and I believe was in place even during the time when Tom Reynolds was Minister for Sport and Rural Development. Predominantly there are two connections. One is around some of the police boys clubs — or however they might be described — and their links into boxing. Sometimes it is useful to have that sort of grassroots connection. The other connection is probably just because of the intelligence that might come through from the police force from time to time in relation to some matters of concern. It is just a handy link back to the police force.

That connection provides general information and not criminal intelligence. It is really a sense of what is fair and reasonable or what might need to be considered. Further advice might be sought on various matters, and also from time to time it might be about community policing issues, which is not about intelligence. A member of the police force can sometimes bring an informal understanding and background, with knowledge about difficulties or circumstances in a particular location and what is fair or reasonable. They might know venues that need more or less security and about the sort of security that might be necessary.

16:10 **Clause 7**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I have one brief question for the minister in relation to clause 7. Our amendment was to restrict the board from issuing a permit. It raises a question asked by one member, about the composition of the board, which is relevant to this clause, and refers to the make-up of the board in determining a permit. One suggestion was to have a medical person on the board. Is there any indication why that was not considered? Although I know the composition should be no more than five people who in the minister's opinion have a good knowledge of boxing, would one of those, in the minister's view, be considered to be a medical practitioner or somebody associated with the medical profession?

**Hon. J. M. MADDEN** (Minister for Planning) — We will note that point. I suppose there are issues around governance here. Certainly it would be of advantage to have somebody with some medical experience, but that experience should not be what is relied on in terms of the information provided on behalf of or by a potential participant, or the mechanisms around that. Basically they would work off that advice. No doubt that would come to them in a nominated form, and then the board would consider that as part of their deliberations.

Somebody with some medical background might be of some assistance but even then they would not be relying so much on that person as they would be relying on the advice that would come to them and the clarity and thoroughness of that advice. That is about governance in relation to the information provided to the board, and it really is for determination either by the minister or possibly the board if it seeks to have a higher level of medical expertise on the board than might exist at any time. That is not to rule it in or rule it out, but no doubt information provided to the board would be from experts outside the board.

**Mr DALLA-RIVA** (Eastern Metropolitan) — In relation to this clause, we have obviously lost the issue about cage fighting, but we have suggested in our amendment that the board may not issue a permit to conduct a promotion that involves a cage fighting contest. I gather the minister's advice is that the board may take external advice, which would also include medical advice. What I am putting is that it would perhaps be beneficial if there was somebody from the medical fraternity, but that again is a decision that will

16:17 It is really an informal background that the police representative brings to that which might not directly inform the board in its deliberations but might assist it in seeking further information in relation to any of those sorts of policing matters more generally.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I thought that would be the final, but I have one more. Of what rank would the minister expect the police officer to be?

**Hon. J. M. MADDEN** (Minister for Planning) — It is my understanding that the department, the board and the minister receive advice from the chief commissioner as to who might be an appropriate representative to the board in those circumstances. That does not nominate a rank, but normally it is somebody who has some sort of standing in the community in relation to the sorts of matters I discussed in my previous answer.

**Clause agreed to; clauses 8 to 27 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That the bill be now read a third time.

In doing so I also thank the members in the chamber and Mr Dalla-Riva and Ms Hartland for their interest in these matters.

**Motion agreed to.**

**Read third time.**

## CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr JENNINGS  
(Minister for Environment and Climate Change).**

*Statement of compatibility*

**Mr JENNINGS (Minister for Environment and Climate Change) tabled following statement in**

### **accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008.

In my opinion, the Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill enables the Governor in Council to put in place, by declaration, temporary special event management arrangements for the Carlton Gardens if the minister responsible for the Crown Land (Reserves) Act 1978 considers that an event is of state significance and should be held there. This will ensure the successful staging of significant events at Carlton Gardens, in particular the Melbourne International Flower and Garden Show (MIFGS).

#### **Human rights issues**

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

The right to freedom of movement is relevant to the bill. This right is protected by section 12 of the charter. Section 12 provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

This right is relevant to the bill because, if a special event declaration is made, public access to the Carlton Gardens is likely to be restricted during the event and set-up period.

The current committee of management, Melbourne City Council, may already permit the staging of events in Carlton Gardens that would temporarily limit public access, and MIFGS has been held there for the last 12 years. This bill might, however, be perceived to limit the right to freedom of movement because its purpose is to ensure that declared special events, in particular MIFGS, can continue to be held at the Carlton Gardens.

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

I consider that the limitation on the right to freedom of movement is reasonable, in accordance with section 7(2) of the charter. The reasons for this view are set out below.

###### *(a) the nature of the right being limited*

The right to freedom of movement is a fundamental human right which protects against restrictions on people's ability to move freely within the state. The right is not an absolute right at international law, and under the charter may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society.

In this instance, the limitation relates to public access to Carlton Gardens, a public park, while a special event is being held, or prepared for, there.

###### *(b) the importance of the purpose of the limitation*

Special event declarations will only be made if the minister responsible for the Crown Land (Reserves) Act 1978 is satisfied that the event is of significance to the state of Victoria and is suitable to be held at the Carlton Gardens.

Restricting public access to Carlton Gardens is necessary in order to hold an event such as MIFGS there. In particular, entry fees will need to be charged to contribute to the costs of staging the event. Large events such as MIFGS also involve the construction and assembly of temporary stalls and other facilities at the venue prior to the event. To facilitate this, and for safety reasons, public access to certain areas may need to be restricted.

*(c) the nature and extent of the limitation*

The holding of a special event is likely to involve closing off certain areas of the Carlton Gardens during the event and set-up period (approximately one month each year), and charging an entry fee to the event. The bill specifies that the declaration may include a power to fix opening and closing times for public access to the declared special event management area.

Any limitation on a person's right to freedom of movement as a result of the staging of a declared special event will be minor, as the access restrictions will be temporary and restricted to the Carlton Gardens.

*(d) the relationship between the limitation and its purpose*

The limitation on the public's ability to enter and move freely around the Carlton Gardens during a special event and set-up period is a direct consequence of a decision to hold the event there.

*(e) any less restrictive means reasonably available to achieve its purpose*

There are no less restrictive means in which to ensure the staging of a special event such as MIFGS at Carlton Gardens.

*(f) any other relevant factors*

The Melbourne International Flower and Garden Show has been held in the Carlton Gardens for the last 12 years. It is not anticipated that the timing or duration of the event will change as a result of a special event declaration.

A special event declaration would be made by the Governor in Council on the recommendation of the minister responsible for the Crown Land (Reserves) Act 1978. This will ensure that the right to freedom of movement will only be limited in relation to events of state significance.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although a special event declaration will limit the right to freedom of movement, the limitation is reasonable.

GAVIN JENNINGS, MLC  
Minister for Environment and Climate Change

*Second reading*

**Ordered that second-reading speech be incorporated on motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr JENNINGS (Minister for Environment and Climate Change) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

The purpose of this bill is to secure the future of the Melbourne International Flower and Garden Show, which is held annually in the world heritage listed Royal Exhibition Building and Carlton Gardens in Melbourne.

The show has been successfully held at this venue for 12 years. Since the first show in 1996, it has become the largest flower and garden show in the Southern Hemisphere. The show attracts more than 100 000 visitors every year from Victoria, other Australian states, and overseas. It contributes around \$8 million to the Victorian economy. It goes without saying that the show is a significant event for the state of Victoria, and for Melbourne.

Melbourne City Council has decided it will no longer allow the show to be held at the gardens because of concerns about its environmental impact.

However, the show has been held there for the past 12 years without any apparent long-term detriment to the gardens or its significant trees. Reports commissioned by the council support this view.

The government considers that decisions on the future of such an important event for Victoria should be made by government in the interests of the overall benefit to the state, and not by a council, Crown land manager or trustee.

In the drought conditions we are currently faced with, it is even more important that we showcase the valuable contributions of our horticultural, floristry and landscape industries. Losing this event would have a serious impact on these vital industries which are already suffering from the ongoing dry conditions.

The bill amends the Crown Land (Reserves) Act 1978. It enables the Governor in Council to make a special event declaration if the minister responsible for that act considers that an event such as the Flower and Garden Show is of state significance and should be held at the Carlton Gardens. A declaration will ensure that the event can go ahead.

The government is committed to securing a long and successful future for this important event. The bill will ensure this happens.

I commend the bill to the house.

**Debate adjourned for Mr D. DAVIS (Southern Metropolitan) on motion of Mr Koch.**

**Debate adjourned until Thursday, 20 March.**

## LEGISLATION REFORM (REPEALS No. 2) BILL

### *Introduction and first reading*

**Received from Assembly.**

**Read first time for Mr LENDERS (Treasurer) on motion of Mr Jennings.**

### *Statement of compatibility*

**For Mr LENDERS (Treasurer), Mr Jennings (Minister for Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Legislation Reform (Repeals No. 2) Bill 2007.

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The purpose of the bill is to repeal a number of redundant acts of Parliament.

As part of the process for selecting the acts included in the bill for repeal, the department of each minister who is responsible for those acts conducted a careful review of that legislation, in consultation with parliamentary counsel. Those departments have advised my department (the Department of Premier and Cabinet) that the repeals will not engage any human rights protected by the charter.

In addition, section 14(2)(e) of the Interpretation of Legislation Act 1984 provides that the repeal of an act or a provision of an act, by itself, does not 'affect any right, privilege, obligation or liability acquired, accrued or incurred under that act or provision', unless the repealing act expressly provides for a contrary result. The bill does not expressly seek to affect any person's existing rights, privileges, obligations or liabilities, but simply to repeal the acts specified in schedule 1. As a result, this section should operate to prevent any unintended impairment of the rights or obligations of any persons that might result from the repeals.

#### **Human rights issues**

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

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

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

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

#### **Conclusion**

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

HON. JOHN LENDERS, MP  
Treasurer

### *Second reading*

**Ordered that second-reading speech be incorporated on motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr JENNINGS (Minister for Environment and Climate Change) — I move:**

That the bill be now read a second time.

#### **Incorporated speech as follows:**

The bill before the house, namely the Legislation Reform (Repeals No. 2) Bill 2007, repeals a number of spent and redundant acts.

It is important for Parliament to review the legislation in the Victorian statute book on a regular basis and to repeal acts that no longer serve any useful purpose. This has usually been done through the statute law reform bills that the Parliament has passed in previous years.

The government has decided to give this process an increased priority, in an effort to reduce the total number of acts by at least 20 per cent, based on the number of acts in operation in 1999. Accordingly, the government has instituted a review of all acts across every portfolio.

The first results of this review were reflected in the Legislation Reform (Repeals No. 1) Bill 2007. That bill, which identified 15 acts for repeal, was introduced into Parliament on 21 August 2007 and was referred to the Scrutiny of Acts and Regulations Committee on 18 September 2007. Because these bills are part of a wider reform program that will involve more things than the repeal of redundant legislation, it was not initially thought necessary to refer the bills to SARC. After further consideration, however, the government has revised this view and I wish to advise the house that all repeal bills in the legislation reform program will be referred to SARC for its review.

The bill before the house continues this process by identifying a further group of acts for repeal, falling within 13 separate portfolios. These acts are listed in schedule 1 to the bill.

Clearing the statute book of redundant acts, many of them with titles similar to active acts, will help make the task of consulting our legislation less confusing. This fits in with the government's policy of reducing the regulatory burden on the Victorian community wherever possible.

The government will continue its review of Victorian legislation, and intends to present further legislation reform bills to Parliament in future, as may be appropriate.

I commend the bill to the house.

**Debate adjourned on motion of Ms LOVELL (Northern Victoria).**

**Debate adjourned until Thursday, 20 March.**

## ADJOURNMENT

**The DEPUTY PRESIDENT** — Order! The question is:

That the house do now adjourn.

### **Multiple sclerosis: summer electricity concession**

**Ms LOVELL** (Northern Victoria) — I raise a matter for the attention of the Minister for Community Services regarding the need for an extension of the multiple sclerosis (MS) summer electricity concession. The action I seek from the minister is an extension of the period in which the summer multiple sclerosis concession can be claimed to include the non-summer months in which temperatures reach levels that require air conditioning.

Part of the condition of multiple sclerosis is difficulty in regulating body temperature, and in hot weather this can lead to the symptoms of MS becoming worse. Often for those suffering from MS the only option is to use an air conditioner to keep their home cool enough so that the heat does not affect their condition. The Victorian government's current MS summer concession does not take into account the fact that hot weather persists outside the summer months, with temperatures commonly reaching into the 30s in October, November and March.

16:27 Recently a constituent of mine who has suffered from the disease since 1996 contacted me about this issue. With her condition deteriorating at a fast pace, she is unable to work and contribute to her family's income. The concession, which consists of a 17.5 per cent discount on her household electricity bill, is most appreciated. She receives this concession for approximately 91 days, which covers the summer months and is usually spread over two bills. Her average summer bill totals more than \$200 and the discount amounts to about \$30, which is a sliver of the actual cost of providing the cooling. My constituent feels a more equitable arrangement would be to extend the period in which the concession can be claimed to include warmer months outside the summer period and to have an increase in the level of concession granted.

The issue of warmer weather is particularly pertinent in my electorate of Northern Victoria. Last week, the first week of March, maximum temperatures remained at the 30 degrees Celsius mark or above almost all week across northern Victoria. When Melbourne recorded a

maximum of 23.9 degrees on Thursday, 6 March, it was a scorching 38.7 in Mildura and 35.7 in Shepparton. On Tuesday, 4 March, when Melbourne's maximum temperature was predicted to reach just 17 degrees but actually reached 24, temperatures of 30 and 34 were recorded in Shepparton and Mildura. Indeed this week on Monday we have seen Mildura with a temperature of 39 degrees Celsius, Shepparton with 37 and Wodonga with 35; on Tuesday, the temperature in Mildura was 39, in Shepparton it was 37, in Wodonga it was 36; and on Wednesday, Mildura reached 38, Echuca reached 36, and Shepparton and Wodonga reached 35. Today it was predicted to reach 41 degrees in Mildura, 39 in Echuca and 38 in Shepparton. It does get particularly hot outside the summer period.

Our summers seem to be getting longer and hotter, creating a need for MS sufferers to use their air conditioners more to keep cool. I call on the minister to extend the period in which the summer multiple sclerosis concession can be claimed.

### **Planning: St Kilda triangle development**

**Ms PENNICUIK** (Southern Metropolitan) — This morning I presented a petition from 2453 citizens of Victoria who have major concerns that a commercially focused overdevelopment on the St Kilda triangle site has been approved in part because no funds have been allocated by the state government to the refurbishment of the heritage Palais Theatre or for the decontamination and remediation work required on the site. Mrs Coote also presented a petition this morning. Both of us, as members for Southern Metropolitan Region, are concerned about the development proposal on the St Kilda triangle site. These citizens and many more are also concerned that the proposed development, which would physically abut the Palais Theatre on two sides, will severely compromise this unique heritage building. Citizens are also concerned that Crown land is effectively being given over to private developers for purposes contrary to what it has been historically reserved for and that the commercial focus of the development is inappropriate for Crown land on the foreshore. Despite the claimed improvements to the development plan, it is still a very large commercially focused complex on Crown land. There is still a huge building mass and views to the foreshore and Port Phillip Bay from the Upper Esplanade — views that are integral to the Catani design of the St Kilda foreshore that are world renowned and that locals and visitors have appreciated and loved for more than 100 years — will be blocked.

We all know the Palais Theatre needs significant maintenance and that the adjoining car park could be better utilised for the public benefit. Many years were spent by the community in good faith developing the urban design framework (UDF) that outlined the vision for that public benefit. The development plan is not true to the UDF. A development of this size was never envisaged, and the extensive commercial focus is inappropriate for scarce public land. There is plenty of private land for that.

As I have said before, this development and the process that have led to it — the removal of third party appeal rights, the multiple, conflicting roles of the council as proponent, committee of management and planning authority, and the lack of support from the state government — were a recipe for trouble, and they set an unhappy precedent for the use of Crown land all around Victoria.

This is why thousands of people made submissions to council, thousands attended the council meeting at which the development plan was regrettably approved, and thousands signed the petition presented here today. They are saying that the triangle development and the process that led to it are wrong. As members of Unchain St Kilda say, the triangle need not be controversial. With public investment, the heart of a unique and quirky part of Melbourne can be preserved.

On behalf of the petitioners I request that the Minister for Planning ensure that sufficient public funds are made available in the forthcoming budget to enable the restoration and refurbishment of the heritage Palais Theatre and any decontamination and remediation work required on the St Kilda triangle site, and that any development on the site is primarily — —

**The PRESIDENT** — Order! The member's time has expired. Ms Pennicuik, would you refresh my memory as to who you addressed that to?

**Ms PENNICUIK** — The Minister for Planning.

### **Children: Young Readers program**

**Ms PULFORD** (Western Victoria) — My adjournment matter this evening is for the Minister for Children and Early Childhood Development in the other place. On Thursday, 6 March, Minister Morand announced that every Victorian toddler will receive a free picture book. This is part of the Brumby Labor government's commitment to boost literacy by encouraging parents to read to their children. Parents attending their local maternal and child health centre will be provided with information about the importance

of helping their children to develop literacy and pre-literacy skills. No child is too young to be read to. It is a great way for a child and parent to spend time together, having a cuddle on the couch, sharing a story or 3 or 4, or 10 or 15.

Good communications skills are essential throughout life and making a strong start in this area is essential for children's wellbeing all their lives. The \$2.1 million Young Readers program will provide parents with a free literacy information pack when their child is aged four months and with a free book when the child is aged two years. The Young Readers program will give parents practical information about how to help children develop literacy skills from a young age. Importantly, the program will also assist in identifying parents with poor literacy skills themselves.

The Child Wellbeing and Safety Act 2006 provides that the local maternal and child health service provider nearest a mother's place of residence is notified of the child's birth within 48 hours. The service then contacts the mother and if she agrees the child is enrolled. The Auditor-General's recent *Giving Victorian children the best start in life* report indicates that at June 2005 around 62 000 children of 63 800 children — 97 per cent — aged between 0 to 1 year were enrolled with the maternal and child health service. Victoria has 824 maternal and child health centres and they will begin to provide the free books to around 70 000 parents with two-year-old children.

They will also distribute adult literacy information kits and refer parents who need help to adult literacy programs. No organisations in our community are better placed to assist with this.

16:35

The program also includes a free 'rhyme time' booklet and DVD, book bags and information on local libraries as well as online support materials by early childhood literacy experts. The books are written by Australian authors, but mostly I hope they are fun for young readers.

As we are preparing to adjourn this evening — and loving being here as I do! — there is nothing I quite enjoy so much as tearing home on a Thursday night to read those books *Harry and His Bucket Full of Dinosaurs* and *Angelina Ballerina* to Sinéad and Hamish.

On that note at the end of this week, my request of Minister Morand is that she provide me with information about this new initiative and the time frame for the introduction of the DVD part of the program so that I am able to advise people in my electorate.

**Mr Koch** — On a point of order, President, I was of the belief from earlier statements that we cannot ask for information from a minister. That was a ruling made by the Deputy President earlier in the week.

**The PRESIDENT** — Order! On Mr Koch's point of order, unless my ears deceived me, Ms Pulford asked the minister to provide her with a DVD.

**Ms PULFORD** — On the point of order, President, the request was that Minister Morand provide me with details of the time frame for implementation of the DVD part of the program so that I can advise my constituents.

**Mr P. Davis** — On the point of order, President, the member did in fact invite the minister to provide her with information relating to the availability of the DVD. Consistent with the rulings made on Tuesday evening — firstly, one against Mr Atkinson, and, secondly, one by Mr Atkinson — that would be clearly out of order.

**The PRESIDENT** — Order! I will take some advice on that and I will be come back to the house with a ruling before the end of the adjournment tonight.

**Ms PULFORD** — Further on the point of order, President — —

**The PRESIDENT** — Order! We are done and dusted on that one.

### **Billanook College: development**

**Mr GUY** (Northern Metropolitan) — I raise an issue for the Minister for Planning that concerns the Billanook College in Mooroolbark. Billanook College is facing planning issues which are hindering a new development on the school grounds. They are subject to ministerial approval for the Yarra Ranges planning scheme being ticked off before ground can be broken on the proposed development at the school.

In case the minister and the chamber are unaware I would like to briefly enlighten them on some of the aspects of this school which I have had the pleasure of visiting along with my colleague, the member for Kilsyth in the other place, David Hodgett. Billanook College is a co-ed school of the Uniting Church catering for prep to year 12 students. It tries its hardest to challenge and encourage every one of its students. Billanook makes a point of offering a broad range of choices in courses and school activities and encourages interaction between students and its committed staff members.

The school was founded by a group of local parents who wanted to establish a co-educational primary and secondary school in the then emerging outer east of Melbourne way back in the late 1970s. At that stage it aimed to offer its first classes starting in the 1980 school year, which indeed it did. The founding families mortgaged their houses to purchase the land on which the college is now situated and worked tirelessly in the lead-up to the college opening. Billanook, for members' information, was the name the local Wurundjeri people gave the site. The school's motto 'Growing and caring' was chosen to reflect the values and attitudes of the founding families and the local community.

Over the last few years the school has been growing in numbers, reflective of the great quality education at the school. As a result the school has to examine the need for future resources and infrastructure on the site in order for it to maintain and improve its already high standards. Unfortunately the government's controversial urban growth boundary was drawn right down the middle of the school grounds along what is or was an old dry creek bed. This has meant that since Melbourne 2030 legislation was passed in Parliament the school has been unable to build on half of its own property.

Amendment C69 for the Yarra Ranges planning scheme that is currently with the minister proposes to rezone the subject land from part Green Wedge A zone and part residential 1 zone to Special Use zone and introduce a new schedule to the Special Use zone to implement a master plan for the staged future development of the school. This is an amendment which the Shire of Yarra Ranges supports, that the school and its parents want and that is now hinging on the minister's final approval.

To date the school has spent tens of thousands of dollars on planning lawyers to try and have this problem solved. I think we all agree that schools should be spending their money on themselves and their students, not on planning lawyers. I understand the minister told the school when he went out there that as soon as the amendment hit his desk, he would have it done.

Tonight I ask the Minister for Planning, given this amendment hit his desk a number of months ago, to please hurry up and make a decision. The school needs to know what its future will be. The students need to know, and so do its parents.

### Hazardous waste: management

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Environment and Climate Change. The government's policy since 2000 has been to phase out all hazardous waste going into landfill. Since then there has obviously been eight years of policy development. The Tullamarine toxic tip, as I understand it, is currently not permitted to accept waste at the gate. With the Tullamarine facility closed, Lyndhurst is left with the pressure of all the hazardous waste from the whole of Victoria.

The Lyndhurst hazardous waste landfill is approximately 2 kilometres from the Hampton Park municipal landfill. Both are managed by SITA and monitored by the EPA (Environment Protection Authority). Currently there is compelling evidence from residents of significant breaches at the Hampton Park municipal landfill. There have been well-documented allegations of inappropriate dumping at the site, including reports of the dumping of asbestos and other materials, which are not permitted by its licence.

Residents and the wider community are concerned that if SITA cannot supervise a prescribed landfill properly, as at Hampton Park, then it is just asking for trouble by getting them to operate a landfill which accepts all the hazardous waste for Victoria. These breaches have been reported to the EPA by community members, and if these reports turn out to be correct, you would have to be concerned about how well the EPA is actually monitoring the sites.

The action I ask of the minister is to arrange a meeting with RATWISE (Residents Against Toxic Waste In the South East) representatives to view a sample of the alleged asbestos and discuss with them their independent expert analysis of the substance and their other concerns.

16:42 **The PRESIDENT** — Order! In reference to my earlier statement that I would take some advice on a point of order raised by Mr Koch with regard to the adjournment matter raised by Ms Pulford as to whether or not it was in order and whether or not it would be ruled out in the same manner as two matters raised before and by the Chair, Mr Atkinson acting in his capacity as Deputy President: I am of the view that this matter does not meet the guidelines and therefore is ruled out on the basis that it simply does not require an action; it asks for information.

### Disability services: adaptive technologies

**Mr THORNLEY** (Southern Metropolitan) — My matter is for the Minister for Community Services in the other place. I will be requesting that the minister investigate the options to assist people with disabilities in the acquisition of basic adaptive technologies that enable them to more easily find opportunities in the workforce. There has been a lot of recent discussion about the very important role of carers and the issues they face and some concerns about something that clearly will not happen and was never going to happen in the federal government.

**Mr Finn** interjected.

**The PRESIDENT** — Order! Mr Finn!

**Mr THORNLEY** — An equal amount of attention needs to go to people with disabilities in the community who are self-sufficient and who do not rely on carers but who are often in need of assistance that we could provide. The unemployment rates are extremely high for most people with disabilities living alone. I am informed by a very capable constituent of mine who has made representations to me on this matter that the unemployment level for many of these people is in the region of 75 per cent to 80 per cent. I am certainly aware of a close family member of mine who is legally blind who has been a very productive and successful member of the workforce for many years but upon moving from one part of Melbourne to a lovely part of regional Victoria has found it very difficult to establish those opportunities in that location. There is definitely strong evidence for that.

My constituent made the point that one of the things that is most valuable to people with disabilities who are capable and willing and are seeking to be members of the workforce is to find the sort of adaptive technology that enables them to work as effectively as others. As he says, a pen and notepad cost \$1 but a braille writer costs \$1800. A computer can be picked up for about \$800 but a disabled person would need to spend another \$1300 to make that technology usable for them. A mobile phone is affordable to most people but for a blind person it costs an extra \$330 to get the adaptive technology. There is a range of other examples. These examples come from a person who is legally blind, but obviously there would be other examples of adaptive technologies for people with different disabilities.

You can make the fairly obvious human capital argument that by providing these types of adaptive technology needs we can assist someone into the labour market. The economics of that idea are a complete

no-brainer. By making a small up-front investment we not only improve people's lives but we are likely to see a manyfold benefit through the rest of the community and the economy. My request is for the minister to investigate the opportunities — —

**The PRESIDENT** — Order! The member's time has expired.

### **Gippsland: fire management**

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change in this house. It relates to fire management, in particular, in Gippsland. This week on 10 March the fire restrictions for this summer were lifted. I am advised that with effect from yesterday, 12 March, the Department of Sustainability and Environment stood down the summer fire crews. That could only occur after the fire restrictions had been lifted.

Interestingly, we are about to go into probably what would be the longest, hottest period recorded in March and I dare say there will be some fire risk. In addition to that Gippsland has been fortunate in having had an unusually wet summer in most parts, particularly in those areas of primary interest to the minister in regard to public land. I noted in my recent perambulations around Gippsland that in fact there is a major problem with the quantity of fuel. This is demonstrated by the failure of the department consistently over a long period of time, without pointing fingers too far, to achieve fuel reduction targets. The department has not been successful in achieving those targets.

It seems extraordinary that in a period when because of the lush growth we have had, which would lend itself to being one of the safest periods for fuel-reduction burning — that is, there is a lower risk of escape of fire from control lines — fuel reduction is occurring. The fact is that we are going into a very high fire risk period, and it is extraordinary that this week summer fire crews should be stood down. Obviously, or presumably, this is for budgetary reasons.

What I am really putting to the minister is that there is enormous concern and unhappiness with the performance of the department in this regard. We have seen Gippsland ablaze over a couple of successive summers and we do not want to have any more of it. I would ask that the minister act to ensure that, firstly, adequate staff are available to complete the fuel reduction burning, and in that sense ensure that the fuel reduction burning targets are met for this autumn, which is the ideal time to meet fuel reduction targets.

### **Planning: St Kilda triangle development**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for Mr Madden, Minister for Planning, and it is in relation to the St Kilda triangle site. Earlier today Sue Pennicuik and I presented two petitions to this Parliament. The first asked the Minister for Planning to reject the application accepted by the City of Port Phillip regarding the commercial development of the St Kilda triangle site. The second asked the minister to provide government money to enable the restoration and refurbishment of the heritage Palais Theatre.

There are over 4500 signatures in these two petitions. Our community is incensed at the process that has been taken to develop this site, and by the lack of open and transparent discussion on this issue. I remind the chamber of what is proposed for this tiny site, just adjacent to Luna Park. The development comprises 160 shops, including a full-sized supermarket; four nightclubs, with a capacity for 3000 patrons; a tavern with an additional 900-person capacity; a gymnasium; and cultural areas. The new buildings will take up the entire site between Jacka Boulevard and the Upper Esplanade, blocking views to the beach and the sea and overwhelming the heritage Palais Theatre.

16:50

The process has been a very interesting one. In 2001 the council commissioned the preparation of the St Kilda urban design framework (UDF). In 2004 the then Minister for Planning approved the UDF. In 2007 the council appointed the St Kilda Edge Committee, chaired by the chief executive officer of the council, David Spokes, which is controversial in itself, to oversee the delivery of projects on the triangle site. Residents felt that the inclusion of the chief executive officer compromised the committee. The consortium of Babcock & Brown, the well-known contributors to the Labor Party, signed a development agreement for the triangle in 2007. In December 2007 the amendments were foreshadowed. In February this year 6000 submissions against the proposal were lodged with the council. My concern is that the foreshore is public open space. The action I seek is that the minister listen to the residents of the city of Port Phillip and intervene to reject the application that was accepted by the council regarding the St Kilda triangle site.

### **Skin cancer: services**

**Mrs PEULICH** (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Health in the other place. It is in relation to an experience common to many Australians and Victorians — that is, skin cancer. In 2005 there were

2347 Victorians diagnosed with malignant melanoma — 1252 men and 1095 women. Melanoma is the fourth most common cancer in this state, behind prostate cancer, with 3970 cases; bowel cancer, with 3441 cases; and breast cancer, with 3067 cases. In 2005 there were 245 Victorian deaths from melanoma. My mother was recently diagnosed with a skin cancer that she had to have removed, so I was particularly moved by a letter I received today from Josie Ryan of Oaklands Crescent in Frankston. She wrote a gut-wrenching letter about her mother's death as a result of a melanoma spreading throughout her body, throughout her lymph nodes and into her brain. Despite a short period of seeming improvement, she relapsed and died recently, on 17 January, following a brief period in palliative care. She left a couple of small children and a distraught husband and family.

The issue that has been raised by Josie concerns the way her mother missed out on appointments such as mole mapping and dermatological services because she could not afford to go to them. It seems to me that in our current circumstances, with this problem being as pervasive as it is and with the health system priding itself on being responsive, that a person who could be afflicted with melanoma and whose health is under serious threat would have those sorts of services provided by the system. I call on the Minister for Health to see what he can do to make sure that sufferers of melanoma can access services such as mole mapping and dermatological services in order to ensure that they get the very best of care for this deadly condition and so that people like Josie and, in particular, the younger children in the family can have good prospects of having their loved one treated and having them survive, with the overall aim of reducing the number on our death lists, which is all too high. With those few words I look forward to the minister's proactive action to ensure that patients can access those services in the near future.

### **Eastern Victoria Region: health services**

**Mr O'DONOHUE** (Eastern Victoria) — My adjournment matter is for the Minister for Health in the other place, Mr Andrews. The year 2008 has not started well for the Eastern Victorian Region when it comes to the provision of health care. We have seen the tragic and unnecessary closure of the Warley Hospital at Cowes on Phillip Island Cowes in what was one of the first tests of the supposed new federalism with Kevin Rudd as Prime Minister. Wonthaggi hospital, and Bass Coast more generally, has a severe shortage of doctors and emergency services. Earlier this month, on 4 March, the Minister for Health announced the forced amalgamation and merger of Peninsula Health, which

runs Frankston and Rosebud hospitals, and the Peninsula Community Health Services, which runs services at Hastings, Mornington and Rosebud. The merger of these services comes despite a concerted community campaign to retain the independence of both services, coupled with a high degree of concern about the potential for cuts in services in the future. Health services on the peninsula have had a bad run, with the closing of the obstetrics unit at the Rosebud Hospital relatively recently.

In his press release the minister states that this amalgamation will allow the Brumby government to better coordinate care. I hope the minister is right. The action I seek from the minister is that he work to ensure that the disappointing decision that has been made does not result in any net job losses, that health services on the peninsula are not cut further and that he give a commitment to rebuild the run-down and substandard facilities at Rosebud.

### **Public transport: Werribee**

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Public Transport in another place. It concerns the disgraceful lack of public transport in the outer areas of Werribee. I particularly refer to the areas of the new estates of Knightsbridge, Tarneit Gardens, Rose Grange, St James Wood and Seasons.

Public transport in these areas comprises bus no. 444 to and from Hoppers Crossing railway station. During the week services are bad enough. Buses run at 40-minute intervals — or at least they are supposed to run at 40-minute intervals; often they are up to 30 minutes late, which of course completely destroys any chance of passengers connecting with the train at Hoppers Crossing. On the weekends, the service, if you can call it that, is absolutely appalling. After 6 o'clock on Saturdays there is no service at all, and on Sunday there is, once again, no service at all. 16:57

This Sunday, for example, Werribee is holding its annual Weerama Festival and the people in these outlying areas who wish to use public transport to attend the festival will not be able to do it — because there is none available! If they want to attend the festival, they are going to have to get up early in the morning and walk into Werribee to enjoy the festivities of the Weerama Festival.

The lack of transport on Saturday nights is causing real social problems in these estates. Young people cannot go anywhere. Many gather in residential areas and get involved in antisocial behaviour, which includes

violence and vandalism. This is clearly not good enough. I spoke to one young lady recently who told me that she walked for what seemed like hours in temperatures over 40 degrees because she had no other option. That clearly cannot be tolerated.

I ask the minister to develop and implement a plan to provide proper public transport for my constituents in these areas. At the moment they are forced into their cars, which, of course, as I have said in this house from time to time, causes added pressure on the West Gate Freeway and the West Gate Bridge. If we were able to get many of these people in a satisfactory way to the Hoppers Crossing railway station, they would be able to get onto the crowded trains to get into the city.

I ask the minister to act expediently on this matter; it is very important. My constituents in these areas have poured millions of dollars of stamp duty into the state coffers over the last few years. I believe it is now time they got some back.

### **Geelong: children's health**

**Mr KOCH** (Western Victoria) — My matter is for the Minister for Health in the other place and concerns the scrapping by the Brumby government of funding for children's health promotion programs in Geelong. As members know, increasing physical activity and improving nutrition are well recognised as major public health priorities for children right across the state. The number of overweight children is increasing, and in Geelong, data collected over the three-year period from 2003 indicates that up to 27 per cent of children aged between 2 and 12 years are overweight or obese.

Last year the Greater Geelong City Council won a National Heart Foundation award for local government in recognition of the range of activities in which it has been engaged in promoting children's physical activity and nutrition. Three projects on which the award was based are now being scrapped, unfortunately, by the Brumby government.

Geelong council was one of 10 local governments in Victoria to be funded in July 2006 to deliver the Kids Go for Your Life program — which was specifically developed to address childhood obesity, and operates in partnership with local early childhood services, including kindergartens, child care facilities and primary schools. The project has been highly successful in engaging local early childhood services, with 107 groups now taking part in the project, working together towards creating healthy environments for younger children.

The Kids Go for Your Life program operates alongside the Walking School Bus and Romp and Chomp healthy eating for under 5s projects. The Walking School Bus has been in operation since 2003, with 21 schools across Geelong taking part in it. This successful program encourages children to walk or ride their bikes to school, and it has seen over 230 children developing a daily routine of regular physical activity.

The Romp and Chomp healthy eating for under 5s project has also been successful. The Brumby government has now declared that these projects, which target childhood obesity, dental health and kids' activity levels, will no longer receive government funding after 1 July 2008.

The growing incidence of overweight and obese children is likely to increase without sustained educational programs being in place. Scrapping these successful children's health promotion programs will have an adverse impact on preventive health issues amongst Geelong children. The action I seek from the minister is for him to immediately reinstate funding for these vital children's health promotion programs.

### **Seymour: river development**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Planning. It relates to the township of Seymour in the Northern Victoria Region, which has a fabulous natural asset — that is, the Goulburn River.

**Mrs Peulich** — It's not the local member?

**Mrs PETROVICH** — There is that too, Mrs Peulich.

This river is not highly visible from the township of Seymour but has the potential, with some vision and planning, to be developed into a highly attractive tourist, conference and family recreational centre. It is the largest river in Victoria and is a fantastic natural asset. Development of the river precinct is vital for the growth of Seymour and its business and tourism industry.

Currently it has a 1-in-100-year flood overlay. There are many examples of government projects being given approval in flood zones, for example the Nagambie Lakes project and restaurant, which was built in a flood zone.

The action I seek of the minister is that consideration be given and plans developed to assist in the development of this precinct to help Seymour become truly a destination, not just a place to drive through. I would

also like clarification of the difference between public and private projects in the case of a 1-in-100-year flood, and the way that they are treated by the current planning minister.

**The PRESIDENT** — Order! Most of that request was okay, Mrs Petrovich, but seeking clarification is not an action.

### **Rail: Wendouree station**

**Mr VOGELS** (Western Victoria) — I raise an issue for the Minister for Public Transport in the other place. It concerns a promise made by the then Bracks government prior to the 2006 election to build a railway station at Wendouree, Ballarat. The project promised the construction of a second railway station for Ballarat at Wendouree, at the northern side of the Ballarat–Ararat line, abutting land occupied by Central Highland Water and Ballarat Holden.

17:05 This new station is expected to service the people living in Wendouree and Alfredton and in the nearby townships of Learmonth and Miners Rest and those further west. The election promise is now more than 18 months old, and no building or construction work has yet taken place. The action I seek from the minister is to set a date for the commencement of this project and a completion date so that commuters in that area are made fully aware of progress on this important piece of infrastructure.

### **Electronic conveyancing**

**Mr D. DAVIS** (Southern Metropolitan) — My adjournment matter is for attention of the minister in the chamber, the Minister for Environment and Climate Change. It relates to an area of his responsibility — namely, the electronic conveyancing program — about which I have previously asked him questions in this chamber. He knows it is an issue I am deeply interested in.

Obviously electronic conveyancing offers great prospects for cheaper conveyancing, better information, better services for consumers and better services for the industry. The minister and I agree completely on the prospect of what can be achieved in the future. There are some concerns, however, developing about the way Victoria is going about it. Victoria has taken a stand-alone approach and has got itself into problems. The system has been botched. As we know from questions in the chamber, fees have been put on electronic conveyancing transactions that outweigh the fees payable on paper transactions.

**The PRESIDENT** — Order! And the action?

**Mr D. DAVIS** — I am giving some background in terms of the fees, but I always appreciate your guidance and encouragement, President.

Concurrent with the activities in Victoria, a national system has been considered. This is the essence of my point. I know, for example, that former New South Wales Premier Bob Carr has played a very unusual role in brokering certain aspects at the national level. I know also that the Australian Bankers Association is very concerned about the approach Victoria has taken. Indeed I am told the association is furious that the minister has gone away from it and not consulted in a proper and sufficient way to ensure that the needs of the banking industry are taken into full account as the new electronic conveyancing system is developed.

It is for this reason that I ask the minister to fully consult with the Australian Bankers Association as electronic conveyancing goes forward and to ensure that electronic conveyancing is developed on the basis of a cooperative model rather than being done in a sneaky and underhanded way, which is what many are accusing the Victorian government of doing, because it has gone outside the national system. I ask the minister to take electronic conveyancing forward and to do that within a national framework in an open and collaborative way, rather than behind closed doors. In particular I ask him to consult closely with the Australian Bankers Association.

**The PRESIDENT** — Order! Prior to calling the minister, I inform Mr Thornley that unfortunately I am ruling his matter out of order, given that time had run out before he had actually asked for an action.

**Mr Thornley** — On a point of order, President, I did try to put the action up the top and then go into detail. I was reiterating the action when I ran out of time.

**The PRESIDENT** — Order! Is Mr Thornley telling me that he had asked for an action at the start?

**Mr Thornley** — Yes.

**The PRESIDENT** — Order! I will accept his word for that.

### **Responses**

**Mr JENNINGS** (Minister for Environment and Climate Change) — From my reading of Mr Thornley's contribution, I would have given him the benefit of the doubt on that matter as well.

I indicate to the chamber in the spirit of our getting through this adjournment debate in the most efficient fashion and as a demonstration of goodwill to all that it is my intention — not on the basis of any motions that may be before the chamber but on the basis of my evaluation of the matters that have been raised and the actions that have been sought — that all the matters raised this evening will be referred to the appropriate minister on the basis of my view of the way they should be dealt with.

Having said that, I might give some examples of the ones that sailed close to the wind. David Davis's might have been one, Mr O'Donohue's might have been one and Mr Finn's might have been one. When I respond I will indicate why. It is my intention to refer all these matters to the appropriate ministers for their response.

17:10 Wendy Lovell raised a matter for the attention of the Minister for Community Services in the other place, seeking the minister's support to provide for the multiple sclerosis summer concession to apply over a greater period of time.

Sue Pennicuik raised a matter for the Minister for Planning seeking his support to provide funding for the appropriate management and restoration of the Palais Theatre in the context of providing a general description of the maladies of the planning process of the St Kilda triangle site.

Matthew Guy raised a matter for the attention of the Minister for Planning seeking his resolution of a planning matter relating to Billanook College in Mooroolbark.

Colleen Hartland raised a matter for my attention. I can certainly assure Ms Hartland that I take the quality of the environmental performance of landfill sites extremely seriously and I have high expectations of the performance of the Environment Protection Authority (EPA). That will be my starting point when I examine the matters which she has drawn to my attention. I have an expectation of the EPA to appropriately account for its obligations and to provide me with the appropriate advice in relation to these matters. If the matter warrants my further personal involvement, I will be very receptive to that.

Evan Thornley raised a matter for the attention of the Minister for Community Services. He sought her support for providing adaptive technology to those in our community who have disabilities and who seek to engage in the workforce and in productive activities. This technology could assist them in undertaking that work.

Philip Davis raised a matter for my attention; whilst I can respond to Mr Davis, on the record, by saying that — and I reiterate this commitment every time and continually I raise this matter or I refer to it — prescribed burning regimes enable us to meet our targets, increase our capacity to deliver on prescribed burning over time and reduce the fuel load within the environment. He has drawn to my attention a specific staffing matter relating to the summer fire crews. I will seek some advice and undertakings from my department about workforce management issues.

Andrea Coote raised an issue for the Minister for Planning. She sought his intervention — and I am not sure of the legal standing of what she asked for — regarding the ability to overturn a planning decision currently being undertaken by the City of Port Phillip which has not been, at this point in time, considered by the Victorian Civil and Administrative Tribunal. So whilst I know that she is not asking the minister to do anything unlawful, I will draw this matter to the minister's attention. He will, within the limits of his responsibilities, respond to the matter raised.

Inga Peulich raised a matter for the attention of the Minister for Health and sought his support for the appropriate service delivery to those in our community who have melanomas and require support services in relation to their diagnosis, prognosis and treatment.

Edward O'Donohue raised a matter for the attention of the Minister for Health. This is one matter where in regard to the actions that the member has sought about service configurations in the Mornington Peninsula, which will involve no loss of jobs, the actions and interventions of the Minister for Health are the intentions and the actions that minister wants to pursue. I know the minister is committed to an integrated and coordinated service and an appropriate reinvestment strategy in terms of the quality of the service, but I will provide him with the opportunity to respond to the member and his constituents in relation to that matter. So the matter is close to being able to be acquitted, because I am absolutely sure of the minister's view in relation to those matters.

This is the case in relation to Mr Finn's matter because, in fact, I have absolute confidence that the Minister for Public Transport is committed to the outcomes which Mr Finn seeks to obtain. Mr Finn seeks to obtain those outcomes immediately in terms of a delivery time frame. The minister is in a combative environment in terms of the budget outcomes and budget allocations of transport, its implementation and the mechanics of those matters, but I know that the Minister for Public

Transport is committed to the actions that Mr Finn seeks. I am certain she will confirm that.

David Koch raised a matter for the attention of the Minister for Health. The member sought the minister's support to provide ongoing funding for a child health promotion program in Geelong — the program's lifetime is up to the end of this July. The member seeks the ongoing support of the Minister for Health for that program.

- 17:15 Donna Petrovich raised a matter for the Minister for Planning seeking his support in providing for appropriate planning overlays relating to development within the Goulburn Valley.

John Vogels raised a matter for the Minister for Public Transport in the other place seeking a date to be set for construction of the second station at Ballarat.

In his question David Davis tried to provoke me in my response. I can assure him that at no stage have I turned my back on or ignored the views of the Australian Banking Association in relation to the rollout of the electronic conveyancing program. In fact during the course of my responsibility for this program I can assure him, and I can assure the house, that there has never been a higher degree of collaboration and desire to give real life to a national scheme, and in fact that is my intention. While I could have disposed of the issue tonight, I am sure that over time Mr Davis will be interested in knowing how we proceed with this matter.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 5.16 p.m. until Tuesday, 8 April.**