

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

22 April 2004

(extract from Book 3)

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

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

The Ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities.....	The Hon. J. W. Thwaites, MP
Minister for Finance and Minister for Consumer Affairs	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs.....	The Hon. J. M. Allan, MP
Minister for Transport and Minister for Major Projects	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing.....	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development	The Hon. J. M. Brumby, MP
Minister for Agriculture.....	The Hon. R. G. Cameron, MP
Minister for Planning, Minister for the Arts and Minister for Women's Affairs.....	The Hon. M. E. Delahunty, MP
Minister for Community Services	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Manufacturing and Export and Minister for Financial Services Industry	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Workcover	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs	The Hon. Gavin Jennings, MLC
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games.....	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs.....	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Small Business and Minister for Information and Communication Technology.....	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Ms G. Dunston

Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker and Chair of Committees: Mr P. J. LONEY

Temporary Chairs of Committees: Ms Barker, Ms Campbell, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	NP
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	LP	LP
Delahunty, Mr Hugh Francis	Lowan	NP	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Eckstein, Ms Anne Lore	Ferntree Gully	ALP	Perera, Mr Jude	Cranbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Mr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	NP
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	NP
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

CONTENTS

THURSDAY, 22 APRIL 2004

PETITIONS	
<i>Montmorency South Primary School: portable classrooms</i>	733
<i>Autism: preschool funding</i>	733
<i>Planning: rural zones</i>	733
<i>Planning: urban growth boundary</i>	733
<i>Planning: Diamond Creek-Yarrambat land</i>	733
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE	
<i>Budget outcomes</i>	734
DOCUMENTS.....	734
BUSINESS OF THE HOUSE	
<i>Adjournment</i>	734
<i>Division lists</i>	751
MEMBERS STATEMENTS	
<i>Geelong bypass: funding</i>	734
<i>Bentons Road–Moorooduc Highway, Moorooduc: traffic control</i>	735
<i>Anzac Day: Mordialloc</i>	735
<i>Bail justices: rostering</i>	735
<i>Anzac Day: Boronia RSL</i>	736
<i>Road safety: speed cameras</i>	736
<i>Gembrook Hill vineyard</i>	736
<i>Land tax: Victoria — Leading the Way</i>	737
<i>Cr Peter Stephenson</i>	737
<i>Beulah health service: management</i>	737
<i>Holocaust: commemoration</i>	738
<i>Liberal Women — Federation to 1949</i>	738
<i>Anzac Day: Bentleigh RSL</i>	738
<i>Great Alpine Road: signage</i>	738
<i>Weerama Festival</i>	739
<i>Water: Phillip Island irrigation project</i>	739
<i>Whitehorse Seniors Festival</i>	739
<i>Carmel Cullen</i>	740
<i>Rip Curl Pro</i>	740
<i>Creswick Woollen Mills: Billabong brand</i>	740
<i>WestVic Academy of Sport, Ballarat</i>	741
CASEY: PLANNING SCHEME AMENDMENT C66..	741, 751
CONTROL OF GENETICALLY MODIFIED CROPS BILL	
<i>Second reading</i>	759, 773
<i>Remaining stages</i>	777
QUESTIONS WITHOUT NOTICE	
<i>Hospitals: infection control</i>	767
<i>Financial management: Victoria — Leading the Way</i>	767
<i>Hazardous waste: Baddaginnie–Violet Town</i>	768
<i>Investment: Victoria — Leading the Way</i>	768
<i>Education: funding</i>	769
<i>Food: Victoria — Leading the Way</i>	770
<i>Road safety: speed cameras</i>	770
<i>Transport: Victoria — Leading the Way</i>	771
<i>Timber: Our Forests, Our Future program</i>	772
<i>Business: Victoria — Leading the Way</i>	772
ABSENCE OF MINISTERS.....	773
ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL	
<i>Second reading</i>	777, 786
<i>Remaining stages</i>	787
HERITAGE (FURTHER AMENDMENT) BILL	
<i>Second reading</i>	782
<i>Remaining stages</i>	786
LAND (MISCELLANEOUS) BILL	
<i>Second reading</i>	786
<i>Remaining stages</i>	786
TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL	
<i>Second reading</i>	786
<i>Remaining stages</i>	786
CORRECTIONS (FURTHER AMENDMENT) BILL	
<i>Second reading</i>	786
<i>Remaining stages</i>	786
HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL	
<i>Second reading</i>	787
<i>Remaining stages</i>	787
PRIVATE SECURITY BILL	
<i>Second reading</i>	787
BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL	
<i>Second reading</i>	789
COURTS LEGISLATION (JUDICIAL APPOINTMENTS) BILL	
<i>Second reading</i>	790
COURTS LEGISLATION (FUNDS IN COURT) BILL	
<i>Second reading</i>	791
ADJOURNMENT	
<i>Camperdown: sports stadium</i>	791
<i>Sunbury Aquatic Centre: funding</i>	792
<i>Agriculture: occupational health and safety</i>	793
<i>Plenty Road: duplication</i>	793
<i>Judiciary: independence</i>	794
<i>Canterbury Road, Bayswater North: duplication</i>	794
<i>Taxis: multipurpose program</i>	795
<i>Wellington Road, Rowville: upgrade</i>	795
<i>Land tax: Victoria — Leading the Way</i>	796
<i>Clyde Road, Berwick: duplication</i>	796
<i>Responses</i>	797

Thursday, 22 April 2004

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.35 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Montmorency South Primary School: portable classrooms

To the Legislative Assembly of Victoria:

The petition of members of the Montmorency South Primary School community and others in the Assembly seat of Eltham draws to the attention of the house the unsatisfactory state of the modular 2 portable buildings being used as classrooms at Montmorency South Primary School.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria act to provide Montmorency South Primary School immediate funding for the provision of two new modular 5 classrooms (four classrooms) and associated works so that existing unsafe modular 2 classrooms can be removed from the school site. Following provision of the modular 5 classrooms, that the school's master plan be implemented to provide four permanent classrooms, an art room and a multipurpose room.

By Mr HERBERT (Eltham) (1377 signatures)

Autism: preschool funding

To the Legislative Assembly of Victoria:

The petition of members of the Irabina Childhood Autism Service, other Victorian providers and members of the wider Victorian community draws to the attention of the house the detrimental impact of funding cuts by the Bracks Labor government to services for autistic preschool children from 12 hours per week to between 1.5 and 2.5 hours per week.

Prayer

The petitioners therefore request that the Bracks government take immediate steps to reinstate funding to provide autistic preschool children with a minimum of 15 hours per week of specialist early intervention therapy in accordance with the advice from paediatricians and early intervention specialists who hold grave concerns for the welfare of Victoria's autistic children.

By Ms ECKSTEIN (Ferntree Gully) (18 signatures)

Planning: rural zones

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the government's proposed new rural planning zones are inadequate and should be rejected.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to withdraw and redraft the new rural planning zones and introduce a planning system that:

- (i) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners;
- (ii) does not impinge on a landowner's rights to retire with dignity;
- (iii) encourages young people to take up farming; and
- (iv) gives local government flexibility in the determination of subdivisions and use of rural land.

By Mr RYAN (Gippsland South) (150 signatures)

Planning: urban growth boundary

To the Legislative Assembly of Victoria:

This petition is of materially impacted stakeholders of metropolitan Ironbark Road, Diamond Creek, and Pioneer Road, Yarrambat, of lands located in the previously gazetted Urban District and Waterworks Trust of Yarrambat and Plenty.

This petition draws to the attention of the house that pivotal original statutory planning history from state and local government departments of the petitioners lands (from the late 1960s 1970s, 1980s) has still not been located or released to the below impacted stakeholders. They believe this is handicapping them from being able to best protect their interests, and they plead for the assistance of all relevant ministers in rectifying this situation.

Prayer

The petitioners request that the Legislative Assembly urge the Honourable Attorney-General and Honourable Premier of Victoria to:

- 1. investigate and report the landowners urban infrastructure costs for urban services put in place ahead of development and associated rights, and investigate all their other required long-term payments for urban growth of their lands;
- 2. investigate the pivotal original statutory planning controls, planning texts and planning maps that have not yet been located or released to the below materially affected petitioners;
- 3. notify the stakeholders, the relevant ministers and relevant government departments so that equitable solutions can be negotiated.

By Mrs POWELL (Shepparton) (6 signatures)

Planning: Diamond Creek-Yarrambat land

To the Legislative Assembly of Victoria:

This petition is of materially impacted stakeholders of metropolitan Ironbark Road, Diamond Creek, and Pioneer Road, Yarrambat, who relied on their understanding of the future residential development and land use certainty of their land in their long-term financial planning.

This petition draws to the attention of the house that the petitioners believe that democracy has broken down for them, and that the very serious major equity issues in relation to their 'privately' prepaid for urban infrastructure and associated planning of their land are continuing.

Prayer

The petitioners request that the Legislative Assembly urge the Minister for Planning, Mary Delahunty, and all other relevant ministers to take immediate investigative and planning actions to ensure:

1. the continued protection of the distinctive urban infrastructure with associated infrastructure and development rights of the Ironbark and Pioneer Road landowners, of land in the previously gazetted Urban District and Waterworks Trust of Yarrambat and Plenty;
2. alternatively meet with the impacted petitioners and mediate remuneration for their losses and damages if it is now too late to achieve the above outcome because of failure to act in time.

By Mrs POWELL (Shepparton) (6 signatures)

Tabled.

Ordered that petition presented by member for Eltham be considered next day on motion of Mr PERTON (Doncaster).

Ordered that petition presented by member for Ferntree Gully be considered next day on motion of Mr PERTON (Doncaster).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget outcomes

Ms CAMPBELL (Pascoe Vale) presented report for 2002–03, together with appendices.

Tabled.

Ordered to be printed.

The SPEAKER — Order! In relation to the report on the 2002–03 budget outcomes, I wish to advise the house that although the report on the budget outcomes has been tabled, the Public Accounts and Estimates Committee has not been able to make available printed copies of the report. Photocopies of the report are available from the procedure office, but due to the size of the report only a small quantity of copies has been

produced. Should members be unable to obtain a copy of the report at this stage they should contact committee staff, who will arrange to provide a report as soon as printed copies are available. I understand it is anticipated that copies will be available from Monday.

DOCUMENTS

Tabled by Clerk:

Auditor-General — Performance Audit Report — Beating the bugs: Protecting Victoria's economically significant crops from pests and diseases — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Health that she had received the 2003 annual report of the Psychologists Registration Board of Victoria

Interpretation of Legislation Act 1984:

Notice under s 32(4)(a)(iii) in relation to Statutory Rule Nos 48, 49/1999

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 24/2004

Parliamentary Committees Act 2003 — Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into Road Safety for Older Road Users.

BUSINESS OF THE HOUSE

Adjournment

Ms DELAHUNTY (Minister for Planning) — I move:

That the house, at its rising, adjourn until Tuesday, 4 May.

Motion agreed to.

MEMBERS STATEMENTS

Geelong bypass: funding

Mr LONEY (Lara) — I understand the federal cabinet is meeting in Melbourne today to put the finishing touches to the coming federal budget. I call on the federal Treasurer, the Honourable Peter Costello, and his Victorian cabinet colleagues, who I understand are variously Senator David Kemp, the Honourable Kevin Andrews and Senator Patterson, to act as Victorians first and Liberals second and ensure that this state receives its correct share of federal funding. These Victorian ministers must convince cabinet to accept that the federal government has responsibilities that extend to all of Australia, not just New South Wales and

Queensland, and that Victorians will rightly hold it accountable for its performance in Victoria.

In particular, I call on these cabinet members to ensure that the cabinet meeting does not conclude before there has been an agreement to commit \$190 million of funding to match the Bracks government's commitment to the Geelong ring-road.

The entire Geelong region is demanding this funding and will no longer accept the argument that a ring-road on Australia's highway 1 around the 11th largest population centre in Australia, which carries enormous amounts of goods, services and tourists, is not a piece of infrastructure that justifies federal road funding. Federal cabinet must deal with this issue today; it must announce the ring-road funding.

Bentons Road–Moorooduc Highway, Moorooduc: traffic control

Mr COOPER (Mornington) — On Tuesday two more victims were added to the long list of people killed or injured at the notorious intersection of Moorooduc Highway and Bentons Road in Moorooduc. This intersection, which is acknowledged by VicRoads and the Victoria Police as the most dangerous on the Mornington Peninsula, has claimed a significant number of personal injuries and deaths over recent years, yet the real solution to the problem, which is building a roundabout, has been ignored by the Bracks government.

The last four years of carnage at the location has only prompted the creation of a \$10 000 piece of confusion and frustration that makes the intersection even more dangerous than it was before. Of course the waste of that \$10 000 provided a photo opportunity for the member for Hastings and the Honourable Geoff Hilton, the member for Western Port in the other place, and they happily availed themselves of that opportunity to be snapped grinning away. It is a pity that the victims of this stupidity and incompetence are unable to see anything to laugh and smile about.

Building a proper roundabout at this intersection will cost about \$1.2 million and the total responsibility for that work is that of the Bracks government. Despite the growing toll and the enormous pain and suffering of the victims, no money has been allocated for the construction of that roundabout. The Minister for Transport is obviously not interested in the fact that he can organise up to \$750 000 from the Howard government towards this roundabout simply by getting together with the Mornington Peninsula Shire Council and making an application. Why he has not done that

over the past four years is not a mystery: it is just another indication that he and his ministerial mates could not give a damn about the Mornington Peninsula.

Anzac Day: Mordialloc

Ms MUNT (Mordialloc) — Recently I attended a new citizens ceremony at the Moorabbin Town Hall for 200 of our new citizens. It is one of my favourite duties as an MP to attend these ceremonies.

These new citizens make a big decision to become part of our community, and I wish them and their families well. It reminded me that our forebears made the ultimate sacrifice to safeguard our freedoms, our democracy and our country for all Australians. This sacrifice is remembered on Anzac Day, this Sunday, 25 April. I will be attending these Anzac ceremonies at my local RSLs on Sunday.

Mentone, Cheltenham and Highett RSLs conduct moving ceremonies of remembrance. Wreaths are laid, and families and servicemen remember their loved ones. These ceremonies, and this day, help to keep our traditions alive for our children so that they may go on. I look forward to attending Mentone RSL and Cheltenham RSL in commemoration and remembrance on Sunday, 25 April — Anzac Day.

Bail justices: rostering

Mrs POWELL (Shepparton) — I would like to bring to the attention of the house, and importantly the Attorney-General, concerns about proposed changes to bail justice duty and availability and electronic rostering.

I received a copy of a letter from Mrs Irene Lia-Oster, secretary of the Goulburn Valley group of justices in Shepparton, addressed to the Chief Magistrate, Mr Ian Gray. It expressed concerns about the proposed new electronic format of calling out bail justices.

Over the past 13 years an excellent roster system has been operational and working well at Shepparton and district police stations. Those involved are asking: why change the system? They were told any changes that need to be made to the roster can no longer be made from Shepparton; they must be made from Melbourne. They were also told they are unable to organise their own substitute bail justice if anyone is unavailable. A recent associations publication stated that the roster will be hosted at a central call-out police station in Melbourne that other stations call when they require a bail justice to attend. The reason given for this was to remove favouritism and ensure that all justices have a

fair share of the workload. In country Victoria bail justices certainly do their fair share.

The roster system used at Shepparton district police stations to roster on bail justices is working well. If there are problems in Melbourne's police stations, then their systems could be changed but the systems in place in country Victoria that are well established, working well and well accepted by the whole community should be left alone.

Anzac Day: Boronia RSL

Ms ECKSTEIN (Ferntree Gully) — Last Sunday I had the very great honour of attending the Boronia RSL sub-branch Anzac Day service. Along with other local members of Parliament and community leaders, I had the honour of taking the salute as local returned servicemen and servicewomen marched by, including the Vietnam veterans, and of laying a wreath in remembrance of those who made the supreme sacrifice for this great country of ours. I would like to thank the Boronia RSL president, Max Henry, for the privilege of being able to take part. It was also pleasing to see local young people attending the service, including local guide and scout troops.

It is poignant that the guest speaker at last Sunday's service spoke about the unintended victims of war. Detective Senior Sergeant Daryl Cullen, brother of Boronia RSL treasurer John Cullen, told the story of a family member who during World War I at the tender age of 17 years tragically had both legs severed below the knee. This occurred when a military plane flying very low along a beach near Sale after a training exercise was towing a very heavy steel cable which flicked along the beach and severely injured several people. Detective Senior Sergeant Cullen's relative survived despite severe loss of blood. She was very much a victim of war although she was very far from the battlefield. This is an important perspective on war that sometimes does not receive the attention it deserves, and I thank the Boronia RSL for highlighting it.

Anzac Day marks the anniversary of the tragic start of a campaign that resulted in some — —

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

Road safety: speed cameras

Mr DIXON (Nepean) — A new revenue-raising exercise is happening on the Mornington Peninsula; perhaps it is to fund the government's economic

statement. The speed limit on Point Nepean Road between West Rosebud and Tootgarook was reduced late last week from 70 kilometres an hour down to 60 kilometres an hour. I actually agree with that reduction in the speed limit, because the area has become a lot busier and also it adds to the consistency of the speed limits along Point Nepean Road. However, there was absolutely no consultation about this change and no warning. That section of road has had a 70 kilometres an hour limit for over 20 years, and guess what: less than one week after those signs were changed a revenue-raising device was placed there on Tuesday. Yes, it was a speed camera.

An honourable member interjected.

Mr DIXON — Yes, the reduction is a good idea; I have no problems with that. What about a bit of consultation? What about a bit of fair notice? This sort of action within days of a change of a speed limit only perpetuates the perception that speed cameras are revenue raisers, and it only gets people's backs up. It was similar to last year's fiasco when the six-lane divided road through Rosebud had its speed limit reduced from 60 kilometres an hour to 50 kilometres an hour with absolutely no consultation or warning. About 2000 people were caught when the speed camera was put up within one week of that change. I say to the government: how about some commonsense? How about some consultation and how about some fair play?

Gembrook Hill vineyard

Ms LOBATO (Gembrook) — I wish to bring to the attention of the members in the house the remarkable achievements of one of the vineyards in my electorate — namely, Gembrook Hill vineyard.

I had the pleasure of visiting this vineyard as part of the program run by the Victorian Employers Chamber of Commerce and Industry entitled MPs in Business, which allowed me to understand the work that is involved in wine production and discuss in detail the obstacles that are faced by small wineries. Owned and run by Ian and June Marks, this small vineyard with 6 hectares of vines and with its adherence to traditional methods is a model for agriculture. All the wine is made on site, with minimal handling. The Minister for Water will be pleased to learn that there is no irrigation of the vineyard — it relies solely on rainfall for watering of the vines. The focus of the owners is on low-yielding, high-quality grapes. From the size of the vineyard's last water bill, the water requirements of this property, including the residence and sheds, totalled less than the average household water bill.

The vineyard produces three varieties of wine: sauvignon blanc, chardonnay and pinot noir. I was of course delighted to sample this produce, along with lunch, as part of my workload for the day. The Gembrook Hill 2001 chardonnay had the honour of being selected by Jeremy Oliver for the dining room of the Melbourne Cricket Club. However, this vineyard is facing an uncertain future with the onerous tax regime which applies to small vineyards. The federal government's wine equalisation tax is forcing fantastic, well-run businesses — —

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

Land tax: Victoria — *Leading the Way*

Mr CLARK (Box Hill) — I raise the issue of the land tax changes announced in Tuesday's economic statement. I understand the government now says that it intends that its changes to the tax brackets for properties valued at between \$675 000 and \$1 080 000 will also flow through to higher valued properties. Given this, and since the government has still failed to publish a full land tax scale showing the implementation of its belated and rushed announcement, I have myself calculated a scale that it appears will apply, and from that the likely effect on 2005 land tax bills.

As best I can calculate, if we assume a 10 per cent increase in land values over the year since the 2002 values that applied to 2004 land tax, we find that the owner of a property valued at \$800 000 for this year's land tax bill will still face a 30 per cent increase in land tax next year, even after Tuesday's announcement. At \$1 million the increase will be 20 per cent, and at \$2 million the increase will be 15 per cent. Only on properties valued at \$4.3 million and above will taxpayers get a land tax reduction. Even with only a 7 per cent increase in land values, taxpayers face increases of up to 17 per cent on a \$700 000 property.

This shows clearly that for the small businesses and the small investors who are the heart and soul of our economy, Tuesday's announcement will not provide a land tax cut. It will merely provide a short-term reduction in the rate of increase, and beyond 2006 bracket creep will return with its full ferocity.

Cr Peter Stephenson

Mr LEIGHTON (Preston) — I would like to congratulate the previous mayor of Darebin, Cr Peter Stephenson, for a highly successful year as mayor. Peter served the local community with passion and distinction and was respected for his sheer hard work

and accessibility at all times. Peter's commitment to social justice, support for community groups, sound financial management of the city, his work on the local Medicare campaign, the council's completion of work on Edwardes Lake and work on various transport issues, including Darebin's integrated travel plan, are all highlights of his mayoral year.

One of Peter's important contributions has been as chair of the Inner Northern Local Learning and Employment Network. As a trained youth worker who has worked at the coal face and who has also completed postgraduate studies in this field, Peter recognised the importance of bringing the various stakeholders together to strengthen the links between education and employment. In chairing council meetings Peter was inclusive in ensuring all councillors had an opportunity to contribute. I wish Peter success in his new posting at La Trobe University, as well as also wishing him additional quality time with his young family. I also wish the new mayor, Cr Rae Perry, a successful and enjoyable mayoral term.

Beulah health service: management

Mr SAVAGE (Mildura) — I wish to raise an issue for the awareness of the Parliament about the Beulah health service. As we all know, in regional Victoria there are some significant problems in the delivery of health services. I also acknowledge the good work that is done by the Minister for Health in this state. She is very competent and has faced some fairly difficult issues in her portfolio. There are three areas in state funding that you can never put enough money in to satisfy people's needs: public safety, health and education. That is a factor we should recognise in this place. The only time there is criticism is when we see potential mismanagement.

At Beulah the podiatry service has now been reduced by the administrator, Ken Taylor. I have written to him on the basis that it should not be done. They are going to put in a foot nurse instead of a podiatrist. They are also not using the sterilisation unit which relates to the cook/chill, and the doctor's hours at Hopetoun are being reduced. I look forward to a response from Mr Taylor, but we need to make sure that country regional health services are not cut in the ways they are. It is very difficult now for obstetrics, emergency treatment and outpatients, and generally speaking life in regional Victoria in some areas of health is a major problem.

Holocaust: commemoration

Mr LUPTON (Prahran) — On Sunday, 18 April, I attended, with a large number of other members, the annual Jewish day of remembrance, Yom Hashoah, which commemorates the memory of those murdered in the Holocaust. The event is organised by the Jewish Community Council of Victoria, and I congratulate JCCV president, Michael Lipshutz, and everyone involved in the commemoration for their work. The event involves singing by school children, a memorial candle lighting and personal testimony given by Holocaust survivors. The memorial candle lighting is performed by six survivors and some of their family members. This is also a very emotional moment for me as a few years ago my partner, Julie, participated in the candle lighting with her father, Dr George Szego, a survivor of Auschwitz.

This year's personal testimony was given by Eric Eckstein, who escaped the Nazis on the Kindertransport to England, where thousands of Jewish children were transported to safety; Lusia Haberdorf, a survivor of Auschwitz, related her personal story, and David Prince spoke about revisiting Auschwitz recently with the March of the Living. The painful and harrowing experiences were retold with great dignity and humanity. It is of the utmost importance that these stories be told.

Anti-Semitism has given rise to discrimination, pogroms and ultimately the Holocaust. Anti-Semitism is a cancer that continues to fester. We must never forget what it once led to, and it must be fought head on.

Liberal Women — Federation to 1949

Ms ASHER (Brighton) — I would like to pay tribute to and congratulate Margaret Fitzherbert on the publication of her book *Liberal Women — Federation to 1949*. It was launched by Senator Amanda Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs, in Queens Hall.

Margaret Fitzherbert's book is an outstanding historical record of the Australian Women's National League which, at its peak, had over 50 000 members and key Liberal pioneer women such as Edith Cowan in Western Australia, Millicent Preston Stanley in New South Wales and Irene Longman in Tasmania. The book also details the history of key organisational women in the Australian Women's National League and in other Australian women's leagues. The list includes Lady Janet Clarke, Eva Hughes, Ivy Deakin Brookes, Eleanor Cameron Glencross, Angela Booth

and Dame Elizabeth Couchman. The latter was a formidable woman who was in charge of negotiating with Sir Robert Menzies the fifty-fifty deal for female delegate representation at the time of the league's merger to form the Liberal Party. Indeed, that fifty-fifty male-female deal still exists.

Margaret Fitzherbert has extensively researched a number of private papers and has included some previously unpublished radio broadcasts made by Sir Robert Menzies, which shows that Menzies was well ahead of his time in understanding the changing role of women. I would like to congratulate Margaret on an outstanding historical record.

Anzac Day: Bentleigh RSL

Mr HUDSON (Bentleigh) — On Sunday I had the great pleasure of joining over 200 returned servicemen, servicewomen and the women's auxiliary in the Bentleigh RSL Anzac Day march. The marchers were cheered on by an appreciative crowd that lined the street. It was a time for reflection on the sacrifices made by our magnificent servicemen and servicewomen, culminating in the laying of wreaths on the cenotaph in the memorial gardens behind the Bentleigh RSL.

The Bentleigh RSL has a proud history. It was established in 1932 and is one of the biggest RSL sub-branches in the state, with over 27 700 members. The Bentleigh RSL has a primary focus on the welfare of its members and has a strong home and hospital visiting program. It also has an outstanding record of community service. Each year the Bentleigh RSL spends over \$150 000 on local community welfare activities. Every cent the RSL makes goes back into the community. It sponsors local junior sports teams and donates every year to community services such as the Warrawee Nursing Home and the Bentleigh Bayside community health service.

The Bentleigh RSL is ably led by the president, Tom Grant; the senior vice-president, Howard McWilliam; vice-president, Mavis Thompson, and secretary, Chris Leihy. The Bentleigh RSL is a continual reminder of the selflessness of those who fought for our country. We should remember their sacrifice, not to glorify war but to absorb its lessons and to learn in live in peace. If we can do that, the sacrifice of our men and women will have served some purpose. Lest we forget.

Great Alpine Road: signage

Mr JASPER (Murray Valley) — I wish to bring to the attention of the house the need for more appropriate signage for and recognition of the Great Alpine Road.

This road commences at Wangaratta and proceeds through north-eastern Victoria. It goes through Myrtleford, Bright and Harrierville to Mount Hotham and Dinner Plains and then on to Omeo. The road proceeds to Ensay South and Bruthen and finishes at Bairnsdale.

The Minister for Tourism has confirmed that the Great Alpine Road has been identified in Victoria's *Tourism Industry Strategy Plan 2002–2006* and apparently has been featured in an advertising program. Further, a draft of the Great Alpine Road infrastructure strategy has been prepared by the Great Alpine Road coordinating committee, apparently with some federal government funding support.

I applaud the committee for the erection of gateway signage on the Hume Freeway and welcome the signs that were erected by VicRoads on the old Hume Highway. They denote the commencement of the Great Alpine Road at Wangaratta, and the Minister for Transport has been asked to have further signs supplied.

However, what I seek from the minister is immediate positive action to promote this potentially great tourism road connecting two important parts of Victoria — north-eastern Victoria and Gippsland. Importantly, a major program to have signage erected along this route needs to be implemented. The signage would indicate the various attractions and critically, appropriate signage needs to be constructed to indicate the entrance to the Great Alpine Road at Wangaratta.

Weerama Festival

Ms GILLETT (Tarneit) — On the second weekend in March each year our community is pleased to celebrate the annual Weerama Festival. I would like place on public record the gratitude of our community to Mr Gerry Greenwood, Heather Marcus and their wonderful team of voluntary organisers who work very hard for months and months each year to put together an ever-changing and dynamic festival.

The festival has been going for many years; but the committee members, hardworking and tireless as they are, are never quite satisfied from one year to the next with their efforts and are always working hard on innovations for each year's festival. It is important to note that all members of the committee are volunteers. They give of their time, energy and creativity selflessly to enhance the enjoyment of our community. It is a fabulous opportunity to build the community, to strengthen it, to nurture it and to celebrate it in all its different forms.

Again, on behalf of the communities of Werribee, Hoppers Crossing, Wyndham Vale, Truganina and Tarneit, I would like to say thank you very much to the organising committee — especially Gerry Greenwood and Heather Marcus — for the marvellous job they do for us each year.

Water: Phillip Island irrigation project

Mr PLOWMAN (Benambra) — I wish to take this opportunity to comment on the situation at Phillip Island, where the water authority, Westernport Water, is treating water to class A standard at its Cowes plant, yet almost all of this highly treated water is being discharged into Bass Strait.

As drought conditions bite further into most areas of country Victoria, including Phillip Island, this provides a real opportunity to come to an arrangement with local farmers for the use of some of this water in a pilot irrigation project on private land for the introduction of irrigated crops that are currently not being grown in the area. It is estimated that production could be trebled.

I have spoken to Mike Paine, the chief executive officer of Westernport Water, and he has indicated that the company is using treated water at its Kings Road site as a demonstration of what can be achieved. The authority would be prepared to talk to farmers on Phillip Island about the cost of providing water to their farms and about a start-up price for the project.

This is an opportunity too good to miss, and I recommend that all parties get together to get this project under way. I hope it has the support of this government, and I certainly hope it has the support of the minister.

Whitehorse Seniors Festival

Ms MARSHALL (Forest Hill) — It was with great pleasure that I attended the City of Whitehorse Seniors Festival last month at the Box Hill town hall. Started in 1983, the seniors festival generates enormous community generosity and goodwill. It is now one of Victoria's largest festivals and stimulates participation and cooperation within local communities, different cultures and age groups.

Sponsored by the Victorian government the festival enjoys support from local government, recreational and commercial groups, and community organisations. Each year the seniors festival aims to acknowledge the contribution seniors have made to the growth and cultural heritage of Victoria, endeavouring to promote the continuing involvement of seniors in all aspects of life and to draw community attention to their needs —

not just for material care but for a full, rich and satisfying lifestyle.

The theme this year was 'The age to be — join in the action'. Features of this year's festival include heritage activities, cruises on the Yarra, a seniors film festival, a seniors film week, ballroom dancing, fitness classes, a literary luncheon, a masters tennis tournament and a veterans golf classic. Free concerts aside, substantial discounts were available to a large number of Victoria's premier attractions and venues. The Victorian Seniors Card establishes eligibility to the many free and low-cost activities, with free public transport provided to allow easy access to many events across the state.

I congratulate the Bracks government and the City of Whitehorse on an extremely successful festival, and I thank all the participants for their contributions, which provide our communities with shared social, economic, cultural and environmental benefits.

Carmel Cullen

Mr LANGDON (Ivanhoe) — I pay tribute to Mrs Carmel Veronica Cullen, who passed away after a long illness on 5 March. I had the privilege of attending her funeral on 12 March at St Bernadette's Church, West Ivanhoe. Mrs Cullen was born on 8 April 1917, and she married Fred Albert Cullen on 20 October 1945. Mrs Cullen was actively involved in the St Bernadette's community, and her support for her husband in the Ivanhoe RSL, where he has been president for many years, was outstanding.

Mrs Cullen was so well respected that over 200 people were present at her funeral, and so honoured was she by the Catholic Church that five priests attended the service. It was a very moving service with lots of tributes from her family, particularly from her grandson, who flew back from Canada to pay tribute to his late grandmother. Again, she was a remarkable woman who supported her husband and the St Bernadette's community. She was very well respected, and I pay tribute to her and pass my condolences to her husband, Fred, her children and her grandchildren.

Rip Curl Pro

Mr CRUTCHFIELD (South Barwon) — I congratulate everyone involved in the successful staging of the Rip Curl Pro at Bells Beach, and in particular Surfing Victoria; Rip Curl and other sponsors; the Surf Coast Shire Council and its events officer, Lynne Hume; as well as the Bells Beach advisory committee.

I spent a day working at Rip Curl recently, and together with the Premier and his daughter I toured the event on the Thursday and witnessed examples of the event's community spirit. The local Aboriginal body, the Wathaurong Co-op, shared a public tent with Parks Victoria and the Barwon Regional Waste Management Group; Surfers Appreciating the Natural Environment and the Surf Riders Association shared another public education tent; and local community musicians also performed during the event. Other community groups involved included the Rotary Club, which sold raffle tickets; Greencorp; and the Christian Surfers, who all do important work. In recent years the whole event has brought a stronger connection between elite sports people and the community.

Finally I congratulate the Surf Coast community impact advisory committee. Its recent work ensured that Easter in Torquay was relatively trouble free. This was due to some proactive policing, a greater presence of local law officers outside normal work hours, clear and obvious signage regarding street drinking and sleeping in cars, and responsible liquor outlets using a night bus. Congratulations go to Torquay's licensed premises; to the Torquay police, Inspector Stan Kizma and Sergeant Brian McKiterick; Rod Goring from the foreshore committee; and Surf Coast Shire chief executive officer, Peter Bollen. It is easy to criticise and a lot harder to praise. The residents appreciate your work. Well done!

Creswick Woollen Mills: Billabong brand

Mr HOWARD (Ballarat East) — Yesterday I was pleased to be at Federation Square to support Creswick Woollen Mills in an event celebrating Creswick's recent acquisition of the iconic Australian brand, the Billabong Rug and Blanket Company. This purchase is going to ensure that the famous Billabong range of products continues to be produced in Australia, at Creswick in the Ballarat East electorate. The celebrations in Federation Square yesterday were also a celebration for the Creswick Woollen Mills, which has been producing in Creswick since 1947. Although we know that the fabrics and textiles industry has experienced significant competition challenges over recent years, challenges which have seen many mills and textile manufacturers closing down, Creswick has been able to continue to take on opportunities to keep employing people in the Creswick area. Creswick has certainly been able to develop a unique ability to process Australia's finest wool, including alpaca fibres, together with state-of-the-art high-tensile strength synthetics for products including luxury home ware,

quality travel goods, horse blankets, protective clothing and flame-retardant safety fabrics.

I am also pleased that Creswick Woollen Mills recently gained a significant contract to provide fire blankets for the Country Fire Authority, and that the state government has been able to help with a significant community resource and instructor support program, or CRISP, grant to continue to employ people there.

WestVic Academy of Sport, Ballarat

Ms OVERINGTON (Ballarat West) — Recently I was pleased to officially launch the WestVic Academy of Sport in Ballarat. The Victorian Institute of Sport, in partnership with the state government, has provided funding to help establish the academy. Access to quality coaching and development programs, sports medicine and advanced training facilities will be available through the University of Ballarat's school of human movement and sports science.

I was honoured to represent WestVic Academy of Sport tracksuits to Georgie Freeland, Neville Down, Erin Carroll and Fiona Adriaans. The Ballarat sports community has worked hard for the establishment of the academy, and I would like particularly like to thank Anthony Edwards and Warren Payne for the time and knowledge that they have invested. It is less than two years until the Commonwealth Games come to Victoria. Before and after that there will be a world-class event in the state where our athletes will have the opportunity to shine.

CASEY: PLANNING SCHEME AMENDMENT C66

Ms DELAHUNTY (Minister for Planning) — I move:

That pursuant to section 46AH of the Planning and Environment Act 1987, amendment C66 to the Casey planning scheme be ratified.

This amendment applies to land known as Botanic Ridge. It is next to the Royal Botanic Gardens in Cranbourne South. It was zoned residential back in early 1999 by the previous government. A permit was granted by the Casey council in 2002 for a residential development, with stage 1 comprising 400 lots at a minimum of 1000 square metres each.

This amendment was requested of the government by the Casey council and the landowner to ensure that the best environmental infrastructure and community outcomes were achieved. The revised plans that have

been put before us will provide more diversity with average lots measuring 1000 square metres. It will provide more sensitivity to the topography and natural features of the site.

To go to the details, amendment C66 does two things. It extends the environmental significance overlay to cover the entire site and fixes a mistake that was made when the site was originally zoned. This introduces across the entire site strong controls over the retaining, planting and maintenance of native vegetation. It allows for average block sizes of 1000 square metres and replaces the current requirement of minimum 1000 square-metre lots. This amendment provides greater stability in the layout of the estate, but I want to stress that it will not permit any extra lots. Lots on the estate will now average 1000 square metres.

This amendment, which I hope will be ratified by the Parliament, will foster water-sensitive urban design, extensive landscaping and habitat extension to the Royal Botanic Gardens, Cranbourne. The gardens are much of an attraction in Victoria, and we hope that this amendment will make the estate an example of best practice in environmentally sustainable development. The land was rezoned to residential 1 by the previous coalition government and the permit to develop this as a housing estate was issued in 2002 before the urban growth boundary was imposed. As requested by the Casey council, this amendment corrects an anomaly and strengthens the environmental protection of the site.

Mr PERTON (Doncaster) — I move:

That the debate be adjourned.

The reason I do so is that the minister's motion is the first one moved under the amended legislation to protect the green wedge. The green wedge certainly borders my electorate. The motion that we are being asked to agree to today does not contain an amendment that has been exhibited to the public. It is a revised plan that has not been put out for public consultation. The notice of motion was given in the Parliament only yesterday. Many people in my electorate are interested in the environment and the green wedge and would like the opportunity to comment. I find it quite curious that the minister who was very loud in talking on the subject of transparency and public consultation when she was in opposition could give notice of this motion yesterday when the amendment has not been exhibited to the public.

It is significant to remember, Speaker, that you as a good local member and one committed to the environment would want to consult your community about the notion that lot sizes in the green wedge are to

be reduced in size so soon after the passing of the legislation. Victorian local government offices and MPs' offices have been inundated with glossy brochures by the minister, and there are great web sites, all of which refer to the protection of the green wedge, but today we find that an amendment to lot sizes has been moved in Parliament with only one day's notice.

No documentation has been circulated. Certainly I have not received anything, and there is nothing here in the Parliament that would enable me to go to my community — which is very much committed to the protection of the green wedge — to say, 'Look, at the first test this minister is bringing in a reduced lot size'. In moving this adjournment motion I am not arguing as to whether there are desirable environmental outcomes in what the minister has described. But for me this is the first time it has been so described by the minister, and for my community this is the first time this has been so described by the minister. This is a critical test for the government on the green wedge legislation.

This minister thinks she can sign off on these amendments without public consultation and without the involvement of the community that is concerned about protecting the green wedge. We only have to look at what happened on the border of my constituency, where the minister made changes without consultation with local government and local community. This matter ought to be adjourned so that the community can be properly consulted and have its voice heard on this first test for the government on the reduction of lot sizes under this legislation.

Mr NARDELLA (Melton) — I rise to oppose the motion before the chair to adjourn this matter before the house. This is the appropriate way for these matters to be brought into the Parliament. My understanding is that the shadow Minister for Planning has been briefed in regard to this particular matter.

If the problem is that the shadow Minister for Planning cannot grasp these issues or cannot consult with the honourable member for Doncaster — maybe he does not want to consult with the honourable member for Doncaster, which would be understood by members on this side of the house — then that is for them to solve. But there is a process that was agreed to by this Parliament, which is that these planning matters involving changes within the green wedge come into this Parliament, where there is democracy, and where honourable members can have a say and make their views known and then ultimately have a vote.

That is not too difficult, even though the shadow minister might want two or three weeks to mull over

and think about it. These applications may come through quite regularly. That means that the shadow minister will have to have a bit of a think and will have to consult with members like the honourable member for Doncaster — and if he knows his electorate well and is in tune and in touch with his local residents, then he can quickly give advice to the shadow Minister for Planning. But if he does not — and that is what the delay is about — then it is a reflection on the honourable member for Doncaster and the shadow minister, who does not know the area and does not know what he is talking about.

On this side of the house we understand and support the process that has been adopted by this Parliament — and the laws that have been agreed to by this Parliament — which gives honourable members on the other side of the house the opportunity to have their say and to express their views. It is wrong for them to seek an adjournment on this matter. They have been given appropriate notice. It is a problem when they have got to think about it, and it is a problem when they actually have to make a decision in regard to planning matters. That is why I am not supporting the adjournment of this matter.

Mrs POWELL (Shepparton) — I rise on behalf of The Nationals to support the motion to have this matter adjourned. One of the things the member for Melton just said is that we have been given appropriate notice. I know this was tabled on Tuesday, given notice of yesterday and is on the notice paper today, but I actually only found out that it was being debated today when I spoke to the minister about another issue. She was quite upset that I had not had a briefing — but it may have been an oversight. I also received the information at a quarter past 10, which was what the minister read out.

Mr Baillieu — How long ago was that?

Mrs POWELL — A quarter past 10 — about 2 seconds before the minister spoke up. I certainly have not had a briefing. I am not concerned so much about the issue of what is happening here, but I am talking about the process — and there is a process in place. Planning is a very important issue in this state. This particular issue is one that I am not right across, and as The Nationals spokesperson on planning I would like to make sure that I make the right recommendation to the party.

In the past when matters like this have come before this place the minister has had the decency to write to me and alert me to the fact that legislation or planning schemes were going to be ratified. I have always

appreciated that: I have been given information and been able to seek more information, and I have been able to ring people to make sure that the information I have been given is right. So whether or not we are going to approve of this or ratify the amendment C66 is not important in deciding on this motion. It is about process, and it is about being given the right amount of time to look at something.

As the spokesperson for planning on behalf of The Nationals, I feel that I do not have enough information about it. I am not sure why there is a rush to get this through. I think we could look at it in the next few weeks. If there is an urgency issue, I think we should be told so that we can take that into account as well. At the moment I do not feel that the information I have been given, which was 2 seconds before the minister rose, is enough to make a relevant judgment on this amendment, and therefore I support this being adjourned.

Ms BUCHANAN (Hastings) — I rise to speak against the motion to adjourn this matter. As the member for Hastings representing the Cranbourne region I am fully across this issue from both a planning and a consultative point of view. The people speaking for this motion are talking about the issue of process. The process has been adequately followed in this scenario. It is clearly outlined in the legislative provisions that all members have had access to since November 2003. It is their issue if they have not availed themselves of the process and the issues around it.

This particular amendment deals with Botanic Ridge, which has been part of an ongoing planning process since 1999, as the minister pointed out. The amendment was initially approved under the Kennett government, with the planning permit being issued by the City of Casey in 2002 in relation to the overall intent of the process. The motion in relation to amendment C66 is basically about a variance of the lot size; it is not varying, as the minister said, the number of lots. This is an absolute enhancement of this site, and purely on the principle of good planning the original motion should be supported. The motion to adjourn is irrelevant at this stage.

The motion to ratify the Casey planning scheme deals with a variance of lot sizes, as the minister has said; it will not vary the number of lots. It will enhance the site and on the principles of good planning, this variation should be supported. The motion moved by the member for Doncaster to adjourn the debate is irrelevant.

As the minister and honourable members have pointed out, if the opposition has not availed itself of the planning process it is going through at the moment, that is its problem, not ours.

Mr BAILLIEU (Hawthorn) — This motion and the proposed passage of the planning scheme ratification through the house by the government sets a precedent. This would be the first time section 46AH(3) of the Planning and Environment Act has been used; it states:

An amendment to which this Division applies does not take effect unless it is ratified by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House.

The planning amendment is part of the government's green wedge legislation. This would be the first time an amendment to that effect would be ratified by the Parliament. I do not wish to go into the merits of whether or not it should be ratified. This is not the airport environment strategy or the Upper Yarra Valley and Dandenong Ranges strategy plan — they are entirely separate. In November the Parliament saw the unseemly spectacle of the government ramming through 150 amendments to the urban growth boundary overnight. We objected to that process, and I have written about it at length. It has received extensive coverage and the Victorian branch of the Property Council of Australia in its wisdom extensively criticised the government for its non-transparent process.

This amendment was tabled on Tuesday and the notice of motion was given yesterday. I circulated material I received on Tuesday to a number of groups. They have not had the opportunity to provide their views to me. On Monday evening I was offered by the minister's adviser a briefing on the subject. I accepted that offer but it has not occurred. The amendment has not been exhibited on the government's web site nor has it been exhibited on the City of Casey's web site.

Honourable members interjecting.

The SPEAKER — Order! I ask members at the table to cease debating across the table.

Mr BAILLIEU — Despite what the minister would have Parliament think, the minister's motion would extend the originally approved development, and it would change the minimum lot sizes, which is why the amendment is before the house for ratification — and it is in a green wedge.

Is this the precedent that the government wishes to set for the conduct of these motions as they come before the Parliament — to bring them into the house on an

absolute minimum of one day's notice, to not have them exhibited but to have them debated immediately? We anticipated that the motion to amend the planning scheme would be adjourned in the same way as a bill is adjourned after its second reading for two weeks so that relevant parties can be consulted.

The National Party and the Independents have not been consulted, and the minister can whinge and moan as much as she likes, but that is the reality. Closed-door decision-making is continuing in line exactly with what I said in the Victorian Planning and Environment Law Association article I wrote in March this year. I suggest the minister read it because I have had an extensive response to it.

The reality is that the problem is not how much time I or other members have to assess these amendments, although I am likely to be the one who is informed, but what is relevant is how much time the community has to assess any amendments. An un-exhibited amendment dealt with in this way creates a totally inappropriate precedent. If this is what the minister meant when she talked about her policy of Better Decisions Faster, then this is staggering, because this is a case not of better decisions faster but of secret decisions overnight, and the precedent created in the use of a piece of legislation for the very first time is not appropriate.

If this is to be the way the government intends to handle ratification motions in the green wedge area, there really is not much point in having ratifications, and I invite members of Parliament who were invited by the government to be involved in the ratification process to make a judgment about these amendments. How would you do that unless every member of this Parliament has had the opportunity to receive material from affected stakeholders? They have not had that opportunity. I have circulated some material to stakeholders, but the feedback I have received from some so far has included expressions of concern about the process. I have yet to receive feedback from all the stakeholders.

This action by the minister sets a precedent. Debate on her motion should be adjourned in the same way as debate on a bill is adjourned, as I explained earlier. The legislation provides for this measure to sit here for 10 sitting days. The government is taking the opportunity to do this on the very first available day — but is doing so without transparency, without exhibition, without circulation and without informing members. That is totally inappropriate and a recipe for inappropriate behaviour.

Ms DELAHUNTY (Minister for Planning) — On the matter of the debate being adjourned, which motion I oppose, the Liberal Party is simply not ready to debate this issue. As has been pointed out, consistent with the legislation this amendment to the planning scheme, which was brought into the house last November, was tabled in the house on Tuesday. Notice of the motion was moved yesterday and the amendment has been presented for debate in the house today.

I raised this matter with the shadow planning minister this morning and pointed out to him that this amendment was the first matter on the government's business paper. He expressed some surprise about that. Unfortunately, the shadow planning minister was not ready to debate this measure, and it appears from what the member for Doncaster has said that he has not even discussed this with relevant party members. I wonder if he has even raised it in the party room. That is the Liberal Party's problem, not the government's problem.

We have dealt with this matter consistent with the legislation introduced last November. It is consistent with the process. The shadow minister mentioned both the airport environment strategy and the Upper Yarra Valley regional strategy. This is exactly the same process. What is different, though, is that this is an amendment that has been asked for by the Casey council. It has consulted with its community, which is the relevant planning authority for consultation, discussion and exhibition of their plans.

This is an improvement on the plan that was approved by the previous coalition government. We all know about the way former Minister Maclellan operated in government. He brought absolutely nothing to the Parliament. You cannot get anything more open and transparent than bringing a planning amendment to both houses of this Parliament. What the previous government did was sign it off in the dead of night and no-one knew about it until months later. Don't give me transparency!

Honourable members interjecting.

Ms DELAHUNTY — That is absolutely right! We have raised the high-jump bar and it is a big embarrassment for the opposition because the people of Victoria have overwhelmingly supported the legislation for the green wedges and the urban growth boundary, and they are absolutely astonished that any government would bring planning amendments like this into both houses of Parliament. What they did not expect and could not have expected was that they had a Liberal Party in opposition — the would-be new government if there were an election, when there is an election, if they

should ever be ready for government! — that is not ready to have a discussion about a simple amendment to a planning scheme, which, when it was in government, was approved as being in residential zone 1.

The shadow planning minister said, ‘Will this set a precedent?’ The land has already been zoned residential 1 by you. I do not think you understand planning.

The SPEAKER — Order! The minister, through the Chair.

Ms DELAHUNTY — I do not think the opposition planning spokesperson understands planning. This has been consulted on by the Casey council extensively. There have been discussions between the landowner, Casey council and the Casey community. I do not know whether the Casey council spoke to the shadow planning minister, but I understand that the landowner has had discussions about this matter with the shadow planning minister. I do not know whether he has shared that with his colleagues, but a lot of people in the industry are very perplexed about the Liberal Party’s view on supporting growth and development in the community. They certainly know that the Liberal Party is ambiguous about supporting environmental improvements in this state, which of course this particular amendment will do.

I point out that this will also go to the upper house for debate. I do not know how much more transparent you could be, or need to be. The Liberal Party is not ready to comment on a simple, straightforward planning amendment that it was involved with when in government, and on which it has been offered a briefing. The shadow planning minister has been offered a briefing, but he never comes back and says, ‘Yes, I would like to have it’, and he was not ready this morning when I raised with him that this was about to be debated. There is no need to defer this. I oppose the motion to defer.

House divided on Mr Perton’s motion:

The SPEAKER — Order! I ask the Clerk to record the votes.

The Clerk — The member for Gippsland East?

Mr Ingram — Yes.

The Clerk — The member for Mildura?

Mr Savage — No.

The Clerk — The Nationals Whip?

Mr Maughan — Seven yes.

The Clerk — The Opposition Whip?

Mr Dixon — Sixteen members vote individually yes.

The Clerk — The Government Whip?

Mr Langdon — Fifty-seven yes.

Honourable members interjecting.

Mr Honeywood — On a point of order, Speaker, the motion would appear to have been well and truly carried. To what device would you have us believe the government can now refer to try and correct this, given that the vote has been taken?

Mr Loney — On the point of order, Speaker, under the procedures there would be a requirement further to call other members. Given that opportunity I would certainly have indicated that I would vote no, and I think other members on this side would also.

The SPEAKER — Order! The votes have not been tallied, nor have the results of the division been given to the house. On previous occasions people have adjusted the amounts they have given in party votes where they have made a mistake. In this circumstance the Government Whip adjusted his response immediately, and I take his vote as a no.

Dr Napthine — On a point of order, Speaker, the procedures in the standing orders — and these are the new standing orders adopted by this house only some weeks ago — are absolutely clear on this matter: the party on that side of the house has cast its vote. It clearly cast a vote of 57 yes. That is the vote that was cast. If you look at precedents in this house, I have been in this house when people have sought to get in the door once it was closed for a division. I have been in the house when a member of one party has been inadvertently — —

The SPEAKER — Order! What exactly is the point of order?

Dr Napthine — My point of order is that the vote has been cast. There is no opportunity under the standing orders for you, Speaker, to change that vote. The vote has been clearly cast, and it was yes. Any change to that situation is an absolute dereliction and contrary to the standing orders. I urge you, Speaker, to abide by the standing orders. If the party vote system is wrong, then it is up to the government and the

Parliament to change it, but that is the system that the government introduced and voted for — it was not voted for by this side of the house — and now, using that system, the government has voted for this adjournment with 57 yes votes.

There is no equivocation about that: that was the vote that was cast, and that is the vote that should be recorded. If any other procedure is adopted, that is absolutely contrary to the standing orders that have been adopted.

The SPEAKER — Order! I will rule on a number of points of order. I did not correct the vote of the government; the government whip in fact corrected himself. There is nothing in the standing orders that precludes any whip or any other member of the house from correcting themselves when they have made a mistake. It happens frequently on all sides. There is no further — —

Dr Napthine interjected.

The SPEAKER — Order! That is a reflection on the Chair. I ask the member for South-West Coast to withdraw.

Dr Napthine — I withdraw.

The SPEAKER — Order! I ask the Clerk to give the tally of the votes.

Mr Plowman — On a point of order, Speaker, I seek by leave to move dissent from the Speaker's ruling.

The SPEAKER — Order! We are in the middle of taking a vote, so I do not think you can do that. You may do that when we have completed the vote.

Mr Plowman — I still ask that that be recorded before the Clerk records the vote, because the Speaker's ruling has been made.

The SPEAKER — Order! There is no provision in the standing orders to do that, but you can move — —

Honourable members interjecting.

The SPEAKER — Order! I am responding to the member for Benambra, and I ask the members of the frontbench of the Liberal Party to show him the courtesy of enabling him to hear what I am saying. There is no provision to move dissent in relation to Speakers' rulings in the middle of a vote, but the member is welcome to do it when the vote is concluded. I ask the Clerk to tally the votes.

Ayes, 24

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Noes, 58

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Loney, Mr
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Merlino, Mr
Delahunty, Ms	Mildenhall, Mr
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Perera, Mr
Haermeyer, Mr	Pike, Ms
Hardman, Mr	Robinson, Mr
Harkness, Mr	Savage, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

The Clerk — Are there any other votes?

The SPEAKER — Order! The result of the vote is 24 ayes and 58 noes; therefore the noes have it.

Motion defeated.

The SPEAKER — Order! The member for Benambra is waiting to move dissent from the Speaker's ruling. I have already said that I would call him immediately the vote was taken.

Mr PLOWMAN (Benambra) — I wish to move dissent from the Speaker's ruling on this issue

The SPEAKER — Order! You need to give notice that you wish to dissent from the Speaker's ruling.

Mr PLOWMAN — The advice, Speaker, that I have received from the Clerk is that I either give notice or that I seek leave. I have sought leave to dissent —

The SPEAKER — Order! The member for Benambra has sought leave to dissent against the Speaker. That leave is refused.

Mr COOPER (Mornington) — I challenge the count that you have just announced, and I ask for the provisions of the house to be put into place for a full count.

The SPEAKER — Order! I ask that a division be called and that the count be taken again. This will be a count, so I ask members to divide.

House divided on Mr Pertion's motion:

Ayes, 24

Asher, Ms	Mulder, Mr
Baillieu, Mr	Naphthine, Dr
Clark, Mr	Pertion, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr (<i>Teller</i>)	Ryan, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr (<i>Teller</i>)
Maughan, Mr (<i>Teller</i>)	Wells, Mr

**Noes, 56*

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr (<i>Teller</i>)
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Loney, Mr
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Marshall, Ms
Crutchfield, Mr (<i>Teller</i>)	Maxfield, Mr
D'Ambrosio, Ms	Merlino, Mr
Delahunty, Ms	Mildenhall, Mr
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Perera, Mr
Haermeyer, Mr	Pike, Ms
Hardman, Mr	Robinson, Mr
Harkness, Mr	Savage, Mr (<i>Teller</i>)
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

[*Tally subsequently corrected; see page 751.]

Motion defeated.

Mr Thompson — On a point of order, Speaker, there appears to be a discrepancy in the count that was taken before of 57 and the count now of 56. Have the doors been opened since the first count was taken?

The SPEAKER — Order! Yes, they were. I ask members to resume their seats.

Mr Cooper — On a point of order, Speaker, I seek clarification from you, or perhaps an investigation. It was quite clear when the original vote was counted that the Government Whip called 57 votes on behalf of the government, and now on a recount there are 56 votes on behalf of the government. I would like to know just how that has occurred, because it seems that this brings into some disrepute the issue of a party vote. There needs to be some surety on behalf of all members that votes that are announced by whips are in fact accurate. The Government Whip announced that he had 57 votes to lodge, and on a body count there were only 56. Either a government member escaped and lodged a protest vote by walking out of the chamber —

Mr Maxfield — That's rubbish!

Mr Cooper — If that's rubbish, then alternatively the Government Whip has misled the house by announcing there were 57 votes when in fact there were 56. I request you, Speaker, to conduct an investigation into this to ascertain why it is that the Government Whip announced votes on a particular matter that have now clearly been shown to be incorrect.

The SPEAKER — Order! I am not sure if the votes were incorrect, but I will take up the matter raised by the member for Mornington and report back to the house.

Dr Napthine — On a different point of order, Speaker, I have just read the standing order, so I am still trying to come to grips with it, but I refer to standing order 169, which is headed, 'Error in tally'. Standing order 169(1) says:

If there is a confusion about the result, or an error in the numbers, and it cannot be corrected, the Chair must call for another division.

I presume it was under that provision that the member for Mornington called for a physical division. It was that procedure which the house then proceeded with. If that is so, my presumption would be, and I seek your advice on this, that we should call for a recount of the previous division. In that case, the comments that were

made by the Chair with respect to the doors being open affecting the division would be entirely wrong, because this is about a recount caused by confusion over an issue to do with the previous division, and it is that circumstance that we are seeking to clarify. Any opening of doors or allowing people to enter or exit the chamber is absolutely inappropriate and contrary to the intent of the standing orders.

In that circumstance I put it to you, Speaker, that it further reinforces the need for a thorough investigation of the party vote procedure, including whether the numbers given to the Chair were inaccurate and whether this has happened before and there has been fudging of the numbers at various times, either inadvertently or, dare I say it, by some other way. I seek a full and proper investigation to follow on from what the member for Mornington said, and I seek some advice to the house with regard to the interpretation of standing order 169. As I interpret it, it would mean that any call for a physical division would be based on concern about the counting of the previous division rather than allowing the doors to open and perhaps allowing for that division to be somewhat distorted. In this case we seem to have a discrepancy that needs to be explained to the house.

Mr Loney — On the point of order, Speaker, in relation to standing order 169, I believe the member for South-West Coast is in error. He has neglected five very important words in the standing order in calling for what he has, and they are:

... and it cannot be corrected.

He is also confusing two different issues. One is about the conduct of the original count, and the other is about a difference between the numbers of the two counts. Those two issues should not be confused. The first part says:

If there is confusion about the result, or an error in the numbers, and it cannot be corrected, the Chair must call for another division.

Those five words ‘and it cannot be corrected’ are the important words to focus on here. At the time of the first count I indicated to the Chair that I wished to vote contrary to the way in which it was called. The Chair was then entitled to seek a clarification.

Honourable members interjecting.

Mr Loney — They may disagree with that, but that is correct. That is precisely what these procedures are for, and of all the people in this house the member for South-West Coast, given his earlier performances,

should understand that. However, as a result of that it was corrected, and therefore the rest of it does not need to apply. Those five words ‘and it cannot be corrected’ are the important parts to focus on in the procedure of taking the vote.

The member for Mornington has raised a different issue. The member for South-West Coast is confusing two issues by raising them as one. As I understood it, Speaker, you had already ruled in relation to the member for Mornington’s point of order and had indicated that you would be doing something there. I put to you, Speaker, that in relation to the matter raised by the member for South-West Coast there is no point of order, because the standing order is relevant to the procedure that was adopted.

Mr Plowman — On the point of order, Speaker, if you look at standing order 165(8) you see that the concluding words are:

Where a party’s vote is challenged the Chair may direct that the matter be resolved by a personal vote.

That is what you did from the chair. There was no indication at all that the doors could or should be opened; they should not have been. Therefore the vote should be exactly the same as the vote that was taken before. Going to standing order 169, I take the point that if there is confusion about the result or an error in the numbers — clearly there was one or both there, because you cannot have it both ways — the doors should not have been opened. Irrespective of how it went, the numbers should have been exactly the same. Then the standing order goes on to state that if it cannot be corrected, and clearly it cannot, the Chair must call for another division.

Therefore, Speaker, I believe the provision states that you must now call for another division on this in order to reconcile the two points. If there is confusion about the result, which there is, or an error in the numbers, which there is, then you must call another division.

Mr Stensholt — On the point of order, Speaker, I endorse the comments of the member for Lara, but I wish to add that although standing order 169 states that the Chair must call for another division — those crucial words — in my view that would then reflect back on standing order 164, either in its entirety, in saying that ‘when a division is requested, the Clerk must ring the bells’, or in terms of standing order 164(3), which states:

When successive divisions are taken without any intervening debate, the Chair may direct that the bells be rung for 1 minute.

That is exactly what has happened, and therefore any sort of discussion or debate about whether it is improper to open or close doors is clearly out of order.

The SPEAKER — Order! I will rule on the point of order raised by the member for Benambra. To a certain extent it also relates to the point of order raised by the member for Mornington.

In relation to the party vote, there was not any confusion about how many people were voting, the confusion was in fact whether the vote was yes or no. The whip, as the house knows, corrects his vote.

Following that, because the member for Mornington put that a personal vote be taken, which is appropriate, under the rules relating to the personal vote the bells are rung for 1 minute and then the house divides, as it has done previously. There is nothing in the standing orders that say members cannot leave the house, go and come, while that second vote is going on.

I do not uphold the point of order by the member for Benambra.

Mr Cooper — On a further point of order, Speaker, I direct your attention to the procedures for a party vote. I seek your investigation, report and advice to the house in regard to exactly when an announced vote by the whip is official. In the case we have had this morning the Government Whip stood and said, ‘57 yes’ and then sat down. It was only after he had sat down that his apparent error — and one can only assume that it was an apparent error — was drawn to his attention by the reaction of members in the house, on both sides I might add.

The Government Whip then got to his feet and said something. Because of the noise I do not know what he said, but it appears he said, ‘I have made an error’ or, ‘I want to change it to 57 noes’. The fact of the matter is that the Government Whip stood and said, ‘57 yes’ and then sat down. I would assume, as a matter of fairness and as a matter of process, that when any whip on behalf of his party stands up and announces the vote on behalf of that party and sits down, then that is it. I want to know when is the vote by the whip official?

This needs to be looked at by you, Speaker, in the calmness of your office when you can have a good look at it and get advice from the clerks in regard to the standing orders. We are all grappling with new standing orders —

Mr Andrews — Some aren’t!

Mr Cooper — We are all grappling. Your whip was —

The SPEAKER — Order! Without the assistance of the member for Mulgrave!

Mr Cooper — The Government Whip is certainly grappling, and not grappling very well. There is a need for this to be spelt out so there will not be this confusion in the house in the future. Speaker, I am not asking for a ruling now; I am simply asking you to look at this matter and report back at the earliest opportunity.

Mr Thompson — On a further point of order, Speaker, earlier I raised a question whether the door had been opened during the division and to clarify the reason as to why there was a discrepancy between the announced figure of 57 and 56 people, which was the result of the physical division. I want to ascertain whether it is something that you were in a position to inquire into and report back to the house on, to make clear whether there was a mistake made in the first instance or whether some person had left the chamber.

The SPEAKER — Order! The member for Sandringham seems to be repeating what the member for Mornington has already asked me, which has already been considered.

Mr Thompson — Perhaps just to echo his remarks.

The SPEAKER — Order! I do not require you to echo the remarks, I fully understood the member for Mornington; thank you, anyway.

Mr Thompson — It is a very important issue.

The SPEAKER — Order! Yes, quite. We now return to the motion at hand. I call the member for Hawthorn.

Mr BAILLIEU (Hawthorn) — The Attorney-General is at the table, and he says unfortunately he is on duty at the table and that perhaps it is appropriate. Perhaps it is appropriate that the Attorney-General should be here to witness this precedent-making event, because that is what the planning minister has done. The planning minister of Victoria has yet again set a precedent which undermines the confidence in the planning system in Victoria.

In March I wrote an article for the Victorian Planning and Environmental Law Association newsletter about the processes of this Parliament in regard to planning scheme amendments, in particular changes to the urban

growth boundaries. It is perhaps rare to quote oneself from an article —

Mr Hulls — No-one else will!

Mr BAILLIEU — But why not start? In the article I spoke about the changes which were made in November, which set another precedent in this place for the way the government handles planning scheme amendments; I wrote:

The process involved in these changes established a new and dangerous precedent for the future. It is a precedent with which all Victorians should be concerned. But planning professionals in particular should be deeply troubled.

The Bracks government markets itself as 'open, honest and accountable'. But secrecy is the breeding ground of corruption. And the secrecy with which the Bracks government administers the planning portfolio is extraordinary. It threatens to undermine long-term confidence in the Victorian system.

And planning professionals should carefully re-examine the merits or otherwise of parliamentary ratification. These recent events have shown 'ratification' to be the antithesis of the ultimate planning protection with which it was trumpeted.

I have received an extraordinary array of comments from planning professionals about that article — they were supportive of the proposition I put. The Property Council of Australia joined me in criticising the processes that the government undertook in making those changes.

And now it is happening again. The government is forcing through a planning scheme amendment in green wedge land by a precedent-setting motion. That motion is being afforded under section 46AH(3) of the Planning and Environment Act, which states:

An amendment to which this Division applies does not take effect unless it is ratified by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House.

We have a planning scheme amendment before us now. It was tabled on Tuesday. Notice of a motion to have it ratified was moved yesterday, and the motion is now before us because the government refused to adjourn debate on the motion, which is usual procedure in this house.

Two weeks is the usual minimum for every bill, so the reality is that this sets a precedent. This subsection has not been used before.

This amendment concerns green wedge land, which was much trumpeted by the government in its pre-election commitments and much trumpeted afterwards. The reality is that we are seeking here to

ratify an amendment about a significant development in the south-east corridor of Melbourne, south of Cranbourne and adjacent to the Royal Botanic Gardens, Cranbourne. This is not, as I have previously said, ratification associated with the airport environment strategy, where there was a long period of consultation and debate; nor is it like the ratification associated with the Upper Yarra Valley and Dandenong Ranges scheme, where there was one planning scheme and one council involved and a long period of consultation; and this amendment does not involve urban growth boundary changes. This is a precedent-setting change, and it is the first time we have used this type of motion.

As I said, I was offered a briefing on this on Monday evening. I said, 'Yes, I will accept one', but I have not been given one. The amendment itself is not exhibited on the government's amendment web site, nor is it exhibited on the City of Casey's web site, the city involved. It has not been circulated to members — The Nationals and the Independents received no information — yet we are being asked to consider it in detail. It may be the case that I have made myself broadly aware of it over the last few days; and yes, I spoke to the proponents of this amendment some weeks ago, and they told me in broad terms about what they were intending. I said to those proponents, 'It is in your interest to ensure that the processes here are as open and transparent as possible'.

I do not know how members in this house can make a reasoned judgment about this. Are they relying on the minister and me to do a deal behind closed doors and say, 'Yes, we will push this through'? If that is what the minister is relying on, then that makes a joke of ratification, and this is a recipe for inappropriate and improper behaviour, and if not now then certainly in the future. Over the last two years the minister has trumpeted a program called Better Decisions Faster, which was announced again on Tuesday, and the minister was in the house yesterday again trumpeting it. If this is better decisions fast, it is a joke. These are secret decisions being made overnight; it is not a case of how much time I might have to assess whether these amendments are reasonable. The government has already decided that such amendments need the scrutiny of the house; therefore they must be amendments which require maximum scrutiny and maximum circulation. It is a matter of how much time members of the public have to assess it, and they have been given no time. I circulated the material on Tuesday, and I have not even had time for response from other than two groups. This is closed-door decision making, and it is inappropriate.

There is another matter to bear in mind. Why is this amendment being rushed? Why is the government seeking to rush an amendment through the house and suffer the ignominy of being accused of corrupting the process? The reality is that government members are rushing through it because they are a bit embarrassed about it. This is a change in the government's precious green wedge land, and indeed the south-east corridor is a very precious green wedge area. The minister has stood in the house and, in my view, misled the house. She has misled the very people who are expected to make a judgment and pass scrutiny on this amendment. She has said that it is merely some internal changes to a development which was approved by the previous government. The reality is that this amendment extends the development which was previously approved. The minister has chosen selectively not to draw attention to that.

It may be that that is an entirely appropriate thing to do. The information I have and the information that was tabled on Tuesday describes the development loosely, but what it does not say is that there are other reasons for this amendment being rushed. In part this amendment is being rushed because the government has introduced new rural zones. Five new zones will take the place of three, and the potential application of those zones has caused extraordinary unrest in rural and semirural communities. In green wedge areas, that doughnut of green wedge land beyond the urban growth boundary and before the outer metropolitan perimeter, is a very large expanse of land. That land is to have two new zones applied to it: rural conservation zone and green wedge zone. The reality is that they have not yet been applied, and when they are applied the conditions of these lands, the provisions which apply to prospective developments, will be different; hence it is to the advantage of groups to have amendments pushed through before those zones are applied.

You have to be a little bit cynical about the way the government is doing this. Why would it be seeking to pre-empt its own zone changes in green wedge land? Why would it be seeking to minimise the processes of scrutiny here? Why would it be seeking not to publicise this amendment? Why is it not on the government's exhibited amendments site? There are other reasons. There are a lot of similar developments proposed in green wedge land, and many of them have been proposed for some time. I refer to the Keysborough Golf Club, which is not far away from the Botanic Ridge proposals here, and not greatly different in its composition from what is proposed here. Again the Keysborough Golf Club is in green wedge land outside the urban growth boundary. The pursuit of that

development was actively encouraged by the Premier and by the former planning minister — personally!

They encouraged the Keysborough Golf Club to make massive expenditures in order to pursue the consultants and the development propositions, only to have that proposal, and many people would regard it as a perfectly reasonable proposal, gazumped internally by the minister's control — arguably it is not under the minister's control; it is arguably under some bureaucrat's control — as I understand what has occurred. There are similar developments down in the south-eastern corridor which have been actively pursued and have been pursued for some time, even since before this government came to office, which are not being denied. They are in the same corridor, yet this government is bending over backwards to assist this one development.

The SPEAKER — Order! I apologise to the member, but I have to interrupt his speech. I ask for the clock to be stopped.

Debate interrupted.

BUSINESS OF THE HOUSE

Division lists

The SPEAKER — Order! I wish to advise the house in relation to the voting record on the motion to adjourn the debate. As members will recall, the government vote was 57, which with one additional vote, that of the member for Mildura, made it 58. On the personal vote, the figures were incorrectly tallied by the Serjeant-at-Arms and the vote should have been 58, so both votes were the same.

I apologise for interrupting the member's speech; he can now resume it.

Debate resumed.

Mr BAILLIEU (Hawthorn) — The Serjeant-at-Arms is bigger than I am, so I will not confront him on his arithmetic!

As I was saying, there are other developments in the area which might have attracted the same level of support from the government but which appear not to have. It appears to be selective, untimely and rushed. The government is pre-empting its own zone changes, and it is avoiding its own scheduled processes.

I have a reminder. Section 46AH(3) of the Planning and Environment Act offers the Parliament 10 sitting days

in which to consider a motion, but this motion is being considered on the very first day. This is not the maximisation of scrutiny; it is the minimisation of scrutiny, and it is totally inappropriate.

As to development itself, all I have to go on, given that I have not received the briefing that I was offered by the government, is the material tabled on Tuesday and some material which was provided to me by the developer, but it amounts to very large scale drawings and plans. In neither lot of material is the area or the number of houses in the development detailed. The development, which was approved by the previous government and left in the green wedge area by the current government, but not included in the urban growth boundary, might be said to be a square piece of land of substantial size with a very large powerline easement running north-south through it. The allotment is inside Pearce Dale Road, Browns Road and Smiths Road in Cranbourne, adjacent to the Royal Botanic Gardens, Cranbourne. The north-east corner of that square is actually cut off and forms part of the Royal Botanic Gardens.

The original approval was for what might be described as a traditional subdivision involving some hundreds of lots, which were given a minimum allotment size of 1000 square metres. Currently it is proposed to take those allotments and condense them into medium-density, or some would argue, high-density housing on the site and to extend the site north along Pearce Dale Road and Government Road in a triangular extension that would perhaps be a 15 to 20 per cent extension in the total area of the land. In seeking to increase the density of housing on the land the proponents seek to insert some green reserves and a golf course. In itself that is not an unattractive proposition, and I am not suggesting that it is. But I make the point again that there are a number of other similar proposals which await the government's consideration, if they have not already been knocked back.

Another point is that this development is in the south-eastern corridor, which is supposedly subject to the government's new Smart Growth committees. In November I said that the Smart Growth committees supposedly to be established by the minister were heading towards being a farce. They had not been appointed and had not met — and indeed that is still the case. Let me refer to the April 2004 edition of *Urban Affairs*.

Mr Hulls — Another one of your articles?

Mr BAILLIEU — No, Attorney-General, it is not an article of mine this time. It is an article from the Urban Development Institute of Australia, much trumpeted by the minister even in question time yesterday as one of her great allies. I quote from an article from the editor, Bill Hitchins:

Only two Smart Growth committees — Wyndham and Casey/Cardinia — have met. Nominations have just been called for the Hume and Melton/Caroline Springs committees and the terms of reference for the Whittlesea committee have just been finalised.

The Smart Growth committees are certainly not smart in the way they are operating.

Smart Growth committees? High on ideals but low in performance. Good in theory but sadly not yet there in execution.

One might have imagined that when it came to the very first amendment affecting the green wedge land in the south-eastern corridor the Smart Growth committees — a committee has apparently met in Casey/Cardinia — might have had comments to make and that those comments might have been included in the documentation that the government supplied to the house, albeit only on Tuesday and albeit that 90 per cent of members are not aware of the details. But there is no comment from the Smart Growth committees. Nor is there comment from the City of Casey. As I said, it is not exhibited on the Casey web site nor on the government's own web site.

Given that we are not able to adjourn debate on this motion nor have any input from the stakeholders in the area because the government has denied them access, all we can do is make a totally superficial judgment about the plans, which are drawn to a scale of 1:5000 — or maybe 1:2500 on another one I have — and about whether this development, extended as it is, is more reasonable or not than the development that was proposed. Perhaps as an architect and someone who is used to reading plans I am in a position to make some sort of judgment, but I do not think other members of this house are.

I invite members of the government backbench to stand up and genuinely say whether they have considered this, whether they have the information to allow them to make a judgment and whether they genuinely support it. I do not think any of them will, because they are all the dark. They are the mushrooms of the minister, who is keeping Victorians in the dark and keeping the planning profession in the dark because she does not want these changes and the process involved to be exposed. But they have been exposed, and they

will be exposed further. The precedent has tragically been set.

Superficially my judgment is that the change to the original proposal does not look unreasonable, but I am not in any position to make a judgment about the extension to the development. I have not had an opportunity to get any advice on that. The extension of the development is real. It goes into land that I understand is rural zone 4, as it appears on the map. Yet who knows what it will be in a few weeks time when the government applies its new zones? The strategic studies have not been done. Given that I am not in a position to do that — and if I am not, I imagine other members are not either — the minister can bluster all she wants. All I can say is that we do not want to oppose development in Victoria. This was to be a site for a different type of development altogether. So we will not be opposing this motion in its substance.

We adamantly and comprehensively oppose the process which has gone on here. When it comes to planning matters, the government has left itself exposed to accusations of the highest order with respect to its secrecy and lack of transparency, and the darkness in which corruption grows in a very quick and easy fashion.

If I were a proponent of a similar development in Victoria I would be absolutely on my toes about the way the government has handled this — about the way it has selectively dealt with projects, actively supported a development but caused a proponent to spend substantial sums of money in Keysborough, only for the government to gazump those plans at the last minute.

It has done the same thing in Potts Road with the Burdett quarry. I have mentioned before in this house the illicit behaviour of some members of this house who, before the urban growth boundary changes were made in November, met with the proponent and the minister and got undertakings from the minister that if the Frankston City Council supported the development, it would go ahead. The Frankston City Council reaffirmed its support for that development within a week of that meeting taking place, only for some bureaucratic interference to prevent it from proceeding after all — and the minister again played a double game.

I have said publicly and in this house that the government's rural zone changes have been a shambles, and they have been handled as a shambles. Land-holders in Victoria are entitled to be up in arms about the lack of consultation on the application of

these zones, about the cynical and selective timing of their application and about the loss of value that they will suffer. No doubt the developers here will enjoy a considerable enhancement in the value of its property as a consequence of the handling of this amendment and its being rushed through Parliament. It is a great shame. I really fear for the confidence in the planning system in Victoria.

The minister is out of touch and is open to the influence of whoever spoke to her last. She is open to processes that are totally improper. In my view the minister has no understanding of what should take place in the planning system in Victoria, whether it be for rural zones, wind farms, the urban growth boundary, amendments to the planning scheme or green wedges. The debacle has continued for far too long, and this is the latest example of a government totally out of touch and being arrogant in its pursuit of financial gain over local community interest.

The government is forcing on local communities changes such as those involving Kew Cottages, Burnley Gardens, Camberwell Station and Camberwell Junction. The announcement on Tuesday that the government is now going to create priority development zones to increase the facilitation of development in its own interest — but without community involvement — simply compounds the concerns being raised.

I think there is every reason to be very apprehensive about the conduct of the minister. I regret that this development has been tangled up in this unfortunate process. I advised the developers to ensure it maintained the maximum exposure of this development, but that is not the way the government has chosen to handle it. It is embarrassed because it knows the application of its own new rural zones is coming soon, and it knows that a lot of other developers will say, 'Why them and not us?'. Indeed, it is my information that sitting on the minister's table are applications involving more than \$2 billion worth of projects — but they remain unaddressed; no decisions have been made. On Tuesday the minister trumpeted that the government would be making better decisions faster. It took our Victorian planning minister five years to decide that she needed to make decisions faster. The reality is that this is a debacle.

Having said that, we are not in a position to substantively oppose this amendment, but again I invite government members to stand up and say what they know about this development. Very few of them know anything at all, and all this has done is to dramatically undermine the concept of ratification as a measure of

parliamentary scrutiny of planning changes. In my view the concept is now worthless, totally counterproductive and a recipe for improper planning in Victoria.

Mrs POWELL (Shepparton) — On rising to speak on this motion on behalf of The Nationals and as The Nationals' spokesperson for planning, can I say how disappointed I am about the handling of this motion. Earlier I supported the motion to adjourn debate on the planning amendment motion because of the lack of information that I and, I understand, the shadow Minister for Planning have been given.

In the debate on the member for Doncaster's motion to adjourn debate the house heard that the planning amendment was tabled on Tuesday, that the notice of motion to pass the amendment was given yesterday and that had been listed on the notice paper today. I only found out that the amendment was going to be debated today when, as I was sitting at the table speaking to the Minister for Planning about another issue, she asked me if I would be speaking on this motion.

I told the minister I knew nothing about it and thought it was coming on in a couple of weeks. I was told it would be debated today and upon asking when it would be debated today, I was told it would be straight after members' 90-second statements. Given that I had not seen any information or been given any briefings by the time the house was halfway through the making of members' statements, I became quite concerned. The minister asked me to go down to her office to pick up some information which was given to me in this house about 2 seconds before the minister stood and read from the same piece of information that I had been given — it was like a second reading; it was merely some information that the minister read. That happened at approximately 10.15 a. m. today. I asked The Nationals Whip if he had been made aware that this motion would be moved during the time for government business. He replied that he had spoken to the Leader of the House as late as 11.15 p. m. last night but that no mention had been made that it would be moved or debated, nor that we should be aware of it. Of course if I had been aware of it I would have been prepared, but not having been aware of it I feel very inadequate in speaking on the motion, because I am not across all the issues that will come before us.

As well as the shadow minister being offered a briefing but not being able to take it, the Independents also told me they were not informed that the amendment was being debated today either or that they would be briefed. It is a show of complete discourtesy to want the support of other members of the house yet not provide them with the necessary information.

The minister said that the most transparent way of dealing with a ratification motion was to bring it to both houses of Parliament. If you are going to bring it on and rush it through and not allow anyone to scrutinise any of the information or query any of the suggestions or assertions made, then that is not being transparent. The government has to make sure it is open to scrutiny. If there is nothing wrong with ratifying this motion, why were we not advised earlier and given the information so we could scrutinise it and do our own investigations?

The amendment to the Casey planning scheme will have ramifications for the community. While we understand that the Casey council may support it, I would like to know exactly what the community's views are and whether there is any objection to it. The member for Hastings said she understands the issue and supports the amendment. That is good, because obviously the member has been included in the negotiations. I will listen with interest to her contribution.

The amendment will be debated by the members in the other place later on, and they should have the opportunity to scrutinise it. The Nationals will not oppose the amendment, but we would like to change our mind if we find there are some issues that we need to be concerned about while the measure is between the two houses — unless it passes through the other place this week, in which case they will not be able to scrutinise it either. I should say that I am not aware of whether it will pass the other place this week — which will be today or tomorrow — or whether the other place will have the opportunity to scrutinise the measure over the next two weeks.

The shadow minister for planning talked about this being precedent setting, and that is true. We are normally given some information and some warning. Whenever a ratification motion came to this place in the past the minister wrote to me and let me know what it was about. She gave me the history of it, offered me a briefing and gave me about two weeks notice. That was always helpful and appreciated. I always took the opportunity of having a briefing and raising issues, because I wanted to make sure that I could make a decision on behalf of The Nationals with the full knowledge that I at least had done my homework and was able to give the appropriate recommendation.

This amendment makes changes to the green wedge area, and we have already dealt with a number of changes to green wedge land. That concerns me, because it is what happens when things get rushed through. The green wedge legislation was not rushed through — it was before the house for a long time —

but in the end there must have been insufficient consultation because we have had a number of motions come to this place on changes to the green wedge land. We have to be careful that when we change things we undertake the appropriate consultation and investigation to make sure that what is being put to the house has been looked at in detail and will not change when someone else suggests that we could include or exclude some land.

Another issue I wish to touch on is the Minister for Planning's new rural zones. There has been some discussion today about the proposed new zones and what they will mean. They will have huge ramifications for country Victoria. The concern I have about this motion and about the proposed new zones for rural Victoria is that there has not been enough consultation. The draft booklet on the proposed zones went out at the end of November, just before Christmas. No-one knew about them, but they were put on the agenda and submissions had to be in by the middle of February. People started ringing my office asking how they would affect them. All of a sudden we had people concerned about farming zones.

There are three zones: the farming zone, the rural activities zone and the rural residential zone. When you have proposals that will limit what you can do in the farming zone, people in country Victoria get really outraged. The changes the government is proposing have huge ramifications for private landowners and farmers rights. One of those is that you can only have one house on a minimum lot size of 40 hectares, or 100 acres. You can have a lot of viable farms of that size in an irrigation area, which is still a farming area, while having another house on the property to support what is happening on the farm. I believe the government has done a backflip on that and will allow further houses on the 40 hectares.

The other issue that is causing a lot of concern about the proposed rural zones is that there will be no small lot excisions. This would have huge ramifications for farmers over succession planning. Mums and dads may want to excise a few hectares to support their son or daughter or whoever is taking over the farm, but they would not be able to build another house under this provision. The son or daughter who wants to buy the land would no longer be able to live on the land because they would not have a title and could not build their house there. I am glad the government is doing backflips on some of these things and is looking at them again and investigating how they will affect people in rural zones.

This has happened because of a lack of consultation and a failure to talk to the people who know what is occurring in country Victoria to find out how these changes we are making will affect them and affect farming families. Like the green wedge it is about putting aside land for farming, but you will not have viable farms if you do not allow succession planning — and that comes about by allowing mum and dad to stay on the farm while the children run it. That is important to country Victoria.

I now refer to the amendment C66 to the Casey planning scheme. I can only talk generally about this, because I do not know a lot about it. I was given a piece of paper about 5 minutes before the minister got to her feet and read from the same piece of paper. From what I understand, the amendment applies to land known as Botanic Ridge, which is next to the Royal Botanic Gardens in Cranbourne South. Any change to this planning scheme will have huge ramifications not just for the locals, the people who live there, but for visitors and tourists, because people love to visit botanic gardens. Hopefully this permit that the council will grant will reflect that fact.

The briefing note says that the previous coalition government zoned the land as residential in 1999 and that a permit was granted by the Casey council in 2002 for residential development. The question I would have asked at a briefing, had I been given one — or I could have asked the council if I had had time — is why it has taken almost three years for a permit to be approved. Was there some concern about the permit or the developers, or was it that the council did not know what it wanted to do with the parcel of land? I would like to know why it has taken three years for the permit to be granted for the residential development. What was happening in that period? Was there a lot of opposition from the community? I was told that the landowner and the Casey council requested an amendment to ensure the best environmental, infrastructure and community outcomes. I hope the community was asked its views on this and whether there was any opposition to it.

The revised plans include an 18-hole championship golf course and a residential estate with lots of an average of 1000 square metres. The briefing note says that this will provide more diversity and respond more sensitively to the topography and features of the site. The Nationals would probably be the first to say that if anything is sensitive and needs to be protected, we would support it; but at the moment I am reading a briefing note and I am unaware of any other issues that have come from the community to the council or to the minister.

I am told that amendment C66 does two things. It extends an environmental significance overlay to cover the entire site, fixing a mistake that was made when the site was originally rezoned. We are not told what the mistake was — we are not told whether it was a major mistake or just a minor mistake; whether it was a zoning mistake or a typographical mistake — so we are taking it on face value that the mistake was not huge and that this is just fixing it up. I am not sure whether this actually rectifies the problem.

I am also told that this amendment introduces strong controls across the whole site, covering retaining, planting and maintaining native vegetation. The document goes on to say it allows for average lot sizes of 1000 square metres, which replaces the current requirement for minimum 1000-square-metre lots. Had I had a briefing, I would have asked the question, ‘Does that mean the developer asked for the lot sizes to be reduced?’. I would have asked whether the community asked for that or the council asked for it. I am seeking some information about why the lot sizes were changed. Was it in the best interests of the developer, the community or was it because of the topography of the land?

This amendment will provide greater flexibility in the layout of the estate, I am told, but will not permit any extra lots. Lots in the estate will now average 1000 square metres. This amendment is a win for the environment, this document says, because water sensitivity, urban design, extensive landscaping and habitat extension to the Royal Botanic Gardens, Cranbourne, will make the estate an example of best practice in environmentally sustainable development. I read that from a briefing note, but I am not aware of how it will make it more water sensitive. I am not aware of what consultation took place with the community, the developer or the council. It would have been beneficial for The Nationals, in making our decision on this, to have been given a lot more information to back up what is said here.

The land was rezoned residential 1 by the former coalition government, and a permit to develop the housing estate, as I said, was issued in 2002. This was before the urban growth boundary was imposed. The amendment corrects an anomaly and strengthens environmental protection for the site. This reminds me of what is happening in Shepparton at the moment, where the council is requesting an amendment to allow 150 residential lots on a 21-hectare park, the Parkside Gardens. The community made over 400 objections to the amendment, and there were three supporters of it. That amendment then went to a panel, which decided the council could go ahead with putting the 150 houses

on the parcel of land, so I am fairly sensitive to making sure that the community has its say when any development takes place. I have not been made aware of any of those issues in this very brief briefing note.

I am disappointed with the way this motion has been handled by the government. I hope that in future the government shows more courtesy to the members of the opposition parties in making sure that they are not taken for granted and ensures that if it asks for their support — —

Mr Baillieu interjected.

Mrs POWELL — The member for Hawthorn reminds me about making sure that government backbenchers are reminded about it as well.

Mr Delahunty interjected.

Mrs POWELL — I also include in that the Independents, as the member for Lowan has just reminded me. We must have more courtesy in this house. We must make sure, if we want something to go through with the support of the house, that the people who are making the decisions or speeches on it have a bit more information than a one-pager and a 5-minute lead-in. With those words, I hope that this does not happen again and that all members will treat the house with a lot more courtesy.

Ms BUCHANAN (Hastings) — I rise in support of the motion to ratify amendment C66 to the Casey planning scheme. I will start by applauding the Minister for Planning for the great work she has undertaken in relation to making planning a clearer, quicker and more sustainable process. Coming directly to the issue of C66, or as it is more commonly known in the region, the Botanic Ridge development, as the member for Hastings — my electorate includes this area — I have had a great involvement with this issue since coming into this house in November 2002 and know intimately the details in relation to the planning proposal. I will expand a bit more on these.

As the minister has indicated, the motion before the house is part of the legislative framework that was ratified in November 2003 and it will also go to the upper house. It basically proposes to correct an anomaly to reflect the sustainable planning issues within the region. The key issue with this is the alteration from a minimum 1000-square-metre lot size, with the number of lots to remain static at 400, to an average lot size of 1000 square metres. As the minister has indicated, in so doing it extends the environmentally significant overlay to the whole site.

That is important when you look at it in the context of the location of the site and the issues around it. I will go into those in detail in a moment.

Historically this land was zoned residential 1 in 1999 by the previous Kennett government and the permit was issued by the City of Casey in 2002. Various members have brought up the question of the time frame between the planning scheme amendment and a permit being approved. I would like to expand on that a bit now, because I think it will add some clarity to this issue. Mind you, it is disappointing that the planning spokesperson for the Liberal Party claims he does not know about this. I know that he has received numerous representations from people in the region — his office has sought those representations over the last couple of weeks in relation to the planning issues around the whole of the region — because those residents have advised my office of that.

Coming back to this issue, as I said earlier, the planning scheme amendment was passed by the Kennett government in 1999 and the permit was issued by the City of Casey council in June 2002. I would like to address the issue of why there is a perception that it has taken a long time. You need to look at it in context. Right next to this proposed subdivision is the Royal Botanic Gardens, Cranbourne — a magnificent site that has been reserved for posterity for the benefit of all Victorians. Right next to the botanic gardens is the Cranbourne racecourse and horse training complex — both major facilities that have a major impact upon the local community in terms of traffic movements and visitors to the site. It was important to make sure that any housing development surrounding this region took into consideration the environmental sensitivity of the area.

This motion further enhances and acts on the really good planning principles of sustainable housing development. Again I stress that there will be no increase in the housing lots — they will remain static at between 400 and an average of 1000 square metres. Nominating the size of lots will allow for the development to create a larger buffer zone between the housing area and the Cranbourne botanic gardens. One of the aims of having the Royal Botanic Gardens at Cranbourne is to enhance and maintain biodiversity in the region; they and the region are now renowned for the incredible biodiversity. They are a resounding win for the whole of the community in the region.

I want to talk further about the ongoing consultative process that has been undertaken over many years in the community. Obviously that has been ongoing for at least five or six years now, at least since the subdivision

plan was first moved by the City of Casey's Councillor Ron Mantel before 1999.

The perception of time delays between the moving of the amendment and the granting of the permit has been caused by due consideration being given to the sensitive issues surrounding Cranbourne botanic gardens and the Cranbourne Racecourse and horse training complex that is based down that way. Members should also remember the whole concept of Botanic Ridge as this amendment concerns only its stage 1. Stages 2 and 3 are currently being considered by the smart growth committee in the context of whether they may be subject to future consideration regarding the urban growth boundary. I come back to my original comments about the opposition planning spokesperson, because he has been made fully aware by local constituents of the issues around this area. He would have been advised via his office because locals were contacting my office in relation to this several weeks ago, and that contact is probably ongoing at this stage in time.

Mr Baillieu — On a point of order, Acting Speaker, on two occasions the member has totally misrepresented my position on this proposition. I have not had other than one meeting with the developer or the proponent of this amendment. I have had no representation from any residents. I have not had the opportunity because the motion has been moved only today, and the government has refused to adjourn debate on it. If the member continues to misrepresent me, I will have to take further action.

Ms Kosky — On the point of order, Acting Speaker, I would have thought that the member has been in this house long enough to actually understand what real points or order are; and his is not a point of order. It is an explanation that maybe he can make if his side allows him to make a speech later today.

The ACTING SPEAKER (Ms Lindell) — Order! There is no point of order.

Ms BUCHANAN — In summary, I would like to again state my reasons for supporting the motion. The amendment is based on sound, sustainable planning principles; and it is clearly following the legislative process outlined and ratified by this house in November 2003. In relation to the issues of it being exceptionally inclusive in its consultative process, local government in conjunction with the developer is requesting this amendment. The City of Casey has been exceptionally thorough over at least seven years in consulting with the community on the development around this region.

I do not know how more consultative you can get if seven or eight years is not long enough.

In terms of the impact on planning, the amendment will greatly enhance the opportunities for sustainable development on the site, allowing for the philosophy behind biodiversity in the region to be fully practised and acted on. The reason for the time lapse between the moving of the amendment and the council having issued the permit is that due consideration was given to sustainable planning principles by using an inclusive consultative process. This motion enhances the environmental protection around the site.

This process today has indicated to me that members of the Liberal Party are incredibly lazy. They are not on the ball; they are not looking at what they are supposed to be doing. They are lax in their responsibilities to look at issues.

This government is about taking planning seriously. We have undertaken that through our commitment to the urban growth boundaries and the green wedges, and also to a number of other planning issues around this state. We do not shirk from the hard responsibilities. Over the last couple of years we have worked hard to make sure this is inclusive, that all the key stakeholders have been consulted about it and that all those issues have been given due consideration. Victoria now, for the first time, has clear guidance on sustainable development in this state.

I support this motion for all those reasons. I commend the Minister for Planning for the inclusive process she has undertaken with the whole community in supporting the City of Casey, which has done its own consultative process. To not support this motion shows an incredible degree of ignorance by the Liberal Party on planning issues, which is exceptionally disappointing.

Mr MERLINO (Monbulk) — I also speak in support of the motion for the ratification of amendment C66 to the Casey planning scheme. It is important to go back to the green wedge legislation of last year. That legislation was fundamental reform in two areas. I refer to the purpose of that legislation described in section 1 of the Planning and Environment (Metropolitan Green Wedge Protection) Act. Section 1(a) is about implementing the green wedges and provides for formal ratification and recognition of our green wedge areas around Melbourne. Section 1(b) requires:

... ratification by Parliament of certain amendments to planning schemes applying to green wedge land in certain metropolitan fringe areas.

The second part of the purpose clause was fundamental reform in that it enhanced the democratic process within planning in Victoria. We all know that in the past amendments by the former Minister for Planning and Local Government under the Kennett government were made by a stroke of his pen, and that was it. There was no consultation with the community and certainly no consultation within Parliament. The legislation that was ratified last year is about increasing the democratic processes. Despite what the Liberal Party and The Nationals said today, this motion is a reflection of the democratic process, and without that legislation we would not be having this debate at all.

The member for Shepparton said she hoped this will not happen again, but it will happen again because the process we are following today is completely in line with section 46AH of the green wedge legislation.

Ms Buchanan — Absolutely!

Mr MERLINO — Absolutely in line with it. Section 46AH(3) states:

An amendment to which this Division applies does not take effect unless it is ratified by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House.

Mrs Powell — Not two days.

Mr MERLINO — It says within 10 days. The notice of motion was tabled on Tuesday, the motion was moved on Wednesday, and we are having the debate today. We have heard that the shadow Minister for Planning was given the opportunity of a briefing, which he did not take up. There was also the opportunity this week for any member of the opposition parties to seek a further briefing from the Minister for Planning, and that was not taken up either.

I refer to amendment C66 to the Casey planning scheme. Members have heard that in 1999 the previous government approved a residential 1 zone with a minimum of 1000 square metres for 400 lots. The amendment the City of Casey is seeking, through the Minister for Planning, is an average of 1000 square metres but remaining with the 400 lots. The reason for the amendment is that this particular piece of land is next to the Cranbourne botanic gardens and the thinking was that larger lots would create a buffer zone between the botanic gardens and this residential development. It is also about sustainable housing and providing a variation of lot sizes. In terms of planning the Bracks government is promoting sustainable housing and innovative design. The planning minister under the previous Kennett government was about

fixing up deals with mates behind closed doors with the stroke of his pen and pretty narrow thinking about the types of residential subdivisions he allowed. This is a good example — 400 lots of exactly the same area of 1000 square metres each. It is pretty unimaginative.

The member for Hastings has confirmed the extensive consultation process the City of Casey has gone through over seven or eight years. I reject absolutely that there has not been a full consultation process. This amendment is being sought by the City of Casey on behalf of its residents. It is a good amendment. It is being moved completely in line with the legislation this Parliament passed last year. This is the third day, not the first day, on which the opposition parties have been aware that this was on the table for debate this week. They cannot claim ignorance. The opposition parties can claim to be a particularly lazy opposition which simply does not do the work. I support the motion before the house and wish amendment C66 a speedy passage through this Parliament.

Motion agreed to.

CONTROL OF GENETICALLY MODIFIED CROPS BILL

Second reading

Debate resumed from 21 April; motion of Mr CAMERON (Minister for Agriculture).

Ms McTAGGART (Evelyn) — It gives me great pleasure to speak on the Control of Genetically Modified Crops Bill. How fortunate are we in Victoria to be known as clean and green? This status gives us an advantage over other countries, and why would we jeopardise that at this stage? The legislation provides for a four-year statutory moratorium against the commercial release of genetically modified (GM) canola and gives the government time to be confident that risks to export markets do not outweigh potential benefits to this state. It also gives time to industry and the community to fully assess impacts that releasing GM canola would have on export markets.

The government certainly appreciates there is still deep division within industry, the farming sector and our regional communities on this. How do we know this? Because we have consulted — we have consulted with farmers, exporters, overseas markets and communities. We are all aware that farmers have different views on this issue, that many have concerns when large organisations like the Australian Wheat Board, the Australian Barley Board, Murray Goulburn and Tatura

Milk Industries have publicly stated their concerns. Tatura Milk Industries stated in the *Weekly Times* of 21 April its concerns. I quote from the article:

TMI does not support the use of GM technology in the supply-feed chain for milk and dairy products as our customers and consumers — especially in our value-added markets — are simply not comfortable at present in accepting GM material or product from production systems using GM-GE material.

This is especially the case for the Japanese market and for infant formula and cream cheese products.

Our view is that until our consumers and markets are satisfied that GM material (and production systems) are safe and environmentally sound, we simply should not risk jeopardising our existing clean, green image and competitive advantage in the marketplace.

Before GM technology is released on a commercial basis, consumer education and acceptance needs to be fully established — not simply the acceptance by farmers of the benefits to them.

I have heard lots of people in this place talk about their importance to farmers, but consumers need to be aware of these issues. It will give us time to let the market and the consumers know all about genetically modified canola.

Leading rural exporters say it is easier to market grain and dairy because they are clean and green and are perceived to be non-genetically modified. The Bracks government has a very important role to ensure that our markets for food and agricultural products are not unnecessarily compromised. I am extremely disappointed with the comments of the Victorian Farmers Federation that the majority of farmers are disgraceful because they do not agree with the VFF leadership on the commercialisation of GM canola. As many speakers have said in response to this, the Donald branch of the VFF conducted its own poll and 80 per cent of its members were in support of the government's position of a four-year moratorium.

Carey Brennan, the public relations officer with the Donald VFF, said recently:

The benefits of GM canola have been shown to be questionable and the concerns many and varied, specially in relation to markets.

He also congratulates Bob Cameron, the Minister for Agriculture, and the Victorian state government for being smart enough to see past the hype of the chemical companies to make the right decision for the state's grain growers. Even the Leader of The Nationals in New South Wales believes that the release of GM canola would have a devastating effect.

The president of Canada's National Farmers Union, Cory Ollikka, has stated:

Farmers are really starting to question the profit-enhancing ability of products that seem to be shutting them out of markets world wide.

This was confirmed by a member of the National Farmers Association of Canada, Colleen Ross, who met with Mr Ollikka in March. She outlined the rejection in the European Union of GM canola. European markets in particular have rejected GM crops. Within a few years of the introduction of GM maize United States of America exports to Europe almost completely disappeared even though three-quarters of that maize was non-GM, so it is affecting the markets. This is in contrast to what the member for Benambra said yesterday.

This state is the largest Australian exporter of food and fibre products and is the largest dairy exporter, with exports worth about \$2.5 billion each year; and we export \$1 billion worth of grain. Why would we jeopardise this? Professor Peter Lloyd, an independent reviewer, reported to the government on options, including prohibition, for the commercial release of GM canola. In his report Professor Lloyd concluded that there are potential market risks associated with the commercial release of GM canola. This bill gives the government a tool to enable the control of all dealings with GM crops and materials on a case-by-case basis, and the legislation enables exemptions to be made to enable limited-scale research and development trials.

The decision to introduce the moratorium does not diminish the Victorian government's support for the leading and highly esteemed biotechnology research and development programs undertaken in Victoria. The Bracks government believes in principle that biotechnology can offer significant benefits to farmers, the food manufacturing industry and consumers when utilised in a timely and appropriate manner. However, after consultation with rural exporters, farmers, food processors and the wider community it was concluded that the release of commercially modified GM canola is not appropriate at this time. Risks to our export markets should not outweigh the potential benefits to this state. I commend the Minister for Agriculture on bringing this bill to the house, and I wish it a speedy passage.

Mr THOMPSON (Sandringham) — The position of the Liberal Party in relation to the Control of Genetically Modified Crops Bill is one of opposition. It is the view of the Liberal Party that the bill creates regulatory risk as there is no framework against which an investor in biotechnology can test the potential threat of political intervention. It is desirable that there be a

national regulatory framework which has bipartisan support, but this bill attempts to place Victoria outside those processes. Finally, as a result of its decision on genetically modified (GM) canola the Victorian government has been roundly condemned by the scientific community, the biotechnology industry, farming organisations, most agricultural commodity marketers, and in newspaper editorials and opinion articles which have appeared in the *Age*, the *Herald Sun*, the *Australian*, the *Weekly Times* and *Stock and Land*.

I refer firstly to the *Herald Sun* editorial of Monday, 5 April 2004, which is headed 'Rethink GM crops ban'. I quote:

The decision by the Victorian government to prolong its ban on genetically modified canola crops needs to be reconsidered.

Premier Steve Bracks's announcement to increase the one-year moratorium to four years caught many observers by surprise.

Not least his own ministers, scientific experts, farmers and the biotechnology industry, who recognise that planting trials can be conducted safely.

Indeed two reports commissioned by the state government recommended that trials should go ahead.

Nobel laureate Peter Doherty and former CSIRO head Adrienne Clarke acknowledge the reason and benefits of GM canola.

It is increasingly obvious that the green movement's arguments against GM canola fail to carry any scientific weight.

In Victoria, the Bracks government can no longer fly in the face of mounting evidence backing trials. It must now rethink its ban or risk sinking the state's claim as a world leader in biotechnology.

I now refer to an opinion piece in the *Weekly Times* under the heading 'Government looks after its own image, not farmers'. It states:

The Victorian government's decision to ban GM food crops for four years was not based on science.

It was not even based on genuine concerns about market impacts of agricultural exports. The government's own expert advice proves that fact.

Premier Steve Bracks's decision was based on protecting the government's own 'clean, green' image, not that of farmers.

How could any Victorian farmer respect a Premier who bans GM canola in the name of protecting agriculture's 'clean, green' image, only months after selecting three sites for a toxic waste dump in the heart of Victoria's best farmland?

How can Mr Bracks travel the globe promoting Victoria as a biotech state, while agriculture is not even allowed to trial the technology beyond the farm gate?

It seems amazing that Mr Bracks can claim he supports biotechnology to take medical breakthroughs to the marketplace and yet tells farmers they can't explore the same technology.

A number of other articles have appeared in the press. I refer to a comment in an article by Andrew Bolt which appeared in the *Herald Sun* of 28 April 2004. It was suggested by Dr Robert Norton of Melbourne University's school of agriculture and food systems that the decision will cost this state. Dr Norton said that GM canola will add \$135 million a year to Australia's harvest and will let farmers use 640 tonnes less triazine herbicide, and that our claims to be at the cutting edge of the biotech industry are exposed as a joke.

There are other submissions by a range of experts in the field. The Liberal Party believes that when it comes to gene technology decisions should be based on science. Gene technology trials must be adopted to give agricultural industries every chance to survive and thrive. The party is of the view that the decision by the Bracks government in abandoning science-based decisions in favour of political opportunism is inappropriate for Victoria.

At the end of last month the Bracks government failed to release an independent report it had commissioned in relation an investigation undertaken by Professor Peter Lloyd into the impacts of GM controls on market access and the feasibility of segregation. It was suggested that Victoria's reputation as a world leader of innovation and best practice had been jeopardised. The investigation was undertaken, but the government did not release the report. When the report was released — as a consequence, I surmise of the political pressure applied by the opposition — it was apparent that it contradicted the Bracks government's decision to impose a four-year moratorium. The report recommended that commercial trials begin this year.

The opposition takes the position in relation to this bill that the Bracks government has abandoned the principle of scientific method in decision making in relation to advances in technology, and that this will be to the detriment of the state.

Mr LONEY (Lara) — I rise to support the action of the Minister for Agriculture in placing a four-year moratorium, or extending the one-year moratorium to four years, on the commercial planting of genetically modified (GM) crops. I note that there is a trial crop in my own electorate. This is an eminently sensible response to a complex and serious issue. It is a response

that has received widespread support from all sectors of the community, with the notable exception of the Liberals and The Nationals.

Mr McIntosh — And the scientific community.

Mr LONEY — I will get to that. It is somewhat ironic that the first time in four and a half years that our conservative colleagues decide to take a radical approach they do it on something where caution is the wise course. They want to argue purely within the confines of science and disregard any other implications, particularly market implications.

Honourable members interjecting.

The SPEAKER — Order! If members wish to continue this debate between themselves, I suggest that they leave the chamber. The member for Lara has the call.

Mr LONEY — That is also ironic, particularly for The Nationals, because we recall their record on attempting to protect things on the basis of market implications. I refer particularly to the fact that they have always taken a conservative approach to any potential danger to established markets.

One recalls that great example — one of the high points of The Nationals history — in the 1960s when they came out with the suggestion of protecting dairy markets by having legislation introduced in this place providing that margarine should be dyed purple. It is somewhat ironic that a party that would take that course of action over a product such as margarine to protect a market is now completely disregarding the market implications of what we are looking at today. Once upon a time The Nationals could lay claim to representing rural communities, and market implications were at the fore of their thinking. Now they are simply all over the place.

Before looking at the market implications, let me say that this is about the need for a cautious approach, even though science may declare something safe. Science does many wonderful, amazing and miraculous things, but it is not infallible. In the 1960s pregnant women were assured that it was safe to take thalidomide and that it would have no harmful effects. For years we were assured that smoking was not harmful. We have surely learnt from examples such as these that where our health might be vulnerable it is wise to take a cautious approach.

As for the market implications, I would have thought that, having been in politics, one thing all members of this house would understand is that perception is reality

in many areas such as this. There are many things we could do safely but actually do not do because we know that they will be difficult if not downright impossible to achieve public acceptance of. Science assures us that it is possible and safe to recycle sewerage to a standard where it is safe to use not only on crops but for drinking water. However, in the few places that have attempted this consumer reaction has been negative and the toilet-to-tap perception has simply been too difficult to overcome.

The perceptions around things are powerful, and they have market implications. If you do not pay attention to those perceptions, then you are not doing the job that you should be doing. Why would we wish to put at risk the hard-earned reputation of Victoria's farming community for growing good, safe product by creating a perception in the markets we wish to export to that could undermine it all? This is the nub of the issue we are talking about today and the reason why the approach being taken by the government is wise and sensible.

Amazingly, given the arguments we have heard in the house today, it seems that these perceptions are recognised by everyone but our conservative colleagues. Without wishing to go too far in trading quotes at 10 paces, I would like to trade a few, and I will start with a fellow that members opposite will recognise, because I certainly recognise him. Simon Ramsay, president of the Victorian Farmers Federation livestock group, comes from the south-west of Victoria and is well known to people down there. He is also well known to Stewart McArthur, the federal member for Corangamite, whom he tried to knock off for preselection for the Liberal Party — well done Stewart! I suspect that if members opposite continue to take this approach, he is going to become very well known to either the member for Polwarth or the member for South-West Coast, because he will be having a closer look at them.

What does Simon Ramsay, a member of the VFF and an active Liberal, have to say? He is reported in the *Colac Herald* of 29 March as having said:

The fact is there are still a number of farmers that are concerned about the implications of introducing GM canola.

He said the VFF's role was to continue to investigate GM crops and report back to the public.

That is exactly right, and that is what this legislation is saying. We are in line with what Simon Ramsay said.

I could then turn to what people like Carey Brennan of the Donald branch of the VFF has written, as reported in the *Buloke Times* of 30 March:

On the question of GM modification of canola, the Donald branch of the VFF wanted a poll taken of grassroots members. Head office and grains group leaders refused, so we held our own in-house poll.

What did the poll of the Donald branch of the VFF show? That 80 per cent of its members were in favour of the moratorium.

He also wrote:

Donald and district farmers were very much in favour of a cautious and slow move forward in relation to GM canola and welcomed the extension to the moratorium.

I could turn to people like Jeff Martin from Tatura Milk, who told the ABC:

We have an advantage in Victoria; we are seen as clean and green, and we are seen as isolated from a lot of the problems and the mistrust in production systems ...

Why jeopardise the advantage we have already got?

As I said at the start of this contribution, is it not ironic that the one time these people choose to be radical in four and a half years is the one time that caution is the appropriate response? Is it not amazing? The first time! Even members of the opposition's own party are saying that the opposition cannot get it right. They are the only team in town that Richmond could beat. Fair dinkum!

In conclusion, the Minister for Agriculture's decision is the correct decision. I support it because it is the right decision.

Mr McINTOSH (Kew) — I rise as a member of the Liberal Party to oppose this legislation because it is basically Luddite stuff. It is going to wind the clock back to 1769 when mobs rioted in Paris's streets against the use of spinning jennies notwithstanding the forthcoming industrial revolution that certainly saw profound benefits for the industrialised world.

The most important thing is that genetically modified food is having a profound benefit not just for the industrialised world, but also for the world at large. This debate is not based on scientific evidence but on myths and perceptions. It is based upon a fear that killer tomatoes or two-headed Frankenstein monsters are going to arise from our eating food that has been part of our food chain for about 10 to 12 years in this country alone.

Also we run the risk of jeopardising a profound advantage this state has in relation to the biotech

industry, because that is what this biotech industry is looking into as we speak. That is what this issue is about: how human beings are made up, and how the DNA chain, the basic building block of life, can be adapted for the benefit of mankind. Yes, there will be major issues that we as legislators will have to deal with, but certainly our biotech industry as we speak is looking at this particular matter.

When you get into the issue it is not really about facts and issues. No-one is seriously doubting the benefits that can flow from genome research in relation to health. How many of us know people who are insulin dependent? All of that is the product of the manipulation of genomes by artificial sources; that is part of process. No-one is suggesting that there are not profound benefits to health that will flow there. No-one is suggesting there cannot be profound benefits that will flow from the environment if we have success in reducing the use of herbicides and such things in relation to genetically modified (GM) crops.

What you have is a list of scientist after scientist who will tell you that there is nothing wrong with this process; it is all part of the deal. We have been consuming genetically modified foods for over a decade in this country alone. I will bet my bottom dollar that the fish and chips that the member for Melton will consume with relish at lunchtime today probably will be cooked in cotton oil that has been largely genetically modified. The clotting agent in the cheese that he will have as his dessert — he is on his high-fat diet again — is part of an artificially modified enzyme that has been taken from a calf's stomach. That enzyme has been artificially genetically modified to enable him to eat today at lunchtime the cheeses he adores.

Of course I could probably say that the member for Melton does not have two heads. The last time I looked there was a lot of fluff there, but there certainly were not two heads! This fear is based upon myth and perception. It all comes down to the fact that the government is bowing to pressure from the extreme Dark Greens. It is not the scientific community that is handing it out. The extreme Dark Greens are running this particular agenda.

I remember attending a meeting of about 300 people in my electorate. It was run by the Humanist Society of Victoria. The society had a constituent of mine, Sir Gustav Nossal, attend that meeting to talk about his experiences. He was then the incumbent Australian of the Year. He was also a member of the Aboriginal Reconciliation Council, and he was invited to talk about

that. He spoke very eloquently about a number of matters.

At the end of the meeting he took questions from the floor, which ranged from, 'Who is the best health minister in this country' — he gave the name Michael Wooldridge, but that was Tony Abbott's time; and we will deal with that later — but he was also asked a question about genome research. I will never forget it. He said something that did not sit comfortably with 300 lefties from the humanist society. He said that the issue had been debated and won by science 10 to 12 years ago.

His real concern — and he supported biotech; he was part of the industry, a leader of the biotech industry in this country and in this state — was that we run the risk of losing the advantage we have while China, the United States of America, Canada and India are growing these crops, looking at this technology and putting it into practice. He said that we run the risk of losing the advantage we have at the moment, because it is this issue that other countries are researching at the moment. More importantly, we are behaving like a bunch of Luddites.

As I said, this is not about science; it is about perception and myth. It is also about Dark Greens crushing this particular government's view. Indeed we know perfectly well that the Minister for Innovation supported this particular expansion — that is, the end of the moratorium. But he was crushed by the Dark Greens and the left wing of the Australian Labor Party.

I will finish by saying that I have received a letter, and presumably every other member of this house has received the same letter, sent principally over the hand of David Tribe from Melbourne University. In the letter some 38 scientists and farmers express their profound concern and ask the government to end the moratorium so as to allow them to take part in what generally is an accepted practice, apart from the myth-making of certain elements of the Dark Greens in our community. I do not know if other members have said this in their contributions, but certainly I propose to read from this letter from David Tribe and 38 very well-known scientists and farmers.

In an open letter to the Premier he said:

Your responsibilities as leader require that you acknowledge and respect the experts' advice you commissioned.

He was talking about Professor Lloyd's advice, which was commissioned by this government. That advice said effectively there was no apparent reason on a marketing level why Victoria should maintain this

moratorium. We have ignored that advice. We have listened to the Dark Greens with their myth-making. The government commissioned the expert advice, and it has been ignored. He continues:

However, you chose to ignore your own reports and instead of breaking the cycle of polarised debate largely based on groundless perceptions and ignorance, you have endorsed the irrational approach —

I see the member for Melton putting his thumbs up; presumably he accepts the irrational approach —

of campaign groups, niche marketers and ignored the elected representatives of the farming community.

There will be individuals who always disagree, but he was referring to representatives like the Victorian Farmers Federation.

The government has done more than simply set gene technology back in time; it has reinforced the myths surrounding gene technology and increased the challenge that must be faced to realise the benefits in the future. This is a disgraceful bill, because it is not based on science but on myth. The continuation of this moratorium is letting down major and significant industries in this state — biotech and agriculture. Rather than standing up as true, elected leaders in this community, this government has wimped out and bowed to the Dark Greens, myths and falsehoods. It is a disgrace and the bill should be opposed accordingly.

Ms GILLETT (Tarnait) — Oh dear! It is always a pleasure to follow the colourful member for Kew in debate, but it would be fair to say that he has excelled himself on this occasion. It is just a pity that his entire contribution was a work of the most brilliant fiction. To even suggest that this government has bowed to pressures from the extreme Dark Greens on this legislation demonstrates his misunderstanding of the make-up of this government and its members. We do not need, and nor are we likely to be crushed by, any forces external to us. We are a good government that listens to people.

Recently in Horsham, in the member for Lowan's seat, I attended a Women on Farms gathering at which one might reasonably assume there would not have been many natural supporters of the government. I was amazed over the weekend to be approached by women who told me that they had never voted Labor in their lives but that after the government had demonstrated such leadership in the moratorium on genetically modified (GM) crops they would be talking to their husbands and communities about the importance of considering the Labor point of view. Country Victoria and farming Victoria were grateful and were prepared

to say to a Labor member of Parliament, 'Thank you very much for the approach you have taken on this bill. You are listening to us and you have responded to our needs'.

It is important to take the debate back to the facts and say that we understand the background to the excellent decision that has been made by the Minister for Agriculture in this government. May I just pay tribute to the previous Minister for Agriculture in the first Bracks Labor government, the Honourable Keith Hamilton. In 2002 the state government was elected on the platform of support for continued research, development and the introduction of genetically modified crops into Victoria, subject to the carrying out of assessments of market impacts and the ability for the segregation of GM and non-GM products through the production chain.

In May 2003 the government announced a 12-month moratorium — introduced by the previous Minister for Agriculture, the Honourable Keith Hamilton —

An honourable member — He was a great minister!

Ms GILLETT — He was an excellent minister and a great member in this place.

There was a 12-month moratorium on the general release of GM canola, the only food crop to date approved for release by the federal regulator, in which time these assessments were to be conducted. The government also consulted with key primary industry stakeholder groups, including major exporters, to ascertain their views on the introduction of GM canola into the agricultural production systems and the possible impacts on markets. The government's policy decision on this matter in support of this bill and a specific moratorium on GM canola for four years were announced by the Premier on 25 March 2004. I am pleased to say that this bill is the culmination of that process and reflects that policy announcement. The bill also is in keeping with the national regulatory framework in which matters relating to human environmental health are matters for the federal regulator and issues relating to marketing are a matter for the state jurisdiction. I might just repeat that so that those in the house can hear: matters relating to marketing belong to the state jurisdiction. All other canola-growing states — that is, New South Wales, Western Australia, South Australia and Tasmania — are progressing or have progressed such legislation to restrict for marketing purposes the commercial planting of the Monsanto and Bayer CropScience canola

varieties known as Roundup Ready and InVigor canola respectively.

I turn to the specifics of the bill. The bill has been designed to provide the government with the powers to implement a statewide prohibition or moratorium on the commercial production of any genetically modified crop for the purposes of protecting our markets and our trade. The bill is structured to be broad in scope, non-prescriptive and responsive to market needs. It enables the creation of an order of zones, which may include the whole of Victoria, in which the growing of GM crops would be either prohibited — that is an area in which genetically modified crops will not be cultivated or dealt with — or controlled. That would be an area where genetically modified crops may be cultivated subject to specified controls, restrictions or requirements.

The first order will be made under a schedule to the bill implementing a moratorium on the commercial release of GM canola in Victoria until 29 February 2008. Exemptions enabling research trials to be conducted may be permitted under the legislation, subject to conditions to be negotiated by the Minister for Agriculture.

Entirely contrary to the contribution of the member for Kew, in which he made the assertion that the government was taking a Luddite position on this matter, we are taking a broad, balanced and comprehensive — —

Mr McIntosh — Luddite?

Ms GILLETT — No, a broad, comprehensive and balanced approach whilst progress is being made — —

Honourable members interjecting.

Ms GILLETT — You do not throw caution to the wind in these sorts of matters. This is a case where the opposition is saying to us that we should rush ahead at some inappropriate pace and that we should venture where angels fear to tread. In suggesting that we rush headlong into areas of development which may limit Victoria's marketability of its clean and green produce, I cannot help but think that it does not have the best interests of country Victoria — —

Mr Walsh — The Werribee toxic waste dump!

Ms GILLETT — Please do not talk to the member for Tarnait about toxic dumps after what the Kennett government did to her community! The way we are approaching those sorts — —

The ACTING SPEAKER (Ms Lindell) — Order! Comments should be made through the Chair, not across the chamber.

Ms GILLETT — I beg your pardon, Acting Speaker. I could speak for 3 hours on the way the Kennett government approached the siting of a toxic waste dump in Werribee. It bears no resemblance to the approach taken by this government on the siting of a proposed long-term containment facility.

It is true to say that a range of stakeholders were consulted as part of the government's review of market impacts, including the technology providers and users, product marketers and other interest groups. It is also true to say that there is not a general consensus in rural communities and industries about the release of GM canola. Additionally, the farming community remains divided about the desirability of GM crops. Recent surveys suggest that approximately 34 per cent of farmers oppose the technology, 31.5 per cent support it and the remainder are undecided. On those statistics alone the government has a mandate from people to hasten slowly in what is such an important area of market development. I commend the bill to the house, and I congratulate the Minister for Agriculture on such a fine piece of legislation.

Mr MERLINO (Monbulk) — I am happy to support the Control of Genetically Modified Crops Bill and the attached order prohibiting the commercialisation of genetically modified (GM) canola crops in Victoria for the next four years. The question as to whether or not the trials of genetically modified organisms should be extended to full commercial production has been hotly debated within this country and throughout the world for a number of years. Our communities, including our farming community, are divided on this issue. Any development of GM crops should be preceded by caution and care, and that is what the Bracks government is doing with this bill.

Before I get to the cautious and responsible approach of the Bracks government, I want to talk about the community response. The region I represent includes the Shire of Yarra Ranges, the value of the agricultural and horticultural production in which is currently around \$650 million, and growing. It is certainly not insignificant. Major industries include plant nurseries, viticulture, floriculture, grazing, berries and orchard fruit. There are 2000 farms, with 4000 people permanently employed and 6000 seasonal workers. These are highly significant industries.

In March 2001, when I was a shire councillor, we tackled the issue of GM organisms. A resolution was adopted which stated:

Council adopt a precautionary approach to the introduction of GMOs ...

I pause to repeat that the council, like the government is doing with this bill, approached it with caution. Every responsible level of government has approached GM in the same way. The resolution opposed the introduction of GM crops into the shire and advocated the mandatory labelling of GM products. The shire called for a number of safeguards to be put in place before it would consider any change to that position. These included the creation of an office of a gene regulator-general, national laws on genetic engineering, GM-free zones and a strong and enforceable liability insurance regime.

Interest in the GM debate has continued in my region since that resolution was adopted. Last year I attended a public meeting in the Dandenongs where experts from both sides of the issue put their views — and we all know the arguments for and against. The arguments against were the cost and the difficulties involved in the segregation or coexistence of GM and non-GM producers; liability concerns; concerns about an increase in herbicide resistance in weeds; and concerns about unknown and unintended consequences. The protagonists for GM argued that it is based around improving quality and quantity — improving quality in terms of flavour, colour, taste and fruit ripening; improving tolerance to environmental hazards such as drought, frost, salt, pest, diseases and viruses; and improving the quality and productivity of livestock through increasing wool growth and increasing the nutritional value of dairy products. So there were fundamental arguments on both sides in this debate.

Much of the debate at this meeting focused on the science of GM and whether it was safe or not. However, at one point during the meeting the issue of market risk was raised. It was touched on only briefly and was not responded to by the GM protagonists, but it seemed to me to be a fundamental point. Why would we barge through with GM commercialisation, which is still a relatively minor part of worldwide agricultural trade, if its implementation would put at risk our existing food and fibre industries? Victoria is Australia's largest dairy exporter, worth \$2.5 billion per year, and on average Victoria exports more than \$1 billion worth of grain per year.

As a result of the call by communities such as those in the Yarra Ranges for national laws on genetically

modified foods and the establishment of a national regulator, the commonwealth Gene Technology Act 2000 and corresponding legislation in the state and territories, including the Gene Technology Act 2001 in Victoria, were passed. The national framework was established and the national body dealt with environmental and health and safety concerns. Through that the Gene Technology Regulator can issue licences for GM producers. Importantly, however, the regulator does not deal with marketing issues. In the agreed national framework that responsibility is rightly with the states and territories. Once the Office of the Gene Technology Regulator has determined that a GM product is safe, it is then forwarded to the state or territory to make a determination on how the market will respond. This right was recognised by the gene technology ministerial council last year and the states have the right to declare areas suitable for or free from GM.

The Bracks government has a strong record in supporting biotechnology, and it has been very clear on what it will and will not do. I refer to the policy that the Bracks government put out at the last election where it clearly said that Labor would seek a comprehensive international marketplace review to accurately inform government policy on the potential risks and benefits posed to Victorian exporters through the potential introduction of GM canola. It said that following that review the Labor Party would continue to fund research that investigates the potential of GM technologies. That is exactly what the Bracks government has done.

Yes, the commonwealth Office of the Gene Technology Regulator has approved two varieties of GM canola and scientific tests have proved they were safe for humans in the environment, but there is another appropriate hurdle acknowledged within the national framework — that is, how would the domestic and international markets respond? Key industry stakeholders raised concerns about how the market would respond and urged the government to hold off releasing GM canola. I am talking about organisations such as the Murray-Goulburn cooperative, the Australian Barley Board, the Australian Wheat Board and Tatura Milk. I would be interested to know what they think about the member for Kew's comments about their being Dark Greens.

The government, along with state governments across Australia, has taken the responsible view and has decided that the timing is not right. The potential damage to rural exports is too great to take the risks, and questions remain about liability. The community, particularly rural producers, are not united on this issue

and many do not want to see GM foods released commercially.

Sitting suspended 1:00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Hospitals: infection control

Mrs SHARDEY (Caulfield) — My question is to the Minister for Health. Following many serious breaches of infection control in 2000, the previous Minister for Health promised that infection control in Victorian hospitals would be improved. If the former minister did what he promised to do, why are our babies at the Monash Medical Centre and the Royal Children's Hospital the victims of severe infection-control failures?

Ms PIKE (Minister for Health) — I thank the member for her question. The government has invested significantly in infection control since it came to office. An additional \$33 million has been allocated for infection control across the system, and 32 additional infection-control officers have been employed. We are improving our infection control, and recently a report from the body that represents all the health services in Victoria spoke of the significant advances in that area.

Notwithstanding that, we know there has been a serious issue at both the Monash Medical Centre and the Royal Children's Hospital, where babies have been colonised with serratia, and there have been some that have moved from having that on their skin to being infected. I am very happy to report that there are currently no babies infected, which is a credit to the staff at both the Monash Medical Centre and the Royal Children's Hospital. They acted immediately to take the decision to isolate those infected babies, adhering to very strict infection controls and getting information from right around the world about the most appropriate action to take.

This is one of those bugs that is found anywhere in the system and in the broader community. But of course, when we find it with very vulnerable and sick patients, particularly little children, it is important that we act very quickly and decisively; and I am very pleased that both these hospitals have done just that.

Financial management: *Victoria — Leading the Way*

Ms NEVILLE (Bellarine) — My question is to the Premier. Will the Premier advise the house how *Victoria — Leading the Way* fits within the government's commitment to fiscal responsibility?

Mr BRACKS (Premier) — I thank the member for Bellarine for her question. From the very start of our term of office we indicated that fiscal responsibility was the predeterminant to everything we did. It was the predeterminant to delivering better services in Victoria and the predeterminant to building up the infrastructure base in Victoria, as we did with the Growing Victoria reserve, putting the surplus to work to make sure we could kick-start new economic projects for Victoria. Fiscal responsibility was the base for the tax cuts of \$1 billion which we delivered in our first term, and it has been the base for the tax cuts announced two days ago by the Treasurer and me of \$1.9 billion over the next five years, one of which is to land tax and the other to WorkCover premiums.

We have committed on every occasion to this being a government that brings down a budget with an operating surplus of at least \$100 million, and we have met that commitment on every occasion. That has now been put in place through legislation. The new legislation requires the certifying of that operating surplus by the independent Auditor-General, which as I said is a requirement of every budget brought down by this government.

This government could not have increased teachers and staff in our schools by 4000 unless we had committed to financial responsibility; we could not have increased the number of police in Victoria by 800 and a further 600 unless we had committed to financial responsibility; and in just the same way, we could not have committed to 4000 new full-time nurses unless we had committed to financial and fiscal responsibility.

I have to say that our wages policy in Victoria is in keeping with the premise that we must live within our budget and offer fair and reasonable but sustainable wage increases, given that we are increasing resources, investment and opportunities for people in the public sector in Victoria.

If I can I will just go to the three key public sector wage issues that the government is dealing with currently involving the three biggest parts of that work force in Victoria. The public service makes up about one-quarter of the payroll in Victoria. We know that has been settled and has now been certified by the

Australian Industrial Relations Commission as being within the government's wages policy. I am very grateful for that fair and reasonable settlement, which is, firstly, within the budget estimates and, secondly within the wages policy of the government.

Secondly, I am pleased that yesterday we learnt the news that the Australian Education Union had removed its work bans in Victoria and is now proceeding to a settlement. I fully expect that that also will be in accord with the budget estimates that we have and the wages policy of this government.

The third issue to deal with is the enterprise agreement which is currently up for reconsideration for the nurses in Victoria, and that is currently before the commission. We have lodged our case to terminate the bargaining period, and that is now before the commission for its consideration. The evidence has been collected and it will now be —

Mr McIntosh interjected.

Mr BRACKS — I will not respond to interjections, but I note that in his own wages policy the Leader of the Opposition has said, 'We will give the nurses what they like'. That is what he said two days ago. What sort of wages policy is that?

Mr Ryan — On a point of order, Speaker, the Premier has been responding for well over 4 minutes, and I ask you to have him conclude his answer.

The SPEAKER — Order! I believe that the Premier is just on 4 minutes. One might have a slightly different timepiece to the Leader of The Nationals. I call on the Premier to conclude his answer.

Mr BRACKS — I conclude by saying that our wages and investment policy for new investment in capital works in this state, our tax cuts and our delivery in new service provision in the state is all in a framework of fiscal responsibility, with a substantial surplus in the operating account of at least \$100 million. On each occasion we have had the endorsement of the rating agencies, who have reinforced the fiscal responsibility of this government. Not only have we improved services, not only have we made Victoria more competitive through tax cuts and not only have we invested with new capital investment but we have done it in a way which is fiscally responsible for Victoria.

Hazardous waste: Baddaginnie–Violet Town

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the decision to

place a 5-kilometre buffer zone around proposed toxic waste sites in country Victoria. Since this zone extends to about 200 houses within Violet Town and Baddaginnie, will the owners of these properties be paid compensation by the government for the inevitable devaluation of the homes if the Violet Town site is chosen?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. We have four sites and three study areas for examination for a long-term containment facility in Victoria. We have not determined which of those will be kept in and which will be examined for an environment effects statement in the future, but all will be done subject to a proper environment effects statement. That has been our commitment, and it continues to be our commitment to ensure that we have a long-term way of containing waste in Victoria.

Investment: Victoria — *Leading the Way*

Mr PERERA (Cranbourne) — My question is to the Premier. Can the Premier inform the house about the specific initiatives in *Victoria — Leading the Way* that promote Victoria as an important centre for international economic activity?

Mr BRACKS (Premier) — I thank the member for Cranbourne for his question. Over the last five years Victoria, and in particular Melbourne, has become an important and leading destination for international business investment. *Victoria — Leading the Way* not only capitalises on that but paves a greater way for that to occur in the future. A major plank in *Victoria — Leading the Way* involves aggressively promoting Victoria as a destination of choice for international business activity to locate in Victoria. This will be the primary and exclusive responsibility of the new government agency Invest Victoria, which has now been formed out of *Victoria — Leading the Way* and which will have as its key task to attract that international business to our state.

A recent report from KPMG found that Melbourne had the world's second-lowest business costs of any major capital city containing over 2 million people. That is a very competitive base and position to be in. It also identified the key areas of the economy which were important for us to concentrate on, which have been reinforced in *Victoria — Leading the Way*, the document which was released some two days ago by this government. Invest Victoria will capitalise on the findings of KPMG of our competitive advantage and further promote Victoria in the future through some of the new measures.

To help accomplish this, the government has committed an additional \$1 million each year to the Victorian government business offices located in strategic locations around the world. That will be applied in the 2004–05 budget, and I am very pleased that we can boost the support in those offices overseas. We have also expanded some of the offices in certain strategic areas, including in Nanjing in China and in San Francisco, and they will share in the extra resources. That is over and above the educational managers who will be placed in some of our strategic offices to encourage international students to choose Victoria as a location for their tertiary studies.

We will also raise Victoria's profile in the international investment marketplace by creating for the first time a recognisable state-specific brand which will be the single entry point for every activity we do internationally and every international inquiry that we receive. Behind that will be a whole-of-government and multi-agency response, but there will be one point of entry — one presentation — and that will be the feature of the new Invest Victoria. We will have consistent branding and a consistent one-point entry, but behind it will be every support that the state government can offer in every other government department.

Another important element of these initiatives in the *Victoria — Leading the Way* economic statement was the establishment of the \$1.8 million Melbourne Centre for Financial Studies. One of the things that we could do better would be to promote and enhance the already significant financial services sector in Victoria. If you look at the top 10 superannuation industry funds, 7 of them are located in Victoria, and that is a great base from which to operate in the future. If you look at the funds-based industries more broadly, some US\$80 billion has been allocated in industry funds here in Victoria. We believe that through the financial services centre we can ensure that we capitalise on this very strong and solid base in the future

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Leader of the Opposition and the members for South-West Coast and Brighton!

Mr BRACKS — It would be the first time that the Leader of the Opposition, the member for South-West Coast and the member for Brighton have been together on any issue!

The SPEAKER — Order! The Premier should return to answering the question!

Mr BRACKS — In finishing, we will ensure that we capitalise on the financial services base that we have in Victoria with the new centre, the new investment and the new one-stop shop with Invest Victoria as well. We will give a boost to and increase our business activities overseas to encourage that investment in Victoria.

Education: funding

Mr PERTON (Doncaster) — My question is to the Minister for Education Services. I refer to the minister's demand that the Department of Education and Training establish for her a comprehensive plan for media opportunities. Does that media schedule include the opportunity to advise Victorians why, according to the grants commission, the Bracks government is spending less on education compared to the final year of the Kennett government, with the lowest recurrent spending per student of any state or territory?

Honourable members interjecting.

The SPEAKER — Order! The house will come to order! The member for South-West Coast!

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast. I remind him that a certain level of behaviour is expected in this house, and that when the Speaker or the person in the chair rises to their feet, the member is required to be quiet.

Ms ALLAN (Minister for Education Services) — I am very pleased to advise the house that the member for Doncaster is wrong on two counts — and it is no surprise to us on this side of the house to know that he is wrong on two counts. The first thing he is wrong about is that the figures he is using refer to the report about Victoria's spending on education. The second thing he is wrong about is whose portfolio responsibility this is.

The member for Doncaster has already been briefed on this issue. The member for Doncaster, who has submitted over 4000 questions on notice, should know by now the portfolio responsibilities in the education portfolio; but that is okay. We are very proud of our investment in education. We are very proud of the \$3.7 billion that we have invested in this area and that we will continue to spend. The figures that are referred to refer to the actual per capita spending in this area.

The opposition is performing very poorly in this area and exposing itself for its lack of knowledge of what we are doing in education. What the member for Doncaster refers to is not accurate. We are continuing

to invest very heavily in education, and we are proud to continue to invest our record levels of spending in this area.

Food: Victoria — *Leading the Way*

Mr MAXFIELD (Narracan) — My question without notice is to the Minister for Agriculture. Can the minister advise the house of the role of the food industry in country Victoria and the importance of the Next Generation food strategy referred to in *Victoria — Leading the Way*?

Mr CAMERON (Minister for Agriculture) — The \$16.5 billion food growing and processing industry is extremely important to Victoria. Whether that is from the farm gate to the overseas plate or whether that is from the paddock through to the Australian plate, an enormous number of jobs are involved. In country Victoria that means 1 in 6 jobs are in primary production or the processing of food.

As you are aware, Speaker, there is an export target for food and fibre of \$12 billion by 2010. Certainly drought has seen a setback there; the dollar has seen a setback. What that means is that we all — government, industry and the community — have to strive harder to reach that objective. We do that for the benefit of primary producers; we do that for the benefit of processors; and importantly, we do that for the benefit of jobs and for the families who use and take up those jobs, whether that be now — today — to secure them for the future or indeed jobs for the future.

Honourable members interjecting.

Mr CAMERON — The Deputy Leader of The Nationals quips about genetic modification. We will be protecting our markets in relation to that as well. He does not worry about the markets; he wants GM because what he would like to do is genetically modify the population to vote for the National Party, things are so crook!

The SPEAKER — Order! The minister, to return to the question.

Mr CAMERON — Regarding *Victoria — Leading the Way*, the importance of our supply chain and the importance of getting in and out of the ports — the importance of that for our exports — is very well known. Equally *Victoria — Leading the Way* flags the Next Generation food strategy that will be released in the coming months and is being put together with the Victorian Food Council, which is chaired by the Minister for State and Regional Development.

Dr Napthine interjected.

Mr CAMERON — You have to wonder, don't you?

The SPEAKER — Order! I have already warned the member for South-West Coast. I suggest he cease interjecting immediately or I will remove him from the chamber.

Mr CAMERON — It is the only way he gets a question up.

The importance of productivity integrity, the importance of research and development, the importance of building careers, the importance of building exports and the importance of building up a profile both locally and internationally are things that will be dealt with in the Next Generation food strategy, an important strategy as we go forward to continue to build on the jobs that we have here in this great state.

Road safety: speed cameras

Mr MULDER (Polwarth) — My question is to the Minister for Police and Emergency Services. Will the minister confirm that the radar guns provided by Victoria Police to mobile speed camera operators to verify the accuracy of speed cameras have not been calibrated in some cases for four years?

Mr HAERMEYER (Minister for Police and Emergency Services) — I understand the radar equipment that is used by the Victoria Police is regularly calibrated. If the member has any evidence to the contrary, I would be keen to see it. I will certainly check that up, but I have to say I find it remarkable that the member for Polwarth continues to try to politicise the issue of road safety in this state. As of 20 April the road toll in this state stood at 12 below what it was this time last year. Last year we recorded the lowest road toll — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection and conversation is far too high.

Mr HAERMEYER — Victoria is in fact leading the way over any other state in terms of the road toll. If we look at the fatalities per 10 000 vehicles we will see that Victoria's rate last year stood at 0.95 compared to 1.39 in New South Wales, 1.2 in Queensland, 1.44 in South Australia, 1.24 in Western Australia, 1.24 in Western Australia, 1.21 in Tasmania, and in the model for road safety for the opposition, the Northern Territory — —

Mr Plowman — On a point of order, Speaker, I believe the minister is now debating the question.

The SPEAKER — Order! I do not uphold the point of order. I do not believe the minister was debating the question.

Mr HAERMEYER — I do not know whether the members opposite believe there should be no road rules, or, as seems to be the case, they believe we should not enforce them. There is no point having road rules if you do not enforce them. The reason we have the lowest road toll in the country per fatality per 10 000 vehicles — —

Mr Plowman — On a further point of order, Speaker, I believe now there is no doubt the minister is debating the question because it has nothing to do with the calibration of radar that is used in policing on the roads.

Mr Batchelor — On the point of order, Speaker, clearly the member for Polwarth asked the minister a question relating to the tools that are available to police for enforcement. The minister is answering that. He is talking about the effectiveness of those tools in bringing down the road toll to record levels. The point of order just raised by the member for Benambra is essentially the one he raised a minute ago and should be ruled out of order.

The SPEAKER — Order! I do not uphold the point of order. However, I think the minister is perhaps straying a little far from the question.

Mr Smith — You've got to be joking! Very far!

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

Mr HAERMEYER — Radar guns and speed cameras are used to enforce the road rules in this state. If you do not enforce the road rules, there is no point in having any rules. The fact that we enforce them and enforce them rigorously is the reason hundreds of people who otherwise might not have been here have celebrated Christmas over the last two years.

Transport: *Victoria — Leading the Way*

Ms McTAGGART (Evelyn) — My question is to the Minister for Transport. Can the minister advise the house how the initiatives in *Victoria — Leading the Way* will improve the efficiency and effectiveness of the supply chain in Victoria and how this will boost Victoria's export capacity?

Mr BATCHELOR (Minister for Transport) — I thank the member for her question. It is really pleasing to see the way the whole community has endorsed *Victoria — Leading the Way*. It has been a terrific response and it demonstrates how the Bracks government is committed to driving investment, to creating new jobs and making the Victorian economy more competitive. We are out to achieve all those objectives, especially for our primary and secondary producers.

As part of delivering this objective, the government has developed a new \$2.5 million building better supply chain links program, which is a key element of the government's economic statement *Victoria — Leading the Way*. Building better supply chain links targets the quick and efficient delivery of goods to boost Victoria's export capacity and the \$21 billion transport distribution and logistics (TDL) sector that is vibrant here in Victoria. This program will help Victorian exporters make the best possible use of transport and communication infrastructure to competitively serve global markets.

The key initiatives of this program include establishing a centre of excellence for intelligent transport systems. This will provide training for technicians; it will provide for the commercialisation of transport and logistics technology. We will be implementing a further initiative, a national accreditation code for supply chains for perishable goods, which is really important for our farming communities. We will be also providing funding for Victoria's TDL industry round table for projects that are important to the state and are of national significance. We will be promoting Victoria as a freight and logistics hub.

All these things are designed to improve the \$21 billion transport and logistics sector which is such an important part of our economy here in Victoria. It is not just an attempt to improve that sector, but is part of the government's integrated vision for the port of Melbourne. We want to improve access by sea, rail and road to Australia's premier container port — the port of Melbourne.

Mr Doyle — Come on, Peter, fire up!

Mr BATCHELOR — The Leader of the Opposition is not interested in the important lifeblood of our economy, the port of Melbourne, and trying to improve its efficiency. When the Liberal Party was in government it spent time trying to carve up our ports, to sell them off, flog them off, to close down rail lines, and it did not support major strategic decisions that would support Victorian industry. We are getting on

with the job. We are integrating our ports with transport networks and we are keeping the port of Melbourne as Australia's premier container port.

Timber: Our Forests, Our Future program

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Environment. I refer to the abysmal failure of the government to pay promised compensation to many timber contractors under the Our Forests, Our Future program. I further refer to a letter to one such contractor from the office of the Labor member for Templestowe Province in the other place, which states in part:

... being city people we obviously do not have much knowledge or experience with issues such as these.

Is that statement the true reason why the government continues to ignore the plight of those whose businesses it has destroyed?

Mr THWAITES (Minister for Environment) — I thank the member for Gippsland South for his question. I point out that it is this government that is putting forestry in this state on a sustainable footing. If it was not for the actions we have taken, hundreds of people would have lost their jobs because we would not have had any industry in the future. We have put \$89 million into a compensation fund to ensure that not only do we have a sustainable industry into the future, but the people who are affected by the necessary changes are properly protected. Those workers who are affected through this are all being assisted through an assistance program to get training and other jobs. The contractors who are affected are getting compensation.

We are doing what previous governments conspicuously failed to do for many years, and that is to ensure that forestry had a future — a future that was based on sustainable yields and not on unsustainable yields, which would have led to the destruction of this industry in the future.

Business: Victoria — Leading the Way

Ms BEARD (Kilsyth) — My question is to the Treasurer. Can the Treasurer inform the house of community reaction to the government's announcements as set out in *Victoria — Leading the Way*.

Mr BRUMBY (Treasurer) — I thank the member for Kilsyth for her question. I am pleased to advise the house that the community reaction to the economic statement released by the Premier on Tuesday has been unambiguously positive right across Victoria. Whether

we are talking about small business, big business, retailers, caravan park owners, city businesses or country businesses, we have had a fantastic response to this economic statement because commentators around the state agree with us that it will drive new investment and new jobs across the state of Victoria through the \$1.9 billion of costs which are cut for business in land tax, WorkCover premiums and of course mortgage duty cuts which take effect from 1 July.

I was asked about the community reaction. A press release from the Australian Council for Infrastructure Development dated 20 April:

... applauded the Victorian government's infrastructure spending announced in today's economic statement.

A media release from the Australian Industry Group headed 'Export strategy provides timely stimulus' states:

The strategy provides a most timely stimulus.

Honourable members interjecting.

Mr BRUMBY — No, you have not heard all this.

For the past two years exporters have been doing it tough, and this package is well designed to help them respond to these challenges and take advantage of the opportunities being opened in world markets.

VECCI's commentary of the day, under the heading 'Economic statement lays foundation for future growth', says:

Today's Bracks government economic statement lays the foundation for the future growth of the Victorian economy ...

The Property Council of Australia said, under the heading 'Economic statement a win for taxpayers':

The land tax cuts will bring more investment, more jobs and better returns to millions of Victorians who invest in property through their superannuation, or invest in property for their retirement —

and so it goes.

All of that commentary has been positive. But there has been one element — one minor element — of negative sentiment which has been expressed about this statement, and you would not be surprised to know whom it has come from.

Mr Ryan interjected.

Mr BRUMBY — I didn't know you were on his side, Peter!

The SPEAKER — Order! I have spoken to the Treasurer many times before about addressing his comments through the Chair. He will either address his comments through the Chair or I will not hear him any further.

Mr BRUMBY — So there was one negative sentiment. I refer to an AAP press statement headed ‘Opposition questions whether land tax cuts will benefit business’. I did some sums, because I think the cuts will benefit business. Just look at small business for a start: if you are a small business in Victoria and you have a \$500 000 property, you will pay land tax of \$800; in New South Wales you will pay \$2200, and in Queensland you will pay \$5750! So which state is least expensive? Victoria! Last year 130 000 small businesses took out mortgages in Victoria. From July this year, how much mortgage will they pay? Zero! In every other state in Australia they will pay mortgage duty. So when the opposition says business will not get the benefits of this, I do not know what it is talking about.

I have a statement here dated 4 April and headed ‘Vic Libs pledge budget reform’. There is a promise from the opposition that it would reduce the rate of land tax. I thought, ‘That’s interesting’.

An honourable member interjected.

Mr BRUMBY — Yes, that is funny — it is funny you raised it! When asked whether that meant cuts in land tax, the Leader of the Opposition was unable to answer. Then there was his quote to the media:

I can’t be drawn and won’t be drawn on specifically how we’ll do it.

Mr Plowman — On a point of order, Speaker, on the basis of being succinct — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to be quiet to allow the member for Benambra to make his point of order.

Mr Plowman — In respect of standing order 58 and the requirement for ministers to be succinct, I point out that the Treasurer has been talking now for over 6 minutes. I ask you, Speaker, to request that he conclude.

The SPEAKER — Order! I uphold the point of order and ask the Treasurer to conclude his answer.

Mr BRUMBY — It is a good package, and it shows we are delivering. On this side of the house the Bracks

government is delivering. We are delivering on a huge infrastructure program, and we are delivering on cutting costs for business. The result of that is great for all Victorians — more jobs, more investment and more opportunities right across the state.

The SPEAKER — Order! The time for questions has expired.

ABSENCE OF MINISTERS

Mr Doyle — On a point order, Speaker, my memory is that at the beginning of question time you did not acknowledge that some government ministers are not in the house. I believe it is a courtesy that the house should be offered that you let us know when that is the case and advise us who will be taking questions on their behalf.

I would further ask, as we asked yesterday and as indeed The Nationals asked — and it would be a courtesy to the house — that you let us know, even if very briefly, whether it is because of illness, family reasons or a conference that they are not in the house as members are expected to be. I offer that just as a matter of simple courtesy.

The SPEAKER — Order! I apologise to the house and to the Leader of the Opposition. I should have informed the house that two of the ministers who were absent yesterday are also absent today but that the Minister for Police and Emergency Services has now returned.

CONTROL OF GENETICALLY MODIFIED CROPS BILL

Second reading

Debate resumed.

Mr MERLINO (Monbulk) — I will very quickly sum up. The community is not ready for genetically modified (GM) commercialisation. The risks to our markets are too great. The Liberal Party and The Nationals are behaving like zealots, wedded to the science of the debate and completely blind to the potential impact GM commercialisation would have on Victorian farmers and on our vital export industries. When it comes to GM crops, there is no going back. We need to be absolutely and completely satisfied that it is the right way to go. Three hurdles need to be cleared: human health, the environment and market risks. Unlike the Liberal Party and The Nationals, two

out of three is not good enough for this government. I commend the bill to the house.

Mr RYAN (Leader of The Nationals) — Temptation has got the better of me, I must say. I did not necessarily intend to make a contribution to this debate, but I just cannot help myself, having heard the member for Monbulk's concluding remarks.

He finished with the point about the environment, human health and the markets being satisfied. It is interesting to examine that proposition, not only because of the outcome we have now in the form of this flawed legislation but because of sheer politics and the way this government goes about its role of governing the state of Victoria. There are the issues of process on the one hand and policy on the other, and it was highlighted by the concluding remarks of the member for Monbulk. His commentary encapsulated the dichotomy that Labor is forever confounded by, and that is so because in this instance he said the issues of health and the environment have not been satisfied.

Victoria, along with the other states and territories and the federal government, signed up to an arrangement whereby the Office of the Gene Technology Regulator would be established and an appropriate process would be put in place through that office so these issues of health and environment would be considered in the context of the development of biotechnology and gene technology. What happened? Sue Meek, in her role as the person in charge of that office, went through an exhaustive process and eventually concluded that the issues of health and environment had been dealt with entirely appropriately in the trials which have been proposed, so in that sense the proposition put by the member for Monbulk is palpably false. Issues to do with health and the environment have in fact been satisfied through the Office of the Gene Technology Regulator.

Then there is the issue of the markets, the third point that came under consideration. Insofar as the markets are concerned, the government is to be even more condemned for what has transpired. Last November the Minister for Agriculture announced to the world with great fanfare that an inquiry would be conducted by Professor Peter Lloyd, a very highly credentialed and respected emeritus professor from Melbourne University and that a study would be undertaken by ACIL Tasman, a very highly respected group. Both these studies were to be directed specifically to this issue of the markets. What was the result of that? Both Professor Peter Lloyd and ACIL Tasman said to proceed. There was no problem at all insofar as they were concerned.

Honourable members interjecting.

Mr RYAN — I stand corrected, because as the member for Monbulk and others from the other side have just pointed out, he was saying that two requirements had been accepted by the government. I now better understand his point and acknowledge that. But all three elements of this, the two that he first spoke of and the market access issue, have all been resolved in favour of these trials proceeding.

The government, in terms of the process which it signed up to and has agreed to comply with, set out upon the Victorian markets with enormous fanfare and very properly got appropriate advice from two excellent sources of expertise. Those two sources reported unanimously that there ought to be a continuance of the trials. What did the government do? The government could not help itself: in the face of what it regards as being the popular position it determined that it would completely ignore the outcome of the studies that it had commissioned from Professor Peter Lloyd and ACIL Tasman.

I have heard the cries from across the chamber during the course of this rather protracted debate over the last 24 hours about polls being taken and views being sought. The fallacy in that argument from the government's perspective is that the government, in the face of the material with which it has been presented, should be the one that is conducting those polls if it says that popular opinion justifies it completely ignoring the processes which it put in place in part and which in terms of the market access issues it established entirely in its own right. If the government believes, as it says, that there is a popular view that this should not go ahead, then it is the government that should commission the work which establishes that to be the case; otherwise we are left with a ridiculous position, as a matter of logic.

Any government of any persuasion either chooses the political path — and it justifies that on the basis of populism or polling or however it might otherwise choose to do it, such as by gut feel for a way to do something on a particular day — or has a process and stands aside from the issue. In this instance the government is trying to have it both ways. It has signed up to a process federally. It accepts — as the member for Monbulk and I are in furious agreement about — that the findings federally are appropriate. It is able to hang its hat on independent inquiries, which have been undertaken for the purpose of the marketing issues. It got back those reports, and when the marketing issues did not accord with the populism of the politics the government ignored them. The government cannot

have it both ways; if it does, ultimately it will end up with complete chaos. That is what is about to happen here, not only on this issue but in other spheres as well.

The world plantings for genetically modified (GM) products in a wide variety of areas exceed the total grains crop planted in Australia each year. It is an extraordinary circumstance. We in Victoria have turned our backs on the prospect of being able to be further engaged in this. We have consumers who are consuming product that obviously has GM content, yet the government has turned its back on it.

There is one interesting voice which is absent from this debate but which is usually part and parcel of it — that is, the voice of Peter Beattie, the Premier of Queensland. He is sitting up in Queensland killing himself laughing, because he knows what is going to happen now — the biotech industry associated with this decision is going to make its way through New South Wales and go to Queensland. Peter Beattie has been remarkable for his silence in this whole commentary, because he well knows that his state is going to be able to attract this industry.

I say to government members: produce me one victim, produce me someone from around the world who is alleged to have suffered as a result of the consumption of GM foods. Billions upon billions of meals have been consumed by people around the world. Here in Australia the dairy industry involves milk being produced from cows that are using product with a measure of GM base — where is the evidence of this nonsensical position that the government has chosen to adopt?

I want to finish with a couple of comments, one of which I know will lay the government members in the aisles. I feel sorry for the Minister for Innovation. I am prepared to concede for the purposes of this debate that he makes a fair fist as the Minister for Innovation in presenting our biotech credentials to the world. What is he going to say in the world at large about this nonsensical, stupid decision? He would not answer the question I asked him in question time the other day: is this decision something that he agrees with? Of course he cannot answer it, because he is adamantly against what the government has chosen to do but he is bound by cabinet solidarity.

The very fact of his being unable to answer the question the other day proved the case, because if ever there was a bloke who gets the chance to answer the question full bore it is him, and he had to duck it. Even his mates around the ministry table tried to protect him from having to answer it at all. I feel sorry for him. Later this

year when he goes to Bio 2004 in San Francisco, presuming he goes there, what is he going to say to the biotech world about this laughably stupid political decision which has been taken by a government that lacks the vision to seize the moment and do what should be done and conduct these trials?

The other day the government issued its economic document *Victoria — Leading the Way*. I tell you, Speaker, this is leading the way all right — leading the way back! That is what the government has done. The word 'Luddite' has been used, and it is applicable to the government. In the face of a fantastic opportunity, supported by evidence at all levels, federal and state, in circumstances where every report obtained advocated that it should proceed, the government has turned its back on the issue simply because it has not got the vision and does not know how to lead Victorians ahead.

Mr CAMERON (Minister for Agriculture) — I thank all honourable members. A great many have made a contribution to the Control of Genetically Modified Crops Bill, at least on this side of the house. This has been a wide-ranging and fulsome debate. I appreciate that this has not been easy for some honourable members opposite. I appreciate there are tensions over there, but what we have done is produce legislation which is sound and sensible. We have to go back to basics, and that is what the national arrangements are.

The arrangement is that the Office of the Gene Technology Controller ticks off on matters around human and environmental health, and that has occurred. The other part of the national framework legislation involves marketing, and those matters are not determined by the OGTR; they are determined by states.

We have heard comments here today about what is going to be said in the biotech industry and what people will think about Victoria. The fact of the matter is that Victoria is a leader and will continue to be a leader in biotechnology.

Last month opposition members said Victoria was a leader in biotechnology, and guess what? Last month we had a moratorium on genetically modified (GM) canola, just as we are going to have a moratorium on it next month and for the coming period. In other words, nothing has changed.

The issue of marketing is extremely important. It is something that you cannot cast to one side. The government commissioned the Lloyd report and took soundings from leading marketers. The government

approach has been to adopt a careful and cautious approach. We have heeded the concerns raised by industry and by marketers who are out in the world selling the wares that form the foundation of so much of what occurs in relation to our primary production.

Take, for example, the pork industry. Why does the pork industry say that this is the right decision? Why does the dairy industry believe that a GM moratorium is sensible? The simple fact of the matter is that Victoria being perceived as a GM food producer will affect some of its markets. That is a simple and plain reality of life, and that is why the dairy industry says, 'If you are selling from a GM food-producing state like Victoria' — that is the government's perception — 'then it is harder to get into markets'. That is a simple fact of marketing life, and the pork industry says that as well. For example, we can look at the Australian Wheat Board and some of its views. Certainly the chief executive officer of the AWB set those views out on *Country Hour* when he said:

I am not surprised that the government has made this decision to have a moratorium on commercial release. We think that is the right decision ...

He has also said, and again he reflects the views of the pork and dairy industries:

... the market is becoming harder, not easier and certainly tougher over time.

These are the simple realities.

Dr Napthine — Who are you quoting?

Mr CAMERON — The chief executive officer of the Australian Wheat Board.

Dr Napthine — Who? What is his name?

Mr CAMERON — Andrew Lindberg.

Mr Walsh — He did not say that.

Mr CAMERON — He did say that.

The SPEAKER — Order! The minister will continue.

Mr CAMERON — That is what the CEO of the Australian Wheat Board said on the *Country Hour* on 2 April. If we look at the transcripts we can see that he also said:

We have got customers in Asia and the Middle East that still today have significant concerns and I think we need to respect those concerns and we need to work through them.

The views of the Australian Wheat Board, ABB Grain and leading industries amount to the simple reality that if we are perceived as a GM nation, then it is more difficult for our markets.

Of course we heard The Nationals talk about polls. During the debate, for example, we heard about the Donald branch of the VFF and the poll that it had taken — I take it that is the poll the member was referring to. But why would not farmers have those views, and why would farmers not be reluctant to fully embrace the commercialisation of GM canola? Why would that not be the case when leading rural marketers are saying these things? Certainly that is reflected in other parts of Australia. We can have a look at what the Leader of the New South Wales Nationals, Duncan Gay, is on record as saying:

If you can grow two truckloads of GM where you were growing one truckload of conventional and you cannot sell either of them, you have not advantaged the country. In fact you have put our markets and farmers behind.

If farmers hear comments like that, why would they not adopt the stance that we have seen become very clear across country Victoria?

Mr Plowman interjected.

Mr CAMERON — The member for Benambra has cast aside people in his electorate as being ill informed, but what he has to understand is that the science of marketing dictates that consumers are paramount. And if consumers are resistant, there is a marketing problem.

Mr Plowman interjected.

The SPEAKER — Order! The member for Benambra and the member for Mornington should contain themselves.

Mr CAMERON — Perceptions are realities when it comes to marketing. Whether those perceptions are founded on good or bad reasons, they are reality when it comes to marketing, and that is what the science of marketing is all about.

We have heard about trials, and as the government has said at the time that this was announced on the issue of research trials, the trials will be dealt with on a case-by-case basis, just as has occurred in the last year. What government members did say — and we were very clear about it — is that we do not support trials that amount to thousands of hectares because that would not be perceived well, and it would be regarded as a partial release on the path to GM commercialisation, which would have an effect on the

markets, and I have already outlined the reasons for that.

This is very good legislation. It is supported widely across the community, for good reason. It is supported because the government is in the business of protecting Victoria's export markets.

House divided on motion:

Ayes, 60

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Lobato, Ms
Buchanan, Ms	Lockwood, Mr
Cameron, Mr	Loney, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Perera, Mr
Haermeyer, Mr	Pike, Ms
Hardman, Mr	Robinson, Mr
Harkness, Mr	Savage, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Ingram, Mr	Wynne, Mr

Noes, 23

Asher, Ms	Naphine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Shardey, Mrs
Doyle, Mr	Smith, Mr
Honeywood, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr
Mulder, Mr	

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 20 April; motion of Mr HULLS (Attorney-General).

Mr COOPER (Mornington) — This bill's purpose is to pursue a renaming and expansion of the Estate Agents Guarantee Fund and to amend the Travel Agents Act 1986 and for other purposes. It is those last words that I want to concentrate on because those words 'for other purposes' send a shiver through the spines of opposition members, particularly when we recall the efforts of the Minister for Small Business in the other place and the Minister for Community Services in trying to get their hands on the money in the fund a couple of years ago.

Mr Perton — It was a conspiracy!

Mr COOPER — The member from Doncaster says it was a conspiracy. That is a word that I would support and attach to their efforts at that time, because when they were caught out trying to do that, it was a serious embarrassment to this government and to those two ministers, and they went into reverse gear. Now this is what we could call 'conspiracy stage 2' because this bill is going to permit this government to get its hands on the money. It was described by one of my colleagues — in a fair enough description — as a grab for cash.

It is something that the estate agents industry should be concerned about. It would have been concerned if it had been consulted, but there also has been a conspiracy to avoid consulting with the real estate industry. As a result, a lot of real estate agents, particularly many of them in my electorate, are completely unaware of what this government is attempting to do. The main thrust of this bill is to expand the range of purposes for which excess money in the Victorian Property Fund can be applied.

That in itself raises a significant question about the definition of 'excess money' when one remembers that the primary purpose of the guarantee fund is to guarantee consumers against defalcations by estate agents, and I rely upon the words of the minister in his second-reading speech. That is exactly what the community expects — that if real estate agents do a runner, or in some way cheat or defraud them, that there will be money in this fund to recompense them for the losses that they may sustain.

So there is going to be an expansion of excess money in this fund going to community education, advice or information; programs that promote the ownership of real estate; training of estate agents and agents' representatives; dispute resolution and advocacy services; projects facilitating the registration of interest in land; and — the last two — housing assistance for low-income or disadvantaged Victorians, and projects to develop environmentally sustainable housing and protect Victoria's natural and architectural heritage.

These last two areas are the ones where the opposition has considerable concern. We are going to have a fund which is there to protect consumers being attacked and being used for purposes for which we do not believe it was established. Those purposes will put the people who have been protected — that is, consumers — at risk.

Now we also note with some interest that a cabinet report was leaked over this matter. That again creates a situation of grave concern in our minds, because that leaked cabinet report confirmed that the government decided not to consult the Real Estate Institute of Victoria and that it would make no public presentation of this legislation — in other words, it was trying to slip this through. Just like the Minister for Planning was trying to slip some stuff through earlier today in this house, now here is another piece of legislation that was going to be slipped through and hopefully not raise the concerns of real estate agents, not raise the concerns of the community and particularly not raise the concerns of consumer protection groups.

That leaked cabinet report put an end to that, but one thing it did not do was ease the concerns of the community about this government's lack of consultation and its attempts to try to slide legislation through when it knows it will be politically sensitive and politically damaging. But the drive to get its hands on the money in this fund is obviously too great, and therefore it has proceeded with this legislation despite the genuine concerns of organisations that have now been made aware of it by the opposition. The Real Estate Institute of Victoria is opposed to this legislation, and it has told us it is vigorously opposed to it. REIV sees it as not fulfilling the purposes of the Estate Agents Guarantee Fund and certainly not protecting the rights of consumers in this state.

With those few words — I know there are a number of my colleagues who wish to speak on this bill in the very short sitting time remaining before 4.00 p.m. — I will conclude my remarks by saying I share those concerns of my colleagues in the opposition, and I will be voting against this bill.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support the Estate Agents and Travel Agents Acts (Amendment) Bill. The most important aspect of this bill is that the purposes for which the Estate Agents Guarantee Fund can be applied are being broadened. The fund is generating significant excess money each year — of the order of \$25 million. In my view these funds should be put to work for the benefit of consumers. The critical section is section 76, where the range of purposes to which the fund can be put will be expanded to include, among other things, housing assistance.

I want to talk briefly about the provisions for housing assistance. The Kennett government removed the provisions for housing assistance from the Estate Agents Act through amendments in 1994. Up to that point \$14 million per year was being spent on community and housing projects — \$14 million was going towards providing much-needed, low-cost housing for poorer people in the community.

When the then Attorney-General, Jan Wade, deleted those provisions from the act in 1994 not a single reason was given for the deletion — not a single one — because the opposition could not care less about public housing, and that was pretty much consistent with everything else that the Kennett government did in relation to public housing. It sold off public housing and the level of public housing being built plummeted. In the last year of the Kennett government, between 1996 and 1998, the total number of public housing units fell by 484 units and the public housing waiting lists ballooned. There was a \$170 million maintenance backlog as a result of the Kennett government's neglect.

Now we are reversing that neglect. We are investing back in public housing. We have built 6600 units over the last four years. We have invested over \$640 million over four budgets on the acquisition of public housing stock, and we spent a similar amount on upgrades and stock improvements. The important aspect of this bill is that it takes that commitment further. We are restoring the capacity of the Estate Agents Guarantee Fund to use the excess monies to provide housing for low-income and disadvantaged Victorians. Unlike the member for Warrandyte, who said that this fund covers a multitude of sins, I believe one of the greatest sins is not to use this money effectively; not to put it to good use; not to put it to work.

We are building on our proud record of investing in additional public housing and not selling it. We are using the funds to expedite the residential tenancies list at the Victorian Civil and Administrative Tribunal; and this will benefit not just tenants but also landlords. We

are expanding the community education programs in relation to the buying, selling and leasing of land, including bodies corporate, retirement villages and real estate agents. That is why this legislation is so important. We are making sure the money does not lie idle. We are putting it to the benefit of those who are involved in the property and housing area. I commend the bill to the house.

Mr PERTON (Doncaster) — I strongly oppose this piece of legislation, which is being used by a government which has a strong majority in this Parliament to rip off money from consumers — to rip off money from those who have contributed to the fund — and to use it for ideological purposes.

When new legislation in respect of estate agents and the conduct of auctions came in, I predicted that legislation would have extremely detrimental effects on the property market in Victoria. All you need to do is to read the *Age* or the *Herald Sun* to see that those predictions are coming true. The auction system has basically been destroyed, and at auction after auction across the suburbs of Melbourne and in provincial Victoria we now see auctions being conducted without a single bid. This is leading to a reduction in property values, and if that is what Labor wanted to achieve then it has set out to achieve it.

Mr Hudson — Good for consumers.

Mr PERTON — I take up the interjection from the member for Bentleigh, because I would like the homeowners of Bentleigh to understand what this member stands for. You see, most Victorians are homeowners, and if you have introduced a set of changes to real estate law and practice and exercised it in the most oppressive way then what you have done is to reduce the wealth of the constituents in your electorate.

Mr Hudson interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Bentleigh should assist the Chair and cease interjecting, and the honourable member for Doncaster should stop taking up his interjections.

Mr PERTON — I am more than happy to debate you on any street corner or in any hall in Bentleigh on whether your residents, whether your voters — —

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Doncaster, through the Chair! I remind the honourable member that it is not

appropriate to speak across the chamber. He should address his remarks through the Chair.

Mr PERTON — Acting Speaker, I would be very happy for you to referee a debate between the member for Bentleigh and me, because I am quite convinced that if his constituents were to hear his speech or his interjections or to become aware of his attitude to their homes and their right to retain the value of them, he would have a very short career in this Parliament. I am more than happy to go out and campaign against him for that reason.

The reason that this bill is being debated is that the year before last, through the assistance of some very decent public servants, the Minister for Community Services, who was then the Minister for Environment and Conservation, and the Minister for Consumer Affairs were caught out in a conspiracy to withdraw money from this fund. What they did was put together a proposal to receive a grant from this fund of tens of millions of dollars. What did they call the project in their working papers in order to extract those tens of millions of dollars? They called it a round robin project. The idea was, through a fraudulent project, relying on public servants being required to lie on their behalf, to extract money from the fund for purposes which were illegal.

I will not go through the entire set of transactions, because I have done that during a grievance debate. These public servants felt that their obligations to the state and the taxpayer were being undermined by those ministers, because they were being required to behave illegally. When the project was questioned and the Auditor-General became involved, what happened? The round robin project was withdrawn. If it had been a lawful project, why would the ministers have withdrawn it? Why would the Ombudsman, a year later, find that it was about an illegal attempt to extract money from this fund? That is the attitude of this government to the fund. This is a fund that is contributed to by everyone who buys or sells property. This is a fund that is made up of the interest from the trust accounts in which their deposits are held. I am sorry, but I do not think it is appropriate that the government wants to spend money from this fund on public housing.

If it wants to spend money on public housing it should spend it through the budget. This money has been contributed by the purchasers and sellers of land, and the fund has been contributed to by the licence fees of real estate agents. This is the state where we are paying record levels of stamp duty and where people are required, for example in the electorate of Bentleigh and

in your electorate, Acting Speaker, to pay almost a year's income merely for the purposes of upgrading from one house to another or of shifting from one town to another, maybe in pursuing work.

The Leader of The Nationals asked a question without notice about the timber industry and people losing their jobs and having to leave town. People needing to leave their jobs to move to Melbourne or another country town are paying tens of thousands of dollars in stamp duty. We have established the trust fund to protect their interests from being raided for a whole set of government purposes, purposes which were found by the Auditor-General and the Ombudsman to amount to an illegal use of the fund.

It is my belief that this money should go back to the people who contributed to the fund. It ought to be used to reduce the cost of the transfer of land, and it ought to be used to reduce the burden of stamp duty. This is a government that is anti-property, and this is a government that is opposed to the interests of home owners and home purchasers. This piece of legislation is a rank piece of ideology. As the leaked documents indicate, it is one on which the government deliberately did not consult the people who knew and understood the fund, how the moneys were accumulated and the way they ought to be used.

Ms NEVILLE (Bellarine) — I am pleased to speak in support of the Estate Agents and Travel Agents Acts (Amendment) Bill. I will focus on what I think are some of the important provisions to do with extending the purposes to which the fund can be applied and for which the excess money in the fund can be used. Both of these are important. We have heard the opposition say that the government is ripping off funds from consumers and that we are doing it on ideological grounds. As someone who has worked in the consumer tenancy area over a number of years, I think there are some important components in the bill which will assist and protect consumers into the future — especially consumers who are involved in land transactions and who are purchasing properties.

I remember when I worked with the Geelong consumer advocacy organisation in the 1990s that there was no information available to consumers on how to purchase, sell or renovate property. At that stage there was a renovation boom going on. We sought funding for a book — we found it difficult, but we did it — and the book subsequently became available across the state. I believe Consumer Affairs Victoria now produces it. This bill will enable that money to be used for more education, information and advocacy. Advocacy is a very important part of the bill — ensuring that

consumers have access to good dispute resolution and working for improvements in the law. This is all about ensuring that the money consumers contribute is there to assist them in their land dealings.

We have seen the results of the ageing of our population, the move towards high-density living and people moving and having to deal with bodies corporate. So the bill deals with and includes those issues as things for which the funds can be used. It is about our moving with the times, reflecting the changes in our community and our society, and meeting the needs of Victorians. It is actually about ensuring that consumers have the information they need and have better access to dispute resolution and to the Victorian Civil and Administrative Tribunal when they have problems in purchasing properties. This is consumer focused, will improve the system and will involve a much better use of the funds. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The opposition opposes the Estate Agents and Travel Agents Acts (Amendment) Bill. We have a number of specific concerns that resonate from the activities of the Labor Party in Victoria during the 1980s, when it argued that what Victoria needed were modern methods of financial management. It was such modern methods of financial management that ultimately lead to the loss of State Bank Victoria, a Victorian institution that had been established for over 100 years. It was modern methods of financial management which in part led the Labor Party to propose a goodwill tax on the sale prices of businesses on an ad valorem basis. It was modern methods of financial management which saw workers compensation premiums rise to a non-competitive level and the interest liability on state debt rise to unacceptable and record levels and which resulted in a current account deficit, when the Labor government lost office, of the order of \$2 billion for that particular financial year.

One of the clauses that is of particular concern to the opposition is the clause that expands the range of services to which excess money in the Victorian Property Fund can be applied. Some areas move beyond the primary object or intent of the original legislation which was to provide security for people who bought property and the guarantee fund held the money in trust for individuals. The fact that there has not been strong drawing down on the fund to date does not preclude that situation from arising in the future where people's hard-earned savings might otherwise be jeopardised if a particular housing project fails or collapses.

There is the entrepreneurial foray into areas which in my view should be funded principally out of the taxation revenue received by the government from primary sources, and while the objective is no doubt purposeful in providing housing assistance for low income or disadvantaged Victorians, I would argue that that support should not come out of the Victorian Property Fund — likewise, projects to develop environmentally sustainable housing and protect Victoria's natural and architectural heritage, which area, I might add, could consume all the funds several times over when one understands the cost of looking after Victoria's natural and architectural heritage.

Earlier this year the opposition attacked the legislation on the basis that it was perceived as a raid on Victoria's real estate fund. It was noted that the fund provides security to Victorian property buyers and is also used for consumer education for the buying or selling of property.

In an article by Ewin Hannan in the *Age* dated 6 December 2003 he notes:

The Bracks government is considering siphoning \$84 million from a fund that protects home buyers in a move condemned by the real estate industry as a desperate bid to prop up the state's finances.

Leaked cabinet documents obtained by the *Age* reveal the government plans to widen the use of the Estate Agents Guarantee Fund to finance initiatives, including cheap housing for low-income earners. It is also considering transferring up to \$84 million from the fund into general budget coffers, a proposal the opposition has branded 'immoral'.

...

REIV president Geoffrey White ... warned the government that it would 'cop a beating' over the plan.

Later in the article it was noted that the Leader of the Opposition had said the legislation would return the state to the days of John Cain — and that was outrageous! It was like the hollow log financial method of financial management that occurred during the 1980s.

It is interesting that this has not been the first attempt to siphon the funds out for wider purposes. An inquiry was ordered by the government into claims that departmental bureaucrats invented a project in an attempt to secure more than \$7 million in funding from the Estate Agents Guarantee Fund, according to Richard Baker on 18 April 2002. He said:

The guarantee fund is a trust fund containing money belonging to thousands of tenants, vendors and purchasers.

Government departments and statutory bodies can apply for excess money from the fund for educational programs related to real estate issues.

The Ombudsman undertook an inquiry into that departmental arrangement and formed the opinion that the officers involved failed to perceive this conflict and failed to ensure that the process was transparent and accountable. Today this bill is not supported by the opposition.

Mr McINTOSH (Kew) — I also oppose the bill. The government seeks to be able to use money out of this fund for its own general revenue in whatever way it chooses. The new purposes are so broad that essentially the government is imposing a tax on small business — real estate agents around the state — that is required to contribute to what is a consumer protection fund. No-one is disagreeing with the purpose of the fund, which is to enable consumers who suffer a loss because of a defalcation by estate agents or otherwise to recover losses from it. At the moment there are sufficient funds to cover even the most extraordinary claim, given that there is now \$200 million in the fund.

We are told by the minister in the second-reading speech that the fund is now making a surplus of \$25 million a year, apparently because of this government's strident policing of the process. The appropriate course of action if the mechanism is working — and therefore the demands upon the fund are in the normal course of the government's operations — would be to return those surplus funds in the way of lowering the licence fees that estate agents pay, to ensure this fund is maintained. That is the best and most effective way.

This government has been talking at question time and over the last two days about being pro-business and pro-small business and returning the benefits of land tax surpluses to small business. This is another opportunity for it to demonstrate that it is about promoting business. If this fund is genuinely returning a surplus, that should be returned to estate agents as a reward for doing the right thing. That is effectively what the opposition is saying: that the surplus should be returned to small business by way of a lowering of licence fees.

What is inappropriate is that the licence fees are maintained at their current level, notwithstanding the surplus. It means that this government can use the funds, not just the surplus funds each year but the funds generally, in any way that it sees fit, and the government would guarantee those funds. It is a large and inappropriately high amount of money according to the fact that this consumer protection provision is now returning a surplus of \$25 million. a year. If it is

genuine consumer protection and if this government is genuinely about promoting small business, then those surplus funds should be returned to small businesses and estate agents around this state in the way of lowering licence fees.

Mr BAILLIEU (Hawthorn) — The Liberal Party opposes this bill, and I strongly share that view. The Cain and Kirner governments tried to rip off the fund in 1990 and the Bracks government tried to do the same thing two years ago, as we have heard at length; and now the government has come up with a legislative way of taking the money out of this fund and using it for what should be general purposes budget allocations. It is simply a rip-off.

It is effectively being done retrospectively. The money contributed to this fund was on the basis of the law as it stands; the fund is accumulated in that way and any surplus ought to be returned to those who contributed to it by way of lesser fees and licensing arrangements, as we have heard.

It is not surprising that the government is doing this; it has form on it. Not only that, this government is so totally opposed to the real estate profession that it comes as no surprise. The government has removed funding from the Real Estate Institute of Victoria's consumer advice services; it has all but killed off auctions; it has imposed new regulations on real estate agents, and it is having a decent old crack at this fund and ripping it off. It has ignored the REIV's call for reductions in stamp duty and the reality is that this consumer protection fund is being ripped off. The success of the real estate institute in ensuring that real estate agents have conducted themselves correctly over many years has been such that the fund has accumulated a surplus.

That performance has been in stark contrast to other professional guarantee funds, including the Solicitors Guarantee Fund — and that is a tribute to the REIV. It is disappointing that the government chooses to treat this pool of money as another budget opportunity. Consumer protection will be worse off because of it. Those who have contributed to it in the past are being retrospectively ripped off. That is true-to-form for the Bracks government, and I am totally opposed to the bill.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until later this day.

HERITAGE (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 21 April; motion of Ms DELAHUNTY (Minister for Planning).

Ms ASHER (Brighton) — I wish to make a few comments in relation to the Heritage (Further Amendment) Bill, which the opposition does not oppose. Indeed if one looks at the bill and the second-reading speech, one will see that the aim of the Minister for Planning is to streamline various administrative and decision-making processes that exist under the Heritage Act 1995.

The second-reading speech refers to heritage places being one of Victoria's great strengths and refers to the development of a new Victorian heritage strategy. Those aims are commendable. I wish the minister well in streamlining decision-making procedures and processes within Heritage Victoria, because those things are easier said than done.

I wish to specifically refer to a place in my electorate, Kamesburgh, which is on the Victorian Heritage Register. It is a 19th century mansion with beautiful gardens. It is located in North Road, Brighton and is otherwise known as the Anzac hostel site. An issue has arisen whereby the Elwood RSL wishes to relocate a World War I memorial from Nepean Highway in Brighton, near Cochrane Street, to the heritage gardens of the property, which is on the Victorian Heritage Register.

The RSL has so far been unsuccessful in its dealings with Heritage Victoria. I note the minister's correspondence with me in relation to this. In her letter of 7 April 2004 she says that the relocation of this World War I memorial to the part of the gardens that the Elwood RSL has chosen as a site would 'reduce its integrity' — that is, reduce the integrity of the gardens. She goes on to say:

Of particular concern is a growing need for war memorials to be able to provide access for the disabled, car-parking, flagpoles, emergency vehicle access and public toilets. Kamesburgh cannot easily provide such facilities without further compromises to the integrity of the garden.

The issue is not quite so simple. We have a situation here, Acting President — —

Mr Lupton interjected.

Ms ASHER — Sorry — 'Acting Speaker'. That was a long time ago; that was historical!

The Elwood RSL wants to relocate the war memorial to a part of the gardens near the entrance. Heritage Victoria has said no to that, but will allow it to be relocated to an obscure part of the gardens. To my mind this is very petty. Now we have an argument between Heritage Victoria and the Elwood RSL about where in some heritage gardens is an appropriate place to relocate a war memorial.

Elwood RSL have written to Ray Tonkin, the executive director of Heritage Victoria. I quote from its letter of 22 March 2004, which shows that Elwood RSL have been very sensitive to the integrity and heritage needs of the gardens. The RSL, in the form of Don Tibbits, OAM, committee member, wrote:

We would hasten to point out that it is not important for us to hold gatherings there — in fact we would undertake not to do so in the light of your —

meaning Heritage Victoria's —

concerns. What is important is that this monument, incorporating the existing roll of honour, should receive due respect and should be erected in a position where it can be seen by the many people who frequent the gardens rather than in the obscure position proposed.

I think this circumstance is quite absurd. An RSL group wishes to relocate a war memorial to some gardens, and Heritage Victoria has said 'Yes, you can relocate it to an obscure part of the gardens, but you cannot have it at the entrance'. The RSL has now modified its demand and given an undertaking that it does not require public toilets or the whole range of other things that Heritage Victoria has flagged.

Given the minister's desire, expressed in this bill, to streamline administrative and decision-making processes, I urge her to grant Elwood RSL's request. Given her intent under this bill, could she please on this administrative matter direct the heritage council to stop its strident and, dare I say, petty approach and grant this perfectly reasonable request from the Elwood RSL to relocate the memorial from Nepean Highway to the entrance to the Kamesburgh gardens.

Mr LUPTON (Pahran) — It is a pleasure to speak in support of the Heritage (Further Amendment) Bill 2004. The objects of this bill include a number of very important streamlining provisions that will enable the better protection of heritage places and objects in Victoria. One of the most important objects this will achieve is to enable the registration of heritage objects, whether or not they are attached or adjacent to a registered place or a place nominated for inclusion in the Victorian Heritage Register.

The importance of being able to list heritage objects on the heritage register is of great significance to people who live in areas such as the electorate of Prahran, which I represent. One of the great heritage icons of Melbourne is of course our wonderful W-class trams, which in a very important, positive initiative of the Bracks Labor government have been reintroduced as a tourist initiative on Chapel Street on routes 78 and 79. It is something that I know is well supported by people in my community. Those heritage trams are an example of the sorts of objects that will now be able to be listed under the Heritage Act and protected for the future benefit of all Victorians.

When I had an opportunity to speak on a previous amendment to the Heritage Act in 2003 I mentioned some of the historic tram-stop shelters that are located in the electorate of Prahran, particularly on St Kilda Road, which were capable of protection and listing in the register as a consequence of amendments to the legislation that the Bracks government made last year.

Those shelters were constructed around the time that the cable car tram network was replaced by electric trams in the 1920s in Melbourne. The amendments we are considering today will enable a further part of the historic tram network in Victoria to be covered and protected by the act. That is an important illustration of the way in which this act is from time to time examined and improved by this government, which is determined to protect and enhance the historic icons of Victoria to make sure that they continue to exist so they can be used and appreciated not only by this generation of Victorians but also by future generations.

Of course it is also important to bear in mind that it is not simply people who live in Victoria who get a benefit from these types of heritage places and objects. It is a well-known and established fact that tourism, not only from around the other states in Australia but also from overseas, is one of the most important drivers of the Victorian economy. The important and significant heritage places we have protected in Victoria are responsible in no small measure for much of our national and international tourism. In fact the government announced this week that the latest tourism figures indicate that we are again winning the tourism stakes, with more international and national tourists coming to Victoria than to any other state. That is in no small part due to the wonderful heritage items that are spread around not only Melbourne itself but the length and breadth of the state.

Some other significant elements this bill will improve include the ability of the Heritage Council to consider applications in a more effective and efficient manner.

The bill will allow appeals to be adjourned in order that more appropriate and expert material can be collected and presented to the Heritage Council before it makes decisions. Overall the bill will streamline and clarify the processes under that act and make them more transparent. It will go still further, as the Bracks government has since 1999, in protecting our heritage in Victoria, and I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Heritage (Further Amendment) Bill particularly to bring forward some comments from some of the leading proponents of protecting our heritage in my electorate of South-West Coast. Mrs Lex Chalmers wrote to me on 20 April this year and said:

I have tried to see how this legislation will impact at the local level.

...

I have some questions —

1. Are these provisions able to be made retrospective, say in the case of a heritage-registered business which is subject to current agreements between the owner and Heritage Victoria where those agreements are being contravened?
2. There will be costs incurred in strengthening the Heritage Act (which I believe are well justified in seeking to ensure the survival of significant places, buildings and objects).

Will the executive director of Heritage Victoria be provided with sufficient resources for the administrative increase of registration of objects and for the inspections, penalties and increased court action to enforce the legislation? If inadequate resources are provided, there will be little improvement possible.

3. Will the increase in resources be sufficient for officers to enforce the legislation even in distant places like Portland?

This town holds a good proportion of the state's pre-gold rush heritage, and unique colonial Georgian bluestone buildings dating from the 1850s, but (for example) has been waiting for over three years for Heritage Victoria to assess its original public buildings site for registration (block bounded by Cliff, Bentinck, Percy and Glenelg streets and containing 1850s to 1860s buildings such as the customs house, watch-house, rocket shed, old town hall and 1880s post office).

Portland's public buildings block is probably as significant in its own right as Melbourne's and has been accepted by the director as worthy of nomination to the Heritage Register, but nothing further has happened.

Such a wait for registration in a significant town like Portland indicates that Heritage Victoria is already under resourced.

From local experience therefore, Heritage Victoria needs funding to catch up on backlogs, as well as to be

provided with adequate funds to effect the new legislation.

Mr Gordon Stokes, who is also active in the heritage field in Portland, says:

I thank you for the opportunity to comment.

...

There are two subjects concerning the Heritage Act which may be of interest to you which of course are not addressed in this amendment.

1. In Victoria there is no land tax or rate relief for owners of places of state significance cultural heritage (places included on the Victorian Heritage Register) ... Most owners love their properties with a passion, and generally it costs them dearly to maintain them to an acceptable public standard, and I am sure many would appreciate some relief and recognition of their commitment ...
2. Cultural landscape is also assessable under the Heritage Act.

The landscape, as with other places and objects, can be privately owned.

When a place is considered a worthy candidate for nomination to the Victorian Heritage Register an application may be lodged with the director of Heritage Victoria. According to the act the director must notify the owner of the place being nominated within a certain number of days at the address supplied in the nomination. For a place that has one owner this would generally pose no problem; however, in the case of a significant cultural landscape which may have many owners, obtaining the addresses of each owner is near impossible. The Privacy Act prevents anyone obtaining the address of each landowner in the area of the significant cultural landscape from local and state governments. For a fee you can obtain information from local government concerning the land and the owners name but no address. This is a case where the Heritage Act and the Privacy Act are in contradiction.

Perhaps this would also pose some difficulty in the case of objects. Does the owner have the right under the Privacy Act to withhold an address, and if so, how can it be registered unless the owner is the one nominating the object for registration? I understand that anyone can nominate an object or place to the Victorian Heritage Register. The owners address and the address of the object may not be one and the same.

As this bill deals specifically with objects, that is an issue that should be addressed by the government while the bill is between here and another place.

The south-west coast is famous for its heritage. That is highlighted by the Flagstaff Hill Maritime Museum in Warrnambool, which features many of the exhibits related to the wreck of the *Loch Ard* and particularly the peacock, which is an object which would clearly be registrable under the Heritage Act. The Portland

Maritime Discovery Centre has the *Admella* lifeboat and has the opportunity, with the stage 2 development, to feature the shipwreck of the *Regia* in situ near the discovery centre. Of course Portland is now famous for its Portland cable car, which is very much a part of the heritage of Melbourne and Victoria.

Portland has a rich history and heritage, as does Warrnambool and western Victoria. We support the protection of our heritage, but there is a need to provide adequate resources to Heritage Victoria as well as sufficient support to the owners of heritage buildings and objects so that they are not out of pocket significantly in protecting what is a valuable heritage for all Victoria.

Mr THOMPSON (Sandringham) — I am pleased to join this debate. My principal focus is perhaps on a later bill, the Land (Miscellaneous) Bill, but in terms of the current debate there are some key issues I wish to address. The first is the importance of the heritage legislation having application to Victorians from all cultural backgrounds who have made their way to Australia. Sometimes there can be a delay in the transition to a legislative understanding that might impact on the immediate community in Australia that has been here for a generation or two as opposed to those who have arrived here more recently. I refer, for example, to the classification of an object such as the suitcase that Arvi Parbo had when he arrived here, which is all he came to the country with. That would be an interesting addition to Victoria's heritage, taking into account his contribution to Australian industry on multiple fronts.

I would therefore like to emphasise the importance across Victoria's multicultural community — those with Greek backgrounds and Italian backgrounds, and those from the former republic of Yugoslavia, from Vietnam and from Chinese-speaking nations — of those objects which are of importance to people. When the head of SBS radio came to Australia the initial part of his journey was in a fishing basket that measured something like 6 feet by 5 feet in width and height. Those items too are significant to translate the migrant experience more fully.

The second element of my contribution, which may have been covered by other speakers in the debate, relates to the Melbourne Cricket Ground, and there is an amendment to an act before the house today regarding its stratum area. There was a great supplement in the *Herald Sun* of 22 September last year commemorating amazing moments on the so-called Field of Dreams.

There are a few items that might already be in the sports museum of the MCG. They could include the ball with which Shane Warne collected the first test hat-trick to be taken in an Ashes test in 90 years, as well as the bat used by David Hookes in the Centenary Test.

However, there may be some other items relating to the Field of Dreams that are of importance to Victorians and their history. They may include the boots of Barry Breen as that point went through the 1966 grand final, or the boots or jumper worn by Phil Manassa as he made that famous run along the members' wing in the 1977 grand final replay. They may include the ankle supports Ted Hopkins wore in the 1970 grand final when Carlton had that remarkable comeback, or some material that related to the great athletes who performed on that ground — Ron Clarke, Shirley Strickland Delahunty or John Landy and others who made their names on the MCG.

I would like to draw particular attention to the 1980 Richmond versus Collingwood grand final when, after his seventh goal for the match, Kevin Bartlett was awarded the Norm Smith Medal and a fifth premiership medallion, Richmond having belted Collingwood by 81 points. That is but a distant memory for many keen Richmond supporters!

The essential point I would like to emphasise here is in Bartlett's words. They were:

The ball got kicked out towards the boundary line and I took it and ran around the boundary line and took a few bounces.

You do not always kick those ones ...

Just to remind the house, I think on that occasion he was pursued by Stan Magro, and it looked like Stan was running in treacle. It was quite a miraculous goal at the time.

An honourable member interjected.

Mr THOMPSON — The interjection was made that Kevin would not handpass, and I can perhaps verify, as a second rover, that changes in the forward pocket by Bartlett were not all that frequent! Be that as it may, the point that I wish to make with this contribution is that as Bartlett kicked that goal he made the comment that 'the crowd rose as one', and that would also have applied in the case of Phil Manassa's goal, Neil Crompton's goal or Barry Breen's goal.

So in terms of Victoria's heritage, it will be possible to record the great moments on our field of dreams, that those particular incidents are recorded with heritage items collected that would recall each one of those to

which obviously the *Herald Sun* had given a lot of thought in order to incorporate them on the front page.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member’s time has expired.

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (Mr Ingram) — Order! The time set down for consideration of items on the government business program has arrived.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages

LAND (MISCELLANEOUS) BILL

Second reading

Debate resumed from 21 April; motion of Ms DELAHUNTY (Minister for Planning).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL

Second reading

Debate resumed from 21 April; motion of Ms DELAHUNTY (Minister for Planning).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CORRECTIONS (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 20 April; motion of Mr HAERMEYER (Minister for Corrections).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

House divided on motion:

Ayes, 58

- | | |
|-----------------|----------------|
| Allan, Ms | Ingram, Mr |
| Andrews, Mr | Jenkins, Mr |
| Barker, Ms | Kosky, Ms |
| Batchelor, Mr | Langdon, Mr |
| Beard, Ms | Languiller, Mr |
| Beattie, Ms | Leighton, Mr |
| Bracks, Mr | Lim, Mr |
| Brumby, Mr | Lindell, Ms |
| Buchanan, Ms | Lobato, Ms |
| Cameron, Mr | Lockwood, Mr |
| Campbell, Ms | Lupton, Mr |
| Carli, Mr | McTaggart, Ms |
| Crutchfield, Mr | Marshall, Ms |
| D’Ambrosio, Ms | Maxfield, Mr |
| Delahunty, Ms | Merlino, Mr |
| Donnellan, Mr | Mildenhall, Mr |
| Duncan, Ms | Munt, Ms |
| Eckstein, Ms | Nardella, Mr |
| Garbutt, Ms | Neville, Ms |
| Gillett, Ms | Overington, Ms |
| Green, Ms | Perera, Mr |
| Haermeyer, Mr | Robinson, Mr |
| Hardman, Mr | Savage, Mr |
| Harkness, Mr | Seitz, Mr |
| Helper, Mr | Stensholt, Mr |
| Herbert, Mr | Thwaites, Mr |
| Howard, Mr | Trezise, Mr |
| Hudson, Mr | Wilson, Mr |
| Hulls, Mr | Wynne, Mr |

Noes, 23

- | | |
|--------------|--------------|
| Asher, Ms | Napthine, Dr |
| Baillieu, Mr | Perton, Mr |
| Clark, Mr | Plowman, Mr |
| Cooper, Mr | Powell, Mrs |

Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr

Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

cover a range of security-related occupations, including security equipment installers, security consultants and bodyguards. Persons practising in these occupations hold positions of trust with the potential to cause significant detriment to the client (and potentially the community) but are not currently subject to any Victorian regulation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL

Second reading

Debate resumed from 21 April; motion of Ms PIKE (Minister for Health).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PRIVATE SECURITY BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The need to reform the private security industry legislation in Victoria has been critical for some time; however, events of recent years have increased the urgency for reform. Terrorist activities and threats have increased the demand for private security services, leading to an exponential increase in the number of new players entering the industry, and magnified the seriousness of the potential effects of persons of unsuitable character or who are poorly trained providing security services. The recent tragic death of David Hookes has further highlighted the need for a robust regulatory regime.

The current legislation (the Private Agents Act 1966) does not require occupations other than crowd controllers to meet competency criteria and does not

This bill will amend the Private Agents Act 1996 ('the act') so that it only regulates commercial agents and subagents (debt collectors). Current arrangements for the licensing of commercial agents will be preserved in the short term and further consideration given to the nature of the regulatory regime which should apply to them.

The Private Security Bill will regulate the other occupational categories currently regulated by the act (security guards, security firms, crowd controllers and inquiry agents), as well as the additional categories of bodyguards, security equipment installers and security consultants. The bill will require bodyguards to be licensed and will introduce registration requirements for security equipment installers and security advisers. The types of security equipment to be regulated will be prescribed in regulations and will include alarm and CCTV equipment.

The bill will also establish a system of business and individual security licences and registrations. A business licence or registration will be necessary where the holder seeks to carry on the business of providing the services of other persons to carry out security activities. The type of business licence granted will be linked to the categories of licensees that the business licence-holder proposes to employ. Unincorporated sole practitioners and employees will be required to have an individual operator licence or registration. The bill will make it an offence to:

practise without a licence or registration;

as a business licence or registration holder, provide the services of another person to carry on a security activity if that person is unlicensed or unregistered; and

employ an unlicensed or unregistered person.

Business licence or registration applicants will be required to demonstrate evidence of corporate viability and compliance, in order to reduce the risk of 'fly by night' operators that are an unhealthy aspect of the current industry.

The bill will ensure that persons entering the security industry are of appropriate character, through a system

of probity checks. 'Close associates' of applicants for business licences and registrations will also be subject to probity checks to ensure that persons who would be disqualified themselves from obtaining a business licence or registration cannot use a 'front person' to run the business on their behalf. 'Close associates' include any person who is able to exercise a significant influence over the conduct of the business or who participates in the management of the business.

If the identity of the applicant or other relevant person in relation to the application (officer in charge of the business, officer of the body corporate or close associate) is unable to be confirmed by normal means, the Chief Commissioner of Police may require the person to be fingerprinted. Such fingerprints may only be used for the purposes of confirming identity for application purposes and must be destroyed within 28 days after they are no longer needed in relation to the application (or no later than six months from the date taken).

In conducting investigations into an application the chief commissioner will be able to use any known information about the applicant or a relevant person in relation to the application. Mandatory disqualifying offences relating to drug trafficking and assault will apply to licence applicants and current licence-holders. Current licence-holders who are found to have committed a mandatory disqualifying offence within the prescribed period will have their licence cancelled. The chief commissioner will also be able to reject an application where the person has been convicted or found guilty of an indictable offence which in the opinion of the chief commissioner would render the person unsuitable to hold a licence or registration. An application will also be able to be rejected where the person is the subject of a current charge in relation to such an offence.

The bill will also require all applicants for a licence to meet competency criteria, although applicants for a business licence may satisfy this requirement through membership of an approved security industry association. Persons who hold a licence at the time the new act comes into effect will be covered by transitional arrangements, and their licences will continue as licences under the new act until their normal expiry date.

As the industry regulator the Chief Commissioner of Police will approve the training necessary for licensing, and will also approve providers who are authorised to deliver security industry training. The chief commissioner will be able to impose conditions on the approval of providers which, among other things, will

enable those providers to be audited. Training requirements will be consistent with those agreed between police ministers across other Australian jurisdictions.

The bill also establishes a formal complaints process whereby members of the community negatively affected by the actions of a licence or registration holder can lodge a complaint with the chief commissioner.

I now wish to make a statement under section 85 of the Constitution Act 1975 as to the reasons for altering or varying the operation of that section. Clause 179 of the bill states that it is the intention of sections 127(1) and 127(2) to alter or vary section 85 of the Constitution Act 1975.

Sections 127(1) and 127(2) provide that a person is not entitled to sue for any commission, fee, gain or reward for providing the services of persons to carry on any activity, or for carrying on any activity, for which the person requires a licence or registration under the act, unless that person holds such a licence or registration. This provision mirrors section 20 of the Private Agents Act 1966, except that it extends the prohibition to the new categories covered by the licensing and registration regime under the Private Security Bill. The rationale for the prohibition is a simple one — providing services without a licence or registration is illegal and such illegal practices should not be rewarded.

The bill is the result of an extensive consultation process occurring over a period of years with the industry and the community, and brings the regulation of the security industry more into line with practices in other states. I also intend to establish a Security Industry Advisory Council to ensure that effective ongoing consultation with the industry is maintained, and that any further need for reform is identified.

The bill will operate to the benefit of all Victorians by decreasing the risk of:

- unsuitable persons having access to confidential information, which if misused could cause great detriment to the community;

- the inappropriate invasion of the privacy of individuals by incompetent or unethical operators; and

- physical harm caused to members of the community through the inappropriate or disproportionate use of force by bodyguards or crowd controllers.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 6 May.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill amends the Births, Deaths and Marriage Registration Act 1996, to provide a mechanism for people with transsexualism to have their birth records amended and to be issued with a new birth certificate reflecting their affirmed sex. The bill adopts the model used in most other Australian jurisdictions to enable transsexual people to have their birth records amended.

A person with transsexualism is a person who was born anatomically male or female but has a profound identification with the opposite sex. Transsexualism is not a lifestyle choice — it is an issue of personal identity which goes far beyond outward appearance.

Victoria is the only jurisdiction in Australia which does not provide a mechanism under which a person with transsexualism can apply to have the sex on their birth certificates changed to reflect their affirmed sex upon presentation of appropriate medical evidence of transition. This gives rise to the inequitable situation where an Australian transsexual person born in any state or territory other than Victoria can have a new birth certificate issued to reflect their affirmed sex following sex affirmation surgery. Internationally, numerous other jurisdictions make similar provisions, including New Zealand, Canada, almost all the United States and the European Union, and many parts of Asia.

The inability for Victorians with transsexualism to have a birth certificate issued in their affirmed sex has a significant negative impact on many lives. In addition to denying them the same right as all other Australians to a birth certificate which accurately reflects their personal details, it often leads to an increased risk of discrimination and even violence. For example, consider the situation where a man of transsexual background is required to show his birth certificate in order to gain employment. That person will present as a male and have a male name on the birth certificate, but the birth certificate would record his sex as female. This not only leads to the necessity for embarrassing explanations, it also makes the person's transsexual

history evident. This, in turn increases the chances of unlawful discrimination and perhaps even violence against the person.

The bill aims to make it easier for people with transsexualism who have completed the process of transition to lead a normal life and to minimise the day-to-day difficulties caused by not having access to a birth certificate which reflects their affirmed sex. It should be noted that the bill does not facilitate or encourage the choice that an individual makes to undergo surgical sex affirmation.

What does the bill do?

The bill provides that a person, whose birth was registered in Victoria, who is over the age of 18 and is unmarried, may apply to the Registrar of Births, Deaths and Marriages for an amendment to their birth records to reflect their affirmed sex.

The bill requires that in order to be eligible for amendment to their birth record, the applicant must supply the registrar with two statutory declarations from medical practitioners to prove that they have undergone sex affirmation surgery. The bill defines sex affirmation surgery as surgery which has altered the person's reproductive organs in order to assist them to be accepted as a member of the opposite sex. This definition is consistent with the definition used in the majority of other Australian states and territories.

Victorian citizens who were born overseas

The bill makes provision for people who were not born in Victoria but who have been living here for more than 12 months. While such a person cannot obtain a Victorian birth certificate, the bill provides that upon presentation of evidence of sex affirmation surgery, the person may be granted a special document stating their name, sex and date of birth. While this document would not have any official status, it may assist these people in situations where they are required to show some form of identification — for example, at their local video store or library.

People with intersex conditions

I note that the process of application to the registrar set out in the bill is not intended to apply to people with intersex conditions as these matters are already dealt with under the act. The act currently provides that where there has been a mistake at the time of entering details in the register, the Registrar of Births, Deaths, and Marriages may correct the register upon presentation of proof that such a mistake had been made. This provision is currently used to correct the

birth records of intersex people. The bill will not alter this position.

I am confident that the bill will result in fairer treatment of people with transsexualism and bring Victoria into line with other Australian states and territories.

I commend the bill to the house.

Debated adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 6 May.

COURTS LEGISLATION (JUDICIAL APPOINTMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Bracks government is committed to modernising our democratic institutions to enhance their relevance and to ensure they are more representative of the Victorian community.

The Courts Legislation (Judicial Appointments) Bill will allow magistrates to work on a part-time basis, and for the first time will introduce uniform eligibility criteria for appointment to judicial office in Victoria.

Part-time magistrates

Striking a balance between work and family commitments is a demanding and stressful reality for many women, and increasingly men. Getting the balance right benefits families, employers, and the Victorian community as a whole. The government can play an important role in helping people achieve this balance by providing assistance to families and employers, and by leading the way in providing flexible work practices.

The availability of part-time work, particularly in circumstances where employees can still have access to promotion and professional development opportunities, is one way of achieving this balance for people with work and domestic responsibilities.

This bill amends the Magistrates' Court Act 1989 to allow magistrates to be appointed on a part-time basis and to allow full-time magistrates to work on a part-time basis with the agreement of the Chief Magistrate.

Part-time magistrates will have the same status, powers and responsibilities as full-time magistrates. In order to protect the judicial office, part-time magistrates will also have the same tenure as full-time judicial officers and will be restricted from engaging in legal practice during their appointment.

It is not only women with young families who will benefit from these amendments. There are individuals in the legal profession who may be candidates for the magistracy but may find full-time office unattractive because of disability, study commitments or because they are caring for elderly parents. Removing these barriers will enhance the pool of talented and skilled candidates for judicial office.

Eligibility criteria for judicial appointment

In 2003 the Constitution Act 1975 was amended to broaden the eligibility criteria for appointment as a judge of the Supreme Court of Victoria. The amendments replaced more restrictive provisions and brought Victorian appointment criteria into line with other jurisdictions.

The amendments to the Constitution Act 1975 allowed candidates from other states or territories, including those holding judicial office, to be appointed as a Supreme Court judge. The minimum legal practice requirement was also altered to provide that practitioners with five or more years post-admission experience in any state or territory, or those who had been a practitioner of the High Court for at least five years, could be eligible for appointment.

This bill provides for jurisdictional consistency in the qualification for judicial appointment by extending the Constitution Act 1975 amendments to the eligibility criteria for appointment as a County Court judge, magistrate, acting magistrate and master of the County and Supreme courts.

Broadening the criteria for appointment of judicial officers in this manner will enlarge the pool of candidates eligible for judicial appointment and is consistent with the government's goal of modernising the court system.

The Bracks government is committed to ensuring that the best candidates are available for judicial appointment. This bill will ensure that barriers to judicial appointment are removed and that the pool of candidates is broadened and relevant to the wider community.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 6 May.

COURTS LEGISLATION (FUNDS IN COURT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Court proceedings often result in the recovery of damages by vulnerable litigants, including those aged under 18 years and those who have been severely injured and are incapable of managing their own affairs because of their mental or physical infirmity. These litigants are known as ‘persons under disability’.

Because of the particular vulnerability of these litigants and the significant sums of money often recovered in litigation, the Supreme, County and Magistrates courts administer the financial affairs of these persons as part of the Crown’s inherent jurisdiction to provide for those who cannot take care of themselves.

This ensures that persons under disability receive a reasonable return on the funds that are invested on their behalf and that their interests are protected. Funds managed by the courts on behalf of persons under disability are known as ‘funds in court’.

The three courts manage funds on behalf of about 5500 persons under disability. The bulk of these funds is managed by the Supreme Court through the senior master’s office (SMO).

The performance of the courts in relation to their management of funds in court has been reviewed from time to time. This bill addresses two particular operational issues which have come to light in the course of these reviews: the adequacy of the resources available to the County and Magistrates courts to administer funds in court to provide a reasonable level of service and investment return to persons under disability; and the adequacy of the SMO’s funds management structure.

County and Magistrates courts: transfer of funds

Neither the County Court nor the Magistrates Court is adequately resourced to enable the efficient administration of beneficiary funds or the investment of funds. As a result, the range of services provided by both courts is limited. Services to beneficiaries in these

courts and the return of their investments would be enhanced if their affairs were transferred to the SMO.

The bill achieves this end by transferring the funds in court operations of the County and Magistrates courts (including the victims of crime assistance tribunal) to the SMO.

Senior master’s office: pooled equities

The Supreme Court Act 1986 requires capital profits from the common funds operated by the SMO to be transferred to a guarantee and reserve account established under the act. This effectively prevents the SMO from being able to pool funds so as to establish a more diversified equity portfolio.

It is considered that many beneficiaries, especially those with larger amounts invested with the SMO, would be better served by tailored investment portfolios and more sophisticated investment strategies to meet their individual needs.

These initiatives will enhance the operations of the SMO and improve the services available to persons under disability.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 6 May.

Remaining business postponed on motion of Mr CAMERON (Minister for Agriculture).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Camperdown: sports stadium

Mr MULDER (Polwarth) — I wish to raise an issue for the Minister for Sport and Recreation in the other house. A petition tabled in the house yesterday that was organised by Robert van den Eynde, chairman of the Advance Camperdown stadium appeal, and signed by 1305 citizens of the Camperdown district requests the government to approve the funding application currently lodged with Sport and Recreation Victoria for the construction of a new sports stadium in Camperdown. The Corangamite shire, with the support of the local community, had put this proposal forward,

and despite the council delegates meeting with the minister in 2002 and 2003 to press their case, the stadium remains unfunded and unbuilt.

The current facility is one of the poorest quality venues in the shire. It is undersized, has poor access and inadequate service facilities for the large number of sporting associations that use the facility. These include the junior and senior netball associations, the badminton association and the Camperdown indoor netball association. Therefore the building in Errey Street, Camperdown, of a new two-court stadium, amenities and meeting room is essential. As the Minister for Sport and Recreation surely must be aware, the provision of facilities for young people is vital in rural centres such as Camperdown, and a measure of the importance placed on this project is the fact that over 15 sporting clubs in the area are to be the key stakeholders in this project, together with the shire of Corangamite and Camperdown college.

The situation to date is that approximately \$472 000 has been pledged by the local community towards the total project cost of \$1 684 000. The Corangamite shire has committed \$500 000 towards the project; the necessary road closure has been approved; the planning permit is currently awaiting council approval, and the plans are in the final stages of being drawn up by the architect. All that is missing is approval of the \$500 000 funding application currently before the department.

Construction can commence as soon as this funding becomes available, and I call on the Bracks government to fund the Camperdown sports stadium in this budget. I would like to take this opportunity to congratulate Rob van den Eynde and all those involved with the stadium appeal. They have done a magnificent job in raising nearly half a million dollars towards the project.

The state government's announcement yesterday of a new convention centre complete with 5000-seat hall for the city of Melbourne does absolutely nothing for the youth of Camperdown in the state's west. For more than three years the people of Camperdown and district have waited and pleaded their cause. It is now time for the Bracks government to honour its promise, look after country Victoria and fund this project. I call on the Minister for Sport and Recreation to support this application.

The Minister for State and Regional Development, who is also the Treasurer, met with Corangamite shire just after 1999 when the Bonlac factory had closed and asked the shire to put forward any ideas it had to stimulate the economy. Nothing could be more important than this very vital project for the

Camperdown community, and I also put this to the Minister for State and Regional Development.

Sunbury Aquatic Centre: funding

Ms DUNCAN (Macedon) — The action I seek is from the Minister for Sport and Recreation in another place. I ask the minister to favourably consider an application currently before Sport and Recreation Victoria, submitted by Hume City Council under the 2004–05 funding program, for a stage 1 redevelopment of the Sunbury Aquatic Centre. The amount that is being requested is \$500 000 for a total project cost of \$1 516 494. The stage 1 redevelopment will include an extension and refurbishment of the existing gymnasium, and the development of a multipurpose room and also interim change facilities closer to the pool hall.

Sunbury is a growing town, and it is important that a significant recreational facility such as the Sunbury Aquatic Centre grow with the town. The aquatic centre provides facilities for a very active swimming club around Sunbury as well as for all the local schools and schools from outside the Sunbury area. As a government we recognise the importance of sporting facilities such as the Sunbury Aquatic Centre and also the significance of promoting sporting activities to a broad range of people as a way of promoting health and wellbeing.

As the town grows it is important that the range of activities that can be provided at this centre also grows, and this staged redevelopment is ensuring that will happen. The project is supported by a 1996 leisure plan and centre master plan, conducted in consultation with the community, which was also funded by SRV, so this is part of the longer term plan. The gymnasium currently caters for 1400 members and has a growth rate of 5 per cent; accordingly by 2007 the gym membership will be 1750. This space will increase from 280 square metres to 400 square metres and will make available a greater variety of activities.

The changing rooms are currently not conducive to the wet facilities area and are not fully accessible. These issues pose problems for older adults and disability groups. The redevelopment of the dry space area will enable the facility to provide a broader range of services and activities and the redeveloped ablutions will improve visitor access and movement throughout the centre. As it is a staged development, there are further stages planned to ensure this facility continues to provide an appropriate level of services for this growing town.

Agriculture: occupational health and safety

Mr WALSH (Swan Hill) — I seek action from the Minister for WorkCover. The issue is the recently introduced Occupational Health and Safety (Prevention of Falls) Regulations 2003. As I understand it there is a code of practice for the construction industry to enable those in that industry to know what they need to do to comply with the new regulations. For the agriculture sector there are no guidelines as to how farmers or farm machinery suppliers are to meet these new regulations.

We have a situation with Sherwell of Nhill, which manufactures field bins and silos but is no longer fitting ladders to field bins because there are no guidelines as to what ladders should be fitted. Sherwell has been advised that to protect it from any possible future prosecution no ladders should be fitted at all. Farmers will now fit their own ladders, or worse still they may actually use a normal building ladder and lean that against the silo to get up to open the lid or to clean that silo out. This is a situation where because there are no guidelines and therefore no ladders are being fitted to those field bins by the manufacturers, farmers will actually be in a more dangerous situation in the future.

I have had queries in my office as to what guidelines there are for those loading hay onto trucks. When unloading hay you are more than 2 metres off the ground, and I can find no guidelines to help constituents who have raised that issue. The member for Benalla was refused a load of stock-feed pellets because he had to climb more than 2 metres off the ground to open the bin. Although he was climbing up to open the bin, the truck driver who brought the pellets had been told by his employer that if anyone was more than 2 metres off the ground while that truck was there he was not to unload those pellets. Again there are no guidelines as to how that should happen. There are no guidelines for what access should be put on overhead fuel tanks for fuel companies delivering fuel to farms, and now fuel companies are refusing to fill overhead fuel tanks.

The action I seek from the Minister for WorkCover is that agriculture should be exempted from these new regulations until such time as practical guidelines can be put in place to enable farmers and machinery suppliers to go about their business without fear of prosecution for what they may or may not eventually do.

Plenty Road: duplication

Ms D'AMBROSIO (Mill Park) — I ask the Minister for Transport to fund the duplication of Plenty Road from Centenary Drive, Mill Park, to north of

Bethany Court, South Morang, in the upcoming state budget. In the 2002 election campaign the state Labor government committed to fund the \$13 million duplication project in this term of government. Since then the traffic congestion has worsened dramatically, requiring the project to be undertaken urgently. Wherever I go in the electorate I come across road users and residents who are very frustrated with the lengthy delays they experience along Plenty Road north of Centenary Drive. Residents are also exasperated with the resultant referred congestion created at other intersections along the way, such as Childs Road, Mill Park.

I wish to inform the house of some startling statistics in support of the need to fund the project as soon as possible. The integrated transport strategy for the City of Whittlesea, which contains accurate monitoring of predicted population growth, indicates that between 2002 and 2004 there will have been a 29 per cent increase in population along the Plenty Road corridor north of Gorge and McDonalds roads, South Morang — that is, an increase in population from 14 867 to 19 151 residents. The traffic volume between Gorge Road, South Morang, and Centenary Drive, Mill Park, is also predicted to rise from 22 320 in 2002 to 26 000 by 2004, a 17 per cent increase. I strongly believe the above population and traffic volume pressures warrant the urgent funding of the duplication project.

Other extenuating circumstances in support of the urgent commencement of the project include: the soon-to-be-approved application for a planning permit for a 120-bed aged care facility and 28 private residential units on Plenty Road, adjacent to the new Country Fire Authority station in South Morang; the outline of development plans for residential subdivisions totalling in excess of 3000 allotments currently before council; the recently developed commercial hotel and family restaurant on the north-east corner of Plenty and Gorge roads; and the newly established South Morang Country Fire Authority station on the west side of Plenty Road, north of Findon Road. I also urge the minister to include in the project the replacement of the roundabout at the intersection of Plenty Road, McDonalds Road and Gorge Road, South Morang, with traffic lights to maximise the benefits of the duplication.

The Minister for Transport is highly regarded for making things happen in the Mill Park electorate. We have a number of new bus routes servicing the new growth areas of Blossom Park and Botanica Park, and the resurfacing of Plenty Road for noise reduction purposes. I trust the minister will give my request to

fund the Plenty Road duplication his most serious consideration.

Judiciary: independence

Mr McINTOSH (Kew) — I raise a matter for the attention of the Attorney-General. The matter I raise with the Attorney-General is the inappropriate interference by ministers in the recommendation of the Judicial Remuneration Tribunal in relation to the salaries of Victoria's judges and magistrates.

The action I seek from the Attorney-General is to ensure that the proper processes are followed without any political interference by government ministers or by his cabinet colleagues and that ultimately they are determined in this particular place. The most important thing is that this is not about the level of judicial salaries and certainly not about whether it is an appropriate increase that falls within budget guidelines; it goes to the issue of the independence of the judiciary. This is well recognised by government ministers and the Attorney-General.

The now Premier of the state, when he was the humble member for Williamstown, in discussing new legislation brought in by the former Kennett government setting up the Judicial Remuneration Tribunal, said on 7 March 1995:

One of the best ways to ensure that the separation of powers is upheld is to take the hands-off approach and to have no involvement by the state in the setting of remuneration for judges in the judicial system.

Later on in the debate he said:

... this bill cannot be seen to enhance the separation of powers when the senior legal officer in the state, the Attorney-General, is able to make judgments about tribunal matters and remuneration. By definition, the system we now have is a hands-off system that ensures that the state has no power over remuneration levels. That must be a better system and it must be better for the separation of powers.

Shortly after I was elected to Parliament, the Attorney-General stated on 16 December 1999 in a debate in this place:

The honourable member for Kew referred to the Judicial Remuneration Tribunal as an independent tribunal. I agree with him and draw his attention to the fact that previously when the Judicial Remuneration Tribunal made recommendations about salaries for judges those recommendations, independent as they were, went to the former government and were tampered with. They were amended before they were taken to cabinet. Yes, the tribunal should be independent, and I intend to make sure its independence can no longer be tempered with by government.

In introducing amendments to the Judicial Remuneration Tribunal Act which now prevails, the Attorney-General talked about two limbs ensuring the independence of the judiciary. He said it was very important to the liberty of individual citizens and democracy in this state. He said the first limb is to provide judges with security of tenure and that the second limb is:

... by providing judges with security of remuneration.

That should be independent of Parliament.

Most importantly, it is now time for the Attorney-General to stand up to the inappropriate interference to the recommendations of the Judicial Remuneration Tribunal's recommendations.

Canterbury Road, Bayswater North: duplication

Ms BEARD (Kilsyth) — The issue I raise with the Minister for Transport is to consider funding the duplication of Canterbury Road, Bayswater North, between Bayswater and Dorset roads. This is one of the major areas of traffic congestion in the electorate of Kilsyth. Not only is Canterbury Road used as a main arterial road, including by heavy interstate transport which commences around that area, but it also services a large industrial area in the outer east, a major source of employment for people in my electorate and further out in the Yarra Valley.

Roads are very much in the minds of people in my electorate at the moment with the anticipation of the magnificent Mitcham–Frankston freeway to look forward to. I note with great interest in yesterday's *Age* that the federal government is considering using tollways to help pay for roads. It exposes its complete hypocrisy in constantly criticising the Bracks government's decision to toll the Mitcham–Frankston freeway and its complete hypocrisy in its refusal to provide funds for this project.

There are new housing developments in this area of Bayswater North and the residents constantly have to compete with a large number of trucks and commercial vehicles as they go about their daily business of attending schools and visiting the fast food outlets in this area. The new Bunnings store in Canterbury Road has also added a large number of cars to the road and adds to the congestion. I personally travel along this road very often and experience first hand the significant amounts of time taken to travel on what is a relatively short section of road. I have constantly had representations from my constituency about the

increased number of cars travelling on Canterbury Road and the safety issues this raises. I have requested the minister to assist the people of my electorate to move more easily around the area with this duplication.

I have every confidence that the Minister for Transport, as usual, will display his care for the safety and concerns of my electorate. The duplication of this section of Canterbury Road will greatly enhance the lives of local residents as they move around but will also assist those using Canterbury Road as they take what we call the back way up to central Victoria, the alpine areas or interstate. For these reasons I ask the minister to do everything he can to address the ongoing problems around this section of road. I assure him the constituents of Kilsyth and the surrounding communities will be most grateful.

Taxis: multipurpose program

Mr SMITH (Bass) — I address my issue to the Minister for Transport, and I request that he do something to improve the multipurpose taxi service for the aged, infirm and disabled in the community. The minister announced in a press release of 24 October last year that the service needed to be modified to maintain its long-term sustainability. He then promptly put a cap of \$550 per person per year on the service. This was unnecessary as the minister and the Victorian Taxi Directorate had known for some years that the taxi industry itself was roting the system and not the passengers. What the minister has done has been disgraceful and has affected up to 180 000 users of this program. It has also made it difficult for potential users to get onto the program.

Mr Ray Bolam from Wonthaggi — and the minister's reference number is IF433080 — has been refused admittance to the program on four separate occasions. He has visited my electorate office on many occasions and needs a frame to walk. His condition deteriorates each time he comes in — and you can see it is deteriorating. He can hardly walk, and he needs wheels on his frame because he does not have the strength to lift it.

In his responses Jeff Dalman, the manager of the multipurpose taxi program, states that the program is designed to assist people with a permanent disability which severely impairs their mobility, including the ability to independently access public transport. I ask the minister: what public transport? Wonthaggi is in a rural area and one must ask: does the minister think that everybody in Victoria has trams, trains and buses like he has in his own area?

Mr Bolam has lived in Wonthaggi for most of his life, and he has made a great many voluntary contributions to the local area over a large number of years. In his statement his doctor says that he cannot even climb three stairs and cannot walk without severe pain. When Mr Bolam finally asked for help — and he has never asked for help before — the minister's department refused him that help.

I ask that greater consideration be given to the aged, infirm and disabled in our community by assisting their entry into the multipurpose taxi program. I understand that the multipurpose taxi program has closed in Leongatha and that programs across Victoria and rural Victoria are also closing down. I ask the minister to please do something.

Wellington Road, Rowville: upgrade

Ms ECKSTEIN (Ferntree Gully) — The matter I raise is for the attention of the Minister for Transport, and the action I seek is that the upgrade and duplication of Wellington Road between Taylors Lane and Napoleon Road in Rowville proceed as a matter of urgency.

Since my election some 15 months ago residents in Rowville have regularly raised with me the need for all major roads in the area to be improved and upgraded — and the list of roads is quite substantial. Initially it included Lysterfield Road, and I am pleased to advise the house that the local community is very pleased with the \$2.3 million allocated by the Bracks government last year for a significant improvement of that dangerous road. The list also includes Wellington Road, which needs attention as a matter of urgency, and Napoleon and Kelleets roads in the longer term.

I have been raising these matters with the Minister for Transport regularly and consistently on behalf of my constituents and local community groups for some time now. All of these major roads are now unable to cope with the volumes of traffic they are receiving as a result of extensive housing development in the area over the last 10 years or so. During peak times all the major roads in Rowville are gridlocked with traffic down to a crawl for several hours twice a day.

The most urgent need for improvement is the upgrade and duplication of Wellington Road from two to four lanes between Taylors Lane and Napoleon Road. This issue was first raised with me by Fr Martin Dixon from St Simons Primary School during the 2002 election campaign. St Simons is on the corner of Wellington Road and Taylors Lane, and during peak times it is extremely difficult for parents to drop off and pick up

their children at the school because of the traffic congestion in the area, not to mention the safety issues. Also, a new shopping centre is to be built along Wellington Road at its intersection with Silkwood Way. This will add considerably to traffic congestion and management issues in the area and reinforces the urgent need for Wellington Road to be upgraded.

Residents and community groups in the area have been telling me that this is a major issue which needs attention urgently. The duplication of Wellington Road in this area is well overdue. I understand that planning for these improvements is well under way. What we need is for the necessary funding to be allocated to this project — and the sooner the better. I believe that the people of Rowville deserve better major roads than they have at the moment.

The improvements to Wellington Road would be a major and significant contribution to the improvement of traffic conditions in the area. I therefore ask the Minister for Transport to ensure that the upgrade and duplication of Wellington Road between Taylors Lane and Napoleon Road in Rowville proceed as a matter of urgency and that the necessary funding be provided at the earliest opportunity.

Land tax: Victoria — *Leading the Way*

Mr CLARK (Box Hill) — Following the changes announced in Tuesday's economic statement, I raise with the Treasurer the issue of land tax. I ask him, firstly, to make public the full details of the indexation factors that were assumed by the government for 2005 and beyond in calculating its changes announced on Tuesday; secondly, to make public the government's assessment of the likely effect of those changes and assumed changes in land values on 2005-and-beyond land tax bills in the light of their assumed changes in land values; and thirdly, to make public details of the government's forward estimates of what it will actually raise in land tax revenue following those changes.

Since I first referred to this issue this morning I have spoken to several experts in the property field, including one leading valuer. They tell me that for values for land tax between 2004 and 2005, it is reasonable to assume a rough average change of the order of 15 per cent in land value. It has also been pointed out to me that when the indexation factor was applied for the purpose of calculating 2003 land tax, that factor was set at 1.14 — in other words, a 14 per cent increase. Of course the period between 2002 and 2003 was when the property boom was running at full strength.

So with changes in property values of that order of magnitude to be used between 2004 and 2005 land tax, it is likely to prove a cruel hoax, despite the impression that the government has tried to give to small and medium-sized businesses and property holders that they will receive lower land tax bills as a result of the changes made in Tuesday's economic statement.

When one looks at some of the numbers that can be calculated at various assumed property values with increases of 15 per cent compared with the values that apply this year, one sees that a property that was this year valued at \$800 000 will next year be valued at \$920 000 and it would incur a 55 per cent increase in its land tax bill. Similarly, for property holdings valued at \$1 million, with a 15 per cent increase next year its land tax bill will have increased by more than 37 per cent. At \$1.5 million the increase will be 28.5 per cent and at \$2 million the increase would be 23.7 per cent. Indeed, not until one reaches a property portfolio valued for this year at in excess of \$6 million would one actually receive a reduction in land tax in 2005.

For all of those reasons, despite the government's claim that it is helping businesses around the state, it is clear that small and medium-sized business and property owners have been duded by Tuesday's changes.

Clyde Road, Berwick: duplication

Mr WILSON (Narre Warren South) — I rise to call upon the Minister for Transport to act to further improve the arterial road network in the city of Casey. The extension of the duplication of Clyde Road to the south would be of great benefit to residents of my electorate. Clyde Road is a major north-south road linking Berwick, the Princes Freeway and the Princes Highway in the north to the South Gippsland Highway, Thompsons Road and Cranbourne in the south. Growth has seen many new houses built along its length, and the residents rely on this road as their major transport route for local travel and also to access the major arterial roads in the region. The government has previously duplicated Clyde Road to just south of Greaves Road, for which I commend it.

Many major road improvements have been made by the Bracks government since 1999. Approximately \$213 million has been spent in the city of Casey alone to fund much-needed projects in this region, which the previous government had shamefully neglected. These projects include the Hallam bypass, which constituents continue to thank the government for. The Hallam bypass saves a considerable amount of travelling time and has markedly reduced east-west traffic congestion. The duplication of the Narre Warren–Cranbourne road,

which is currently under way, is another much-welcomed improvement assisting with north-south travel. It will greatly complement the improvements to Clyde Road.

We have also seen traffic lights improving safety and traffic flow at several intersections, including the Narre Warren—Cranbourne road and Centre Road intersection, the Hallam Road and Pound Road intersection, and the Pound Road and Greaves Road intersection, which was a major problem prior to the lights being installed.

Returning to the issue of Clyde Road, I call upon the Minister for Transport to extend the current duplication to the south. This will greatly ease the traffic flow in the area and greatly improve safety, mobility and access for residents and those drivers who travel to or from Cranbourne and the surrounding areas by accessing the Princes Freeway. The same situation applies for drivers travelling from Berwick to the South Gippsland Highway.

It will be of major benefit to those travelling to schools in the area such as St Catherine's Catholic Primary School and St Francis Xavier College, which have a combined enrolment of over 900 students. I note also that the Berwick campuses of Monash University and Chisholm TAFE are sited in Clyde Road, Berwick.

I acknowledge the importance of the roads in my electorate and that road-related issues constitute a large proportion of the inquiries made to my office. I also understand that in excess of 40 per cent of inquiries to the City of Casey are road related. With the ever-increasing population of Casey it is imperative that infrastructure keep pace with this growth. I seek the minister's action on this issue and look forward to the Bracks government getting on with the job of continuing the improvement of roads in the south-east.

Responses

Mr HULLS (Attorney-General) — In relation to the matter raised by the member for Swan Hill, I point out that in the last three years 23 Victorian workers have died as a result of a fall at work, with many more seriously injured. In relation to agriculture, five deaths due to falls from heights have been reported to WorkSafe Victoria in the last 10 years, as well as 370 injuries between 1998 and 2003. Alarming as those statistics may be, I have to say there remains a systemic under-reporting of injuries caused by falls in some industries. Given that the majority of farmers are self-employed, I would suggest that farming is certainly one of the industries that underestimate the true extent of the problem of falling from heights.

Up until now there have been no laws that specifically require protection for workers working at heights. It is worth remembering, however, that under occupational health and safety legislation farmers have a general duty to provide and maintain, so far as practicable, a working environment that is safe and does not risk the health of employees.

In respect of falls hazards generally, the occupational health and safety prevention of falls regulations to which the member referred do not introduce — I repeat, do not introduce — any additional burdens on farmers that are not already in place through the general duty-of-care provisions of the occupational health and safety legislation. Indeed I have been informed by WorkSafe — and I thank the honourable member for raising this with me earlier today — that the Victorian Farmers Federation was given the opportunity to comment on the draft proposals for the new regulations and that its comments were certainly considered in developing the final regulatory package.

Last year WorkSafe commenced work with the farming community, and the initiatives included the development of an industry standard for the safe design and use of bulk solids containers, silos, field bins and chaser bins, as well as providing subsidies, via Farmsafe Alliance, for the installation of remote silo openers to control the risk of falls from climbing silos.

I want to let the member know that for almost two decades the occupational health and safety legislation has put an obligation on all employers to provide safe workplaces. All employers, both before the new regulations and now, need to identify hazards and take practical steps to eliminate them. With due respect it is a nonsense to say that employers cannot undertake the activities mentioned by the honourable member. All that is required is that they undertake activities such as the ones he mentioned — lifting hay and filling tankers — as safely as practicable. WorkSafe is working with various parts of the agricultural and farming sector to achieve safer workplaces and identify areas where employers could be assisted by further guidelines. He ought to allay the fears his constituents may have in relation to those matters.

The member for Kew — quite surprisingly, I have to say — raised the issue of judicial independence and attempts to interfere with it. I can assure him that there is an understanding on this side of the house of the importance of the independence of the judiciary. The member for Kew quoted some speeches I made in the past. I stand by those comments absolutely. There is a passionate commitment on this side of the house to ensuring we have an independent and highly qualified

judiciary. We will continue to do all we can to ensure that occurs.

Having said that, I find it astounding that the matter of judicial independence is raised by the shadow minister, because whilst he was not, as I recall, in government at the time, it was certainly his party that sacked judges. It actually sacked a whole court — the Accident Compensation Tribunal — and also closed down courts throughout Victoria. Indeed it was his party that undermined the independence of the Director of Public Prosecutions. He was not personally responsible for that, and I hope he was not supporting, in the privacy of his own practice at the bar, the moves that were being made. I do not recall him, as a private practitioner, putting out any statements at the time about it being totally inappropriate for the Kennett government to be sacking judges or undermining the independence of the DPP, but maybe he did.

It is a bit like the old Peter Cook and Dudley Moore sketch.

One person says to another, 'I'm against the war'.

'I'm against the war too. I think we are all against the war'.

'Yes, but I wrote a letter'.

Maybe that is what the now member for Kew did. But he can rest assured that under no circumstances will this government be undermining the independence of the judiciary. Indeed, we condemned what occurred under the Kennett government when judges were sacked. They certainly will not be sacked under this government.

I also recall a former shadow Attorney-General — who shall remain nameless but who forgot where he lived — who used the protection of Parliament to vilify individual magistrates. If that is not undermining the independence of the judiciary, I do not know what is.

We support the judiciary. We believe we have an excellent judiciary in this state, and we fully support and understand the need to have an independent judiciary. We will continue to support an independent judiciary in this state.

Mr BATCHELOR (Minister for Transport) — What a dynamo the member for Mill Park is in raising with me the need for the upgrade of roads in her electorate of Mill Park. The member tonight raised the need to facilitate an upgrade of Plenty Road as a matter of urgency. In particular she highlighted the section of Plenty Road out to Bethany Court and reminded members that it was an election commitment of the Bracks government during the 2002 election campaign.

Since then the government, through VicRoads, has undertaken some preliminary planning work to determine the scope of this project. Indeed it is an important project, not just for the member for Mill Park but for residents further to the north all the way out to Whittlesea.

The member for Mill Park argues for funding for this project and, of course, given the way she has presented her arguments here tonight, we will look closely at that option. I notice that the member for Mill Park was not only concerned that this vital project be undertaken at the earliest opportunity but she also raised concerns about the most appropriate traffic management that ought to be incorporated into the design of this upgrade. In particular the existing roundabout at Gorge Road may have been effective in the past when this was truly a rural area, but I agree with her that we should look at the need for replacing it with traffic signals because of the large number of cars and other vehicles using the road network at the moment. I will ensure that the traffic light issue is given due consideration when the design aspects of this project are worked through.

The member for Mill Park gave a vivid description of the need for this upgrade. She is a member of Parliament who truly understands the issues that are important to her electorate, and someone who does that deserves the good consideration of the government.

The member for Kilsyth raised with me the need to duplicate part of Canterbury Road between Bayswater Road and Dorset Road. This is a 1.8-kilometre section of Canterbury Road east of Middleborough Road, which is a significant fact when you think about it. Its directly abutting development is very heavy industry on the north side and residential and commercial abutments and developments to the south. Accordingly there is a high level of traffic volume and a mix of different types of traffic. With heavy trucks vying for road space with passenger vehicles, one would expect this section of Canterbury Road to have a poor crash history — and it has. Over the last five years there have been some 67 casualty crashes in this 1.8-kilometre section of Canterbury Road.

That is unacceptable to the government; I know it is unacceptable to the member for Kilsyth; and I know it is unacceptable to the people of her electorate. I thank the honourable member for bringing this matter to my attention, because it is projects like this that, once they are addressed, will help reduce the road toll even further. They will help people to arrive alive.

It is interesting also that the member for Kilsyth made passing comments about the admission by the federal government that it is now supportive of tolls as a funding mechanism for urban freeways right around Australia. That admission was reported in the *Age* of 21 April this year. That backs up the admission by the Victorian Leader of the Opposition that the opposition is prepared to let the tolls on the Mitcham–Frankston freeway stand. We now have an admission at the national level, which backs up the previously announced admission of the Liberals at the state level, that they are prepared to see tolls used as a funding mechanism for roads, and not only tolls on the Mitcham–Frankston freeway but tolls right around Australia. The people of the east and the south-east of Melbourne ought to fully understand that the real policy of the Liberals at state and national level is to support these tolls, and specifically on the Mitcham–Frankston freeway.

As the member for Kilsyth quite rightly said, it is the height of hypocrisy for the Liberals at both a national and a state level to attack the policy of tolls in this area, because they have been exposed now for their secret plans and their preparedness to support tolls. They are prepared to say one thing privately but do another thing in the electorate. They have been caught out here. They have been exposed, and they stand condemned.

The member for Kilsyth has made representations in relation to Canterbury Road, Bayswater, in Parliament today. She is a local MP who knows her electorate. She knows how to work for her electorate and she knows how to put a compelling argument, and I am prepared to take those arguments on board.

The member for Ferntree Gully raised the issue of the need to upgrade Wellington Road between Taylors Lane and Napoleon Road. The member has also made particular reference to the Bracks government's \$2.3 million commitment to improving the safety of Lysterfield Road. This Lysterfield Road project is a good one, because it is like a number of other road projects that this government has undertaken: it will save lives. It will further help to reduce the road toll, and it will help people to arrive alive. It is an example of how the government's road safety strategy is working. Safety is a major consideration when this government looks at other projects suitable for funding. That is one of the measures we will apply to our consideration of Wellington Road in Rowville.

Lots of roads have congestion and delay problems, such as this section of Wellington Road, and the problem here is compounded by the need for people to leave the adjacent residential areas in Rowville and get access out

onto Wellington Road. The side road traffic suffers excessive delays, which lead to frustration, anxiety and inevitably road crashes.

The section of Wellington Road the member for Ferntree Gully referred to has a very poor accident history. It has had 42 casualty crashes over the last five years and is a black spot under any criteria. As I have said in this place, the Bracks government is proud of its achievements in road safety, particularly its attention to black spot funding right across the state. Our Arrive Alive road safety strategy is working. We are saving Victorian lives. More than 170 lives have been saved since we introduced the Arrive Alive strategy in November 2001, and we will continue to strive to do even better in a partnership with the Victorian community, which is responding in even greater numbers to the road safety message, just as the member for Ferntree Gully has done in bringing this matter to the attention of the house tonight. I will ask VicRoads to examine this request put forward by the member for Ferntree Gully. Her request, backed up with local evidence and addressing road safety issues, is an example of how a good local member should work in their electorate.

The member for Narre Warren South raised with me the need to upgrade the Berwick–Cranbourne road, also known as Clyde Road, south of Greaves Road down to Pound Road. This is another road in the outer metropolitan area that has a good case for funding to provide for further duplication. It is in the heart of the Casey growth area and provides access to local schools such as St Catherine's Primary School and the St Francis Xavier College junior campus.

I have visited the area adjacent to St Catherine's Primary School with the member for Narre Warren South, who showed me first hand the issues involved and explained the importance of the road not only as a thoroughfare for a through road but also as providing access to important community facilities adjoining it. Traffic signals are to be provided at major access points to the road, but there is too much traffic there for the road to handle in its current configuration, so I agree with the member for Narre Warren South: this is a good case. He has presented a terrific case for it to be upgraded, and we will take that up with VicRoads.

It is important also to acknowledge that Clyde Road has been identified by VicRoads as a road of regional significance. It provides a bypass at Cranbourne for regional traffic. This change in overall traffic patterns has started to be noticed since the opening of the Hallam bypass. The growth in areas such as Berwick and the regional traffic function it is required to perform

all go to support the hard work the member for Narre Warren South has put in on behalf of his constituents, highlighting the need for the further upgrading of Clyde Road.

The member for Bass raised with me an issue in relation to the multipurpose taxi scheme and sought some assistance in understanding how it works so he can assist a constituent of his. Some changes were made to the multipurpose taxi scheme, and it was further refined in February of this year. Those changes were designed to ensure the long-term viability of the scheme so it could continue to deliver subsidised taxi travel for people with severe and permanent disabilities that prevent them from using public transport. It is a good scheme. It was commenced in 1983, and it currently has 181 000 members. Under the scheme 50 per cent of the taxi fare is provided up to a maximum of \$25 per trip. Some 80 per cent of the users are over 60 years of age; 70 per cent are over 70 years of age; and wheelchair users constitute about 9 per cent of the total users. It is an expensive scheme to operate. In the financial year 2002–03 it cost some \$42.6 million to provide this service, an increase of 6.7 per cent over the previous year.

It is a high-cost scheme that has had a history of growing faster than the consumer price index. In fact, it is the largest scheme of its kind in Australia, being about three times the size of the New South Wales scheme, which has very restricted eligibility criteria. It is a scheme that looks after the needs of people with severe and permanent disabilities, and we believe it does well in providing assistance to the people who qualify.

The reforms that were introduced in February 2000 include means testing for new applicants, excluding wheelchair users, a membership card renewal and replacement fee, and a subsidy cap of \$550 for members other than those who are exempt from the annual subsidy cap. Those who are exempt from the cap include members with blindness or vision impairment, intellectual impairment, brain damage, dementia, major organ disorders and paralysis, as well as wheelchair users. We believe the changes that were introduced in February 2004 will go a long way towards ensuring that the scheme can continue to survive and can be targeted at those people who meet the eligibility criteria identifying the most disadvantaged members of our community. It is now a much more targeted and rational scheme, and I think it will be able to continue to meet the needs of people travelling in country and metropolitan Melbourne.

The member for Bass also made some cryptic criticism about the availability of public transport services in his area of Wonthaggi. I point out to the member for Bass that this is an area that has had almost continuous representation from the Liberal side of politics, including a very long period of time where it was represented by a Liberal transport minister. I think he, with his selective memory, has forgotten these facts, and he should be more careful in casting aspersions. I guess in some respects he is continuing the sort of representation that has been delivered by the Liberal Party in the past. All I can say to the good people of Wonthaggi is that the sooner they get a Labor member the better represented they will be.

The member for Box Hill raised a matter for the attention of the Treasurer. I will pass that matter on to the Treasurer for his attention.

The members for Polwarth and Macedon raised matters for the Minister for Sport and Recreation in the other place, and I will accordingly pass those on to the minister.

House adjourned 5.27 p.m. until Tuesday, 4 May.