

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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FIRST SESSION**

Thursday, 11 June 2009

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Thursday, 11 June 2009

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.34 a.m. and read the prayer.

ROAD LEGISLATION AMENDMENT BILL

Clerk's amendment

The PRESIDENT — Order! I have received a report from the Clerk of the Parliaments notifying that he has made the following correction in the Road Legislation Amendment Bill:

In clause 50, line 9, I have deleted 'section' (where secondly occurring) so the line now reads "'section 176(3) or 176(4)' substitute'.

PETITION

Following petition presented to house:

Port Campbell National Park: kiosk

To the Legislative Council of Victoria:

We, the undersigned people, submit that a proposed kiosk at the Twelve Apostles threatens the environmental integrity of the national park and the viability of existing businesses; will diminish the amenity and tourism attraction of this iconic destination; is inconsistent with the objectives of the management plan for Port Campbell National Park and Bay of Islands Coastal Park; undermines the purposes of the rural conservation zone; and contravenes state government strategies to protect the Victorian coast and coastal spaces.

We respectfully request that:

- (1) the Corangamite planning scheme and zone boundaries are upheld;
- (2) future commercial development is permitted only within the township boundaries of Princetown, Port Campbell and Peterborough; and
- (3) no commercial development is permitted within the parks or on land adjoining the parks.

By Ms TIERNEY (Western Victoria)
(742 signatures).

Laid on table.

MEMBERS STATEMENTS

Drugs: Forest Hill electorate

Mr DALLA-RIVA (Eastern Metropolitan) — Again we have the problem of drug abuse in the Assembly electorate of Forest Hill. This time it has

become rampant around the Brentford Square shopping precinct in Forest Hill. We have had drug dealing during the day along Sherman Street. A resident reported drug dealing and even provided Nunawading police with the car registration number of drug buyers. Police at Nunawading responded by saying they were aware of the name and residential address of the drug dealer but could not do anything. The police told the resident they could not provide any more controls of the area until the crime statistics for the area reached the definition of a crime hotspot.

There was also a drug overdose in Brentford Square shopping playground. Six weeks ago one male was found unconscious due to a drug overdose in the children's play area. He was found on the upper deck of the kids cubby house during broad daylight.

We know there is drug dealing on the Brentford Square shopping strip. Shopkeepers are now regularly reporting that drug addicts are in the area. Customers are complaining to shopkeepers — for example, people going for a haircut would obviously be confronted by drug dealers.

This is an ongoing problem in Forest Hill. The member for Forest Hill in the Assembly ignores the issue. We have had a rampant amount of drug abuse in the Vermont South shopping centre. We now have it in the Brentford Square area in Forest Hill. The Labor member for Forest Hill is in denial — that is her problem.

Kinglake Ranges neighbourhood house: funding

Mr DRUM (Northern Victoria) — My matter is in relation to the Kinglake Ranges neighbourhood house, which has been providing a range of services after the recent bushfires to ensure that the community goes through as little pain as possible. The neighbourhood house offered its premises to the Kinglake kindergarten, which allowed kindergarten programs to continue immediately after the fires. The maternity and child health centre has also relocated to the neighbourhood house, and occasional child care has been operating on Mondays and Fridays. A range of other programs has been offered at the neighbourhood house to help the community to get on after the fires. Due to the increased demand the neighbourhood house has had to employ an administration assistant. In order to put this support on, the neighbourhood house has had to delve into its reserves, and it is currently in desperate need of financial aid.

The neighbourhood house has made applications to the government, and whilst it was given immediate promises of assistance, nothing has been forthcoming. The neighbourhood house requires \$38 000 over a two-year period to restore it to its previous position. Many services and programs are now being run out of the neighbourhood house that are vital to the people of Kinglake. We must remember the people of Kinglake are still living in tents, sheds and makeshift accommodation as the winter snow sets in. We need to keep these people in our thoughts and do everything we can, as the hardships of winter are best faced with a little bit of support from the greater community.

War memorials: restoration

Ms BROAD (Northern Victoria) — War memorials are a physical expression of our enduring respect for those who served and who sacrificed so much, often in distant parts of the world. They are central to how communities commemorate and honour those who have served, and they play an important role in encouraging younger generations to learn about our war history and to continue honouring the legacy of our veterans.

The Brumby Labor government initiated the \$1.9 million Restoring Community War Memorials grants program in 2004, because the government is committed to honouring those who have served, and who continue to serve, and ensuring that their legacy is remembered by future generations. Under the program Victorian ex-service organisations, local governments, schools and community organisations can apply for up to \$10 000 to restore or enhance local war memorials and honour rolls.

The government recently provided funding of \$191 000 for 37 projects across Victoria, including 27 in rural and regional Victoria, to help local councils, RSL sub-branches and community groups restore and preserve war memorials. I am pleased that another five projects in my electorate of Northern Victoria Region have received support from the Brumby government, including restoration of the memorial gates at Stanhope Primary School, the honour boards at St Arnaud RSL hall, the Wycheproof RSL war memorial, the Woomelang community war memorial reserve gates and another project in Goorambat.

Emergency services: south-western Victoria helicopter

Mr KOCH (Western Victoria) — It is with great satisfaction that I greet the news that western Victoria's long-overdue new high-tech rescue helicopter service

will be officially launched on 1 July 2009. For over eight years the Bracks and Brumby Labor governments fought against community need and wellbeing by denying western Victoria the safety and security of emergency rotary air services. The government only backed down from its untenable position in 2008 after a petition containing almost 30 000 signatures was tabled in the Parliament, coinciding with an extensive community awareness program using the internet and large posters indicating Premier Brumby's opposition to such an emergency service. The hard work and persistence of police, especially Inspector John Robinson, ambulance and Country Fire Authority personnel, health professionals and local residents, many of whom suffered needless losses, to secure a helicopter for the only region in the state without this service has finally paid off.

I am one of the people who campaigned strongly, alongside Denis Napthine, the member for South-West Coast and Hugh Delahunty, the member for Lowan, both in the Assembly, and John Vogels, fellow member for Western Victoria Region, and the news that the helicopter will soon be based locally is a fantastic outcome.

I extend my thanks and appreciation to all those people who have worked so hard on this grassroots campaign over the last eight years. Their considerable effort in gaining this service puts western Victoria's safety, which has been so long denied by this Labor government, on an equal footing with the rest of Victoria.

Environment: greenhouse gas emissions

Mr BARBER (Northern Metropolitan) — As members would be aware, yesterday we had a visit from Professor Wangari Maathai, Nobel Peace Prize winner. President, I thank you again for the very heartfelt and warm welcome that you extended to her. It certainly set a very warm tone to her visit, which, regrettably, was all too short.

Wangari is here on a quite serious lobbying exercise, in support of an initiative under the Kyoto protocol known as REDD — reducing emissions from deforestation and forest degradation. This is a program that would be of great interest to the Victorian Parliament, not simply because Australia will use it as a mechanism for accessing carbon reductions in other countries but also because we in Victoria have significant forests that have significant carbon storage potential. Forest clearing now contributes to 20 per cent of the world's emissions, and degradation of those forests — anything

that reduces their carbon potential — is also adding significantly to those emissions.

The importance of the REDD scheme is that it may change how those emissions are treated under Kyoto, and for developing countries and countries with significant forest areas, like Australia, it could be a real issue in coming years.

Public transport: production of documents

Mr D. DAVIS (Southern Metropolitan) — Today I just want to reflect briefly on the debate last night and the decision of the chamber to demand that the Leader of the Government provide documents by midday today and, if he fails to do that, to make sure that he is absented from the chamber from 2 p.m. today. That is an important step of the chamber. It was not a step that the members of the opposition parties took lightly — I have no doubt of that in the case of the members of the other parties, and it is certainly the case among the Liberals and Nationals. We were very much aware of the gravity of that.

The purpose of my comments today is to indicate that as an act of grace and good faith we will provide a pair this afternoon for Mr Lenders, and we will do that in the knowledge that there is an opportunity for him still to provide the documents now, or — and I put it on record — if there is a future motion and he has not provided the documents and the motion is carried by the house, we will not provide that pair. I want to make it clear that the purpose of the motion was not in any way to deprive the house of Mr Lenders's membership. I make the point that this is a step-by-step process —

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

Aung San Suu Kyi

Ms MIKAKOS (Northern Metropolitan) — I rise today to express my deep concern about the latest arrest charges brought upon Burma's pro-democracy leader Aung San Suu Kyi just days before her house arrest was set to expire on 27 May. Ms Suu Kyi, a winner of the Nobel Peace Prize, has spent 13 out of 19 years in detention since her National League for Democracy party won Burma's last elections in 1990. This result was rejected by the current military regime.

Ms Aung San Suu Kyi has been put on trial after an American national is alleged to have swum across the lake behind her house and stayed at her house for two days. One of the strict rules the military regime imposes on citizens is that they must notify local officials of any overnight visitor who is not a family member. As a

result of these alleged breaches Ms Suu Kyi could now face up to a further five years imprisonment. Her trial has been continually delayed, often without explanation, and the decision of the court to allow only 2 defence witnesses to be heard while hearing from 14 witnesses for the prosecution is grossly unfair.

Ms Suu Kyi's trial is set to resume tomorrow, and I urge the Australian government and our other Association of Southeast Asian Nations neighbours in the region to seek the immediate and unconditional release of democracy leader Aung San Suu Kyi.

Whittlesea Chinese Association: dragon boat festival

Ms MIKAKOS — On another matter, on 6 June I was pleased to attend the dragon boat festival organised by the Whittlesea Chinese Association. This is an important festival in the Chinese calendar and is traditionally celebrated with dragon boat racing and the eating of rice dumplings. The event showcased Chinese artworks, culinary exhibitions and feng shui consultation, along with Chinese and other cultural performances, fashion parades and a short play —

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

Public transport: production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Leader of the Government, in opposing the Council's suspension motion yesterday, had as his central argument that this house was incorrectly relying on powers exercised in the New South Wales Parliament in the *Egan v. Chadwick* and *Egan v. Willis* cases and by inference that the powers of the Victorian Parliament, laid down in section 19 of the constitution, are of narrower scope. The Leader of the Government ignored two essential facts.

Firstly, the New South Wales Supreme Court has held that the powers and privileges of the New South Wales Parliament, conferred by statute and common law, are in fact narrower than those of a Parliament like Victoria's, which draws its powers from the House of Commons. Secondly, and more importantly, the actions of this house are supported by legal advice based on the Council's powers and privileges under section 19 of the constitution and not merely extrapolated from New South Wales, as the Treasurer would have us believe.

The house in asserting its rights has been willing to publish the advice from Bret Walker, SC, that it relies upon. The government in rejecting this house's

assertion has not been willing to release its advice to public scrutiny. If the government believes this house has exceeded its powers, it can test that claim in the Supreme Court. The fact the government has had three opportunities to do so and has failed at each opportunity speaks volumes for the weakness of the government's position.

Faith-based communities

Ms HUPPERT (Southern Metropolitan) — I wish to pay tribute to the many people in our community, particularly in the Southern Metropolitan Region, who are working to build bridges between the many different faith communities represented in Victoria. I have previously mentioned the work of the Jewish Christian Muslim Association, a Victorian-based organisation which promotes interfaith dialogue, and which will be holding its annual winter conference in July. This is just one of a number of different forums where people from different faith communities can meet. The association also holds an annual women's conference, which provides an opportunity for women to explore ways in which they can build relationships.

The government is supporting a number of initiatives in this area. As recently as last month the Victorian Multicultural Commission gave a grant of \$20 000 to support the 2010 future leaders program organised by the B'nai B'rith Anti-Defamation Commission. This program will bring together young people from different backgrounds in a residential training program where they have the opportunity to learn skills which can be taken back to their communities, as well as form connections which cross the boundaries of their respective communities.

In particular I wish to mention the contribution of Di Hirsh, a resident of South Caulfield in the Southern Metropolitan Region, who has worked with the Jewish Christian Muslim Association for a number of years and who was awarded a Medal of the Order of Australia on the Queen's Birthday for service to the community through contributions to interfaith dialogue and to the National Council of Jewish Women of Australia.

Australian Labor Party: branch stacking

Mr FINN (Western Metropolitan) — Some people have expressed consternation at the Rudd government's stimulus package paying money to dead people. I must say I was a little surprised when I discovered this, but I thought about it and really this is an expression of thanks by the federal government for its election, because we know dead people have been voting Labor

for many years. I know at the Fawkner cemetery there has been a 100 per cent Labor Party return at successive elections for decades. Down at Richmond Labor voting among dead people has been turned into a fine art. At Richmond and of course Springvale, where we remember what happened to Eddie Micallef a few years ago — —

Mrs Peulich — With thanks from Hong Lim.

Mr FINN — From him as well, yes.

Of course it would be remiss of me not to mention Brimbank, where votes are collected by the truckload from local cemeteries. Some dead people are so civic minded that they have joined the ALP. Some dead people are so enthusiastic about their civic responsibilities that they have voted in preselections. Some are so enthusiastic, once again, about becoming involved that they have attended branch meetings in certain electorate offices in the general Keilor area.

Therefore it is wrong to attack the Rudd government for giving this money to dead people. It is just doing the honourable thing.

Violence: international students

Mr SOMYUREK (South Eastern Metropolitan) — I rise to condemn acts of violence perpetrated against Indian students in recent times. Unfortunately a couple of these acts of violence have occurred within my electorate, more specifically within the boundaries of the city of Greater Dandenong, which also happens to be the second-most culturally diverse municipality in the state.

The residents of the city of Greater Dandenong are proud of the cultural harmony that exists in their city. These acts perpetrated against Indian students last week at Chisholm Institute of TAFE's Dandenong campus and on Monday morning in Springvale have deeply upset the people of the region. These acts not only damage the reputation of the regions in which they occur, but they also damage the international reputation of the entire nation.

Schools: building program

Mr SOMYUREK — On another matter, I congratulate the federal government on its latest round of federal primary school funding. In excess of 2700 jobs are expected to be created in Victoria over the next year through the second round of funding for Victorian schools and Building the Education Revolution economic stimulus package. More than 770 Victorian primary schools will benefit from the

massive \$1.4 billion second round of the schools rebuilding program. The announcement of this funding was made in my electorate at Chelsea Heights Primary School, which is receiving \$2.5 million of Primary Schools for the 21st Century funding for the construction of a multipurpose hall as part of the second round of the Building the Education Revolution funding.

Minister for Planning: conduct

Mr GUY (Northern Metropolitan) — As this chamber knows, the government is planning to introduce a charge of \$95 000 per hectare for people who sell land within urban growth boundary investigation areas. Yesterday a rally was held at the front of Parliament House, and a lot of people came to protest against this charge. However, I rise to comment on remarks made by the Minister for Planning, who said he would attend the next public rally that had anything to do with the growth areas infrastructure contribution charge to explain his and the government's position.

As we know, the minister was not at the rally held in Officer, nor was he at the rallies held at Clyde, Beveridge or Rockbank, so where was he yesterday? Was he out kicking footies at Waverley Park? No, because it does not exist any more. Was he out at the city of Brimbank? He certainly was not there. Maybe he was in his electorate office, where he might have been having lunch with Hakki Suleyman. But he was not out the front of Parliament House, where he said he would be, to explain the introduction of this disgraceful charge of \$95 000 per hectare which is to be imposed on people living in the urban growth investigation areas.

We on this side of the house know that the planning minister may have a problem with the truth. He seems to have a problem telling the truth. In the last couple of question times we have noticed that. I simply say to the planning minister: the time is up for misleading Victorians. He should have showed up at the rally yesterday. He is not in the chamber now. There will be another rally, and we expect to see him there.

Cobram District Hospital: medical equipment

Ms DARVENIZA (Northern Victoria) — On 13 May I was pleased to visit the Cobram District Hospital in my electorate of Northern Victoria Region to announce funding for a new steriliser for the health service. The new steriliser cost \$96 755 and will replace the hospital's out-of-date boiler system steriliser. This new medical equipment funding helps health services

to buy essential diagnostic and treatment equipment that provides them with the most modern and up-to-date equipment, therefore enabling the hospital to give the best possible care and treatment to patients.

Shepparton East Primary School: Premier's reading challenge

Ms DARVENIZA — On another matter, on 25 May I was also pleased to visit the Shepparton East Primary School to congratulate students and to celebrate the school's participation in this year's Premier's reading challenge. I was accompanied by a renowned children's author and Victorian reading challenge ambassador Glenda Millard from Bendigo, who spoke to the children about her books and the motivation to read and write.

Literacy is such an important part of learning. It was terrific to have the opportunity to see the students at Shepparton East Primary School taking up the reading challenge with such energy and enthusiasm. I think all students at that school participate in the reading challenge, something for which they should be congratulated.

Housing: Croydon

Mr TEE (Eastern Metropolitan) — I am pleased at the announcement that seven new social housing units will be built in Wicklow Avenue in Croydon. This is part of a \$1.3 million investment by the commonwealth government which will be managed by the state government. The investment starts to redress the black hole in investment which was bequeathed to Victorians by the former commonwealth government.

I must say that I was very surprised when I saw in the local paper that the response of the member for Warrandyte in the Legislative Assembly to this announcement was to sneer and snipe. In the local paper the local member for Warrandyte sneered at the local jobs that would be created at a time when the community needs local jobs, and he sneered at the families who would have a roof over their heads in winter months. Showing no originality, the federal member for Menzies simply mimicked his state colleague. Here we have a wonderful initiative that is providing local jobs and shelter for local families, and all we have is Liberal Party members who do not care and refuse to work with their local communities and with the state government.

I congratulate the commonwealth government, and I ask Liberal Party members to have a good, hard look at themselves.

Capel Sound: foreshore management plan

Mr SCHEFFER (Eastern Victoria) — Last month I was honoured to have been asked to launch the Capel Sound foreshore management plan. Capel Sound foreshore is on the Mornington Peninsula at Rosebud. I congratulate foreshore committee members Cheryl Witham, Neville Fuller, Ron Fiske, Adrian Atkins, Gary Snooks and Norman McKinlay, the volunteers and the staff on the phenomenal work they do and on what they have achieved for the Rosebud community and the thousands of visitors who use the area each year.

I estimate that Eastern Victoria Region comprises about 900 kilometres of Victoria's coast that includes Ninety Mile Beach, Lakes Entrance, Wilsons Promontory, the port of Hastings, Western Port and about half of Port Phillip Bay. Every spot has its own value and special character and is cherished by the people who live there. Right along this coastline there are communities and their committees of management doing work very similar to what is happening at Capel Sound. Members of the group not only keep the site free of noxious weeds, they replant the natural species, landscape the area for intensive human activity, manage the caravan park and camping grounds and support their volunteers. All of this represents a massive effort and is a huge credit to each and every person involved.

The foreshore is heavily used and has a relatively long history of European activity that has in many ways compromised the pre-European natural values of the area. But this non-indigenous activity has generated its own culture that is now part of the history of the space — a history that needs to be told and interpreted. I commend the Capel Sound foreshore committee and the volunteers for their fantastic work.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: *Connecting Courts — The Integrated Courts Management System*

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise this morning to make a contribution on the Auditor-General's report, *Connecting Courts — The Integrated Courts Management System*, which was tabled yesterday.

I want to say at the outset that it has been one of the contentions of the coalition for many years that Labor cannot manage money and it cannot manage projects. We have seen this time and again with transport services and with the delivery of road and rail

infrastructure, and we have also seen it with the development of information technology. The Auditor-General in his report yesterday confirmed yet again that Labor has a great deal of difficulty in managing the development of new infrastructure and new projects.

The growth of email and information technology has led to an explosion in the amount of documentation available in litigation and in the legal process. This has led the government to attempt to develop a better and more up-to-date information technology system across our courts. The process is being managed by the Department of Justice. The Auditor-General found that the process has been managed poorly, that the time for the project to be completed has blown out and that the cost of the project has also blown out significantly. In fact the Auditor-General found that capital costs have risen by 36 per cent, from \$32 million to \$44 million, and the time for delivery of the project has, as I said, also blown out.

This unfortunate delay in delivery of the project and explosion in the anticipated cost is similar to the issue of the introduction of electronic conveyancing that the Leader of the Opposition in this place, David Davis, has often raised with the government. The introduction of electronic conveyancing was supposed to be a great advance for conveyancing in Victoria. It was supposed to be a system that would assist with land and other transfers. Unfortunately that process is bogged down in cost overruns and delays. Here again we see that the Department of Justice has been unable to deliver the project in a timely or cost-effective fashion.

The Auditor-General found that there were critical uncertainties in the government's assessment of costs, that the procurement strategy was not well defined and that there was no proper analysis of the risks of the government's supply arrangements. The government has been forced to abandon its original plan of enhancing existing software and has switched to a different solution, which involves a high degree of risk, but it has failed to conduct a robust assessment of the implications of the new system. The government has moved to an ineffective delivery monitoring system without having the up-to-date information that it required.

As I said, it is just another example of this government's failure to manage infrastructure development and the delivery of updated services in a timely and cost-effective fashion. Unfortunately the consequences, as we have seen in the explosion in court delays, are that the court system and the Department of Justice are struggling to manage and deal with the

modern-day requirements of litigation in legal proceedings that have voluminous information and material that need to be analysed and processed. It is not good enough. The Attorney-General needs to act on this as a matter of urgency. As is often said, justice delayed is justice denied.

Ombudsman: conflict of interest and abuse of power by a building inspector at Brimbank City Council

Ms HARTLAND (Western Metropolitan) — I will speak only very briefly on the Ombudsman's report that was released yesterday, *Conflict of Interest and Abuse of Power by a Building Inspector at Brimbank City Council*. Unlike what was in the report that we received last week, I think it is quite clear that the council is proactively dealing with these issues.

It is quite clear from a reading of item 21 on page 9 of the report that when the chief executive officer (CEO) or staff of the Brimbank City Council became aware of the misconduct of the building inspector, it was reported to the Ombudsman. We also have to be clear at this stage that the Ombudsman is saying that this report is about one member of staff; it is not about the entire staff of the building or planning department. There are clearly no links to councillors or members of Parliament in this report. It is also clear that the CEO, Nick Foa, has accepted all the recommendations of the Ombudsman.

I have been a member of a council. I know how difficult these issues are and that building inspectors, staff in the planning department and any member of council who has delegated responsibilities are always going to be susceptible to this. It is also quite clear from this report that the behaviour of this particular building inspector was reprehensible and that the Ombudsman and the council need to refer this matter for further investigation by the police.

The other thing that is clear from the reports tabled last week and this week is that the Office of Local Government needs to be much more diligent about these kinds of issues so that we do not create within councils cultures that allow this kind of behaviour to take place. Finally, this report shows that Brimbank City Council, at least on the staff side, is addressing the issues that are important to the local community. I hope councillors and members of Parliament who are linked to this council can learn some of those lessons.

Country Fire Authority: report 2007–08

Ms TIERNEY (Western Victoria) — I rise to make a statement on the Country Fire Authority annual report 2007–08. I will focus most of my remarks around CFA volunteers and the CFA in our communities.

On page 5 of the report the chairman, Kerry Murphy, points to research conducted by the Bushfire Cooperative Research Centre which shows that CFA volunteers provide an economic benefit of approximately \$840 million per annum. Volunteers provide greater support than just economic support. It is true to say that the CFA in so many of our smaller communities provides the social infrastructure for the wider community.

It is common for CFA volunteers to wear many hats in those communities, whether it be in sports clubs, at the school, in the local playground or general community amenities. CFA communities understand the very essence of volunteerism. It is often the case that if something needs to be done in the community, the first port of call is the CFA volunteers, because they have the knowledge, they have the know-how and they know how to get things done.

Recruitment continues to be an ongoing priority for the CFA. I have been pleased to see the increasing success of the equity and diversity programs. The Women's Leadership and Development Program, whilst relatively new, is being embraced. I was particularly impressed with the local response to the program when it was launched in Warrnambool in late April of this year. Cr Jill Parker from the Moyne Shire Council and Adrienne Anson, who are both CFA volunteers, spoke to the audience about their lifelong involvement in the CFA. As much as their journeys differ, their common cry was for more recruits — more women and more younger people — to join the CFA. Those cries were heard by all that day.

The announcement on that day of a \$20 000 Victorian volunteer small grant will assist in the south-west to build women's awareness of the CFA and build their confidence to take on a range of tasks. No doubt the project will invest in the skills of local women and ensure that they are effective volunteers in CFA brigades.

I also take this opportunity to thank the communities in western Victoria for all their hard work in raising enormous amounts of money for CFA equipment in places like the small hamlet of Broadwater, which is between Hamilton and Port Fairy in the south-west of Victoria. On a recent chilly Sunday morning — I think

it was 19 April — we had the formal handing over of the keys for a new tanker. While \$156 000 was made available through the Brumby government's community safety emergency support program, the small community of Broadwater raised over \$20 000 and did all the hard work, as well as filling in the forms and liaising with the appropriate people. It is a proud brigade which has provided service to the local community for over 57 years.

In closing, I also wish to acknowledge the chief executive officer of the CFA, Neil Bibby, and the 12 authority members who are listed in the annual report for their contribution particularly in the areas of safety, environmental initiatives, equipment procurement and the children-young persons protection policy. Many of the examples given in the report truly reflect what is happening across regional Victoria. I appreciate all the efforts that are put into the service by a whole range of different community groups.

All in all this is a very comprehensive report that has a number of statistics that many people would find useful. As I said, I have just concentrated on the CFA people issues. I am particularly supportive of this report and I commend it to the house.

Auditor-General: Effectiveness of Drought Assistance Measures

Mr P. DAVIS (Eastern Victoria) — I rise to speak on the Auditor-General's report entitled *Effectiveness of Drought Assistance Measures*, and in so doing note that the Auditor-General's report is condemnation of the government's ad hoc approach to drought policy. It highlights an insubstantial policy outcome design in drought policy and indeed the adhocery of the way that drought initiatives have been offered to rural communities. That leads to the inevitable conclusion that the government's position on drought is entirely political — that is, to respond to the pressures of the political process and community wellspring of goodwill to the farming community in times of adversity.

I do not begrudge the government taking an approach of trying to respond to community sympathy when there is inevitably distress in farming communities, but I am critical that there is not or has not been, as demonstrated by the Auditor-General's report, any policy consistency. Indeed the Auditor-General highlights that since 2005–06 the government has allocated \$400 million to about 50 drought assistance programs for farmers, businesses, councils et cetera. The audit focused on the fact that 48 per cent, that is, nearly half, of that total funding had been allocated to rebates on fixed water charges and municipal rates.

So the Auditor-General looked particularly at those programs in some detail. In brief, the audit conclusion was that there are no documented objectives and outcomes for those schemes. The Auditor-General could not conclude that they were an effective use of government funds. The agencies administering the schemes should have been able to show that the \$176 million of public money had been well spent, but in fact the Auditor-General found that, given the lack of documented objectives or intended outcomes for the municipal rate subsidy and water rebate schemes, it was not possible to conclude whether the funds were well spent or could have been better used on other programs.

The Auditor-General said that information about how well individual initiatives are meeting objectives or align with government policy was not provided. In other words, there was no substantive oversight management reporting protocol, key performance indicator or outcome-based reporting model in respect of 50 different initiatives — indeed, \$400 million of public money.

Having made the point that the Auditor-General is critical of the performance of the government in this respect, I want to pick up a point he made which I think is the most significant aspect of the report. He highlighted that there will be, as a consequence of discussions within government in respect of future drought assistance programs, a conformity with some principles which he has outlined in summary as drought relief principles. I congratulate the Auditor-General for putting down in one place a very brief summary of what those principles are which have effectively been adopted across government in respect of future policy.

The report says those principles turn on issues such as:

Drought should be treated as a legitimate business risk that farmers and other businesses should prepare for.

...

Drought relief measures should be environmentally sustainable.

...

Drought related assistance should target household welfare and community resilience through support for social and economic infrastructure.

...

Drought policy should aim to manage the long-term structural adjustment process.

All of these are sensible principles but I make the point that they should relate to future policy implementation, and existing programs should not be unilaterally withdrawn.

I am keen to encourage farmers to be self-reliant, and I am keen to encourage rural communities to be self-reliant.

The PRESIDENT — Order! Time.

**Public Accounts and Estimates Committee:
budget estimates 2009–10 (part 1)**

Ms HUPPERT (Southern Metropolitan) — I rise to make a statement concerning the Public Accounts and Estimates Committee report on the 2009–10 budget estimates, part 1, volumes 1 and 2. This report is the product of public hearings held by the Public Accounts and Estimates Committee immediately following the bringing down of the budget as well as answers to questionnaires submitted by the committee to each government department.

As I mentioned when this report was tabled, the main purpose of providing the report is to assist members of Parliament in the consideration of the 2009–10 appropriation bills. Between 8 May and 21 May the Public Accounts and Estimates Committee conducted 42 budget estimates hearings over some 52 or 53 hours, during which time the committee asked 468 questions. These public hearings were attended by the presiding officers, the Premier, ministers and senior departmental officers.

The report sets out the transcripts of these hearings and the responses to the committee's questionnaires, as well as summaries on a portfolio basis of the key matters raised in the hearings and documents presented by ministers to the committee. The report also incorporates the government's response to the 2008–09 budget estimates report.

This process was my first experience of budget estimates hearings as a member of the Public Accounts and Estimates Committee. The role of the committee is to assist Parliament to effectively scrutinise the activities of government by reviewing the budget estimates and revenues contained in the budget papers as they relate to the 2009–10 year and subsequent years. I am sad to say that this purpose was not evident in the line of questioning taken by the opposition parties during the estimates hearings. Members opposite and opposition members in the other place insisted on asking ministers questions which did not relate to their ministerial portfolios or did not relate to the budget estimates, or both. The opposition members of this committee showed great disrespect to the Premier, presiding officers and ministers. I was astounded by their bullying behaviour and the manner

in which they behaved towards the chair, the member for Burwood in the other place.

This behaviour has been continued in the house, with the contributions made by the members opposite when the report was tabled, as well as on a number of other occasions, having been extremely disappointing and again impugning the integrity of the chair of the committee. I reject those allegations about the member for Burwood and the manner in which he chaired the committee at the budget estimates hearings. Under difficult circumstances the chair exercised his right to point out to ministers appearing before the committee that a number of questions asked by members of the committee bore no relation to the budget estimates period or the specific purpose of the hearings then being conducted by the Public Accounts and Estimates Committee.

I was disappointed, but not surprised, at the behaviour of the members opposite, and it is regrettable that they used the committee for this blatant politicisation of its role rather than actually inquiring into the matters that we are meant to inquire into for presentation to the Parliament on behalf of the people of Victoria. Despite that, the report contains a great deal of useful information regarding the budget process and the initiatives of various departments during the budget estimates period. I suggest that all members take the opportunity to peruse the report, and I commend it to the house.

Auditor-General: *Giving Victorian Children the Best Start in Life*

Mrs COOTE (Southern Metropolitan) — Today I want to speak on the *Giving Victorian Children the Best Start in Life* report published by the Victorian Auditor-General in May 2007. Although it is a couple of years old now, the issue is still relevant. We have to look at the violence, particularly alcohol-fuelled violence, that is increasing on our streets at a rapid rate.

I refer to an article in the *Herald Sun* of Sunday, 26 April this year, which contains a table that looks at the worst locations for crimes committed in pubs and clubs across Melbourne. For example, in —

Mr Lenders — On a point of order, President, I am always very interested in Mrs Coote's contributions, but if I heard her correctly, she is talking of an annual report of 2007. My understanding of the standing orders is that it needs to be a current report of the current year to be spoken to in this session.

Mrs COOTE — On the point of order, President, I have to say that this has been given to me by the papers office. The papers office agreed that this is current and that I can speak to this report. I checked that with the office before I came to speak on this report.

The PRESIDENT — Order! Whilst I appreciate the Leader of the Government's attention to detail, on this occasion it is not quite right. There is no point of order.

Mrs COOTE — I go back to the serious issue of assaults across our state. For example, the table shows that rapes and sexual crimes in Prahran have increased significantly — in fact, Prahran is no. 3 on the list for those offences and for drug offences. For assault, St Kilda is no. 6, South Yarra, no. 8, and South Melbourne, no. 9 — these are all areas within the electorate of Southern Metropolitan Region. Theft is also up — once again the table shows that the areas of St Kilda, Prahran, Southbank and South Melbourne are high on the lists — and for total offences St Kilda comes in as the second-worst area and Prahran as the third-worst area, and Southbank and South Yarra are also in the top 10. Many of these crimes have been committed by children, and children are not only often the perpetrators but also often the victims of these crimes.

This is a state that is in serious crisis with this age group in these areas on these issues. It is important that we understand how it is that we have got to this stage and what is causing this spiralling of alcohol-fuelled violence within our communities. This Auditor-General's report talks about giving Victorian children the best start in life, and from reading and analysing the report it seems that what is most important is the lack of empirical data to try to evaluate why our children are not doing better, why they are being led into committing these sorts of crimes and what is happening that means the children are out there. I am talking about children as young as 10 — pre-teenage children — who are being caught up in this wave of violence. It is really important to understand why they are in these positions, why they are perpetrating these crimes and why they are in a position to be the victims of such crimes. Unless we have proper empirical data we are never going to properly understand the situation and put in place programs that will alleviate these problems.

I refer to some of the recommendations in the report:

That DHS reviews its performance indicators for universal services with a view to selecting indicators that monitor both progress towards outcomes and actual participation.

That DHS develops guidance for service providers covering the classification of vulnerable clients to improve data collection and analysis of this key group.

It goes on to say, under 'Service participation rates':

That DHS, in partnership with service providers, establish a common statewide database system for early childhood services across the state, including improved monitoring of vulnerable clients to assist in the development of targeted programs in local areas of need.

Under the area of 'Initiatives to improve access and participation', the recommendations are:

That DHS develops a data collection framework for Best Start that enables consistent local and statewide monitoring and evaluation.

That DHS considers adopting the outcomes for children framework to measure the effectiveness of its initiatives.

That DHS reviews its initiatives' indicators so that they measure achievements against the initiatives' objectives, particularly for improved access and participation.

The collection of empirical data is the only way we can arrive at proper programs to make certain that our young people, our children, grow up in a safe environment where they know how to handle issues that arise and do not get put into positions where their lives are put in the way of harm or where they go out and perpetrate harm on others. We need to have further information so we can put proper programs into place. Our community is seeking such guidance. It is really important that we get it right, and I would encourage the Department of Human Services and the government across the board to start collecting proper data so that these sorts of programs can be put into place into the future.

Auditor-General: *Withdrawal of Infringement Notices*

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Auditor-General's June 2009 report entitled *Withdrawal of Infringement Notices*.

On-the-spot fines were originally introduced in the 1950s to encourage the community to obey road laws and council regulations. It is a sad fact of life that the loss of freedom or monetary penalties are, in some parts of the community, the most effective ways of obtaining compliance with rules, regulations and laws.

The passage of time and a large increase in the adult population in Victoria, coupled with the introduction of new technology and speed and red-light cameras, has meant there has been a rapid increase in the number of infringement tickets issued by police and other government agencies. There are about 130 agencies in

Victoria that have the authority to impose fines for non-compliance with rules and regulations. The community expects to be protected from, for example, hooners on our roads and rogue companies that dump toxic waste into our local waterways and landfills.

Well before 2006, the government realised there needed to be flexibility and fairness in the system of administration of infringement fines. But, as we all know, there is a huge difference between the late registration of a family pet with the local council or a municipal parking ticket and the repeated, deliberate pollution of the Victorian environment by companies that are too cheap or too lazy to dispose of their toxic waste appropriately.

The purpose of the new infringement system was to protect the vulnerable in the community and provide appropriate and proper sanctions against habitual non-complying abusers and those who did not pay fines. Before the overhaul of the administration of infringement offences in 2006, there was no capacity to waive fines in the majority of circumstances, and the justice system was being clogged with hearings about minor infringements.

In 2006 a comprehensive review was undertaken which saw the establishment of the infringement system oversight unit (ISOU) under the auspices of the Department of Justice. The unit was established to monitor and oversee the new administration of the fines system, which is fairer and firmer, and covered about 2000 various offences. In this report the Auditor-General found that the ISOU has made progress with its charter of operation but that there are anomalies in the system, mainly in the police department. There are 17 recommendations contained in the report.

We must always strive to improve our performance in providing the community with logical and reasonable options without compromising community standards. I applaud the ISOU team for its dedication and professional perseverance in a most difficult and complex policing arena.

Auditor-General: *Connecting Courts — The Integrated Courts Management System*

Mrs KRONBERG (Eastern Metropolitan) — I rise to provide comment on the Auditor-General's June 2009 report entitled *Connecting Courts — The Integrated Courts Management System*. The report outlines what has been described as a major IT initiative by the Department of Justice. The opposition can say in the first instance that the objectives of the

project were to establish a single integrated technology platform along with a number of applications for Victorian courts and tribunals. We are still waiting. The system was developed to enable the courts and tribunals to deal effectively with the ever-increasing complexity of cases, to improve justice system deficiencies with regard to case management and to improve access to the justice system for individuals, community groups and legal professionals.

If we look at the state budget allocation for 2005–06, we see that \$45 million was set aside for this project, which began in July 2005 as a four-year program. We are now facing the fact that the project is nowhere near finished. There are delays. We now see that, hopefully, it is going to be completed at August 2010 — considerably past the original date. Once we get to that time, we might see delays then as well.

Should this system ever be implemented, the jurisdictions within which activities would be improved upon would be the Supreme Court of Victoria, the County Court of Victoria, the Magistrates Court, including the Coroners Court, the Victims of Crime Assistance Tribunal, the Victorian Civil and Administrative Tribunal, the Dispute Settlement Centre and the Children's Court. As for the status of the program, two out of five program components have been delivered — I repeat: only two out of five. We are already four years into the project. The case management system, which is the largest component and the most critical element, has been delayed. The Auditor-General found that:

Inadequacies in the Department of Justice's reassessment of the original planning assumptions when it changed its approach to the case management system have also affected program costs and schedule.

This is another example of the government being totally inept in its oversight of information technology programs, and there is only one word for this — 'bungling'. That is the signature word for this government. Whatever it puts its hand to, it is totally snowed by the people who provide technical advice, support and direction to it. I do not think it understands the concepts associated with managing a large-scale project, let alone an integrated system on a complex technical platform.

We have already seen a 14-month delay and an overrun or escalation of \$11 million. I would have to say this cost, in comparison with the original costing, hovers in the stratosphere. It is 36 per cent over the original costing of \$32.3 million — it is now at \$44 million — and there is a delay of 14 months. Who knows what is in the pipeline to cause more discomfort and pain to us

all? The government can take no comfort from the fact that operational costs have been reduced by \$5.8 million, because the Auditor-General sheets it home to the government and says that is due to the delay in the implementation of the case management system. There is no comfort and no cause for accolades about the project management expertise of the government.

Victoria's criminal courts are staggering under the burden of the worst waiting lists in the country for Supreme Court appeals, County Court non-appeal cases and the Children's Court — —

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

Cobram District Hospital: report 2007–08

Ms BROAD (Northern Victoria) — Today I will make some remarks about the Cobram District Hospital's report for 2007–08, its 59th annual report. Cobram District Health is an outstanding health service that provides a range of services across Moira shire, in Victoria, and Berrigan shire, which is across the border in New South Wales. Almost 80 000 patients were provided with services in 2007–08 at the hospital, medical clinic, dental clinic and community health centre. I acknowledge the president, Philip Pullar, other members of the board, the chief executive officer, Nick Bush, and other staff for their hard work in delivering those quality services. Cobram District Health is well supported by the local community through volunteers, businesses, the Moira Shire Council and other organisations.

The report outlines in detail the improvements that Cobram District Health strives for in relation to the quality of service it provides. Quality of service is of course assisted by improvements in the quality of facilities. The report refers to a project to develop an integrated medical and dental clinic in Cobram to deliver primary health-care services for the community into the future. Recently I was pleased to see the federal Rudd Labor government invest some \$13.9 million in 40 rural and regional projects, including Cobram District Health's project for an integrated medical and dental clinic, which was granted \$500 000. These projects are all about improving access to health services, infrastructure and equipment for rural and remote communities. It was terrific to see Cobram included in this investment.

I am pleased to say the Rudd government's determination to ensure that people in rural and regional areas get appropriate and timely health services when

and where they need them is shared by the Brumby Labor government. I am pleased to remind members that just 12 months ago the Brumby government announced a commitment of \$250 000 for this project, following a visit by the Minister for Health, Daniel Andrews, to the facilities in Cobram.

I wind up by saying that I was pleased to hear that at its May meeting the board voted to commence this \$2.6 million project, to which there have been many contributions made in addition to the contributions of the Rudd and Brumby governments. It is a much-anticipated facility. I am pleased that the board has voted to go ahead with it, and I congratulate everyone who has been involved on getting the project to this point. I very much look forward to seeing the new facilities delivered for the Cobram community and the introduction of the services that will be delivered through it long into the future.

Ombudsman: conflict of interest and abuse of power by a building inspector at Brimbank City Council

Mr FINN (Western Metropolitan) — I will make a few comments on the Ombudsman's report into a conflict of interest and abuse of power by a building inspector at Brimbank City Council. This document might not be as interesting as some other documents that have come out of the Ombudsman's office of late, but it is indicative of some of the problems that a number of people in Brimbank have faced over a number of years now.

The allegation that is investigated in the report regarded the council's building inspector, Mr Peter Anastasi. It is alleged that Mr Anastasi used information and influence in his role with the council to obtain a personal advantage in the purchase of a property at 74 McLaughlin Street, Ardeer, from a Buddhist community organisation. It was also alleged that the advantage was obtained dishonestly and that it adversely affected the honest performance of a public officer's function.

The investigation was conducted thoroughly — as I understand the Ombudsman has a habit of doing — and the facts were established: Mr Anastasi's actions involved a degree of what one might call shysterism. Unfortunately, Mr Anastasi resigned from the council during the course of the investigation. His continuing employment at the council is therefore not an issue, although one would hope that Victoria Police would have a very close look at this, take into consideration the findings of the Ombudsman and take the appropriate action. I hasten to add that, given the

workload that the Sunshine police labour under, one would not be at all surprised to find that they have far more important things to do. I have had dealings with the Sunshine police on a number of issues and know that they are heavily overworked and certainly underresourced. Just as a comment in passing, that is something one would hope the government might do something about.

When speaking to this report earlier Ms Hartland made the comment that nothing in this report shows that there was any involvement by MPs, councillors or any of the usual suspects we have come to expect to be involved in any number of things at Brimbank. But one must take into consideration the culture at Brimbank. I want to make the point though that Nick Foa, the chief executive officer of the City of Brimbank, is a very honourable man. He has taken on a job which is challenging, to say the very least. I think he would accept that. He has done a fine job to the best of his ability in trying to sort out a mess that is not of his making. There are a good many staff members at the Brimbank council who are also very honourable, hardworking and decent people. The problem is that at the Brimbank council Mr Anastasi would have seen corruption being driven from the top. He would have seen councillors, he would have seen MPs and he would have seen the staff of MPs with their snouts in the trough, and he would have said, 'If they can do it, why can't I?'

Mr Viney — On a point of order, President, in relation to relevance to the report, my understanding is that the report is quite specific. Mr Finn is within his rights to talk about the particular officer involved, but he is now casting way beyond the detail of the report and referring to other matters that are not dealt with in the report. He should come back to the allegations and issues raised in the report rather than casting a number of spurious allegations around about other people.

Mr FINN — On the point of order, President, what I was attempting to establish in the minds of those members of the chamber who were actually listening was that this report found that some degree of wrongdoing had been conducted. It is very relevant indeed.

The ACTING PRESIDENT (Mr Eideh) — Order! Mr Finn.

Mr FINN — Thank you, Acting President. We have seen that this culture of corruption has been very much driven from the top. People such as Mr Anastasi see people above them — if you want to put it in those terms — with their snouts in the trough, and I suppose

some might see it as fair game to say, 'Why can't I get my fair share as well?'

You have to ask why the government has not done more to stop this sort of thing happening again. The government, as you would be aware, Acting President, appointed Mr Bill Scales as the inspector of municipal administration at the council. Mr Scales was at Brimbank council for approximately two and a half days before taking three weeks leave. I am not entirely sure whether at this point in time he is at the Brimbank council or still sunning himself somewhere very pleasant indeed, but we can be guaranteed that the municipal inspector the government appointed was there for only about two and a half days before leaving the council to its own devices, which I would have thought would be a pretty dangerous sort of thing to do.

I am hoping this is a one-off in terms of the building department at Brimbank. I have no evidence to suggest that it is not a one-off, but I am sincerely hoping this is one of the last stories we hear from Brimbank, although I have to say I will not be holding my breath.

Country Fire Authority: report 2007–08

Ms DARVENIZA (Northern Victoria) — I rise to make a few comments on the Country Fire Authority annual report for 2008. In commencing my comments it is only appropriate that I acknowledge the fantastic work that both the volunteers and the career members of the CFA did during our recent wildfires. It is true to say that many hundreds of CFA volunteers and career members did much to protect a lot of lives and property — houses, sheds and equipment. It is hard to believe there could have been more devastation, but we know there could have been if it were not for the fantastic efforts of the CFA. I congratulate them, and I take this opportunity to acknowledge their excellent work.

Many of those fire-affected areas — Marysville, Kinglake, Kilmore and Wandong — fall in my electorate of Northern Victoria Region. There were fires also around the Beechworth and Myrtleford areas.

This is a very interesting report, and I will go to a few aspects of it. It sets out quite clearly exactly what the CFA is and what it does. The CFA is a volunteer-based, community-focused emergency services organisation that provides an incredibly diverse range of services that contribute to the safety and wellbeing of Victorians. The CFA's operations rely very much on the skills of an integrated force that includes both the volunteers and the career members who are dispersed right across Victoria. They are united through a

commitment to creating safer communities and protecting life and property and also the environment. The volunteers have forged very strong relationships with local communities and are highly regarded within the communities and municipalities in which they operate.

The CFA serves a population of approximately 2.6 million people and protects more than 1 million dwellings. CFA volunteers contribute an estimated \$840 million to Victoria's economy annually. With around 60 000 people, the CFA manages a workforce the size of which is comparable to Australia's largest organisations, and it is one of the largest providers of tertiary level training in rural Victoria.

When we think about the CFA we think about the local unit and team of volunteers, people within our communities who we know are members of the CFA, but, of course, it is a statewide and very large organisation. It has a great deal of responsibility and does a lot of good work to protect us and our property and environment.

I want to take the opportunity — because I know I do not have a lot of time — to congratulate the chief executive officer, Neil Bibby, and also the CFA board, particularly its chair, Kerry Murphy, on the report. Both the chair and CEO prepared very extensive reports as part of this annual report.

One of the interesting things in this report to which I direct the attention of members is the highlighting of the ongoing projects that the CFA is working on. These are not just the things it has done in the last 12 months but the things it is looking to do in the future. The projects are on matters including truck safety; equipment, technology and communications, which is very advanced and very interesting; recruiting juniors and promoting women within the organisation; environmental issues; water recycling; and dealing with increased population, particularly on the fringes of the city. It is a very interesting report, and I recommend that all members take the time to look at it.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Council's amendments and Assembly's amendments

Message agreeing to some Council amendments, agreeing to remaining Council amendments with amendments and seeking concurrence with Assembly amendments considered:

Council's amendment 18:

Clause 10, page 13, after line 11 insert —

- () An entitlement holder holds a prohibited number of club gaming machine entitlements if —
 - (a) the entitlement holder holds more than 420 club gaming machine entitlements; or
 - (b) the sum of the club gaming machine entitlements held by an entitlement holder (the *first entitlement holder*) and one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 420 club gaming machine entitlements.”.

Assembly's amendment:

Omit “() An” and insert ““(3) An” and make the following consequential amendment in the bill:

Clause 10, page 13, line 12, omit “(3)” and insert “(4)”.

Council's amendment 37:

Clause 25, page 62, after line 27 insert —

- “() The Minister —
 - (a) must not create more gaming machine entitlements than the Minister has specified in a notice under subsection (3); and
 - (b) must not allocate a club gaming machine entitlement to a venue operator who does not hold a club venue operator's licence.
- () The Minister, by notice published in the Government Gazette, must specify the maximum number of gaming machine entitlements the Minister will create under subsection (1).”.

Assembly's amendment:

Omit “() The” (where first occurring) and insert ““(2) The” and omit “() The” (where secondly occurring) and insert ““(3) The””; and make the following consequential amendment in the bill:

Clause 25, page 62, line 28, omit “(2)” and insert ““(4)”.

Council's amendment 39:

Clause 25, page 63, after line 8 insert —

- “() The imposition of geographic area conditions under subsection (4)(a) must result in at least 20% of all gaming machine entitlements created authorising the conduct of gaming in a region or municipal district outside the Melbourne Statistical Division.
- () The imposition of venue conditions under subsection (4)(b) must not result in —
 - (a) more than 50% of gaming machine entitlements created authorising the conduct of gaming in an

approved venue in respect of which a pub licence is in force; and

- (b) more than 50% of gaming machine entitlements created authorising the conduct of gaming in an approved venue in respect of which a club licence or racing club licence is in force.

Note

In addition to specifying, under subsection (3), the maximum number of gaming machine entitlements the Minister will create, the Minister may direct the Commission as to the maximum permissible number of gaming machines available for gaming in the State and the Commission is bound by such a direction: see section 3.2.3(1)(a) and (5).”

Assembly’s amendment:

Omit “() The” (where first occurring) and insert “(5) The” and omit “() The” (where secondly occurring) and insert “(6) The” and make the following consequential amendments in the bill:

- (a) Clause 25, page 63, line 9, omit “(3)” and insert “(7)”; and
- (b) Clause 25, page 63, line 13, omit “(4)” and insert “(8)”; and
- (c) Clause 25, page 63, line 17, omit “(5)” and insert “(9)”; and
- (d) Clause 25, page 63, line 32, omit “(6)” and insert “(10)”; and
- (e) Clause 25, page 64, line 3, omit “(7)” and insert “(11)”.

Council’s amendment 47:

Clause 25, page 69, after line 5 insert —

- “() The effect of a decision of the Commission to amend a geographic area condition must not be inconsistent with the effect of section 3.4A.5(5).
- () The effect of a decision of the Commission to amend a venue condition must not be inconsistent with the effect of section 3.4A.5(6).”

Assembly’s amendment:

Omit “() The” (where first occurring) and insert “(3) The” and omit “() The” (where secondly occurring) and insert “(4) The” and make the following consequential amendments in the bill:

- (a) Clause 25, page 69, line 6, omit “(3)” and insert “(5)”; and
- (b) Clause 25, page 69, line 16, omit “(4)” and insert “(6)”.

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

That the Council agree to the amendments made by the Assembly to the Council amendments and agree to the consequential amendments made in the bill by the Assembly.

This is an unusual motion before the house so I will spend some time explaining it and providing the opposition with time to respond to this issue if it wants to do so.

The Gambling Regulation Amendment (Licensing) Bill was amended in the Council and subsequently sent back to the Assembly, where those amendments were adopted and a series of technical matters were adjusted. The Assembly has sent a message seeking the Council’s agreement to consequential amendments made to the bill.

This is an unusual motion. I appreciate the goodwill and cooperation of the Council in supporting and adopting it, if it does so. This has been one of the most expeditious tidying up processes that I have seen in terms of the passage of legislation through the Parliament. I am grateful, if my assumptions are correct, for the opposition parties agreeing to the motion. The government appreciates that degree of cooperation.

Mr HALL (Eastern Victoria) — I can confirm what the minister suspects — that is, that we are supporting the amendments made in the Legislative Assembly. Last week was a hectic period during which there were some hard-headed negotiations between all parties until a point was reached where we agreed. I understand that these amendments, which were part of the package that the Assembly passed, were deemed necessary following the amendments that were made in the Council.

The amendments covered a wide range of issues. The Liberal-Nationals opposition spokesman in the lower house has clearly indicated that these further amendments are acceptable and necessary, and I concur with that this morning.

There are a few issues which I was intending to seek clarification on this morning. Obviously without advisers or the responsible minister at the table I cannot get that clarification by way of comment in the house today. I seek clarification on a couple of issues, particularly the precommitment issue — that is, when and how provisions of those precommitment amendments will apply. Perhaps that is something I will pursue directly with the minister. The Minister for Environment and Climate Change, who is at the table, could assist in getting the answers to my queries. I am sure by the way he is nodding his head that he will assist us in trying to get clarification on those matters.

There are a few questions I would like to ask, but I will do that outside the forum of Parliament. I just repeat that we have looked at these amendments, we deem them necessary and we will therefore lend our support to them.

Mr BARBER (Northern Metropolitan) — The Greens will also support this process for the reasons that have been explained and that created the necessity for the amendments.

Motion agreed to.

JUSTICE LEGISLATION AMENDMENT BILL

Committee

Resumed from 9 June; further discussion of postponed clause 41.

Ms PENNICUIK (Southern Metropolitan) — I have asked enough questions. We have been around and around on clause 41 for a while. Since the last meeting of the committee of the whole on this bill I have had some discussions with the government. I have looked at the substituted section 2.5.16(3) in clause 41 and compared that with what exists already in the Gambling Regulation Act. Reluctantly I agree with the government that that has some similarities to what is already there. I believe it slightly widens what is already provided for. However, I am prepared not to proceed with my amendment if the minister will confirm that what is meant by the word ‘services’ is a very narrow list of things. My question goes to the types of activities a wagering service offers as wagering services. It is really about the word ‘services’ and its limited definition. If I can be assured of that, I am prepared not to proceed with the amendment.

Hon. J. M. MADDEN (Minister for Planning) — Does Ms Pennicuik want just a bit more clarity around the term ‘services’?

Ms PENNICUIK (Southern Metropolitan) — Yes.

Hon. J. M. MADDEN (Minister for Planning) — Without going into a long list of what the actual services are, I understand that this goes no further than the current services that are allowed to be provided. In fact I think the additional clauses narrow that down somewhat. If Ms Pennicuik wants more information, I am happy to try to provide her with that.

Ms PENNICUIK (Southern Metropolitan) — I suppose we could argue semantics for a long time. I am

interested to know that it does not broaden, widen or extend the types of things that a wagering service can advertise. That is the point. If the minister can assure me that the substituted section 2.5.16(3) does not do that and that is on the record of the committee of the whole, then I am prepared to not proceed with my amendment.

Hon. J. M. MADDEN (Minister for Planning) — I am happy to give Ms Pennicuik that confirmation that this does not extend beyond what currently exists. I understand and am advised that it probably even reduces the scope of what is can be provided as a service.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — From the minister’s answer, can we take it that the substituted section 2.5.16(3) in the Gambling Regulation Act is no wider than the existing provision in the current legislation?

Hon. J. M. MADDEN (Minister for Planning) — I understand that is correct, and I am happy to confirm that.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — If Ms Pennicuik is not proceeding with her amendment, I indicate that, as we indicated during the second-reading debate, the coalition parties have some concerns about how clause 49 will operate, which is relevant to clause 41 and the extent to which that can practically be enforced. However, given the government’s assurances that clause 41 does not expand on the existing provisions, we are happy to accept that assurance, in view of Ms Pennicuik withdrawing her amendments. Nevertheless, we do have concerns about how the provisions in clause 49 will operate — that is, the practicalities of it being enforced.

Clause agreed to; clauses 42 to 54 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 thank members for their respective contributions.

Motion agreed to.

Read third time.

BUSINESS OF THE HOUSE**Adjournment**

Mr LENDERS (Treasurer) — I move:

That the Council, at its rising, adjourn until Tuesday, 23 June 2009.

Motion agreed to.

**ELECTRICITY INDUSTRY AMENDMENT
(PREMIUM SOLAR FEED-IN TARIFF)
BILL**

Second reading

**Debate resumed from 2 April; motion of
Mr LENDERS (Treasurer).**

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr HALL (Eastern Victoria) — It might seem unusual, but I am going to move that progress be reported in respect of this bill. The reason I want to do that is that I chatted to the Government Whip about progress on the bill and it was clear that — at least last night — the opposition parties and the government were still negotiating and talking about possible amendments that may be agreeable to all parties, and some resolution was being sought in respect of those matters. In the spirit in which these discussions were taking place I thought we could allow some time today to see if we could make some further progress on amendments that might be satisfactory to all parties. It therefore seems to me to be inappropriate that we should now be going into committee and potentially looking at some amendments from Mr Barber that are just being circulated.

My request is that progress be reported. From my point of view and from the point of view of the Liberal-Nationals coalition, we would be happy to come back later this day if there is some agreement in respect of those in amendments. If there is no agreement and we do not think any worthwhile purpose is being served in discussions, we are happy to come back to this bill at a later stage during the day. I think it would be worthwhile and constructive to allow those

discussions to continue until such time as we can get a decision on whether we can agree or not agree, so I would seek to report progress.

Mr BARBER (Northern Metropolitan) — The Greens are certainly ready to rock and roll on this bill. The amendments we think are sufficient to improve the bill have now been made available to members. They are what we would like to put forward. However, if the coalition and Mr Kavanagh, which is my understanding from having just spoken to him, are seeking a bit more time, then, for now, we are happy to accommodate and support that request.

Progress reported.

**PLANNING LEGISLATION AMENDMENT
BILL**

Second reading

**Debate resumed from 7 May; motion of
Mr JENNINGS (Minister for Environment and
Climate Change).**

Mr GUY (Northern Metropolitan) — It is with pleasure that I rise to contribute to the debate on the Planning Legislation Amendment Bill. While we seem to be considering this bill somewhat more quickly than anticipated, it is a bill that seems to have been anticipated by many sections of the community for some weeks now. The government's proposal, which was first mooted some time ago, for a system similar to a development assessment committee (DAC), as I said, has been around for a while — the premise has been around for some months now — so it is important that we should be here debating the legislation that the government has finally got around to bringing on for debate.

As members would know, in effect the bill has four key purposes, which I will quickly run through and then I will talk about some of the details of the bill. The first purpose of the bill is to amend the Planning and Environment Act 1987 so that any area of Victoria may be deemed a growth area by the planning minister. The second — and in fact major — purpose of the bill is to establish development assessment committees (DACs). The third purpose is to increase penalties in the Heritage Act. The fourth purpose is to amend the Melbourne Convention and Exhibition Trusts Act to remove the limitation of the trust to operate within the council areas of Port Phillip and Melbourne. The final purpose is to amend the Docklands Act 1991 to allow

VicUrban to continue operations in projects beyond 31 December 2005.

I will say from the outset that the Liberal Party and The Nationals have little opposition to the last two or three purposes of the bill. In fact we see these amendments as part of the omnibus features that have been brought in to the bill. The first two are a little more concerning, and they are why the Liberal Party and The Nationals will not be supporting this bill. In fact we will be vigorously opposing its passage through this chamber, as we did in the lower house, and we will be doing so for the reasons I will outline.

Firstly I want to turn to the ability of the minister to deem any part of Victoria a growth area.

Mr Lenders — Are you vigorously turning to it or just turning to it?

Mr GUY — I said ‘turn to it’, Mr Lenders. I am going to turn to it.

Mr Lenders — I am just checking your vigour.

Mr GUY — You are just checking it, or are you asking me if I am going to have your red cordial for the debate? I have had a coffee. I have not had your red cordial. I know you have been giving it quite liberally to the planning minister, but then you have been giving a lot of things to other people, such as credit cards to spend on and a few other things. But we will not get on to your record because it is a little tarnished at this point in time.

The ability of the minister to determine any area of Victoria as a growth area is quite concerning when it is taken in the context of a growth areas infrastructure contribution, which the government is sneakily trying to split from the Planning Legislation Amendment Bill. The government is doing it for a number of reasons. Firstly, what we have is a situation where this bill says the minister by order can declare any part of the state a growth area — for example, Shepparton, Boroondara, Montmorency, Werribee. Any area of Victoria can be declared a growth area by the minister. It seems harmless enough, and someone looking at the bill would say, ‘What is the purpose of bringing that in?’. The purpose of bringing in that part of this bill is that down the track, later in the year, the government plans to introduce a growth areas infrastructure contribution. People listening to or reading this debate should be aware that the growth areas infrastructure contribution will destroy business and business investment and confidence in this state at a time when we need support from government, not new taxes.

To those in business and those in industry groups who run around saying that the opposition must support this bill, I simply say: when listening to or reading this debate go and look at the fine print of the bill and see what it means for your members. Go and see what it means for Victorians, for Victoria’s business confidence or the planning industry in this state, which will be devastated by the ability of the minister to deem any area of Victoria a growth area and thus attract a growth areas infrastructure contribution later on this year if the legislation is passed by this Parliament. No-one wants to see business stymied, taxed, destroyed or hindered at a time of economic recession in Victoria.

Ms Mikakos — Yet that is what you are doing.

Mr GUY — The reality is, Ms Mikakos, that that is what you want to do.

Ms Mikakos — That is what you are doing.

Mr GUY — That is what this bill will do.

Ms Mikakos — You are irresponsible.

Mr GUY — It is funny that a member of the Socialist Left is running around supporting developers. I have never seen this before. It is funny that you are running around trying to be a big builder.

Honourable members interjecting.

Mr GUY — You were the guys who when in opposition tore these people down. I am glad you are awake, Ms Huppert. Usually you are asleep when you are in this chamber. You two, between you, are tearing people down. You were trying to tear business down when in opposition. Here you are starting to stand up for them, but in what way? In a way that is going to tax them. You are standing up for developers in a way that will tax them. You will introduce a provision in this bill, which you have, that says any area of the state can be growth area and later in the year you are going to slap a \$95 000 per hectare tax on developments in those areas. That is a fact. Run around again and try to claim it is misinformation from the opposition, but it is here in your bill. Go and read it!

This government intends to tax the life out of the development industry in Victoria. It is going to kill the development industry in Victoria, and it is going to do it in two parts: firstly, by introducing a bill that allows the minister to declare any area of Victoria a growth area; and secondly, by introducing a tax on development in those areas. This is part 1 of a very bad saga. Part 1 of it is right here in the first part of this bill,

and that is one of the key reasons the Liberal Party and The Nationals will be opposing it.

Mr Lenders — I am not so sure.

Mr GUY — I told you it was coffee, Mr Lenders. Go back and pop on your polka dot tie, the one that Joan Kirner gave you. As I said, the reality is that under this bill any area of Victoria can be deemed a growth area by the planning minister. Who would trust Minister for Planning with any authority after what we have seen from him in the last couple of months? A man who does not know what he has read; who cannot get right answers to questions without notice; a man who reads a report, then walks into this chamber and says, 'I am sorry, I did not read it'; a man whose word is completely unreliable.

The reality is that this Parliament has no confidence in the Minister for Planning. This chamber has already determined that it has no confidence in him. Now the government wants to say, 'Trust us, we think he should be able to deem any area of Victoria to be a growth area', and thus later in the year to destroy business and business confidence by putting on a \$95 000 per hectare growth area charge. I am sorry; we are not going to leave that kind of power in the hands of someone who is completely incompetent. We are not going to place that kind of power in the hands of someone as unreliable and incompetent as the Minister for Planning. That is why the Liberal Party and The Nationals will be standing up for business in this state at a time when it needs it the most and will oppose stage 1 of the government taxing the life out of the development industry by allowing the minister to determine that any area of Victoria is a growth area, thus attracting a \$95 000 per hectare charge.

We will be standing up for business, and anyone who decides to favour this bill is not supporting business. Anyone, whether they be a member of Parliament, whether they be an industry group or whether they be anyone else in this state who wants to support the right of the planning minister to slap a growth areas infrastructure contribution upon any business in any part of this state, is not doing the job of standing up for business.

The Liberal Party and The Nationals are standing up for business, because at a time when Victoria's economy is faltering we see that adding new taxes to business is not the way to stimulate growth. That is why we will stand up against the bill and against the ability of an incompetent minister to determine that any area of Victoria can be a growth area. That is what the first part of this bill says can be done.

Mr Viney — On a point of order, Acting President, earlier in his excitable contribution Mr Guy made the accusation that a member on this side of the house goes to sleep in the chamber. That was extremely unparliamentary, and if it is the standard Mr Guy wants to set, then we will start naming Mr Vogels, Mrs Petrovich, Mr Koch and others who have dozed off while the chamber has been sitting.

The ACTING PRESIDENT (Mr Elasmr) — Order! There is no point of order.

Mr GUY — Thank you, Acting President. You are quite right that there is no point of order. It is pretty low, coming from a man who says untruthfully that members on this side were flossing their teeth.

Mr Vogels — On the point of order, Acting President, I believe the Government Whip said I go to sleep regularly in the house, which I have never done. I ask him to withdraw.

Mr Viney — I withdraw.

Mrs Petrovich — On the point of order, Acting President, I am also offended by Mr Viney's comments. I have never gone to sleep in this chamber.

Mr Lenders — You were asleep on Tuesday in David Koch's chair.

Mrs Petrovich — I was not asleep in Mr Koch's chair — that is ridiculous. I ask him to withdraw the comments.

The ACTING PRESIDENT (Mr Elasmr) — Order! There is no point of order. Mr Viney has already withdrawn his comment.

Mr GUY — We are looking at a bill in which the Labor Party has resorted to pretty low tactics, and we have just seen another one in terms of —

Mr Viney — You were the one who started naming —

Mr GUY — It is called fact, and Mr Viney may not like that.

The development assessment committees that Mr Viney's government wants to establish —

Mr Lenders — You must be on fortified red cordial!

Mr GUY — If you want to start, we will do this all day.

Mr Lenders — You can do it all day, Mr Guy, but you will not see me after 2.00 p.m.

Mr GUY — For a reason, Mr Lenders: we will not see you after 2.00 p.m. because you do not take this Parliament seriously and you do not treat it appropriately. Neither does the Minister for Planning, who has a no-confidence — —

Mr Lenders interjected.

Mr GUY — Of course it is not insincerity. It is sincere. I do not think Mr Lenders takes the place seriously. There is nothing insincere about that, my friend! Mr Lenders has a nice shirt and a nice tie. He is trying to look good like a Treasurer should. He has combed his hair nicely, but it cannot belie the fact that at the end of the day he is a man who is denying this Parliament access to information it has asked for. A no-confidence motion was passed in relation to the Minister for Planning and Mr Lenders will be ejected from this chamber, and it all comes back to things like this bill, which shows that their party treats Victorians with contempt. Mr Lenders treats this Parliament with contempt, just as he treats Victorians with contempt.

Let me move on to the development assessment committees, which are another example of Mr Lenders and his party treating Victorians with contempt, because the premise of the development assessment committees is to speed up business.

Mr Lenders interjected.

Mr GUY — That is Mr Lenders's line: 'to speed up business'. It is amazing how the Brumby Labor government and the Bracks government before it, which was in power for six or seven years and did not do much, says to business and to industry in Victoria, 'We are going to speed up the planning process, and we are going to do it by adding more bureaucrats'. This government has a unique ability to run around and say, 'We will speed up the process by putting more bureaucrats into the system'.

I know members of the Labor Party in this chamber believe the world is flat and that a number of its ministers believe the sun orbits the earth — —

Mr Leane — That is not true.

Mr GUY — Mr Leane is quite right, because he thinks the new world has not yet been found. The reality is — —

Mr Lenders — You are so funny!

Mr GUY — It is all just needling. The reality is that the Bracks and Brumby Labor governments have quite a bizarre ability to claim that adding more bureaucrats to a system will somehow reduce bureaucratic red tape. I find it amazing that the government wants to add the Growth Areas Authority, priority development panels and the largest number of departmental staff that a planning minister has ever had, and then it wants to add in a new advisory unit to call in development projects. It says, 'We are speeding up the planning process in Victoria. Now we are going to add another level on top'. That is a reflection on the ability of the government and the Labor Party's attitude to government in Victoria. It obviously does not get that if you want to speed up the process, you remove bureaucrats from the system; you do not add in more. But that is a problem created by the Labor Party, and it wants to exacerbate it by the passage of this bill.

I will turn to some of the specifics of the bill. There are no requirements for the appointed members of the DACs — the three of the five who will be appointed by the government — to have any link to the geographic area in which the DAC operates. The coalition views that with some concern. We believe that if there is a planning official, or at least a planning expert, who is on a DAC, they should at least have a geographic link to the area they are operating in.

I think it is fair to say that if we are going to introduce a DAC in Geelong, as this government wants to do, at least a majority of the members on the committee should have some idea about the Geelong central activities area. They must have some idea of what Geelong is like, the feeling of Geelong and the attitude of business in that area; they must have some link to the place. The reality is that there is no requirement in the bill for the majority of members of a DAC to have that.

Under the provisions of this bill we will have another unelected body of ministerial mates and appointees of the planning minister, who this house has no confidence in. He cannot seem to work out whether he is Arthur or Martha or whether or not he has read a report. We are relying on that man to appoint to a development assessment committee a majority of his own mates — three of five — who will have no relevance or connection to the area about which they are making decisions. The minister may also determine the boundary of a DAC without any feedback from the local government. If he wants, he can draw the line himself. I would have thought that involving local government in part of that process might have been a useful step.

Mr Lenders interjected.

Mr GUY — Where is the rescission bill in the act? The minister should put his money where his mouth is. If the minister does not like it, where is the rescission bill in that act?

Mr Lenders interjected.

Mr GUY — Where is the rescission bill? Talk about all talk, Mr All-talk. Lenders must be Dutch for ‘all talk and no action’, because there has been no rescission bill moved. If the minister cares so much, where is it? He has had seven or eight years — —

Ms Mikakos — Kennett sacked me when I was a councillor.

Mr GUY — He did the right thing if he sacked Ms Mikakos. That was a good start. The unfortunate thing is the Labor Party has not sacked her.

The reality is that the minister may determine the boundary of a DAC without any feedback from local government. In my view that is a backward step, because we must have input from a local government authority to say, ‘These are the areas we at least suggest the minister have a look at’, but there is no requirement in the bill to do that.

Local councils will be required to pay a large amount in operational expenses as well as staff resources to fund a DAC ...

That was a promise made by the government in the briefing stage of this bill. The government said councils would not have to fund it; the government would be funding it. At that stage we thought we would wait for the budget. What appears in the budget? Funding is provided for the first two financial years and nothing beyond that, so the government has lied yet again. The Labor Party is exceptionally good at lying at the briefing stage of a bill and then introducing a bill that bears little resemblance to what it initially proposed. It then expects the Parliament to support it.

As it is there are cost-shifting pressures within local government at the moment. Local government is under massive pressure in terms of recurrent expenditure, and yet the government is now saying to the five councils it has identified, and to the other 20 or so, that there will be DACs in the longer term, but the responsible authority powers will be removed in an activity area. It adds a postscript by telling councils their ratepayers will be paying for it.

It is not good enough. Where is the money if the DACs are to work properly? The government should go back to industry and ask who it thinks should pay for it? The minister is furiously writing notes. He should answer

that question. Why should local government pay for it? If the government wants to implement it, it should pay for it. Why is there \$2 million in the forward estimates? Who pays for the honorariums and allowances for the DAC members? Who pays for the establishment costs? Who pays for the set-up costs beyond that?

The reality is it is not identified in the government’s budget, and it said it would be. That was another lie to local government, another lie to communities, another example of the Australian Labor Party in the briefing stage misleading people as to the actuality.

Another example is the ludicrous lie the Labor Party came up with that there will be an independent chair. It promised us faithfully that there would be an independent chair. Where in the bill before the Parliament is there a requirement for an independent chair? The bill could say there will be two representatives from local government, two representatives as ministerial appointees and a chair to be nominated by a number of groups — for example, the Urban Development Institute of Australia, the planning institute, the property council, the Master Builders and the Housing Industry Association might be part of a pool of people from which someone could be chosen as an independent chair. None of that is in the bill.

The bill provides for three ministerially appointed mates with no requirement for consultation and no requirement setting out how they are going to be paid by the government. That is because they will not be paid for by the government, despite promises to the contrary. The reality is government members are saying, ‘Trust us. They will be independent, they will have local knowledge; they will be from the local area involved’. The reality could not be further from the truth, because you cannot trust this government with anything.

We have just seen it. The 500 people on the steps of Parliament yesterday were trying to say it as well, and the 1000 people who have rallied around this city in the last two months about the gate tax have also been expressing the same point. You cannot trust this government on planning. If it is not in the bill, it is not going to happen.

There is no independent chair requirement in this bill, despite promises to the contrary, so it is not going to happen. A DAC will simply be a body formed of five people — two representatives of local government and three ministerially appointed mates. The DAC quorum will be three people.

Under this bill a local councillor or local government official could be deemed to have a conflict of interest simply for living in the riding in which the DAC decision is going to be made. Therefore there could be a decision where both local government representatives are deemed to have conflicts of interest under this government's bill, and the decision is then made wholly by the three ministerially appointed mates. If that is the kind of system the government wants, it should come out and say it. It should stop trying to lie and mislead the community, industry groups, other bodies and developers. It should tell them the truth. If that is what the government wants, it should say it.

Mrs Peulich — There is a Brimbank in every neighbourhood.

Mr GUY — Mrs Peulich has seen what happens with unfettered Labor power at councils, and I fear, as she says quite correctly, what could happen with a ministerial appointment for these planning applications and planning decisions.

Mrs Peulich — A Hakki in your suburb.

Mr GUY — A Hakki Suleyman coming to every DAC in Melbourne. That could be the case.

The bill is a reflection upon this government's absolute paranoia for criticism. If you look through the details of this bill, you see a whole range of provisions relating to gags. The government is terrified of a councillor criticising the decision of a DAC. A fine of 100 penalty units or \$10 000 will apply, if I am not wrong.

Mrs Peulich — For what?

Mr GUY — For criticising the decision of a development assessment committee, should they be on it. That is mentioned three or four times through this bill by this paranoid government. We can talk about the glass jaw government of Victoria. You see it from its members who cannot cop it. They give all this abuse, but they cannot cop it. It is classic situation within the Labor Party. The bill mentions three or four times that if you sit on the DAC and you are a local government appointee, a fine will apply should you criticise the decision of the DAC, should you go to the media and make an innocent comment or make a point like 'I do not believe there are enough car parking spaces', 'I am a little disappointed with the setbacks' or 'I think there should be more or less vegetation requirements'.

Mrs Peulich interjected.

Mr GUY — No, it does not say that. All it says is that for expressing that personal point of view those

people could be fined up to 100 penalty units. Again, the government said to us in the briefing stage that that was not the intention. It asked us to trust it. It also told us there was going to be an independent chair.

Mrs Peulich — So no whistleblowers?

Mr GUY — No. The government members said, 'Trust us, there will be an independent chair'. They told us that the government was not seeking to take local representation away and that it was not going to expand the growth areas to all parts of Victoria, which would cripple business in Victoria.

How can we trust this government after what we have seen in relation to planning in the last couple of months? How can we trust a government that is responsible for the Brimbank City Council? How can we trust this government, because it is again saying we should trust it and that it will not fine people who speak out on planning decisions. The reality is it will. This is just another threat that hangs over the head of local government. Councillors have been told, on the sly, that there is a penalty in this bill if they speak out. This government is trying to sneak this into Parliament under the belief that no-one will notice. Here it is. Councillors are set to be gagged again by this government in a sneaky, reprehensible and offensive manner.

If the government does not want councillors to be a part of the process, it should be honest and just say it. If that is the intention of the bill, it should say it. We would rather have an open and transparent debate. If the government wants to have them all removed, it should say it. We will have the debate. We will talk about it; we will look at the issues; we will look at the points raised and the reasons. The government can bring forward all its points and we will have the debate; we will talk about it. But it is not doing that. It is trying to mislead industry with the view that these development assessment committees will only replace the responsible authority. They will not replace the appeal stage or the application stage, which are the two biggest time consumers in the process. All they will do is replace councillors making a decision.

How is that going to speed up the process? The parliamentary secretary and the minister are bumbling their way around board meetings telling people that this will speed up the process. They are promising us that it will speed up the process.

The government still has not made the case to industry. How will replacing the council body as the RA, or the responsible authority, speed up the process? The

application process will be exactly the same and will be conducted by council officers as if it was a normal council process. The evil process, as this government says, the decision-making power will be removed to a development assessment committee, which will be a panel of five, with three ministerially appointed mates. The appeal process will remain intact as it is now, and then it will go off to the Victorian Civil and Administrative Tribunal. How is that going to speed up the process? There is something fundamentally wrong with the planning system in Victoria if the government of the day has to consider the introduction of a development assessment committee.

There is something fundamentally wrong with our planning when the government, with 1800 cases backed up in the Victorian Civil and Administrative Tribunal, turns around and says, 'We're not going to worry about that. We're just going to worry about the process of the responsible authority of local government. Local government must be the enemy, therefore we'll target it and no-one else — not our own problems, not our own planning delays'. At Greensborough the state government has been holding up developments that are Melbourne 2030 compliant for a year and a half. It claims it is not the state government that has been holding up projects in Ringwood for umpteen months, providing \$6 million for a couple of flagpoles; it is not the state government that holds the process up. It turns around and says, 'It's the local government that is the problem'.

Honourable members interjecting.

Mr GUY — The government should give me the example of where that is happening.

Mr Leane — And there were five flags.

Mr GUY — I take up Mr Leane's interjection. He is quite right; there were actually five flags for that \$6 million. Very good, thank you, Mr Leane; I appreciate being corrected.

The administrative procedures regarding a DAC are yet to be established, yet to be set up, yet to be put forward. Again government members are saying, 'Trust us, we know how DACs are going to operate. It is like a Labor Party branch meeting; we will even hold them in Justin Madden's electorate office'. The reality is that the government has not worked out the details of how a DAC will operate. We do not have the details. No-one knows how they will operate. The government admits that in the bill. The government has also not worked out, as I said at the very start, the details in relation to quorums. You could have a situation where, if two local

government persons are conflicted and removed from the debate — —

Mrs Peulich — Or do not receive notice of a meeting.

Mr GUY — Or do not receive notice, the meeting is therefore not invalid. The meeting is in fact valid, because the details of this bill had still not been thought through properly by the government before it headed off to industry spruiking its wares — no doubt asking for a chequebook as well — running around town saying, 'We need to get DACs through to speed up the planning process in Victoria'. That is apart from the fact that the government promised to review the Planning and Environment Act as the only point for the planning minister to include in the annual statement or whatever it is called — the Premier's statement or the Premier's intention or whatever ridiculous statement it is that he makes — for the start of 2008. He went in there like a president and claimed that the only thing he needed for planning for the whole of 2008 was a review of the Planning and Environment Act. And when did it come? Within five or six weeks of the end of the year. That is all the government could manage. It has still not been done.

That is part of the key solution to seeing that the bureaucratic process and planning system is actually sped up in this state. But the government is not doing it. Instead it has taken a half-hearted approach and adopted a half-baked solution. It is running around to industry groups and saying, 'We have got these development assessment committees that will not speed up planning in Victoria, a bill that will actually increase the taxation burden upon your membership and a bill that fundamentally' — yet again, and no doubt my colleagues will talk about it — 'strips the community out of planning decisions in Victoria'.

At the end of the day the Labor government in Victoria was elected on a promise of openness, honesty and transparency. Who remembers election night 1999? I remember watching it on television and seeing Steve Bracks, who looked like he had won a drink card at a nightclub, dancing around saying, 'Let's bring democracy back to Victoria'. This bill is what we are now getting from the elected government, after Steve Bracks said, 'Let's bring democracy back to Victoria'. We should never forget that in the 2006 election it was Steve Bracks who said, 'There are no plans to diminish council planning powers. There are no plans to remove councils as responsible authorities'. That was a promise made by the then Premier of Victoria, Steve Bracks, in November 2006, a promise reiterated by Steve Bracks in the Legislative Assembly in December 2006 and a

promise more or less reiterated by the Minister for Planning, Justin Madden, in this chamber in answer to one of the first questions without notice I asked him here in December 2006. Despite all that we have this piece of legislation here today.

I simply ask: how can you trust the Labor government's word on anything in relation to planning? Unlike the situation with the gaming bill, where there was a degree of negotiation beforehand, there was no negotiation with any party before this bill came to this Parliament. Was there any contact from the minister's office, besides one bill briefing, with opposition parties and minor parties in this chamber? No. The minister used this as a public relations tool to run around town saying to the industry, 'Look at what we're going to do for you'. The reality is that it will do nothing for industry and business in Victoria. It will gut the chance of local communities to be part of decisions about what is built in their activity areas. Some see that as a good point and some see that as a bad point, but the reality is that that is what this bill will do and that is what those in the Labor Party opposite promised would not happen. Do we trust the word of Labor? The answer is, 'We do not'.

I have spoken for 30 minutes and there are other speakers on my side of the chamber who wish to make a contribution on this bill. I simply say in conclusion that the DAC bill presented before us, the Planning Legislation Amendment Bill, is a shameless piece of deception by the Labor Party. It is deceiving local communities, it is deceiving industry groups and it is deceiving developers. It will not speed up the planning process in Victoria. It will lead to increased taxes upon developers, investors and land-holders in Victoria. It will lead to the removal of a community's right to have a say on what is built in its activities area. It will undermine the fundamental basic principles that have been established around Melbourne planning systems since they were brought in in the form they are in now by the Cain government in the mid-1990s.

This is the Labor Party's effort at democracy. This is the Labor Party's effort at helping business — by increased taxation — and at helping local democracy — by taking local planning powers away. It is an astounding contradiction by a government that has been in office for too long, a government that is arrogant, a government that is out of touch and a government that believes it can fundamentally deceive its way back to another term in office. And I say: no, it will not.

Ms MIKAKOS (Northern Metropolitan) — After that effort — it was a bit like being hit with a wet lettuce — I have to say that I am surprised that Mr Guy,

as the shadow Minister for Planning, took so little time to outline the reasons for his party's opposition to what is the introduction of a very significant planning reform for this state. I guess Mr Guy's response is really a reflection — —

Mr Guy — We will be waiting for you to speak for 32 minutes then.

Ms MIKAKOS — I can assure Mr Guy that I will be going for longer than that. I will certainly be going after lunch.

Mr Guy's response is really a reflection of his own ambivalence about this piece of legislation. We know that secretly Mr Guy supports the development assessment committee (DAC) legislation but that he has been overruled by his leader, who is seeking to play politics with this piece of legislation and this government's commitment to planning reform overall.

I want to go through the provisions of the bill, but firstly I want to quickly address some of the comments Mr Guy made about local government. I find it quite appalling that Mr Guy comes in here and sheds crocodile tears when talking about local government. I recall very well, as I was a local councillor elected during the Kennett years, that it was the Kennett government that sacked elected councils across the state and replaced them with unelected commissioners, who were there for a number of years and who made a range of decisions in relation to council matters, including planning issues.

I am absolutely galled that Mr Guy has come in here and sought to portray Liberal Party members as the champions of local government, because we know that it is this government that has sought to enshrine the role of local government in the constitution, and it is this government that has sought to have a real partnership approach with the local government sector. That is what this legislation is all about.

The Planning Legislation Amendment Bill seeks to amend the Planning and Environment Act 1987 to introduce a system of development assessment committees to make decisions on particular classes of planning permit applications of significance in a new form of partnership between state government and local councils.

We are saying that this model, which is in place in South Australia, would strengthen the partnership approach between state government and local government in the planning area. If we look at the South Australian model, which is similar to the DAC model, we see that the South Australian system is

widely regarded as a leading practice for decision making on planning matters in Australia. That system is widely supported by industry.

I have no qualms about putting on the record — Mr Guy made some assertions about my support for development — that as a lawyer and as a parliamentarian, I, unlike Mr Guy, have a long track record of working with business in this state. I am proud of that, because what we as members of the Labor Party are on about is supporting jobs in this state. We know that at this time of economic downturn, now — more than ever — we need to support the construction industry. We need to ensure that the thousands of people who are employed in the construction sector in this state retain their jobs. This bill, together with all the other planning reforms that the government has flagged, is about ensuring that the construction industry continues to remain a strong employer in Victoria.

I noted that Mr Guy in his contribution sought to make reference to industry. I particularly want to put on record the fact that industry bodies have come out and said they strongly support this legislation. Mr Guy, who purports to represent business interests in the Liberal Party, is not listening to these industry bodies that have said the Liberal Party should vote in support of this legislation. For example, the UDIA (Urban Development Institute of Australia), in its submission of September 2007 to the Melbourne 2030 audit, said on page 11 that one of the initiatives that could be considered was:

The establishment of an independent panel system (similar to that which exists in South Australia) to act as the responsible authority in key and strategic activity centre locations. We believe such radical action is necessary to demonstrate clear intent and drive activity centre development in the way the Melbourne 2030 strategy contemplated ...

In a media release of 27 May 2009 the Property Council of Australia said:

As a step in the right direction, the government announced in May 2008 development assessment committees (DACs) will be introduced in principal activity centres to make planning decisions. This move was supported by the property council and hailed as a major step toward planning reform in Victoria.

For the last 12 months we have witnessed scaremongering from community groups and the opposition claiming DACs will strip local councils of planning powers and diminish the rights of local communities.

We want to make it clear — the property council does not view the introduction of DACs as a green light for rampant development. They will provide an opportunity to get vital development opportunities moving quickly.

They will deliver significant cost and time savings to a wide range of stakeholders in the creation, assessment and determination of development applications.

Another release of 21 May 2008 states:

Independent expert panels would go a long way to alleviating the current conflicts of interest that can occur when planning and development applications are assessed.

The council also said in its media release published yesterday:

It would ensure that the planning system is beyond repute and would bolster confidence in the system ...

It is interesting that Mr Guy made disparaging remarks about industry bodies across the chamber, and it is quite obvious why he did not refer to industry views about this issue in his contribution.

The Master Builders Association of Victoria in its media release of 21 May — —

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Information and communications technology: government initiatives

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Minister for Information and Communication Technology. I refer to last month's FTTH (fibre to the home) Council Asia Pacific conference held at the Sofitel in Melbourne, and I ask: how did the minister use that conference to promote Victoria's bid to become the home of the national broadband network?

Mr LENDERS (Minister for Information and Communication Technology) — President, with your indulgence, I should advise the house that my colleague Mr Pakula is not here in question time today. I will handle any questions that relate to his portfolio areas.

I think Mr Rich-Phillips has a dastardly clever plan to get me to say I was not at the conference. Well, I was not at the conference to which he referred. If that is his clever plan, I can say that at that conference I was not outlining where we are going in relation to fibre. If I was there, then Mr Rich-Phillips is very, very observant!

In relation to the national broadband network and the issue of fibre to the home, this government has been at the forefront of getting broadband to the home in Australia. I have spoken at numerous events and

strenuously lobbied for us to get this national scheme in place. I absolutely congratulate the Prime Minister and the federal Minister for Broadband, Communications and the Digital Economy, Senator Conroy, for showing leadership on this issue. This area of broadband and fibre to the home was woefully neglected by the previous Prime Minister and the previous minister, who were out of their depth and never realised that ICT (information and communications technology) was a serious issue.

To show I am bipartisan I will say that for 15 years this state, under this government and its predecessor, has been focused on ICT. To show how bipartisan I am I will, for the second time in my life, congratulate Alan Stockdale for being on top of ICT. The previous Prime Minister was in la-la land. He probably did not know ICT existed; it was not in his white picket fence mentality. His minister, Helen Coonan, was sadly out of her depth on the issue.

Mr Rich-Phillips asked what I spoke about at that conference. I was not at the conference, but I can tell Mr Rich-Phillips that on the Australian Information Industry Association's iAwards night in the same week, in front of 900 people from that industry — including state, national, regional and international people — I pushed the case arguing why Victoria is the logical place to be the centre of ICT and in particular the broadband network. The government will work on this with the federal government, and it would welcome the bipartisan support of the opposition to showcase Victoria as a great place to do business. That showcasing, rather than trashing, the state would be a very welcome, new and innovative initiative from the opposition.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. The fibre-to-the-home conference was one of the largest broadband events held in Melbourne. Can the minister confirm that he withdrew from the conference once the federal minister replaced him as keynote speaker?

Mr LENDERS (Minister for Information and Communication Technology) — I thank Mr Rich-Phillips for his question and for his interest in information and communications technology. I am delighted to get questions from the shadow ICT minister. If my recollection is correct, we had called by the Prime Minister a thing called a Council of Australian Governments meeting, where, as Treasurer of the state, I was required to be. If my recollection on

that is not correct, I have no issue whatsoever with working in partnership with the commonwealth.

I welcome working with the federal minister, Senator Stephen Conroy, who I think is the best ICT minister this country has had. It is great to have a federal minister who is on top of his portfolio, a federal minister on top of his brief, a federal minister who is prepared to think outside the square and a federal minister who is actually prepared to work with his state colleagues. I am absolutely in tandem with the federal minister. I will work with him. I will be part of whatever is good for the country and Victoria, but I think Mr Rich-Phillips has his facts wrong.

Economy: performance

Mr TEE (Eastern Metropolitan) — My question is also to the Treasurer, Mr Lenders. Can the Treasurer update the house on any recent data released indicating the economic outlook for Victorian businesses?

Mr LENDERS (Treasurer) — I thank Mr Tee for his question and his interest in economic data and the outlook for Victorian business. It is interesting that as soon as the government gets asked a question in this place about something as substantial as business confidence and data most members of the opposition tune right out. I think that is a really interesting illustration of them having very little interest in creating jobs and going forward. There are more important things to them than creating jobs.

Mr Tee has my absolute attention, because he and I know — and focus upon the fact — that business confidence and investment are the key to creating jobs. Government can help. Government can facilitate. Government ministers like my colleague Mr Madden can assist in bringing jobs forward by decisive action. Government can bring forward budgets to help. Government can do all those things, but in the end government has to work in partnership with business.

In the budget I identified that one of the key criteria is confidence in business, because business confidence is such a critical area for creating investment and jobs. I am delighted that Mr Tee has asked me this question, because we have seen the scenario of business confidence slumping across the world over the last little while. We have seen it to the point where while in Australia business confidence was stronger than in most places, it was lower than it has been for a number of years. What we are seeing now is that the National Australia Bank's *Monthly Business Survey*, released on 9 June, actually show there was a positive index result. The majority of businesses surveyed expect business

conditions to improve. It is the best result since the start of 2008 and the second improvement in the last three months.

Mrs Coote — What about the ANZ bank's employment forecasts?

Mr LENDERS — I take up the interjection of my colleague from Southern Metropolitan Region, from behind the pillar, 'What about other surveys?'. This is a classic example of talking down. The situation for jobs in Victoria today is that businesses need to be confident and go out and invest. It is a classic talking down. I have used the example before of the glass half empty or the glass half full. Mrs Coote and other members of the opposition just cannot resist talking down the state and the economy. What Mrs Coote's and my electors want — and what every other voter and citizen in the state wants — is more jobs, and business confidence is a critical part of having more jobs.

Victorian building approvals in the year to April were the highest value of any state in Australia. There is more to be done — more work to be done with investment, more work to be done in the planning system and more work to be done in talking up confidence — but building approvals are higher in this state than in any other state. I am not one to talk about monthly figures, because they need to be taken with a grain of salt, but the Australian Bureau of Statistics figures released today show that Victoria had the strongest employment growth of any state in Australia, at least this morning. These figures bounce up and down, and we know from the budget that as part of recovering from this global financial crisis there will be a deterioration in employment rates. That is why the government is seeking to secure 35 000 jobs through the budget — because it knows this happens.

I conclude by thanking Mr Tee for the question and for his focus on business confidence. It is critical to creating jobs in the state. I am pleased to report to Mr Tee and the house that business confidence, after more than a year of deteriorating, is starting to improve. That is an important building block, the green shoot for the start of an economic recovery which this state needs and which this government is working in partnership with business to achieve.

Minister for Planning: conduct

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Planning. I refer to the minister's decision to employ Natalie Suleyman, daughter of Hakki Suleyman and an individual now the subject of negative findings regarding improper

conduct by the Ombudsman. I also refer to a diary note dated 7 June 2002 from the diary of Marilyn Canet, local representative of Save Our Suburbs group, which states, 'Rang Justin Madden's office, spoke with Natalie, AM. She confirmed plans had not been lodged with council. She was to immediately telephone John Rood' — my best estimate of the handwriting — 'to confirm and advise he would contact me if there was any change. No contact from planning department'. I ask the minister: is it not a fact that the Natalie to whom the diary note refers is his then staffer and councillor of the City of Brimbank — the now disgraced Natalie Suleyman — and that he allowed Natalie Suleyman and her father, Hakki, to transact council business and corruptly influence council from his office?

Hon. J. M. MADDEN (Minister for Planning) — I know the opposition is obsessed with these matters. Can I just say, President, that I have been absolutely consistent on these matters in that I have said time and again that I have lost faith in Mr Suleyman. I have stood Mr Suleyman down. I await the recommendations of the Presiding Officer in relation to this matter. As well as that, I want to make the point that in 2002, as I said yesterday, I was the sports minister. Can I just say that was more than seven years ago. I would even have to check my notes in relation to this matter. Time and again the opposition comes in here and wants to sling mud, but as well as that it wants to make rank and vile accusations. What I say is that this government has accepted all the recommendations of the Ombudsman and is committed to implementing them in absolute full.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I note that the minister has not denied it was Natalie Suleyman in his office. In a motion in this house last week this house expressed its lack of confidence in him, and now we find yet another of his officers embroiled — —

The PRESIDENT — Order! Mr Davis on the supplementary.

Mr D. DAVIS — Now we find yet another of his officers embroiled in a Brimbank controversy. Therefore, I ask: is it not a fact that the minister knew that Cr Suleyman was conducting council business in his office and he failed to act to prevent these malign influences?

Hon. J. M. MADDEN (Minister for Planning) — Time and again we see the opposition intent on trying to distract this government and this minister from the

job that we have to do for the things that matter to Victorians. Time and again in this place we see the opposition trying not only to distract the process of this government but also to present distractions from the inadequate work that the opposition has done in relation to policy.

Economy: performance

Ms MIKAKOS (Northern Metropolitan) — My question is to the Treasurer. I ask the Treasurer to update the house on recent changes in the confidence displayed by the household sector of the Victorian economy.

Mr LENDERS (Treasurer) — I thank Ms Mikakos for her question and her interest in household confidence in the state of Victoria, particularly the correlation between household confidence and the creation of jobs in Victoria today. As I forecast at budget time, one of the issues we had in the state was a reduction in household confidence, and a reduction in household confidence has a direct effect going forward on citizens investing in their community. Again Mr David Davis is far more interested in the TV camera and how he can preen himself before it than in talking about the creation of jobs in this state.

Honourable members interjecting.

Mr LENDERS — I do not resile. I am talking about jobs in the state of Victoria, the single most important issue for our citizens, the single highest expectation for us as a Parliament to deal with in a time of global recession, and the Leader of the Opposition is preening himself for a TV camera and his next question. He does not give a hoot about jobs because there is no political mileage in them for him. I will happily respond to Ms Mikakos's question, and I will respond because my first priority as Treasurer in this state on every occasion is the creation of jobs, and I will treat this house seriously as a place where we debate the issues of the day — and the issue of the day is not preening before a television camera, the issue of the day is creating jobs in the state of Victoria. I do not resile for one nanosecond from the fact that that is the issue of the day.

Ms Mikakos asked a question about consumer confidence. Mrs Coote is interested in shops in our electorate also. They might be different ones to mine; she might go to different boutiques from the shops I go to, but both she and I are interested in job creation in our electorate of Southern Metropolitan Region. Mrs Coote well knows that a confident consumer is more likely to go into those strip shopping centres that

she has such a great interest in and support the traders. A confident consumer will do that a lot more quickly than a consumer who is not confident. What we are seeing coming out of Victoria now — —

Mrs Coote — We can't get into the shops because of clearways!

Mr LENDERS — Mrs Coote is on message. Consumer sentiment in Victoria is up 16.5 per cent, according to the index that came out on 10 June, which means that consumers in this state are now generally more confident than not confident. That is better than the national average. It is the biggest increase in a long time. What it translates into is a whole series of actions, whether it be in retail or whether it be in jobs for the retail workers in the boutiques Mrs Coote likes to go to. Those retail workers and those in other retail outlets represent 11 per cent of the workforce, whether they are in small business or large business. That 11 per cent of the workforce generates through retail 75 per cent of the Australasian value-add. There are more confident consumers, whether they be in the boutiques that Mrs Coote goes to, whether they be in my local Safeway where I buy the groceries or wherever else they may be. They create jobs.

But there is more: housing finance has gone up, so that first home buyer activity in April saw Victoria with 41.3 per cent of all owner-occupied housing finance going to first home buyers. What we are seeing is confidence where first home buyers are going out and buying. We are seeing this going through with interest rates. Interest rates have come down. It is funny; maybe I am in some sort of time warp, but I can remember the ads on television in 2004 that said that interest rates were more likely to be lower under a Liberal government than under a Labor government, but — surprise, surprise! — they are the lowest they have been in a generation.

Mr Drum — You are too good! You are now taking credit for the GFC.

Mr LENDERS — Mr Drum laughs about the misleading advertising of former Prime Minister John Howard, who misled the Australian community. He made false promises in 2004 and was embarrassed in 2007. He said that interest rates would be more likely to be lower under a Liberal government than under a Labor government. That is interesting. I will not claim credit for that, because there has been a global recession that has caused it, but I do make the point that the particular relevance of interest rates is the combination of consumer confidence and interest rates. We are

creating the consumer confidence that is necessary for the economy to start turning around.

I welcome Ms Mikakos's question and her interest in jobs in the state. What I can say to the house is that there is a lot more to be done and further to go, but we are seeing some positive turnaround, which augurs well in the longer term for job creation. It is good to see that. If we do not acknowledge the strengths, we risk talking the state down even further, like those opposite. Every time the state is talked down, those who talk it down need to have on their conscience the jobs they are costing.

Crown Casino: gaming expansion

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Treasurer. I refer to his comments in this house and outside about the secret deal with Crown Casino to expand its gambling tables, and I refer to the tax rates in the period after 2015. I also note that the gaming machines at Crown will be taxed at 32 per cent while machines in hotels are taxed at 50 per cent and the higher performing machines, those most comparable to Crown, are taxed at 58 per cent. I therefore ask: is it not a fact that post-2015 there will be an 80 per cent tax differential in Crown's favour under this sweetheart deal?

Mr LENDERS (Treasurer) — I thank Mr Dalla-Riva for his question and for his great interest in these matters after being asleep for one month. I just reiterate what I said the other day. A single phrase the other day was not enough for Mr Dalla-Riva, so I will explain it a little bit more this time.

Two of his premises are wrong. Firstly, let us put the context in place. We are talking of proposed legislation which needs to go through the Parliament of Victoria. Let us assume that the government's legislation does proceed on both counts, through both houses of Parliament. What Mr Dalla-Riva seems to forget in his excitement to use an exception to prove a rule is this: the state of Victoria has a lower tax rate, of the order of 10 per cent, for Crown than for any other pub in this state purely because of the mates rates agreement by the Kennett-McNamara government that treated Crown differently from any other taxpayer in Victoria.

Honourable members interjecting.

Hon. J. M. Madden — That's exactly right. You know that, and you're embarrassed by it. So you should be.

Mr LENDERS — Clearly the opposition is embarrassed by the mates rates sleazy deal done during the Kennett-McNamara government.

Honourable members interjecting.

Mr LENDERS — What this government has sought to do is to actually adjust the tax rates so that Crown pays the same rate as pubs pay in Victoria today. Mr Dalla-Riva then took the next step and actually said, 'What about the post-venue model tax rates?'. That is a legitimate question for him to ask, but I want to urge Mr Dalla-Riva —

Honourable members interjecting.

The PRESIDENT — Order! Yesterday there were a number of clichés flying across the chamber. I inform the house that today I am like a bear with a sore head — actually it is a sore foot — so be warned.

Mr LENDERS — In the second point Mr Dalla-Riva raised he used an extreme case and he uses the new rate for Crown. What Mr Dalla-Riva ignores in this is that the government's policy position announced on 10 April 2008 — and I would suggest Mr Dalla-Riva go back to 10 April 2008 and actually read the statement if he wants to have some clarity as to the government's policy position — is that there will be no greater return from pubs and clubs than there is at present. In other words, the 32 per cent rate at the top of the level, which is levied on pubs at the moment in Victoria, will actually be apportioned across the whole new tax scheme. I know Mr Dalla-Riva is trying to make an exciting political point out of this, but if he actually goes back to the Minister for Gaming's statement of 10 April 2008, he will see the government's policy intent with the new venue model is to have a rate returning the same amount of capital as it does at the moment in taxation out of pubs on electronic gaming machines. If he actually goes and drills through that, he will find that Crown is being brought up to the average rate of pubs across the state.

If Mr Dalla-Riva thinks it is his job to be pushing the rate down for Mr Bruce Mathieson and some of his companies and that it is his job to articulate for them that he has a new special mates rates agreement like his party had with Crown in the 1990s — if that is what he wants to argue, so be it. I will argue with him on the policy situation. We are talking about an equivalent rate with the new tax scheme — the 32 per cent pub rate applied across all of the new venue model — with the same amount of revenue. So some of the high-performing machines pay more and the

low-performing machines pay less, with the same return of rates. That is a constant.

Again he is taking his instructions from Mr David Davis. I know that. Mr David Davis is probably instructing him on his preselection, like he is involved in everyone else's preselection, but at the moment we have question time. Mr Dalla-Riva has asked a question about numbers. His friend Mr David Davis is probably advising him about numbers, but if he wants advice from me on taxation rates, he will know that he is talking through his hat.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — In fact we were talking about how dodgy your answer was. The definition of 'aligned' in the dictionary is 'a correct relative position'. Will the Treasurer now concede that these rates on gaming machines are not in fact equal or virtually aligned or, as has been quoted as well, 'virtually equalising gaming taxes' at all, as he and other government MPs have stated and that in fact the casino has a massive tax break?

Mr LENDERS (Treasurer) — I know Mr Dalla-Riva's brief from the questions committee is to strike a mortal blow against the government and show how clever he is, but what I would suggest he think about first is this — —

Mr Dalla-Riva — They were your comments, your spokesman's comments.

Mr LENDERS — If he asks a question in the house, I have until 2.00 p.m., so I have an hour and 35 minutes to answer this question, and I will happily answer the question in an hour and 35 minutes if I need to.

Mr Dalla-Riva asked a question about tax rates. If Mr Dalla-Riva wants to get up in this place and talk about tax rates, I suggest the first point he should look at is what the rate is for Crown for electronic gaming machines (EGMs). He will find that the rate for EGMs at the moment is 22 per cent and that it will go to 32 per cent. I am happy to speculate on the points, but the rate will go from 22 per cent to 32 per cent. Fact: the rate will go up by 10 per cent from what it is. If he looks at that, he will find that the state of Victoria will be getting of the order of \$40 million a year more taxation out of Crown than it gets at the moment. Fact! Mr Dalla-Riva seems to be implying some mates rates for Crown. He has obviously got his head in a time warp with what Jeff Kennett did with Crown in the 1990s. But if he wants to talk of facts and numbers — fact: tax rate from 22 per cent to 32 per cent; fact:

revenue for the state at the end of the period up approximately \$40 million from the EGM tax rate. Let us get our facts right.

The second fact he wants to talk about is the tax rates on electronic gaming machines. I can give him a dissertation on pubs versus clubs, if he wants it. I can give him a dissertation about what the venue gets, what the operator gets and what the state gets as percentages of player loss. I can take Mr Dalla-Riva through a dissertation of what the Community Support Fund gets in the case of pubs, which it does not get from clubs. If he wants some facts and figures on tax — —

Honourable members interjecting.

Mr LENDERS — Mr Dalla-Riva said he wants to know; he asked the question. If he is going to ask a question about tax rates, he ought at least do a bit more than read a one-line sentence that someone has given him. I could not believe he would ask something that is embarrassing to himself. He should explore the issue and at least go back to the minister's statement on 10 April and perhaps have a cursory glance through the bill and read about it. If Mr Dalla-Riva does not know the difference between the 2500 EGMs at Crown and their rate going from 22 per cent to 32 per cent — an increase at the end of the rate of \$40 million — then his basic maths are not good. I suggest Mr Atkinson and Mrs Kronberg will be heading the ticket for Eastern Metropolitan Region if his maths are that bad — or somebody else. Perhaps Andrew Olexander will make a comeback.

Mr Dalla-Riva needs to look at the rates on the casino before he opens his mouth and embarrasses himself. Secondly, if he wants to go further, he needs to know the rates that apply at the moment to pubs — the rates for operators, the rates for the venue owner, the rates of revenue as percentages of player loss — and he needs to look at how they will change under the system. He may just stray to clubs, which have a different regime. If he wants to get really clever, he might look at the different operators, Tabcorp and Tattersall's, and the different rates that apply. Once Mr Dalla-Riva gets his head around some of those figures he might venture forth into this house and ask an intelligent question for a change.

Schools: building program

Ms DARVENIZA (Northern Victoria) — My question is to the Treasurer. I ask the Treasurer to inform the house of how the Brumby Labor government is working shoulder to shoulder with the

Rudd Labor government to deliver better schools for the future for Victoria?

Mr LENDERS (Treasurer) — I thank Ms Darveniza for her interest and for asking how we are getting better educational outcomes and obviously the jobs that come with them.

When I was the Minister for Education I used to get up in this house and talk about Moscow on the Molonglo and the 2700 bureaucrats whom the federal minister at the time, Julie Bishop, had engaged. Those bureaucrats did not run a single school in the state, but they regulated to death — strangled in red tape — the 10 000 schools in this country which they had nothing to do with running. They insisted schools have two flagpoles and had posters on a wall. They got excited about the big issues of the day, that a plaque in a Wodonga school was a centimetre and a half out of kilter. That is what it was about.

Ms Darveniza now asks me about the new approach under federal Labor and the partnership. There is a wonderful partnership. Just last week the Deputy Prime Minister, with the Premier and our Minister for Education, announced funding for 770 Victorian primary schools, government and non-government, for significant capital works.

I find it amazing that on every single adjournment debate all 15 Liberals get to their feet and demand money for schools.

Mrs Peulich — Rubbish!

Honourable members interjecting.

Mr LENDERS — I can tell Mrs Peulich that last night 10 out of 11 asked for money. They were all rabbiting on — —

Mr Drum — On a point of order, President, the opposition's habits during the adjournment debate have nothing to do with the question that has been handed as a Dorothy Dixier to the Treasurer.

The PRESIDENT — Order! There is no point of order.

Mr Drum — The minister cannot talk about — —

The PRESIDENT — Order! There is no point of order. Mr Drum will resume his seat.

Mr LENDERS — Ms Darveniza asked about funding, and I can say that 770 schools have been funded in stage 2. Stage 1 was announced a month ago, stage 2 has been announced and stage 3 will come in a

little while as a partnership between the commonwealth and the state. The relevance of this is that members will have an opinion and express their opinion daily on how much more needs to be done in their electorates. Some members even say more should be done in their electorates while chastising the government for spending money. I do not quite understand this voodoo economics. The last voodoo economics we had like that was from a man called Ronald Reagan, and we have seen the consequences to the world economy today of his voodoo economics.

Ms Darveniza asked about the 770 schools that those opposite preach about day after day. That funding is being delivered. Not only are these 770 schools, both government and non-government — —

Mrs Peulich interjected.

Mr LENDERS — If Mrs Peulich does not want schools to be built in her electorate because she does not like the commonwealth government's policies, I suggest she have the courtesy to write to her constituents saying, 'We do not want a school'. That is what she is saying. The corollary is — —

Mrs Peulich — On a point of order, President, the Treasurer is debating the question, which obviously he should not be doing when answering questions. In addition — and I have raised this matter with you before — he is placing words that have not been spoken by members on the record as if they had been. That is unparliamentary.

The PRESIDENT — Order! There is no point of order.

Mrs Peulich — On a further point of order, President, the minister on his feet has debated the question. It is against standing orders.

Questions interrupted.

SUSPENSION OF MEMBER

Mrs Peulich

The PRESIDENT — Order! Mrs Peulich has disrupted the house. I am using standing order 13.02 to remove her for 30 minutes.

In case Mrs Peulich did not hear me, I asked her to remove herself from the chamber for 30 minutes.

Mrs Peulich withdrew from chamber.

Mr D. Davis — On a point of order, President, as a point of clarification would you reflect on that — —

The PRESIDENT — Order! There is no opportunity for Mr Davis to seek a point of clarification. If he has a point of order to make, he should make his point of order.

Mr D. Davis — President, you may wish to clarify the rules for debating these matters, because I believe Mrs Peulich's point was — —

The PRESIDENT — Order! There is no point of order. I have no desire to expand on my rationale. Mr Davis knows full well the rules for debate and raising points of order.

QUESTIONS WITHOUT NOTICE

Schools: building program

Questions resumed.

Mr LENDERS (Treasurer) — In conclusion, Ms Darveniza asked about schools. I can tell her there is funding for 770 schools. That will allow fantastic education outcomes for students in those 770 primary schools, whether they be government or non-government schools. These schools have been lacking facilities for many years, and the catch-up is happening now through state and federal Labor money. This second wave of funding for schools creates 2700 construction jobs in Victoria. It will provide good educational outcomes, a good job outcome and a great investment in our communities and their education.

Economy: performance

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. The Treasurer said earlier today that the issue of the day is job creation. I refer to today's Australian Bureau of Statistics labour force data. Given the Treasurer's reluctance to dwell on individual monthly figures, can he confirm that employment in Victoria has declined every month since June 2008 to May 2009 and that there are now 17 000 fewer Victorians with jobs compared to a year ago?

Mr LENDERS (Treasurer) — I do not confirm Mr Rich-Phillips's figure. His figure is out; his figure of 17 000 is wrong. The fact there has been a job decline has been forecast in the budget. If Mr Rich-Phillips wishes to check what the International Monetary Fund is forecasting — —

Mr Rich-Phillips interjected.

Mr LENDERS — Mr Rich-Phillips is excited about all this, but what I will say to him is this — —

Mr D. Davis interjected.

Mr LENDERS — Mr Rich-Phillips asked the question. If Mr Davis would rather ask the question, he should pull rank as leader. I will answer the question I am asked rather than answering Mr Davis's interjection — while he is still leader!

What I would say is this — —

Mr Guy — Who has the glass jaw now?

Mr LENDERS — Mr Guy asks who has the glass jaw. I am confident in my leadership in this house. I am sure that more than 3 out of 15 members of my caucus would support me in a ballot without the Premier intervening, but maybe I stray, President.

Mr Rich-Phillips asked about labour force figures, and I will reply by saying that every single figure is a person, and every single person who is in fear for their job is one we want to give confidence to. Every single person who has lost a job we want to assist by putting in place the economic conditions to help them get a job. In particular we are focusing on that new generation of people coming in who are doing it tough, because employers are actually doing the right thing and sticking with their existing workforce, which makes it hard for new entrants to come in.

We watch these figures very closely, and as I said, in July next year when the commonwealth restores the sample size it previously had, these figures will be more meaningful, so I am very reluctant to talk on month-on-month figures. Mr Rich-Phillips talks year-on-year figures; he is out in his figures, but the principle is right: there has been a decline in the last year. I do not dispute that. But what I would say to Mr Rich-Phillips is that it is fine for us all to look at figures and be commentators on them — and if he sees it as his role to be a commentator, that is his prerogative as a member for the South Eastern Metropolitan Region and a shadow minister — but what this government has done is to bring down a budget that tries to address the global situations that have affected us. If Mr Rich-Phillips wants to go to manufacturing businesses in his electorate — I am sure he has been to them, but if he wants to go to some more I am sure Mr Somyurek will happily take him to a number of businesses to show him in his electorate — —

An honourable member interjected.

Mr LENDERS — I am making a genuine offer, as I said, graciously — I am sure Mr Rich-Phillips knows — but if he wants to see some more, I am sure Mr Somyurek will take him to more. But what he will find is that there are businesses in his electorate that employ people well — they have a fantastic product and a fantastic outcome — but are losing jobs simply because there is a global financial crisis. If the German economy is contracting and it cannot export and the Japanese economy is contracting and it cannot export, parent companies will pull contracts out of Australia back home. Also countries that import will import less. That is the reality, and it is why the number of our jobs is coming down. We are part of a global financial crisis that is not of our making. It is not of our businesses' making and not of our workforce's making. Our challenge is what we do about it.

Opposition members go on every day about all sorts of things — and that is their prerogative; they can do what they like — but they cannot come in here with any credibility unless they have some solutions on jobs. Mr Rich-Phillips, hopefully, in a supplementary question will have some solutions to jobs beyond what the government has done, which is to stimulate construction. We have heard from opposition members again and again on why it is dangerous to borrow money to stimulate the economy, but we do not hear from them on what they are going to cut. We hear that we should do more in everyone's electorate, but we do not hear what we have got to cut.

We have a plan in the budget, and these figures — —

Ms Pulford interjected.

Mr LENDERS — Ms Pulford is right: it is probably public sector employment and a lot more, like last time — teachers, nurses, police, the Grey Sisters. You name it.

What we have in front of us today with the labour force figures is an international problem hitting our shores. We have a budget that talks of securing 35 000 construction jobs, and in response to Ms Darveniza's question earlier I talked about 2700 of those jobs coming through primary school construction alone. The figures we see are figures that give nobody joy, but what I say to Mr Rich-Phillips is that the figures that came out today, monthly figures though they are, figures you take with multiple grains of salt because they are monthly figures on a small sample, show 11 000 extra jobs in this state — better than anywhere else in the country.

If Mr Rich-Phillips wants to dwell on what has happened over 12 months — if he is being the prophet of gloom with a glass half empty over 12 months — so be it. I would rather focus on what is happening now, which is giving people jobs today, giving confidence to businesses to take on more jobs today and giving confidence to consumers to create more jobs today. Our obligation here is to talk up this state, talk up employment and talk up confidence, because that will create jobs, rather than to behave like typical opposition politicians, trashing the show for short-term political gain.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for his answer, and I stand by the figure of the number of jobs lost in Victoria. It was taken directly from the ABS (Australian Bureau of Statistics) and not from a PPQ (possible parliamentary question) like the minister's. My supplementary question is: given that the Treasurer is saying that the impact on employment in Victoria is driven by global factors, why has Victoria had the worst employment outcome of all states and territories since January of this year, and why are we seeing stronger growth in South Australia?

Mr LENDERS (Treasurer) — I have a higher regard for Mr Rich-Phillips than I do for the guy who sits on his left when it comes to figures. I would say to Mr Rich-Phillips that he may wish to dwell on these figures, but there are a couple of corrections if we are talking of figures — —

Honourable members interjecting.

Mr LENDERS — On my left, Mr Rich-Phillips's right. I have a much higher regard for Mr Kavanagh than I do for Mr Dalla-Riva, but clearly my idea of left and right on the other side of the chamber gets confused at times. What I am not confused about is that Mr Rich-Phillips's figure of 17 000 is wrong, categorically. Also, over the last 12 months, in the months of May 2009, January 2009 and October 2008, our employment figures actually improved. If we want to just go and play tit-for-tat over figures, we can do that, but that does not hide the underpinning of my contribution to the substantive question, which is this: we can all go out there and pretend we are at a dinner party on a Saturday night having a few chardies — I actually detest chardie, I would rather have shiraz myself — throwing back a few wines, being an expert on the world and having an opinion on everything. That is fine. If that is what Mr Rich-Phillips thinks his job is, that is fine, and long may he think it; it is good for the

Labor Party. Sadly, it is not good for government in the state if the shadow minister for finance thinks that he should be a commentator rather than having a view on how to go forward.

If the view of opposition members is like that of New Zealand Nationals, who among other things want to bring back knighthoods, and if they intend to break every election promise and go back to the slash-and-burn mentality of the Kennett-McNamara government, that is fine, but they should say so. At the moment we have a comment on everything and no policy.

With these labour force figures and the supplementary question we are here arguing over whether it went down every month or up. Mr Rich-Phillips's figures are wrong; on the final figure he is out. For three months they went up, and he said they went down every month. We can argue backwards and forwards and exchange data until the cows come home — we had a bit of a stoush on this at the Public Accounts and Estimates Committee and we were actually operating off different figures, so we may well reconcile the figures — but my point remains: our budget, the national government's budget, the consumer confidence figures and the business confidence figures are all critical parts of the jigsaw to rebuild jobs in this country.

It is not good enough to have an opinion on everything; we must have policies. The last person I know who had an opinion on everything and who wrecked the place was Sir Otto Niemeyer — if I have the pronunciation of his German name right — who came out from the Bank of England and said, 'Contract, contract, contract', and we had a global recession! If members of the opposition want to be Sir Otto on the one hand and say, 'Slash the budget, slash taxes and do not borrow anything', and Juan Péron on the other hand and go out to their electorates and say, 'We need more schools, more roads and more hospitals' — I heard Mr O'Donohue say yesterday, 'More rail in Gippsland', and he is from the party that slashed the service! — then they need to work out which one they are.

But members of the opposition will not convince this side of the house they are credible if they try to be all things to all people. I dare say they will not convince their electorates either, because the Victorian community knows hard times require hard decisions, difficult plans and honest government. That is what it is getting. That will restore jobs, and this plan will also make this state an even better place to live, work — because there will be jobs — and raise a family.

Planning: Apollo Bay

Ms TIERNEY (Western Victoria) — My question is for the Minister for Planning, Justin Madden. The Brumby Labor government is committed to encouraging residential development in regional Victoria while balancing the need to make sustainable, long-term decisions that improve local communities. Can the minister update the house on recent decisions regarding planning approvals in Apollo Bay?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Tierney's interest in these matters. I know these matters have been of much interest not only to the locals in Apollo Bay but more broadly to people who enjoy visiting Apollo Bay and are conscious of those values and the idyllic setting of Apollo Bay that are held in the hearts and minds of both locals and visitors.

As a government we are committed to tackling the shortage of housing options across the state, and that is very much at the forefront of our minds in relation to our beloved — and sometimes overly loved — beachside communities. Today I have announced a number of decisions regarding long-term planning for the Shire of Colac Otway. These are very technical issues, so I seek the indulgence of the house while I refer to some notes in relation to some of these technical amendments.

The long-term planning decisions in relation to the Colac Otway shire include the decision to refuse amendment C29, the Great Ocean Green development, and the finalisation of decisions regarding Colac Otway amendment C55, which introduced a new municipal strategic statement as well as making a range of zoning and overlay changes to streamline existing planning controls for the municipality.

I would like to thank the Colac Otway Shire Council for finalising its major planning review and key strategic studies, including the following: the Colac structure plan, the Apollo Bay structure plan, the rural land strategy and the Great Ocean Road region landscape assessment. My decisions were guided by a number of panel reports, my own visit to the site, the council's responses to the recommendations of the panel and advice from my department. Some of those decisions change the Apollo Bay, Marengo and Skenes Creek framework plan to prevent residential development below the 1-in-10-year flood event level on the Barham River flood plain.

Honourable members interjecting.

Hon. J. M. MADDEN — I hear the criticisms from the opposition. These are the sorts of things you would think the opposition would show interest in. I know some of the minor parties have been very interested in them: they have raised matters in this chamber and they are listening intently as I explain the circumstances. But the opposition completely disregards them, even though I think this neck of the woods is in a strongly held Liberal Party seat. The opposition shows no interest in these matters at all. I do not believe I have had a question from the Liberal-Nationals coalition in relation to these matters, even though they have been at the forefront of the minds of locals in the Apollo Bay community.

As I mentioned, as a result of the changes to the framework plan I have decided to refuse amendment C29, which would have facilitated the Great Ocean Green residential and golf course development on the Barham River flood plain between Marengo and Apollo Bay. I considered that the increasing risk of flooding due to climate change and the excessive scale of engineering works required in this sensitive location outweighed the potential benefits of the proposal for this site. I have determined that the zoning of the amendment C29 land will remain as rural conservation, public park and recreation.

However, I want to qualify that slightly. I have nominated two sites that were within the amendment C29 area as being suitable for potential residential development and inclusion within the coastal settlement boundaries of the Apollo Bay and Marengo area. These two sites could provide up to 100 lots adjacent to existing urban developments — so they are basically an extension of the town boundary — and, particularly importantly, they are elevated above the modelled 1-in-10-year flood event level.

Also in response to the need for housing growth in Apollo Bay, which was nominated as a growth node in the Victorian Coastal Strategy 2008, I have approved amendment C17, commonly known as the Mariners Vue development. Mariners Vue is an 85-lot residential subdivision that could not be approved until amendment C55 and the Apollo Bay structure plan were finalised.

The Brumby government is doing all it can to support residential developments in regional Victoria that will not only house families and allow for the future impacts of climate change but also, importantly, continue to make Victoria the best place to live, work and raise a family.

Environment: recycling

Mr KAVANAGH (Western Victoria) — My question is for the Minister for Environment and Climate Change and relates to rates of recycling in Victoria. With consideration of the container deposit legislation by this house imminent, some clarification would seem to be important. Local councils report on the amounts of material they recycle in Victoria annually. The Victorian government also reports to the National Environment Protection Council on the amounts of material recycled annually by Victorian local governments. The figures given are not consistent: the amounts quoted by the Victorian government appear to be about one-third higher than the data provided by the councils, so I ask: why is there this apparent discrepancy?

Mr JENNINGS (Minister for Environment and Climate Change) — I think Mr Kavanagh should be thanked for his consideration of these matters, clearly following on from the work that has been undertaken by the Greens party in relation to this matter, showing his interest in recycling and resource recovery generally. While we might have some disputes about the veracity of the evidence that we rely upon or the prescriptions we may have in terms of the way of dealing with these issues in the future, as an environment minister who is committed to greater resource recovery and greater rates of recycling generally, I appreciate that at least we have a contest of ideas between us and a contest of the data that we rely on. I thank Mr Kavanagh for joining the Greens in that endeavour. In fact it is a little bit different from other people who sit opposite in the chamber and their enthusiasm to enter into policy consideration debates and to consider the evidence. I thank the crossbenchers, and maybe one day Mr Drum may join them in terms of being concerned about these issues and show a bit of leadership for his coalition. I say good luck to Mr Drum in joining the alliance on the crossbenches in relation to this matter.

Government members think it is very important to understand that Victoria has a great recycling rate. Even in relation to containers, which in fact is going to be the source of some consideration by this chamber shortly, we understand that comparatively Victoria has very good resource recovery and recycling rates. They are comparable with the rates that are occurring in other places, and in particular in South Australia, which is seen as a benchmark in relation to recycling. It is important to understand that in Victoria a similar amount of container material is recycled — bottles and cans. Our recycling capability by weight of material and per head of population is fairly similar to what is

achieved in South Australia. In South Australia 80 per cent of the material is recycled through kerbside collection and 20 per cent of it comes through the auspices of a container deposit legislation (CDL) program. In Victoria it is all through kerbside collection. Currently in Victoria 100 per cent comes through kerbside whereas in South Australia that is 80 per cent, with a 20 per cent effort coming through CDL.

What that means in terms of what might be appropriate to drive these issues further is that we have to drill down to look at the evidence we have got about the difference that CDL may make to our effort, and in fact at what cost it may come to the community. I think the Greens and Mr Kavanagh may rely on estimates that were collected in a more locally based approach to surveying quantities rather than by considering statewide systems or the amount statewide that goes either through recycling or that ends up in landfill. In fact it is the size of the scale in terms of the surveying effort that may account for the differences.

I acknowledge that there are some differences between what the state relies on, what is fed through commonwealth accounting mechanisms, and what is attributed through local government doing its own surveys and then adding them up cumulatively. There is some difference between them. I am very happy for us to look at our methodology, to compare that over time and to make policy decisions accordingly about the best method of accounting for this material. That is one issue. The second issue then is how we make some effort to increase our recycling rates. I am sure that that matter will be fairly hotly contested within the Parliament and the community in the weeks to come.

Supplementary question

Mr KAVANAGH (Western Victoria) — Is the minister saying that the figures which the Victorian government gives are the figures of the local councils plus landfill — that some amount of landfill is included in the figures?

Mr JENNINGS (Minister for Environment and Climate Change) — No, I am not saying that. I am sorry if I confused the chamber or Mr Kavanagh about that matter. What I am pointing to is the difference between recycling rates that are determined through statewide collection and distribution and those that are determined by the resource recovery mechanisms in place. Those volumes are measured across the state, and they are the figures that the state relies on and reports through national accounting mechanisms. The survey that Mr Kavanagh refers to, and that certainly

the Greens rely on heavily, is driven by a cumulative measure of surveys that are undertaken at local government level. There is an issue about sampling size, survey methodology and how they are collated cumulatively.

Planning: Bastion Point boat ramp

Mr VINEY (Eastern Victoria) — My question is to the Minister for Planning. The Brumby Labor government is committed to providing essential services in regional Victoria that are in the long-term interests of local communities and the state of Victoria. I ask the minister to update the house on the recent decision to approve an ocean access boat ramp in Mallacoota.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Viney's interest in this matter. This is another one of those regional matters which has been very sensitive in the sense that there are viewpoints on either side in relation to a project of this nature.

Today I announced my assessment of the report of the inquiry panel which was appointed to consider the environment effects statement for the Bastion Point boat ramp and which supports plans for a breakwater and boat ramp at Bastion Point. Proposals to construct an ocean access boat ramp at Mallacoota have been under consideration within the local community for many years — I understand since first being proposed in 1990. The current proposal for a breakwater and boat ramp is intended to replace an existing, single-lane boat ramp at Bastion Point that the East Gippsland Shire Council is threatening to close for safety reasons.

I want to thank the panel members for their consideration of this matter, but I must say that, having visited the site and having considered the report, I disagree with the panel's preference for the do-nothing option, as it does not provide a viable long-term solution to this complex and controversial local issue.

After observing the existing site this year, it seems clear that the physical separation of swimmers and other beach users from the process of boat launching represents the only rational solution to mitigate risks. Any contemporary new facility will need to be designed consistent with a full safety audit that Marine Safety Victoria will conduct in accordance with relevant design standards and considerations.

Honourable members interjecting.

Hon. J. M. MADDEN — I suggest the opposition, particularly the backbench, would be particularly interested in this. I am happy to refer to notes, because

these are technical matters. If opposition members do not care to hear the technical matters, that shows their ignorance on planning issues. They just reinforce that not only do they not want to hear these answers, they do not care about the answers.

I have instructed the East Gippsland Shire Council to work with the Department of Sustainability and Environment, Marine Safety Victoria, Aboriginal Affairs Victoria and Gippsland Ports to develop actual construction design proposals in accordance with what was presented to the panel as option 3(b).

Option 3(b) — —

Mr Atkinson interjected.

Hon. J. M. MADDEN — I take up the interjection from the opposition. It is remarkable that the opposition seems so sensitive when it come to matters of such importance. Opposition members should ask the people of Mallacoota and Apollo Bay about the sorts of matters I have discussed today. These are some of the most significant issues in their local community, but opposition members do not care to hear about this stuff. All they want to hear about is trash.

Mr Lenders interjected.

Hon. J. M. MADDEN — I take up Mr Lenders's prompt. This is the opposition that, when it was in government, described regional Victoria as the toenails of the state. Unfortunately its view of the world has not changed. It has not made any quantum leap in recent times.

Option 3(b) includes an expansion to the existing car park and a new, two-lane ramp protected by a breakwater where boats can launch into a naturally occurring fissure in the reef platform. Option 3(b) was also considered to be a better environmental option. It creates a limited access track from the existing car park at the base of the cliff, rather than establishing a new cliff-top access track. I note that the consent of some of my colleagues is required for any works on coastal Crown land and that offsets will need to be established for any native vegetation removal.

The Brumby Labor government is committed, unlike the opposition, to providing essential services in regional and coastal Victoria. I look forward to seeing the final construction designs for an open access ramp and breakwater at Mallacoota.

Sitting suspended 1.04 p.m. until 2.16 p.m.

PUBLIC TRANSPORT: PRODUCTION OF DOCUMENTS

The PRESIDENT — Order! I am advised by the Acting Clerk that the public transport tender documents required to be lodged with him by 12 noon pursuant to the resolution of the Council of 10 June 2009 have not been lodged with him. Pursuant to the terms of the resolution the Leader of the Government is therefore suspended from the service of the Council for the remainder of the sitting day.

PLANNING LEGISLATION AMENDMENT BILL

Second reading

Debate resumed.

Ms MIKAKOS (Northern Metropolitan) — This morning I was discussing the position various industry bodies have taken in relation to the government's Planning Legislation Amendment Bill to clearly put on record their support for this legislation, in contrast to the inference from Mr Guy this morning that they had expressed concerns.

I was quoting from the Master Builders Association of Victoria media release of 21 May 2008, which says:

The association believed the establishment of development assessment committees ... to manage building in areas of metropolitan significance will reduce planning delays and will encourage a more strategic and long-term approach to community planning.

In a media release issued on 29 May the Master Builders Association said:

Passage of this bill is critically linked to our sector's ability to reduce business costs and maintain workforce numbers during the downturn.

The release goes on to say:

Master Builders hopes the bill can be passed next week and encourages all political parties to support its passage.

What we saw this morning from Mr Guy was a very ambivalent position. It was interesting that he did not seek to indicate any philosophical objection to the legislation; rather he honed in on some technical issues over which he expressed concern. That is reflective of the fact that we know that Mr Guy is supportive of the DAC legislation. He would like to see it passed, but he has been overruled by his leader.

When the government announced its decision to call in developments earlier this year, Mr Guy was reported by

the ABC news of 15 April as criticising the government for being too slow to act. He was quoted as saying:

To come in at the last minute, a minute to midnight when the economy is in near recession, and call in projects hoping it will kick start it, is the wrong way around ...

These projects should have been called in when the economy was going well, when the proprietors of the developments could have had them up and running very quickly.

Mr Guy has gone on record and said the government should be doing what Mr Guy's mentor, Mr Maclellan, was famous for doing many years ago — that is, calling in planning decisions in an ad hoc, willy-nilly way whenever it suited him. Mr Guy has a very different view to that of his leader, who was critical of the government's decision. The *Age* of 5 February says the Leader of the Opposition, Ted Baillieu, said, 'the idea of increasing planning intervention was staggering ...'. The article also says Mr Baillieu warned it would lead to 'back-door planning'.

Yet again we see the Liberal Party with no policies, no leadership and no direction in relation to planning, just as it does not have leadership or direction in other policy areas. We have seen the shadow Minister for Planning overruled by his leader, who is facing considerable pressure in his local branches. We know Mr Baillieu has done this because he is concerned about what Mr Guy's future plans might be in the Liberal Party. As I understand it, Mr Baillieu did not even take this to his party room before announcing the party position on this piece of legislation.

Mr Guy was ambivalent earlier about his views on this bill. It is interesting to note that Mr Guy has come out and supported call-ins publicly but that he has opposed this legislation today. We know this legislation will reduce the need to call in projects by allowing for more balance in decisions that affect communities.

As I said in my introduction to this debate, this bill is all about a partnership approach between local government and the state government to planning matters. It is about overcoming the current system, which says that only the council or the minister can make decisions on planning matters. It is about ensuring that when planning applications that might have regional significance come before councils, the local council and the state government are able to look at those applications and come to a decision that is in the best interests of the whole region. It is about looking at the future needs of the community and ensuring flexibility of housing outcomes in that municipality.

I was interested to read an article published in *Planning News* in July 2008 in which Mr Guy discussed his

views about DACs. In particular I was interested because Mr Guy singled out one particular development in our electorate of Northern Metropolitan Region, the central Greensborough redevelopment. In that article Mr Guy heaped praise on Banyule council, which I am sure has nothing to do with the fact that his electorate officer happens to be a councillor at the City of Banyule — Cr McKenna. Mr Guy heaped praise on Banyule council in relation to the Greensborough project and expressed the view that he did not think a DAC would be appropriate in Banyule because the council should be left to its own devices in relation to the Greensborough project.

Yet Mr Guy, as shadow Minister for Planning, should have appreciated the potential conflicts that Banyule council has in relation to this, because the council is in fact redeveloping a significant area of the land involved in the Greensborough project. The council is in fact the project proponent; it is in part landowner; it is the policy-maker and decision-maker in the precinct. If Mr Guy is serious about greater transparency and independent review for projects like this, then he should be supporting a DAC to look at projects like these, because there is great potential for conflict in relation to the Greensborough project.

In effect I guess the way to get around that, and what Mr Guy is really advocating here, is to have the Greensborough project called in by the minister. If this legislation is not passed, that may well be the only appropriate course of action.

Honourable members interjecting.

Ms MIKAKOS — Mrs Petrovich, I am not putting words in Mr Guy's mouth, because I quoted verbatim what Mr Guy said to ABC news when he said the government should be calling in more matters. He criticised us for being too slow to act. I am not putting words in his mouth at all; in fact I was quoting Mr Guy, who was critical of the government in relation to call-in matters.

But we know the Liberal Party has form in relation to this. When the Liberals go out into the community and criticise the government about planning reforms and what the government is doing in the planning system we know it rings hollow to the community, because the Liberals have got form when it comes to call-ins. We know the Liberals favour an interventionist approach. Between 1997 and 1999 a planning minister in the Kennett government, Mr Maclellan, who is Mr Guy's mentor, made 495 ministerial interventions into planning matters. That is more than one intervention for every working day of the year. I recall very well — —

Mr Guy — On a point of order, President, I am wondering if Ms Mikakos can inform you, President, as to which part of the bill she is referring to.

The PRESIDENT — Order! Ms Mikakos, to continue.

Ms MIKAKOS — When Mr Guy was making a very wide ranging contribution earlier, referring to infrastructure charges and a whole range of other things, I sat and listened to what he had to say. I was waiting to hear his views on why he opposes this legislation. I have to say I am still waiting to hear Mr Guy's position on this. We know he has been overruled by his leader. We know that Mr Guy has come into the chamber and not put forward his own views. We know he has sprouted his leader's views but is in fact secretly supportive of the type of approach we have put in this legislation.

Mr Guy would be another Robert Maclellan, who is his mentor, whereas our approach has been to put in place ministerial guidelines on planning interventions. We have put in place reporting mechanisms which require the minister to report publicly on interventions and table them annually in the Parliament. Most importantly, we have had a far lower rate of ministerial interventions.

I want to come to the context of why we have introduced this bill. We have responded to the release of *Planning for All of Melbourne — The Victorian Government Response to the Melbourne 2030 Audit*, which sets out the government's framework for actioning planning over the next five years and beyond. In the first five-year audit of Melbourne 2030, which was completed last year, the independent audit expert group concluded that:

We are convinced that the fundamental principles of Melbourne 2030 are more relevant than ever.

However, the audit identified areas for improvement. It particularly recommended stronger and mutually supportive partnerships being developed with local government. It highlighted that efforts should focus on a select number of activity centres where development was ready. I note that this is also a part of the Australia-wide approach through the Council of Australian Governments process. In February 2006 COAG made a number of decisions about reducing the regulatory burden under the national reform agenda and called on all state governments to review their local government development assessment legislation, policies and objectives to ensure they remain relevant, effective, efficiently administered and consistent across jurisdictions.

The DACs are part of a range of initiatives proposed by this government to improve the planning system, the application processes and the decision making on applications that are of importance to the community. As I said before, currently the planning system provides for planning permits to be decided on only by councils or the Minister for Planning on an exclusive basis. Many of those decisions that have impacts beyond the boundaries and scope of any one municipality have to be considered by only one tier of government. The DACs will provide a mechanism by which state and local government can effectively partner to make decisions jointly on areas of shared interest or responsibility.

I want to come to the issue of boundaries, because Mr Guy made some comments about that. The DACs will be established by an order of the Governor in Council, which will be made on the recommendation of the Minister for Planning. The order will specify the area to be covered by the DAC and the specific matters upon which the DAC would make decisions. The DAC will decide all applications within its jurisdiction, as set out in that order. The councils will not be able to make a decision on a matter assigned to a DAC, as that would constitute duplication. The decision ultimately will become the decision of the responsible authority. This will enable the third party appeal rights to the Victorian Civil and Administrative Tribunal to remain unchanged and councils will continue to retain the role of the responsible authority and to process applications both before and after a decision has been made by the DAC.

Mr Guy claimed in his contribution that the Minister for Planning would determine the boundary of a DAC without feedback from the relevant council. That is not correct. If we look at what has already occurred in relation to the five principal activity centres that have been identified as market ready and proposed for implementation by the DACs, being Coburg, central Geelong, Camberwell, Preston and Doncaster Hill, we can see that the proposed boundaries have been publicly exhibited in those council areas. We have seen public notices being issued, information sessions have been conducted for the community and submissions have been received by the department. Those submissions were referred to an advisory committee. So there was quite extensive consultation on the boundaries of those five areas that have been identified. The advisory committee has recently provided its report on the boundaries of each of the centres to the Minister for Planning for his consideration.

In relation to consultation more broadly, the bill has been introduced following extensive consultation with local government, the Municipal Association of

Victoria and the Victorian Local Governance Association. The decision-making model was developed in consultation with the local government sector and its peak bodies. In July of last year a technical working group was established, with representation from local government to provide technical planning input. The government flagged that the position of independent chair will be developed and that applicants will be short-listed in consultation with the local government sector, in particular the Municipal Association of Victoria.

The proposal for the DAC legislation has been taken to metropolitan councils for comment, and the minister has hosted a series of forums with council mayors and chief executive officers to seek feedback on the legislation — so there has been considerable consultation.

In relation to the issue of membership, the DAC structure provides for equal representation by state and local government. Each DAC will comprise an independent chair and an alternate; two standing state government nominees nominated by the Minister for Planning and an alternate for each of them; and two local government nominees, who will rotate on and off to ensure representation from the municipality in which the application is based. These members can be nominated by each council from a pool of five members consisting of elected councillors or council officers. Again, there will be alternates for council representatives in order to avoid the sort of picture that Mr Guy was seeking to paint with his earlier suggestion that there would be conflicts and difficulties.

Mr Guy claimed that local representatives on DACs would be prevented from voting on an issue simply because it concerned the ward in which they live, but that is not correct. A local representative would only be excluded if they had a conflict of interest — for example, if their residential amenity were to be directly affected should a proposal be decided in a particular way.

The bill has extensive provisions in relation to probity issues, which are based on provisions that already apply under the Local Government Act. The probity requirements for DAC members cover issues such as the conduct of members, the misuse of a position, direct and indirect interest and the need for the secretary of the department to maintain a register of the interests of members. Mr Guy also claimed that DAC members —

Mr Guy — Is this a speech, or a response to my speech?

Ms MIKAKOS — I find it extraordinary that Mr Guy does not think I should respond to the claims he made in his contribution.

Mr Guy — It would be nice if you raised some new material on the bill, given that you are the Parliamentary Secretary for Planning.

Ms MIKAKOS — I know Mr Guy is very sensitive about this piece of legislation. I am going through the provisions of the bill, but I am also seeking to correct the misinformation he put out there about how this legislation will operate.

One of the other claims Mr Guy made was that DAC members would be subject to a \$10 000 fine if they spoke out publicly against a decision the DAC had made. This claim is outrageous. There are probity provisions in the legislation, and DAC members have a responsibility to conduct themselves with integrity, honesty and respect. The penalties only apply if a member misuses their position. The provisions are not intended to gag anybody in the way Mr Guy suggested. However, we know he will not stop making all sorts of outrageous claims as a way of justifying the position he has taken to oppose the bill.

The other issue I want to address is costs. DACs will decide on a permit application or an amendment to a permit with the technical advice, administrative support and other required support of the local council affected. The recent state budget allocated \$2 million over two years to cover the costs of DACs. It is anticipated that the state government will bear the majority of the costs associated with establishing DACs, and it will remunerate the DAC chairs and members who are not public sector employees. Councils will retain the fees associated with the application for a permit, as is normally the case, and will be required to undertake the normal processing of applications and decisions, including an officer's report to the DAC. We do not expect councils to face any significant administrative burden in relation to the implementation of DACs. They might be expected to cover incidental expenses, such as the in-kind costs of providing a room for a DAC to meet in on an as-needs basis. These costs are no different from those currently borne by councils in assessing and processing permit applications.

The bill focuses on DACs but also covers a range of other issues, which I will touch on briefly. In relation to growth areas, the recently released *Melbourne 2030 — A Planning Update — Melbourne @ 5 Million* document identified the need to move Melbourne's growth boundary further outwards to ensure adequate land supply, to maintain housing affordability and to

accommodate the new dwellings expected to be built in Melbourne's growth areas. This will involve accommodating growth outside the designated growth municipalities, currently prescribed in legislation as Cardinia, Casey, Hume, Melton, Whittlesea and Wyndham. We want to allow the Growth Areas Authority to coordinate development in the shire of Mitchell. It is therefore necessary to amend the act to enable the growth area to be declared once the specific area for inclusion within the urban growth boundary has been settled. The bill proposes to do this by repealing section 46AP of the Planning and Environment Act. The Planning and Environment Act provisions for declaring a growth area will be amended so that a growth area may be declared for any part of Victoria, not only within the boundaries of the growth area council. The Growth Areas Authority may therefore be authorised to operate in any part of Victoria.

This amendment will not of itself extend a growth area or create any new growth areas. The act provides for the minister to declare a growth area by order published in the *Government Gazette*. I just want to note in this respect — because Mr Guy did touch upon growth areas and infrastructure charges again today in his contribution — that we have heard from Liberal Party members a very confused message being sent to the development industry in particular and also to local government across the board in relation to planning. Its members say on the one hand that they do not support any more infill development in existing suburbs of Melbourne — —

Mr Atkinson — When did we say that?

Ms MIKAKOS — You are certainly opposed to — —

Mr Guy — Give us a date and a time and a place. When did we say that?

Mr Atkinson — And the name of the person who said it!

Ms MIKAKOS — I am pleased to hear Mr Guy say that he is supportive of infill development, because we have heard ambivalence about growth in existing suburbs. We are hearing ambivalence about growth in the growth areas. Mr Guy has to make a decision. In the lead-up to the election next year the people of Victoria are perfectly entitled to learn what Mr Guy is putting up as an alternative set of planning policies. We have not heard anything yet on these issues. We are just hearing a lot of criticism from Mr Guy. We are not calling in matters fast enough for Mr Guy, but we are seeing too many call-ins, according to Mr Baillieu. We are not

hearing any consistency in the position, and we are certainly not hearing any alternative policies. We heard Mr Guy yesterday say he supports development contributions in growth areas, but he has not explained how that would work.

I want to finalise my contribution by quickly referring to the other amendments in the bill that do not relate to the DACs. In particular, in relation to Docklands, the bill amends the Docklands Act to remove the expiry date for the involvement of the Victorian Urban Development Authority in the Docklands development. This will allow VicUrban to have an ongoing role in the Docklands development.

In relation to the amendments to the Heritage Act, the bill empowers the regulations to prescribe an infringement offence with a penalty of up to 10 penalty units, an increase from the current 4 penalty units. It is considered important that effective penalties are available for a penalty infringement notice in relation to the new offence of not complying with conditions on a heritage permit.

Finally, in relation to the Melbourne Convention Centre, which I had the opportunity to visit with some of my government colleagues yesterday morning — and I have to say I was very impressed by that new facility — the bill amends the Melbourne Convention and Exhibition Trust Act to widen the scope of operation of the trust and includes entertainment as one of its functions. Currently the trust is limited to operating within the city of Melbourne and the city of Port Phillip.

In conclusion, the amendments proposed by this bill are necessary to achieve the challenging task of managing Victoria's ongoing growth and development. We have sought to put up a model that exists in a different form in South Australia. The model includes a development assessment committee, which would provide for the first time a partnership between local government and state government in planning matters. We think it is an important piece of legislation. We have worked it up in consultation with the local government sector, and it is strongly supported by the industry bodies. I urge members to support the bill before the house.

Mr ATKINSON (Eastern Metropolitan) — This is an interesting piece of legislation that has come before the house. It puts the lie to much of the Labor claim about consultation, support for local government authority and autonomy and certainly any processes of involvement of people in shaping the outcomes of their local communities.

In much of her speech Ms Mikakos went to some unusual lengths compared to what she usually does. She is usually pretty factual with the material she presents to the Parliament in support of bills. With this one she chose to discuss a range of matters that she considers are pertinent to the Liberal Party. I suggest that maybe she has been reading crikey.com or vexnews.com or some other source that clearly is the work of someone who has no idea of some of the circumstances, the policy positions and certainly the debating of key issues within the Liberal Party. The position of the shadow Minister for Planning, the Leader of the Liberal Party and members of the Liberal Party generally was totally misinterpreted by Ms Mikakos. It would be foolish to let pass the very foolish statement that she made that Liberal Party members are against infill development. She was then very clearly unable to source that statement to any member, any time, any place or any reference point at all. It simply is not true.

I welcome the fact that Ms Mikakos responded to Mr Guy in the true sense of a debate because that is often lacking in the government responses to matters raised in debate on legislation in this place. Most government members stand up and sing from a hymn sheet prepared by advisers or their staff. At least Ms Mikakos is doing her own work — and always has, I suggest — and was prepared to engage in debate for debate's sake. That was a healthy step forward, so I welcome that. It is a pity that some of her observations were so far astray.

I am not sure that Ms Mikakos necessarily had the courage of her convictions in the presentation she made to this Parliament today. Ms Mikakos would be as alarmed as we on this side are about some of the aspects of this legislation. I am sure that Ms Mikakos has greater respect for local government than many of her colleagues have. The reality is that this legislation is the most disrespectful measure that has come before this Parliament in a long time. This legislation is designed to gag councils, to lock them out of the planning processes in their communities. That is what this legislation is about.

Mr Barber — They ran for election; the councillors were elected.

Mr ATKINSON — The councillors were elected, but perhaps they might consider their value in future going forward, because whilst they have been elected as the representatives, the advocates and the voice of their communities, this legislation seeks to silence them completely. It seeks to lock them out of major development projects at the whim of a minister — and I

use that word advisedly. Councils are locked out of the planning and control of the vision for their local municipalities.

This legislation is outrageous, frankly. It is obviously packaged with the usual spin doctor treatment by this government. I am fascinated that Ms Mikakos suggested that this legislation had been the subject of extensive consultation, because that is the very first criticism that I heard from every local government authority representative I talked to about this legislation. I can tell members that their wrath is not reserved for just the government on this. The Municipal Association of Victoria ought to take this legislation as a warning shot across its bows, because the council representatives I spoke to were all outraged that the MAV had not alerted them to this legislation, had not discussed this legislation with them and had not sought to take any position of advocacy after researching their views.

It is telling that the first the City of Maroondah heard about this legislation was when my colleague in the other place David Hodgett rang the council up to get its thoughts so he could make his speech in Parliament. He told councillors there was a bill in the Parliament and he wanted to speak on it and was interested in their views, and they said, 'What bill? What's this bill about?'. It was the very first they had heard of it.

There will be some burning ears in the Municipal Association of Victoria, though, because that council and the other councils in the eastern suburbs — Banyule, Whitehorse and Knox — were all off to the MAV to chew its ear about the lack of consultation. The MAV has been sidelined by government funding. It has been silenced when it comes to criticising the government for fear of losing that funding. The Victorian Local Governance Association has been captured by the government with exactly the same mechanism. If the minister sat down in a closed shop with his mates at the MAV and the VLGA and decided that that was sufficient consultation on this bill, then the government will pay the price in the community, because the reality is that there has been virtually no consultation on this legislation. As I said, councils only found out about it when it appeared in the Legislative Assembly, and in one case it was only when my colleague rang up to find out councillors' views so he could incorporate them in his speech. That is outrageous.

This government talks about consultation; it is part of the mantra, it is part of the rhetoric. It would be more accurate to say it is part of the spin and part of a lie, because the reality is that there has been no consultation

on this issue, as there has been no consultation on many planning issues. If we did not have a 9-to-5 minister and if we had a minister who was across his portfolio, prepared to do his homework on these issues and prepared to find out exactly what people think on these things before coming to this place with the legislation and then bumbling his way through notes, then we would have better legislation presented to this place and the outcomes for the community would be decidedly better.

This legislation is ridiculous. It is an outrage. This legislation seeks to completely close down our local councils, the representatives of the people. People who have been elected to be advocates for their communities will be silenced by this legislation, because the government is choosing to set up development assessment committees (DACs), which will be committees made up of five people, three of them appointed by the government and two of them nominated by the local council. Ms Mikakos talked about balance. Where is the balance in a three to two government-appointed committee?

These committees have all the markings of a sham. This has all the markings of a government that wants to press its own objectives but hide behind the camouflage of the development assessment committees. The development assessment committees will deliver the result the government wants irrespective of the local community's needs, but the government will be hands off. The heat is taken by the development assessment committees, not by the government. That is what this smacks of. That is what local government thinks and that is certainly what the communities think.

This minister talked the other day about his magic pen, the stroke of which would give some people Tattslotto-like fortunes — which is a misguided understanding of his legislation and his policies, as we indicated in yesterday's debate. With that same magic pen the minister can now define a development area; he can define the boundaries of an area to be covered by one of these development assessment committees. He can deny people their property rights, he can impinge on their legal rights, he can ensure that small landowners, businesses, occupiers of premises and residents are all disenfranchised with the stroke of his magic pen. He can disenfranchise them all. The minister can even disenfranchise the very people they elected, who they charged with the responsibility to speak for them, to use their expertise to assess developments properly, to appreciate and understand the character of their local municipality and to interpret that and deliver advances for that community in public

policy and the development outcomes of good planning. The minister can circumvent all of that.

The minister can support his mates through the DAC process. He can support the big developments and push aside the smaller developers and the smaller projects. He can ignore the needs of small businesses, residents and other people who are stakeholders in those areas, and whose voices will simply be muted by this legislation.

Local councils are expected to provide the bureaucracy to deliver reports that will support the DACs decision-making process. Local councils are expected to provide the technical reports on which decisions will be made by these five-person panels. That same process, however, locks out the elected members of that council from forming a view on any of the developments within that area. It locks them out from putting to the DAC a subjective, reasoned and local view from elected representatives of what those developments ought to achieve and the best outcomes for that municipality.

Council officers have to provide a balanced report, presenting both sides of an argument — the pros and cons, the advantages and the disadvantages — and that may well lead to an on-balance recommendation from their investigation. If that recommendation supports the local aspirations of the community, the whole community will rely on the DACs accepting that local report, because the elected representatives of the area are not able to discuss it. They are not able to put any submission before DACs, they are not able to have any influence in the planning process for vital and dynamic areas, and for some of the major activity centres within their municipalities. They are locked out.

But it gets worse: decisions of DACs can be appealed with the Victorian Civil and Administrative Tribunal, but the local council cannot go to VCAT. The local council cannot even argue on appeal. It has no deliberative involvement and no appeal rights in the decision. The VCAT option is left to the humble and the meek, the local residents, who are battling to try to get their viewpoint across in the foreign territory of VCAT and against the expertise and clout of a government-appointed committee of five people. The reality is that those people are at a significant disadvantage. Whereas now in many VCAT cases councils stand together with citizen objectors to developments, under this process they will be locked out. The councils are not able to be there.

The Liberal Party is interested in good development. As I said yesterday, the Liberal Party supports appropriate

infill development, and in some areas we lament the fact that the government has lost opportunities to undertake appropriate infill development.

I turn to the area of Nunawading, and I only raise this in this speech because I understand Mr Robinson, the member for Mitcham in the other place, had a go at me over the Nunawading railway crossing earlier this week. That is okay, because I had had a go at him. The interesting thing is that what he talked about in terms of my comments was land use. I was arguing that land-use options had been ruled out by a knee-jerk decision that had not taken into account other options that may have been better for the broader community and for public transport users. This decision compromises some of the land-use options that might have been available in and around Nunawading.

Mr Robinson said that was nonsense and that you would not want residents looking out over the backs of factories and so forth. However, having a high-density residential area was not the only option. There might well have been some other traffic solutions, particularly around the Mega Mile area. There might well have been some office and retail solutions that might have achieved some urban renewal in the Nunawading business centre, but so too are there opportunities around the Nunawading business centre for infill residential development. Interestingly enough, Mr Robinson has criticised me for having suggested that there are opportunities for infill, while Ms Mikakos says the opposition is not interested in infill and another member of the other place says it is inappropriate to have infill development there. Government members are the ones not singing from the same hymn sheet. It is not members of the opposition who are off track or off song; it is the government.

The reality is that the opposition supports infill development and wants appropriate development, both commercial and retail, and community facilities going forward. We are concerned that far too often decisions are made on a solo basis. A decision is made on its own without any real thought about or planning for what the consequences might be in and around that development. That Nunawading railway crossing is one of those projects. One project will be done, and the government will go to the election and say, 'Aren't we wonderful because we have grade-separated the railway crossing?'. I will be quick to also go to the people and say, 'Yes, the government came very late to the table on this decision, but the reality is it missed other opportunities to achieve a lot more and probably not at any real cost to the government'. In the case of Nunawading if government members would just consult with the local people, they might well find there

are significant opportunities to realise some of their objectives under Melbourne 2030 and some other good planning initiatives that the government talks about in its rhetoric — simply by consulting with people and providing some certainty for the planning process.

I have asked the Minister for Roads and Ports to convene a meeting or come to the meeting I have organised to explain the Nunawading railway station project, but I have not heard from him. I expect Tony Robinson will send out a letter of invitation to all those businesses and ask them to come to that meeting. Those businesses know that I have initiated that meeting, and the reason I have done so is because those businesses have absolutely no idea of the disruption that will be caused to their businesses in the next seven months while the project is under construction. They do not know what the project will look like at the end of the day. They do not know where the buses will be going during the station's construction. They do not know if there is going to be a lid on the cutting where the existing Nunawading station is, which could form a foundation for a high-rise development, some medium-density housing or some other appropriate use in that area that might be part of a program that revitalises and rejuvenates the Nunawading business centre. This government was not prepared to consult. Maybe the Minister for Roads and Ports has my letter on his desk, but he has certainly not been quick to respond.

Whilst this government talks about all the wonderful things it could do with planning and how, in the DAC context, projects would be looked at in their entirety and not on a stand-alone basis, when it comes to the delivery of these projects the government never measures up.

I am also very wary when members say, as Ms Mikakos did in her contribution to the debate and as other members of the government have done during much of this debate, that extra costs will not be involved. As soon as you add another agency, authority or committee it is an oxymoron to suggest that you are going to speed up the process and reduce costs. You create another layer — another barrier in many ways — to these projects. What is worse in the case of these DACs is that the government will gag local council input — input from the people who know these issues best and from the people who have to live with the consequences of the decision. They will somehow have to just accommodate those decisions going forward.

Ms Mikakos talked about Banyule and the Greensborough project, which is also close to my electorate. Many of the residents of Banyule are

constituents of mine and of my colleagues in Eastern Metropolitan Region. We have watched the planning that has gone into the Greensborough project. Ms Mikakos made a valid point in terms of conflict of interest. It may be the case that a council might be the proponent of a development and then a bureaucrat in the same council will assess the plans and be the umpire who agrees to the development. That is a valid argument. In that case there are some issues that ought to be thought about in terms of the structures that will apply to that. In the Greensborough case there is a substantial amount of civic building activity that forms part of the project, so there is the potential for conflict of interest that needs to be taken into account. I am not suggesting that there are not already mechanisms to handle this, including the call-in powers of the minister.

I turn to other areas. Eastland is a project that has been very well planned by the Maroondah City Council and is not subject to a DAC at this point. The Doncaster Hill precinct has been well planned by the City of Manningham and is subject to a DAC. Quite frankly I do not see how the DAC will assist in advancing that project beyond what has already been achieved in terms of strategic and effective planning by the City of Manningham. All it does is bring in another layer. In the context of either Eastland or the Doncaster project, I do not believe there are significant issues in regard to conflict between the council's various roles that it might well have in development activity in other areas.

The legal rights of people are diminished by this government proposal. There will be an extra layer of costs, smaller proposals, and I doubt they will have the same equity of some of the larger landholdings within a declared area. Some small projects might simply be delayed rather than taken on their merits because the DAC has a broader agenda, which is obviously driven by government aspiration rather than local needs or aspirations.

I do not have a lot of confidence in this minister because he does not do enough work. Quite apart from the issues that have brought him undone in recent weeks, this minister is a show pony. He is a celebrity and loves to be rolled out. The government loves to roll him out for publicity photos, but he does not do his homework or understand what he is talking about, which is obvious day after day during question time when he shows he has no comprehension of the very documents he reads from. Even today in this place he had to read his answer to a Dorothy Dixier. He had written and provided the question, and then had to read his answer to the question he had written. He told this house it was because the issue involved technical matters. There was nothing technical in what he said to

this house in his response to that question today. The fact is that he had no understanding of what he was talking about.

On other issues that come before this place we hear some of the contorted responses of this minister in committee and on legislation when we discuss issues that are pertinent to government policy. Members, and the community, need to understand the implications of what is in that legislation, and this minister is at a loss to explain them because he has never actually done the homework on them. He simply stands up and reads the script. He is the worst offender in this government, and from that point of view I have absolutely no confidence in him. I can tell members that none of the local governments in my electorate have a great deal of confidence in him either. They certainly have no confidence in him delivering a positive, constructive and good outcome in respect of this legislation.

Local governments, to the extent that they have been aware of all the implications of this legislation, are outraged that it strips them of significant planning powers. Much more importantly, it even strips them of an opportunity to have a voice on many of the issues related to the developments that will be considered by DACs. It disenfranchises those councils. But more to the shame of this government, it disenfranchises communities, and that is why this legislation ought to be opposed.

Mr BARBER (Northern Metropolitan) — This bill is about planning, and planning is meant to be about what we want. That is all planning is about as far as I am aware. It is about the sort of city we want to live in; it is about the sorts of buildings we want to live in and work in; it is about where we want to work, what sorts of public spaces we want, how far it is to the nearest Coles supermarket, how late the music goes until, how wide the streets are, how many trees there are, whether there is enough parking — that is all planning is. It is just about us shaping the city into the sort of city we want to live in. All we really need are some basic values on what is important about this city that we want to protect, how we would like to see it evolve and change, a vision for how that is going to happen and where that will be. We should be able to cope with the concept of planning.

The planning system then becomes the process of setting down those values and visions into rules, rules that if followed and implemented will lead to those outcomes, and then a mere process by which we get developments of various sorts to match up against the rules. But the government seems to have lost completely at least the ability to talk to the community

about what it wants. The planning system and the amendments proposed to it through this bill appear to be serving some other cause, some whole other purpose, and in the kind of twisted logic we have been hearing lately from the government on planning issues and about why it is intervening and doing various things in various ways, we are getting a sense that it is all about something else.

Ms Mikakos in her contribution to the debate said that we need a healthy building industry because that will create jobs. The purpose of the building industry is not to create jobs; the purpose of the building industry is to create buildings. If we need buildings, the industry provides us with buildings, and clearly we want those to be the sorts of buildings in the sorts of streetscapes in the sorts of villages, suburbs or cities within the city that are the sorts of places we want to live.

Government members now are talking about planning simply as an impediment to the growth of the building industry. They might think this is not just a process story, that the government is out in front of the game, that everybody hates councils because they know they are useless, so any number of amendments to the planning scheme to kick councils will be warmly received.

However, people out there — the ones I have been talking to — understand that planning is there to make the sort of city that we want, and government members are trying to kick the legs off this table. It is not the planning system these people are speaking out in defence of, it is this city. They well and truly understand what government members are doing here in the pursuit of another agenda — that they are trying to kick key planks out of the mechanism by which these citizens get to say what sort of city they want to live in and to influence it.

Members do not have to go very far or look very hard to find the source of that agenda. They just have to read the contribution made by Ms Mikakos when she listed all the groups who want this legislation. She was not making the case; she was giving the justification for doing this. Those groups want it, therefore we are going to do it. That is not the purpose of planning. We can speculate on why. We can go further than that and we can speculate on why the government would want to do the things that those groups want done. Members of those groups know why they want it.

I do not know if government members know why they want it — and that is why we keep getting legislation like this. Government members seem to cross some kind of line somewhere. Legislation is introduced that

is purported to do something for a whole bunch of different groups, but by the time the bill gets here the groups are saying they hate the legislation. The government's process of consultation, which it always details for us, has made everybody else angry and has all been done in such a way that it is calculated to insult as many people as possible.

It is a sort of Lathamesque approach to public policy, whereby you force things down people's throats or alternatively you even try to do things that you think some people want to do, but at the end of that you have made them so angry about the way you have done it that they do not want it any more. We are seeing it with the solar feed-in tariff as well. I cannot get the government out of that death wish or flat spin or whatever it is. I just have to keep talking about what people want in this city.

The bill has two main provisions. The first allows the government to designate any area a growth area — which, as far as I can connect, means the beloved Growth Areas Authority can then come in and take over the show. It is clearly a mechanism for the government to take over and get things done. The second main provision establishes development assessment committees, which are part of a pretty long-running push to take councils out of the equation and put experts in charge.

Of all the groups that Ms Mikakos read out that were in favour of this bill, I did not hear her say the Planning Institute of Australia, which is interesting because it is the professional association for planners. Out of this bill PIA members would get jobs sitting on development assessment committees. I know that the PIA supports the idea of the development assessment approach, but its members say this is a bad bill. I congratulate the government on that one — for having, in political terms, managed to distress a group whose members ordinarily would provide broad ideological support for the concept. Because its implementation is so bad, somewhere along the line from the start of the idea to the delivery of this bill the government has lost track of why it was doing it in the first place and what it was for.

Some of that is ministerial inability. I do not say incompetence. Just simply, these ideas are generated somewhere, some experts provide advice, it is flicked over to the parliamentary counsel who find the most sure-fire way of achieving it legislatively and then the government whacks it into the Parliament. They start off trying to please somebody and end up pleasing nobody. Sometimes I just sit here and I ask myself: are they really serious?

The bill does a number of other things. There is something in this bill that I would support, and that is the increase in penalties under the Heritage Act. It is exactly one line in this bill. If the government did not want to simply poison it by attaching it to all this other vastly unpopular rubbish, an amendment to the Heritage Act would fly through in record time. For some reason that particular provision and a couple of others have been cursed by being included in an omnibus bill with two other ideas.

Few people survive unscathed the John Clark and Bryan Dawe interview treatment. If members have not seen it, they should get onto the website of Planning Backlash, where a special edition of a John Clark and Bryan Dawe interview has been created in honour of the Minister for Planning. It is clear that it was a labour of love for them, too, and not just a case of 'Gee, it's Friday night; we have to produce another one of the things'. They nail it completely when the Minister for Planning is asked what he does as the Minister for Planning. The reply is along the lines that it is obvious: developers bring in their plans and the minister approves them — that is what the Minister for Planning does.

That is not them being funny. That is a succinct and pithy description of the government's vision for the planning system. It is not supporting, protecting and defending the sort of city we want to live in and the sort of city we want. Planning is about receiving developers plans and then approving them. If we have to systemically tear away slabs of the planning system and the Planning and Environment Act in order to achieve that, that is what we will do.

The problem is that every time we do it, people know it is not the system we are trying to change; it is the city. We are trying to change it, without giving them a say, for a reason and a purpose that is not the one they want, which is a livable city. There was not a snowball's chance in hell that the Greens were ever going to support this bill — and we will not.

Mrs PEULICH (South Eastern Metropolitan) — I rise to also make a few comments on this bill and to endorse all the comments of previous speakers on the non-government side, including Mr Guy, who I thought presented a compelling case as to the reason this bill is so flawed that it cannot be supported by the opposition.

Mr Atkinson gave an impassioned appraisal of the manner in which the DACs (development assessment committees) deny communities the right to a vision for their own communities. He did not use those words, but basically communities will be denied representation, in

an important, integral way, even though they are being taxed or have rates to pay. It is an abuse of the concept of paying taxation where there is a lack of representation as a result of DACs usurping all the democratic rights of a community — the stakeholders, residents, elected representatives, councils and businesses.

Mr Atkinson also confirmed what I have heard about there being enormous concern in local government that there has been little representation by their peak bodies — particularly the Municipal Association of Victoria, the Victorian Local Governance Association and the Australian Local Government Association. It is disappointing that, just like many of the Labor-dominated councils, these bodies seem to have been neutered and are no longer playing their role of giving vigorous representation and voice to the sector of local government, to elected representatives and to our councils.

We need only to look at the people who are heading these organisations. Recently somebody said to me that they felt these governing bodies had been silent when they should have been leading the way in response to some of the matters that have emerged as part of the public debate about Brimbank and about the use and abuse of the Labor Party's municipal caucus rules, which are creating a surreptitious culture of decision making behind closed doors. There are concerns that when you close the doors to make your decisions, you open the doors to corruption. When people like Geoff Lake, a Labor luminary, are heading organisations such as the Australian Local Government Association, you cannot really expect, to use a Ruddism, a fair shake of the sauce bottle. I am sure he meant a fair suck of the sauce bottle.

Mr Vogels — A fair suck of the sav.

Mrs PEULICH — Absolutely. It is very disappointing that we have got this far — to the upper house — without there being a fulsome debate or consultation and without the peak bodies being integrally involved in commenting on and developing this legislation.

There are many people who are concerned about aspects of this legislation. In fact the state planning system is in meltdown, which is extraordinary. We heard the minister and Premier Brumby indicating that several hundred — I think it was between 1000 and 2000 — projects would be subjected to ministerial intervention so as to unblock the road. The government has said that it would fast-track development funded by the economic stimulus package.

Hon. J. M. Madden — Are those figures right?

Mrs PEULICH — Yes. I think it was about 2000, was it not?

Hon. J. M. Madden — No, we did not give any figures.

Mrs PEULICH — I would be happy to be corrected on that.

Hon. J. M. Madden — I am correcting you now. You are making the figures up.

Mrs PEULICH — No, I am not making the figures up.

Hon. J. M. Madden — They have not been published.

Mrs PEULICH — I said the figure was several hundred.

Hon. J. M. Madden — Mrs Peulich is making them up like the rest of the things she does in the chamber.

The ACTING PRESIDENT (Mr Somyurek) — Order! Minister!

Mrs PEULICH — I think we know who is making things up in this chamber. At the same time as the release of the Ombudsman's report into Brimbank, which links the Minister for Planning — and I am not saying he himself is actively involved —

Hon. J. M. Madden — Be careful.

Mrs PEULICH — I advise the minister that it is all on the public record.

Hon. J. M. Madden — We have been through this. The member should be careful what she says.

Mrs PEULICH — Through omission the minister has allowed corruption to flourish within his midst, within his office, about which he claims he knew nothing. It seems to me an extraordinary proposition that he would be able to monitor and be the ultimate adjudicator on a range of these significant proposals across 79 councils. If you do not know what is going on in your own office, I am not sure exactly how you are going to keep an eye things that are happening across the system.

We have had the Ombudsman's report; a motion of no confidence in the minister has been passed in this chamber; and a rally has been held on the steps of Parliament House involving numerous communities,

from the left of the political spectrum to the right of the political spectrum, including people motivated by single issues, all in unison and outraged that the community has been sidelined by this government and all out of concern that the state planning system is in meltdown. Then the Premier has the audacity to suggest that the Minister for Planning will be promoted despite all of that. Unfortunately, as much as I think the Minister for Planning is a very nice person, he has fallen very short of fulfilling his responsibilities. Mr Atkinson gave a good appraisal of some of those major concerns.

At the same time this bill has been introduced. The concerns I have raised are about the absence of due process — the problems of making decisions behind closed doors and of not making decisions in an open, transparent and accountable fashion. I am concerned about the role the Labor Party's own municipal code plays in setting up that culture by requiring that decisions be made before council meetings take place; the synchronising of who moves and seconds motions; and the ban on anyone moving motions spontaneously or arguing in a debate, unless all of that has been approved by the caucus, which meets before the council meeting. All of that is in direct contravention of the Local Government Act, and none of it has been acted on by the Minister for Local Government. It is not just the Minister for Planning who has failed in his duties. There has been a gross breach of responsibility as far as the Minister for Local Government is concerned.

Mr Barber gave a good explanation as to why that may be the case, and that is that many of these power struggles are taking place between Labor factions. The minister is a meek, mild, nice and personable fellow. Who is he to go into Brimbank or any other similar council to adjudicate in biffos between the factions? He cannot win, so it is much easier to ignore it, stick your head in the sand and just let things happen.

There are concerns about corruption, about a lack of accountability, about there being a political fix from top to bottom, and then we have this legislation. I cannot understand, in terms of political nous, why the government would allow the timing to coincide with the string of events that have reflected so poorly, unfortunately, on the Minister for Planning and also on the entire Labor government.

Mr Matthew Guy has spoken of concerns about the growth areas infrastructure contribution. We had that debate yesterday. I will not cover it again except to say we do not have the infrastructure that the community deserves as a result of 10 years, \$300 billion of taxpayers money expended and some of the interface

councils making contributions to infrastructure levies, which have not translated into the infrastructure they deserve. Why would we have any faith that this Robin Hood tax, this up-front tax, will deliver the sorts of benefits and infrastructure that those communities that are actually paying the money deserve? But more importantly the rezoning of land in the green wedge may force people who are engaged in farming off the land, even though they may not wish to leave. For example, by the rezoning of their farming or agricultural land to residential they would be subjected to paying residential local government rates, which would be unaffordable.

It a very misguided scheme. It does not apply just to the urban fringe; it applies to many areas in Melbourne, including many areas in my electorate, especially Heatherton and Clarinda, which are pretty much in middle Melbourne. These areas are very badly neglected, but they are nonetheless in middle Melbourne. It is not just specific to those areas, because the repeal by this bill of section 46AP of the Planning and Environment Act 1987 basically means the government can deem any area a growth area. Any area across Melbourne can be subjected to a DAC (development assessment committee) being established, with medium-density or high-rise developments being fast-tracked without the community having those rights that have been enshrined in our Planning and Environment Act and that we as a civilised community have become accustomed to. We believe the act functions reasonably well.

There are some very significant flaws which Mr Barber has mentioned in passing, including the backlog at the Victorian Civil and Administrative Tribunal (VCAT) and the fact that some councils fail in their duty to make decisions along the lines of planning laws, even though it is clear whether something complies or does not comply. Too often they find it easier to pass the buck to VCAT in the hope that somebody else will be the bad guy or take the flack. That needs to be addressed. That is just one of the many areas that could have been fixed.

Another area I mentioned yesterday was the delay within the minister's own office — the 4.7 months, as identified in the Auditor-General's report — in him signing off on approved planning schemes. That could easily have been fixed. Maybe his work hours could have extended beyond the 9 to 5 in order to catch up with that backlog. As Mr Barber said, that does not mean if this current system does not work, the solution is the total opposite — that is, the denial of any sort of due process. What the government could have done is actually fix the system to make it work.

My concern is that if this legislation goes through this chamber — and it appears it will not go through in its current form — the worst aspects of it would not be seen until after the 2010 election. There should be some restraint placed on the government not to abuse this mechanism, especially in those seats that are politically sensitive. The government will be much more reluctant to put high-rises in your Mordiallocs and your Carrums and your Bentleighs; it will pump them into other places where there is not necessarily the same political sensitivity — perhaps even Mr Barber's area or Mr Kavanagh's area. Come 2010, should the Labor government be returned, I have no doubt whatsoever that the high-rises — it might be social or public housing — would be pumped into areas where the Labor Party thinks it may be able to skew the demographic profile of an area to give itself a political advantage. There is enormous risk in allowing something like this to go through.

Worse still is the fact that the DACs sideline councils. There would be two council-nominated people on a committee of five, and, as Mr Atkinson has rightly said, to suggest that it would be independently chaired is ludicrous. Very rarely is there anything independent about the way this government works, and faith in the minister's assurances would be misplaced. The chair would be appointed by the minister, two others would also be ministerial appointments and there would be two appointed by the local council. In a Labor-dominated council that operates under the Labor municipal code, that would probably be agreed upon with the concurrence of Labor MPs in the area. It would be one happy Labor Party — a Labor fix. That is not independent by any stretch of the imagination.

To suggest that the costs of these DACs should be picked up by the council and the ratepayers, who would not have the representation, is an absolute insult. To suggest that the \$2 million set aside in the budget would somehow look after the costs of all of the DACs around Victoria is preposterous, to say the least.

To suggest that DACs provide more balance in the planning process is also absurd, and I have no doubt that Ms Mikakos did not really mean that. Ms Mikakos, I have no doubt, believes in due process, and I would bet my bottom dollar that she does not believe the DACs provide that or that they provide the open, accountable and transparent method of operation that our community deserves. Why does the government not want an open and transparent mechanism? Because, as we know, there are enormous amounts of money involved in planning, development and building and construction, there are very well paid lobbyists and there are very significant donations to be procured in

the process of developing sympathetic ears. That, to me, is a much more serious step towards the corruption of Victoria.

You might say these systems exist elsewhere, but they do not exist in a system where there is no anticorruption commission. We do not have an anticorruption commission, and therefore to create a system which is so prone to corruption is absolute folly. It ought to be resoundingly voted down by this chamber.

The bill contains a number of provisions that relate to the conduct of DAC members. However, Ms Mikakos erred in suggesting that the conduct was somehow strong and that people would not be punished for vigorously disagreeing with the conclusions of a DAC. Clearly she has overlooked the provisions of proposed new section 97MM, which refers to the removal, suspension or resignation of members and to the minister having the power to:

... suspend a member or an alternate member of a DAC for up to 3 months if the Minister believes on reasonable grounds that the member has —

- (a) breached any requirement in Division 5; or
- (b) acted corruptly in performing his or her duties as a member of the DAC; or
- (c) acted in a way that is not in the best interests of the DAC.

I believe the penalty is 100 penalty units.

It also seems extraordinary that you would have a single person as the gatekeeper of honesty, such as the very person who was a bit short on fulfilling that role in relation to Brimbank and in relation to other matters. It is extraordinary. It is the government opening itself up to enormous criticism and ridicule. I am not surprised to learn that the planning backlash people have a special segment on their website poking fun at that — because it clearly deserves to have fun poked at it.

To place — and I apologise to Mr Madden as a person — —

Hon. J. M. Madden — Don't patronise me.

Mrs PEULICH — It is akin to placing Dracula in charge of the blood bank.

Hon. J. M. Madden — I'm one and the same and you're one and the same, so don't patronise me — —

Mrs PEULICH — I think that is clearly — —

Hon. J. M. Madden — I would prefer you did not — —

The ACTING PRESIDENT (Mr Somyurek) — Order! Mr Madden is to address his comments through the Chair.

Mrs PEULICH — That is clearly not going to be a workable system.

Hon. J. M. Madden interjected.

The ACTING PRESIDENT (Mr Somyurek) — Order! Through the Chair.

Mrs PEULICH — Thank you, Acting President, for your protection. This system will bring a Hakki to every suburb. It will bring a Brimbank to every council. I do not for one moment support Brimbank-type partnerships, and I urge every single person to defend the rights of their democratically elected councillors. In fact, I want to see local democracy made more vigorous and more effective. I want to see Labor — —

Hon. J. M. Madden — Like Glen Eira!

Mrs PEULICH — You dismissed Glen Eira on the basis of misconduct of one person, not the entire council.

Ms Broad interjected.

Mrs PEULICH — No, Ms Broad. We amalgamated a number of councils; we did not — —

The ACTING PRESIDENT (Mr Somyurek) — Order! Mrs Peulich, through the Chair. I remind members on the government side that interjections across the chamber are disorderly.

Mrs PEULICH — It was a policy favoured by former Labor premiers. However, we also reinstated democracy.

Ms Broad interjected.

Mrs PEULICH — No. Unfortunately there is no sunset clause on a DAC.

So what we did was reconfigure — —

Ms Broad interjected.

Mrs PEULICH — The same argument, Ms Broad, could be made about the upper house. You reconfigured it into a different being; we did the same. What you are doing here is actually completely gutting democracy. This is completely centralising our planning system. You may as well form a central planning authority as an outpost or perhaps in a little room in Mr Madden's office, because at the end of the

day that is how it will operate, and that is not the sort of planning system or planning culture that I want to see in the state of Victoria.

Hon. J. M. Madden — Rubbish! This was agreed to by the former federal government, the Howard government, as part of COAG.

Mrs PEULICH — Mr Madden, this debate should really have been held out there, before the bill came to the upper house. It is an inappropriate piece of legislation establishing inappropriate machinery, again because it facilitates the making of decisions behind closed doors, and when you make decisions behind closed doors you open the doors to corruption. Anyone concerned about that ought to vote this legislation down. With those few words, I do not commend the bill to the house.

Mr KAVANAGH (Western Victoria) — The controversial parts of this bill relate to the development assessment committees, and therefore I will largely confine my comments to that part of this proposed legislation.

I, along with four other members here, represent Western Victoria Region. In representing western Victoria on matters that pertain to local government I feel an obligation to listen particularly carefully to local governments in western Victoria and to express their views on local government matters before the house. Within western Victoria the largest city is, of course, Geelong, and indeed I have a residence in the city of Greater Geelong.

The bill before us establishes development assessment committees within five areas immediately and other areas in the longer term. One of the five pilot areas is the city of Greater Geelong. The development assessment committees are aimed at really taking away from the city of Geelong control over Geelong planning, but planning controls are really a very large part of the *raison d'être* of councils. If councils do not have authority over their own planning matters, then there would seem to be not much reason for them to exist at all.

The development assessment committees proposed by the bill will not be representative but will comprise two members appointed or referred by the local area and two by the Victorian government. One does not have to listen very carefully to the city of Geelong councillors to know their opinion about development assessment committees. They are very angry, and their comments are made very loudly. City of Geelong councillors are strongly against these committees. Many councillors,

members of not only the last council but the current one as well, have expressed to me frustration and anger over the plans.

Mrs Peulich pointed out many deficiencies in the development assessment committees, including their unrepresentative nature. This lack of representation is, of course, directly contrary to a fundamental principle of democracy, that where possible local people should decide local issues, as I have said in this house many times before.

In representing here the local governments of western Victoria I feel that it is not my role to block government legislation where possible but rather, if necessary, to propose alternatives. Therefore I ask that the proposed amendments standing in my name be circulated.

Democratic Labor Party amendments circulated by Mr Kavanagh pursuant to standing orders.

Mr KAVANAGH — In addition to those that are being circulated perhaps we should have included a protection for whistleblowers, because unfortunately the proposed legislation actually explicitly withdraws protection for whistleblowers.

The purpose of the amendments is to reduce the number of government appointees to a development assessment committee from two to one, to increase the number of those appointed by local government from two to three and to require members of a development assessment committee to have lived in the area of the development assessment committee for at least five years before their appointment, because this is one aspect of the bill that local governments are finding particularly objectionable.

Many people in Geelong do not like to be told what to do from Melbourne, and they would not appreciate having people from outside foisted on them as members of committees with planning powers. That requirement of five years residency would mean that appointees to the committees would at least understand the areas that they will effectively have control over.

Ms HUPPERT (Southern Metropolitan) — I have listened — I am not sure if ‘with interest’ are quite the words — to the contributions made by members opposite on the cross benches and, in particular, the indignation expressed by Mr Guy and Mr Atkinson and the somewhat philosophical meanderings expressed by Mr Barber. I think there is a bit of a misunderstanding —

Mr Barber interjected.

Ms HUPPERT — I meant quasi philosophical; they were not really philosophical, but it was an attempt at some philosophical comments. In rising to speak in favour of the Planning Legislation Amendment Bill I want to make a few comments about some of the matters raised. Mr Barber talked about the Planning Institute of Australia. The institute has not said this bill is bad; it is supportive of it, but it has made some suggestions for some minor changes which unfortunately are not technically feasible. It has not said that this is a bad piece of legislation.

We have also had some comments about penalties to be imposed on members of a development assessment committee. Penalty units under clause 97MZ apply to a development assessment committee member who has misused his or her position of power. These are normal provisions that appear in legislation when people are expected to make decisions that relate to — as members opposite have said — the interests of people living in a municipality.

Basically, I want to talk about the development assessment committees and make some comments about this piece of legislation. The development assessment committee is intended to insert into the planning system a third way for a decision to be made; it is the middle ground. At the moment, decisions can be made by a local council or by the minister calling in a planning permit application.

The purpose of this legislation is to not change the current planning framework at the local government level. A person who wishes to make an application in one of the nominated activity centres for a particular type of planning permit that is of significance outside the local government area in which the activity centre is located will make their application in the normal manner; it will be referred to referral authorities in the normal manner; and it will be considered by the development assessment committee. Democracy is retained; local residents will still have the opportunity to lodge objections in relation to this planning permit application and will have appeal rights to the Victorian Civil and Administrative Tribunal if they are not satisfied with that decision that has been made by the development assessment committee —

Mr Barber — Have you ever been to VCAT on a planning matter?

Ms HUPPERT — Actually yes.

Mr Barber — Tell us about it.

Ms HUPPERT — It was a long time ago, Mr Barber, in another life. What we are doing here is

allowing for cooperation, which is something I thought the opposition would have welcomed. It is cooperation between the state government and local government.

Melbourne is a wonderful city to live in. Melbourne has been found to be the third most livable city in the world. One of the things that comes with living in a city that is attractive to other people is population growth, which places great pressures on our city. One of the consequences of that is that it is even more crucial that planning be flexible and be able to respond to the demands of population growth.

The Victorian government is therefore committed to a way of moving forward to enable planning to occur in an orderly manner so that local government and state government can jointly consider planning applications from respective specific activity centres.

I want to point out — and I think people have mentioned it — that the Greensborough project is probably a good example of an activity centre that is used not only by local residents of Banyule. People from a much broader area visit Greensborough town centre to shop at the shopping centre. If the current development proceeds, they will be able to visit the cinemas that are going to be constructed and to use the aquatic centre that is going to be built. It will attract people from well outside the immediate Banyule area.

There are many other activity centres in Melbourne which have similar significance across the metropolitan area. I have to admit the same can be said about central Geelong, which is a service and infrastructure centre as well as an employment centre for much of the surrounding area outside the Greater Geelong City Council boundaries. For this reason, it is important to consider issues of metropolitan and state significance when planning decisions are being made. The development assessment committee provides an opportunity for that to occur. For this reason, it is a good move and it is a good system being proposed. I therefore commend the bill to the house.

Mrs PETROVICH (Northern Victoria) — I rise to speak on the Planning Legislation Amendment Bill. From the outset, the coalition will not be supporting this bill in its present form.

This amendment bill relates to issues about — I will speak about and focus on this mainly — the growth areas infrastructure contribution. I believe this contribution should more appropriately be called a tax — which is what it is. It is a philosophical tax — it is of the socialist philosophy. It is probably time that members opposite became a little more transparent on

what they are trying to do. They are trying to get their hands on the hard-earned money of members of the community who have worked hard, built a dream, paid their mortgages, paid their taxes and built up an asset base.

This Labor government needs to come clean now and admit this is about making everyone the same and bringing us all down to a base level. Those who have achieved for themselves and their families should not be penalised. This is about bringing families down a peg or two.

We have seen a succession of failed planning ministers, 10 years of planning scheme reviews and 10 years of state planning policy that has not worked. During my term as a member of a planning committee and as a member of a council that dealt with some very tricky planning issues, we made sure that we looked at local character. On many occasions we had to refer to a one-size-fits-all planning scheme which had been developed by this government and was fundamentally flawed.

We saw a previous planning minister, Minister Thwaites, sit on a range of opportunities to improve things; we saw former Minister Delahunty completely bungle this issue; and we saw Minister Hulls sit on amendments for 12 to 18 months. Now we are seeing probably the most ineffective planning minister, Minister Madden, the state has ever seen. There have been 10 years and a one-size-fits-all planning scheme.

The government has now had 10 years in which to fix this, with money in the bank as a legacy of the Kennett government, but it has run out of dough and wants to put its hands in the back pocket of middle Australia. This clearly demonstrates a lack of understanding about diversity in planning styles and planning communities. It is about the incremental, unashamed disempowerment of local authorities. Councils are very nervous about where this is going. They have not been properly consulted, and they have not been properly represented by their peak body, the Municipal Association of Victoria. Many of the councillors I have spoken to have been totally unaware of this change. This is not democracy, as far as I can see.

Worse than that, the bill is about cost shifting and now profit taking. The \$95 000 per hectare growth area infrastructure contribution (GAIC) charge will be indexed, but by the time there is demand for many of the properties to which the charge will apply, the land value will not have increased as much as predicted. Does this tax open up more land?

Hon. J. M. Madden — On a point of order, Acting President, I understand the argument that the member opposite is making, but I think she has the wrong bill. The government has not introduced the growth areas infrastructure contribution bill — that is due later this year. She is currently discussing the GAIC legislation, which is not before the house, rather than talking to this bill, which is about the development assessment committees. I ask you, Acting President, to clarify that with the member or bring her to order.

Mrs PETROVICH — On the point of order, Acting President, in this bill there are provisions that basically give the minister the authority to deem any area a growth area subject to the tax, so the two are integrally related.

The ACTING PRESIDENT (Mr Eideh) — Order! I understand Mr Madden's point of order, but my understanding is that the member can make passing references to other bills but must then come back to the bill before the house.

Mrs PETROVICH — Certainly, Acting President. I said from the outset that my focus was on that aspect of the legislation.

I was referring to the growth areas infrastructure contribution, a \$95 000 per hectare tax that will be imposed on landowners. This charge is being indexed, so by the time the properties are in demand it will be much higher. As land value increases, so will the tax. I would like to understand where this will end, but the government has not thought that far ahead. There are a lot of implications for communities and landowners.

I have recently attended meetings where people have been very distressed about the proposed GAIC tax. A letter was sent to many of my constituents on 23 February, just after the terrible fires of 7 February, informing them about what would be imposed upon them under the legislation that is currently being drafted. This letter was sent out two weeks after submissions for comment on the legislation had closed. The letter was addressed 'To the land-holder', and many people said, 'If you are going to send me a letter informing me about this tax imposing a \$95 000 per hectare bill on me, at least do me the courtesy of calling me by name'. Many people in fire-affected areas had their right to make a contribution through the consultation process removed as the net effect of the letter being sent out two weeks after submissions had closed and the fact that they were not allowed to make late submissions.

So many aspects of this letter have distressed and annoyed the community, including its assumption that if your land is ultimately rezoned within the urban growth boundary, the value of the land will increase significantly. The letter says:

To help fund the infrastructure and services new communities need, a growth areas infrastructure contribution will apply —

in other words, ‘This is what your \$95 000 per hectare will go towards’.

Ms Mikakos said earlier it was very important that the growth areas infrastructure contribution be introduced because in all growth areas there would be a need for infrastructure improvements — things like schools, roads and rail. Gee whiz, I was under the impression that that was a government responsibility! Developer contributions have previously played a part in addressing some of these issues — for example, those relating to infrastructure around footpaths, lighting and open space — but the other issues have traditionally been state government responsibilities, as far as I can see. We are now seeing much of this being passed on to communities where the federal government cannot bail out the state government. The state government has had tonnes of money, but it has run out. This is another way for the government to dig itself out of a hole.

I have met with people who have been devastated by the prospect of this charge being imposed upon them, and it is very hard to see people in this position. At a recent meeting at least two people in the gallery had lost their homes — everything — in the recession we had to have. With the current recession on their doorsteps, people who live in designated growth areas are now terrified. Many people in this situation have thought about selling their land, but if this tax is imposed, all of a sudden their land will not be worth selling. Based on the figures they have been given, the tax will be far more than the land is worth.

At a recent community meeting in Beveridge it was pretty clear that there had not been any consultation or clarification on what the letter sent out on 23 February actually meant. Community members are very angry about the government’s plan to slug landowners, as they are now unfortunate enough to be included within the extended urban growth boundary. For many of them the land has been in their family for a number of generations. These people are not speculative developers; they are people who have lived on the land, followed a dream and raised their families there. They may want to sell or pass it on or they may want to continue to farm, but because of this tax those choices will be taken away from them. Despite the fact that the development of their land may be decades away, these

people are now facing a very large bill of \$95 000 per hectare. It will be very difficult, given the real value of their land.

It is a philosophical issue, and the community is philosophically opposed to this tax. Those in the community know they have worked hard for their assets. Some of the people I am talking about have been through one recession already; they have worked hard and rebuilt their lives, and you can only imagine their distress in finding themselves in the middle of another recession and wall-to-wall Labor governments. Yet members of this hopeless Victorian government, with their flawed philosophy, come up with this nasty tax in an attempt to grab what is not theirs.

This government should be ashamed. It should come clean. It is just a money grab. It should have thought a little bit more carefully about where development was going. Melbourne 2030 was supposed to be the great panacea; it certainly has not proved to be that. We now have issues with water, schools and infrastructure. Melbourne has developed very rapidly, and there has been an underestimation of the people moving to the metropolitan area by about 1 million, but uncontrolled urban sprawl is not the solution. It is a great shame that these communities are going to be impacted on.

My background is in building and construction and in local government, as I said earlier. There has been a lot of talk about planning. The Housing Industry Association and the Municipal Association of Victoria and other authorities have been talking about the proposed benefits to local government and jobs. The net effect of this aspect of the legislation will be that land will actually be locked up, because if people decide to subdivide or sell or somebody passes away or there is a marriage breakdown, there will be an impost of \$95 000 hectare.

The other issue, as Mrs Peulich alluded to earlier, is that when you have an improved value, there is an improved rating valuation. That will cause an enormous amount of stress for those living in those urban growth areas, because they will face increases in council rates on what in many cases is effectively unimproved land. The net effect will be that people will not want to subdivide and land will not be released. I cannot see how that will be of any real benefit to our growth areas. It certainly will not assist those people who are out there struggling to pay their rates.

Having worked in local council, I have some real issues around having a committee made up of government members and council members, with the imbalance of a 2-3 divide. It will be able to make decisions as a third

alternative to the local government's responsibility or ultimately the planning minister's responsibility. It is a great shame.

I know from my personal experience that it is nearly impossible to follow a one-size-fits-all planning scheme and get a good result, particularly in some of the outlying areas and the more sensitive areas with view lines and heritage overlays. In my experience an area like the Macedon Ranges is certainly not the same as Moonee Ponds. Having housing blocks of 350 square metres is not going to be a desirable outcome.

On that basis I believe Mr Kavanagh's amendments have some merit. It is imperative that the individuals involved in the decision making have an appropriate knowledge of what is good planning in that area. I would be very concerned to see a one-size-fits-all philosophy flowing into areas that have some sensitivities. I would also be very unhappy to see the democratic process and elected councillors being undermined by a chosen few who have been slotted in to try to fast-track the planning system, which I think this is about.

It is a dreadful shame that local councils are becoming disempowered and less relevant to the whole planning process. It has been incremental. I know as a former local councillor that after talking to the people and looking at the neighbourhood character and what is going on in that particular area, you may find that a recommendation for a particularly difficult planning application by a planning officer, who is operating under a one-size-fits-all state planning scheme, may be very different from what is going on in a particular zone.

Some very poor planning decisions can be made in a chamber in isolation without that local knowledge. It is imperative that local councillors have an understanding of their area by getting out there and finding out what is in character. It is probably not so relevant in some areas of metropolitan Melbourne, but it certainly is imperative when you get into the regional centres and areas which have significant landscape or architectural heritage characteristics. It is very important that there is that local knowledge.

I am very concerned that the panel being proposed will not provide a suitable response on many occasions when very sensitive approaches to planning are required. It is open to manipulation and meddling. I listed the previous planning ministers over the last 10 years, going back to John Thwaites. Quite frankly, none of them has been a shining light. Planning is in a hell of a mess. Some of the initiatives that have come

out of the current planning minister's office have left me with a sense of dread as to where we are heading in planning, where the responsible planning minister is headed, and what sort of focus he has had on state planning policy over the last number of years.

Mr SCHEFFER (Eastern Victoria) — I speak in support of the Planning Legislation Amendment Bill. Most of my contribution will concentrate on the operation of the development assessment committees, which under the legislation will have responsibility to make decisions on certain types of planning permit applications.

The development assessment committees are intended to improve planning application processes and decision making on significant applications that require the state and local governments to reach a joint decision. The advantage of these committees is that both local and state policies in a particular planning scheme can be taken into consideration in a single process.

The committees will operate within existing frameworks, which means that local government remains the responsible authority, but it will exercise this function in conjunction with the development assessment committees in certain planning matters. The existence of development assessment committees (DACs) will not affect the current right of third parties to appeal a decision, and the minister will retain his present power to call in a planning application.

The establishment of development assessment committees has been criticised by some in the media. In this debate the committees have been characterised as undemocratic. It has been said that development assessment committees will demolish a cornerstone of the state's planning system — the rights of residents to have a say about their neighbourhood. It has also been said that decisions will be made behind closed doors by people who are unelected, unrepresentative and unaccountable. The government has been accused of taking away people's basic democratic rights. All this is strong stuff if it is true. If it is true, it delivers a serious attack on the government's credibility. When I look at the legislation, however, I do not see this.

As I understand the legislation, both the state government and local government will appoint members of the development assessment committee. The state government, in consultation with the local government sector, will appoint the chair. Two committee members will be nominees of the state government, nominated by the minister, and two will be local government nominees, who can be either councillors — so councillors can have direct input into

the work of the committee — or members of staff of the given municipality, presumably appointed by the council.

As well, representatives of the shire or council will be represented on committees that deal with matters relating to a particular municipality. That will enshrine in the process the closeness and knowledge of the local neighbourhood which have been raised a number of times by members in their contributions to this debate. State government nominees to a development assessment committee will be chosen through a process of self-nomination and through advertisement. They will be interviewed prior to an appointment being made, and they will be subject to a probity check. It is expected that people from a range of appropriate backgrounds will be state nominees, but they will obviously need to be familiar with the planning system and with planning policies.

Right now the planning system only allows decisions to be made either by a local council or by the Minister for Planning. As all members know, through working with local councils, sometimes they are called upon to make decisions that have impacts on people who live well outside their municipal areas and on environments that affect people across extensive areas beyond their municipality. This situation can lead to ad hoc ministerial interventions or the need to find quick-fix solutions after the fact.

I recall that in the previous Parliament, when I was a member for Monash Province, I had in my electorate the city of Stonnington. Part of the most eastern boundary of the city of Stonnington is Chadstone shopping centre, and at that time, going back to 2003, there was a major development at Chadstone.

I remember people from the Stonnington council speaking to me about this very problem. They felt that the planning issues around this were beyond their capacity as a council to deliver and to work through, and they needed wider support and a wider framework in which to operate. It seems to me that the DACs are a way of providing that leavening and additional expertise to enable and support a council to work through some of those matters.

While planning processes have the capacity to be democratic because elected local councillors will make decisions about matters of which they have an often detailed knowledge, it is also true that they have their limits. This is where the DACs can come to the fore, as I have said. Planning development assessment committees provide another way to enable the state and local government to make decisions together in the

context of a partnership that brings together the two levels of government and where responsibility and accountability will be shared around decisions of that type.

I do not accept that the legislation therefore diminishes democracy in planning decisions, but I say to those who think they need to factor that in that democracy is always balanced against the need to deliver effective outcomes. Our whole democratic representative model is characterised by this balance. On the one hand, there is a democratic voice; on the other hand, there must be a speedy and effective outcome. The fact is that there is an efficiency imperative, and we cannot ignore it.

Development assessment committees will achieve this balance. They will be joint state and local government committees, they will operate within an existing framework, they will have the capacity to bring together two levels of government to consider joint issues and they will have a positive impact on the wider region. These committees will be operated through meetings that will be run very similarly to council meetings. They will not, as I said before, operate behind closed doors. They will be open. Affected people will be notified and will be given time to put their views prior to a decision being made. The committees will operate in a similar way how councils operate. While decisions can be deferred to obtain better information, I expect that the local council representatives will be across all the necessary material and will have fully consulted with residents prior to a committee meeting.

The bill also amends the Planning and Environment Act so that a growth area can be declared in any part of Victoria. A good deal has been said on that in the contributions before mine. The government has also come in for some criticism on this issue. Some have said that the planning framework of Melbourne 2030 has been a failure and that setting up the urban growth boundary has been a failure, and that this bill proves it. Once again, I disagree.

The fact is that the Melbourne 2030 population projections were based on the most accurate figures for greater Melbourne that were available at the time. I remember that in 2002 many people said to me they did not believe the population could grow to the extent projected and they could not see the point of that framework, yet population growth has outstripped the projections and the future has come faster than expected. The reasons for this need to be noted: Melbourne has become a magnet and an even more attractive place for people to live. Dare I say it, Melbourne is a place for people to live, work and raise

a family — and I must say to the house that that is the first time I have said that in this chamber.

The population analysis that has been done on the figures from the 2006 Australian Bureau of Statistics census shows that the population of Melbourne is likely to reach 5 million by 2030. As members know, the government's policy response to that is set out in *Melbourne @ 5 Million*, which complements and extends Melbourne 2030. The thrust of the Melbourne @ 5 Million policy is the need to plan for a multi-city centre and to extend the urban growth boundary. This has been incorrectly interpreted as a failure of Melbourne 2030, and I reject that. The fundamental principles at work are still relevant.

It seems to me axiomatic that a city of Melbourne's size must be spatially contained, that population density needs to be focused in certain areas that we call activity centres and that, by dint of those things, other areas can be less densely populated. It follows that land has to be used in different ways and that transport amenities need to be planned accordingly. Melbourne @ 5 Million builds on what has generally been — contrary to what I think other members, particularly the previous speaker, have said — a very good history in planning. While we have always debated this issue hotly since the establishment of the city of Melbourne, overall it is a livable city and collectively we have done our planning pretty well.

Under existing legislation, changes to the urban growth boundary must be ratified by Parliament, and the passage of this bill and amendments to the Planning and Environment Act will not change that. What is being changed by the legislation is that the minister will now be empowered to declare any area within Victoria a growth area. Currently the act specifies the six growth area councils and provides for the operation of the Growth Areas Authority within those council areas. *Melbourne @ 5 Million* sets out the case for the need for the Minister for Planning to be given the power to designate a growth area outside the six listed municipalities.

As an example, the urgency of meeting the demand for a projected 600 000 dwellings over the next 20 years means the minister needs to have the flexibility to be able to make necessary changes without having to amend the act each time. This will enable the Growth Areas Authority to facilitate the management of urban growth areas in any part of the state and provide support to local councils to better manage the population pressures in growth areas.

The planning powers of local councils will remain in place through that process, giving the local community the same level of scrutiny and oversight as currently exists. I believe the amendments contained in this bill will provide for shared responsibility of the management of Melbourne's future growth. I commend the bill to the house.

Mr VOGELS (Western Victoria) — I would like to make a few comments on the Planning Legislation Amendment Bill 2009. As we have heard, the purpose of the bill is to remove planning authority from local government. If passed, this legislation will amend the Planning and Environment Act 1987 so that the Minister for Planning may deem any area of Victoria a growth area. The bill also provides for the establishment of development assessment committees and makes some other amendments, but I will not go into them.

Once the Minister for Planning announces that in his opinion a certain part of the state is a growth area, local government will be completely out of the equation. The local council will no longer be one of the responsible authorities that has to be part of any plan. A development assessment committee (DAC) will take over. I have heard members of the Labor Party say the workings of each DAC will be democratic, but the reality is that each DAC will comprise five members: three ministerial appointments and two appointees from local government. A quorum will consist of three people, so a DAC could meet without any representation from local government at all — just the three people appointed by the minister. Whichever way you look at it, locals will be taken out of the decision-making process.

If responsibility for planning is to be stripped from local government, why have local government at all? Surely planning is the most important function that local governments undertake. Councillors contribute to local decision making; they understand their areas better than anyone who has been appointed by Spring Street.

When I was a councillor on the Corangamite Shire Council I was also a member of the council's planning subcommittee. There were many planning issues, especially in the Port Campbell area of the shire. The subcommittee would visit people on site to hear what the issues were. We met with local people about local issues, and we took note of their concerns. I do not believe a committee appointed by Spring Street will have anywhere near the ability necessary to interpret information and come up with planning provisions that local people want in their community. It will be

someone from Spring Street saying, 'No, this is what you will get'.

About 10 years ago, in the late 1990s, I was the mayor of the Corangamite Shire Council. The Premier, John Brumby, was then the Leader of the Opposition. He was invited to Corangamite in the middle of 1999, just before he lost the leadership to Steve Bracks. We all know John Brumby did a hell of a lot of work around country Victoria to try to win votes, and obviously he was very successful because most Labor Party seats were won in country Victoria in 1999.

Mr Brumby came to Corangamite to speak to the council, and one of the main issues that came up was planning. I can still remember John Brumby saying that the biggest problem with planning was the bottleneck at VCAT (Victorian Civil and Administrative Tribunal) and that, if his government was elected, he would ensure that enough people were appointed to VCAT so that there would be no bottleneck. He said planning permits would be processed within 60 days or whatever the period was in which they were supposed to be processed. He said Labor would make sure there were enough staff at VCAT.

He also talked about the Minister for Planning at the time, Rob Maclellan, who kept calling in planning decisions. Mr Brumby said he was a terrible person and that the Labor Party would never be like that. The then Leader of the Opposition, now the Premier, said his government would increase the number of members who sat on VCAT and make sure that there was no bottleneck and that his government would not call in planning decisions, because Labor understood the importance of local decision making. Here we are, 10 years later, with Mr Brumby as Premier, and we have been told that 1800 planning developments are bogged down at VCAT — 1800! The very same Premier is now stripping planning powers from councils right across Victoria.

We have also heard that DACs will have to be funded by local government. If this is not another case of blatant cost shifting onto local government, I do not know what is. The government is setting up DACs with ministerial appointments from Spring Street who will make decisions for and on behalf of councils, and councils will bear the costs.

Taking councils, as the responsible authority in the first place, out of the equation and having DACs (development assessment committees) making the decision for them only takes out one step. As the previous speaker said, objectors and people who are not happy can still go to VCAT, and they can still go to the

other responsible authorities — for example, VicRoads, the Department of Sustainability and Environment or Parks Victoria. This also applies if there are Aboriginal issues and concerns. The list goes on.

Whether this will speed anything up, I do not know, and I still believe we will see the minister of the day calling in planning scheme after planning scheme. As mentioned today in regard to the Colac Otway shire, the minister, rather than the local council, has made a decision on a few of these issues.

The other issue that concerns me relates to the most important thing we ever do in our life — that is, to plan for the future. It should not be the case that, as each successive state government gets elected, kicked out, re-elected or whatever, planning issues just change. People plan for the future. When you are at school you start asking yourself, 'What do I want to be? Where do I want to live? Where do I want my children to grow up? Where do I want to retire?'. You start planning.

If you live in a certain area, you might buy a vacant block somewhere else in the state because that is where you want to retire — you do all this with a plan in mind. Then the government comes along and all of a sudden says, 'Yes, you have a beautiful block down at Torquay' — or somewhere in the Grampians or elsewhere — 'but now the minister has decided you can never build on it, sorry'. There goes your dream; it is shattered.

I would like to quote from a couple of newspapers. One is the Gippsland *Great Southern Star*, which carries on its front page the headline 'Yes, Minister', with the subheading 'Madden strips council of key planning powers'. The article says — and this really gets up my nose:

Land values could tumble following state government intervention in several planning provisions at South Gippsland Shire ...

Last Friday's bombshell decision by the Minister for Planning, Justin Madden, to take away certain discretionary powers from council and councillors could strip hundreds of thousands of dollars from local land values.

The minister keeps standing up here, saying, 'No, the councils have discretion' and, 'We only guide them', but at the end of the day the minister said to South Gippsland, 'This is reality, boys. We have taken away your discretionary powers'.

The article goes on to say:

The key amendments state that no dwellings can be built in the farming zone on lots less than 40 hectares — 100 acres —

and a planning permit cannot be granted for a house lot excision of less than 40 hectares ...

We know that has been the case in the farming zone for quite a while, but there was still some discretion for local councils to say, 'On this particular occasion we believe, in the interests of everybody — the shire, the community — that this can happen'. That can no longer happen in South Gippsland. I believe we are taking away the superannuation of all those people who thought this is what they could do in the future.

An article on page 9 of today's *Weekly Times* carries the headline 'Madden plan snips \$300 million from blocks'. It is referring to Mildura. The article says that that:

... is the message from Mildura Rural City Council mayor Glenn Milne, who says Mr Madden has blocked farmers' rights to subdivide their land.

Once again it is the 40-hectare rule, whereas in Mildura the average block is about 10 hectares. That is the average block size for a grape farm up there. But the minister says, 'No, sorry, it is going to be 40 under my rule'. That is going to take \$300 million away from farmers or people who are retiring and had hoped to sell their 10-hectare block, and maybe someone could build a house on it.

All of a sudden the minimum subdivision area becomes 40 hectares at the whim of the minister. There is no consultation with the local council. The minister is virtually saying, 'You are not doing as you are told. I have decided that the same 40-hectare rule applies all over the state'.

Mrs Kronberg — Acting President, I draw your attention to the state of the house. There is no minister present.

The ACTING PRESIDENT (Ms Pulford) — Order! Yes, there is.

Mr Barber — He's hiding.

Mrs Kronberg — He is hiding; I did not see him over there.

Mr VOGELS — I find it amazing that this government can just take away what people have planned for in their retirement. I will conclude by saying that many MPs, including me, believe that when we are kicked out, defeated at election or whatever, we will get some sort of superannuation; we have counted on it and hoped to get it. If Parliament decided all of a sudden, with the stroke of a pen, that, 'No, we are going to take away the rights of people who retire from

politics to get superannuation because we do not believe it is relevant any more', you can imagine the uproar in this house.

I believe that people who have planned for their retirement by buying a block of land in good faith should not be subject to the whim of a minister who says, 'You have a 90-acre block of land; yes, you were going to build on it, but under my new rules, no, you will never build on it'. The value of that property has gone from — let us make it simple — \$100 000 to \$20 000. Instantly you are taking people's superannuation away from them. That land is their superannuation.

We sit up here in this palace, making rules for other people which we would not entertain accepting ourselves. This bill should and deserves to be defeated.

Mr DRUM (Northern Victoria) — I want to make a very brief contribution to the debate on this bill. I feel that with the work that the Rural and Regional Committee has been doing over the last nine months it would be inappropriate of me not to make a contribution. Over the time it has travelled around the state this has possibly been one of the biggest issues the committee has heard about from various councils around Victoria.

I do not want to get overly political about it, but the government must simply acknowledge that there is an issue here and that there is a real problem. For the government to suggest that there is not a problem with its state planning scheme is quite fanciful. If that were the case, we would not be having councillors writing open letters against the government. Councillors are aware of how much damage writing these open letters will cause them personally and their respective councils. What we saw on the front steps yesterday was a quite significant step. It is also a quite significant step for councillors to appear on the record before a committee and list their genuine complaints against the state planning scheme. I understand this is quite a complex issue. I also understand that the intent of government is honourable, as has been the intent of previous governments over time. The government's intention is to stop inappropriate development, and that is to be admired.

We have recently returned from a trip overseas during which we heard a lot of governments in a lot of jurisdictions speak about inappropriate development. But they also shook their heads at the thought of having direction from an overarching body which told them what they could and could not do. It is a delicate situation. However, the government must simply

acknowledge one thing: it has created an unworkable system. If the system worked properly, the government would not be forced, every time an attractive development is proposed and it wants that development to come to fruition, to drag in that project. If it had a workable system, the government would be able to look at all these attractive developments and allow them to work their way through a natural process until that process ended up in the development, whether that be residential, industrial, technological or whatever.

We need the government to acknowledge that it has created an unworkable system through its regulation and bureaucracy. We have heard local government after local government talk about a process that takes, for example, anywhere from five to eight years to turn a fringe farming area into an industrial estate. This is the case, too, with the tests, reports, data collection and assessments necessary for a residential development proposal to proceed.

I simply put it to the government that it must look at its planning system. Apart from the development assessment committees, the growth area infrastructure contribution and what is happening across the state, quite clearly the government has put in place an unworkable and unpopular system.

I spoke earlier about councillors providing evidence before the recent Rural and Regional Committee inquiry. However, it is not just this inquiry. In the course of the committee's last inquiry into tourism we were inundated with planning problems in relation to tourism. Everywhere we went we encountered councillors who were shaking their heads at zoning issues in their areas and saying, 'We have caravan parks that are designated farms, and we are unable to further develop these caravan parks to meet the demands of our clients and our business base'. This was a problem common to all areas through the state.

I was not going to talk specifically about these issues, but in light of the process this Parliament and the committee have been through, I will. We have spent the last 2½ to 3 years on the road talking to councils about various issues, and front and centre of all of the issues is planning. Quite simply, local governments cannot develop their regions in a manner which meets the expectations of their ratepayers. Their ratepayers expect them to develop their cities for today and for the future. Local governments are hamstrung by the overarching state planning scheme and cannot develop their areas in the way they want to, whether it be residential developments, technological parks or industrial estates. The process for amendments to the state planning scheme is just too onerous, too expensive and

prohibitively time consuming. Unless the government acknowledges that these problems are causing a stifling of appropriate development within our regions, it is kidding itself.

Mrs COOTE (Southern Metropolitan) — On behalf of the Liberal Party and as the shadow Minister for Planning, Mr Guy outlined the Liberal Party's position on this bill in a very eloquent and succinct way. He has been watching and has been very effective in the planning area for a significant time, and he pointed out the fundamental problems of this bill and their long-term ramifications for this state. He was our first speaker. The last speaker on the bill was Mr Drum, who spoke about how it will impact upon rural and regional cities, as indeed did Mr Vogels.

My seat is an inner suburban seat, and I have very different views on planning from those of my country colleagues. I suggest that one of the most emotive experiences of people within my electorate of Southern Metropolitan Region is planning, mainly in relation to their homes. This is the one emotive thing. It is usually the largest outlay they have ever made. As Mr Vogels has suggested, people plan to live in a certain area and they plan for a future. Many of the people within my electorate have saved for a significant time; their home and their home environment, the street and the community in which they live are essential parts of what makes them a member of the community in both Southern Metropolitan Region and within Victoria.

Therefore when a planning issue comes up that directly affects them, they become vehemently engaged with it. I have watched this on many occasions; most recently I watched it in relation to a proposal for a nightclub venue in Stonnington to increase its patronage from 500 people to 1000 people and to change its closing time from 3 o'clock in the morning to 5 o'clock in the morning. This was obviously not appropriate. The local community joined together, raised significant funds and took the matter to the Victorian Civil and Administrative Tribunal, and the proposal was dropped — as it would have been had the process been working. People have every right to be involved in their local community where they live, to have their point of view heard and to take it to a fair and equitable arbiter who looks at all the issues involved. That was how the Victorian Civil and Administrative Tribunal (VCAT) was working, that is how it should have worked until magically this government dreamt up this issue of the development assessment committees (DACs).

I go back to Boroondara, another part of my electorate, to look at what happened at the Camberwell railway station and what the government wanted to see happen

there. The government wanted to bulldoze a development; it wanted to support a development; it did not want to have the public involved; and it did not want to take on board public opinion. There was a very clever public campaign run over a sustained time. Geoffrey Rush was a good figurehead for the entire debate. The community became very engaged in what was seen to be an outrageous development over a heritage part of the heart of the Camberwell-Boroondara area.

The council was on side, the council planners were on side and eventually VCAT was also on side. However, it did not go the way the government wanted, so what did the government decide to do? It decided to implement six temporary development assessment committees. These DACs were supposed to be an experiment to see how they would be rolled out, and that development in Boroondara was going to be one of the very first places that would be looked at.

We have heard before about the make-up of these DACs and how there will be very little local community involvement in them, and therefore the local community will not be able to have a say. We will have some bureaucrat sitting in some ivory tower in Spring Street deciding what should be happening in Camberwell, if in fact they even know where Camberwell is — or if they know where anywhere else is and what the local feelings are. They would have no idea.

One of the major concerns of this bill is the lack of local input into these situations. There is no requirement for the appointment of members to the DACs — who are the majority and appointed by ministers — to have any geographical links to the DAC area at all. The minister may determine that the boundary of a DAC, which could include a whole range of disparate areas, without any feedback from the relevant local council. There could be places from Boroondara; places from, dare I say, Brimbank. It could be from all over the place with nobody having any idea of community knowledge or understanding of what is going on.

Another very concerning issue about DACs is that a quorum only needs to be three members. That means the three members present could have no understanding at all of any part of the decision being made on a planning procedure within, for example, Boroondara, Stonnington, Port Phillip, Bayside, Kingston, Glen Eira or any of those areas that fall within Southern Metropolitan Region.

Yesterday, like many Liberal members of Parliament, I was very fortunate to be outside on the steps of this

place with a group of very concerned councillors. I pay tribute to all those involved, particularly the mayors of the City of Stonnington, Claude Ullin who was the instigator of this protest; City of Boroondara, Jack Wegman; City of Banyule, Tom Melican; and City of Bayside, James Long. There were many supporting councillors who, earlier in the day, had written an open letter and taken out a full-page advertisement in the *Age* newspaper. It was an open letter to Premier Brumby and Minister Madden. The letter outlined very succinctly their points about these DACs and the ramifications of what it would do to local planning and local planning processes.

The letter said they understood how the government has to make difficult decisions, but they believed recent planning reforms have gone too far. They felt these new planning procedures were going to deprive local communities of their normal rights to have their own elected councillors making decisions on development applications in their own areas. They summed up by saying:

These measures —

and they mentioned four of them —

demolish the cornerstone of this state's planning system — the rights of residents to have a say about their neighbourhood. These rights are at the very heart of our democratic system of governance. The use of the economic downturn —

by the government —

to justify the denial of these fundamental rights is short-term thinking with disastrous long-term consequences. How can communities have any confidence in a planning system where the ends justify the means?

When I spoke to some of those people yesterday it was evident that they could not believe the chaos surrounding the planning procedures in this state. As we discussed matters out on the steps of Parliament House, we concluded that there have been several planning ministers who have done nothing.

First of all we had Mary Delahunty, who was also the Minister for the Arts, and she did not care about planning. Before her we had Mr Thwaites. How could I possibly forget Mr Thwaites? He had two major portfolios: planning and health. How on earth could anyone be expected to be able to handle both health and planning? In fact the record shows that he was appalling at both. Not only is our planning system in chaos, but our health system is in chaos as well, and they were the fundamentals that he put in place.

Then the so-called 2030 plan was introduced. It has been modified, snipped at, reshuffled, renamed and rebadged so many times that the incumbent minister now presides over something that is a complete disaster. We have had wedges; and then we have had no wedges. We have had growth areas; and then we have had extended growth areas. Nobody seems to know what the latest plan means. The people who rallied on the steps of Parliament House yesterday were aware of this. Sadly, the councillors I spoke to yesterday said that the people they represent do not understand the ramifications of these DACs, and it is not going to be until a development goes up next to their house, in their street or in their community that they will realise they are not able to have a say in any part of it. Then they will realise that this government has taken away another fundamental democratic right.

This government should be absolutely ashamed of itself. This bill strips Victorians of their democratic rights. Shame on the government.

Mrs KRONBERG (Eastern Metropolitan) — The government has introduced the Planning Legislation Amendment Bill which sets out to introduce a system of development assessment committees (DACs). These are meant to delegate responsible authority to make decisions, in their words, on classes of applications specified by the Minister for Planning. It is our view that this will mean open slather. The legislation basically gives power to the Minister for Planning to call in anything he wants to, and we all know that absolute power corrupts absolutely. We have seen plenty of evidence of that as we are awash with the Brimbank situation. In a way the whole of Victoria has been Brimbanked in the last several weeks, and people have had enough of it.

These development assessment committees are going to deny basic democratic rights to the people who elect their councillors, and I know councillors and citizens groups, action groups, ratepayers associations are all incandescent with rage about this. They are deeply concerned because of the lack of a suitable notification period. They feel the government is acting in a stealth-like manner and that it is a complete surprise attack.

The government's actions are disturbing. I have been affected personally because one of the five development assessment committees will target the area of Doncaster Hill. I have watched the development of Doncaster Hill on a continuous basis since 1970. I remember Doncaster Hill when it was a dairy and agisted Clydesdale horses and before the construction of the first version of the Westfield Doncaster shopping

town, so I have a tremendous attachment to that area. I pass through it every day on my way to Parliament House, and I do not want any interference in my town under the instructions of Justin Madden.

I want him right out of the Doncaster Hill area, except to approve projects generated by people who have carefully thought through what the best thing is for the Doncaster Hill area. Compounding this is the fact that the mayor of the City of Manningham, which has Doncaster Hill in its immediate council precinct, worked until recent months for a member for Eastern Metropolitan Region, Brian Tee. That is a direct link. I suspect there will be plenty of malfeasance afoot because of that connection, and the Doncaster Hill precinct will be worse for it.

Another development assessment committee area is Camberwell, and my colleague Andrea Coote has spoken with great feeling and authority about just what can be brought to bear to destroy a precinct such as Camberwell. People in Melbourne love and revere Camberwell, and I am sure many people on the other side of this house would like to own property there and to live in those beautiful, leafy groves with the gracious homes. Part of the city of Boroondara is in Eastern Metropolitan Region, and I do not want precincts such as Balwyn, Mont Albert and Surrey Hills to be tampered with either.

I say to members of the government, 'Keep your hands off Camberwell, and keep your hands out of the city of Boroondara — except by the special request of elected representatives there'. Coburg, central Geelong and High Street in Preston will be first off the rank.

Let us have a look at other areas included in the 26 development assessment committees — places such as the Box Hill transit city in my electorate; Doncaster Hill; the Greensborough precinct; the seat of Eltham, which contains much of the catchment for the Greensborough project; the Ringwood transit city; Wantirna South; and the Knox central precinct. My office is diagonally opposite what one day is supposed to become the Ringwood transit city on the Maroondah Highway. As far as the Ringwood transit city is concerned, the only thing to have happened there is the media program launched by the Minister for Planning in February 2007 to promote what lies ahead. That was two and a half years ago, and all we got from that launch was the famous four flags.

As far as Greensborough is concerned, I have to pose a question to a member for Southern Metropolitan Region, Ms Huppert, because she spoke with great authority about the Greensborough project. I thought to

myself, 'If I was asked to speak with authority about an extension to the Southland Shopping Centre, I would certainly want to research it before I spoke about it', and I wondered why she brought it into her speech. It might have been that her research was lacking, and she had to pick up on comments offered earlier in Ms Mikakos's contribution. Ms Mikakos spoke with a measure of authority about Greensborough, because it is actually in her electorate.

I know a considerable amount about the Greensborough project, and I support it. I think it is a fantastic concept for rejuvenating that area, and it is also a manifestation of the vision of the Banyule City Council. The Banyule City Council is going ahead with its own project as an anchor to this facility. In these times we need to be very mindful of the fact that there can be hesitancy where development projects are concerned, because in this economic climate there are so many uncertainties in the world of finance, decision making and risk-taking in general. I think this project is a bold and most appropriate thing for the council to do, and it underpins their vision.

The moves the Banyule council is making on the Greensborough project are fully supported by the business community there. I have had plenty of dialogue with the Greensborough Chamber of Commerce about this, and everybody is excited about the prospect of that. We do not want anything to happen to delay that project or to sully the reputations of the people involved in it.

A lot of comments have been made about the government's approach to this. With an omnibus bill like this it is sort of like hiding something in a crowd to push it through in a cluster. We are seeing the Obama administration introducing strange omnibus bills to cobble all sorts of social reform in with totally unrelated matters, just for a little bit of cover. But it is a little bit like asking the elephant how he could camouflage himself in the strawberry patch by painting his toenails pink. With the bill we will see an opportunity for the Growth Areas Authority to facilitate urban growth in any part of Victoria with alacrity and with nothing to stop it. So the contagion will spread across the state.

The omnibus aspects that are totally unrelated include the Docklands Act 1991, the Heritage Act 1995 and the Melbourne Convention and Exhibition Trust Act 1996. If you had a quick glance at this, you might not know what the priorities are. Councils and councillors, mayors and elected representatives certainly did not know what the government's intentions were until this surprise attack.

We understand that in many ways it makes sense to provide housing in activity areas and close to transport. I have to say it is with some chagrin and dismay that I look at what is happening to this beautiful city of Melbourne. In its competitive nature and comparing itself with a city like Sydney, Melbourne has always prided itself on being a beautiful grid of boulevards and tree-lined streets and beautiful parks and stately buildings — as laid out according to the genius and vision of Hoddle. How different we were from the higgledy-piggledy hotchpotch adhocery that laid out Sydney and that started in the Rocks area in Sydney long before visionaries were available. The beauty and grace of Melbourne as being one of the world's great cities is at great risk — especially when this government is looking to offer infills into the gracious, leafy suburbs in Melbourne's east — from outrageous forms of open slather development.

Sometimes I think that the views of opposition coalition members are so different and that the government is so swept away with its own self-aggrandisement, with its own sense of self-importance and with filling itself with puffery and spinning stories and untruths to the community, that we are honestly living in a parallel universe.

Yesterday members of the coalition enjoined with a very robust group of people on the steps of the Parliament. I only had to walk down three or four steps before I was immediately amongst friends — councillors, mayors and members of ratepayers associations, especially those in the Eastern Metropolitan Region. They were there in full force as a tour de force and as a manifestation — a very, very physical and vocal one — of the rising anger in the communities across this state, and especially in metropolitan Melbourne, about what this government wants to do.

I am most vehement in my opposition to what this government wants to do — that is, to upset so many people, to destroy the value of their property, to ruin amenity, to tear up the rules, to do what primitive people think is the right thing for their political objectives, to save their skin, to save their necks, to help them squeak over the line, to reduce personal pressure and to offset the torrent of criticism that is so important, and it will not stop.

The Minister for Planning stands condemned for many of the decisions that he has brought upon us. This bill cannot possibly proceed. We cannot have planning in a freefall in this state. We cannot have democracy denied. We cannot have local government treated like a bunch of hapless agents of this government's agenda. Those

serving on local government are independent, democratically elected officials.

They do not want councils to be just simple places of convenience, repositories or places where this government can actually dump all the costs for which it does not want to raise taxation. I believe the government's creation of a cost-shifting avalanche, and councils therefore having to raise rates on this government's behalf, is the only reason that this government, cynically, wants councils to prevail.

I have to congratulate the mayors for adjusting their busy days to come into the rally on the front steps of Parliament House yesterday. I had a chance to speak to the mayor of Boroondara, Cr Jack Wegman; the mayor of Banyule, Cr Tom Melican; the mayor of Whitehorse, Cr Helen Harris; former mayors of Boroondara Cr Coral Ross and Cr Phillip Healey; and an abundant number of councillors with whom I have enjoyed working. These people representing their council areas are from all walks of life, and they are not necessarily politically on the other side of the fence from the government. Cr Helen Harris, for instance, is a Greens councillor. They are really aggrieved about this legislation.

Before concluding, it is important to make a comment about the composition of the development assessment committees. Others have done so, but I want to say this: it is scandalous and outrageous that you would have a committee of five made up of three henchmen, agents of the Minister for Planning, but to then invite two from the local bodies. We all know how meetings can be configured, and the key to this is the quorum. On many occasions, because people could have more surprise attacks — and this government is good at making surprise attacks on local government — it could configure something that is totally unreasonable.

For example, where someone's wife has just delivered a baby or someone has to have surgery or someone has been called overseas on urgent business, that would make those people unable to attend. I think the notion of the configuration and the size of the quorum is outrageous.

In terms of those who are contemplating supporting this bill, I urge them to say, 'That is enough. We have had enough'. This approach on behalf of the government is an outrage, and the sorts of demonstrations that we saw yesterday represent the first cracks in the dam wall.

In time to come I think the Minister for Planning will be described as a dead man walking. I think he is at the last knot on a rope hanging over a cliff, and there is a

raging torrent waiting to sweep him away. It is just going to get further momentum, and the people and their grievances and concerns are not going to go away. Everybody is awake to the spin; everybody can see the malfeasance in sharp focus, and nobody should be supporting this bill if they have any conscience.

House divided on motion:

Ayes, 17

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

Noes, 19

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

Pairs

Lenders, Mr	Vogels, Mr
Pakula, Mr	Davis, Mr P.

Motion negatived.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Hon. J. M. MADDEN (Minister for Planning), Mr Jennings 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 Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009.

In my opinion, the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009, 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 objective of the Victorian Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (the Victorian classification act) is to give effect to the cooperative commonwealth, state and territory scheme for the classification of publications, films and computer games set out in the Commonwealth Classification (Publications, Films and Computer Games) Act 1995. The Victorian classification act provides for the enforcement of classification decisions made under the commonwealth act, prohibits the publishing of certain publications, films and computer games and prohibits certain material on online information services.

The main purpose of the bill is to amend the Victorian classification act to implement amendments consequential upon the Commonwealth Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008 (the commonwealth amendment act).

Human rights issues

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

Section 15: freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether this information be imparted orally, in writing, in print, by way of art or in another medium chosen by him or her.

The national classification scheme (NCS) limits freedom of expression. The purpose of the NCS is to establish a regulatory regime for certain categories of publications, films and computer games. The NCS imposes restrictions on an individual's ability to access and to use certain types of films, publications and computer games. As such, it restricts an individual's ability to seek, receive and impart information.

The following clauses in the bill engage and limit the right to freedom of expression:

clause 6 prohibits advertising for an unclassified film or an unclassified computer game, otherwise than in accordance with the conditions set out in the new commonwealth advertising scheme (the advertising scheme);

clauses 7, 9 and 10 extend the 'commensurate audience provisions' to cross-product advertising, to prevent a film or a computer game that has been classified, or assessed as being likely to be classified, from being advertised together with material of a lower classification in certain circumstances;

clause 8 prohibits an advertisement for higher level material (i.e., a film or a computer game that is classified, or likely to be classified, MA15+ and above) from being screened in a public place, or so that it can be seen from a public place, subject to certain exceptions.

The above limitations are considered 'reasonable', pursuant to section 7(2) of the charter, on the basis of the following analysis.

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

The right to freedom of expression is essential to the operation of a democracy. It enables people to participate in political debate, to share information and ideas which inform that debate, and to expose errors in governance and the administration of justice. The right may be engaged when a restriction is imposed on what a person may say, write or communicate or when a person requires prior approval before expression may lawfully occur. This list is not exhaustive.

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

The limitation aims to protect the best interests of a child, by shielding minors from material that is likely to harm or disturb them. Section 17(2) of the charter is therefore also engaged, and is positively promoted. Further, the limitation is important for the purposes of ensuring that appropriate safeguards are in place to prevent any person from exposure to unsolicited material that they may find offensive.

(c) *The nature and extent of the limitation*

Both existing and proposed provisions in the Victorian classification act limit an individual's rights to freely communicate and access advertising 'information' regarding computer games and films.

However, the bill limits the right to freedom of expression in various ways, particularly in relation to receiving and imparting information. Clause 6 makes it an offence for a person to publish an advertisement for an unclassified film or an unclassified computer game, otherwise than in accordance with certain conditions, therefore also necessarily restricting a person's ability to access such material. The relevant conditions are to be set out in the advertising scheme and determined in a commonwealth legislative instrument, in accordance with section 31(1) of the commonwealth amendment act. The conditions are likely to include, amongst other matters, conditions about the display of a message about classification, and limitations on advertising unclassified films or unclassified computer games together with classified material to reflect the 'commensurate audience rule'. The 'commensurate audience rule' is mirrored in clauses 7 to 10 of the bill.

An advertisement for a film or a computer game classified or likely to be classified MA15+ and above is prohibited from being screened in a public place, or so that it can be seen from a public place, subject to certain exceptions (clause 8). Clause 8 also incorporates a complete prohibition in relation to advertising for certain material classified, or assessed as being likely to be classified, X18+ or Refused Classification (RC).

In this respect, the clauses limit the right by restricting a person from being able to freely impart and receive advertising 'information' in relation to films and computer games.

(d) *The relationship between the limitation and its purpose*

There is a direct relationship between the limitation imposed by the bill and the purpose of the limitation. It is not the

purpose of the limitation to hinder or restrict freedom of expression. Such hindrance or restriction is merely a by-product of the primary purpose of the limitation, that is:

to protect the best interests of children in particular, as much as is possible, from the harm of exposure to higher level material

to prevent all people from being confronted with higher level material than they may choose to view.

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

There are no practicable less restrictive means available to achieve the desired purpose.

Section 8: recognition and equality before the law

Section 8 of the charter establishes a series of equality rights. The right to recognition as a person before the law means that the law must recognise that all people have legal rights. The right of every person to equality before the law and to the equal protection of the law without discrimination means that the government ought not to discriminate against any person, and the content of all legislation ought not be discriminatory. Discrimination 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.

Age limitation

Clauses 6 to 10 in the bill engage and limit the right contained in section 8(3) of the charter, by setting out offences in relation to advertisements for films and computer games that give effect to the classification categories established under the national classification code and classification guidelines. The relevant classification categories include MA15+, which is material restricted to those 15 years of age and over, and R18+, which relates to films only, and is material restricted to those 18 years of age and over. These restrictions limit the right to equality on the ground of age, however, this limitation is reasonable, pursuant to section 7(2) of the charter, on the basis of the following analysis.

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

The prohibition on discrimination is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, as with all rights protected by the charter, the section 8 right to equality before the law, may be subject to reasonable limitation, pursuant to section 7 of the charter.

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

The purpose of the differential treatment of those under 15 years of age, and under 18 years of age, reflected in clauses 6 to 10 of the bill, is to ensure that minors are not exposed to material that is likely to disturb or harm them. The limitation is for the important purpose of protecting the best interests of a child, and therefore promotes section 17(2) of the charter.

(c) *The nature and extent of the limitation*

Clauses 6 to 10 reflect the 'commensurate audience rule' that applies in certain circumstances where films or computer

games are advertised together with classified films or classified computer games.

Clause 6 restricts the types of advertisements that minors are able to view by providing that unclassified films and unclassified computer games may only be published in accordance with the conditions set out in the advertising scheme. The relevant conditions may include limitations on advertising unclassified films or unclassified computer games together with classified material to reflect the 'commensurate audience rule'. The offences in clauses 7, 9 and 10 apply in circumstances where advertisements are either screened together with feature films, or sold together with feature films or computer games, and clause 8 applies where advertisements for higher level material are screened in a public place, or so that they can be seen from a public place.

The right is limited to the extent that persons under 15 years of age, and under 18 years of age, are prevented, in keeping with the commensurate audience rule, from viewing advertisements for material classified, or likely to be classified MA15+ and R18+, and R18+ respectively.

(d) *The relationship between the limitation and its purpose*

There is a direct relationship between the limitation and the purpose of protecting the best interests of children, by shielding them, as much as is possible, from exposure to material that is likely to harm them.

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

There are no practicable less restrictive means available to achieve the desired purpose.

For these reasons I consider the limitation on section 8 of the charter to be 'reasonable' in this circumstance.

Section 13: right to privacy

Section 13(a) of the charter recognises a person's right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Privacy encompasses concepts of personal autonomy and human dignity. It encapsulates the notion that individuals should have an area of autonomous development, interaction and liberty — a 'private sphere' free from government intervention and from excessive unsolicited intervention by other individuals. Privacy comprises bodily, territorial, communications and information privacy.

Clause 8 engages the right to privacy of the home because it provides that it is an offence to screen an advertisement for a film or a computer game that is classified, or assessed as likely to be classified, MA15+ and above, so that it can be seen from a public place, subject to certain exceptions. The provision may capture the screening of an advertisement for such higher level material from a person's residence, where the screening occurs so that it can be seen from a public place. However, the right to privacy of the home is not limited, as the interference is lawful and not arbitrary. The interference is not arbitrary because it is in accordance with the provisions, aims and objectives of the charter, particularly section 17, which provides for the protection of children, and is reasonable in the circumstances because the intent is to ensure that individuals, and children in particular, are protected from being inadvertently exposed to advertisements for higher level material. Further, the interference is lawful, as the bill

specifies the precise circumstances in which the interference is permitted.

The offences in clause 8 therefore do not amount to an unlawful or arbitrary interference with the right to privacy.

Section 25(1): the right to be presumed innocent

Section 25(1) of the charter protects the presumption of innocence in criminal proceedings. The presumption of innocence is a well-recognised civil and political right and a fundamental principle of the common law. Section 25(1) covers persons charged with an offence whether it is indictable or summary. It requires that the prosecution bears the onus of proving that the accused committed the offence and must prove all elements of a criminal offence.

Provisions which impose a legal onus on the defendant may limit the right under section 25(1) of the charter. This is because where a defendant is unable to prove a defence (or disprove a presumption) she or he could be convicted even though reasonable doubt exists as to her or his guilt. An evidential onus is less likely to be an unreasonable limitation on the right to be presumed innocent.

Current section 49(2) in the Victorian classification act provides for reverse onus defences that place a legal burden on the accused to prove the elements of the defence in each case. The defences apply in relation to a prosecution for an offence for the screening of an advertisement for a film or a computer game classified MA15+ and above, where the advertising occurs in a public place or so that it can be seen from a public place (section 49(1)). The defences in section 49(2) are only available where the defendant can prove that the advertisement was screened during a program for the exhibition of a film of an equal or higher classification, or the place in which the advertisement was screened was a restricted publications area. The defences are not available in relation to material classified RC or X18+.

Rather than requiring the defendant to prove the matters in existing section 49(2), the bill now excludes those matters and narrows the scope of the offences in section 49(1). As such, clause 8 removes the existing reverse legal onus defences under section 49(2) to ensure consistency with the right to be presumed innocent.

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 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 Victorian government is committed to ensuring that the regulation and enforcement of classification decisions in relation to publications, films and computer games, complies with the cooperative commonwealth, state and territory regime for the classification and enforcement of these materials, the national classification scheme (NCS).

Under the NCS, the Commonwealth Classification (Publications, Films and Computer Games) Act 1995 (the commonwealth act) establishes the Classification Board and the Classification Review Board, which are responsible for providing a classification rating and consumer information for certain publications, films (including videos and DVDs) and computer games. This information assists consumers in making appropriate choices with regard to consumption of this type of material.

The states and territories are responsible for the enforcement of the classification decisions. The Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (Victoria's act) provides for the enforcement of classification decisions made by the Classification Board and the Classification Review Board, prohibits the publishing of certain publications, films and computer games and prohibits certain material on online services.

The main purpose of the bill is to implement consequential amendments to Victoria's act to ensure that the enforcement provisions are consistent with recent amendments to the commonwealth act, enacted by the Commonwealth Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008 (the commonwealth amendment act).

Currently, Australian state and territory enforcement legislation makes it an offence to advertise an unclassified film or an unclassified computer game. There are limited exceptions for cinema release films. Industry has raised increasing concerns that the current advertising arrangements under the NCS are cumbersome and outdated. The growing risk of piracy means that products are often available for classification only very close to their release date. It is considered that the current prohibition on advertising films and computer games prior to their classification, with limited exceptions only for public exhibition films, places unnecessary regulatory limitations on marketing classifiable products.

As a result, the commonwealth amendment act establishes a new scheme to allow the advertising of films and computer games prior to their classification, subject to certain conditions. A key feature of the new advertising scheme is the introduction of a self-assessment regime whereby authorised industry assessors will assess the likely classification of an unclassified film or an unclassified computer game for the purposes of advertising. Industry assessors will not make actual classification decisions — the Classification Board remains responsible for all classifications. Alternatively, where self-assessment is not cost effective, or difficult in cases, industry will also have the option of applying to the Classification Board, for a fee, for an assessment of the likely classification of the product.

The conditions under which advertising will be permitted under the new scheme are to be set out in a commonwealth legislative instrument. The commonwealth censorship

minister must consult with state and territory censorship ministers before making the legislative instrument, which is reflective of the cooperative nature of the NCS. The policy objectives of the new advertising scheme have been agreed to by censorship ministers through the Standing Committee of Attorneys-General (Censorship) forum.

The conditions on which advertising may occur under the new scheme will also ensure that there are a range of appropriate safeguards to maintain the integrity of the classification process under the NCS. Some of the key proposed conditions and safeguards include, amongst other matters:

limitations on advertising unclassified films or unclassified computer games together with classified material, so that the instrument may contain a 'commensurate audience rule'. For example, it will be prohibited to advertise a film or computer game that has been classified or assessed as likely to be classified PG or M during the screening of a G-rated film;

strict time periods for industry to include classification information on advertisements after a film or computer game is classified; and

mechanisms to monitor industry assessors who may not comply with the new scheme, including mandatory training for assessors, and providing for the director of the Classification Board to issue a 'barring notice', for example, to revoke or suspend a person's authorisation to assess materials, in specified circumstances.

Importantly, the current prohibition on advertising for certain types of publications and on advertising sexually explicit products will be retained under the new advertising scheme. Advertising unclassified films assessed as likely to be classified X18+ (restricted to adults 18 years and over) or Refused Classification (RC) and computer games likely to be classified RC will continue to be prohibited.

In summary, the bill implements the following amendments to Victoria's act:

consequential amendments to ensure consistency with the commonwealth act and with the NCS, and specifically to enable advertising to occur under the new advertising scheme for films and computer games, prior to their classification, subject to prescribed safeguards;

amendments to remove existing reverse legal onus defences in existing section 49(2) to ensure compatibility with the right to be presumed innocent in section 25(1) of the human rights charter;

necessary technical amendments, including:

amendments to extend the 'commensurate audience provisions' to 'cross-product advertising'. This includes trailers on DVDs and trailers or demos on computer games. Currently the commensurate audience provisions apply only to films advertised together with other films, or computer games advertised together with other computer games. Extending the provisions to ensure that they capture computer games advertised with films, or films advertised with computer games is consistent with the commonwealth amendment act, and aims to ensure

that advertisements are appropriate to the audience; and

amendments to ensure that RC material is captured by the offences in existing section 49(1) relating to the screening of advertisements for certain higher level material, that is material classified or assessed as likely to be classified MA15+ and above, in a public place or so that it can be seen from a public place.

The overall focus of the bill is to improve the operation of the NCS and to respond effectively to the changing technological environment for entertainment media. The amendments contained in the bill should come into force by 1 July 2009, which is the date on which the new advertising scheme will commence.

I commend the bill to the house.

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

Debate adjourned until Thursday, 18 June.

APPROPRIATION (2009/2010) 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 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 Appropriation (2009/2010) Bill 2009.

In my opinion, the Appropriation (2009/2010) Bill 2009, 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 Appropriation (2009/2010) Bill 2009 will provide appropriation 'authority' for payments from the Consolidated Fund for the ordinary annual services of government for the 2009–10 financial year.

The amounts contained in schedule 1 to the Appropriation (2009/2010) Bill 2009 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the

Financial Management Act 1994 and payments from the advance to Treasurer in 2007–08 respectively.

Human rights issues

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

The bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

John Lenders, MP
Treasurer

Second reading

Ordered that second-reading speech be incorporated for Mr LENDERS (Treasurer) on motion of Mr Jennings.

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

That the bill be now read a second time.

Incorporated speech as follows:

Introduction

President, this budget is about jobs.

It is about delivering jobs for Victorians in the middle of the worst global economic downturn since the Second World War.

It is about securing up to 35 000 jobs over the next 12 months alone by investing in infrastructure and stimulating economic activity.

But it is not only about jobs.

This budget is also about the leadership and investment that a responsible government must deliver during tough economic times.

It is about creating more opportunities for Victorian workers to skill up and retrain, protecting their livelihoods and making sure our industries have the skilled workforce they need for the jobs of the future.

It is about maintaining a strong safety net through core services such as education, health and transport — the services that Victorian families rely upon and that will see them through the economic downturn.

It is about staying the course in supporting disadvantaged Victorians and their communities, recognising that a strong economy relies upon a fair society.

Most importantly, this budget is about making Victoria ‘recovery ready’ — delivering the projects and infrastructure that will secure jobs in the short term, while putting our state in the best position to move ahead when the global economic recovery arrives.

This budget is one of the most important in Victoria’s recent history.

The global financial crisis and the worldwide recession mean that this budget is being delivered in some of the most difficult economic conditions in many, many years.

Victoria may not have caused this downturn and we may not be at the epicentre of the global crisis, but the shock wave has well and truly reached us.

Like the rest of the nation, we are feeling the effects of jobs under threat, lower business and consumer confidence, weaker private sector investment and a decline in global demand for many of our products and services.

There is no doubt that these are tough economic times.

But that is not the only challenge facing Victoria. We also face the enormous task of recovering from the worst bushfires in our history.

Recovering from the bushfires

President, the repercussions of the devastation wrought by the February 2009 bushfires will be with us for many years to come.

One hundred and seventy-three people lost their lives in the fires. More than 2000 homes and around 60 businesses were destroyed; entire communities were almost wiped from the map and many Victorians suffered loss, injuries, trauma and extensive damage to their properties.

I know that these numbers cannot describe the pain and loss felt by so many Victorians. I also know that the task of recovering from a tragedy of this scale will be a long, costly and — at times — heartbreaking endeavour.

This budget provides nearly \$1 billion to help complete this daunting task — and I thank the commonwealth government for immediately offering to share the costs of relief and recovery from the fires.

Premier John Brumby showed great leadership during the fires. He ensured that government acted promptly and decisively, and got out into fire-affected areas to see firsthand what needed to be done. So many Victorians — men and women, city and country — have worked tirelessly to ensure that the funding provided for bushfire recovery is reaching the people and communities most in need, and getting the rebuilding process under way as quickly as possible.

Our funding is going towards supporting bushfire survivors, assisting bushfire-affected businesses and traders, and rebuilding devastated communities.

We are providing more resources for our firefighters and emergency services.

We are also providing funding for the Victorian Bushfire Reconstruction and Recovery Authority to work with communities to recover and rebuild — and for the independent royal commission into the 2009 Victorian bushfires to establish what needs to be done to prevent such disastrous fires from ever recurring.

This funding is in addition to the more than \$330 million raised by the bushfire appeal fund.

That figure represents truly remarkable support — and it has come not only from this state, but from around Australia and from overseas.

Let me give you one example: Papua New Guinea — where the average annual income is just \$900 — contributed \$2 million to help the survivors of our bushfires and the floods in Queensland. When PNG's Prime Minister, Sir Michael Somare, visited Victoria last week, he said that it was a chance to repay Australians for our help with disasters in his country.

Victoria is deeply thankful for such generosity and support.

To the people of Papua New Guinea, the citizens of East Timor and many other nations, we offer our heartfelt thanks. To Victorians and indeed Australians who responded so swiftly to the tragedy — with words and deeds, and practical support — we thank you for showing the true spirit of what it is to be Australian: helping one another in an hour of need.

Even so, we know that we face an enormous task — but we will recover from these fires and we will rebuild.

A resilient and well-positioned economy

President, the global economic downturn has placed almost unprecedented pressure on economies and governments around the world — and Victoria is no exception.

This — combined with the effects of the bushfires — has clearly had an impact on Victoria.

But unlike many other places, the Victorian economy remains resilient, our budget position is sound and our longer term prospects are strong.

The underlying resilience of our economy is not due to luck. It is the result of sound economic fundamentals and a diverse, adaptable economy — attributes that have been reinforced by the Brumby Labor government's disciplined financial management, proactive economic reform agenda and record investment in skills and infrastructure.

Not surprisingly, the global financial crisis means that economic growth in Victoria has taken a hit.

While remaining positive, growth will be relatively weak in the near term: 0.5 per cent in this financial year, 0.25 per cent in the next financial year — rising to 2.25 per cent in 2010–11.

Also predictably, Victoria's budget position has taken a hit as a result of the crisis.

In particular, forecast revenues from state taxation and the GST flowing from the commonwealth are much weaker.

But — importantly — our fundamentals remain sound.

Over the last nine and a half years, this Labor government has steered the state's budget responsibly and prudently — and we will continue to do so during and after the global financial crisis.

Framing this state budget in the face of these global pressures has been a difficult exercise — and we have had to make some hard decisions.

We have made substantial efficiency savings. We have restrained expenditure growth over the forward estimates period. We have said to our workforce that more modest wage increases will be required if we are to keep jobs.

The Brumby Labor government is working our budget as hard as we can to advance the investment needed in the short term, contain operating expenses without damaging core services and continue to maintain our AAA credit rating.

Despite the difficult conditions that prevail, the government has kept the budget in surplus and maintained borrowings at responsible levels.

The government received AAA credit ratings from Standard and Poor's in November 2008 and Moody's Investors Service in January 2009.

The strong partnership we have with the commonwealth government — and our own disciplined financial management in the good times — has enabled us to keep the budget in surplus, while investing in infrastructure to stimulate economic activity and secure Victorian jobs during this downturn.

Securing Victorian jobs

President, over the last decade, this Labor government has invested almost \$24 billion in infrastructure projects to drive jobs and economic growth — a quadrupling in government infrastructure spending.

The budget continues this high level of investment and delivers the biggest infrastructure program in this state's history.

At a global level, the G20 has pledged \$5 trillion in stimulus measures and the IMF has said that investing in infrastructure is the best thing governments can do to address the global financial crisis.

Here in Victoria, we do not have the same problems with toxic assets and collapsed banks as many other places — but we still need to be part of a global solution to the global crisis.

To most Victorians, the notion of a \$5 trillion stimulus package is a long way from their daily concerns. But being part of the global solution also means a new school in your suburb, or a new library or science centre at your child's school. It means a new ward or more services at your nearest hospital; new trains in the morning as you go to work and better roads in your town.

Essentially, being part of the global solution means stepping up our productivity in difficult times.

That is why we are accelerating our own infrastructure program and why we are working with the commonwealth government to fast-track infrastructure investment through the Nation Building — Economic Stimulus Plan.

This includes \$11.5 billion to be spent this financial year on infrastructure projects in Victoria through the combined investment of the state and commonwealth governments, and state authorities.

With billions of dollars in private sector investment expected to vacate the field as a result of the downturn, we are stepping in to fill the breach.

This investment covers the full range of economic, social and environmental infrastructure Victoria will need over the coming years — from water and sewerage projects to capital grants for government and non-government schools; from major transport projects to new and better hospitals. Next financial year alone, this investment will secure up to 35 000 jobs. That is 35 000 jobs that would not be available without action by government.

We will deliver the initial stages of the \$38 billion Victorian transport plan. We will continue to deliver the \$1.9 billion Victorian schools plan.

We will work with the commonwealth to deliver the Building the Education Revolution program, which will upgrade or build new facilities at primary schools across the state.

Together with the commonwealth, we will significantly increase the number of new social housing dwellings — giving more Victorians access to secure and affordable housing.

Not every project we are delivering will grab headlines. But they are all carefully considered projects — and they are essential projects.

For example, our water authorities are investing \$650 million in the northern sewerage project, which is building 12.5 kilometres of new sewer in Melbourne's north, running from Reservoir to Pascoe Vale and Essendon.

Because most of the building action is below ground — and because we do not much like to talk about sewerage — it is not an especially glamorous project. Even so, it is an absolutely critical project. Without it, the sewerage system will not be able to handle the 77 000 new homes likely to be built in the city's northern suburbs over the next 20 years — and we will also be unable to protect local creeks and the Yarra River from sewerage spills.

And it creates jobs today.

It is just one of many essential water and sewerage projects being undertaken by Victoria's state water authorities and one of many basic infrastructure projects the Brumby Labor government is delivering across the state.

The government is also fast-tracking five large metropolitan housing developments and partnering with the commonwealth to build a new 3000-home suburb in Melbourne's west — a major boost to construction activity that will deliver even more jobs for Victorians.

To accelerate our investment in infrastructure, the government has increased our borrowings over the medium term.

Let me be clear: we make no apologies for that.

Let there be no mistake: doing everything we can to secure Victorian jobs in a time of global economic crisis is a crucial priority for the Brumby Labor government.

We are stepping up investment in tough times to sustain Victoria's economy and lay down the foundation for recovery when global growth returns. We are striking a balance between the short-term imperative of supporting the Victorian economy during a severe downturn and the longer term goal of keeping government borrowings at a sustainable level.

While net debt as a percentage of the state's economy rises over the next three years, it then comes down — and we also return to a cash surplus.

In line with expected lower inflation, the government will also revise the price models we use to work out levels of funding to departments for their non-wage costs. Alongside our new public sector wages policy, this will enable us to contain expenditure growth to a rate of less than expected revenue growth.

We will also return our capital expenditure program to its traditional level of around 1 per cent of the economy towards the end of the forward estimates period.

In other words, we will return to historic norms and balances as we put the current crisis behind us, ensuring that the state budget remains on a sustainable path over the longer term and stays within the parameters of our AAA rating.

Partnering with the commonwealth

President, as I have already indicated, the Brumby Labor government is working closely with the Rudd government to steer Victoria through the current crisis.

Like other states and territories, Victoria will gain significant benefits from the Rudd government's fiscal stimulus packages — packages that will help to stimulate the economy, offset weaker revenue and private investment, and fast-track infrastructure projects.

Last year, when I delivered the state budget, I pointed out that the challenges facing Victoria were not exclusive to our state, but national challenges that required a national response. After many years of calling for national collaboration, the Victorian government welcomes the new era of partnership between Australian governments.

We welcome the Rudd government's Nation Building — Economic Stimulus Plan, which provides the support needed by the states and territories to mitigate the impact of the global financial crisis.

We are pleased to have signed national partnership agreements that will enable us to improve vital services in health, education and housing.

And we fully endorse the new nation-building funds, because they offer considerable scope for further collaboration with the commonwealth to help Victoria to deliver the infrastructure needed to manage strong population growth and build for the future.

Delivering core services

President, in a severe economic downturn, it is critical to maintain the integrity, support and strength of our core public

and community services — services that Victorians use and rely on every day.

When our government first came to office, we made a commitment to restore and rebuild these services after many years of neglect and indifference.

We have maintained that commitment, and we will continue to maintain that commitment in good times and in adverse circumstances.

Record investment in education and skills

Education has been — and always will be — this government's no. 1 priority. Every parent knows that a good education is the pathway to a rewarding, satisfying job for their child — and this budget delivers a record \$4.1 billion to continue to build a high-performing, first-class education system in Victoria.

We will provide \$402 million for the next stage of the Victorian schools plan, including major school regeneration projects in Wangaratta, Wodonga, Leongatha and Bendigo.

We will build new schools in high growth areas.

We will build three new specialist maths and science centres — and fund 250 teaching coaches in maths, science and information technology.

We will provide funding for an extra 4000 kindergarten places across Victoria and — in partnership with the commonwealth — we will give every Victorian child access to 15 hours per week of early childhood education in the year before school, by 2013.

Securing jobs now and into the future also requires a skilled workforce, and the Brumby Labor government is a recognised leader in this area.

In August last year, we announced the \$316 million Securing Jobs for Your Future package, which provides Australia's first universal entitlement for vocational education and training.

This budget provides funding for these reforms, which will create up to 172 000 additional training places from July this year.

We will also fund more than 6400 new training places in the Skills to Transition program and assist at least 1150 disadvantaged jobseekers gain the skills needed by key Victorian industries through New Workforce Partnerships projects.

I know what a difference the opportunity to develop new skills can make in the lives of young Victorians. In this budget, we will support more than 13 000 new apprentices and trainees by extending the highly successful apprenticeship and traineeship completion bonus scheme.

We will also work with the commonwealth to provide an extra 15 000 training places in areas of skills shortage.

We want all Victorian workers to have the skills they need to secure jobs. We want all young Victorians to acquire the right skills they will need to take up jobs in the industries of the future. And we want Victorian industries to be ready to go when the global recovery arrives — something that will only

happen if they have access to the right workers with the right skills.

Investing in the health of all Victorians

President, this budget also invests in excess of \$2.6 billion to ensure that Victorians continue to have access to world-class health care and the latest advances in medical treatment.

We are providing \$350 million to create greater capacity in our health system to meet the growing demand for hospital services and treat an extra 39 500 patients each year.

We will increase funding by \$66 million to meet the growing demand for medical services such as renal dialysis, chemotherapy and radiotherapy.

Next financial year, we will provide funding to treat an extra 9000 elective surgery patients and an additional 20 000 public dental patients.

We will undertake major upgrades of regional hospitals in Ballarat, Alexandra and Geelong, and deliver the next stages of the Warrambool Hospital redevelopment and the new Sunbury Day Hospital. We will also undertake upgrading works at Bendigo Hospital to enable its future redevelopment.

These projects will provide direct benefits to those who are engaged in building new facilities, to those who work in the upgraded hospitals and — of course — to the patients who are treated there.

We will provide \$10 million to extend digital screening technology to all BreastScreen Victoria services — improving the early detection of breast cancer, especially in regional areas.

In this budget, we have also made provision for further funding of hospitals, which will follow the announcement of the commonwealth's Health and Hospitals Fund later in the year.

Building a transport network for the future

President, this budget also provides for the first tranche of the Brumby Labor government's \$38 billion Victorian transport plan — an unprecedented level of investment that will deliver the transformational rail, road and freight projects needed to underpin economic growth and support our growing population.

This budget provides more than \$1.9 billion for a major step-up in Melbourne's public transport networks — including the biggest boost to the city's rail network in 100 years.

We will provide \$562 million to extend the Epping line to South Morang.

We will electrify the Sydenham line to Sunbury.

We will build new train stations in high-growth areas at Williams Landing, Lynbrook and Caroline Springs.

We will buy 20 new metropolitan trains — in addition to new regional and city trains already purchased by the government.

These large-scale rail projects deliver many benefits, but they make considerable demands on the state budget. Invariably, these projects must first fix existing problems that limit

capacity on the network — before we can start building for the future.

That is why we have to plan carefully for these projects — and why we are seeking support from the commonwealth government's Building Australia Fund to deliver some major rail projects over the coming years.

More people also means more cars on our roads, and the budget funds major road projects in Melbourne and throughout regional Victoria — including the 26-kilometre toll-free Peninsula Link between Carrum Downs and Mount Martha, the Dingley arterial and major upgrades to the Western Highway.

The budget also provides funding to re-establish passenger rail services to Maryborough and to upgrade key lines on the regional rail freight network in northern, western and eastern Victoria.

The government is also delivering important initiatives to ensure that more people in Melbourne will live closer to public transport and other services, reducing urban sprawl and creating more jobs outside the CBD.

In this budget we provide \$139 million for urban improvement projects to help drive employment growth at six major suburban centres: Broadmeadows, Ringwood, Footscray, Frankston, Box Hill and Dandenong.

Building livable and caring communities

President, the Brumby Labor government's view that a strong economy is underpinned by a fair society and livable, caring communities is reinforced in this budget.

Building on the \$4 billion already invested by the government in A Fairer Victoria, the budget provides targeted new investment to make sure that no Victorians are left behind during the economic downturn.

We will deliver the largest investment in the state's out-of-home care system for many decades, providing \$135 million to significantly improve the quality of support and care for children who are unable to live with their parents or families.

We will provide \$72 million to give more Victorians access to legal support services, including continuing the groundbreaking and successful family violence courts at Ballarat and Heidelberg.

We will commence a new statewide Respect campaign to encourage community engagement and volunteering. For an example of just how great a contribution volunteering can make, we need look no further than the extraordinary courage and dedication of our volunteer firefighters during the recent bushfires.

Volunteering encourages respect for others and respect for our wider community — and the government wants to encourage more Victorians to consider getting involved in their communities.

We will also invest \$182 million to further improve mental health services, including new services for young Victorians at Bendigo and Frankston, an expansion of mental health services at Dandenong and Maroondah hospitals and a new

program that will provide early intervention, treatment and support for children and adolescents.

Building on a record investment in last year's budget, we will provide \$87 million to create further opportunities for Victorians with a disability to live independently and to be engaged in their communities.

This government is at the forefront of substantial endeavours to improve support for people with a mental illness or a disability. Nationally, we lead the way in improving and reforming mental health services.

The Brumby Labor government takes great pride in this investment — not only because it means better support for individuals and their families, but because it also reflects our belief that helping all Victorians to achieve their potential and live productive, fulfilling lives is good for our society and our economy.

Delivering the government's priorities

President, this budget continues to deliver the Brumby Labor government's priorities.

Alongside major new investment in transport, schools and hospitals, the budget supports the government's commitment to water and energy projects across Victoria.

Over the last five years, the government and its agencies have allocated well over \$5 billion in water projects, including the Wonthaggi desalination project.

Through our energy technology innovation strategy, we have already invested more than \$250 million in future energy projects — and this budget provides a further \$100 million to encourage large-scale solar power generation.

Ahead of the release of the government's climate change white paper later in the year, the budget also provides funding for four new national parks on the Murray River to protect Victoria's unique river red gum forests.

The Brumby Labor government continues to ensure that Victoria offers a highly competitive business environment. The government's commitment to reduce red tape by 25 per cent over five years has already led to major reductions in business costs — in addition to the more than \$5 billion in tax cuts delivered by the government since 1999.

We remain committed to sustaining Victoria's competitive edge in key industries — and this budget includes new support for our defence, biotechnology and rail manufacturing industries.

Appropriation bill

President, the Appropriation (2009/2010) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2009–10.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is based on an accrual framework.

Schedule 1 of the bill contains estimates for 2009–10 and provides a comparison with the 2008–09 figures. In line with established practice, the estimates included in schedule 1 are provided on a net appropriation basis.

This budget continues Victoria's record of leadership in accounting practice, presenting our reports in accordance with applicable Australian accounting standards.

The budget has once again been reviewed by the Auditor-General as required by the standards of financial reporting and transparency established by this government in 2000.

Conclusion

President, in our time in office, this government has radically changed the dynamics of the state budget.

We have shifted the budget towards giving priority to core public services, such as education, health, transport and community safety.

We have quadrupled investment in vital public infrastructure since 1999.

We have rebuilt hospitals and health centres, aged-care services, schools and community facilities right across the state.

We have turned around decades of underinvestment in regional Victoria.

We have shown that it is not necessary to starve core services of funds, sack workers and slash public investment in the name of good economic management.

In doing these things, we have strengthened the underlying capacity of this state to survive the current global economic downturn.

We do not know how far-reaching the impacts of this downturn will be. No-one can predict exactly when the global recovery may kick in. But we do know that Victoria is well positioned to manage these impacts and make a good, strong recovery.

By investing even further in skills and infrastructure, this budget puts a very solid floor under Victoria's longer term economic prospects.

By delivering jobs, this budget not only boosts economic activity but secures the livelihoods of many Victorians and their families during the economic downturn.

In this budget, the Brumby Labor government delivers the strong leadership and responsible investment needed to see Victorians through the global financial crisis and build for a better, brighter future.

It is a bold and forward-looking budget. It is the right budget for the times and it is the right budget for Victoria.

President, I commend the bill to the house.

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

Debate adjourned until Thursday, 18 June.

ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL

Committee

Debate resumed from earlier this day; further discussion of clause 1.

Mr HALL (Eastern Victoria) — Progress on this bill was reported to the house this morning. However, not much progress has been achieved throughout the course of the day. Hence I wish to again move:

That progress be reported and that the committee meet on next day of meeting.

As I said, this is an important bill. This side of the house is still working diligently to try to resolve issues around this bill or to come up with some acceptable amendments to it. We are trying to engage the government in those conversations as well. It seems to me it would be prudent for the Legislative Council if we had some further time to consider some of the important issues contained within this bill. Hence I moved my motion.

Hon. J. M. MADDEN (Minister for Planning) — I would prefer if we proceeded with the bill in its current form.

Mr D. DAVIS (Southern Metropolitan) — I endorse the motion moved by Mr Hall. It is sensible. I am aware of the discussions that have been had across the chamber. All parties have discussed a number of clauses in this bill and are seeking information from bureaucrats and from knowledgeable persons in the community. A meeting occurred as late as 5 o'clock this afternoon. But there is still significant work to be done. Without wanting to indicate a final solution, we seek further time to work through those matters in — as Mr Hall said — a diligent way with all interested parties.

Committee divided on motion:

Ayes, 19

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

Noes, 17

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

Pairs

Davis, Mr P.	Pakula, Mr
Vogels, Mr	Lenders, Mr

Motion agreed to.

Progress reported.

MAJOR SPORTING EVENTS BILL

Second reading

Debate resumed from 2 April; motion of Mr LENDERS (Treasurer).

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to make a brief contribution on this bill. I understand there are many proposed amendments — or 195 amendments, which is not that many! — and they will go through individually, as I understand from Ms Pennicuik. Needless to say, there will be ample opportunity to discuss the bill in more detail in respect of the amendments proposed.

The bill re-enacts with amendments and consolidates into one act the law relating to major sporting events and event venues by repealing a number of acts — the Major Events (Aerial Advertising) Act 2007, the Major Events (Crowd Management) Act 2003 and the Sports Event Ticketing (Fair Access) Act 2002 — and making consequential amendments to other acts. We see this as appropriate.

In addition to consolidating these three acts relating to major sporting events, the bill affects other acts, which may be suspended — and Ms Pennicuik will probably discuss this in committee. The bill also makes some additions to existing legislation such as adding the Australian Football League finals series to the list of events protected from ambush aerial advertising. The new crowd management provisions allow the removal of a person on the grounds that they have caused unreasonable disruption or unreasonable interference to spectators or event organisers, rather than simply annoyance to spectators. I understand that amendments will be moved to these provisions.

The bill provides for additional types of protection for major sporting events, such as the protection of commercial and operational arrangements, limited protection against claims of economic compensation and protection against ambush marketing. I do not propose to go into too much detail, because — surprise, surprise! — some of the amendments relate to issues of compensation and the like.

The bill gives the minister the power to temporarily close or modify roads, and requires appropriate restoration of event venues and areas. Where the minister considers it necessary and in the public interest an order may be made that no compensation is payable in relation to a major sporting event other than for death or personal or bodily injury. Again I understand that some amendments will be moved by the Greens in respect of that. These and other additional protections largely correspond to provisions for the Commonwealth Games and the World Swimming Championships, which have been and gone. The bill has a sliding scale of requirements for accountability and parliamentary scrutiny depending on the nature of the major sporting event.

The types of orders that can be made include, for example, sports event ticketing orders. They can be made by ministerial declaration and published in the *Government Gazette*, as referred to in clause 152. The Governor in Council can make major sporting event orders on the recommendation of the minister, to be published in the *Government Gazette*. They are detailed in clause 7 of the bill and cover such things as crowd management, operational matters such as access control and a raft of other things, and commercial arrangements for the protection of logos, images and references, and broadcasting. They are tabled in Parliament under clause 22(1)(a), (b) and (c).

The non-application orders for acts are outlined in clause 15 and are made by the Governor in Council. Under clause 22(1)(d) they must be tabled in Parliament and are disallowable under clause 22(3). Under clause 17 a no-compensation order can be made by the Governor in Council on the recommendation of the minister and published in the *Government Gazette*. It is to be tabled in Parliament under clause 22(1)(e) and is disallowable under clause 22(4).

We have some concerns regarding the implementation of the bill in relation to such things as modification of roads, crowd management and property rights. It is fair to say that Melbourne is renowned as the major sporting events capital of Australia and is regarded that way around the world. That is a long-established principle of the former and present governments,

thankfully, but some of the amendments raise concern about their impact on our sporting events capital.

We support the bill for the reasons outlined. It consolidates three acts into one and supports the acquisition, retention, staging and management of major sporting events in Victoria. This is a brief contribution because I will go into more detail in the committee stage. I support the bill.

Ms PENNICUIK (Southern Metropolitan) — The Major Sporting Events Bill 2009 repeals the Sports Event Ticketing (Fair Access) Act 2002, the Major Events (Crowd Management) Act 2003 and the Major Events (Aerial Advertising) Act 2007 and makes consequential amendments to other acts. The purpose of the bill as outlined in the words of the explanatory memorandum is to, in effect, ‘control and protect’, along with quite a few other verbs, ‘major sporting events’. The notion of protecting a major sporting event is interesting.

It is claimed there is a need for this bill, but the need has not been demonstrated in terms of the community or public interest. The only benefit of this bill really goes to the organisers and backers of major sporting events, whoever or whatever they may be in the future, because this bill does not mention any particular sporting event; it is whatever sporting event might pop up in the future, as defined under the bill.

It is of benefit to the government agencies that such organisers of events may deal with in terms of the ‘efficiency’, which is always trotted out. In my view there is no public interest advanced by this bill; in fact it is degraded by this bill.

I am not in principle opposed to sporting events or even major sporting events. I have a full degree and a teaching qualification in physical education and a long and abiding interest in fitness and health. I will admit that I lean towards fostering broad participation in physical activity among the general population, and I would prefer to see more public money invested in those sorts of activities than in the so-called major sporting events. I note in the budget some \$30 million is put aside for major sporting events, most of which will be swallowed up by the Australian Formula One Grand Prix, which the government has to subsidise to a higher and higher level every time it is staged. I refer to the Australian grand prix in this regard because it is the type of sporting event that we might find covered by this bill.

Mr Dalla-Riva — What publication is that?

Ms PENNICUIK — *Save Albert Park*. They are the only people who keep — —

Mr Dalla-Riva — That is a credible document!

Ms PENNICUIK — It is a credible document; they are the only ones who keep an eye on it, besides the Auditor-General, who has kept an eye on the Australian grand prix and has cast aspersions on its benefits for the public.

The Australian grand prix’s own figures show that in 2008 its revenues were nearly \$35 million, down from \$41.5 million; its sponsorship was \$7.3 million, down from \$10.9 million; its expenses were \$45.8 million, nearly \$46 million, up from \$32 million in 2005; licence fees were \$32 million, up from \$22 million — off to Mr Ecclestone; and the recurrent engineering costs were \$25.3 million, up by \$3 million since 2005. Its operating loss — it is quaintly called its ‘operating loss’ but is really the government contribution — in 2008 was \$40.1 million, up from \$13.6 million in 2005. The cumulative losses by 2008 have reached \$160 million. Those losses are subsidised by the taxpayer. If the race contract lasts until 2015 and current trends continue, operating losses will reach more than \$600 million. That is the type of major sporting event about which we should have concerns, and I certainly do have concerns.

However, as I was saying, I have attended many of the sporting events that are listed in the bill, such as the cricket and the Australian Open Tennis Championships. I have also attended the Bells Beach Surf Classic many times over the last three decades — I note that was mentioned by a speaker in the lower house. But I am not a fan of motorcycle racing or car racing, and I regard the Formula One grand prix in particular as an anachronistic and ridiculous event to be promoting in this day and age.

I turn to deal with the bill. Part 1 is the major innovation of the bill in terms of the legislative framework. The regulations and guidelines, which, as mentioned throughout the bill, will supposedly accompany the bill, are not with us. I find many of the provisions in the bill unnecessary and to some extent draconian — and I will speak about those when I come to my amendments. They may be even more so, or less so, if we were to see the regulations and guidelines that are to accompany them. Because we do not have regulations and guidelines before us, we are not able to make a judgement about those provisions.

The bill lacks comprehensive mandatory criteria for assessing whether proposed major events are clearly in

the public interest. I will turn to that when dealing with my amendments, which seek to widen the criteria to include the social and environmental impacts of any major sporting event. That is not currently included in the criteria. A consideration of the cost-benefit analysis is not included in the criteria either.

Section 3 talks about advertising and brings in the definition of aerial advertising from the Major Events (Aerial Advertising) Act, which we debated in 2007. The Greens proposed an amendment to that bill, and I will be proposing a similar amendment to this bill because it seeks to repeal that act and incorporate it into the proposed Major Sporting Events Act, if it comes to be.

The definition of advertising has been broadened to include vessels, flags and matter rendered as laser or digital displays. We have concerns about this definition in terms of whether or not it would include aerial displays that are not of a commercial nature and are undertaken by a not-for-profit organisation or a public body.

It is interesting that the definition of 'major sporting event' includes state league football matches held at an event venue. That is a surprising inclusion. We are looking at major events such as the Commonwealth Games, the world swimming championships, the Australian Formula One Grand Prix and the Australian Motocross Championship, and then all of a sudden we have got state league football matches included with those. It seems the definition of a major sporting event is coming to include things most people would not regard as a major sporting event in any definition.

The definition of 'prohibited item' has caused some concerns, which have been raised by the Scrutiny of Acts and Regulations Committee, particularly with regard to banners. One of my amendments concerns the issue of the prohibition of banners in a major sporting event area. We do not believe this is necessary. In thinking about major sporting events, one of the aspects of the colour and light of a major sporting event is the banners people take along with them, and we see no reason why they should be considered prohibited items.

As I mentioned before, section 9 outlines the three criteria that the minister must consider prior to recommending a major sporting event order: the order must be in the public interest; the event must be a major sporting event; and the proposed event venue must be deemed suitable in several key respects. The rest of the factors outlined in section 9 are optional considerations. They currently do not include a cost-benefit analysis or a social and environmental impact analysis, which I

believe are very important. This issue was picked up by the Auditor-General in his May 2007 report entitled *State Investment in Major Events*. He said that:

Post-event assessments can be upgraded through the use of more comprehensive methodologies and, where practicable, using a triple bottom line approach to embrace the emerging importance of social and environmental impacts in addition to economic impacts.

He states further:

Additional empirical research studies on the impact of major events may be needed to provide MECC with further sources of reliable information to better inform funding decisions.

The approach currently taken by agencies when conducting post-event assessments did not directly address costs and benefits.

He also said:

There is scope for greater transparency in economic assessments, particularly with regard to:

the workings of economic models and the basis for assumptions used

the safeguards over the reliability of data collected from surveys of attendees at major events.

One of my amendments is also related to that issue. Having been a supporter of the Save Albert Park group and a protester against the grand prix before I came into this place — I am still a protester against it — I was involved many times in the voluntary counting of attendances. There has been great controversy over attendances at that event. The figures that the Australian Grand Prix Corporation uses are based on its own estimates, which include things such as free tickets given away that have never been taken up, workers at the event and participants in it. There is great controversy and a lack of accuracy regarding attendances at this event. Even with that, we know the attendances are falling.

The Auditor-General recommended that:

In order for government to be more comprehensively apprised of the full range of major event impacts, post-event assessment should be broadened to take, where practicable, a triple-bottom-line approach, embracing not only economic but social and environmental factors.

He recommended that guidelines be developed by the Department of Treasury and Finance to assist in the use of cost-benefit analysis at the pre-event stage and an updating of the pre-event cost-benefit analysis at the post-event stage. He also recommended:

That a reporting template be developed to facilitate the public reporting of key outcomes from major events to increase transparency and accountability for the use of public funds.

There is nothing in this bill that advances any of that, and there is no sign from the government so far that it has taken on board any of those suggestions of the Auditor-General, particularly with regard to the Australian grand prix.

Clause 15 provides that a non-application order may be issued by the executive council on the recommendation of the minister if it is in the public interest and necessary for the effective preparation or management and conduct of an event. It refers to part 5 of the bill, which lists the acts that may be included in non-application orders. The explanatory memorandum states that this was necessary for the Commonwealth Games and the world swimming championships, but it does not mention the Australian Grands Prix Act, which was the epitome of excluding non-application orders.

Under this bill the acts that can be the subject of non-application orders include the Planning and Environment Act 1987, the Heritage Act 1995, the Environment Effects Act 1978, the Coastal Management Act 1995, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Building Act 1993. There is a limitation on powers contained in the Local Government Act 1989 to make local laws and limitations, in terms of the Health Act 1958 and Local Government Act 1989, with regard to noise and light.

The capacity to suspend those acts separately is bad enough but to be able to suspend perhaps all those acts and local laws in relation to a so-called major sporting event is concerning. That has caused a lot of concern in the community with regard to the Australian grand prix. I would go so far as to say that if a so-called major sporting event to which this bill would apply is proposed at some time in the future and requires the suspension of all of those acts, we need to be asking questions as to whether it is in the public interest at all to be proceeding with such an event.

I will take some pleasure in reading to the house the words of the Premier when, as Leader of the Opposition, he spoke on the Australian Grands Prix Amendment Bill way back in 1995.

He said:

The bill and its principal legislation contain draconian measures that take away people's rights. If as a member of Parliament you were not concerned about people's rights, why would you bother? After all, Parliament makes laws that affect people's rights.

He said further:

The residents of Albert Park have no automatic right to just compensation. If someone puts a freeway outside the Premier's house and takes away his front yard, his urban amenity and his general quality of life, he has the right to appeal and seek just compensation. But if you live down in Albert Park, that right has been taken away.

He also stated:

Some terrible things have happened to people at Albert Park. People have been arrested for being in a public park. People have had hundreds of thousands of dollars taken off the value of their properties because of the damage caused by compaction of the soil. People have not had the right to protect their interests. This Parliament is fundamentally about protecting people's rights.

I agree with what Mr Brumby had to say, but I am perplexed as to why he would be putting forward a bill that not only does what he was railing against in terms of the Australian Grand Prix (Amendment) Bill in 1995 but is even more draconian and creates wider exclusions of the public in terms of the application of acts.

The Premier talked about the right to appeal and seek just compensation being removed from people. This bill provides for orders that prevent claims for compensable damages arising from acts or omissions done in good faith in relation to the management of a sporting event or the administration of this act or its regulations, excepting where claims for compensation relate to personal or bodily injury or death. Unless someone is bodily injured or killed, they have no grounds for compensation against any damage or hurt caused to them by a future unnamed and unknown major sporting event. If you look at the explanatory memorandum, there is nothing in it to defend this position. There is no rationale except to say 'It is necessary', which is no more than an assertion.

With regard to the exclusion of acts in part 5, which I was talking about, I would make the comment that that could be offset by the guidelines which are foreshadowed in section 25; however, no guidelines have been presented with this bill. Therefore, without them I cannot agree to the application of part 5.

The bill says that non-application orders and non-compensation orders may be disallowed by either house of Parliament, but given the experience of disallowance motions so far in the Parliament, that is of cold comfort to the community. In my experience in this Parliament no disallowance motions have been successful so far. To rely on that when people's rights are being taken away in terms of acts of Parliament and in terms of people's rights to just compensation when they have incurred an injury or damage, I think is cold comfort, especially when it is played up in the

explanatory memorandum and, to some extent, by the second-reading speech that this bill will assist in that regard.

I am not sure what the necessity of this bill is, because we really have not had that many occasions to pass acts about major events. I would suggest that if events are that major, we can deal with them individually. There have really only been four occasions in 15 years — that is, for the grand prix, the Commonwealth Games and the world swimming championships and with the recent Melbourne Cricket Ground Act — where specific acts have been passed.

I would like to mention other parts of the bill; part 4 is about crowd management. I am not opposed to measures to ensure that when a major sporting event is held, there is reasonable crowd management; however, clause 185 creates a specific offence for hindering an authorised officer in their duty, which carries a quite hefty penalty of \$6800, whereas the other penalties in the bill seem to be much less than that. During the committee stage I will be querying why that is.

I mentioned that the Greens will be moving an amendment concerning aerial advertising, which is covered by part 8 of the bill.

Part 10 of the bill establishes a regime for the appointment and identification of authorised officers. The bill would empower the Secretary of the Department of Planning and Community Development to create authorised officers from both the Sporting Events Ticketing (Fair Access) Act, the Major Events (Crowd Management) Act and the Major Events (Aerial Advertising) Act, which contain similar provisions.

The criteria for suitability to be appointed are broad, including both business and individual licence-holders under the Private Security Act or persons who otherwise have appropriate skills and experience or members of classes appropriate to be appointed. The only mandatory requirements of appointment are that it is in writing and specifies the terms of conditions of appointment.

Optional requirements may include specifying a particular event, the functions, duties or powers or any other conditions and a requirement to undertake specialist training.

The secretary may delegate the power to appoint authorised officers from persons employed under part 3 of the Public Administration Act — that is, department heads, administrative office heads and statutory office-holders. More significantly it also provides for

delegation to bodies corporate that are set for a public purpose — for example, the Australian Grand Prix Corporation.

We have had a few bills before Parliament that feature the appointment of authorised officers. The number of authorised officers is ballooning in Victoria, and we need to keep an eye on this issue. Through this bill those persons will principally or even exclusively be owners, managers or agents of various private security businesses or event management firms, and perhaps incorporated sporting bodies who hold the rights for certain events.

As far as I can work out — and perhaps a government speaker can address my concern — the only private firms or corporations directly employing authorised officers in Victoria that we can identify are Connex and Yarra Trams.

At this stage in the debate I indicate that I have some amendments and ask that they be circulated.

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

Ms PENNICUIK — As Mr Dalla-Riva has pointed out, there are 195 amendments, but the vast majority of them are for the purposes of renumbering and making consequential amendments. I will give a brief outline of the amendments.

The amendments to clause 3 are to exempt not-for-profit organisations from aerial advertising restrictions and to remove flags and banners as prohibited items. The amendments to clause 8 add a requirement to have accurate mechanisms for ascertaining attendances at sporting events. The amendments to clause 9 broaden the criteria the minister must take into account to include social and economic impact and a cost-benefit analysis, as recommended by the Auditor-General. The amendments to clauses 11 and 12 mirror the proposed amendment to clause 9 by applying that amendment to clauses 11 and 12. Subsequent amendments omit clauses 15 and 16, which take away rights to compensation.

The amendment to clause 84 provides that authorised officers should warn or attempt to warn a person that their behaviour is disruptive and may result in their being directed to leave. This results from the Scrutiny of Acts and Regulations Committee raising the issue of a possible infringement of people's rights if they are not warned and if they do not know their behaviour might

be regarded as disruptive and might result in their being directed to leave.

Finally there are amendments to omit clauses 92 to 100 — part 5 of the bill — which list the six acts and local laws that can be suspended by this bill. I look forward to the committee stage.

Ms PULFORD (Western Victoria) — With a quick dash across the chamber I have had the opportunity to warm up, which is appropriate as this bill is about sporting events. It is great legislation that will enshrine Melbourne's reputation as the world's sporting capital. It is a reputation that Melbourne and all of Victoria rightfully agree on. When many people think of Melbourne they think of sports-mad people in their sports colours on their way to or enjoying world-class events. I have always been very proud of our reputation as a great sporting capital. I was interested to see not so long ago in an independent study reported in *SportBusiness International* that Melbourne has been recognised as the ultimate sports city not once but twice, two years in a row. I am proud to be part of a government that has worked hard to achieve that status, and this legislation is in part about maintaining it.

The results are clear: the 2006 Commonwealth Games were a roaring success. On the weekend I had the pleasure to be at the Melbourne Sport and Aquatic Centre with the kids and to see up nice and close the amazing facilities that have been developed as part of the preparations for first-class swimming championships to be held in this state. It is another fine example of the amazing facilities we have, which really are the envy of the world.

This bill is about assisting us to hold our title as a great sporting capital into the future. It will enable us to retain events like the Moto GP and the grand prix. I agree with Ms Pennicuik in that fast cars whizzing around circuits is not really my cup of tea either, but it is not actually about whether or not we are into fast cars whizzing around circuits, it is about the fact that our sporting events provide all things for all people. Some of us are into track cycling and some are into major football events, and I think there is a little bit of something for everyone in an event like the Commonwealth Games.

We always need to respond to the ever-changing world in which we live, and this bill addresses emerging issues like security threats which could be posed to contestants and spectators alike. It also addresses issues around new and emerging technologies and the changes that are occurring in broadcast technologies to deal with the way in which events can be recorded and broadcast

rights on-sold. The bill seeks to protect the value of lucrative sponsorship arrangements.

Whilst the cynic or the purist might think that major sponsorship of our big sports events is somehow not right, it is an essential part of keeping the costs down for spectators and making our major events affordable for all Victorians.

The bill also seeks to address the misuse of logos and the insignia of event sponsors. If passed today, this bill will provide a greatly improved administrative capability in respect of our sports events and a clearer framework that will include within a single piece of legislation all the provisions that may be required to control and protect an event.

The bill will incorporate three current pieces of legislation: the Major Events (Aerial Advertising) Act, the Major Events (Crowd Management) Act and the Sports Events Ticketing (Fair Access) Act. If I can digress to proffer a personal view, I would really like to see the sports events ticketing legislation extended to concert tickets and other events where there is highly competitive chasing of a limited number of tickets to a special event — and I will not get started on the Simon and Garfunkel ticket purchasing debacle!

This bill will, on an as-needs basis, provide protection for major sports events in the way an event is broadcast and how it can be recorded for profit. It will assist in stopping unauthorised use of logos and images, allow for the suspension of other acts that will affect a venue or an area where a major event is to take place, and enable greater control over vehicles in the area of a major event, which is essential for spectators to get to and from an event as safely and quickly as possible. The bill will also provide the minister with power to temporarily close or modify roads in order to manage large crowds and, again, to enable people to get to events as comfortably as possible. It also provides greater control over advertising.

These provisions are similar to those put in place for the Commonwealth Games and World Swimming Championships on earlier occasions. The bill will enable the Governor in Council to make rulings, based on a recommendation from the minister, on what parts of the act will apply to a particular event. It is important to note that not every rule will apply to each event; they will be applied as required. The bill allows for the minister to set minimum requirements for an event and take action if they are not met. It will include requirements for venues or areas where events have taken place to be restored to normal after the event.

During the bill's development, key major events industry organisations have been consulted. The event organisers and the venue managers are the people who put together these amazing occasions. I am also advised that the Municipal Association of Victoria is supportive of this legislation, as are other councils that regularly host major events.

The government will oppose the amendments proposed by Ms Pennicuik. It believes this legislation provides the appropriate balance required to deliver a great major sporting event experience for Victorians. If passed, this legislation will create one of the most comprehensive major sporting events legislative frameworks that exist anywhere in the world. It is a clear demonstration of our commitment to ensuring that Melbourne and all of Victoria continues to benefit from the esteemed place we hold on the world sporting events map. I commend the bill to the house.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to speak in support of the Major Sporting Events Bill 2009, the purpose of which is to support the acquisition, retention, staging and management of major sporting events in Victoria by including all provisions that may be required to control and protect an event within a single act. The bill consolidates the existing general legislation relating to major sporting events — the Major Events (Aerial Advertising) Act 2007, the Major Events (Crowd Management) Act 2003 and the Sports Event Ticketing (Fair Access) Act 2002 — into one act.

In addition, the bill includes provisions relating to the operational requirements of major sporting events, protection of commercial interests of those events, including control of advertising other than aerial advertising, protections from claims for economic loss and regulation of the application of other laws to major sporting events.

Historically, sporting events have been a major part of Victoria's lifestyle, and they continue to play a major part in Victoria's culture. Our love of sport, particularly our record of attendance at major sporting events, is well recognised internationally. Throughout the world the English Premier League is seen as the premier sports competition. For members who do not know, the English Premier League is a soccer code, and it is the most popular sporting league.

Week in and week out, our attendance at the Australian Football League (AFL) competition not only matches but beats attendances at the English Premier League. It is not just the attendance at AFL matches but also attendance at the Australian grand prix, the Australian

Open tennis, the cricket and in recent times at the soccer — especially after the 2006 World Cup. When I say 'soccer' I should say Australian football; the Victorian Football League would be most upset to hear me call the world game 'football', so I will refer to the round ball code as 'football' from now on.

Victoria is known as the sporting capital of the world, and that is not just a cliché made up by the locals; it is in fact recognised by *SportBusiness International* magazine. That magazine is not stacked by Victorians; it is an international organisation in its make-up and in its decision making. For two years in a row it has voted Melbourne the sporting capital of the world.

Ms Pennicuik — We have enough events.

Mr SOMYUREK — I am not sure we do have enough events. We have a substantial number of events, and we have them because there is a demand for those events in Melbourne.

Mr Dalla-Riva — There are a lot more events that we could have.

Mr SOMYUREK — That is right, and we should be getting more events. We have a lot of culture and we have a lot to see, but unfortunately we just do not have anything like Darling Harbour in Sydney. We do not have a spectacular attraction that brings people to Victoria. I would argue that we have superior things to do here in Victoria, certainly things that are far superior to Darling Harbour — —

Mrs Peulich — Dandenong market!

Mr SOMYUREK — Dandenong market is an attraction. It is a microcosm of multicultural Australia, Mrs Peulich, and I know you too go to the market quite frequently. We have a lot to see in Victoria, but we do not have a Darling Harbour, for example, which attracts people to Sydney.

These sporting events attract people into Melbourne; once they are here, they recognise the fact that we have a superior lifestyle in Victoria. We have a lot to see and a lot to offer the world in Victoria.

In that respect it does fit into what Ms Pennicuik was saying: we have a lot to offer. By bringing people in via the major sporting events, they then go out and see the culture and other things on offer. With those comments, I commend the bill to the house.

Sitting suspended 6.25 p.m. until 8.04 p.m.

Mr ELASMAR (Northern Metropolitan) — I rise today to support this bill not only because I believe it is the most progressive sports legislation in the world, but because stronger protective measures are needed to legally ensure that our international reputation as a host state is strengthened and enhanced as major sporting events are a significant aspect of Victoria's economy and cultural lifestyle. Major sporting events create wealth for our hospitality and leisure industry, and it is not just our local economy that benefits; we, as Victorians, have an international reputation to uphold and defend.

It is true we are recognised as superb organisers of international events, and I will name a few of them: the Australian Formula One Grand Prix, the Commonwealth Games, the World Swimming Championships, the Professional Golfers Association events, and the Australian Open Tennis Championship matches at the magnificent new stadium, the Rod Laver Arena.

We have an obligation to ensure that Victoria is a fair, safe and equitable place for international sports lovers to visit and enjoy our marvellous venues. This bill is designed to complement the existing sports legislation. As a host state we are obligated to protect our standing and reputation within the sports community, particularly — and I say this as a parent with children who love sport — effective and efficient crowd control. The bill improves the crowd management provisions in the act to allow duly authorised officers to direct any persons to leave a sports venue because of antisocial behaviour. This legislation is designed to ensure the safety of our spectators whether they are Australians or international visitors. These measures are paramount to the success of Victoria securing any future major sporting events.

Opportunistic ticket scalpers are known and despised throughout the sporting world. Steps have been put in place to minimise their activities by regulating the proper management of ticket sales.

There are provisions in this legislation which provide for improved administrative effectiveness, and there are provisions that seek to protect the business aspects of organising and running a major sporting event in Victoria. These are necessary measures to tackle dishonest profiteers who are known to broadcast events by ambush without the authority of the legitimate organisers of the events. Existing law does not provide any redress or recourse for organisers who have had their events sabotaged in this way.

This bill will provide strong protection for organisers and spectators and will strengthen Victoria's ability to attract and host more major sporting events for the benefit of all Victorians. I commend the bill to the house.

Ms DARVENIZA (Northern Victoria) — I rise to speak briefly on the Major Sporting Events Bill. I wanted to speak on it, because we know that major sporting events are what attract so many people to Melbourne; and we know that when people come to Melbourne to be involved in some of these major sporting events, it is great for our economy. They stay at our hotels; they eat at our restaurants; they go and see the many sites that we have to see, not only in the city itself but also immediately outside the city and in regional Victoria.

One of the things we know we do particularly well is put on major sporting events; it is something Victoria is renowned for. Melbourne is known as the sporting capital of Australia; in fact, it is one of the sporting capitals of the world.

That is why I wanted to speak briefly about this bill, because it is a good bill that will build on all the work we have already done to ensure we continue to be able to attract and retain major sporting events.

The bill will ensure we have a very high quality of sporting events, that we are able to improve the support that we are able to give to those sporting events and that they are well staged.

There is a need for this legislation. We need it for protection and to manage a whole range of emerging issues, including increased threats to the security of both spectators and contestants; unauthorised broadcasting; increasing commercial misappropriation relating to the unauthorised use of event logos and insignias; and misappropriation of sponsorship and advertising appropriately.

The bill will incorporate the existing provisions of the Major Events (Aerial Advertising) Act 2007, the Major Events (Crowd Management) Act 2003 and the Sports Events Ticketing (Fair Access) Act 2002 into one act. A small number of provisions in these acts have been finetuned. The bill will take a range of current legislation and put it into one act which will ensure that we continue to attract major sporting events. We have had such a lot of success, and I know other members have already spoken about the Commonwealth Games, the world swimming championships, the Australian grand prix and other major events we have had.

There was consultation on this bill before it was brought to the chamber, as there is with all our legislation. Key major events industry organisations, including event organisers and venue managers; local councils which host events; and the Municipal Association of Victoria have all been consulted. They are supportive of this bill and of having a piece of legislation like this put in place. The bill will mean that major sporting events will have better management and better support, and it will mean that we can continue to attract those events which are so important for our city and for our state. I think it is a good bill, and I commend it to the house.

House divided on motion:

Ayes, 34

Atkinson, Mr	Kronberg, Mrs
Broad, Ms	Leane, Mr
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P. (<i>Teller</i>)	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr (<i>Teller</i>)
Huppert, Ms	Tee, Mr
Jennings, Mr	Theophanous, Mr
Kavanagh, Mr	Tierney, Ms
Koch, Mr	Viney, Mr

Noes, 3

Barber, Mr (<i>Teller</i>)	Pennicuk, Ms
Hartland, Ms (<i>Teller</i>)	

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — Clause 1 states that the purpose of the bill is, in part:

- (a) to re-enact with amendments and to consolidate into one Act the law relating to major sporting events and to venues for events ...

Can the minister tell me what the reasoning behind that was? I just wonder whether the minister could tell me what the government's philosophy is behind not only consolidating the three acts into one but also extending the provisions quite substantially in some ways.

Hon. J. M. MADDEN (Minister for Planning) — Without going into too much technical detail, basically, as members would be aware, this bill repeals three acts and integrates their provisions into one act. Those three acts have been introduced progressively over a number of years. Each has relatively complementary components to it but, depending on the needs of the event or the adjustment needed around the event in relation to public benefit, there is some technical complexity in using each of those pieces of legislation separately. In many ways, compiling the provisions of those acts into one piece of legislation — that is, repealing the existing three acts and incorporating the mechanics of them into one piece of legislation — makes more sense. The intention is to give more clarity and certainty and really to some extent streamline the administrative arrangements that currently go with each of those measures. In each of those three acts there are certain administrative arrangements and, more often than not, at the biggest end of the event category criteria, I suppose, each one of those pieces of legislation has to be enacted through the various mechanics. This is probably a more streamlined and simplified way of doing all those things at that higher or the bigger end of the event market through one piece of comprehensive legislation.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister. I hear what he says about that, and we may agree to disagree on whether that was needed, but my question is: has there been a problem with major events management in this state that would lead not only to the acts being consolidated but their provisions being expanded in terms of repealing or being able to make non-application orders for certain acts of the state of Victoria and extending into this act the inability to be compensated for damage, which was not in the other three acts? What is the policy decision behind that and what were the problems, if any, that led to that?

Hon. J. M. MADDEN (Minister for Planning) — There are a number of issues here. It is identifying the events that should fit within the bill. Initially those pieces of legislation were devised for a certain scale of events. The events, the venues and the operation of those events were initially identified as being of a particular scale. Over a period of time many of those events have been ramped up in scale, as have the needs for each of those events — whether it is the venue management, the transparency of the ticketing arrangements or the arrangements outside the event, particularly in terms of ambush marketing, ambush advertising, public safety and many such aspects. From time to time there have been other issues relating to specific pieces of legislation that have been introduced

for specific events, like the world swimming championships and the Commonwealth Games. Basically it is anticipated that if we have events at the upper end of the scale — not necessarily the Commonwealth Games, but at the upper end of the scale — the mechanics of this legislation can work to complement that scale of event without having to go through the process over and over, as has been the case with previous events in previous years.

Ms PENNICUIK (Southern Metropolitan) — I have just one more question on clause 1. Is there any legislative model anywhere in Australia or elsewhere on which this bill is based?

Hon. J. M. MADDEN (Minister for Planning) — Having had some experience previously in the portfolio around the initial three pieces of legislation, in many of these instances we are a world leader, particularly in the sports ticketing area and to an extent in the crowd management area but in aerial advertising as well. All these have been innovative pieces of legislation but, because they have been relatively new at the time and have been introduced incrementally, compiling all these acts into one piece of legislation will probably put us at the forefront of events management.

In many jurisdictions they do not necessarily have a legislative mechanism to deal with many of these associated matters, but because of that from time to time they also end up in some difficulty. One of the great benefits for Melbourne as an events capital is that when we are attracting or seeking to attract events we feel with a fair degree of confidence that, regarding the conditions that are offered to prospective events or sports, by having a legislative framework we can guarantee certain deliverables. That certainly puts us at the forefront of attracting those events in terms of selling the idea of having an event in this state. As well as that, it also allows us to deliver the event with a high degree of certainty about the conditions that are critical for the successful running of any significant major sporting event.

Clause agreed to; clause 2 agreed to.

Clauses 3 to 14

The DEPUTY PRESIDENT — Order! Ms Pennicuik has circulated a number of amendments to clauses 3 to 14, the majority of which relate to consequential renumbering as a result of late clauses in the bill being omitted. I therefore recommend to the committee that clauses 3 to 14 be postponed so that the committee can determine whether to omit the late clauses. Once this has been decided the committee can

return to these clauses and deal with the renumbering amendments if required.

Clauses postponed.

Division heading preceding clause 15

The DEPUTY PRESIDENT — Order! I call on Ms Pennicuik to formally move amendment 35 in her name. This relates to a division heading preceding clause 15. In my view this is a test for her further amendments 36 and 37 and 133 to 142, which were late to omitting from the bill the provisions related to non-application orders.

Ms PENNICUIK (Southern Metropolitan) — I move:

35. Division heading preceding clause 15, omit this heading.

Amendment 35, as you mentioned, Chair, is merely a change to a division heading, but it does test the substantial amendments which are amendments 36 and 37 as circulated and amendments 133 to 142. Amendment 36 seeks to omit clause 15, and amendment 37 seeks to omit clause 16, and those clauses are the clauses in the bill which provide for the minister to recommend to the Governor in Council to make an order that any act referred to in part 5 the bill — to which amendments 133 to 142 refer — and specified in the order does not apply to the development or use of an event venue or event area for the purposes of a major sporting event specified in the order. For the information of the committee I will go through the acts that are referred to in part 5 of the bill. They are the Planning and Environment Act, the Heritage Act, the Environment Effects Act, the Coastal Management Act, the Crown Land (Reserves) Act, the Land Act, the Building Act, the Health Act and the Local Government Act in relation to limitation on powers to make local laws and in respect of noise and light.

I move these amendments because they form part of the Greens policy. It has been of concern to many in the community that under the Australian Grands Prix Act, in particular, but also the Commonwealth Games Arrangements Act, certain acts of Parliament were deemed to not apply so that those events could go ahead. In those circumstances there was a particular act of Parliament for that particular event, and the pros and cons of that event could be thrashed out in the Parliament. I am even more concerned in this case because we do not have an event in front of us; we have a future non-specified hypothetical event.

The definition of ‘major sporting event’ as listed in the definitions section is much broader than the types of

events that this has applied to before. I put it to the committee that if a major event cannot be staged without complying with the laws of the land — specifically in terms of the Heritage Act, the Planning and Environment Act, the Coastal Management Act or the Health Act for that matter — there has to be a question about the staging of that particular event in terms of its impact on the public. There has been an ongoing impact on the public.

Government members and coalition members have spoken in this chamber about the benefits of major events. Even the Auditor-General said that there are some benefits. But the impact on the public is significant and ongoing because of the escalating costs of the Australian Grands Prix Act, if nothing else.

I have moved amendment 35 because we do not believe it is conscionable or necessary for us to have an act of Parliament that just by ministerial order can suspend the application of other key aspects of Parliament that are there to protect the public interest in the first place. We are talking about sports events. I am not opposed to them — I want everybody to understand that. I am opposed to the application of this bill to what are called ‘major sporting events’. We do not even know which major sporting event we are talking about.

Mr DALLA-RIVA (Eastern Metropolitan) — In relation to Ms Pennicuik’s proposed amendments, it is fair to say that most of her contribution related to the grand prix. To be fair, the legislation covers not only the grand prix but many other events. The opposition is of the view that, firstly, in terms of the omission of clauses 15 on, it is important to put on record that a note at the end of clause 15 of division 2 — and this is also reflected in clause 17 — says:

Note

This order is subject to tabling in Parliament and disallowance.

There is a capacity for Parliament to disallow the acts non-application orders. I also point out in respect of part 5, which Ms Pennicuik is seeking to delete — and I am sure the government will agree — the limitations on some of the acts. Ms Pennicuik kept referring to the grand prix. Clause 99 deals with the limitation powers to make local laws. You can imagine the Port Phillip City Council making a law to ban the grand prix! Clause 100 is about noise and light, and clearly the grand prix creates an excessive amount of noise.

If there was nothing to exclude the act under the Health Act 1958 and the Local Government Act in respect of noise or light emanating from an event, you could

effectively close down many events. Our view, Minister, is that we cannot support the amendments of Ms Pennicuik.

Hon. J. M. MADDEN (Minister for Planning) — Without going into too much technical detail at this stage, basically the legislation does have checks and balances, as has been highlighted by Mr Dalla-Riva in relation to the disallowance motion. As well as that, any major sporting event order must be done in consideration of the respective ministers who would normally be involved in those acts, the likes of the minister involved or who is responsible for the crown lands act, as well as that of the minister involved and responsible for the grand prix act, the Land Act and so on.

It is important to know that it is not just a single minister making a determination; it is a minister who must make reference to other ministers.

Mr Dalla-Riva interjected.

Hon. J. M. MADDEN — Can I just highlight that if there is some scepticism on the part of the member, that also involves the respective departments and advice to those ministers in relation to any potential event? No doubt all that assists in a determination making an order for an event, and again that being tabled in Parliament has the potential to be disallowed, given that we believe there are sufficient checks and balances, particularly with the backup of a disallowance motion in Parliament.

Ms PENNICUIK (Southern Metropolitan) — Mr Dalla-Riva’s comments in terms of the noise inflicted on the residents of the city of Port Phillip is an argument in favour of this amendment.

Committee divided on amendment:

Ayes, 4

Barber, Mr	Kavanagh, Mr (<i>Teller</i>)
Hartland, Ms (<i>Teller</i>)	Pennicuik, Ms

Noes, 31

Atkinson, Mr	Leane, Mr (<i>Teller</i>)
Broad, Ms	Lovell, Ms
Coote, Mrs	Madden, Mr
Dalla-Riva, Mr	Mikakos, Ms
Darveniza, Ms	O’Donohue, Mr
Davis, Mr D.	Petrovich, Mrs (<i>Teller</i>)
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Rich-Phillips, Mr
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Smith, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Huppert, Ms	Theophanous, Mr

Jennings, Mr
Koch, Mr
Kronberg, Mrs

Tierney, Ms
Viney, Mr

Amendment negatived.

Division heading agreed to; clauses 5 to 16 agreed to.

Division heading preceding clause 17

The DEPUTY PRESIDENT — Order!

Ms Pennicuik's amendment 38 seeks to omit the division heading preceding clause 17. In my view it is also a test for her amendments 39 and 40.

Ms PENNICUIK (Southern Metropolitan) — I move:

38. Division heading preceding clause 17, omit this heading.

As the Deputy President indicated, this amendment omits a division heading preceding clause 17 and tests amendment 39, which seeks to omit clause 17, and amendment 40, which seeks to omit clause 18.

Clause 17 deals with the no-compensation orders. It states that on the recommendation of the minister the Governor in Council may make an order that a major sporting event is subject to section 18, which states that:

On the making of a no compensation order in respect of a major sporting event, this section applies and no compensation is payable in respect of any loss, damage or injury, other than the death of, or personal injury or bodily injury to, a person, resulting from or arising out of any act —

regarding a major sporting event or any event, activity or program associated with a major sporting event to which a no-compensation order applies.

I have moved this amendment because the Greens do not believe it is conscionable, fair or just to give more rights to a major sporting event than to a citizen of Victoria who may suffer an injury — not a bodily injury but another injury — or damage as a result of the activities carried out in the name of or associated with a sporting event.

Before Mr Dalla-Riva points out that it is subject to a disallowance motion, as I suggested in the second-reading debate that would be cold comfort to anyone who suffers that damage. I point out that when these clauses were inserted into the Australian Grands Prix Act in 1994 and 1995 they were bitterly opposed by the government members, including the now Premier, when they were in opposition — and rightly so. They should have been opposed, and that is why I am opposing them now. I think the majority of the

citizens of Victoria would also oppose these amendments if they knew they were being made to cover an unknown event that is yet to happen and that we know nothing about. People could suffer at the hands of a major sporting event run by a large international corporation, for example, but get no compensation if this provision becomes part of an act of Parliament. We think it is unconscionable and unfair.

Mr DALLA-RIVA (Eastern Metropolitan) — We have also looked at this amendment moved by Ms Pennicuik. Whilst I understand the concerns raised in respect of compensation under clause 18 of the bill, my understanding is — and maybe the minister can clarify this — that it deals with issues such as aerial advertising and that other compensation provisions apply. Perhaps that is where we are seeking guidance. That provision is not applicable to personal injury; it relates to compensation for people who may, for example, do some illegal aerial advertising.

Hon. J. M. MADDEN (Minister for Planning) — I am advised that this provision is concerned with economic loss. Without getting into hypotheticals, there will be instances where people believe they have suffered some economic loss. We have seen in the events that have taken place in this state from time to time that the net benefit to the broader community is one of the key reasons for attracting major events. From time to time there may be people who suffer some economic hardship, and in the vast majority of cases — whilst it is not believed that compensation is appropriate, payable or even really contestable — respective governments will seek to do justice to the needs of those in the community by putting in place measures to mitigate disruption or inconvenience in any form. That often extends to business opportunities that may in some way be impacted on by events, and we have seen that particularly in the larger scale events. Rather than seeking compensation, it is better to have programs of support for these organisations to allow them to make the most out of the event rather than have it impact significantly in terms of economic loss.

Ms PENNICUIK (Southern Metropolitan) — If an ordinary citizen were to suffer an economic loss or other damage as a result of a major sporting event, is it the case that under this clause they would not be able to seek compensation?

Hon. J. M. MADDEN (Minister for Planning) — I believe that to be the case.

Ms PENNICUIK (Southern Metropolitan) — Normally, if a private citizen were to suffer damage and

make a civil claim, it would be up to the court to decide whether they had a case, would it not?

Hon. J. M. MADDEN (Minister for Planning) — Depending on the claim and the extent of it, that might well be the case.

Ms PENNICUIK (Southern Metropolitan) — In effect, is this clause taking away the right of an ordinary citizen to access the court in that regard?

Hon. J. M. MADDEN (Minister for Planning) — I am advised that, potentially, yes.

Mr DALLA-RIVA (Eastern Metropolitan) — In respect of clause 17, which Ms Pennicuik's amendments 38 and 39 propose to omit, there is a note:

This order is subject to tabling in Parliament and disallowance.

I am curious as to what the process would be in terms of tabling in Parliament and what would occur if this disallowance was granted. Would that then enable a compensation order to be granted to an individual or a person, as outlined by Ms Pennicuik?

Hon. J. M. MADDEN (Minister for Planning) — I am advised that, in the instance of a disallowance motion, the subordinate legislation would prevail. Depending on the circumstances, an individual may or may not have the ability to make a legitimate claim for compensation, because the subordinate legislation would prevail upon the disallowance motion getting up.

Mr DALLA-RIVA (Eastern Metropolitan) — Given the assurance by the minister in terms of the capacity for compensation in certain circumstances and the capacity for scrutiny of the order in Parliament as outlined in division 3, we will be voting against the amendments put forward by Ms Pennicuik.

Ms PENNICUIK (Southern Metropolitan) — Minister, can the minister tell me how many disallowance motions have been successful in Parliament?

Hon. J. M. MADDEN (Minister for Planning) — I cannot, but I am happy to take that on notice and try to seek that information.

The DEPUTY PRESIDENT — Order! As I think Ms Pennicuik knows, the minister is not in a position to answer that question.

Ms PENNICUIK (Southern Metropolitan) — He is going to find out for me.

The DEPUTY PRESIDENT — Order! The question rather cleverly calls for an opinion rather than a statement of fact because what Ms Pennicuik is alluding to is whether it is possible to anticipate a disallowance motion's success in the future. I think the dynamics of the Parliament are understood by all members.

Committee divided on amendment:

Ayes, 4

Barber, Mr (*Teller*)
Hartland, Ms

Kavanagh, Mr
Pennicuik, Ms (*Teller*)

Noes, 32

Atkinson, Mr
Broad, Ms
Coote, Mrs
Dalla-Riva, Mr
Darveniza, Ms
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Huppert, Ms
Jennings, Mr
Koch, Mr

Kronberg, Mrs
Leane, Mr
Lovell, Ms
Madden, Mr
Mikakos, Ms
O'Donohue, Mr
Petrovich, Mrs
Peulich, Mrs (*Teller*)
Rich-Phillips, Mr
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Tee, Mr
Theophanous, Mr (*Teller*)
Tierney, Ms
Viney, Mr

Amendment negatived.

Division heading agreed to; clauses 17 to 83 agreed to.

Clause 84

Ms PENNICUIK (Southern Metropolitan) — I move:

114. Clause 84, after line 17 insert —

“() Before giving a direction under subsection (1), the authorised officer must warn or attempt to warn the person that he or she may have engaged in an activity specified in subsection (1)(a), (1)(b) or (1)(c), as the case requires.”.

I moved this amendment because I was persuaded by the issue raised by the Scrutiny of Acts and Regulations Committee about the removal of a person from a major event without so warning them that their behaviour may be disruptive. I note in the previous act the term was ‘annoying’ and that has been upgraded to ‘disruptive’. That is good, because it is a higher threshold. However, the Scrutiny of Acts and Regulations Committee pointed out that in many cases a person may not be aware their behaviour is disruptive. In addition they

may not be aware their behaviour may result in them being removed from the event.

The committee thought it was reasonable that a person should be so warned before being removed from the event. ‘As the case requires’ is the meaning given to it by parliamentary counsel, taking into account the circumstances. That would not be an absolute requirement. If there were a circumstance where there could not be a warning, that would not be an absolute requirement, but in the normal course of events an authorised officer would warn the person before removing them from the event.

I was not particularly persuaded by the minister’s answer to the committee about the necessity or the inability for an authorised officer to so warn an individual. In many cases authorised officers and police provide warnings to people. That is why I am moving the amendment.

Mr DALLA-RIVA (Eastern Metropolitan) — We are trying to get some sense of the amendment put forward by Ms Pennicuik in respect of the direction that ‘the authorised officer must warn or attempt to warn’. I refer to the situation, for example, of somebody who runs onto the grand prix track or runs onto another major event.

Mr Rich-Phillips — With or without clothes on.

Mr DALLA-RIVA — Exactly; as pointed out for those who go to Australian Football League matches, and the minister would probably attest to that from his football career. The intention of the proposal would be that on seeing somebody running on a track, the first thing the authorised officer must do — the amendment says ‘must’ — is warn that person. I am trying to put it in the context of a dangerous situation, as outlined in the bill, where somebody is at serious risk to themselves or to spectators. The first point must be that you must warn that person. Therefore I am trying to reconcile the amendment with the practicalities in the real world. Obviously it is not for the minister to answer. Examples could be situations where somebody runs onto the track during the running of the Melbourne Cup or the grand prix and cannot in any circumstance be given a warning. I am trying to reconcile Ms Pennicuik’s amendment with making it easier for authorised officers to undertake their duties as outlined in the bill before the chamber.

Ms PENNICUIK (Southern Metropolitan) — In my conversations with parliamentary counsel the phrase ‘as the case requires’ at the end of my amendment was discussed. It is meant to cover that contingency.

Clause 84 is to cover people who may be, for example, in a crowd jumping up and down or throwing things. It is meant to cover the sort of behaviour that is disruptive and where an authorised officer would come over and say, ‘You must stop that or you will be removed’. That is the situation it is meant to apply to. A person putting themselves and other people in danger would not require a warning.

Committee divided on amendment:

Ayes, 4

Barber, Mr	Kavanagh, Mr (<i>Teller</i>)
Hartland, Ms (<i>Teller</i>)	Pennicuik, Ms

Noes, 32

Atkinson, Mr	Kronberg, Mrs
Broad, Ms	Leane, Mr
Coote, Mrs (<i>Teller</i>)	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms (<i>Teller</i>)	Mikakos, Ms
Davis, Mr D.	O’Donohue, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Huppert, Ms	Theophanous, Mr
Jennings, Mr	Tierney, Ms
Koch, Mr	Viney, Mr

Amendment negatived.

Clause agreed to; clauses 85 to 206 agreed to.

Postponed clause 3

The DEPUTY PRESIDENT — Order! The committee has decided not to omit clauses 15 to 18, and in my view Ms Pennicuik’s amendments 1 to 3 and 6 to 31 will all therefore lapse, as a result of earlier decisions. However, Ms Pennicuik’s amendments 4 and 5 test a different matter, and I am of the view that those two amendments can be moved and proceeded with if the committee sees fit.

Ms PENNICUIK (Southern Metropolitan) — I move:

4. Clause 3, page 4, line 5 omit “advertising;” and insert “advertising —”.
5. Clause 3, page 4, after line 5 insert —

“but does not include aerial advertising by a not-for profit organisation or by an organisation established for a public purpose;”.

As the Chair has indicated, these amendments would insert a provision after subclause (f) in the definition of

‘aerial advertising’ to exclude aerial advertising by a not-for-profit organisation or by an organisation established for a public purpose. A similar amendment was moved by my colleague Mr Barber during debate on the aerial advertising bill just over two years ago in this chamber.

The reason that amendment was moved by Mr Barber and the reason why a similar amendment is being moved by me today is that it is not clear in the act as it stands or in the bill whether or not the prohibitions on aerial advertising, which I understand are aimed at rival commercial advertising, or ambush advertising, should include not-for-profit organisations or organisations with a public purpose that are using aerial advertising to protest against something. It could be a public protest or a public message that has nothing to do with commercial arrangements; it would not be a commercial message they were putting across. It could say, for example, ‘Stop logging our water catchments’ or something like that. We believe it would be an infringement of people’s rights not to exempt such organisations from this particular clause in the bill.

Hon. J. M. MADDEN (Minister for Planning) — One of the key and critical criteria for the attraction and delivery of any major event is not only certainty in the way in which the event is delivered but also certainty for, in a sense, the organisation which provides the licence to conduct the event. The international sporting bodies that from time to time bestow an event on the likes of Melbourne want certainty, and they also need to ensure that their sponsors and the like, can feel confident about their commercial entitlements. That also gives certainty to the state in the organisation of the event. In the same way, the event organiser does not want their event to become a potential springboard for some organisation that might seek to protest in the middle of that event.

As part of the certainty that I spoke about earlier when we were discussing potential amendments, the key criteria is that certainty is needed not only for the state and for the commercial certainty of events but also for those international bodies that allow us to conduct those events. One of the key criteria in being able to guarantee certainty to those organisations in order to attract the event is that their commercial and public relations profile is not jeopardised by potential signage of any sort that might do an injustice to their branding, the branding of the city and the branding of that event.

Ms PENNICUIK (Southern Metropolitan) — The minister has made an eloquent case for defending the rights of corporations and event organisers to make lots of profit, but our position is that that should not infringe

upon the civil rights of others to make a point in society. That is what we are standing up for.

Mr DALLA-RIVA (Eastern Metropolitan) — We have reviewed Ms Pennicuk’s amendments, and we cannot support them.

Committee divided on amendments:

Ayes, 4

Barber, Mr (<i>Teller</i>)	Kavanagh, Mr
Hartland, Ms	Pennicuk, Ms (<i>Teller</i>)

Noes, 32

Atkinson, Mr	Kronberg, Mrs
Broad, Ms	Leane, Mr
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms
Davis, Mr D.	O’Donohue, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Rich-Phillips, Mr (<i>Teller</i>)
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Huppert, Ms	Theophanous, Mr
Jennings, Mr	Tierney, Ms (<i>Teller</i>)
Koch, Mr	Viney, Mr

Amendments negatived.

Postponed clause agreed to; postponed clauses 4 to 7 agreed to.

Postponed clause 8

Ms PENNICUIK (Southern Metropolitan) — I move:

- 23. Clause 8, line 16, omit “event.” and insert “event; and”.
- 24. Clause 8, after line 16 insert —

“() the method for recording attendance at the major sporting event to ensure accurate recording for auditing purposes, including, but not limited to, use of turnstiles and electronic devices to record attendances.”.

Basically the amendments go to the content of the requirements of a major sporting event order, which would specify a lot of conditions. I wish to insert into clause 8 the following condition:

... the method for recording attendance at the major sporting event to ensure accurate recording for auditing purposes, including, but not limited to, use of turnstiles and electronic devices to record attendances.

I move this amendment because I feel it is important in terms of understanding the costs, benefits and the

impacts of sports events to have an accurate record of the attendances at sports events. Obviously at some sports events — for example, at the cricket, the tennis or similar events — recording of attendances is fairly accurate. In fact I go to the cricket quite a bit and the number of people there is put up on the screen at the end of the day, almost to the exact number.

That is not the case with the Australian grand prix, for example, where the attendance levels of that particular event over its life — and it is into its 13th year — are completely controversial and are not that accurate. If we are going to introduce this type of legislation with the idea to improve the way the event is run, then it is essential that that particular aspect of a major sporting event be covered by the bill.

Mr DALLA-RIVA (Eastern Metropolitan) — I refer to the Auditor-General’s report of May 2007, *State Investment in Major Events*, and the recommendations on page 3 in terms of pre-event assessment, post-event evaluation, contractual and management arrangements and public reporting of outcomes. I also refer to the Public Accounts and Estimates Committee report, *Review of the Findings and Recommendations of the Auditor-General’s Reports — 2007*, which was tabled in this chamber this month, June 2009, in respect of the Auditor-General’s *State Investment in Major Events*.

I have to say I am struggling to reconcile the reasons for the amendments moved by Ms Pennicuik. I get the feeling, given her assertions that it is about the grand prix, that the amendments appear to have been established for the Save Albert Park group. There is nothing in the recommendations put forward by the Auditor-General in his report nor in the recommendations of the Public Accounts and Estimates Committee in its review of that report to support this. On that basis I find it difficult to support.

Hon. J. M. MADDEN (Minister for Planning) — I appreciate that Ms Pennicuik has an issue with the grand prix. I recognise that, and I recognise there are members of the committee who have longstanding concerns about the grand prix. However, there is some difficulty with trying to implement the amendments proposed by Ms Pennicuik. Even if they were agreed to, there are a number of large-scale events that are outdoor events. I even recall that some of the most popular Commonwealth Games events such as marathons or athletic events take place away from specific purpose-built venues and that often the likes of cycling or sailing events take place in public areas and are free to the public.

It is very difficult to identify the numbers, so obviously some rounding off occurs and some assumptions are made there because there are no entry or exit points equipped with counting devices. Also, even in many of the other large-scale events where there are temporary overlays, the overlays often do not allow for turnstiles and other equipment to be installed, and even if equipment of various types could be added, it would place a significant cost impost on the event. Knowing how Ms Pennicuik is so conscious of the cost of some of those events, too, we recognise that this is in many ways not a practical suggestion.

Ms PENNICUIK (Southern Metropolitan) — In answer to Mr Dalla-Riva I draw on the lessons of the grand prix and the ongoing controversy over the attendances, but I have moved the amendments not for that reason but to make sure that the act that this bill will become contains a provision for accurate recording of attendances.

I do not necessarily agree with the minister that it is impossible in this day and age to accurately record the attendance of people at major sporting events as defined in this bill. As far as I can see, the marathon is not one of those events. We are talking about events which the bill defines as events of a large size, so I do not know how you can determine the size of the event if you do not accurately count the attendance, and that is why I have moved that amendment.

Committee divided on amendments:

Ayes, 4

Barber, Mr (<i>Teller</i>)	Kavanagh, Mr
Hartland, Ms (<i>Teller</i>)	Pennicuik, Ms

Noes, 32

Atkinson, Mr	Kronberg, Mrs
Broad, Ms	Leane, Mr
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms
Davis, Mr D.	O’Donohue, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr (<i>Teller</i>)	Smith, Mr
Guy, Mr	Somyurek, Mr (<i>Teller</i>)
Hall, Mr	Tee, Mr
Huppert, Ms	Theophanous, Mr
Jennings, Mr	Tierney, Ms
Koch, Mr	Viney, Mr

Amendments negatived.

Postponed clause agreed to.

Postponed clause 9

Ms PENNICUIK (Southern Metropolitan) — I move:

28. Clause 9, lines 16 to 21, omit paragraphs (a) to (f).
29. Clause 9, after line 21 insert —
- “() the findings of a cost-benefit analysis carried out to determine the likely net economic benefit to the State from staging the event, including —
- (i) the size of the event;
 - (ii) the likely number of spectators for the event;
 - (iii) the likely media coverage of the event and revenue from media coverage of the event;
 - (iv) the contribution to Victoria’s international profile as a host of major events;
 - (v) the commercial arrangements for the event;
 - (vi) the social and environmental impacts of the event;
 - (vii) the cost of staging the event;
 - (viii) the likely revenue from ticket sales and “new money” spent by visitors associated with the event;”.

If members look at the bill, this amendment would replace paragraphs (a) to (f) in clause 9(2) and retain the following paragraphs (g) to (j). It would replace paragraphs (a) to (f) as they currently are in the bill with the requirement that the criteria before making a recommendation for a major sporting event order would be that the minister have regard to the finding of a cost-benefit analysis carried out to determine the likely economic benefit to the state from staging the event, including the size of the event, as alluded to in the previous amendment, the likely number of spectators for the event, the likely media coverage of the event and revenue from media coverage of the event, the contribution to Victoria’s international profile as a host of major events, the commercial arrangement for the event, the social and environmental impacts of the event, the cost of staging the event, the likely revenue from ticket sales and new money spent by visitors associated with the event.

I move this amendment pursuant particularly to the recommendations in the Auditor-General’s report into the state investment in major events of May 2007, when the Auditor-General recommended in particular that a cost-benefit analysis be applied to major events rather than an economic impact analysis, which is the current way that major events are measured and which

overestimates, in the Auditor-General’s view, and in my view the net economic benefit of any event. The Auditor-General recommended that a cost-benefit analysis is the preferred method for working out the net benefit of a major event.

He also recommended that the social and environmental impacts of major events be included in the cost-benefit analysis; I read that directly from the Auditor-General’s recommendations as recorded in the second-reading debate. In some ways those are basically the new inclusions in the criteria, and some of the other inclusions I have read out are already there.

It is just that the amendment formulates them in such a way that the cost-benefit analysis would include some of the things already in that clause. In effect, there is a change from a net economic impact to a cost-benefit analysis, which includes social and environmental impacts. I think it would be very hard to argue against their inclusion as criteria for making a recommendation for a major sporting event order.

Mr DALLA-RIVA (Eastern Metropolitan) — This amendment relates to clause 9, which, in the view of the opposition, is about what you would class as that which the Auditor-General put forward as the pre-event assessment. At page 3 of the Auditor-General’s report of May 2007, titled ‘State investment in major events’, the recommendations relating to pre-event assessments centre around what is called the major events assessment statement.

The major events assessment statement is outlined further on page 21 of the report. It takes into account background, event details, economic impact, industry employment impact, tourism impact, international profile, community social impact, calendar fit, government priorities, risk management and budget. I understand that when this report was submitted to the Public Accounts and Estimates Committee’s review, it was considered that perhaps that particular chart should not have been included, because it demonstrated Victoria’s competitive advantage.

In terms of the pre-event recommendation from the Public Accounts and Estimates Committee as tabled this month, the issue related to the major events assessments statement. Ms Pennicuik’s proposed inclusion has nothing to do with revenue from the media, it has nothing to do with the additional amendments proposed in terms of the social and environmental impacts of the event — that was not considered by either the Auditor-General or by PAEC.

The costs of staging the event had nothing to do with the pre-event assessment undertaken by the Auditor-General or by PAEC, nor did the likely revenue from ticket sales and any money spent by visitors associated with the event. On that basis, we do not see any rationale for the inclusion of amendments 28 and 29 moved by Ms Pennicuik.

Hon. J. M. MADDEN (Minister for Planning) — Recognising the intentions of Ms Pennicuik and further to the comments of Mr Dalla-Riva, some of the events that may be supported by a major sporting event order under the bill are not necessarily funded by the government, but they can be. It is not clear who would pay for the cost-benefit analysis in such cases.

It is unlikely that the event organiser would be able to do so because they are quite costly exercises, and the government already analyses cost-benefit issues in relation to events it bids for and funds under the major events cap. Again, we do not believe this is a practical suggestion.

Ms PENNICUIK (Southern Metropolitan) — Notwithstanding Mr Dalla-Riva's comments, just because the Public Accounts and Estimates Committee may have said that in its review does not mean I agree with it.

Mr Dalla-Riva interjected.

Ms PENNICUIK — I certainly agree that a cost-benefit analysis should be carried out. The Auditor-General recommended a triple-bottom-line approach, including social and environmental impacts. It is common practice now for all major events, public or private, to look at not only economic but social and environmental impacts — what is called the triple bottom line — and that is not apparent in the criteria listed in clause 9 as it currently stands.

Committee divided on amendments:

Ayes, 4

Barber, Mr	Kavanagh, Mr (<i>Teller</i>)
Hartland, Ms (<i>Teller</i>)	Pennicuik, Ms

Noes, 32

Atkinson, Mr	Kronberg, Mrs
Broad, Ms	Leane, Mr
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr

Guy, Mr	Somyurek, Mr
Hall, Mr (<i>Teller</i>)	Tee, Mr (<i>Teller</i>)
Huppert, Ms	Theophanous, Mr
Jennings, Mr	Tierney, Ms
Koch, Mr	Viney, Mr

Amendments negatived.

Postponed clause agreed to; postponed clause 10 agreed to.

Postponed clauses 11 to 14

Ms PENNICUIK (Southern Metropolitan) — I do not intend to proceed with my amendments 30 and 31.

The DEPUTY PRESIDENT — Order! For the purposes of the committee process, I ask Ms Pennicuik whether she intends to proceed with amendments 32 and 33 to clause 12.

Ms PENNICUIK (Southern Metropolitan) — I do not intend to proceed with my amendments 32 and 33. Amendments 31 to 33 are in fact the same as the amendments that were just defeated.

Mr DALLA-RIVA (Eastern Metropolitan) — I am conscious of the time, but very briefly, the amendments relate to aerial advertising events — —

The DEPUTY PRESIDENT — Order! The amendments are not being proceeded with.

Postponed clauses 11 to 14 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 so doing, I thank members for their contributions.

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Housing: Mews estate, Westmeadows

Ms LOVELL (Northern Victoria) — The matter I wish to raise for the attention of the Minister for Housing regards the Willis family, who are Office of Housing tenants at the Mews estate in the Premier's electorate of Broadmeadows. My request is for the minister to assist the Willis family by facilitating a transfer from its current location to a four-bedroom residence in a safer area away from the Mews estate, where the Willis children are subject to negative influences, their home is regularly broken into and Ms Willis lives in fear of physical attacks.

Jody Willis, a single mother of four, with two sons aged 8 years and 10 years, and two daughters aged 6 years and 5 weeks, is fighting desperately to provide a future for her children. Ms Willis, who lives in a three-bedroom public housing property in the Mews estate, is doing her best to raise her children, and all she wants is a safe and secure home.

Instead, Ms Willis lives in fear. Her home is regularly broken into and trashed by gangs of teenagers. This is made easier because the maintenance requests to repair broken locks and windows made to the Office of Housing are often ignored, making it easier for these youths to break in. Ms Willis is desperate to get her children away from these negative influences as she fears that if they stay in the mews, they will just end up like everyone else. Her worst fears were confirmed a few weeks ago when one of her sons asked if he could get a crowbar so he could join a gang. As you would expect, this absolutely horrified her.

It is a sad indictment of this government and particularly of the Premier when a young mother who resides in the Premier's own electorate fears there is no future for her children if they continue to live in the location. Ms Willis also fears for her own safety and lives in fear of physical attacks. I know just how Ms Willis feels, because I recently went to visit Ms Willis at her home but had to ring her instead because on arrival at the mews, I was too scared to get out of my car. Ms Willis laughed when she heard this and relayed my fear to a neighbour who was at her home, who also laughed. They said not to worry; they knew exactly how I felt because they live with this fear, and they also said it often happened with visitors.

The Mews estate is currently being redeveloped, but this is not expected to be completed until 2013; by then it may be too late for the Willis family, who have requested to be transferred to a safer location. Ms Willis did receive one offer from the Office of Housing to relocate her and her children, but the offer was for a

smaller duplex in an area that she feared was worse than the mews.

To make matters worse, this week the Brumby government has seen fit to increase the rent paid by Ms Willis, further reducing her ability to provide for her four children. This rent increase is the second of four heartless rent increases the Brumby government has planned for families in public housing, and by 2011 families living in public housing may be paying an extra \$1040 per year in rent.

My request is for the minister to assist the Willis family by facilitating a transfer from its current location to a four-bedroom residence in a safer area away from the Mews estate, where the Willis children are subject to negative influences, their home is regularly broken into and Ms Willis lives in fear of physical attacks.

Wild dogs: control

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Environment and Climate Change. It is in regard to the wild dogs problem that continues to exist in East Gippsland. I was prompted to raise this again upon receipt of a letter from a constituent, Tom Ventry of Deddick. He informs me by way of that letter that a recent meeting of six property owners accounted for the fact that between them, they have had 877 sheep killed by wild dogs in the last six months. It is a serious issue for farmers in the area.

Mr Ventry makes the point in the letter that previously there were two dog trappers who worked in the area, but currently there is only one, and the resources of that person have been far stretched. Consequently the wild dogs problem is getting worse. The meeting of the property owners suggested that there should be at least two dog trappers working in that area. Further, they suggest that money be made available for new electric fencing and for upgrading existing fencing, given the fact that a lot of the wild dogs breed and come from public land.

I know the minister has shown an interest in this before and helped out, but the problem is getting worse, not better. Tonight I again appeal to the minister to see if there is something in addition to what is being done currently to assist the farmers in this region of far East Gippsland with the very serious wild dogs problem.

Princes Highway: upgrade

Mr KOCH (Western Victoria) — My matter is for the Minister for Roads and Ports and concerns Princes Highway west between Warrnambool and Port Fairy.

While there are alternative major road links for motorists to travel between Colac and Warrnambool, and between Port Fairy and Portland, the Princes Highway is the only main road for people wanting to travel between the regional centres of Warrnambool and Port Fairy.

In addition to the transport needs of the local community and business, this highway is also used by a large number of holiday-makers who provide significant tourism revenue to the region. As a consequence, the highway often becomes gridlocked during peak holiday periods. This road is in urgent need of an upgrade. The number of passing lanes on the Princes Highway between Warrnambool and Port Fairy needs to be significantly increased.

In an economic climate where regional economies are already under severe stress, the last thing a government should be doing is discouraging tourism by providing substandard road infrastructure. The poor level of road infrastructure between Warrnambool and Port Fairy is detrimental to commerce in the region and reflects badly when tourists visit that unique part of the state.

The Brumby government tries to give the impression that it promotes tourism in western Victoria, yet it displays contempt by failing to provide adequate funding to upgrade regional roads. The attitude towards western Victoria has been prevalent throughout the 10 years of this Labor government and is evidenced by the poor state of roads throughout that region.

Community calls for extending the duplication of the Princes Highway beyond Winchelsea to Colac have fallen on deaf ears, and no money has been put on the table despite assurances from both federal and state Labor governments. This highway's importance as a major corridor to western Victoria and beyond is well recognised, but the safety of travellers remains ignored.

A chronic lack of infrastructure spending has been a trait of successive Labor governments and it is hardest felt in regional Victoria. The Brumby government spends less on infrastructure than any other government in the country. While failing to provide sufficient road funding, the Brumby government plans to continue hiking up fines and fees wherever possible.

My request of the minister is: will he take the steps needed to ensure that communities and commerce in south-west Victoria are supported by adequate road infrastructure which offers the travelling public greater safety instead of having a gridlocked road corridor that is a detriment to freight haulers, local motorists and tourists alike?

Bushfires: community preparedness

Mrs COOTE (Southern Metropolitan) — Tonight I am uncertain as to who this matter is for, but I am going to address my matter to the Premier because it is in relation to the bushfires. However, it is not about the damage they caused but more about the coordination of all the service provisions for the collection of materials like perishable goods, clothing, furniture and those types of things. I suspect this matter is for the Premier, because the action I am asking of the relevant minister is to make certain that there is better coordination and that there is one agency to do the coordination. I seek the indulgence of the minister at the table, the Minister for Environment and Climate Change, to help direct this matter where it needs to go — but I think I would like to address this matter to the Premier.

At the moment the royal commission is holding its inquiry into the bushfires. Every night when you turn on the news you hear some heartbreaking stories. One of the things that needs to be addressed, and which will not be addressed by the royal commission, is how to coordinate the enormous number of donations, which include, as I said, both soft perishable goods and disposable household goods, and how they can be dispersed evenly and fairly across all the people who are going to need those types of donated materials.

I believe we need one peak organisation to be responsible for this to ensure that all other agencies are aware of exactly who is responsible for what and how it will all be rolled out in an emergency. I expect the organisation should have an annual drill program, like we have fire drills, so that people are certain about who does what and how they do it. We need to ensure that it runs smoothly and, if possible, everybody needs to know exactly what is going to happen. The donations, which are given for use in emergency situations, have to be able to be issued at any time and in a well-coordinated and streamlined way; it is imperative that it be streamlined.

Many stories that came out last time about the distribution of goods were not good. In fact there were some prominent Victorians who chose to resign from organisations distributing goods because they did not believe the process was being handled properly. Now is the time to put those types of programs into place. The action I am seeking from the Premier is to provide a lead agency to coordinate and streamline the distribution of donated perishable and non-perishable goods. I also want to ensure that there will be an annual drill in order that the agency runs as smoothly as possible and that everyone knows who is responsible for every action.

City of Brimbank: traders

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Local Government. It concerns a matter in Western Metropolitan Region with regard to the Brimbank City Council and its treatment of traders in the municipality. On 8 February last year a letter went out to traders within the city of Brimbank from Cr Sam David, the then mayor of Brimbank, informing traders that a motion had been put forward and passed by council resolving that further opportunities for funding to improve the aesthetics of shopping areas be explored.

As a result of the motion from Cr Capar and Cr Abate — who I am sure everybody would be familiar with if they have read the Ombudsman's report — the council put forward a proposal which they have called the 'makeover project'. They have told their traders they have to get rid of their old security roller shutters and put in brand-spanking-new ones. While they have said they will subsidise them to a degree, there is still a fair gap in the expenditure that shopkeepers and businesspeople in the city of Brimbank would be expected to pay. I have had representations from a number of small business people in the city of Brimbank, and in St Albans in particular, and they are very unhappy with the proposal that the council has put forward and have asked me to raise this with the minister in the hope that we may be able to get some sense from the Brimbank council — as difficult as that may appear from time to time.

I ask the minister, as a matter of urgency, to convene a round table discussion between the Brimbank traders and the Brimbank City Council with a view to either providing full funding for the replacement of the security roller shutters or alternatively reviewing the policy that Brimbank council has inflicted upon shopkeepers throughout that area. It is most unfair that shopkeepers are forced, during a time of great economic difficulty, to make this significant expenditure. I ask the minister to take these matters into consideration when considering whether he will convene such a meeting. I believe the traders I have met with deserve a fair go, and I do not believe that at moment they are getting one.

Bushfires: wildlife carers

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the Minister for Environment and Climate Change, Minister Jennings. My request flows from communications I have had with Ms Sue Hoffman, who has been helping out Help for Wildlife during and after the Victorian bushfire disaster. Ms Hoffman and

Help for Wildlife — and I understand other volunteer not-for-profit wildlife organisations — have had difficulty in obtaining assistance from Wildlife Victoria and the Department of Sustainability and Environment. Help for Wildlife and like organisations, as I am sure the minister is aware, have helped save injured animals on Crown and private land and have been providing food, medicine and other essentials for injured wildlife.

After being contacted by Ms Hoffman I had discussions with Wildlife Victoria personnel, who expressed a willingness to help, but it appeared to me there was a lack of communication. The people at Wildlife Victoria did not seem to have an understanding of the number of wildlife shelters and volunteer organisations that exist in Eastern Victoria Region or, I presume, throughout Victoria. I am not suggesting any malfeasance; it would appear it is more a lack of coordination or understanding of the groups that are out there.

My adjournment matter this evening flows from subsequent correspondence from Ms Hoffman. She was of the understanding that the Department of Sustainability and Environment and Wildlife Victoria would conduct a review of what had happened as a result of the bushfires. I think it would be fair to say that the DSE debrief, as she described it, has not led to any new or dramatically changed protocols or delivered answers to satisfy those who have volunteered and continue to volunteer that the same problems will not exist if the same situation arises again. Her email to me concludes:

... the army of volunteers continues to feed starving wildlife. A little group in Badger Creek cuts up 700 kilograms of vegies each week, which is distributed far and wide ... Sadly, there continues to be nothing official in place at all to support this starving wildlife, other than the endeavours of volunteers using donated funds.

I ask the minister to review the situation so that it does not arise again.

Brickmaking: Habla kilns

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Environment and Climate Change, Gavin Jennings. Each year in the Third World gigantic numbers of bricks are manufactured, producing by some estimates 500 million-plus tonnes of CO₂. There are estimates that this could be reduced by 300 million tonnes a year by simply replacing the existing brick kilns with Habla kilns, which some Victorians have expertise about and even some design rights for. Habla kilns, according to some, hold huge potential for Third World economies and possibly for gaining carbon credits for Australia.

The action that I seek from the minister is that he investigate the potential of Habla kilns with a view to determining whether there are possibilities for carbon credits for Australia and whether it would be possible to work with the commonwealth to export this technology around the world.

Australian Labor Party: integrity

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter is for the attention of the Premier and deals with issues of democracy and integrity in government. I particularly draw the attention of the house to the comments of a former member of this house, Dianne Hadden, who has spoken out strongly in public today about issues of corruption. Hers is a serious wake-up call for the Premier and the government and that is why I bring it to his attention.

As we know, Ms Hadden quit the Labor Party in 2005 to become the Independent member for the then Ballarat Province. When she spoke out today she talked about the Brimbank scandal and corruption in the government. She said corruption scandals are dogging the party and the Ombudsman's report is 'just the tip of the iceberg'.

A media article states that the Brimbank scandal has implicated senior Labor MPs in political meddling, including the planning minister, Justin Madden, who was the subject of a no-confidence motion in this chamber just last week. The article reports that she said the outcry over planning reforms and water policy was evidence of a Premier who did not care about people's rights. She is quoted as having said:

Generally people just view him as a smug, arrogant Labor politician. He's been in the job too long and he's all powerful and he knows it.

Unfortunately government spokespersons have dismissed her wake-up call, her plea, her cry from the heart for the Premier to pay attention and listen to the community. She said:

It was just pathetic, you know if you had a meeting with the minister, it was with the factional thugs from the head office because they were appointed the chiefs of staff and all the other advisers.

She made a number of other comments, which I am sure the Premier is able to access electronically if he desires.

Her wake-up call is an important call for this government. She is an independent person, not unsympathetic to Labor in and of itself and its ideals, and she has made these comments for the community's

benefit to ensure that democracy and integrity in government is the focus and there is an end to the corruption. I ask the Premier to make a phone call to Ms Hadden, to listen to her and then to meet with Ms Hadden. I ask that he take her advice in terms of cleaning up the corruption scandals in this state.

Responses

Mr JENNINGS (Minister for Environment and Climate Change) — I will refer the following matters to my colleagues for consideration.

Wendy Lovell raised a matter for the attention of the Minister for Housing asking him to intervene to support the Willis family move from their current location to a four-bedroom home in another locality.

David Koch raised a matter for the attention of the Minister for Roads and Ports seeking his support for the redevelopment of and investment for the Princes Highway between Warrnambool and Port Fairy.

Andrea Coote raised a matter for the attention of the Premier seeking his overview of the coordination arrangements that relate to donations that may be provided in times of emergencies, and to provide for the appropriate collection and distribution of those materials.

Bernie Finn raised a matter for the attention of the Minister for Local Government seeking his personal intervention in a conversation between the Brimbank traders and the local municipality about the streetscape improvement program launched in February 2008.

David Davis raised a matter with the Premier, and I am sure the Premier will take his advice extremely seriously about responding to issues raised by a former member of this place.

A number of matters were raised with me. Peter Hall raised a matter for me to follow up. It concerns the potential for us to improve the provision of the wild dog program in far East Gippsland, and I am happy to have a look at what further support to the farming community in far East Gippsland we may be able to provide.

Edward O'Donohue raised a matter relating to wildlife carers. I want to make sure that Mr O'Donohue knows that Wildlife Victoria is an independent charitable organisation that works closely with the Department of Sustainability and Environment, but they are not interchangeable. In terms of the responsibility for the remedies he is seeking, I will pursue through the Department of Sustainability and Environment support

to those in our community who undertake that important work of rehabilitating and caring for wildlife that may be vulnerable in our natural environment, particularly those that may have been subject to fire or other forms of injury through adverse events.

Peter Kavanagh raised a very interesting matter. I am happy to receive some advice from him and will seek some further advice about the possibility of innovation in the brickmaking industry, where Victorian technology may be applied not only here but also around the world to reduce greenhouse gas emissions from the manufacture of bricks. I am happy to have a look at any role we may be able to play in Victoria to support that technology.

I have three written responses to matters that have been raised previously: matters raised by Mr Koch on 6 May 2009, Mr P. Davis on 7 May 2009 and Mr O'Donohue on 7 May 2009.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.20 p.m. until Tuesday, 23 June.

