

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 23 June 2009

(Extract from book 8)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 28 June 2008

⁵ Elected 15 September 2007

⁶ Resigned 6 August 2007

CONTENTS

TUESDAY, 23 JUNE 2009

QUESTIONS WITHOUT NOTICE

<i>Water: north–south pipeline</i>	1963
<i>Budget: government performance</i>	1964
<i>Office of the Australian Building and Construction Commissioner: coercive powers</i>	1965
<i>Schools: digital education revolution</i>	1965
<i>Office of Police Integrity: telephone recordings</i>	1966
<i>Water: protests</i>	1967
<i>Local government: councillors</i>	1968
<i>Water: fluoridation</i>	1968
<i>Ambulance services: staffing</i>	1969
<i>Family violence: government initiatives</i>	1970

COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL

<i>Introduction and first reading</i>	1971
---	------

TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL

<i>Introduction and first reading</i>	1971
---	------

HUMAN TISSUE AMENDMENT BILL

<i>Introduction and first reading</i>	1971
---	------

PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL

<i>Introduction and first reading</i>	1971
<i>Statement of compatibility</i>	1972
<i>Second reading</i>	1972, 2014
<i>Third reading</i>	2021

BUSINESS OF THE HOUSE

<i>Notices of motion: removal</i>	1972
<i>Program</i>	1976

PETITIONS

<i>Students: youth allowance</i>	1973
<i>Equal opportunity: legislation</i>	1973
<i>EastLink: noise barriers</i>	1973
<i>Torquay Foreshore Caravan Park: upgrade</i>	1973
<i>Police: Red Cliffs</i>	1973
<i>Rail: Mildura line</i>	1974
<i>Rail: Connex</i>	1974
<i>Cycling: safety</i>	1974

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

<i>Alert Digest No. 7</i>	1975
---------------------------------	------

DOCUMENTS

.....	1975
-------	------

PLANNING LEGISLATION AMENDMENT BILL

<i>Council's rejection</i>	1975
----------------------------------	------

ROYAL ASSENT

.....	1975
-------	------

JUSTICE LEGISLATION AMENDMENT BILL

<i>Clerk's amendment</i>	1976
--------------------------------	------

MEMBERS STATEMENTS

<i>Water: desalination plant</i>	1979
<i>Bushfires: victim support</i>	1979
<i>Pensioners: concessions</i>	1979
<i>Girl Guides Victoria: centenary</i>	1979
<i>Water: Maryborough supply</i>	1980
<i>Racing: regional and rural Victoria</i>	1980

<i>Bundoora United Football Club: special event</i>	1980
<i>Fishing: rock lobster</i>	1981
<i>Health: hepatitis C</i>	1981
<i>Employment: government performance</i>	1981
<i>Mia Mia Rural Fire Brigade: fundraising concert</i>	1982
<i>Police: shire of Yarra Ranges</i>	1982, 1983
<i>Min Gu, Zhengrong Shi and Dani Poon</i>	1982
<i>Schools: bushfire areas</i>	1983
<i>Dennis O'Sullivan</i>	1983
<i>Planning: Mildura</i>	1983
<i>Mildura electorate: anniversary celebrations</i>	1984
<i>International Men's Health Week</i>	1984
<i>Osborne Primary School: building program</i>	1984
<i>Good Shepherd Youth and Family Service: no-interest loan scheme</i>	1984
<i>Australian Football League: Latrobe Valley</i>	1985
<i>Lloyd Park, Langwarrin: upgrade</i>	1985
<i>Frankston North: men's shed program</i>	1985
<i>Nadrasca: Cabaret</i>	1985
CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL	
<i>Second reading</i>	1986
<i>Third reading</i>	2013
LEGISLATION REFORM (REPEALS No. 4) BILL	
<i>Second reading</i>	2021
ADJOURNMENT	
<i>Budget: debt</i>	2026
<i>Occupational health and safety: underground services</i>	2026
<i>Greyhound racing: Wangaratta</i>	2027
<i>Family services: Cranbourne electorate</i>	2027
<i>Disability services: consultation</i>	2028
<i>Cycling: safety</i>	2028
<i>Malvern Primary School: funding</i>	2029
<i>Disability services: Pascoe Vale accommodation</i>	2030
<i>Parklands Albury Wodonga: land management</i>	2030
<i>Rail: Craigieburn car park</i>	2031
<i>Responses</i>	2031

Tuesday, 23 June 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.04 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Water: north–south pipeline

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to his statement in the house in April this year regarding water availability for the north–south pipeline and to his comments that:

It has always been the basis of this project that there would be at least 225 gegalitres of water savings ...

I further draw the Premier’s attention to last week’s sworn evidence by the managing director of the Office of Water, Mr David Downie, that these basic water savings assumptions have ‘now proven to be wrong’, and I ask: do Victorians believe the Premier or the sworn evidence of Mr Downie?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. I have always strongly supported the food bowl modernisation project. Our government has always strongly supported the food bowl modernisation project. Each time I talk to farmers, to irrigators, to industrialists or to community leaders in that region they reinforce with me time and again that this is the right project for the times and that this is a project which will secure the future of our food bowl irrigation region.

We have seen, I would have thought self-evidently, in the last decade and particularly in the last three years that the old days where we could rely for 100 years out of 100 on reliable rainfall have gone. We are now clearly in an era of climate change, and in that era we cannot afford to be trying to run an agricultural system on 19th century infrastructure, so what we are doing in partnership with the federal government will secure this region not just for years but for decades ahead. In the process, in an era of climate change and lower levels of rainfall, this project saves water which would otherwise be wasted and divides those savings between irrigators, the environment and Melbourne.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. I have directed the question to the specific sworn evidence of Mr Downie given last week when Mr Downie advised the Victorian Civil and Administrative Tribunal that the savings simply were not there, and I am asking the Premier:

who is right, Mr Downie in his sworn evidence or the Premier?

The SPEAKER — Order! When the Leader of The Nationals took the point of order the Premier was talking about water savings, which was exactly the term used in the question put by the Leader of The Nationals. There is no point of order.

Mr BRUMBY — In relation to these matters the savings, as we have said, will always be split three ways. I would have thought too that in relation to the north–south pipeline, which delivers Melbourne’s share of those savings to Sugarloaf Reservoir and in the present environment where the state is short of rainfall and where Melbourne’s catchments are short of rainfall, the Liberal Party and The Nationals would be saying that is a very timely — —

The SPEAKER — Order! The Premier will not comment on The Nationals and the Liberal Party.

Mr BRUMBY — This is a very timely investment. On our side of the house we have actually got some water policies, we have actually got some projects, we have actually got some plans.

The SPEAKER — Order! The Premier is debating the question.

Mr BRUMBY — In relation to the level of savings to which the Leader of The Nationals alluded, here is a statement from the Victorian Farmers Federation (VFF) of December — —

Honourable members interjecting.

Mr BRUMBY — You don’t like the Victorian Farmers Federation?

Honourable members interjecting.

The SPEAKER — Order! I remind the Premier that he has been speaking for 4 minutes. I ask him to conclude his answer.

Mr BRUMBY — I quote the VFF:

The government’s failure to make recommendations on the distribution of savings in excess of 225 gegalitres will only raise suspicion in the minds of irrigators.

There is the VFF in December 2007 believing that savings will be beyond 225 gegalitres.

Here is what a couple of other people said:

If you are not serious about water infrastructure works, you are not serious about improving the health of the Murray ...

Who said that? I will tell you who said that: the federal opposition spokesperson on the environment, Greg Hunt. Here is another one:

We also need a massive replumbing of rural Australia to help farmers become the most efficient agricultural users ... in the world.

Who said that? Greg Hunt.

The fact is that this is exactly the right thing to do for Victoria, exactly the right thing to do for country Victoria and exactly the right thing for irrigators, and savings will be delivered to farmers, to the environment and to Melbourne.

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. He cannot possibly have finished. He has talked about everything else except the sworn evidence of his leading water bureaucrat. That was the question, and I want the Premier to answer it.

The SPEAKER — Order! I advise the Leader of The Nationals that a point of order is not an opportunity to enter into debate. The Premier has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! I ask members to show some respect to the member for Oakleigh, who is waiting to be given the call and will not be given the call until the house comes to order.

Budget: government performance

Ms BARKER (Oakleigh) — My question is to the Premier. I refer to the government's jobs building budget, which will secure 35 000 jobs for Victorians, and I ask: could the Premier update the house on Victoria's budget position, including how the budget has been received publicly and how its position compares to other states?

Mr BRUMBY (Premier) — I want to thank the member for Oakleigh for such a positive question. On 6 May this year the *Australian Financial Review* stated:

In running a surplus and keeping its rating, Brumby and Treasurer John Lenders have achieved something that appears increasingly unlikely to be emulated by any other states.

As we have seen over recent weeks, our government's strong financial performance has meant that Victoria is best positioned to capitalise on the emerging recovery from the global financial crisis. We are the only state to

remain in surplus over every year over the forward estimate period. We are predicting a surplus of more than \$160 million for 2009–10 rising to more than \$560 million in 2013. The fact is that other states have recorded deficits during some or all of those years.

On budget day the ANZ Bank announced that our financial management was leading the way for the other states. The bank said:

Today's budget is expected to provide a blueprint for the other states ...

The honourable member properly prefaced her question by referring to a jobs-building budget. It is a jobs-building budget with 35 000 new jobs as a result of our construction program, and \$11.5 billion in investments — —

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition, in particular the members for Scoresby, Malvern and South-West Coast, to stop trying to shout down the Premier.

Mr BRUMBY — Victoria was the first state to focus on incentives for first home buyers of newly constructed homes, with a \$125 million package, which the Housing Industry Association says will generate \$1.3 billion of extra activity and generate 3500 direct jobs.

There is some more recent economic data which I know will be of interest to members. In May Victoria had the highest number of company registrations of any state, with 4000 new companies registered in Victoria. We had the highest growth in service exports of any state in Australia in calendar year 2008, with 16.6 per cent growth. We accounted for more than 33 per cent of Australia's total residential dwelling approvals in the March quarter, and figures released yesterday show that just last month Victoria had almost 27 per cent of Australia's motor vehicle sales, which is well above our population share. On top of all that, as I have said to the house before, we continue to lead Australia in building approvals.

The honourable member asked about any endorsement of that position, and I will quote just one in responding to her:

... Victoria has spent a decade improving productivity and the delivery of government services ... Victoria has followed a consistent infrastructure plan through changes of government and changes of premiers ... Victoria worked hard to keep ... taxes low, red tape under control and bureaucracies focused on the economic needs of their states ...

The person who said that was a leader of the opposition but not in this state. It was the Leader of the Opposition in New South Wales, Mr Barry O'Farrell. An impartial observer from interstate is able to see in Victoria productivity, the delivery of government services, consistent infrastructure plans and the keeping of taxes and red tape low. You would have to say that is a pretty glowing endorsement coming from someone from the Liberal Party. The Liberal Party here in Victoria is always focused on the negative — —

The SPEAKER — Order! The Premier will not use question time as an opportunity to attack the opposition. I remind the Premier that he has been speaking for 4 minutes, and I ask him to conclude his answer.

Mr BRUMBY — We are not holding our breath waiting for those opposite to get behind Victoria; we know they will not. But we are getting on with the job of building a strong economy and a strong state and making our state the best place in Australia to live, work, invest and raise a family.

Office of the Australian Building and Construction Commissioner: coercive powers

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's answer to the house on 31 July 2008, when he committed his government to the federal government policy on the Office of the Australian Building and Construction Commissioner, and I ask: is it Victorian government policy that the ABCC and any successor body should retain coercive powers in order to contain thuggery and corruption on building sites, or are bullying, intimidation and standover tactics set to resume in the building industry in Victoria just as they have continued in Brimbank and in this government?

Mr BRUMBY (Premier) — We made it very clear that we support the policy as announced by the Prime Minister and Deputy Prime Minister. At the last election the then federal opposition leader and now Prime Minister made it clear that there would be a review of the Office of the Australian Building and Construction Commissioner but there would be a successor body with strong powers to replace it. That was the commitment that the now Prime Minister gave to the people of Australia, and that is the commitment that he honours and we support.

Schools: digital education revolution

Mr LUPTON (Pahran) — My question is to the Minister for Education. I refer to the government's commitment to making Victoria the best place to live,

work and raise a family, and I ask: will the minister inform the house how the Brumby government is working with the Rudd government to create 21st century learning environments for our children?

Ms PIKE (Minister for Education) — I thank the member for Prahran for his question. This morning the Premier and I visited Melbourne High School, one of Victoria's terrific government schools. We had the opportunity to have a look at the fantastic work that young people are doing in the IT space in the wonderful computer facilities at that school. It gave us the opportunity to welcome the federal government's further contribution to the digital education revolution.

The second round of the National Secondary School Computer Fund of \$30 million provides more than 250 additional government schools with extra computer resources. That is part of round 2. Round 1 gave us \$15 million for 90 schools. Victoria is working in partnership with the federal government to make sure that we achieve our ratio of 1:1 for computers in years 9–12 by 2011.

We were also very pleased to announce this morning that 200 additional specialist computer technicians will be hired to complement the rollout of these additional computer resources. They will be available within our school system to offer support to local schools to help with the uploading of all the relevant software and management of the data systems et cetera, and to educate and provide professional development for our teachers. That means there are now 620 specialist technicians who will be supporting our schools around the state.

This investment by the federal government, when combined with the investment by the Victorian government, continues to cement our place as a leader in the IT space for our students. When we were elected in 2006 we committed an additional \$28 million over four years to improve student access to computers. The \$90 million rollout of the VicSmart initiative delivers high-speed broadband to our schools as well. All of those things, when packaged together with the federal resources, mean that Victorian students are very well served in this space.

I am also very pleased to advise the house that 85 per cent of the successful tenderers for round 1 of the Building the Education Revolution will receive their contracts today, and projects will commence as early as next week. The remaining 15 per cent will be signed over the next week. We have worked incredibly quickly with the commonwealth to get these projects up and running. We have got the contracts signed, and next

week more than 40 tenderers will be selected from 264 tenderers to build 216 government primary schools across the state. What a fantastic good news story: 1500 additional jobs with a total allocation of \$686 million — and that is just for round 1.

It has come about only because we have efficiently and effectively implemented this program through the combined resources of the federal and state governments. I am incredibly proud that we are going to see a complete transformation of the physical fabric of our schools in this state over the next few years. I cannot believe anybody would be negative about the biggest school building project in this state's history. How could anybody be negative? How could anybody deny our schools this opportunity? How could someone whinge and carp and moan and carry on and be miserable about such a magnificent opportunity for our schools?

We are working in partnership with the Rudd government to deliver 21st century learning spaces — environments, facilities and resources — for our kids so that they can position themselves for 21st century jobs, because education is this government's no. 1 priority.

Office of Police Integrity: telephone recordings

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. When did the minister first become aware that telephone conversations between government members of Parliament and Victoria Police, as well as government staff and Victoria Police, had been secretly recorded by the Office of Police Integrity?

Mr CAMERON (Minister for Police and Emergency Services) — The Attorney-General set out the answer last week as it relates to him and to me.

Mr Stensholt — On a point of order, Speaker, I raised this issue last week when the Leader of the Opposition — and I note that the member for Kew and the member for South-West Coast also joined him — asked a similar question of the Attorney-General. In this case it is the Minister for Police and Emergency Services who is being asked to say when he became aware of these phone-tapping exercises.

Under the act, as was described by the Attorney-General in his response, the ministers are subject to certain requirements, and under section 23 of the Police Integrity Act they are not allowed to disclose to others a restricted matter. Doing so carries a penalty of imprisonment for 12 months or more. I should also add that under sections 321G and 321I of the Crimes

Act 1958 incitement is an offence. There is a penalty for incitement, and the penalty is usually equivalent to the penalty for the offence.

I realise that Parliament has recourse to itself, but there could arguably be a prima facie case of incitement. I ask the Speaker — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Health! I ask members of the opposition for some cooperation. Any member in this house has the right to take a point of order.

Mr Stensholt — As I said, the house has recourse to itself in the conduct of its own actions. Given that there could possibly be some parallel here in terms of actions covered by the Crimes Act and the Police Integrity Act, I ask if the Speaker could assess whether some action needs to be taken and what action is appropriate to be taken under the standing orders or under some other parliamentary rule. I am aware that the penalty for these sorts of actions outside of Parliament, if a court determines that there has been an offence, is 12 months imprisonment, and that would rule out an individual from standing for Parliament.

The SPEAKER — Order! I have heard enough on the point of order. I committed to coming back to the house with a ruling on the point of order raised by the member for Burwood during the last sitting week. Given that I have not got to that stage of the day's business, I am prepared to rule now. I do not uphold the point of order. I believe standing orders 57 and 58 cover the concerns that the member has raised.

Standing order 57(2) says:

All questions must be direct, succinct and seek factual information.

I believe the question is in order. Standing order 58, content of answers, says at paragraph 2:

Subject to paragraph (1) and SOs 118, 119 and 120, a minister will have discretion to determine the content of any answer.

Therefore I do not uphold the point of order.

Mr Baillieu — On a further point of order, Speaker, on 9 June I asked the same question as I just asked the Minister for Police and Emergency Services, but I directed it to the Premier. The Premier chose to answer that question. The opposition has since asked that same question to the Attorney-General, the Minister for Roads and Ports, and the Minister for Police and

Emergency Services. The Premier chose to answer the question; three other ministers have refused to answer the question.

The SPEAKER — Order! I have heard enough on the point of order. I will repeat myself to the Leader of the Opposition for the sake of clarity. Standing order 58(2) says:

Subject to paragraph (1) and SOs 118, 119 and 120, a minister will have discretion to determine the content of any answer.

I believe the Leader of the Opposition has once again used a point of order to raise a frivolous point. I warn him that the Chair may cease to hear his points of order.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass will give the Chair the opportunity to respond to his concern. All members have the right to take a point of order. The Chair has the right to determine what is a frivolous point of order.

Water: protests

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Water. I note with concern the recent media reports of a threat against a member of Parliament over fluoride in Geelong's water supply and threats to other vital Victorian infrastructure projects, and I ask the minister to advise what the government is doing to protect public safety.

Mr HOLDING (Minister for Water) — I thank the member for South Barwon for his question. I hope all members of this chamber would stand united with the government in condemnation of any threat that is made to a member of Parliament in the discharge of their responsibilities.

Ms Asher interjected.

Mr HOLDING — The member for Brighton interjects, and we will come to some of these questions in a moment. I think all Victorians are becoming increasingly outraged at the actions of a small number of militant and sometimes politically motivated protesters who believe that threats of violence or actual violent actions have a place in community debate here in Victoria. We accept that in difficult times difficult decisions sometimes have to be made. But at the same time all Victorians would stand united in condemning anyone who threatens violence or carries out actual acts of violence against those who are charged with the responsibility of delivering vitally important infrastructure projects for all Victorians.

In relation to the north–south pipeline, a resident in the Glenburn community has threatened a Sugarloaf Pipeline Alliance worker with assault with an iron bar. Also in relation to the north–south pipeline an anti-pipeline protester has driven their car at and struck a pipeline alliance worker. Charges have been laid against that pipeline protester.

Honourable members interjecting.

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

Mr HOLDING — Again in relation to the pipeline project, another anti-pipeline protester drove their car at pipeline workers and at police. Charges have also been laid in relation to that matter. Also, in the Toolangi State Forest north–south pipeline protesters have thrown a Molotov cocktail at pipeline alliance workers.

In relation to both the desalination project and the pipeline project there have been instances where protesters against those projects have invaded the sites where workers were attempting to carry out important work. Protests have occurred and in some cases charges have had to be laid. In relation to the pipeline project, inflammatory threats have been circulated in the media. In one instance threats were circulated by a leader of the Plug the Pipe protest group. I will quote from the document that was circulated. These threats included:

Blockage the line —

that is, the rail line —

at Seymour with gravel at crossing

Short out the rail tracks which will disrupt the signal system.

It included interference with the water supply as well as with the road network. These threats were referred to police, as was appropriate, but the important question for this chamber is that it is important for those who are the leaders in these protest movements to urge their supporters to exercise restraint and to express their legitimate dissent and their legitimate protest in a way that is lawful and appropriate in a democratic society.

The threats to which I just referred were circulated by a Plug the Pipe protest leader. He has since apologised — and I welcome his apology — for circulating these inflammatory threats. He is none other than Mike Dalmau, the twice-failed Liberal candidate for Seymour. It is time for all members of this chamber to condemn in the strongest possible terms acts of violence dressed up as legitimate dissent and to condemn in the strongest possible terms threats of

violence where those threats of violence have been made.

In a democratic society it is always appropriate for people to be able to exercise legitimate dissent; we encourage and welcome that. In fact the Premier and I have met on numerous occasions with protest groups, both here at Parliament House and in regional Victoria, that are concerned about different elements of the government's water projects.

At the same time the project deliverers themselves have organised land where the projects are being delivered so that in a safe and appropriate way the protesters can legitimately express their concerns about government decision making. However, there is no place in our community to threaten, to intimidate or to violently attack the workers who are charged with the responsibility for delivering these projects. We now have 24-hour security in place at the desalination plant site, and we now have 24-hour security in place along the pipeline corridor to make sure that that vitally important project can be delivered.

Mr K. Smith interjected.

Mr HOLDING — I say to the member for Bass that it is to protect people from Molotov cocktails, from assaults with iron bars, from having cars driven at them and being struck by anti-pipeline protesters. In one case a manager on this project was locked in his office by a pipeline protester who then attempted to verbally intimidate and harass him. It is not acceptable for these pipeline workers to be put in this situation. We say that it is time — —

Mr Ryan — On a point of order, Speaker, the minister is debating the question. These are obviously police operational matters which have been dealt with appropriately, as the minister has confirmed, and I would ask you to have him complete his answer, since he has been speaking for more than 4 minutes.

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

Mr HOLDING — We would again say that we condemn these illegitimate protest tactics in the strongest possible terms. We call on all members of this chamber to condemn in the strongest and clearest possible terms the tactics that are deployed by a small number of anti-pipeline and a small number of antidesalination protesters and a small number — a tiny minority — of antifluoride protesters who believe it is legitimate to make their points in this way. These tactics have no place in a democratic society.

Local government: councillors

Mr BAILLIEU (Leader of the Opposition) — My question is to the Attorney-General. I refer to the statements from the Premier, the Attorney-General and the Minister for Local Government that the government will introduce legislation to ensure that, and I quote the Premier:

... an elected councillor will not be able to be employed by a member of Parliament or by a minister.

Will the Attorney-General now confirm that despite the Ombudsman's recommendation that this proposed legislation apply to current and future councillors, the Attorney-General is going to bow to the ALP factional warlords who ordered that existing councillors be exempted from this legislation?

Mr HULLS (Attorney-General) — I thank the honourable member for his question. The Premier has made it quite clear, I have made it quite clear and the Minister for Local Government has made it quite clear that each and every one of the Ombudsman's recommendations will be implemented — and they will.

Water: fluoridation

Mr TREZISE (Geelong) — My question is to the Minister for Health. I refer the minister to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister update the house on initiatives to improve the oral health and wellbeing of rural and regional Victorians?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Geelong for his question and for his interest in better oral health outcomes in his local community. As all honourable members know, fluoridated water is one of the most effective public health measures we know of and one of the most effective and well-proven public health measures that any government in partnership with public health experts can employ to protect and enhance oral health outcomes across, in this instance, rural and regional parts of our state.

It is not just me saying this, it is a raft of public health and other experts. Whether it be the World Health Organisation, the National Health and Medical Research Council, the Australian Dental Association, the Australian Medical Association both nationally and the Victorian branch, the Cancer Council or any of many others, they have accepted that this is one of the

most effective public health measures that any government can take.

Can I say also that fundamentally this is about equity. I say to all honourable members that if it is good enough for my kids in metropolitan Mulgrave to get fluoridated water and the undoubted oral health benefits that come from Melbourne's water supply, then why can kids in rural and regional communities not get that? This is, very much about equity. I speak about kids and mention children because what we know is that six-year-old children in fluoridated areas experience up to 50 per cent less tooth decay than their counterparts in unfluoridated areas. In the Geelong area, which has been very topical in recent times — I will come back to that in a moment — in the Barwon South West region alone, 15 preschool children per month are admitted to Barwon Health for a general anaesthetic procedure in relation to the treatment of dental decay. I mention children because children are very much at the heart of this.

It is for these reasons and for many others, including the overwhelming weight of proven scientific evidence, that as a government we have proudly rolled out fluoridated water in so many parts of our state, particularly in rural and regional communities, based on ensuring fundamental equity and fairness.

I am pleased to be able to report to all honourable members that across the state in 2009 we will extend fluoridation to Geelong, Ballarat, Seymour, Cobram, Kyabram, Benalla, Yarrowonga, Swan Hill, Mildura, Kerang, Hamilton, Colac, Phillip Island, Lakes Entrance and Bairnsdale. That means that at the end of this year every Victorian and every member of this house will be able to proudly say that 87 per cent of Victorians are receiving fluoridated water — —

Mrs Fyffe — Where will they get the water?

Mr ANDREWS — Well, we found one drip!

The SPEAKER — Order! I ask the minister to ignore interjections, and I ask members of the opposition to cease interjecting.

Mr ANDREWS — There can be no doubt about the overwhelming weight of scientific and other expert evidence on this issue. Fluoridation is a proven public health measure. That is why it is so disappointing to see, in a totally unacceptable way, a small minority of people in one particular part of regional Victoria stooping to new lows in prosecuting their case, whether it is legitimate or otherwise.

I quote from an article in today's *Geelong Advertiser* under the heading 'Anarchy has no place in Geelong', which states:

... cowardly action in the fluoride debate takes the level of opposition to what is state law to a new low.

I think every member of this house supports this government's effort in rolling out fluoride to provide better oral health outcomes, particularly to kids in rural and regional areas. I am absolutely sure that every member of this house equally condemns this low act and these absolutely abhorrent tactics. Fluoridated water is all about better oral health. This government will not be deterred by these shameful and abhorrent tactics.

Ambulance services: staffing

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. Is it the government's view that Ambulance Victoria paramedics should have a minimum 10-hour rest break between shifts, yes or no?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Caulfield for her question. What is without doubt and absolutely undeniable is that Victoria has the best paramedics in the world. I say to the member for Caulfield and to all honourable members that as a government we very proudly have provided record levels of support to our ambulance paramedics, and we will continue to do so.

The better part of \$186 million in funding was allocated last year to support the biggest rollout of additional paramedics and services this state has ever seen, with 258 extra ambulance paramedics across metropolitan and rural and regional communities. No government in this state's history has supported our ambulance workforce and the patients that turn to them for pre-hospital emergency care and transport that they need as substantially as this government.

Mr McIntosh — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to the question, which is about the rest breaks for paramedics.

The SPEAKER — Order! I uphold the point of order. While members of the house were glad to hear the minister's ringing endorsement of Ambulance Victoria, it is time for him to address the question.

Mr ANDREWS — We will continue to support our paramedic workforce. An enterprise bargain is being negotiated at the moment. What we are committed to

achieving, as we have done with hospital doctors, with nurses, with medical scientists and with many other health professionals, is a fair, reasonable and balanced outcome — one that fairly balances the need to reward our ambulance paramedics whilst at the same time leaves sufficient funds in the budget to assist them with additional services and support in an ongoing way.

The issue of fatigue and rest breaks is one of a number of matters that are currently being discussed in the industrial relations commission. I simply say in answer to the member for Caulfield, and indeed all members, that it is through dialogue and the discussion of these issues, supported by the commission, and not through unnecessary industrial action that we will resolve these matters.

Mrs Shardey — On a point of order, Speaker, the minister might have finished his answer, but he has not actually answered the question, so I invite him to come back and to answer the question.

The SPEAKER — Order! The minister needs no invitation. I remind the member for Caulfield and all members of standing orders 57 and 58, which have already been discussed at length in question time.

Family violence: government initiatives

Ms CAMPBELL (Pascoe Vale) — My question is to the Attorney-General. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house on recent developments, including recent reports, aimed at supporting people experiencing family violence?

Mr HULLS (Attorney-General) — I thank the honourable member for Pascoe Vale for her important question. Family violence is certainly an issue that this government takes very seriously.

The statistics are startling. One in three Australian women experiences physical violence and one in five experiences sexual violence from the age of 15. This in turn means that despite the risks of smoking, obesity, cancer and heart disease, family violence remains the leading contributor to death, disability and illness in women aged between 15 and 44.

The Brumby government certainly must take and is taking action to help protect women and children experiencing family violence. It has implemented breakthrough legislative reforms, provided unprecedented funding for services and established a coronial review of family violence deaths. All of these measures are making it easier for those who are

experiencing family violence to stand up and say, 'Enough', and indeed to seek help.

I am pleased to say that these reforms are beginning to take hold and resonate across the system. Trends show more and more instances of family violence being brought to the attention of the justice system, which I think is a reflection of the desire of victims to reach out and the work we have done will help them do just that. But more needs to be done.

One of the ways the government has been promoting the legal system's understanding of family violence is through substantial reform of the intervention order system. We know that victims view intervention orders as a very powerful protection against family violence.

It is for this reason that today I welcomed the release of the Sentencing Advisory Council's review of sentences for breaches of family violence intervention orders and its recommendations in relation to sentencing principles. The Sentencing Advisory Council found that in 56 per cent of cases where intervention orders had been breached, fines or adjourned undertakings were imposed. The council also found that these penalties were ineffective in providing deterrence or community protection.

We have to get the message out there that breaching intervention orders is a very serious offence, and often the imposition of a fine for such a breach merely hurts the victim and has the potential to undermine community confidence in the system. In its report today the Sentencing Advisory Council has released guidelines to assist magistrates in sentencing for breaches of family violence intervention orders, and this has been welcomed both by the chief magistrate and by the Law Institute of Victoria in a recently released press release.

I am sure all members of this house will agree that we must do more to change the culture in relation to family violence. We can change the law, and that is absolutely important, but we also have to work together to change the culture in relation to violence. I think everyone would agree that it is simply unacceptable that attitudes still exist where one in three Australian boys believes it is not a big deal to hit a girl. It is also totally inappropriate for a former Australian Football League president to think it is funny or clever in 2009 to be virtually boasting about keeping potential sexual assault matters out of the media by declaring, and I quote from the *Australian*:

We'd pay the sheilas off and wouldn't hear another word.

All of us should reject these types of attitudes and stand up and say, 'Enough' to family violence. Every single Victorian has a right to feel safe in the community and in their own home, regardless of the culture of silence with which we have lived in the past. I believe each of these reforms I have spoken about gets us a little bit closer to making this right a reality.

COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Courts Legislation (Neighbourhood Justice Centre) Act 2006 and the Family Violence Protection Act 2008 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr HULLS (Attorney-General) — This bill will repeal part 15 of the Family Violence Protection Act to enable the family violence court intervention project to continue, so it gets rid of the sunset clause and also gets rid of the sunset clause in relation to the Neighbourhood Justice Centre in Collingwood.

Motion agreed to.

Read first time.

TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL

Introduction and first reading

Mr ANDREWS (Minister for Health) — I move:

That I have leave to introduce a bill for an act to amend the Tobacco Act 1987 and for other purposes.

Mrs SHARDEY (Caulfield) — I ask the minister for a brief explanation of the bill.

Mr ANDREWS (Minister for Health) — The bill implements the government's public commitments around the next wave of tobacco control reform, by restricting tobacco smoking in cars carrying children through to changes to point-of-sale arrangements and other issues in terms of sales from temporary outlets advertising and ministerial power around products that are targeted towards children. In total, this is about fully delivering upon the stated commitments of the government following a review last year of the next

wave of tobacco control reform of which, as a government, we are very proud.

Motion agreed to.

Read first time.

HUMAN TISSUE AMENDMENT BILL

Introduction and first reading

Mr ANDREWS (Minister for Health) — I move:

That I have leave to bring in a bill for an act to amend the Human Tissue Act 1982 and for other purposes.

Mrs SHARDEY (Caulfield) — I ask the minister for a brief explanation of the bill.

Mr ANDREWS (Minister for Health) — This is a bill to empower mature minors to donate blood without the consent of their parents. This is a sensible set of arrangements and one that is about a nationally consistent approach to the donation of blood by mature minors without the need for the consent of anybody else.

Motion agreed to.

Read first time.

PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL

Introduction and first reading

Mr HELPER (Minister for Agriculture) introduced a bill for an act to amend the Primary Industries Legislation Amendment Act 2009 to change the dates of operation of various provisions of that act and for other purposes.

Read first time.

Mr HELPER (Minister for Agriculture) — I move:

That this bill be read a second time immediately.

I can advise the house that in accordance with standing order 61(2) the other parties and the Independent member have been provided with a copy of the bill and a briefing.

Motion agreed to.

*Statement of compatibility***Mr HELPER (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Primary Industries Legislation Further Amendment Bill 2009.

In my opinion, the Primary Industries Legislation Further Amendment Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will clarify when various amendments in the Primary Industries Legislation Amendment Bill 2008 will take effect and will avoid any doubt about the operation of that bill.

Specifically it will ensure that, on passage, provisions amending the Fisheries Act 1995 and the Veterinary Practice Act 1997 will not have retrospective operation.

The bill will also amend section 100 of the Primary Industries Legislation Amendment Bill 2008 that amends section 126(1) of the Livestock Disease Control Act 1994 to ensure that the amending provision refers to the current wording of section 126 which was amended by the State Taxation Amendment Acts Further Amendment Act 2008 with effect from 1 January 2009.

The bill will also ensure that there is sufficient time to implement certain provisions amending the Catchment and Land Protection Act 1994 and the Prevention of Cruelty to Animals Act 1986.

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

The bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider the application of section 7(2) of the charter.

Conclusion

For the reasons outlined above, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

Joe Helper, MP
Minister for Agriculture

Second reading

Mr HELPER (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Primary Industries Legislation Amendment Bill 2008 was intended for introduction and passage in 2008. If this had occurred, this bill now before the house would not have been required.

The bill makes amendments to the Primary Industries Legislation Amendment Bill 2008 that are consequential to this 2008 bill not being passed and receiving royal assent before 31 December 2008.

The bill will clarify when various amendments in the Primary Industries Legislation Amendment Bill 2008 will take effect and will avoid any doubt about the operation of that bill.

The bill provides for a new commencement date for provisions in the 2008 bill that will amend the Veterinary Practice Act 1997 and the Fisheries Act 1995 to ensure these amendments do not have retrospective application.

The amendment by the bill to the commencement of certain provisions amending the Catchment and Land Protection Act 1994 and the Prevention of Cruelty to Animals Act 1986 will ensure that there is enough time available for the implementation of these amendments.

The amendment by the bill to clause 100 of the Primary Industries Legislation Amendment Bill 2008, that amends section 126 of the Livestock Disease Control Act 1994, will ensure that the amending provision refers to the current wording of section 126 which was amended by the State Taxation Acts Further Amendment Act 2008 with effect from 1 January 2009. While this is a minor matter which would otherwise have been included in a future amending bill, it has been conveniently included in this bill to amend the commencement provisions to which I have already referred.

I commend the bill to the house.

Debate adjourned on motion of Mr WALSH (Swan Hill).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 1 to 4, 93 to 96, 166, and 208 to 216 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to

be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminates against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and calls on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

**By Dr SYKES (Benalla) (578 signatures),
Mr DELAHUNTY (Lowan) (767 signatures), and
Mr CRISP (Mildura) (209 signatures).**

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 — Options Paper* published by the Scrutiny of Acts and Regulations committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values, in particular the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow freedom of choice in regards to faith-based schools in particular must be avoided.

By Dr SYKES (Benalla) (14 signatures).

EastLink: noise barriers

To the Legislative Assembly of Victoria:

The petition of the residents of Donvale and environs draws to the attention of the house that the quality of life for residents whose homes adjoin EastLink in Donvale has been detrimentally affected by traffic noise, especially by the use of air brakes on large vehicles. Residents say they have been forced to double glaze their windows, they are suffering from

disrupted sleep patterns and some are contemplating moving away from the area as passing traffic noises have been recorded as high as 82 decibels.

The petitioners therefore request that the Legislative Assembly of Victoria direct that additional noise abatement measures, which will allow residents to sleep at night without being disturbed and which allows them to enjoy their homes without intrusive noise levels, be implemented without delay.

By Ms WOOLDRIDGE (Doncaster) (7 signatures).

Torquay Foreshore Caravan Park: upgrade

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the introduction of changes to the Torquay Foreshore Caravan Park, on Crown land, by the Great Ocean Road Coast Committee, appointed by the Minister for Environment and Climate Change, that will:

place an unfair financial and emotional burden on campers at Torquay;

change forever the nature and character of this surf coast foreshore reserve; and

be inconsistent with the Victorian government's *Caravan and Camping Parks on Coastal Crown Land Reference Group Report* May 2006.

The petitioners therefore request that the Legislative Assembly of Victoria ask the Minister for Environment and Climate Change to:

preserve the existing ratio of sites allocated to 12-month permit holders, seasonal permit holders, casual permit holders and on-site cabins;

introduce a formal and transparent waiting list for 12-month permit holders, seasonal permit holders, casual permit holders and on-site cabins;

introduce a mechanism to allow the sale of on-site caravans;

introduce a fee structure that is transparent and is set at a multiplier of the average general council rates paid in Surf Coast Shire (currently at 3.5 times the 2008 rates for 12 month permit holders, and 1.8 times for seasonal permit holders), and

restrict the introduction of any ballot system to apply to only new applications for camp site permits so that the ballot system does not apply to existing campers registered for the 2008–09 season.

By Ms WOOLDRIDGE (Doncaster) (14 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of \$60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (15 signatures).

Rail: Mildura line

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

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

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

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (87 signatures).

Rail: Connex

To the Legislative Assembly of Victoria:

This petition of residents of Victoria points out that Connex is part of the French multinational VEOLIA. In the Israeli-occupied Palestinian West Bank, VEOLIA is a contractor in a light rail project connecting illegal Israeli settlements to Jerusalem.

Connex is seeking a new contract to run the Melbourne suburban rail network. The petitioners request that Connex not be given a new contract on two grounds: its poor record of running the rail network and its complicity, through VEOLIA's involvement in the Israeli light rail project, in Israel's illegal occupation of the Palestinian West Bank.

The petitioners also request that the state government takes back the running of Melbourne's suburban trains.

By Mr WYNNE (Richmond) (99 signatures).

Cycling: safety

To the Legislative Assembly of the Parliament of Victoria:

This petition of residents of the state of Victoria draws to the attention of the Legislative Assembly the bewilderment, disappointment and disbelief of the residents of Bayside and

Kingston, and wider Victoria, at the cycling community's refusal to regulate the size and speed of cycling bunches for the safety of themselves and others on Beach Road!

No-stopping zones are Bicycle Victoria's phoney solution which will only entrench irresponsible behaviour and encourage unregulated racing on Beach Road at the expense of residents!

Bicycle Victoria wants eight hours of no-stopping zones 6.00 a.m.–10.00 a.m., and Sunday for Beach Road residents in Bayside and Kingston. Residents of Beach Road (and their visitors) won't be able to pick up, or drop off people outside their homes weekend mornings 6.00 a.m.–10.00 a.m.

The cycling community are not genuine on cycling safety! Recreational cycling can be enjoyable, law abiding and far safer for all without bunch dynamics which encourage excessive speed, impair vision and the ability to stop.

'Research has not addressed the relationship between group size, speed, stopping distances and safety', Monash University Accident Research Centre (MUARC) January 2009. This research needs to be completed! Meanwhile the simple, cost-effective solution is single file.

The petitioners therefore request that the Legislative Assembly of the Parliament of Victoria calls upon the Brumby government to:

Ban all bunch cycling until research has been completed into a 'safe bunch cycling model', which the cycling community must adhere to by law.

By Mr THOMPSON (Sandringham) (23 signatures).

Tabled.

Ordered that petitions presented by honourable member for Doncaster be considered next day on motion of Ms WOOLDRIDGE (Doncaster).

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

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

Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

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

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 7

**Mr CARLI (Brunswick) presented *Alert Digest*
No. 7 of 2009 on:**

Casino Legislation Amendment Bill
**Environment Protection Amendment (Beverage
Container Deposit and Recovery Scheme) Bill**
Fair Work (Commonwealth Powers) Bill
Food Amendment (Regulation Reform) Bill
Gambling Regulation Amendment Bill
National Parks Amendment (Point Nepean) Bill
**Occupational Health and Safety Amendment
(Employee Protection) Bill**
**Statute Law Amendment (Charter of Human
Rights and Responsibilities) Bill**

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Orders under s 17D
granting leases over:

Glenfern Valley Bushland Reserve
Queens Park Reserve
Sandringham Beach Park Reserve

Essential Services Commission — Review of the Victorian
Grain Handling and Storage Access Regime

Multicultural Victoria Act 2004 — Victorian Government
Achievements in Multicultural Affairs Report 2007–08

Parliamentary Committees Act 2003 — Government response
to the Road Safety Committee's report on the Inquiry into
Improving Safety at Level Crossings

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

Ballarat — C118
Bass Coast — C92, C107
Bayside — C49
Campaspe — C67
Cardinia — C128, C131
Casey — C140
Colac Otway — C17, C55
East Gippsland — C62
Golden Plains — C40 Part 1
Greater Bendigo — C112
Greater Dandenong — C105
Greater Shepparton — C109

Kingston — C96, C98, C102, C104
Latrobe — C3, C63
Macedon Ranges — C56
Moreland — C93
Moynes — C35 Part 1
Strathbogie — C45
Whitehorse — C118
Whittlesea — C112
Wodonga — C46
Yarra — C105

Statutory Rules under the following Acts:

Country Fire Authority Act 1958 — SR 67
Crimes Act 1958 — SR 65
Road Safety Act 1986 — SR 68
Sentencing Act 1991 — SR 66

Subordinate Legislation Act 1994 — Minister's exception
certificate in relation to Statutory Rule 67.

**PLANNING LEGISLATION AMENDMENT
BILL**

Council's rejection

Message from Council read rejecting bill.

ROYAL ASSENT

Message read advising royal assent to:

17 June

Crimes Amendment (Identity Crime) Bill
**Energy Legislation Amendment (Australian
Energy Market Operator) Bill**
Fair Work (Commonwealth Powers) Bill
Justice Legislation Amendment Bill
Public Administration Amendment Bill
Road Legislation Amendment Bill
Transport Legislation General Amendments Bill

23 June

**Gambling Regulation Amendment (Licensing)
Bill**
Major Sporting Events Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Food Amendment (Regulation Reform) Bill
Gambling Regulation Amendment Bill
National Parks Amendment (Point Nepean) Bill.

JUSTICE LEGISLATION AMENDMENT BILL

Clerk's amendment

The SPEAKER — Order! Under joint standing order 6(1) I have received a report from the Clerk of the Parliaments informing the house that he has made a correction in the Justice Legislation Amendment Bill 2009. The report is as follows:

In clause 44, line 16, I have deleted '4.5.10' and inserted '4.5A.10'.

It is signed by the Clerk of the Parliaments.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Community Development) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 25 June 2009:

Crown Land Acts Amendment (Lease and Licence Terms) Bill

Food Amendment (Regulation Reform) Bill

Gambling Regulation Amendment Bill

Legislation Reform (Repeals No. 4) Bill

National Parks Amendment (Point Nepean) Bill

Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill.

The government business program motion sets out the objective of the government for government business during this parliamentary week — to consider and deal with the six pieces of legislation I have just read out. In the context of the time that is available for government business consideration and of the composition of these bills, it is entirely reasonable that the time that is allocated to achieve this task will be satisfactory, and accordingly I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition is very concerned with the government business program this week, particularly in relation to the inclusion of the Food Amendment (Regulation Reform) Bill. The opposition has taken a view on that bill that two weeks — but, given that it was second read only some two weeks ago, effectively one week — to undertake the necessary consultation with key stakeholders on this

significant rewrite of the current act is an embarrassment to this chamber.

One of the major groups this legislation will impact upon is local government. While the member for Caulfield, the shadow minister responsible for this bill on behalf of the opposition, has certainly sought to seek the views of local government in relation to their obligations under that bill, unfortunately the responses have come back, saying, 'It is just too short a time to provide that necessary response that would provide any cogent information to this chamber for the benefit of the chamber in determining whether this is an appropriate piece of legislation'.

As I said, the member for Caulfield has dispatched all of those matters, and in a number of cases there has been a negative response to say that there is just not ample time. I might add that I have spoken to the member for Shepparton, who is the shadow Minister for Local Government, and she echoes the views of the member for Caulfield, who is the shadow Minister for Health. Indeed the member for Mornington, who is the opposition parliamentary secretary responsible for local government, also echoes those views. The opposition is very concerned and certainly cannot work out why the government needs to put it on this week's business program.

On Friday of last week I was informed by the member for Caulfield that she had had a discussion with the Minister for Health and that there was no apparent urgency on his part about this particular bill and there was no necessity for it to be rammed through this week. At the request of the member for Caulfield I contacted the Leader of the House, but unfortunately I was given short shrift by him. This is more to do with the politics of the matter. It is not necessarily about good government or indeed about dealing with a bill in an appropriate fashion. This is a significant bill, the operation of which will disenfranchise a large section of an important community which will have responsibility for the day-to-day operation of its provisions, and that is local government.

It is a matter of some embarrassment for the government because it appears that the bill is important just to fill out the government business program, given there is a dearth of bills before the house. It is not as if there is not other important legislation which could have been brought before the house this week. The Children Legislation Amendment Bill was second read in March and has been sitting on the notice paper for two months. It is an important bill because it amends the principal act in a number of ways and corrects a number of mistakes made by this government in

ramming through the original legislation. I would have thought it would be important enough to be debated this week. The Water Amendment (Critical Water Infrastructure Projects) Bill is still sitting on the notice paper from December 2006. That bill was so important that we had to come back to Parliament to put it through. Having been to the other house and been amended, it is now languishing on our notice paper; it is almost 18 months since it arrived back in this chamber.

The opposition takes the view that the Food Amendment (Regulation Reform) Bill is an important bill that nobody has been given a proper opportunity to consult on, including the opposition. It is not about the convenience of the opposition, but it is about a significant group in the community, being local government, which has the primary responsibility of implementing many parts of the bill in an operational sense. Because of that and because of the needs of the community the opposition is bound to oppose the government business program. The government cannot manage its own affairs, and God help the state of Victoria.

Ms MUNT (Mordialloc) — I rise today to speak in support of the government business program for this week. In particular I think it is very important that the National Parks Amendment (Point Nepean) Bill 2009 is dealt with, because it is a very important piece of legislation. We all know the history of Point Nepean and what a former federal government tried to do with that land, and I think it is important to give some surety and certainty to the people of that area, and to the people of the south-east in particular, with the legislation which is to come before the house.

Over the past few sitting weeks I have made a point of being here during the debate on the government business program, and it seems that the opposition always comes to the house and says it is not ready for the business of the week. Opposition members do not like the business program for the week; they do not concentrate on it. I think it would behove members of the opposition to come to the chamber having done the work and being ready for a sitting week. Parliament will be in recess for a few weeks now, and so I think it is very important that these six bills come before the house this week and are dealt with. I support the government business program.

Mr DELAHUNTY (Lowan) — I rise also to voice my concern about the government business program and to indicate that The Nationals will vote against it for one reason and for one reason only. If the member for Mordialloc had been listening, she would have heard that we do not have a problem with the other bills

on the business program. Our main concern is with the Food Amendment (Regulation Reform) Bill 2009. The bill is a 109-page document which was only introduced in this place on 9 June to regulate food premises across Victoria. Four classes of businesses are covered by the bill, ranging from hospitals to not-for-profit organisations that look after sausage sizzles. The impact on the regulation of food premises does not revolve so much around the Parliament, because we only set the rules. The implementation will fall heavily on local government.

The member for Kew and others have said that there has been very limited consultation with local government. My understanding is that individual councils do not know too much about the legislation yet they are going to have to enforce it. It will weigh heavily on community groups, and it will weigh heavily on sport and recreation groups in relation to administration, including the reporting requirements of the legislation.

I reinforce what was said by the member for Kew. I know the members for Warrandyte and Mildura raised concerns at our party meeting in relation to consultation with community groups. They are not happy that their communities were not consulted enough about the legislation. We know there was a discussion paper, but at the end of the day people want to know what the legislation is all about. If the government is going to bring the bill on for debate on 25 June, that is not adequate time when we are talking about the health and safety of our community.

I also raise the concern that last Thursday we were informed by the Leader of the House, through the member for Kew, that there would be six bills on the notice paper. It is now a couple of days later, and the government has done a bit more homework. The government is lazy; it is the laziest government I have ever known, because its members have all the resources of their electorate officers as well as departmental officers, but they are not doing the work. They should have known well before this that the Primary Industries Legislation Amendment Bill needed some finetuning.

We now see it being introduced today and read a first time urgently. I voice my concern on behalf of my party for those reasons and indicate that we will be voting against the government business program.

Mr LANGDON (Ivanhoe) — I am more than pleased to add my brief contribution to the debate on the government business program. As was stated by the Leader of the House, it is not an onerous program. There are only six bills on the program, and we will get

through them. I want to raise the laziness of the opposition. It is good to see that the coalition parties are working together! I can speak with some expertise when I say that the opposition parties, particularly the Liberal Party, is preoccupied with preselections. I have empathy with them; I can relate to where opposition members are coming from. However, that is no excuse for their not doing their work over the weekend and instead being preoccupied with the Kooyong preselection and other preselections or going to the football. The government business program is sensible. Clearly opposition members have not done the work they would have done if they had not been so preoccupied with preselections. I commend the government business program to the house.

Mr HODGETT (Kilsyth) — I rise to make a few brief comments in the debate on the government business program. We have heard the Leader of the House list the six pieces of legislation. They are the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009, the Food Amendment (Regulation Reform) Bill 2009, the Gambling Regulation Amendment Bill 2009, the Legislation Reform (Repeals No. 4) Bill 2009, the National Parks Amendment (Point Nepean) Bill 2009 and the Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009. They are all important pieces of legislation. We have heard members express the opposition's concerns about the government business program, and I echo those concerns.

In particular adequate time should be provided for consultation with the local government sector on the Food Amendment (Regulation Reform) Bill 2009. I for one do not know why the government cannot get its act together on the government business program and for some reason wants to ram this bill through the house. As others have said, what about the Children Legislation Amendment Bill 2009? This bill was read a first time on 31 March 2009. Back in late March we had this bill introduced into the house; it has been on the notice paper now for three months. It raises the question: why is the minister delaying this bill? We on this side of the house would like to be having the debate on this important piece of legislation. Why is the minister so intent on delaying the Children Legislation Amendment Bill 2009?

Mr R. Smith interjected.

Mr HODGETT — The hardworking member for Warrandyte has reminded me by interjection of the Water Amendment (Critical Water Infrastructure Projects) Bill 2006, which also languishes on the notice paper. We were dragged back to Parliament in

December 2006 to get this critical water infrastructure projects bill through the house, yet it still sits on the notice paper. It raises the question: why do the other bills, such as the Food Amendment (Regulation Reform) Bill, have to be forced through when we have other important pieces of legislation before the house? We on this side would like to be having the debate on that important bill.

House divided on motion:

Ayes, 51

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lobato, Ms
Beattie, Ms	Lupton, Mr
Brooks, Mr	Maddigan, Mrs
Brumby, Mr	Marshall, Ms
Cameron, Mr	Merlino, Mr
Campbell, Ms	Morand, Ms
Carli, Mr	Munt, Ms
Crutchfield, Mr	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Donnellan, Mr	Noonan, Mr
Duncan, Ms	Pallas, Mr
Eren, Mr	Pandazopoulos, Mr
Foley, Mr	Perera, Mr
Graley, Ms	Pike, Ms
Hardman, Mr	Richardson, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Scott, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thomson, Ms
Hulls, Mr	Treize, Mr
Kairouz, Ms	Wynne, Mr
Kosky, Ms	

Noes, 33

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms
Napthine, Dr	

Motion agreed to.

MEMBERS STATEMENTS

Water: desalination plant

Ms ASHER (Brighton) — I wish to draw to the house's attention the fact that the Minister for Water is issuing press releases and brochures willy-nilly. He has issued so much spin he is in grave danger of deluding himself. The first point I wish to make is that the desalination plant is now behind according to the schedule he outlined initially, with construction now to commence in late 2009. The second and key point I wish to bring to the house's attention is the minister's spin on jobs, as a result of which three sets of contradictory figures in relation to the jobs that will be created by the desalination plant have been issued.

In September and December 2007 the minister and the Premier issued press releases which claimed that the plant would create 3330 full-time equivalent (FTE) jobs, composed of 3180 FTE jobs, both direct and indirect, during the construction of the plant and 150 FTE jobs in the operation of the plant. A glossy brochure subsequently put out mentioned there would be 4745 FTE direct and indirect jobs created during construction of the desalination plant and 150 full-time equivalent direct and indirect jobs in the operation of the plant. However, on budget day the minister said the desalination plant would secure 1500 jobs throughout the construction of the plant. Unfortunately for all Labor members, these contradictory jobs figures have been picked up in the government's brochures. The government is simply making figures up as it goes along.

Bushfires: victim support

Mr BATCHELOR (Minister for Community Development) — Victoria's bushfires showed in graphic and horrific detail the worst that Mother Nature has to offer, but in the aftermath of the fires the community showed the best it has to offer. People from all over Victoria and the rest of Australia did their bit to help families who had been affected.

I wish to bring to Parliament's attention today a wonderful example of camaraderie shown by a few Labor Party members in the northern suburbs. Barry Miller is an organiser with the Australian Services Union who lost his family home in the fires. He wrote the following letter to Pam McLeod, secretary of the Epping branch of the ALP. He said:

As a survivor of the Black Saturday bushfires, on behalf of my wife, son and family I wish to express my undying gratitude to ... Lily D' Ambrosio, member for Mill Park, for

her support in helping us get on our feet, support which went beyond normal bounds one might expect.

While we were survivors and only had the clothes we stood in, through her unselfish efforts and tenacity, she was able to see that we were set up with the necessities to get on with life, for which we will be forever grateful.

In his letter Barry also thanked electorate officer Sally-Ann Delaney from Harry Jenkins's office, Maureen Corrigan from my electorate office and Cr Kris Pavlidis from the City of Whittlesea.

I would like to add my congratulations to Barry's thanks and highlight this as a perfect example of the importance of strong communities, particularly in times of crisis, and again mention reiterate the wonderful role played by people in the northern suburbs in responding to the bushfires.

Pensioners: concessions

Mr DELAHUNTY (Lowan) — This state Labor government stands condemned for not adequately informing utility concession recipients of major changes to their gas, water and electricity bills, which start next week. Currently these bills show two amounts, the full charge and the concessional charge. From 1 July, concession card holders, including pensioner, health card and gold card holders, will have to phone their utility companies and give them their details, otherwise only the full amount will be printed on their bill and they will no longer have the ability to present their card and claim their concession when paying their accounts at Australia Post.

I am told that up to 40 per cent of eligible concession card holders could be caught by these changes, as the old utility bills acted as a trigger to remind people that they may be entitled to a concession on their utility account.

Girl Guides Victoria: centenary

Mr DELAHUNTY — As shadow minister for youth affairs I call on the government to support Girl Guides Victoria in celebrating 100 years of guiding in 2010, with an Australian centenary event to be held next January in Geelong. Currently over 1200 girls and leaders from Victoria, interstate and overseas have registered to attend.

Guiding has touched over 1 million Australians and today has a membership of over 30 000, with 7500 in Victoria. I congratulate Girl Guides Victoria on 100 years of changing the lives of young women and on its valuable work in our community.

Water: Maryborough supply

Mr HELPER (Minister for Agriculture) — Is it any wonder that the Maryborough community, amongst many others, views the state opposition as a lazy joke? I quote the comments of John Vogels, a member for Western Victoria Region in the other place, in the *Maryborough District Advertiser* of 13 March:

Maryborough residents have been up in arms over the town's water but these concerns have been completely ignored by the Brumby government.

Mr Vogels is wrong, wrong and — to look at it in another way — he is wrong.

I would like to make the house aware of achievements made in improving water quality for the Maryborough town supply. Members are aware of the drought situation facing Victoria, and Maryborough is certainly no exception. From January to April this year it has had 46 millimetres, or 35 per cent of the long-term average rainfall of 132 millimetres.

I congratulate members of the Maryborough community for their patience and resilience in coping with low-quality water throughout recent drought years, and I congratulate Central Highlands Water on completing water quality improvement works that have dramatically improved water quality since they were completed in April this year.

The Centenary Reservoir bypass pipe brings water from the also recently completed Moolort bore, via the water treatment plant, to Maryborough. As a result of these works, quality has improved dramatically, cutting in half the level of total dissolved solids.

Racing: regional and rural Victoria

Dr NAPHTHINE (South-West Coast) — During the last sitting week of the house the Minister for Racing again welcomed changes to country racing and said that these changes on his watch were all about ensuring that country racing continues to thrive. The facts are that under the new plan 38 country race meetings will be lost. Wimmera will lose six meetings, and two meetings will be lost from Bairnsdale, Echuca, Hamilton, Kyneton, Moe, Mornington, Seymour and Warnambool. The following country clubs will lose one meeting per year: Benalla, Casterton, Colac, Kilmore, Mildura, Sale, Stony Creek, Swan Hill, Tatura, Terang, Wangaratta, Alexandra, Drouin, Healesville, Woolamai and Yea. How is taking away 38 country race meetings good for country racing?

Over the next five years, under the minister's plan, the following training centres will be defunded in country Victoria: Camperdown, Casterton, Coleraine, Edenhope, Kerang, Mansfield, Mortlake, Murtoa and Warracknabeal. A further 10 training centres will be earmarked not to receive any capital works for growth and development. They are: Ararat, Bairnsdale, Benalla, Colac, Hamilton, Horsham, Stony Creek, Tatura, Terang and Yarra Valley.

In 2008, 28 country meetings were taken away from 25 country clubs and five clubs had their TAB status taken away from their race meetings. In 2005 the ministerially appointed harness racing board closed seven country harness racing tracks, and now the ministerially appointed Greyhound Racing Victoria is closing the Wangaratta greyhound track.

Taking away race meetings, closing tracks and defunding training centres will hurt country racing —

The ACTING SPEAKER (Mr Eren) — Order! The member's time has expired.

Bundoora United Football Club: special event

Ms D'AMBROSIO (Mill Park) — I am pleased to inform the house of a special event in South Morang I attended on Saturday, 20 June, organised by the Bundoora United Football Club. On that day the club had as its special guest Mark Schwarzer, goalkeeper for Australia and player for Fulham in the English Premier League. The event was attended by over 900 fans, who queued to have their photos taken with Mark Schwarzer and to get his autograph. This event was months in the planning.

I wish to acknowledge the special efforts and hard work of committee members and their families, in particular president Michael Cattenazzi, vice-president Domenic Romeo, secretary Alex Fakos and treasurer Ann Cattenazzi, together with Tony Argyriou, Rob Casa, Lucy Giovinazzo, Peter Giovinazzo, Con Grbevski, Mick Hoar, Lou Italia, Sue Kolovos, Kim Kunda, Vince Liuzzi, Sonia Mastrilli, Loukas Psaras, Carmel Romeo, Nina Sabatino and Mary Tseganlis. Special acknowledgement must go to Vince Liuzzi, who was able to secure Mark Schwarzer's presence, and Sonia Mastrilli and Nina Sabatino for their efforts in organising major items for the day.

The event demonstrated the professional approach of the organisers, which ensured that the day ran smoothly, and most importantly young club players and supporters got to meet their hero. The Bundoora United Football Club is a model of what a local sporting club

should be: friendly, encouraging young kids to take up a sport, promoting girls and boys teams and ensuring that the club is family friendly. I congratulate members of the Bundoora United Football Club and wish them well.

Fishing: rock lobster

Mr MULDER (Polwarth) — I draw the attention of the house to a proposal by the director of fisheries to change the total allowable catch of rock lobster in the western zone from 290 tonnes to 232 tonnes. Surely the director of fisheries is aware that this proposal would cause considerable concern amongst western zone rock lobster fishermen. You would therefore have to wonder at the decision to send out a letter dated 5 June advising of this proposal and requesting a response within seven days, given that the letter would not arrive until 9 June, due to the Queen's Birthday holiday. This in effect gave fishermen just three days in which to respond to the new allowable catch regime that is due to be implemented on 1 July 2009. To request a response with such short notice is totally unacceptable.

Rock lobster fishermen have already had their total allowable catch reduced to 320 tonnes, and fishermen in the western zone have since had a further 30 tonnes taken from their allowances, leaving them with 290 tonnes for the coming season. Now the director of fisheries wants to reduce the catch further to 232 tonnes. Discussion on this proposal, which has the potential to badly affect the viability and stability of western zone rock lobster fishermen and impact heavily on many small coastal communities, should be put on hold until such time as the new management plan for the industry is implemented.

Health: hepatitis C

Mr LANGUILLER (Derrimut) — It was my pleasure, together with Demos Krousos, chief executive officer of North Richmond community health centre, Alex Kamenev, director of Youth Justice Custodial Services, young people and creative artists, to launch *You Don't Wanna Mess With Me*, an animated movie with a bold title that demands attention and encapsulates the energy of this targeted hepatitis C initiative.

Health information must be planned and delivered in a flexible and responsive manner. The development of *You Don't Wanna Mess with Me* is therefore an exceptional example of health promotion at its best. It was designed by young people for their peers within juvenile justice settings and in the community who are at risk of hepatitis infection through activities such as

tattooing and fighting. Using a creative and collaborative approach, skilled artists and musicians worked with 12 young men of Vietnamese, Arabic, Samoan and Australian backgrounds at the Melbourne Youth Justice Centre to explore and communicate the nature and risks of hepatitis C through the contemporary media of hip-hop culture and animation.

This project is one of five delivered by the North Richmond community health centre under the hepatitis C prevention and education initiative known as Transmission. Primarily targeted at the Vietnamese-Australian community and funded by the Department of Human Services under the federal government's hepatitis C education and prevention initiative, other Transmission projects include such creative projects as *Lala Land* and *Tattoo*, short films aimed at young people; a short film called *Together We Are Strong*, for the adult Vietnamese prison population; and a range of other — —

The ACTING SPEAKER (Mr Eren) — Order! The member's time has expired.

Employment: government performance

Mr WELLS (Scoresby) — I condemn the Brumby Labor government for its failure to secure jobs for Victorians. At the beginning of the year, Premier John Brumby stated that his government's highest priority was jobs, jobs and jobs. However, despite the government's increasingly desperate spin on the issue, over the past year thousands of Victorians have lost their jobs. Nowhere is the government's failure on jobs seen more clearly than in Victoria's once proud manufacturing heartland.

Australian Bureau of Statistics figures released last week confirm that in the year to May some 43 400 Victorians lost their jobs in the manufacturing sector. By comparison, only 1600 manufacturing jobs were lost in New South Wales during the same period. Of the Victorians who lost their jobs, 38 000 lost full-time employment. Disturbingly this represents 52 per cent, or more than half, of the total number of full-time jobs lost in manufacturing nationally. That is a particularly worrying result considering that Victoria had less than one-third of the total manufacturing jobs in Australia. To make matters worse, New South Wales now has more jobs in manufacturing than Victoria. What a sorry state of affairs for the former manufacturing powerhouse of Australia. Not only was Victoria the only state to lose jobs in 2008, the situation is set to get much worse — —

The ACTING SPEAKER (Mr Eren) — Order!
The member's time has expired.

Mia Mia Rural Fire Brigade: fundraising concert

Mrs MADDIGAN (Essendon) — On Saturday I had the pleasure of attending a bushfire benefit concert held at the Clocktower centre in Moonee Ponds to support the Mia Mia Rural Fire Brigade. I congratulate Paula Curotte and Emily Hayes for their great work in organising this concert. I also congratulate the great acts who performed at the concert to support the fire brigade. Mia Mia is not the largest town in Victoria, but the brigade has 38 operational firefighters from the farms and homes on the hills surrounding Mia Mia and Glenhope. They were actively involved in the fight against the February bushfires. Captain Anthony Ryan can be extremely proud of his team for the contribution it made. As I discussed with him, there have recently been some very negative and uncalled for comments about the Country Fire Authority, particularly in the media. We all need to remember that while something like 1000 bushfires started on that day in February, all but 6 were put out. We should remember the great job done by small CFA units like the Mia Mia Rural Fire Brigade, as well as by staff from the Department of Sustainability and Environment and others. They made a great effort to ensure that the rest of Victoria was safe. Well done to the Mia Mia Rural Fire Brigade. I wish it good luck in its fundraising efforts for the future.

Police: shire of Yarra Ranges

Mr HODGETT (Kilsyth) — I support the call for the Brumby government to allocate more police resources to the shire of Yarra Ranges, including fully staffed 24-hour stations at Healesville and Yarra Junction and a fully staffed station at Olinda. I am aware that often of a Saturday night the Yarra Valley is left with one divisional van based in Lilydale to cover the area from Lilydale to Yarra Glen and Healesville. The nearest holding cell is at Ringwood, so if police arrest someone in Healesville, the Yarra Valley is left without any police presence for up to 2 hours.

On a typical Saturday night one divisional van is allocated from the Mooroolbark police station to cover the entire length of the Warburton Highway, but last Saturday night there was a major incident — an out-of-control party at Bayswater — and the police units from Monbulk, Lilydale and Mooroolbark were asked to respond. This resulted in the rest of the shire of Yarra Ranges having one divisional van. A shire of 2500 square kilometres and 150 000 people was left with one divisional van! What a disgrace. Members of

the Brumby government, and in particular the Minister for Police and Emergency Services, should hang their heads in shame. They should get out from behind their desks and have a look at the police resourcing issues in the Yarra Ranges shire — or do they think the Yarra Ranges does not deserve a police presence after 2.00 a.m. on Sundays?

It is not the fault of the decent, honest and hardworking police officers that we have crime and antisocial behaviour in our local communities, but we do have them. We look to Victoria Police to keep civil order, and the rank and file do a fantastic job in protecting us, but they require more resources to perform their duties. People are fed up with the constant violence. We demand that the Brumby government provide more police resources in the shire of Yarra Ranges, because what we have now just is not good enough.

Min Gu, Zhengrong Shi and Dani Poon

Mr LIM (Clayton) — This month's issue of Swinburne University's magazine offers insight into the achievements of three outstanding individuals who have made great contributions to Australia. I take this opportunity to acknowledge and congratulate them on those achievements. Swinburne University and the world's largest manufacturer of solar panels, China-based Suntech Power, have enjoyed a lasting partnership in developing solar power. Based on a technology that makes more efficient use of sunlight, they aim to develop solar cells that are twice as efficient and half the cost of existing cells.

With a fast-growing demand and support for renewable energy solutions, both domestic and abroad, their research could have vast positive implications and close the gap between solar and fossil fuels. The collaboration is led by the head of Swinburne's centre for micro-photonics, Professor Min Gu and Suntech CEO (chief executive officer) Dr Zhengrong Shi, two gentlemen who were close colleagues at the University of New South Wales in the late 1980s. Upon successful completion, the result of their research could be on the market within five years and available to people cheaply.

Swinburne art student Dani Poon is one of the few privileged artists chosen by Australia Post to design stamps. Each year she designs 14 stamps for the Chinese new year series, which incorporate traditional Chinese — —

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

Police: shire of Yarra Ranges

Mrs FYFFE (Evelyn) — My office is continually being contacted by constituents, concerned at the low-level police presence in the Yarra Valley and Dandenong Ranges. They express the view that crime appears to be escalating. Since 2000 the incidence of violent crime in the state has grown to record levels; assaults have grown in Victoria by 60 per cent. Not only are there more assaults, but the anecdotal evidence is that the assaults are more violent.

Women and the elderly are now twice as likely to be assaulted as they were 10 years ago. Victoria has fewer front-line police per head of population than anywhere else in Australia, it has fewer police per head of population than anywhere else in Australia and it spends less on police per head of population than anywhere else in Australia. Now I am told by senior police that the traffic operations group is to be moved from Mount Evelyn to the new Lilydale police station early next year. The movement of police vehicles through and around Mount Evelyn has had a very positive impact. The traffic operations group was placed in Mount Evelyn by this government in response to community demands for a police presence in the town.

In 1999 the government promised a fully operational and fully manned police station, not the part-time one we have now. Residents will not welcome a reduced police presence in Mount Evelyn.

Schools: bushfire areas

Mrs FYFFE — The haste of the federal and state governments to spend money allocated through the Primary Schools for the 21st Century program misses an opportunity to improve the safety of our children. Political gain is taking precedence over our children's lives. It is foolish to erect buildings of a non-fireproof standard at schools in bushfire-prone areas such as the Yarra Valley and the Dandenong Ranges. Those schools must be built to safety standards that will protect our children.

The ACTING SPEAKER (Mr Eren) — Order! The member's time has expired.

Dennis O'Sullivan

Ms MUNT (Mordialloc) — I take this opportunity to congratulate Mr Dennis O'Sullivan, who has recently been honoured in the inaugural Minister for Health volunteer awards with a major award in recognition of his volunteer services to the local community.

Mr O'Sullivan has played a key role in the community and has worked to ensure that quality, affordable health services are available to all Kingston residents. He has sacrificed innumerable hours of his personal and family time in his service to the community. I also thank Pat O'Sullivan, his long-suffering better half, who has supported those efforts.

Mr O'Sullivan served as a board member of the Mordialloc-Cheltenham Community Hospital from 1987 until its closure in 1995. He was one of the driving forces in the establishment of Central Bayside Community Health Services and has continued to make an invaluable contribution to the establishment and growth of CBCHS through his continuous membership on its board of management from 1986 until today, some 23 years of active voluntary work for that organisation.

I have known Mr O'Sullivan for many years, and through his volunteer work he has demonstrated an outstanding dedication and commitment to ensuring that local communities, particularly those that experience disadvantage, have access to affordable and accessible health care. Congratulations!

Planning: Mildura

Mr CRISP (Mildura) — The impacts of amendment C58 to the Mildura planning scheme has shattered many dreams in my electorate, leaving a legacy of anger, bitterness and confusion. Letters have been sent by Mildura Rural City Council to planning permit applicants, informing them of the changes and suggesting they withdraw their applications; they have been offered a refund of the fees paid.

Many of these applicants have invested considerable sums of money in preparing their land for building. Money for services, such as electricity and water, and for fencing and landscaping have been sunk into these blocks. Many people have also designed homes. This is the stuff dreams are made of.

Dreams of retirement and first home ownership have all been shattered. If this is added to the capital devaluation that will occur if this situation is not fixed quickly, the situation will develop into personal disasters. All of the affected families await a clear plan to demonstrate commitment to fixing the problem. The Minister for Planning and the Mildura Rural City Council must lay out what has to be done and how long it will take so that everyone can manage the timetable to resolution. Nearly a month has passed since the C58 sledgehammer arrived. When will the minister and the Mildura Rural City Council produce a timetable?

Mildura electorate: anniversary celebrations

Mr CRISP — On another matter, at the weekend I was invited to attend a 150th anniversary celebration at Wentworth, which started a period of celebrations of other notable milestones. Merbein is to celebrate its anniversary from 14 to 23 August, and a dedicated committee has started work and is planning a parade and other celebrations for its centenary. Ouyen is also celebrating its centenary this year, which it is hoped will climax over the long weekend in November.

International Men's Health Week

Mr NOONAN (Williamstown) — Last week marked International Men's Health Week, which has been celebrated in Australia since 2003. Whilst the week provides an opportunity to celebrate the contribution of men and boys to their communities, we are reminded that five Australian men die every hour of a potentially preventable illness. This devastating statistic has now become the banner line for the M5 project.

Launched by the Royal Australian College of General Practitioners, this project urges men to be more open with their loved ones and their GPs to reduce preventable illness and death. In simple terms the project encourages men to share their family history with their GPs, maintain a healthy weight, have blood pressure checks, stop smoking and maintain a healthy mind and body.

The M5 project is committed to reducing the number of hourly preventable deaths to zero by 2015 through a range of public awareness campaigns, starting with Men's Health Week. This is an ambitious goal, but it also reminds us that much work is being done by the federal and state governments to establish a national men's health policy.

Last Friday morning I attended the Let's Talk about Men's Business breakfast. Hosted by MensLine, the breakfast acknowledged the importance of men's health and its impact on families, personal relationships and productivity in the workplace. Speakers at the event included the Governor of Victoria, Professor David de Kretser, a founder of the men's health service Andrology Australia; Danny Frawley, a former Australian Football League footballer and coach; and William McInnes, a celebrated actor and author.

Osborne Primary School: building program

Mr MORRIS (Mornington) — I draw the attention of the house to the plight of Osborne Primary School in

Mount Martha. Osborne has a long and proud history in the community, having occupied the same site since 1873, and a well-deserved reputation for educational excellence. The school has recently been advised it will receive a federal grant of \$3 million through the stimulus package spending, for which the school council is greatly appreciative.

The difficulty is that the existing school consists of one brick building — the music centre — and one ageing building of light timber construction (LTC). The rest of the school is housed in portables — seven doubles and three South Australian relocatables. There is also a gymnasium building built entirely by the school community. Given that the school has 650 students, the government's own guidelines prescribe 16 permanent classrooms. Apart from the worn out LTC building, there are none. Despite extensive discussions and expansive claims in the state budget, there is still no commitment let alone plans from the government.

There are claims that any surplus Building the Education Revolution (BER) money will be spent on priorities in the region, those priorities being determined by the existing refurbishment program, a program which Osborne Primary School finds impossible to access. The minister must explain exactly how much money is being spent on the proposed works at Osborne and how much will be left over from the \$3 million for related projects, how much BER funding is available to the region, how big the pool is for other works already programmed, and how the money will be allocated. Most importantly, how will Osborne Primary School get the 16 permanent classrooms it desperately needs?

Good Shepherd Youth and Family Service: no-interest loan scheme

Ms LOBATO (Gembrook) — Last week I had the pleasure of launching the Cockatoo and Hills no-interest loan scheme. I was joined at the launch by community development workers from Good Shepherd Youth and Family Service, Women's Health in the South East (WHISE), Cardinia-Casey Community Health Service and other local community organisations.

Good Shepherd initiated the no-interest loan schemes almost 30 years ago in Collingwood. The success of the project has seen it providing benefits throughout the nation and attracting many partners. In the local project the partners include the state government and the National Australia Bank. The state government committed \$4.7 million in 2006 and has recently committed a further \$600 000 per year from 2010. The

no-interest loans of up to \$1200 have made a huge difference to many people's lives.

Accounts documented by Good Shepherd illustrate that even the smallest loan can change people's lives. The examples include that of a woman who sought a loan to assist her to replace tyres on her car so that she and her children could flee her abusive partner and re-establish their lives elsewhere. Another example is that of a man who sought a loan to repair his bicycle at a cost of \$200; if those repairs had not been carried out, that man could not have continued his employment.

I am incredibly proud of this project and of the people and organisations responsible for it. I congratulate Kathleen Hosie for her work and dedication to the project, and I congratulate WHISE and Good Shepherd. I also congratulate the Minister for Community Development for his support of the no-interest loan scheme.

Australian Football League: Latrobe Valley

Mr NORTHE (Morwell) — A dispute between the Australian Football League and Etihad Stadium management over a clash of events in February 2010 gives the Brumby government an enormous opportunity to support the possibility of the Latrobe Valley hosting an AFL pre-season game early next year. Whilst the Brumby government states that it is not interested in becoming involved in the said dispute, surely it can be part of the solution and lobby on behalf of bushfire-affected communities and recommend AFL pre-season games be played in these regions in 2010. The Latrobe Valley is extremely well placed to host an event of this magnitude, and such a game would provide a massive morale boost to the local community, which was devastated by the recent bushfires.

The Morwell Recreation Reserve has previously hosted an AFL pre-season game and the ground itself is in prime condition following a recent surface upgrade. The Traralgon Recreation Reserve is the venue for many local football and netball grand finals and both grounds have demonstrated an ability to accommodate large crowds. Whilst I acknowledge considerable planning would need to be undertaken for this idea to come to fruition, the Brumby government should be lobbying hard right now for major sporting events to be played in bushfire-affected regions such as the Latrobe Valley. This should be extended to sports such as cricket, soccer, basketball and netball amongst others. Events involving these sports would be major attractions for local sporting enthusiasts and would deliver social and financial benefits to those impacted on by this awful disaster.

Traralgon Football Netball Club president Martin Cameron, thirds coach Andy Quenault, and their wives, Michelle and Leah, are really the support mechanisms for these local clubs as they continue to prosper.

Lloyd Park, Langwarrin: upgrade

Mr PERERA (Cranbourne) — I welcome the news from the Minister for Sport, Recreation and Youth Affairs that the grounds at Lloyd Park, Langwarrin, will receive a grant of \$45 000 from the Brumby Labor government towards a \$90 000 project to replace the existing cool season grass surface with warm season grass and upgrade pump and sprinkler heads and nozzles to ensure maximum efficiency when irrigating. The cricket and football clubs that play at Lloyd Park boast that they each have over 400 players and participants.

Frankston North: men's shed program

Mr PERERA — I also welcome the news from the Minister for Senior Victorians that the Frankston North men's shed will now become a reality through a \$50 000 grant from the Brumby Labor government. I take my hat off to the likes of John Holmes, Adam Sehic, Reg Swinnerton and many other local blokes who put so much time and effort into getting this great initiative together for the residents of Frankston North. This will help the City of Frankston to construct a facility in Frankston North that will be accessible by men of all ages. With this great initiative, men in Frankston North and the surrounding areas from all ethnic and social backgrounds will be able to enjoy a men's shed and enliven its activities with the unique characteristics of their cultures.

Nadrasca: Cabaret

Ms MARSHALL (Forest Hill) — On the evening of 11 July I had the pleasure of attending the Nadrasca amateur drama, dance and song production of *Cabaret* at the Whitehorse Centre. I was honoured to be invited backstage and was able to congratulate the entire cast and crew on a job well done. Special mention must be made of the wonderful Amara Wagner, who played the role of Sally Bowles and was an absolute delight to watch. I felt as proud watching her as I know her own family was. It was inspiring to see this amazing group of people come alive on stage with such energy and enthusiasm that you could not help but be captivated. This music theatre group provides access to live theatre and performing opportunities to people with disabilities once every 18 months.

CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL

Second reading

Debate resumed from 7 May; motion of Mr CAMERON (Minister for Police and Emergency Services).

Ms ASHER (Brighton) — I am pleased to make some comments on the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009 and in so doing indicate in my capacity as shadow Minister for Tourism and Major Events that there is very strong tourism industry support for the extension of both lease and licence terms. Initially I want to mention just a couple of features of the bill.

The bill allows the terms of leases on public land under the Crown Land (Reserves) Act and the Forests Act to be extended from the current term of 21 years to 65 years. The bill also changes arrangements in relation to licences on public land under the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975. The amendments to those various acts means there will now be a consistent licensing system for commercial tour operators. The bill also makes some changes to arrangements for hospitals located on public land. Commercial activities within those hospitals such as car parks, cafes and restaurants will be authorised by the minister with key responsibility for this area. They are the main features of the bill. However, there are a number of other features.

The bill also makes some changes to arrangements that apply at the end of leases on public land. At the moment, for example, assets and improvements are returned to the Crown. The bill will allow ownership of assets to be handled on a case-by-case basis. There is an advantage to government in this amendment. Currently the government is responsible for the cost of removal of assets and improvements and may not wish to have that responsibility. There is also an advantage for investors under the proposed changes in that they are able to negotiate ownership of any improvements should they choose to do so.

The bill makes changes to the definition of ‘building’. This definitional change will mean that all types of development will be included in the definition of ‘building’ and the second-reading speech gives the example of marinas. The bill also makes some changes to provisions relating to unused road licences. Currently the legislation provides for them to be cancelled in toto, but the bill will allow part cancellations. Again, that is a

reasonable change. The bill also makes some changes to the process for appointing chairs of committees of management of Crown land reserves.

Importantly the bill allows for the alignment of leases and licences on adjacent land. In these circumstances, licence terms could be greater than 10 years where the land is adjacent.

The bill also makes changes and sets out some circumstances where there will be parliamentary scrutiny of a lease under special circumstances with disallowance by either house of Parliament. Those special circumstances are outlined in clause 11. The bill also allows for variations of a commercial tour operator licence. It sets out a process for the suspensions and cancellations of licences. The provisions in this bill will become law, and there is a capacity for businesses to make submissions for or against the suspension and cancellation of licences should they so choose.

The direction of the bill is one, as I said earlier, that is welcomed by the tourism industry. The tourism industry, like all businesses, needs certainty. Long-term investments on public land are something that the tourism industry has been requesting for a long time.

In terms of the direction of the bill, I think there is significant opportunity for significant commercial investment on public land. The second-reading speech makes much reference to the economic advantages should this result in further investment on public land. However, this has been a long time coming. Given that the government makes much of the economic driver that tourism investment on public land can become, I argue that the government has been very tardy about bringing this bill to the house. The tourism industry would also argue that the government has been tardy. The industry is delighted with the outcome, but it would have liked it to have happened a couple of years ago.

I want to turn to the history of this issue. I refer to a press release of the Minister for Tourism and Major Events of 27 June 2007. The minister on that day released *Victoria’s Nature-Based Tourism Strategy — Draft Plan 2007–2011*. The press release reports him as saying:

...Victoria’s breathtaking natural attractions would take centre stage in attracting ecotourists to Victoria.

He is further reported as saying:

Each year 37 per cent of domestic visitors and 77 per cent of international visitors enjoy at least one nature-based tourism experience during a trip to Victoria ...

The minister launched that draft tourism strategy in 2007; the bill is based on a component of that strategy. I refer to a number of passages in that draft strategy. In the first instance, I will refer to page 7 —

Mr Crutchfield interjected.

Ms ASHER — I know it is final; that was late, too, but I like to get to this slowly. In the first instance I want to comment on this document. Direction 1, entitled ‘Creating supportive frameworks and partnerships’, says:

This direction will create an ‘enabling environment’ to attract nature-based tourism investment and maintain the integrity of the natural environment. Initiatives include:

providing for longer term leases up to 65 years that match tenure to return on investment

...

increasing maximum licence terms to 10 years for tour operators on public land

That is what the bill delivers. I refer to another part of that strategy, on page 38, which was replicated in the final but late strategy. The draft strategy made reference to the existing circumstances of limited tenure on public land leases. The document went on to say:

One of the most significant factors contributing to low investor confidence in nature-based tourism is the perception that Victoria fails to provide realistic lease terms to facilitate private investment in public land projects or to match lease terms to return on investment.

That applied to leases. In the case of licences, the strategy then says:

The current maximum licence term for a tour operator on public land is three years. The directions paper for the public land tour operator and activity provider licence reform project supported increasing the maximum licence term in order to improve opportunities for industry investment, provide greater business security, enable licensees to forward sell into the international marketplace and to provide a benefit for operators with certification.

The draft strategy pointed out the fact that Victoria did not stand up well with other states and countries in terms of its leases. On page 39 at table 5.3 entitled ‘A snapshot of current maximum tenure in national parks by jurisdiction’, it points out there was no maximum tenure in New Zealand; there was no maximum for Parks Australia; Tasmania had a tenure of 99 years; Western Australia had a tenure of 42 years; there was no maximum tenure in South Australia; and Queensland had a tenure of 99 years. This bill is quite conservative, because it is now extending the tenure up to 65 years.

I turn to the timetable; I was ably assisted by the member for South Barwon in regards to it as it was itemised on page 70 of this draft strategy. This government is not good at adhering to timetables. When the reform objective is said to be increased economic activity, obviously there is an economic impact in being tardy. It was clearly delineated that the final strategy was meant to be made available in August 2007. The launch of the nature-based tourism strategy of 2007–11 was meant to be in October 2007.

We move on from the draft report; the tourism industry supports its direction. It is something that we, on this side of the house, have been calling for for some time.

I now move to the release of the final report. The problem, as I said earlier, is the timetabling of this. Whereas the original timetable was for the report to be launched in October 2007, it was actually launched in September 2008. On 10 September the Minister for Environment and Climate Change put out a press release which reports the minister as saying:

Victoria’s pristine and diverse natural icons will be the focus of a push by the Brumby government to attract more big spending international visitors.

Even on the government’s own timetable, this push is a year late at this stage. The minister went on to say:

‘The Brumby government is taking action to boost international and domestic visitation and capitalise on the worldwide demand for nature-based tourism’, Mr Holding said.

Whereas in effect Mr Holding should have said he was a year late in taking action to boost international and domestic visitation to capitalise on the worldwide demand for nature-based tourism.

Again the point was well made by the government, that Victoria’s national parks attract high visitor numbers; obviously there was a need to improve the perception of Victoria as a place to go for that visitation.

The report was released, its title having to be changed from 2008 to 2012. As I said, the component of the nature-based tourism strategy in which I am interested is one that is reflected in the bill before the house today.

I also want to refer to another document that is mentioned in the second-reading speech — that is, a Department of Sustainability and Environment policy statement called ‘Licensing system for tour operators and activity providers on public land in Victoria’. I want to make a couple of references to this document, because it adds to a broader understanding of the bill

and also bolsters my point about the tardiness of the government in this respect.

Firstly, at page 2 the document makes the observation that:

In 2003, the Minister for the Environment established a review of the licensing system to advise on any changes required to support a viable nature-based tourism industry on public land, while maintaining and enhancing sustainable use of public land for all.

That is my point about this government: this process started in 2003, yet only today is the legislation before the house; I do not think that is good enough in terms of change. I think it is very important to consult and to have a draft strategy to allow industry to comment, but the strategy time frame had to be altered because the government was so late. I do not think any reasonable person — I suspect not even members of the government with an interest in this bill and in tourism — would think a process that started in 2003 and finished in 2009 is one that you would want to replicate, particularly when this process applied to something that stimulates economic development and adds to investor certainty.

I also want to refer to the licences that will be available under this reform. There will be a 1-year licence, according to page 3 of this document, which will continue to be available. There will also be a 3-year licence and also a premium 10-year licence, which is the prime focus of this bill. The government has also decided it will have something called a competitively allocated licence, which will happen when it is judged that the number of commercial tour operators should be restricted for environmental reasons, for example, and that will be subject to a competitive process. That licence regime which the government has adopted, and which does have the strong support of the tourism industry, is a step forward.

I also want to refer to the fact that this document says the government is now allowing licence transfers under certain circumstances. At page 4 the document makes it very clear that holders of the 3-year and 10-year licences can 'apply', which is the word used:

to transfer their licence ... to a new business operator if there is a change in business ownership, but only if the residual term is greater than one year.

I think allowing businesses to transfer their licences is an important step forward; I for one would support that.

The document clearly runs through who should and who would not require a licence, but the theme of the document is if there is a commercial or a business

application, clearly a licence will be required even if that commercial or business application, for example, is run by a school. The document also makes very clear that community groups, school groups and whatever do not have to have a licence unless they are engaged in some type of commercial activity.

I now turn to the fees that the government will be charging from 1 July. Licence application fees for a 1-year licence will be \$250. The 3-year and 10-year licences pick up a discount theme, and again I think that is a good idea. I know that that has been done interstate in some circumstances. The 3-year and 10-year licences will have an annual licence fee of \$200 payable annually, and the competitively allocated licences will be set on a case-by-case basis; there will be a transfer fee, and so on.

There will also be use fees, with a use fee cap of \$12 500. I think in this document there has been some attempt by the government to attempt to reduce paperwork on the use fee cap, although to claim it is slashing red tape is a nonsense. Clearly one will have to look at the operation of this system and hear what the operators say after it has been operating for some time.

At page 12 of the document the government has indicated that the revised fee schedule will be on a 75 per cent cost recovery basis. Again I advise the government that, should these fees go up, we will be looking at this provision, and I am sure the industry will be observing the government's behaviour with its fees.

I refer in particular to the points made at page 17 of the document about improved compliance. Again I stress that the improved compliance regime in this bill is one that industry has asked for, because industry justifiably said if it has to buy a licence or a lease — and it is mainly applicable to licences in this case — then that business would reasonably hope that other businesses will also be licensed. As I said earlier, there is a very strict regime for removal of licences, and the government has indicated there will be some improved compliance measures.

I do not know whether this is enough. The government is saying that it will publicise enforcement action when it takes place. It says it will encourage greater uptake of licences. It says:

Parks Victoria will work with Tourism Victoria and the tourism industry to promote licence operators and actively discourage promotion of unlicensed operators.

I suppose it is in this area that I would be seeking a comment from the government as to how this improved compliance will work in reality, because I have to say

that I have great sympathy for operators who pay for a licence and comply with the law only to discover that other businesses do not comply with the licence regime. I would be interested in getting some comments from the government about how that will work.

As I said earlier, industry is very supportive of this system. I indicate in the first instance that the Victorian Tourism Industry Council did a survey in 2008 and found out, according to this survey, that nature-based tourism will have a big impact on tourism growth in Victoria over the next three to five years and that 67 per cent of the respondents said it would have a major or a moderate contribution, so the tourism industry is really looking to nature-based tourism for growth.

As I said, there is strong support from the Victorian Tourism Industry Council and the Victorian Events Industry Council under the umbrella of VECCI (Victorian Employers Chamber of Commerce and Industry). There have been some changes to those organisations, but they made the point in a paper called 'Tourism and events strategy 2016' that:

the proposal for 65-year leases outlined in the plan —

which means the nature-based tourism plan that I was referring to earlier —

has considerable potential to encourage the development of appropriate infrastructure.

Likewise VECCI, in a magazine called *Business Excellence* dated autumn 2008, made the comment — and I place this on the agenda for the government in the future — that it would prefer 50 to 100-year leases on carefully selected public land and waterways and that that would stimulate private sector investment. Now the government has gone for 65-year leases, but there are other jurisdictions with more, and I would imagine the government over time would look at what VECCI has to say.

Likewise in a VECCI summit a year or so ago much was made of the nature-based tourism strategy, calling on the government to release it and act on it. Again, VECCI said at page 17 of its task group reports document summary:

This —

meaning longer term leases for up to 65 years —

offers the prospect of attracting appropriate private sector investment in quality accommodation, attractions and services to improve the economic yield to regional destinations and to provide competitive visitor experiences in Victoria.

So again there is very strong support from the tourism industry for extensions of leases and licences.

I also note that the Rural and Regional Committee conducted an inquiry into rural and regional tourism, and this was one of its recommendations. I quote recommendation 17:

That the government in producing a *Nature-based Tourism Strategy Final Plan* ... and in light of practice in other jurisdictions, consider increasing the duration of leases on Crown land in Victoria.

The government indicated in response to that report that it agreed with that committee's recommendation and that legislation would be brought before this place.

I note the presence of the former Minister for Tourism in the chamber, and I am more than happy to acknowledge his complete and utter understanding of the tourism industry. I am happy to note that the tourism industry thinks highly of him, and I note that had he still been the Minister for Tourism this tardiness might not have occurred. I also note the previous presence in the chamber of the member for Morwell and his very important role on the Rural and Regional Committee. I imagine this committee prompted the government into action to actually implement this bill.

I want to conclude with a couple of comments. One of the commencement dates in the bill is 1 July 2011. I consider that period, given the delay, to be way too long. The officers who provided the briefing said the elements that were going to be implemented in 2011 would be subject to a regulatory impact statement and they needed time et cetera; they needed 12 to 16 months. Again, I think this is way too long, and it is symptomatic of the government's approach where everything takes forever. That start date is well past the next election. It is a very elongated start date, and I think the government should have done better than that.

I also want to make reference to the second-reading speech where the government made the comment:

Public land sustains considerable activity critical to the economy of Victoria, including major commercial and tourism developments ...

I agree with the government. It is very important to have major commercial developments on public lands, which raises the question I raised earlier about why the government fiddled around for years on this and why it did not simply implement it — of course with consultation. But again I make the point that to start a process in 2003 to review licences being made available on public land and to have a bill come before

the Legislative Assembly today is not a process on which business would be modelled, I hope.

I also want to make an observation in passing that this was not always the ALP's position. I remember, for example, the Wilsons Promontory debate. The ALP did not always favour extended leases, and it did not always favour private development on public land. This is a quantum leap and a shift by the ALP, and I commend it on making that shift. In this instance it is important that public land is made available to the private sector for reasonable and sustainable development and that these investors are given certainty, but I will wait to hear the praise that will come from the government members, many of whom have not been in this place for very long. I simply make the observation without going on and on about it that this was not always the Labor Party's position on private investment in public lands, and if the ALP had shifted earlier on this, then maybe we would have had some more good, appropriate investment in infrastructure on public land.

I also pick up a point made by the government in the second-reading speech. I have to say for the minister to read the second-reading speech he must have taken leave of his senses, because of all things the government has chosen to highlight a \$10 million development of the Hepburn Springs bathhouse as an example of major development on public land. I would not have highlighted that as an example, because the original budget for that project, both government and private, was \$6.5 million and the end budget, as is stated in the second-reading speech, was \$10.6 million. This project had a blow-out of \$4.1 million.

If I were the minister, I would not be highlighting this project, because it is one of the really bad examples of the government's poor performance in major projects. The delay on this project was between six and nine months. However, the project was announced in 2002, so it took six years to complete. Again I make the point that this government is incapable of delivering major projects on time and on budget. If I can give a bit of political advice to the government, it is that I would not refer to some of these projects in second-reading speeches. It is a great project, but it had a budget blow-out and it was late. We had all the spin but loads of delay. If I were the government, I would not draw attention to my failures; I would try to highlight the movement in the future to longer term leases and longer term licence opportunities for public land.

In conclusion, this bill has strong support, particularly from the tourism industry. It is about time the government extended its lease policy on public land

and allowed longer term licences for commercial tour operators on such land. I am pleased the government has moved in this direction, but it has taken way too long. The licence inquiry started in 2003, the nature-based tourism strategy was a year late, and on top of that in my opinion this legislation is tardy. If we had had a minister for tourism who was focused on tourism — there have been other ministers in the past who have been fully interested in and focused on tourism — and who was actually interested in the portfolio, this project would have been driven earlier and harder and we would have had a better economic result for the state of Victoria.

Mr CRUTCHFIELD (South Barwon) — I rise to speak in the debate on the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. I note that the opposition supports the bill, and that is terrific. It is this government which since it has been in office has been driving what is the essence of the bill — that is, a nature-based tourism policy. I noted the brief reflection on history given by the member for Brighton, but the previous government made no effort to embrace nature-based tourism or to change leases or licences. Today it is the Brumby government that is proposing these changes, which have been extensively consulted on throughout the broader community. Often we get accused of being too quick and it is alleged we do not consult, but now that we have gone through an extensive consultation process it is being said that we are too slow.

Importantly the bill has some major objectives that I want to bring to the attention of the house. It is about developing and facilitating investment in developments on Crown land, establishing a uniform and improved licensing regime for our tour operators and activity providers on Crown land, reducing the regulatory burden on government and Crown land licence-holders, improving governance and reducing time-consuming and complex procedures related to Crown land management and updating and improving the operation of Crown land acts. Finally, it makes some small changes to other acts.

I will focus on the leasing and licensing areas. Most regional members would have had speak to people who are either tour operators who have issues regarding the tenure of their licences or alternatively are people who have wanted to develop on Crown land and to whom the previous restriction of 21 years has applied. The current maximum lease term for developments on land reserved under the Crown Land (Reserves) Act 1978 and the Forests Act 1958 is 21 years. As the member for Brighton has mentioned, the bill increases the maximum lease term under these acts to 65 years.

Importantly the maximum licence term available for general licences under the Crown Land (Reserves) Act 1978 will increase from 3 years to 10 years and to up to 21 years for a licence that is associated with adjacently leased land.

This bill is unashamedly about tourism. The member for Brighton referred to the draft as well as to the final nature-based tourism document. That document outlines the positives of nature-based tourism in Victoria. I do not think there would be any member in this or the other place who has not experienced some form of tour operation. It could have been in the Barmah State Park, where I certainly had a wonderful experience with tour operators, or in Gippsland — I notice that the member for East Gippsland has just left the chamber — where I have done caving, or in the Snowy Mountains, where I have done whitewater rafting.

Mr Weller interjected.

Mr CRUTCHFIELD — We will still be able to do whitewater rafting on the Mitchell River too, for the information of the member for Rodney. I have abseiled down there. Many people in this place would have been to the Otway Fly down in my neck of the woods. Some members would have done the Great Ocean Walk, even if it was just a matter of plonking themselves down at some of those wonderful lookouts or doing some mountain biking. For the information of the member for South-West Coast, they could have hired a houseboat at Nelson, which would be idyllic and a lot slower. All those activities are about helping to generate some \$10.9 billion of activity in the industry and some 160 000 jobs.

Statistics show that in the year ended 2007 some 37 per cent of domestic overnight visitors and some 77 per cent of international overnight visitors to Victoria undertook at least one nature-based tourism activity during their trip. That included 8.1 million domestic day trips, 6.3 million domestic overnight trips and 1.13 million international tourism-based visitors. Certainly in my patch encouraging growth in this important market has direct economic benefits for the region.

I have had representations from a couple of tour operators who have been frustrated with their tenures. One firm has suggested, and the industry has lobbied government on the issue — I note that the industry is very supportive of the bill and the supporting documentation — that it is unable to invest capital into its tours and is unable to pursue increased opportunities and expand its business because of the tenure of its

licence. Three years was much too short, and following the passage of the bill a maximum of 10 years will be available to operators who can meet the set criteria.

I will now reflect on the consultation. I have briefly touched on the Victorian nature-based tourism strategy. That involved some 280 key stakeholders. There were a number of workshops and reference group meetings and interviews with stakeholders, including representatives of the tourism industry, the community and, importantly, environmental advocacy groups. That was back in late 2007. As the member for Brighton said, there was also a policy statement on the licensing system for tour operators and activity providers on public land in Victoria, which was released in May 2008. That was the culmination of an extensive public consultation process.

One of the fears early on was that the nature-based tourism strategy was a signal for development in our national parks. That is certainly not the case. The current policy provides, as is identified in the Victorian nature-based tourism strategy, that any new, larger scale tourism facility — excluding visitor centres, which seem to be topical — will be located outside those parks. That important point has been made clear to lobby groups that were concerned about that matter. New facilities inside national parks will be permitted only following appropriate community consultation and with clear and transparent guidelines.

Another issue raised by the member for Brighton and by a couple of people who lobbied my office was around compliance and the enforcement of that compliance. Whether it is done by council or state government bodies, that compliance needs to be more vigorous and to reflect the fact that these people are investing their money, their time and their livelihood, and they can get rather frustrated when fly-by-nighters come into places like Torquay and Anglesea to pursue a quick financial outcome and are not formally licensed. I can assure the member for Brighton that the enforcement process is and will be taken very seriously by government. If licence fees change, there should be a direct correlation between the changes in the fees and the activity of the enforcement, and I am extremely confident that that is what will occur.

With that short contribution, I commend the bill to the house. Each and every one of us, particularly those with electorates in regional Victoria, have tour operators or businesses that will benefit from the bill. It sends a strong signal to the development industry that we are serious about reflecting their investment in longer term leases and licences, and I am sure we will see that on

the ground in terms of jobs, jobs and jobs in regional Victoria.

Mr WELLER (Rodney) — It gives me great pleasure to rise to speak on the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. As has already been said, we need to give the tourism industry confidence to build on our Crown lands, and increasing lease terms to up to 65 years is a step in the right direction. The member for Brighton pointed out that other jurisdictions in Australia and in other parts of the world give longer term licences, but 65 years is a step in the right direction, and we will not oppose that step. The tourism industry is quite important to my electorate. We would like to see it encouraged. That is what the bill does. It will give the industry confidence to invest in infrastructure on public land, Crown land and in the national parks where appropriate.

I will turn to some of the main provisions in the bill. It inserts new definitions of the responsibilities of the minister to appoint a chair of committees. It removes the requirement that buildings and structures erected under a lease or tenancy agreement granted by the incorporated committee of management must become the property of the incorporated committee of management. In other words, it can stay in the hands of a tourist operator, which is very important in giving them the confidence to invest.

I will go through the bill because there are some interesting parts in it which relate to my electorate. There is an interesting debate going on in my electorate. The government has proposed removing Rob Masters from Masters Landing, but under the bill I can see that the minister could leave him there. The explanatory memorandum to the bill states:

Clause 15 inserts new part 3A into the Crown Land (Reserves) Act 1978, which establishes a new licensing scheme for tour operators and activity providers on reserved Crown land.

New section 21A makes it an offence to conduct an organised tour or recreational activity for profit on reserved Crown land unless that person holds a tour operator licence. New section 21A(2) provides that the offence does not apply to a person who holds another type of licence or permit under the act or regulations, or a person who leases the land on which the activity will take place.

As a result of that change we could see the Masters family being able to stay on that land.

The explanatory memorandum states that clause 37 inserts new section 27C into the National Parks Act 1975, and it states that it makes it an offence:

... to conduct an organised tour or recreational activity for profit on reserved Crown land unless that person holds a tour operator licence. New section 27(2) provides that the offence does not apply to a person who holds another type of licence or permit under the act or regulations, or a person who leases the land on which the activity will take place ...

That sounds positive. However, the minister's second-reading speech states that before granting such leases the minister must be satisfied that a proposed development will confer an economic benefit at a local, regional or state level. The minister must be satisfied also that a development will deliver public benefit.

For people who do not know, Masters Landing was the port for Gunbower. The original building there is some 143 years old, and the Masters family has been there continuously. Overwhelmingly, local people want to support the retention of Masters Landing. Masters Landing meets the criteria given in the bill. It would bring economic benefit because it would bring tourists to the Gunbower area and it would complement other tourism activities along the Murray at Torrumbarry and at Echuca.

In the second-reading speech the minister stated:

This could include:

facilitating community access to the area;

building indigenous partnerships; or

stimulating innovation through the introduction of new skills, technologies or services.

The key words there are 'This could include'. They do not count out anything else that we would like to put in. The minister stated further:

The bill also requires the minister to be satisfied that the proposed development will be a sustainable use of public land —

and obviously Masters Landing will be sustainable as people will be very interested in the river's history and in an original hut which is the only one of its type that is left on the banks of the River Murray —

for the duration of the lease, for example, by requiring the developments to meet one or more of the commercially available rating systems for environmentally sustainable development.

What concerns me is that the minister, when delivering his second-reading speech, said:

Furthermore, the proposed legislative amendments will be supported by the commercial leasing policy for Crown land in Victoria, which my department is currently preparing.

However, we do not know the finer details of the bill. We are told that the department of the minister who delivered the second-reading speech is working on the commercial leasing policy for Crown land, but from the bill we know nothing about the commercial leasing policy for Crown land. How are we, in a big leap of faith, able to accept that this commercial leasing policy for Crown land will be something we can support? I hope it is, otherwise it will hold back the tourism industry, which is of vital importance to my electorate.

Mr Jasper — And right along the Murray.

Mr WELLER — That is correct right along the Murray. My colleagues the members for Murray Valley and Mildura are in the chamber. Tourism is very important to their electorates, and the member for Mildura is active in promoting tourism in Mildura, Ouyen and other regions in his electorate.

Another part of this bill deals with unused roads. I support the proposed amendments to the legislation as it deals with unused roads. As the second-reading speech says, unused roads were part of parish lands in the 19th century. I must declare that I once held an unused road licence.

In these days of Landcare what often happens with an unused road licence is that when local communities are keen to use land that is not being fully utilised to create habitats for local fauna such as birds, Landcare will ask, 'Can we use this unused road as a corridor?'. Most of the farming community which has these unused road licences will say, 'Yes, we would like to assist Landcare and have these corridors used for wildlife such as birds; however, we need a certain amount of that corridor for access'. In the past land-holders had to give it up, get it subdivided and all those types of things.

There will now be a more practical way of doing it, because now when a farming community which has been grazing, cropping and other things under an agricultural licence wants to work with the local Landcare group, it will not have to cancel the licence. Instead it will be able to get an amendment to the licence so farming can continue and Landcare will be able to work with the community to provide habitat for the local fauna, such as birds.

One of the biggest worries about the bill is that this government looks after its mates. I am very concerned about the lack of scrutiny over what the minister can do in looking after his mates. We all know Labor looks after its mates, and there needs to be more scrutiny here. There need to be more open and transparent

processes for how these deals are done on Crown lands. We need to make sure there is an open and transparent process so the whole community, not just the minister and his mates, knows about it.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. I was very pleased to hear the Parliamentary Secretary for Water and Environment say that this a bill is mainly about tourism. Members might wonder why the member for Yuroke is speaking on a Crown lands amendment bill when Yuroke is mainly an urban electorate.

I know how important these bills are. I know how important it is for residents of my electorate to be able to go to places like the Twelve Apostles, Croajingolong National Park, the Grampians, the Otway Fly and Philip Island Nature Park, which so many children love going to. It is important that members in urban-based communities support nature-based tourism. The Brumby Labor government has a nature-based tourism strategy that works so well.

The key objectives of the bill are to facilitate investment and developments of public benefit on Crown land, establish a uniform and improved licensing regime for commercial tour operators and activity providers on Crown land, reduce the regulatory burden on government and Crown land licence-holders, improve governance and reduce time-consuming and complex procedures related to Crown land management, update and improve the operation of the Crown Land Act, and correct references to repealed provisions of the Crown Land Act and the Coastal Management Act 1995.

One of the reasons this bill has been introduced is that significant barriers have contributed to low investor confidence in Crown land, and there is a perception that Victoria does not provide lease terms to facilitate private investment. The bill takes the lease terms under the Crown Land Act from 21 years to 65 years to negate some of that criticism.

You have to keep selling tourism. It is not like the *Field of Dreams* theory, that 'If you build it, they will come'; we have to be out there, promoting Victoria all the time. That is why I was so pleased at the announcement of extra money for tourism last week. This government has placed a focus on tourism, and some of that focus has moved to conference-based tourism, particularly now that Melbourne has a new conference centre that will hold 5000 delegates.

The government is concentrating on tourism. It has a major competitor just across the puddle, if you like, in New Zealand, which heavily promotes its nature-based tourism. I have travelled in New Zealand and around regional Victoria; I had a good chance to compare the two. I have to say Victoria's charms are the jewel in the crown. Victoria has to keep encouraging operators to come here and to have people travel here, which is why this is a good bill.

Victoria's public lands are major environmental, economic and community assets. As I have said, they are gems. They need to be protected and enhanced so that present and future generations can benefit from them. Some checks and balances will need to be put in place because of leases being moved from 21 years up to 65 years. They include that the purpose of the lease is not detrimental to the purpose for which the land is reserved, which is a very important balance, and that the development is of a substantial nature justifying the longer lease term.

The Parliamentary Secretary for Water and Environment talked about some of those fly-by-nighters who want to come in, make a quick buck and then get out. We cannot let that happen. Another test is that a project has to be in the public interest. Having those checks and balances will ensure that only major projects which can demonstrate benefits to the Victorian community and an economic justification for the term 'above 21 years' will receive that longer term lease. Revised commercial leasing policies will provide further guidance to proponents and the Victorian community about what the Victorian government considers to be an appropriate lease term.

Importantly it will bring Victoria into line with other Australian states. It is strongly supported, as it should be, by the tourism and commercial sector — and we know, in what has been the fashion of the Labor government for almost the past 10 years, under both Premier Bracks and Premier Brumby, that consultation forms an important part of everything Labor does in government.

This legislation also establishes a uniform and improved licensing regime for commercial tour operators and activity providers. It includes provisions for 10-year licence terms and associated enforcement provisions. The proposed increase will provide greater business security for those seeking a licence to undertake a wide range of activities on public land. In these days of economic uncertainty we know that it is really important to provide businesses with security. Thankfully, given the Rudd government's stimulus packages, we seem to be over the worst of the global

financial crisis. In Victoria we have kept our AAA credit rating, so with this bill — —

Dr Napthine interjected.

Ms BEATTIE — The member for South-West Coast jokingly sneers at the Rudd government's stimulus packages, but these have helped us over the hump. The member for South-West Coast should have a few words in the shell-like ears of his federal mates, because everything the Rudd government has done has stimulated this economy and put us back on a good path to see Australia through the worst of the global financial crisis. Rather than sneering, the member for South-West Coast should be supporting the Rudd government's stimulus packages. Of course he will be like the federal members who will be going out there and trumpeting the achievements of schools in their areas. He will want the photographers from the local papers outside his new schools, but he will sneer at the stimulus packages.

The increase in lease terms will benefit the tourism industry by improving opportunities for industry investment, and it will allow tour operators to focus more on performance and less on the administrative process. As I said earlier, the tourism industry has been consulted extensively and is fully supportive of this bill.

All in all, this bill is not only good for the tourism industry but is also important for Victoria in that it gives tour operators long-term security. They can go ahead and do their financial and business plans, but importantly they can continue to provide many hours of pleasure for Victorians who want to have a holiday and want to get involved in nature-based tourism.

I support this bill and commend it to the house. Members of the opposition, instead of carping and whingeing, should get behind this bill and support Victoria.

Dr NAPHTHINE (South-West Coast) — I rise to contribute to the debate on the Crown Lands Act Amendment (Lease and Licence Terms) Bill and I welcome and support the legislation. The purpose of the bill is to provide a licensing scheme for tour operators and activity providers on public land and to provide opportunities for longer term lease arrangements for businesses, particularly tourism businesses, which seek to invest in, create jobs on and provide services from sites on Crown land. This is important in terms of providing the infrastructure to promote and develop tourism across Victoria, particularly in regional and rural Victoria. The electorate I represent, South-West

Coast, is famous for its tourism, whether it be whale watching in Warrnambool, the great South-West Walk, the beauty of Cape Bridgewater, Bridgewater Bay and Cape Nelson, or the national parks at Mt Eccles, Lower Glenelg, Mt Richmond and Tower Hill. It is a very attractive tourism area.

The nub of the issue I raise about this bill is that the benefits to tourism operators through this legislation come after a very welcome change of heart and policy by the Labor Party, which has done a 180 degree turn on this issue. During the 1990s it opposed the very basis of this legislation at each and every turn.

Mr Brooks interjected.

Dr NAPHTHINE — The backbencher for the Labor Party says it is because we were in government. That is typical of members of the Labor Party. They oppose everything when they are in opposition, even if it is good, whereas we on this side of the house welcome and support legislation which is good for Victoria. When it is in opposition the Labor Party opposes just for the sake of opposing — that is what the honourable member said.

Let us look at what Labor did in the 1990s. There was the development of a centre at the Twelve Apostles — and I am sure the member for Polwarth will say more about that. It was opposed tooth and nail by the Labor Party as the exploitation of a Crown land resource, as exploitation of a national park and as commercialisation of a major asset. Now that Labor is in government who is leading the charge to develop facilities at the Twelve Apostles? It is Elaine Carbines, a former Labor member of Parliament. She now has one of the jobs for mates under the Labor government and is leading the charge for development at the Twelve Apostles.

Who can forget the Labor Party's vehement opposition to developments proposed for Wilsons Promontory and Tidal River? The late Marie Tehan, a former Liberal government minister, tried to introduce commercial developments along the lines of the excellent developments on the Freycinet Peninsula in Tasmania into that area. They have been an enormous success in providing people with opportunities for a diverse range of accommodation options at Wilsons Promontory, but they were opposed tooth and nail by the Labor Party. Then there is the Mount Buffalo chalet. People wanted to invest in a new chalet by putting major funding into it, but were again stymied by the intransigence of the Labor Party.

The previous speaker mentioned the Otway Fly, which is ironic because that attraction is on private land. The

Labor government would not cooperate by allowing that venture to obtain a lease to access Crown land in the Otways, so it had to set up the Fly on private land. Now the government is claiming it is a great tourism success. It is, but no thanks to the Labor government.

I again welcome the government's change of heart. The Labor Party has undergone a 180-degree turn. It used to oppose any commercial developments associated with Crown land or any investment in infrastructure to boost tourism in rural and regional Victoria. I welcome the fact that the Labor Party has joined with the Liberal Party and The Nationals in adopting a common-sense approach to these issues.

I will refer to some examples in my electorate where this will be of benefit. I recently spoke with Scott Martin and Debra Curtis, directors of Bridgewater Bay Cafe. They said in an email to me:

In regards to the mail package containing information on the Crown land amendments act I wish to thank you. After reading the covering letter I believe this is a great move forward in the right direction.

My partner and I have undertaken a sea change and recently moved from our city jobs. We have taken over a cafe on the beach in Cape Bridgewater in December last year. As the cafe is on Crown land, we have taken the cafe over with only six years left on the lease and with that, the risk of losing over \$200 000 in investment when the lease expires.

The letter refers to Cape Bridgewater as having world-class views. It is an outstanding part of the world. Bridgewater Bay has the best beach in the world, and Cape Bridgewater is fantastic. The letter says that Cape Bridgewater:

... is continually referred to by ... tourists as the best scenic beach they have ever visited in Australia. Sadly with these world-class views we have second-rate facilities ...

They have second-rate facilities, but that is not the fault of the new owners. The real problem has been the lack of a long-term lease, which would encourage the people who operate the venture to invest in improving the facilities. This would provide better services for tourism and more security for the operators. I trust this legislation will provide that opportunity to create more jobs and more opportunities.

As Mr Martin and Ms Curtis say in their letter, if they attract more people to their facilities, that will provide a flow-on benefit for local bed-and-breakfast operators and providers of other accommodation and other services. One example is Seals by Sea Tours, a wonderful operation run by Joe Austin. It operates under a licence to take people out in very safe and large rubber ducks to Cape Bridgewater, where they can get

up close and personal with the colony of seals there. It is a tremendous, unbelievable tourist attraction.

In Nelson there is Nelson Boat and Canoe Hire. Unfortunately its facilities are largely comprised of a wooden shed that is regularly flooded as the mouth of the river closes over. Its operators are reluctant to invest in new facilities when they do not have a secure long-term lease to justify that investment.

I trust that under this legislation those owners and operators will be allowed the opportunity to get a longer term lease so that they can invest with security and improve their services and facilities, fundamentally providing a better result for themselves and for tourists.

Similarly, the Nelson general store and cafe is on Crown land. The operators of that business would love the opportunity to have a longer term lease so that they could invest in improvements that would provide better services for their customers and greater revenue and job opportunities for themselves and the Nelson community.

I could go on and on. The people who lease the Princess Margaret Rose Cave and kiosk are similarly looking forward to getting a longer term lease. I also refer to the operators of the *Nelson Endeavour*, who have access to the river.

There are enormous opportunities on the south-west coast, but this government has failed to provide appropriate staffing and rangers at Mount Eccles, Tower Hill and Mount Napier. There is a dearth of rangers for these areas, and local tourism misses out because of the lack of rangers, facilities and support. Perhaps through this legislation there will be the opportunity for entrepreneurs and business operators to get licences to run tours, camping sites, kiosks and other facilities in those areas where they can get a benefit for their business on a secure long-term lease.

They will be prepared to invest and get a reasonable return, and at the same time promote tourism and create jobs in those areas, and promote greater access to the magnificent national parks at Tower Hill, at Mount Eccles, near Macarthur, and at Mount Napier. South-west Victoria has an enormous range of tourism assets, many of which are greatly underutilised. There is an enormous opportunity for increased tourism growth, but the area requires infrastructure to provide the services that tourists need. This legislation provides an opportunity for entrepreneurs and business operators to put forward proposals, get long-term leases, invest in new businesses, create jobs and provide services for

tourism. This is a win-win outcome. I support the legislation.

Mr BROOKS (Bundoora) — I am delighted to speak in support of the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. I welcome the opposition's support of the bill. The only criticism that seemed to come from the lead speaker from the opposition, the member for Brighton, was about the time it has taken for this legislation to come to the house. I point out that it is important to have proper consultation and ensure that the valid concerns of people about the environment and conservation in our state are taken into account, which did not occur under the previous government.

In looking at this bill it is important to look at nature-based tourism and its economic benefits, as well as the broad spectrum of issues that Crown land covers certainly in terms of leases — for example, preschool centres; schools; public halls and libraries; cemeteries; hospitals; ports; wharves; drainage and sewerage facilities; marinas; private enterprise, like restaurants and markets; electricity infrastructure; shopping centres; camping grounds and caravan parks; alpine resorts; zoos; swimming pools; and so on.

Different types of licences include licences for the harvesting and removal of timber, for apiary and for other agricultural activities. However, the focus of my contribution to the debate on this bill will be on aspects of nature-based tourism, which has also been the focus of most speakers on the bill.

It is important to consider the context of this bill in terms of its value to the tourism industry, and in particular to the nature-based tourism industry. There is no doubt that the bill will improve confidence in tourism-related ventures for investors through the extension of lease and licence terms. The bill will create a uniform licence approach for tourer businesses and other tour operators who operate on Crown and public land. This is essential to Victoria growing its tourism industry, growing jobs and in particular growing green jobs, which are vital to Victoria's future. The legislation flows from *Victoria's Nature-Based Tourism Strategy 2008–2012*, which sets out the government's broad strategy in relation to this area. It is important to look at the value of nature-based tourism to Victoria.

Nature-based tourism visitors represent 77 per cent of all international visitors to Victoria. For the year ended June 2007 Victoria's market share of international nature-based tourism visitors reached 28.7 per cent, which was up 4.2 per cent on the 2000 figure. By comparison New South Wales had a 56.7 per cent

market share. The strategy also points out there were 8.1 million domestic day-trip, nature-based tourism visitors to Victoria in the year ended June 2007, 6.3 million domestic overnight nature-based tourism visitors in the same period and an additional 1.13 million international nature-based tourism visitors. In terms of dollars spent Australia wide, nature-based tourists spent \$19.1 billion, including \$8.2 billion for international visitors, \$10.05 billion for domestic visitors and \$118 million for domestic day trip visitors. The value to Victoria's economy is significant, and in particular potential growth in that economy is vital.

The forecast for growth in Victoria is for growth in international markets. By 2016 Victoria is forecast to receive 493 000 more nature-based tourism visitors. China is predicted to be the largest international nature-based tourism source market, and North America, Europe and the United Kingdom will continue to grow significantly and will remain key parts of our market. International nature-based tourism visitors will account for 66 per cent of all nature-based tourism visitors for overnight stays. There is significant value for Victoria in putting in place the right regulatory arrangements and legislation for tourism operators. This bill helps to facilitate that process by providing people with the confidence they need to make investments in and develop public and Crown land. The bill also establishes a uniform and improved licensing regime for people who run commercial tours and activities on Crown land.

The bill will increase the maximum available lease term under the Crown Land (Reserves) Act 1978 and the Forests Act 1958. Currently the maximum available lease term is 21 years, which this bill increases to 65 years. The bill also increases the maximum licence term which is able to be obtained under the Crown Lands Reserves Act 1978 from 3 years to 10 years and possibly to 21 years where a licence is associated with adjacent leased land. Importantly the bill creates a uniform licensing regime by amending the Crown Land (Reserves) Act, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975.

I will not go into all the amendments, which are quite important, but I will mention a couple of them, including the provision for the government to be able to negotiate with lessees on the ownership of any improvements or assets on land leased or licensed under the Crown. When investors are investing in infrastructure on Crown land it is important to give them confidence so that they will be able to negotiate the future use and ownership of those facilities. The bill also transfers the responsibility for entering into leases

over certain pieces of land reserved under the Crown Land (Reserves) Act to the Minister for Health. This is an important measure, particularly with respect to the operation of hospitals. For example, a hospital built on Crown land for which the Minister for Environment and Climate Change has responsibility might contain gift and florist shops. Responsibility for those leases will be handed over to the Minister for Health, who will help streamline the operation of our major hospitals.

One of the case studies cited in the government's strategy for nature-based tourism is a snapshot of the nature parks on Phillip Island, a fantastic tourist destination in Victoria. The strategy sets out some of the fantastic things that Phillip Island Nature Parks has done to improve its facilities and the experience of visitors to that place, but it also notes that there are limited opportunities to get a higher yield from the 621 000 visitors because there are no facilities for visitors to stay overnight. There is a clear need for investors to have greater confidence so that they will improve facilities for people visiting different parts of Victoria, whether those people live in Victoria, come from other parts of the country or come from around the world. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Crown Land Acts Amendment (Lease and Licence Terms) Bill. The Nationals in coalition are not opposing this bill, and I will support the contributions of the members for Brighton, Rodney and South-West Coast on this matter.

The purposes of the bill are extensive and include amending the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975 to provide a licensing scheme for tour operators and activity providers on public land. The bill also amends the Crown Land (Reserves) Act 1978 and the Forests Act 1958 to increase the maximum lease term from 21 years to 65 years, and amends the Crown Land (Reserves) Act 1978 to increase the maximum licence term from 3 years to 10 years, and amends the Crown Land (Reserves) Act and the Land Act to provide for licence terms greater than 10 years in circumstances where the licensee holds a lease over adjacent land.

The bill also amends the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the Coastal Management Act 1995, the Conservation, Forests and Lands Act 1987, the Land (Revocations and Other Matters) Act 1991 and the Fraser National Park Act 1957 to enhance the operation of those acts generally. The provisions are extensive in their modifications.

The bill inserts new definitions into the Crown Land (Reserves) Act for 'responsible minister' to mean the minister administering the act and for 'land manager' to mean the trustees or a committee of management or, where neither exists, the Secretary of the Department of Sustainability and Environment. The clause also provides a definition for 'tour operator licence'. The bill provides for the minister, instead of the Governor in Council, to appoint the chair of an incorporated committee. The bill also removes the requirement that buildings and structures erected under a lease or tenancy agreement granted by an incorporated committee of management under section 14D(1) of the Crown Land (Reserves) Act 1978 must become the property of the incorporated committee of management and broadens the general powers of the committee of management to allow the minister to transfer the management of the lease to the committee.

The bill inserts new sections that will allow leasing and licensing powers to be granted to the Minister for Health in respect of specified areas of land and to increase the licence term from 3 years to 10 years and to allow the granting of a licence term of more than 10 years but less than 21 years where the proposed licensee is leasing the adjacent land in respect of which a licence may be granted. The bill also inserts new sections which allow the minister to grant leases of more than 21 years and up to 65 years for projects of a substantial nature and value and require the lessee to restore the site after the expiry of the lease.

The bill provides for new part 3A in the Crown Land (Reserves) Act which establishes a new licensing scheme for tour operators and activity providers on reserve Crown land. They are very extensive provisions.

I want to address a number of areas in the bill. Firstly, this is about tourism and nature-based tourism but it is also about tenure of land. With the extension of the maximum lease term from 21 years to 65 years for projects of a substantial nature, we need to concentrate on the definition of 'substantial nature'. My electorate has a number of clubs and organisations, with considerable infrastructure, that are located on Crown land. They experience difficulties with that infrastructure from time to time. I am sure if they were considered to be substantial in nature and their tenure was extended to 65 years, then that would be of considerable assistance to them.

A year or two ago I was asked for assistance by the Mildura Motorcycle Club. That club holds a series of leases and licences over property at the edge of the Murray River. It was proving difficult for the club to

upgrade that tract of land and retain that national motorcycle or speedway circuit as a significant tourism drawcard. The federal government had agreed to invest some money to improve the infrastructure.

However, the club found it difficult to satisfy the federal government's tenure requirements over the land before it could attract that finance. It has been a significant issue for the club to resolve, but now it is on the way to being resolved. I hope that the changes contained in this legislation will mean that this situation, if not already resolved, will be resolved and will not occur again in the future.

In country areas a 21-year Crown lease is a relatively short period, particularly in relation to the criteria for a development of a 'substantial nature'. Access to water for irrigated properties is a very sensitive issue, and leases and licences over that period concern me. Similarly, if someone happened to have permanent plantings on leases, that would be a concern; in the Mildura region, college leases which have permanent plantings on them, although they are probably not quite a Crown land issue, are of concern also.

Having said that, that 'substantial nature' definition needs to be further spelt out. In the second-reading speech there is a paragraph around this issue that concerns me:

Furthermore, the proposed legislative amendments will be supported by the commercial leasing policy for Crown land in Victoria which my department is currently preparing.

On the basis of that unknown, I have concerns about the definition of 'substantial nature'.

Tourism is extremely important to Mildura. There are a couple of national parks in my electorate — the Wyperfeld National Park and the Murray-Sunset National Park — and they are very important for visitors. Small-scale tourism owners operate in those parks and are what I call opportunistic operators. I am concerned about how they will structure their businesses given the costs involved, because they are opportunistic — that is, they are looking at wildflower tours when their rivers are in flood — and will need to be subject to a licensing process that will allow them access at an affordable rate.

Another area of concern I have is whether this legislation can be used to improve the plight of apiarists who need access to Crown land for sites for their beehives, remembering that 80 per cent of our food requires the work of bees. The apiarists who are involved in pollination as well as in the production of honey need sites to store their bees and to regenerate

their hives as well as to produce honey. Particularly in the north of the state there is a shortage of sites for apiarists on Crown land. I am hoping that this legislation will improve access for apiarists to sites.

A constituent of mine has a piece of infrastructure — I hope it is substantial but perhaps it is not substantial — that has encroached on Crown land. The Crown land is something called allotment 33A in the parish of Yelta, which is on the Murray River just below Mildura. He has a few square metres of infrastructure which has encroached onto this very small piece of land. I hope that this legislation, in particular in reference to proposed section 21A(2) in clause 15, which is the one the member for Rodney referred to in his discussion of Masters Landing, has application to my constituent, Carmine Demase and his Crown land issue.

A further concern is about a property that has freehold land within the boundary of Wyperfeld National Park. I am talking about the O'Sullivan's property, which is known as Pine Plains Lodge. The O'Sullivan's have difficulty accessing their freehold land that is in the park because of problems with a road; I hope this legislation will assist them. They recently showed me some photographs of the road, which has become impassable following some extremely welcome rain. That tourist operation that bases itself on the wonderful Wyperfeld National Park is suffering because the access to it is a contentious issue.

I ask the minister to put his mind to resolving that long, outstanding issue with the Pine Plains tourist facility. There is also a problem with their accessing the airstrip and allowing air travellers to come in to enjoy the Wyperfeld National Park. The issues facing the O'Sullivan's are longstanding as is the Demase issue; both require resolution.

The provision relating to unused road licences is very important to my electorate. There are many of those licences in the north of the state, and I welcome the partial or total cancellation of them; it will allow continued access and contiguousness within properties. With that, The Nationals do not oppose the bill, and I commend the bill to the house.

Mr LIM (Clayton) — I rise to speak in support of the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. Before I go into the nitty-gritty of the bill, I would particularly like to make some general remarks concerning the implications of this bill on the tourism industry. I have the honour — many members on the government side of the house have similar honours — to co-chair the government's Friends of Tourism group with the member for Seymour.

I have a particular interest in this bill. I must say that it is a great step forward insofar as the tourism industry is concerned. It goes a long way to promoting tourism; it goes a long way to boosting the tourism industry in this state. It would be remiss of me not to mention the many facts, figures and statistics that the member for Bundoora has mentioned. When you look at those statistics, you can have nothing but concern. For example, the member for Bundoora mentioned the number of tourists who come here from China; there are some 200 000 or so. If you compare that to the overall tourist figures, you see that the number of Chinese tourists who come to Australia is insignificant — it is not even 1 per cent. Last year more than 40 million Chinese people travelled overseas. Our tourism market attracted not even 1 per cent of that number. Imagine if we attracted just 10 per cent of those tourists!

I will come back to the bill. We have been talking about building infrastructure to accommodate this potential; this potential has not been tapped. We are doing ourselves a disservice insofar as the tourist industry is concerned. I can give members a clear and striking example which is common knowledge to everyone. In the morning as you travel along the Great Ocean Road you see a lot of tourist buses travelling to the Twelve Apostles. By the time they reach there it is about midday, and then the buses take the back road back to Melbourne, so it is a one-day trip. The potential for these overseas visitors to become high-yield tourists by spending a lot of money in the area of the Twelve Apostles would be enormous if we had the facilities and infrastructure to accommodate them. But we have never thought about it; we have never wanted to venture to do it right. This is just one small example.

We have not got a so-called iconic spot like the Great Barrier Reef in Queensland, Broome in Western Australia or the scenic harbour with the coathanger and the opera house in New South Wales. But we have so much potential in terms of developing the many areas of our beautiful Victoria, and this bill will be doing just that. Members can imagine the potential and the great advantage we could have. We might forge ahead compared to other states.

I am happy and excited about this bill. I hope it will go a long way towards the objective of making our tourism industry meet the challenges and demands of overseas tourists. Looking at the figures again, I was amazed that more than 700 000 Indians travelled from India but only reached Singapore, and that not even half of that number reached a destination in Australia. The Indians are another emerging middle-class market that we have not looked at and enticed to come to Victoria.

The bill has been introduced to improve the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the Wildlife Act 1975 and the National Parks Act 1975. This amending bill aims to establish a uniform licensing regime for commercial tour development on public land. It also facilitates private operators leasing and developing public land by extending the leasing and licensing terms, as a longer licensing period can be used to encourage investment and innovation in business development.

Under this new amending bill, private operators will be able to generate enough returns to cover their initial investments or even to make a profit. The outcome would be more encouraging for private investors to make an investment either by leasing or developing public land and in turn creating a significant level of economic and social benefit for our state. Business investment on public land has now become even more important during this period of economic difficulties, as it enhances local employment by delivering more job opportunities for Victorians in some industries, such as the nature-based tourism industry.

Crown land is public land used to provide enjoyment and to benefit all people in Victoria. Since the latter half of the 19th century governments have realised that it is essential to use certain lands for public use purposes. Today Victoria has 550 000 hectares of Crown land. In addition there are 7.4 million hectares of public land occupied by parks, forests and conservation reserves. Something like 8 million hectares of Crown land make up to one-third of land in Victoria. Therefore the contribution of public land to our economy is enormous, invaluable and can never be underestimated.

Victorian Crown land has been used for building public facilities including schools, hospitals, courts, infrastructure and sporting facilities for our people. Crown land facilitates an enormous contribution to the Victorian economy when it is used for commercial and tourism development and, moreover, for industrial and agricultural purposes.

The current legislation requires the government to lease out the land for up to 21 years under the Crown Land (Reserves) Act 1978 and the Forests Act 1958. With the limit of 21 years, the legislation creates major barriers to some private investors developing the public land commercially because the leasing duration is simply not long enough for them to generate sufficient returns to cover investment capital. The acts also generate some negative impacts to attracting major commercial and tourism operation development and business innovations on public land.

Therefore, as I mentioned earlier, this bill will go a long way to changing all that and will provide for a new era of development, particularly in the tourism industry. I commend the bill to the house.

Mr MULDER (Polwarth) — I rise to join the debate on the Crown Land Acts Amendment (Lease and Licence Terms) Bill. Like many of my colleagues, I welcome the backflip by the government, which when in opposition was well and truly opposed to any form of commercialisation on Crown land.

I frame my contribution initially around clause 11 of the bill, which inserts proposed section 17CA headed 'Leases for up to 65 years for other purposes', particularly where it refers to the fact that the proposed use, development, improvements or works that are specified in the lease are of a substantial nature and of a value which justifies a longer term lease and that the granting of a longer term lease is in the public interest.

This bill talks about leases for services and for licences in the future. I draw to the attention of the house the plight of about 150 sublessees who underwrote the redevelopment of Erskine House in Lorne to the tune of around \$85 million and to the current financial dilemma they face as a result of the managed investment scheme that the sublessees are bound by.

Currently, many of these sublessees are facing financial ruin due to the poor performance of the asset. They are unable to obtain refinancing for their units and are experiencing negative returns on their investment. I went through that development in its early stages, and the promoters were promising great returns, a great investment and capital gain; they were promising the world. Yet it has turned out to be anything but that, and there are 150 individual sublessees who are substantially affected by this particular asset.

Apart from the poor performance of the asset, the unit-holders claim that due to the short-term nature of the existing lease, financiers are unwilling to commit to refinancing. They have told me that if they were able to get a longer lease on Erskine House, they would be confident they would be able to service their loans, that financiers would come to the party, and they would be able to hold those investments together until the current downturn in the economy turns around.

I understand that earlier this year the Erskine House site was deemed to be a completed accommodation facility and that the lease was transferred to the minister administering the Crown Land (Reserves) Act, and in turn to the Department of Sustainability and Environment. Thus it was controlled by a local

committee of management. It was previously under the Land Act, as I understand it.

In his summing up I ask the minister to clarify if, due to the transfer of the lease, the maximum lease could be 65 years, given the lease was transferred to the Department of Sustainability and Environment or, if a 99-year lease could be entered into, given the original lease was under the Land Act. There are provisions within the Land Act that allow for a 99-year lease. If the lessee as of November 2008, Breakfree Resorts Pty Ltd, or its replacement, were successful in gaining an extension of the lease, I ask that in turn the minister look at proposed section 17CA, which states that the granting of a longer term lease is in the public interest.

The public interest would be well served in ensuring that the views of these 150 sublessees and their financial status are taken into consideration, given the fact that they did underwrite this project from day one. We are talking about 150 mums and dads investors, and sadly I can report to the house I understand there have been suicides as a result of this investment. Once again, I point out that the renegotiation and extension of the lease may well put money into the pockets of the lessees. If the government is prepared to sit down with the lessees, I ask that it take into consideration the interests of the sublessees who underwrote this project and whose needs need to be served as well.

Lorne, which is in my electorate, is Victoria's premier tourist resort. It would be damaging for Lorne and for the state of Victoria if the largest resort and conference destination in the state was to fold, and there is a serious risk that this project could go belly up unless something happens, and it needs to happen quickly.

The issue of the lease needs to be addressed by the minister. I believe that would put confidence back into the market down there. It would address the issues of the 150 investors in terms of the short-term lease and the lack of security they have, and it would once again secure Lorne as being the premier tourist resort in Victoria. I do not want to see the collapse of this development in my electorate if it can be fixed simply by the renegotiation of the lease, and I would ask that the minister address this as a matter of urgency.

I also refer to decisions made recently by Racing Victoria Ltd (RVL) in relation to the future of race clubs, particularly in country Victoria. These clubs are on Crown land, and the Colac and Camperdown tracks, which are in my electorate, have very successful trainers on them. Colac has been given somewhat of a reprieve in that Racing Victoria is saying to the club that it will provide training track maintenance into the

future. Camperdown has been given a five-year reprieve.

Under the current arrangements, Racing Victoria Ltd, which operates under the legislation set up by this government, is saying that there is no capital funding available for these smaller clubs into the future. If trainers wish to relocate or set up there, it will be up to the trainers themselves to make the investment on Crown land. That investment is not secured because there is no title. As I understand it, they would have been caught with a 21-year lease provision. A longer term lease may well encourage some trainers to make a move to the smaller centres.

I have looked at whether it would be commercially viable as an investment to build a training facility at Colac and lease it out. I would have to say that with a 65-year lease I would look at it, whereas with a 21-year lease it would be somewhat doubtful.

There is an opportunity, but the real concern for a lot of these clubs is that there is no money from Racing Victoria Ltd into the future, and it would appear there would be no funding from the government for major capital works. I am talking about lighting, artificial training tracks, swimming pools and things that the main centres have. To get the best value out of the Crown land, there will need to be some support, whether it be government support or whether it be RVL support. Unless the clubs get some money to maintain what they have, their assets will start to run down and they will face an uphill battle. I will be pushing for that. These smaller locations have a hell of a lot to offer, not just in terms of training facilities but in terms of lifestyle for people who wish to move into smaller communities to work and raise families. These clubs have a great deal to offer. They have been overlooked by the government and indeed RVL. I believe this matter needs to be addressed.

In relation to the commercialisation of or commercial activity on Crown land and allowing the private sector to play a role in it, one only has to look at the example of Glenample Homestead, which was built by Hugh Gibson in the late 1860s. It was purchased by Kurt and Judy Nesslerer approximately 30 years ago, and they were persuaded into handing this particular property over to the government on a 99-year lease, believing that the government would turn Glenample into some sort of tourist attraction. In September 2007 Parks Victoria announced that the homestead would be closed to the public for the summer of 2008, and this decision would be reviewed during the next year. It announced again in 2009 that for the second summer in a row it would be closed.

The Nessler family, who handed the homestead over to the government for its good care and to run it as a tourist venture, would like the property back because it has not been well served by the government. It is not a small business operator. The homestead would be better off in the hands of the private sector. If the Nesselers are prepared to put money into and refurbish the homestead and provide public access to it, then it is better served in their hands.

This 99-year lease has certainly been an absolute failure. The Nesselers do not want to return as lessees. The family handed it over to the government in good faith, believing that the government would do the right thing with Glenample Homestead, and it has been an absolute failure on the government's part. One can understand why with this bill the government has gone down the path of enabling commercialisation of public land where it is in the public interest, where we will all get a good return on that investment and where the public is well served by investments that are in keeping with the community and the environment where the investments are made. Certainly Glenample Homestead is a stark example of how the government does not do these things well.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. In doing so, first I would like to touch upon the great contribution that tourism makes to Victoria's economy. In figures provided by Tourism Victoria for the financial year ended in 2007, tourism contributed directly approximately \$8.2 billion to the Victorian economy, accounting for 3.3 per cent of GSP (gross state product). However, tourism has a significant indirect impact on the Victorian economy, with an indirect contribution of an additional \$6.9 billion. Therefore, in 2006–07 tourism was worth approximately \$15.1 billion, or a total of 6.1 per cent of Victorian gross state product. That very significant contribution is often overlooked. Sadly there is sometimes a fallacy arising from analysing the economy, whereby goods are valued over services. Services and goods have a price based on what others will pay for them. Therefore a service is intrinsically worth the same as a good of the same value.

Significantly, Tourism Victoria also provides information on the market profile of tourists coming to Victoria. As has been touched on by other speakers, there has been a significant increase in tourists arriving from some international destinations. Particularly of note is the increase in tourists from China, of whom I know a number visit the wonderful natural beauty of Victoria and go away enlightened by it. In the year

ended December 1999 Victoria had 38 584 tourists from China; by 2007 that number had increased to 142 756.

That very significant increase indicates the considerable opportunities overseas in growing markets, with globalisation leading to the development of new middle classes in a number of countries. This bill is a sensible piece of legislation that increases the opportunity for Victorians to take advantage of this arising situation.

As mentioned by previous speakers, the bill addresses the barrier for investment whereby leases were limited to 21 years for land covered by the Crown Land (Reserves) Act 1978 and the Forests Acts 1958. The bill increases the lease terms to a maximum of 65 years. As other speakers have said, this will provide a significant boost to the certainty and viability of investment in these lands, hopefully allowing for a substantial increase in investment in tourism facilities, leading to greater employment and greater economic activity.

However, this is done within the context of a number of safeguards whereby leases of 25 years up to a maximum of 65 years will be granted only if the purpose of the lease is not detrimental to the purpose for which the land is reserved, the development is of a substantial nature and justifies the longer lease term and it is in the public interest to grant the lease. This will mean that it will not be done willy-nilly, without regard for the consequences of those actions. Further, there will be a focus on the sustainability and environmental impact of such leases.

This is typical of legislation being brought forward by this government where the concern is not just for the economic development — and there is significant focus on that issue — but also on the broader issues of sustainability of the Victorian community and environment over time. This is a sensible piece of legislation which will provide for greater economic activity, protect the economic and environmental future of our state and provide greater certainty to investors.

I understand a number of other speakers wish to speak on this bill, so I will make mine a brief contribution. I urge the speedy passage of this bill. I note that the opposition parties are supporting this bill, which is sensible. Sadly, it is a far too infrequent circumstance when sensible legislation is supported by the opposition.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Crown Land Acts Amendment (Lease and Licence Terms) Bill, and I indicate that along with

my coalition colleagues I will not be opposing this bill. The particular aspect I wish to concentrate on is the length of tenure or lease. I have to say that the extension of the length of lease has been welcomed widely by those in the tourism industry in north-eastern Victoria, but —

Mr Seitz interjected.

Dr SYKES — That is a good idea. We should bring the cattle back to the high country as part of the tourism attraction.

The ACTING SPEAKER (Mr Ingram) — Order! The member should not follow up interjections, and I advise the member for Keilor that interjections are disorderly.

Dr SYKES — The key issue in relation to the length of lease or tenure is consistency between the alpine resorts in Victoria and what prevails in other states and territories. As I will expand on in a moment, their lease terms go up to 99 years or are even unlimited.

If we look at the alpine resorts, the length of lease relates to the amount of money that is being invested. As I understand it, if you were investing up to \$4 million in a building or infrastructure you could look at a lease term of up to 20 years. If the investment were between \$5 million and \$10 million, the lease may go out to up to 50 years; if you were investing more than \$20 million, you could look at a lease of up to 99 years. Obviously it is a case-by-case assessment, and there are safeguards built in to see that there is not abuse of the arrangements.

Looking at it again from a local level, I received a submission from John Kroeger, chair of the Alpine Region Tourism Board, which has made a very strong case for a lease to be for up to 99 years. The letter to me says:

The examples of flexibility in time lines in Australian states and territories are many. Here are a few that give cause to question Victoria's 65-year time line policy. The Australian Capital Territory (Planning and Land Management) Amendment Bill 1999 enables leases to be granted for up to 999 years rather than the previous limit of 99 years. Under the New South Wales Crown Lands Legislation Amendment Bill 2005 leases may be granted 'for such purposes as the minister thinks fit' and 'for such term as the minister thinks fit'. Under South Australia's Crown Lands Act there is widespread power for perpetual leases to be granted.

On page 38 of *Victoria's Nature-based Tourism Strategy 2008–2012*, one of the government's own reports, some of the lease tenures by jurisdiction include New Zealand, no maximum; Parks Australia, no maximum; Tasmania, 99 years; Western

Australia, 42 years; South Australia, no maximum; and Queensland, 99 years. There is a strong argument for looking at the leases being out to a maximum of 99 years to be consistent with what goes on in other states and territories and what occurs in the alpine resorts.

From the point of view of tourism in north-eastern Victoria, one of the key points made to me by John Kroeger and his very well-qualified and passionate local board was that tourism businesses further away from Melbourne need encouragement and support to be able to attract international visitors who first come to Melbourne. They happily go down the Great Ocean Road, they happily go to see the penguins, and they may go to the Yarra Valley — all fantastic tourism highlights — but it is a lot of work to get them to travel further to the fantastic attractions in north-eastern Victoria.

Businesses need to be encouraged, and increasing the length of their leases is one way of encouraging businesses in places such as north-eastern Victoria. A particular example is Mount Buffalo. I am sure that in his contribution the member for Murray Valley will join me in highlighting the importance of the Mount Buffalo chalet to tourism in the immediate area but also in all of north-eastern Victoria. It is an icon in its own right and it underpins tourism in the whole of north-eastern Victoria.

Currently Mount Buffalo chalet is fenced off and has been lying idle for two years. It is there because of a breakdown in negotiations between the previous leaseholders, the Burbank Group, and the government. We are now at the stage where the government is about to seek expressions of interest from new business partners; with the current situation of the lease term being 21 years, it would not be attractive. The extension of the lease term would make it a more attractive investment.

In addition to extending the lease length and making it comparable with the alpine resorts is the importance of the government committing to putting in place appropriate infrastructure. I am talking about power, water and sewerage, the ballpark figure for which is \$10 million. If the government is fair dinkum about encouraging tourism in north-eastern Victoria, if it is fair dinkum about getting the Mount Buffalo chalet BACK on the pinnacle it justly deserves to be on through its having many years of tourism appeal in the area, then we need the increase in the length of the lease. Secondly, we need the infrastructure put into place as a starting point for negotiations with new investors.

Looking at the nature-based tourism side of things, again that is something that underpins the economy of north-eastern Victoria. We have a number of very successful nature-based tourism ventures that are excellent businesses with great potential to grow. There are no doubt many more that can come in, if the right signals are sent to them.

In the Bogong area we have Kath and Steve Baird's Bogong Horseback Adventures; at Bright there is an outstanding business called 5 Star Adventure Tours, run by Daniel Boissevain; and in the Mansfield and Merrijig area, in the country where the film *The Man from Snowy River* was made, there are the McCormacks, Michael and Sally Watson, and Charlie and Glenda Lovick, who all run extremely good horse-based tourism ventures.

As was mentioned by the member for Keilor, to complete the tourism experience we need to have some cattle back on the high country. We know that 150 years of heritage was simply written off just for political reasons. We need some cattle back on the high country — from a purely tourism point of view, let alone any other reason. Others who deserve encouragement are the smaller operators, such as Christel and Phil Jensen, who have a small, low-key, four-wheel drive-based business, encouraging people to look at things like Craig's Hut and to have other fantastic tourism experiences in the high country. Those people need encouragement.

People who have looked at this legislation are cautiously optimistic that it will provide that encouragement. But as we have so often seen, there can be some devil in the detail and, depending on the attitudes of those who implement the legislation and the guidelines and regulations, we can run into some trouble. I hope there is a clear commitment by the government and its agencies to encouraging nature-based tourism and enabling people to enjoy the wonderful attributes that we have in the high country, our national parks and Crown lands in Victoria.

In closing I confirm that we see the extension of the term of lease as fundamental to encouraging tourism in north-eastern Victoria and, in particular, to getting the Mount Buffalo chalet up and running again. It is important that the leases be consistent with lease lengths in alpine resorts and in other states and territories. In saying that, we also recognise the importance of safeguards to ensure there is not abuse of the longer leases.

I believe those are compatible, and I hope that can be picked up by the government so that, if nothing else, in

the short term we can have the Mount Buffalo chalet flourishing in conjunction with an enormous growth in our nature-based tourism, which will help north-eastern Victoria recover from 10 years of very tough times and from having its water stolen. I finish by saying: plug the pipe!

Mr SEITZ (Keilor) — I rise to support the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. I welcome this bill because it is an important progressive step. I want to make my remarks particularly about the western suburbs.

The western suburbs have a high tourist ratio when compared to other areas because we have the Scienceworks museum and the Werribee Open Range Zoo. However, we have a number of other gems in the western suburbs that, with a tourist operator having a long-term licence and spending money on developing a business, could be made available to the community. The people who live in the area do not even know of or have access to them.

I will name just a few of them. I am talking about the Organ Pipes National Park. If you are a bit elderly, you cannot walk down to look at Rosette Rock or the Organ Pipes; they are not accessible. A private entrepreneur could certainly overcome those difficulties. That is ecotourism; I am talking nature tourism now. We also have the You Yangs and Gellibrand Hill Park, the most fantastic place that, thanks to Joan Kirner, was developed and refurbished with a homestead. There are kangaroos in the wild right there. You do not have to go to a zoo like the one at Healesville to see our native animals in the wild. That is what our tourists want to see. If they want to see a kangaroo in a cage they can go to a zoo in their own country.

It is important that tourism operators are able to have long-term leases so that when they invest money and build a business they have certainty of continuity. Many times I have seen young people who have invested in a lease but due to circumstances beyond their control have been unable to continue with the lease and the property has become run down and the facilities dilapidated. I welcome the introduction of long-term leases because they are very important.

The Wombat State Forest is not exploited for tourism in our region. There is Hanging Rock, which has great facilities which could be developed. When I was a kid a day at Mount Macedon was a great outing for tourists. It has now been let go because there are no buses and no operators to promote it. There is also Taylors Creek park, Brimbank Park, Sydenham Park and the Maribyrnong River valley itself, which is where the

Riverview Teagardens near Canning Reserve are located. Under the Whitlam federal government we got the money to purchase and establish that facility. If you go there you can see the black swans coming up the river from Footscray. There are many opportunities.

I hope the bill will encourage and assist people to get a long-term licence to invest in a lease so they can be passed on from one generation to the next to provide ongoing services. If you are putting in the money and the time you want to know you have a long-term lease which you can pass on to your children or sell to somebody else. If you only have a 10 or 20-year lease, by the time you build up the business there is not enough time left on the lease to sell it. It is very important for the younger generation to have an opportunity to do that.

We have an area with old minefields, old graves and gold diggings as well as a Chinese cemetery. There are koalas in the trees; you do not have to go to Healesville to see them. When visitors come from Europe I take them to those spots. I am not sure whether I am allowed to go there because there are signs up everywhere saying it is a national park and you must not trespass. It is wonderful to see our flora and fauna in the parks so close to Melbourne.

My most recent excursion was just last month when I had visitors from Japan. I took them to all the tourist places and then I said, 'I will show you where the kangaroos are. They are right here in Gellibrand Hill Park, Greenvale, under the flight path of the aeroplanes'. They could not believe that the animals are roaming free as they should be and not behind bars in private zoos where you can take photos of them. I welcome the bill for those reasons. The north and west have so many opportunities and facilities which have not been developed. No tourist operators have moved in because of the uncertainty of the term of the leases that they can operate under. I encourage young entrepreneurs to investigate these possibilities.

I finish by saying that on a visit to England I met a very entrepreneurial man. His brochure was in the hotels and he had a four-wheel-drive which seated about seven people. He took people to Stonehenge and to old villages where there are houses with thatched roofs. He took them to an old English hotel to experience lunch. He had a thriving business, run just by him and his wife. She took the bookings and he took five or six people in his own vehicle. I could not have seen more of England than I did on that visit. I saw the big commercial businesses, but this operator had a tourist licence and he was allowed to take tourists to Stonehenge. It was a fantastic experience.

I commend the bill, and I hope that a lot of tourism operators and people who have not taken up opportunities in the western suburbs will take up those opportunities, especially if they are looking for new jobs. This could apply particularly to people who have lost their jobs in the manufacturing industries.

Mr THOMPSON (Sandringham) — The bill before the house, the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009, is an important piece of legislation. When I became the member for Sandringham there had been an inability on the part of the Labor government to broker agreements with a range of foreshore clubs and organisations that required extended leasehold terms in order to facilitate infrastructure development. It was focused upon restricting leases to limited terms of approximately 21 years, which in the case of the Sandringham Yacht Club was an insufficient time frame for bankers. The club president keenly organised other similar leaseholders of Crown land to try to gain a worthwhile outcome rather than the massive rental hikes that limited their options for the development of foreshore facilities.

In Sandringham there are a number of organisations that operate from Crown land. They include Hampton Life Saving Club; the Victorian Guide and Scout Sailing Centre — an innovative development which has provided sailing opportunities for young guides and scouts from around Victoria; Hampton Sailing Club; Sandringham Yacht Club; Sandringham Life Saving Club; Half Moon Bay Life Saving Club, and a range of commercial operators currently operating out of the Cerberus Cafe down at Half Moon Bay — which is currently one of the better restaurants in Melbourne. There are also Black Rock Yacht Club; Black Rock Life Saving Club; Beaumaris Life Saving Club and Mentone Life Saving Club. All these facilities operating on coastal land require tenure in a particular way that enables them to optimise the use of those facilities.

In the lead-up to the 2000 Sydney Olympic Games, the 1999 world championships were held out of the Sandringham Yacht Club. The ability of the club to conduct that event, out of clubs from all the other states around Australia, was leveraged against the massive infrastructure improvement that had taken place through the vision and entrepreneurship of club members, ably facilitated by the political process.

There was a political will to strike a leasehold term that enabled the banks to be satisfied as to continuity of tenure and the club to upgrade its facilities. The club will soon be launching a massive \$12 million clubhouse

redevelopment that will make it one of the pre-eminent boating organisations in Australia. Following the upgrading of the facilities, it became a major base for recreational yachting, boating and ocean racing, and there was an up-skilling of club members.

Some of the clubs are described by people in the wider world as being elitist organisations, but the brother of a former Labor Speaker in this house said that as a young kid he rode his bicycle with the seat out of his trousers from Pascoe Vale down to the Sandringham Yacht Club, where he developed his skill set as a yachtsman. Subsequently it has provided great opportunities for other people to learn the skill of sailing.

Victoria also has many great national parks and tourist regions, and the opportunity for there to be appropriate tourism-operated tenure is important. The Mount Buffalo chalet has been languishing in recent years without the opportunity for the lessees to redevelop the facility with sufficient security of tenure under the leasehold arrangement to justify the significant capital investment involved. There is example after example around the coast of Victoria where there would be great benefit in giving greater security of tenure to lessees to invest in infrastructure and develop better outcomes.

I pay tribute to those members of volunteer clubs and organisations within the Sandringham electorate. Local residents have an issue concerning the Cheltenham Golf Club. It operates predominantly under a Crown lease managed by local government. There are concerns regarding traffic access to and egress from a road which was once a quiet residential street but which has been opened up as a major thoroughfare. I trust there can be constructive negotiations about enabling residents to enjoy the amenity of their neighbourhood and club members developing their facility in a meaningful way.

That club brokered an additional leasehold agreement with the Victoria Golf Club for an expanded envelope of land, which I hoped would have been a background factor in facilitating good parking and access and egress outcomes, but it appears that is not the case to date.

Other members who represent great areas of our state reserves that are affected by this legislation wish to speak on this bill. I would like them to have the opportunity to contribute to the debate.

Mr LANGUILLER (Derrimut) — It gives me pleasure to contribute briefly to this important legislation, the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. The first important point that needs to be made is that the bill aims to facilitate

and encourage the proper use and development of Crown land for commercial and tourism purposes. It also aims to streamline processes for the more effective management and protection of Crown land in Victoria.

This is an important piece of legislation for every member, and I am happy that the amendments contained in the legislation are before the house for consideration. The bill will bring Victoria up to speed with other jurisdictions and make Victoria even more competitive.

It is important that I outline from the beginning, particularly on behalf of the constituents I represent in the electorate of Derrimut in Melbourne's western suburbs, that there is a range of leases that are on Crown land. Crown land may be leased for a variety of uses including major public infrastructure developments, such as hospitals, ports, wharves and docks, drainage and sewerage works.

They can also be used for the purpose of social infrastructure developments such as preschool centres, state schools, halls, libraries, hospitals and cemeteries, and they can also be used for the purpose of private and commercial and industrial developments, such as marinas, restaurants, markets, electricity generation, shopping centres; and, as a number of members have appropriately and correctly referred to, for the purpose of recreational and tourism developments such as camping grounds, caravan parks, mineral springs resorts, alpine resorts, zoological gardens, swimming pools and so on. Evidently, by the very nature of Crown land and how it applies and works in various electorates around Victoria, it is a bill that is pertinent to all of us.

Acting Speaker, as you would know there is a range of licences that are used on Crown land. Examples of these types of licences include horticultural licences, farming licences, licences for jetties, landings and stages, and licences to thin, cut and remove timber. One can see that Crown land and the leasing arrangements are important.

There is — or there is a perception that there is — a significant barrier to confidence in investment in Crown land. That perception needs to be addressed, whether for the purpose of private investment in public lands or for other purposes. So the intention of the bill is to address this barrier by increasing the maximum lease terms under the Crown Land (Reserves Act) 1978 and the Forests Act 1958 from 21 years to 65 years.

Victorian public lands are major environmental and economic and community assets. They need to be protected and enhanced so that present and future

generations can benefit from them. This is a good piece of legislation, and I am confident that it will be managed responsibly. Public lands are an important aspect of tourism in Victoria, and one needs to place on record very proudly that the industry is worth an estimated \$10.9 billion and accounts for some 160 000 jobs. It is an important area of concern to the government, and it has made a number of statements and commitments to ensure that its tourism industry is as competitive, efficient and effective as possible. This bill will do precisely that.

I wish to commend the amendments contained in this legislation to the house and also the minister and the government for having consulted broadly and widely in Victoria. The fundamental sentiments of and points raised by the community in the course of that consultation have now been encapsulated in the amendments contained in this good piece of legislation. I commend the bill to the house.

Mr JASPER (Murray Valley) — In joining the debate before the Parliament I welcome the provisions of the legislation. The main purposes of the bill are to amend the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975 to provide a licensing scheme for tour operators and activity providers on Crown land. Importantly the bill extends the tenure for public land covered by those particular acts of Parliament.

I want to go back a little bit in history. Over the years I have had a lot to do with the former departments which controlled Crown land in Victoria, being the old Lands Department and Forests Commission; also with the current department, the Department of Sustainability and Environment, and Parks Victoria. It is interesting that in years gone by I have seen maps, some going back to the 1980s, that show the extension of Crown lands into national parks.

I saw one map that showed the Crown land areas that could be transferred into the national parks and other parks in the state. I made the point at the time that this would never happen. I said they would never get that amount of land transferred into state and national parks, but most of that has been won by former Labor governments and the coalition government during the 1990s, and the extension of parks is still going on.

My concern, which is also that indicated by other members, is that we do not have staff in Parks Victoria and other departments who are able to manage this land effectively. That has caused enormous problems in the management of the land over many years, and we will

need to see major changes to provide more effective management for Crown lands that are covered by certain acts of Parliament.

I have had a lot of connection with many people involved with the former departments I mentioned. I know some of them very well and some are coming up for retirement soon. Without mentioning particular names, some people have been involved in seeking to get appropriate management for Crown lands under various acts of Parliament. It has been a difficult area for the people involved in those departments to be able to provide appropriate management for.

The amendments in the bill before the house tonight are very important. The bill extends the length of tenure for the management of these lands, particularly people in private enterprise — that is, entrepreneurs — who want to go into these areas want appropriate lengths of time to be able to invest and see development in these areas. There is no doubt that we need to get private investment in these Crown land areas so that they can be managed effectively into the future and also provide, as has been mentioned by other members, certainty for tourism and the tourism industry in the state of Victoria. That is why I have been very critical.

If we look at areas in north-eastern Victoria — and the member for Benalla mentioned particularly the problems we have experienced with the Mount Buffalo National Park — we see that what happened there has been an absolute disgrace. The Mount Buffalo chalet has been closed for more than two years. Cresta Lodge burnt down more than two years ago. The government secured more than \$6 million in insurance and nothing has happened. Despite the fact that the member for Benalla and I have made extensive representations to the minister responsible, we have not been able to get appropriate responses. This has been going on over the past couple of years. Extending the lease arrangements will encourage people to become more deeply involved.

One of the issues for Burbank, the company that was leasing the Mount Buffalo chalet, was that its lease was short term. That would have been a critical issue for the company in the negotiations undertaken with the state government. Now that it has removed itself from that area, we may get a better and more appropriate response as far as the Mount Buffalo chalet is concerned and see further development there. There is no doubt that the Mount Buffalo National Park is an icon for tourists coming to north-eastern Victoria. It does not have the high-standard skiing areas such as at Falls Creek, Mount Buller and Mount Hotham — that is another issue, and I will mention it in a moment —

but it has a lot of snow play and other attractions for people coming to the area. They may be able to experience the sorts of activities that can be undertaken in those sorts of areas.

It is important that we look at the future with the extending of these leases. We can then attract people to take a long-term lease, invest in these areas, including the national parks, and work in conjunction with the state government authorities. Importantly, we need to see action taken in relation to the Mount Buffalo National Park, not only as far as the Mount Buffalo chalet is concerned but also with the re-establishment of the skiing facilities. They will not be of the highest standards provided at the other alpine resorts, but they will attract people to the snow skiing and snow play industry, if you like to call it that, into the future.

An important part of the bill relates to the alpine resorts, which operate under the Alpine Resorts (Management) Act, and leases are extended into that area. Leases can go up to 99 years, but most of them are in the region of 40, 50 or 60 years. That is important for people who invest in the alpine resorts. The critical issue again is the report which was prepared for the minister over 12 months ago and which has only just recently been released. There was a full investigation into the alpine resorts and their future. If we are to see people invest in them in the future — and the government claims this is a great tourist attraction, providing great activity for people within the state of Victoria — the government needs to give incentives to people to invest in those areas and attract people to the skiing industry.

If the ski resorts are to have a varying range of charges, the government needs to get back to something uniform to be able to attract people to invest and be involved in the skiing industry. Members need only speak to the range of people, as I have, who are involved with Falls Creek to hear their damning criticism of the government's management of these areas in the past.

There need to be changes into the future. There needs to be consideration of the management of this area, but there are certainly other areas that need to be mentioned as far as the management of Crown lands is concerned.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Mr JASPER — In summary, in the earlier part of my speech I gave some indication of the background of how the department has worked in the past and the difficulties that were experienced. I also mentioned the extension of Crown lands and indeed the problems and difficulties that have been created in many areas such as the Mount Buffalo National Park and the alpine resorts.

The critical issue is that under this legislation, people will be able to seek longer term leases. This will enable entrepreneurs to invest and to have appropriate developments in the high country, in the national parks. This will mean that people in the departments will not only be utilised but also that they will be able to cooperate with people who are looking to extend the operation of their developments in these areas. They will be able to assist in the development of tourism, including ecotourism or nature-based tourism, and other activities.

Previous speakers on the bill have referred to many areas across the state that are looking for ways in which developments can take place to assist in the promotion of Victoria, and particularly country Victoria.

The other important issue is that we should be careful in extending national parks and other types of parks in Victoria, because we do not have the ability to manage these parks through Parks Victoria and the Department of Sustainability and Environment. We want to make sure that there is practical management of those areas. The extended lease times for the various arrangements within national parks will encourage entrepreneurs to undertake developments. The ability to extend leases will give them the surety to make long-term investments.

The critical case that the member for Benalla and I mentioned was that of the Mount Buffalo chalet. It is a critical example of the government's failure to do what it should be doing in those areas. We trust that now Burbank is out of that particular arrangement, we will get appropriate development there, including ski resorts. Better management in the future will look after us in national parks and other parks.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to support the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. As all members have said, the bill is unashamedly pro-tourism. I was pleased to be part of the state's tourism activities during my time as Minister for Tourism, and it is fair to say that some of that legacy continues in this work.

When this government came to power it identified that we needed to develop many more segment-based tourism strategies, which involved different areas affected by Crown land — for example, we developed an adventure tourism action plan, an indigenous tourism action plan and a nature-based tourism action plan. This bill is the result of that process.

The bill recognises that if we are to achieve the potential we want to achieve in tourism in this state, we

need to recognise that the fastest growing tourism product globally is nature-based tourism. Australia and Victoria are well placed in that regard. Much of regional tourism is already focused on nature-based tourism. Australia already has a great reputation around its natural characteristics.

The plan we developed, *Victoria's Nature-Based Tourism Strategy 2008–12*, involved a range of tourism stakeholders, such as Tourism Alliance Victoria and the Victorian Tourism Industry Council, and has led to what we are creating now. We recognise that there are opportunities. They are not about exploitation of Victoria's natural park system and Crown land but opportunities to get yield and economic development for many towns across regional Victoria. Licensed tour operators have used Victoria's park systems — our national parks — for a number of years.

The member for Brighton did quite a reasonable job when she was Minister for Tourism, and I was pleased to take over that portfolio from her when the Labor Party was elected. However, she criticised the government for what it has not done. I note that under the previous government we did not have what this bill proposes — that is, leases of up to 10 years for licensed tour operators. Under that government the department was not able to negotiate leases of up to 65 years on Crown land for appropriate and sympathetic developments.

However, we have had the opportunity to learn from world best practice and from good practice around Australia. To be fair, other states are probably a little bit further ahead of us — for example, Ningaloo Reef in Western Australia, and the Northern Territory. Some of those nature-based tourism opportunities are very sensitive to the environment and have a low impact on the environment, but they add to regional jobs and high-yield tourism.

When we were thinking about a nature-based tourism strategy we brought together Tourism Victoria, the Department of Sustainability and Environment and Parks Victoria for the first time to develop an agreed plan to move forward. That plan recognised that many international tourists visit regional Victoria yet often go home with a lot of money in their pockets. Many of them go to the Great Ocean Road, which is in our biggest tourism area, and because there are not a lot of facilities there for international tourists they come back to Melbourne, go to the airport and spend their money back home. We came to the realisation that if we want to grow international, regional-based tourism, then nature-based tourism is a core component and an

essential part of that strategy, so we need to support the operators on the ground.

Last week the Australian Tourism Exchange concluded in Melbourne. Cabinet had a lunch on the previous Monday to show the leadership and support that the Victorian government has for tourism. Representatives from a number of our adventure tour operators and from Parks Victoria were promoting our great regional attractions. We have had growth in great regional product, including the wilderness retreat tents at the Buchan Caves, at Wilsons Promontory and at Point Hicks. These are good developments which bring international tourists to these areas. However, the core ingredient that has been missing is being able to give potential investors who can support businesses and capital works in a sympathetic way appropriate leases to be able to satisfy their bankers and also create a good business that has a low impact on the environment but delivers a high yield in tourism and visitation. That is what this bill does and supports.

We also recognise that our tourism operators have been doing a great job, but they have been struggling with a range of limitations. If you were to look after the park system as a licensed tour operator but only have short-term guarantees on the licence, it would be hard enough to build the business and you would get no goodwill. It is hard enough for business owners to keep qualified staff if they do not have long-term tenure, so this bill recognises that and supports those businesses so they can grow quality businesses with great staff and which support the environment. People in the international marketplace need to be there year in, year out. These days a new tourism operator would probably not get an international visitor for at least another three or four years, even though they are spending money this year.

Without the passing of this bill there would be no incentive for many licensed tour operators to invest in the international marketplace, which delivers return on investment over a longer time frame. That is why I support the bill.

I commend the Minister for Environment and Climate Change and the Minister for Tourism for their great work. They have listened to the tourism industry, to Parks Victoria and to the Department of Sustainability and Environment. In years to come we will reflect that this bill helped us deliver more international tourists to regional Victoria and provided a platform to raise the profile of our great and unique regional tourism product. That is why I am pleased to support the bill, and I hope other members do the same.

Mr INGRAM (Gippsland East) — It is always a pleasure to follow the member for Dandenong. The Crown Land Acts Amendment (Lease and Licence Terms) Bill is an important piece of legislation. I have had some involvement in the discussions leading to the bill's introduction, having advocated the concept for many years. My electorate is one of the four largest electorates in the state, and some 80 per cent of my electorate is either national park or state forest, so limitations on lease and licence terms for Crown land holdings have a great deal to do with the way tourism operators work in my electorate.

One of the concerns for a number of projects in my electorate has been about the sort of licence to apply for. Some developments involve ecotourism or putting in infrastructure on Crown land. The investment that is required in providing infrastructure, marketing and advertising is always limited by the capacity of a leaseholder to return a reasonable amount on their investment. There is always this dilemma, particularly for leaseholders and holders of ecotourism licences in national parks. They invest their money when there is a lack of security in licence tenure, and they regularly are forced to re-tender or reapply for their licences. That issue limits investment and the potential to get the best out of our spectacular natural landscapes.

Increasing the maximum lease term under the Crown Land (Reserves) Act 1978 and the Forests Act 1958 from 21 years to 65 years is a good thing. It will provide the right conditions and right environment for long-term investment. I will give some examples. In Gippsland East there are a number of facilities, including two lighthouse stations — at Gabo Island and at Point Hicks. Those facilities have enormous tourism potential. They are spectacular sites. People have to fly into Gabo Island or go by boat. Point Hicks has incredible historical significance for the European settlement of this country. It was the point where Captain Cook first sighted the mainland of Australia: it juts out into Bass Strait at a fairly wild part of the coastline and is part of the Croajingolong National Park. It is a spectacular, beautiful and isolated place. A licence-holder or a leaseholder of that facility can provide accommodation in the old lighthouse building, which is a spectacular place to stay. For an investor to put money into that business and provide the marketing and advertising, they need some surety that their lease will be for a length of time which would allow them to recoup their investment. It can take a long time to develop the product, the service and the clientele that will give them their return. That is consistent across a whole range of different opportunities.

There are some amazing facilities in Gippsland East and some terrific tour operators who provide a range of activities, including horseriding in the Alpine National Park, bike riding on some of our rail trails and mountain biking in more isolated areas. There are opportunities for recreational diving in some spectacular reef areas off the coast. Most people would not realise that the southern part of Australia, particularly around the high-current areas, has reefs which are more colourful, have more biodiversity and are more spectacular than anything they would see on the Great Barrier Reef. Many people do not understand that.

They are often difficult to access, and it takes an amount of confidence for a business to invest in that type of recreational diving opportunity. We have seen a bit of that in Port Phillip Bay. There are incredible opportunities in areas like Gippsland with whitewater rafting, canoeing, sea kayaking, walking infrastructure and recreational fishing. We have a number of recreational fishing guides who operate on parks land and who create good businesses. It is very important to have a reasonable length of tenure that will attract businesses and allow them to invest.

One of the projects I have had a lot of involvement in recently is the icon walks project, and this brings us to the key feature of this legislation. The icon walks project has been around for a large number of years. It is a coastal wilderness walk along the Croajingolong National Park between Cape Conran and extending all the way to Eden in New South Wales. Basically the walk already exists, but there is really no infrastructure there. The Orbost community forum has developed a concept for this project that looks at creating a product to market predominantly to international clients of a high-class, serviced walking activity, a bit like those which have done very well in many other countries around the world such as New Zealand and even in other states such as Tasmania. A base infrastructure is set up around the walking tracks and accommodation is developed.

In his contribution earlier the member for Dandenong spoke about standing tents. There are a couple of places in Victoria that already have them, and the Buchan Caves were mentioned. The member also mentioned Point Hicks. Point Hicks does not have those tents; they are at Cape Conran. The concept is to provide accommodation infrastructure within the national parks to service quality guided walking tours so that walkers have their luggage and equipment taken from one night camp to the next and through most —

Mr Helper — Wusses! Wusses!

Mr INGRAM — The Minister for Agriculture, who is at the table, has commented by interjection that that they are wusses. It is much easier, particularly if you are getting on in age, if you do not have to take full night-time packs with food, tents and all the rest of the necessary gear. If they pay for the service and fly to this country as international tourists, they want to experience what we have in the most comfortable way possible. Some of us are quite happy to rough it in a camp in the bush, but a lot of our international visitors want to have that service provided and are prepared to pay for the opportunity to visit these areas. That is very important.

There has always been a political difficulty about providing infrastructure in national parks. In my view that is a real problem in an area like East Gippsland because our national parks are very large. There is no easy access and there are long distances to travel. Providing infrastructure outside the national park areas will not necessarily provide the opportunity to experience the spectacular natural landscapes we have in our region. The concept of the icon walk project is really about providing guided walking infrastructure together with accommodation, meals and everything that goes with it, so that when a tourist comes into the region, everything is done for them. They have only to walk and experience a truly wilderness environment. That is something we have in East Gippsland. It is very special to us, and we look forward to developing that product in the future. On the back of that, we provide the opportunity for a lot of short walks, which brings people into our communities and our local townships where they experience the diversity of activities we have in our region.

Ecotourism is very important for my region. It is one of the real opportunities which has untapped potential. We have not developed that as much as we should. One of the other provisions in the bill is the extension of the current maximum lease period of 21 years. That should also be extended to apply to the licences in the forest industry.

Mr NORTHE (Morwell) — I am pleased to make a contribution to the debate on the Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009. The provision of most interest to me is the increase in the maximum lease term in the Crown Land (Reserves) Act 1978 and the Forests Act 1958 from 21 years to 65 years. This bill also seeks to increase the general licence term in the Crown Land (Reserves) Act from 3 years to 10 years and up to 21 years where a licence is associated with adjacent leased land. It also provides a licensing regime for commercial tour operators and

activity providers on public land through amendments to various acts.

I will focus on the tourism aspect of this particular bill in my capacity as a member of the Rural and Regional Committee following its inquiry into tourism, and also in respect of my interest in tourism locally through the Latrobe City Business Tourism Association and other tourism organisations such as the Gippsland Plains rail trail. In the second-reading speech the minister mentioned the current leases on offer under the Crown Land Act, which are up to 21 years. As other members have noted, this lease term is simply not long enough to allow operators to recoup their capital investment or to generate a significant return on their investment. It acts as a disincentive to investors in Victoria who are at a competitive disadvantage compared with other states that have much longer lease terms. As I mentioned, this bill will increase that term from 21 years to 65 years, which I think is a sensible approach.

As was mentioned earlier, the minister must be satisfied the proposed development will confer an economic benefit at a local, regional and state level. The member for Polwarth raised some concerns earlier in his contribution about a specific case in his region, but I think it is just a given that a major investment in such a proposal would generate significant benefits to the local economy. Other members have also spoken about the benefits of tourism to Victoria. There is a reference in the second-reading speech to it being worth \$10.9 billion to the Victorian economy in 2003–04 and providing up to 160 000 jobs.

We have seen people develop a growing inclination to become involved in nature-based tourism. Those who love touring around the world, including around Australia, also participate in nature-based tourism. Victoria has so much to offer in this regard and there are plenty of opportunities ahead. This legislation is at least an important step in the right direction.

As I said, the enforcement regime for commercial tour operators on public land has been mentioned in *Victoria's Nature-Based Tourism Strategy 2008–2012*. Currently licences on public land are issued to tour operators for up to three years. That term will be extended, which is very important.

At the moment, even though there are short licence terms, a gap exists in the system. It is not an offence for tour operators to operate without a licence, which is quite curious. This legislation addresses that particular element. As I just said, having a licence for up to 10 years provides some certainty for tour operators into

the future and that is important for anybody wishing to invest in a business along those particular lines.

The bill makes a number of smaller amendments to legislation. One is to the requirement that all assets and improvements on land remain the property of the Crown and are returned to the Crown at the end of the lease. Lessees are often reluctant to invest in infrastructure improvements of which they will not have ownership. The bill changes the legislation so that projects will be addressed on a case-by-case basis. Again, that allows more certainty for people to invest in nature-based tourism projects in the future.

Many of the reforms in this legislation are a result of the nature-based tourism strategy for 2008–12. I thought the evidence provided in Rural and Regional Committee's report on its inquiry into tourism would have had some bearing on the legislation before us today. Recommendation 17 in the committee's final report revolves around the very issues we are discussing today. The preamble to that recommendation is in section 7.62, which refers to the length and high cost of licences for operators who are using Crown land:

The length of Crown land leases was seen as an even bigger impediment to private investment ...

Tourism Alliance Victoria explained the difficulties around the three-year term for operator licences and made mention of the difficulties for the markets and the banks in financing companies over such a short time. Tourism Alliance Victoria agreed that longer licences were necessary to provide such security and incentive for business to invest in infrastructure. Reference was made to other states having longer leases. Obviously somebody investing in those types of projects would look favourably on other states rather than Victoria. Mr Wayne Kayler-Thomson, the chief executive of the Victoria Tourism Industry Council, is reported as having said:

We need lease conditions of between 50 and 100 years to attract —

those types of investment.

Mr Damien Adams, from Rutherglen Wine Experience, also said:

... if I cannot get a 50-year lease and I have all these restrictions, I am not going to set my business up. Tell me I can, though, and open up the parameters, and I am investing.

That was the type of evidence that was expressed to the committee. As I said, I am pleased to see that the legislation deals with some of these issues.

Recommendation 17 of the committee report stipulated:

That the government in producing a nature-based tourism strategy final plan 2007-2011, for implementation, and in light of practice in other jurisdictions, consider increasing the duration of leases on Crown land in Victoria.

The committee commended the strategy, considering it good for investment in Victoria. The government agreed at that particular time. The government's response to recommendation 17 was that amending legislation that was being prepared would increase the maximum lease terms to 65 years. That is what we have in the bill before us today.

In the Gippsland area we have much to offer and we have many opportunities. Hopefully through this legislation we can see further investment. Morwell National Park, Baw Baw National Park and Tarra-Bulga National Park are all jewels in the crown in Gippsland and the wider Latrobe Valley. There are plenty of opportunities for investment in these scenic areas. The Latrobe Valley and Gippsland areas are untapped in terms of the potential for nature-based tourism. This provides a real opportunity for people to invest. The member for Gippsland East mentioned rail trails. There is the Gippsland Plains Rail Trail committee. Unfortunately the trail is very much in its infancy. We hope legislation such as this will provide incentive for not only private investment but also government to see the benefits of such ventures. Rail trails not only keep people active; they also bring a number of tourists to our region to keep the local economy ticking over. Therefore there are many opportunities that could be taken.

The Latrobe City Business Tourism Association is working hard with the local community, tourism operators and the government to ensure that the utmost opportunities are provided to our region so that we can advance into the future. The legislation is a good step in the right direction to making sure that we are on an equal footing with other states. The opposition does not oppose the bill.

Mr BATCHELOR (Minister for Community Development) — I would like to sum up on this debate. This is quite an important piece of legislation that has been brought before the house on behalf of the Minister for Environment and Climate Change. It will provide, in a very sensitive and practical way, for the expanded enjoyment of our national parks. This is important not only for ordinary people but also for the tourism industry.

I would like to thank all those members who have spoken on this bill. It has generally received wide and

enthusiastic support from members, commencing with the Deputy Leader of the Opposition and including the members for South Barwon, Rodney, Yuroke, South-West Coast, Bundoora, Mildura, Clayton, Polwarth, Preston, Benalla, Keilor, Sandringham, Derrimut, Murray Valley, Dandenong, Gippsland East and Morwell. They have made a series of useful and practical contributions as well as offering enthusiastic support.

There are essentially two key elements in this bill which will undoubtedly improve the system of leases and licences over Crown land here in Victoria. The first of these key elements extends the maximum lease period from 21 to 65 years where it can be demonstrated that the project is a substantial one. This will give greater certainty to investors and make it easier for them to recover capital that they need to invest. It will also deliver on the commitment made by the Victorian government in Victoria's Nature-based Tourism Strategy 2008–12 to increase the maximum lease terms. It will mean that Victoria's public land assets will continue to provide a foundation for and a means of supporting economic development across the state — that is an important thing — but it will also work towards the achievement of broad social, community and environmental outcomes.

The second component is aimed at improving licensing arrangements for commercial tour operators on public land. The bill establishes uniform licensing arrangements for commercial tour operators on public land, which include providing for licensed terms of up to 10 years. This will provide an incentive for tour operators to invest for the long run, and it will provide for services of a high standard.

A couple of issues were raised during the debate that I specifically want to respond to. I think it was the Deputy Leader of the Opposition who raised the issue of why this process is not starting until 2011. There is a very simple reason for that. Many of the parks and areas in which we would like to see the development of tourism activities have been affected by the recent bushfires. We want to establish a regulatory impact statement, but we also want to allow time for affected communities to recover and fully understand where they are going, who is going to be part of the communities and what assets and business opportunities will be available to them. Whilst the fires have been extinguished, we are still only at the early part of the recovery phase. Accordingly we want to make sure that there is time for the recovery phase to be completed and also allow for consultation with those communities to enable them to fully understand the system and to give them the opportunity — that is the

important aspect — to heal and make well-based decisions in a timely way.

There was an implied or perhaps even stated criticism that it has taken us too long to implement this policy. Again, the government has engaged in extensive consultation, which has been undertaken with a diverse range of tourism operators. Consultation is an important thing that this government supports, believes in and puts into practice, but it takes time. Considerable work has had to be undertaken because we need to balance the commercial interests and the conservation values over many different types of land. As members know, this bill covers national parks, forests and Crown land reserves, which all have different conservation values, provide different commercial opportunities and have different considerations that needed to be taken into account.

Another matter that was raised related to some of the powers of the Minister for Environment and Climate Change and the discretion he has to grant long leases of up to 65 years. I think people who have raised this issue also need to acknowledge that there are safeguards in the bill. Leases on land of high conservation value are subject to disallowance by the Parliament. Those protections and those checks and balances are available.

It is also important to understand that the bill provides for the protection of Victorian public land values. It does that in a number of different ways. It specifies that leases of more than 21 years and up to a maximum of 65 years will be granted only where the purpose of the lease is not detrimental to the purpose for which the land is reserved, where the development is of a substantial nature and justifies the longer lease term, and where it is in the public interest to grant the lease. These are important benchmarks that have to be taken into account by the minister. As a minister who has the environment firmly and squarely in his sights and in his heart, he will be able to achieve those objectives. Accordingly I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr HELPER (Minister for Agriculture).

Mr WALSH (Swan Hill) — It is interesting that the house is again debating the primary industries legislation in the form of the Primary Industries Legislation Further Amendment Bill, but in this case it is dated 2009 rather than 2008. It is useful to look at the bill's background and its introduction, which, I assume, would be rather unique for most bills. The explanatory memorandum to the bill says:

The Primary Industries Legislation Amendment Act 2009 was expected to have been passed before the end of 2008 —

which surprises me; it is a 2009 bill, so how was it to be passed before the end of 2008 —

and therefore includes a number of provisions that were to commence on 1 January 2009 and forced commencement dates that are no longer practical. Consequently the Primary Industries Legislation Further Amendment Bill 2009 ... has been drafted to be passed consecutively with the Primary Industries Legislation Amendment Act 2009 to amend the commencement provisions of that Act so as to clarify the operation of that Act and to avoid any retrospective operation. Other minor amendments are also required that are also consequential to the Primary Industries Legislation Amendment Act 2009 not being passed before 31 December 2008.

We have had a lot of discussion in this place, some about the bill and some about the issue of whether it was a disputed bill, and we still have a motion on the notice paper to deal with, as far as I am aware — —

An honourable member interjected.

Mr WALSH — It is on the bill. The fact is that a motion is still on the notice paper as to whether this is a disputed bill. It has been an interesting process. It has been what you would probably call a difficult birth for this piece of legislation.

The one thing that is not in dispute about this bill is probably the messy process that has developed in getting this bill to the house. If you wanted to have a 101 on how not to get a bill through the house smoothly, this bill would be chapter and verse as the recipe you would write if you wanted to give it to the minister and not have it pass through the house smoothly.

If you look at the corollary of that, the first thing you would do if you wanted to get the bill through smoothly

is to work with the industry in the development stage of the legislation. You would talk to industry and work to try to get some consensus as to what you were trying to do.

Mr Weller interjected.

Mr WALSH — As the member for Rodney says, it is just common sense that you would actually go out, consult and work with industry as to how you get some form of consensus on what is best for the industry. But it appears that the industry is quite divided on what sort of consultation process should be in the fishing industry; but you would take on board those comments and you would respond with feedback in the drafting if you were doing that.

That would help move the legislation along, because in the fisheries part of this bill — which has been the reason for such a long, drawn-out process on it — we are moving from a legislative structure in the consultation part of the industry to what is called a 'fit-for-purpose' consultation designed by the department. We have had a lot of debate about that, and I will not go through that again. If you go back in time, Geoff Coleman was the minister in the early 1990s who set up the consultation process that the bill will now remove from the legislation.

At the time the industry felt that that was a major breakthrough in how the department worked with the industry, but in some ways it is back to the future; a lot of people in the industry have been saying we are going back to the pre-Coleman times and are going to have to reinvent the wheel again to get back on track.

I will go through some of the clauses in the bill. We have talked about its main purpose being that the bill is there in effect to change some dates on which a number of provisions commence operation, which have changed because the bill was not passed last year.

Clause 3 amends the Primary Industries Legislation Amendment Act 2009, which changes the consultative arrangements in the Fisheries Act 1995 so that they commence on the day after royal assent is granted instead of 1 January 2009 as was originally the case. It also makes some changes to the Catchment and Land Protection Act 1994 and the Prevention of Cruelty to Animals Act 1986.

Further on in the bill, clause 3 also makes some changes to the Primary Industries Legislation Amendment Act 2009, which amends the Veterinary Practice Act 1997 to have a forced commencement on 31 December 2010 in place of 31 December 2008. It says:

These provisions implement in Victoria an agreed national model for the national registration of veterinary practitioners.

That was something we talked about when the bill was originally in this place as being a very good issue for vets, so that vets could practise in this state without having to go through multiple registrations.

What I find interesting here is that although the bill was not passed so it could be implemented on 31 December 2008, why does it now have to wait another two years before it is implemented? We have gone from a mad rush when the bill was introduced in November, to have it passed in December and implemented on 31 December 2008, to now be pushing the dates out; it is not going to be implemented until 31 December 2010. There seems to be a very large discrepancy in the gap between those dates.

Clause 4 makes amendments to the Fisheries Act 1995 and issues around the change of date there. Clause 46 deals with the Primary Industries Legislation Amendment Act 2009 and provides for transitional arrangements about the abolition of the Fisheries Co-Management Council, the fisheries committees, and the Fisheries Revenue Allocation Committee. For the information of the house, it is my understanding that those committees were wound up or expired in December 2008. The members of the committee I talked to said they had received a letter from the minister saying thank you very much for their service, so those committees were wound up.

We have now had six months during which the Fisheries Co-Management Council and the Fisheries Revenue Allocation Committee have not been in place.

Mr Helper interjected.

Mr WALSH — The minister responds that they have managed okay, and the sun came up. The sun did come up; I agree with that. But the question that has been asked of us by some participants, in particular in the recreational fishing industry, is: if there has been any allocation of funds out of the FRAC in that intervening time when there has been no committee, to when the new committee is implemented in the future, has the department or minister been acting illegally outside the legislation in allocating the funds?

Mr Helper — We would never do that.

Mr WALSH — Well, it is something that the minister could cover in his summing up. He could give the house an assurance that there has not been anything inappropriate done in that interval when there has been

no FRAC. I invite the minister to cover that issue in his summing up.

The particular clause of interest is clause 5. If members on this side of the house were not working so hard with the minister to get this legislation through, it is something we probably would have taken exception to. Clause 5 amends section 100 of the Primary Industries Legislation Amendment Act 2009, which amends section 126(1) of the Livestock Disease Control Act 1994, to ensure that section 100 refers to the current wording of section 126, which was amended by the State Taxation Acts Further Amendment Act 2008 with effect from 1 January 2009.

On Friday, when we had the phone call about this piece of legislation being introduced, we were assured that it was just about a change of dates because the legislation was not passed in December. When we were given the paperwork yesterday and we started to work our way through it, we realised that it is not just about dates and that this particular change to the Livestock Disease Control Act 1994 is a substantive change. The issue is that your word is your reputation in the industry we are in, and we were assured that the bill is just about tidying up some dates. Effectively, what has happened is that because the primary industries legislation was not passed on time, the Duties Amendment Bill was passed before that, some changes were made and now this has to be done to fix it up. The bill makes a substantive change; it is not just about dates.

The minister at the table might moan and groan but, as I said, your word is your bond in this industry where we ply our trade. I would not go so far as to say there was any sleight of hand in this — —

Mr Helper interjected.

Mr WALSH — It would have been useful if a more detailed explanation had been given when this was referred to us last Friday.

Paragraphs (a) and (b) of clause 5 make substitutions in section 100 of the Primary Industries Legislation Amendment Act, which in turn makes substitutions in section 126(1) of the Livestock Disease Control Act 1994 relating to sections 95(1) and 95A(1) of that act. Section 95(1) of the Livestock Disease Control Act is headed 'Payment of duty by approved agents in respect of cattle' and provides:

- (1) An approved agent must not later than the 21st day of each month furnish to the Commissioner of State Revenue —

- (a) if during the last preceding month there has been no sale or purchase of cattle and calves and carcasses of cattle, a nil return; or
- (b) in any other case, a return or returns of sales ... during the last preceding month, in the prescribed form, verified in the prescribed manner and denoted by cash register imprint with the duty paid by the approved agent.

If that is not done by the agent, there is now a penalty of 5 penalty units. Section 95A(1), which is headed 'Payment of duty by approved agents in respect of sheep and goats', states that 'not later than the 21st day of each month' the approved agent must furnish a return to the commissioner of state revenue.

Those two paragraphs are not just about the change of date at the commencement of this bill, they make substantive changes to the bill. It may have happened — and we will give the minister the benefit of the doubt — because the Duties Amendment Bill was passed first, but this bill is about more than just a date change. We need to be careful. It is very useful to go back and read the base documents just to make sure that no-one is trying to slip something under someone's guard on these issues. I commend the member for South-West Coast for going through this issue.

Members may ask: what will happen with this bill now? Once this piece of legislation passes this house it will go to the upper house. In the upper house there is a message from this house, but not the bill. We have not given members of the upper house the privilege of being able to debate the bill again. Because the government used its numbers to disagree with the amendments that the opposition made in the upper house, the substantive bill will not go to the upper house to be debated. The only thing that will be debated in the upper house, when it is finally debated, is a message from this house. The bit of paper I have from the upper house indicates that the minister will move:

That the Council do not insist on their amendments with which the Assembly have disagreed.

The upper house will not actually get a chance to discuss the Primary Industries Legislation Amendment Bill 2008 again. All it will effectively get to do is discuss this motion and vote on that. It will not get an opportunity to vote on the bill again, which I find a strange way of going about parliamentary process, but that is obviously what the standing orders provide. The upper house will debate and vote on that motion. It will concurrently debate the piece of legislation we have before us now, which is principally about changing dates but also, as we know, makes some substantive changes as to how duties are paid by agents.

I go back to the issue I have raised. If you wanted a recipe for how not to get a bill smoothly through the house, you can see that that has been the case with this legislation. I hope the minister and the department have learnt that if you go out and work with industry you will actually get a better outcome than they have got in this case.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Primary Industries Legislation Further Amendment Bill 2009. I thank the members of the opposition for their cooperation with this bill. It is great to see that happening. The first thing to do is assure the member for Swan Hill that after working with the Minister for Agriculture for some time I can say that he always acts responsibly, to the highest standards and with diligence and dedication when it comes to agricultural industries and their best interests across this state.

The main purpose of this bill is to amend the Primary Industries Legislation Amendment Act 2009 to change the dates of operation of various provisions of the act and for other purposes. The bill makes amendments to the Primary Industries Legislation Amendment Act 2008 that are consequential on that legislation not being passed and receiving royal assent before 31 December 2008. The bill ensures that the provisions amending the Fisheries Act 1995 and the Veterinary Practice Act 1997 will not have retrospective operation. It is very important to make sure of that, given that the bill has not been passed.

The bill will ensure that the amendments to the Veterinary Practice Act 1997 will commence following consideration of any further amendments that may be required to allow consistency with other state regimes. That is important. In all the Brumby government does it tries to make sure that industry operators in our state are able to operate within a climate where other states have similar restrictions and benefits to ours. Our government has been working very hard to ensure that over the last 10 years, including the reduction of red tape and other issues.

The bill will also ensure that a further amending bill will not be required to amend the commencement provisions of certain clauses amending the Catchment and Land Protection Act 1994 due to the 2008 bill not being passed before 31 December 2008. It will also amend section 100 of the 2008 bill, which amends section 126(1) of the Livestock Disease Control Act 1994, to ensure that the amending provisions refer to the current wording of section 126 which was amended by the State Taxation Acts Further Amendment Act 2008 with effect from 1 January 2009.

In supporting the bill — and I will be brief because I know it is important the bill passes as speedily as possible — I note it will ensure that the appropriate commencement of provisions which have been approved by cabinet and hopefully by both houses of Parliament will be considered. I have little more to say, except that it is important that the bill is passed so our agricultural industries can benefit and thrive into the future. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — What we have before us tonight is a rushed piece of legislation, the Primary Industries Legislation Further Amendment Bill 2009, which was second read this afternoon and then rushed on for debate tonight simply to deal with what is fundamental mismanagement by the Minister for Agriculture — in fact colloquially it would be described as an absolute stuff-up. The minister has failed in his responsibility as a minister to get right the legislation that he has responsibility for. He has thumbed his nose at the fishing industry, he has thumbed his nose at a fair and reasonable consultation process, and he has thumbed his nose at the community. Now he is trying to get Parliament to rush through this legislation to correct his mistakes.

What we are seeking to do tonight is to correct some problems that the minister has created for himself through his own mismanagement, his own arrogance and his own contempt for the people of the fishing industry. What we are seeking to do is to amend legislation that is yet to be passed by the Parliament. The Primary Industries Legislation Amendment Bill 2008 is still being considered by the Legislative Council. That legislation contains commencement clauses which include clause 2(2), which states:

Division 1 of Part 5 comes into operation on 1 January 2009 ...

That is several months ago; it has well and truly gone.

Mr Helper interjected.

Dr NAPTHINE — The minister tries to make a joke by saying he is going to fix it with daylight saving. That is hardly a response which is fair and reasonable to the fishing industry, which is a multimillion-dollar industry. Jobs are on the line, and the minister treats the industry with contempt. That is what the fishing industry says. It says the minister is treating it with contempt. Clause 2(6) of the Primary Industries Legislation Amendment Bill 2008 states:

If a provision referred to in subsection (4) does not come into operation before 31 December 2008, it comes into operation on that day.

Two parts of the legislation currently before this Parliament are now past their supposed introduction date, and the minister has not got the legislation through. Now he is introducing legislation to amend those dates so that when the legislation does go through the Parliament we will at least have a half-workable solution. But there is a major problem with that.

Mr Hardman interjected.

Dr NAPTHINE — The member for Seymour, who is the parliamentary secretary, can laugh. If he represented an area like the one I represent, which consists of people who are involved in the commercial industry, he would know that it is their life and their viability which are at stake.

Mr Helper interjected.

Dr NAPTHINE — The minister can laugh, and the parliamentary secretary can laugh, but the businesses and jobs of those people are on the line. The way they are being treated by this minister and this parliamentary secretary is an absolute disgrace.

In his second-reading speech on the original Primary Industries Legislation Amendment Bill 2008 the minister said:

The Fisheries Co-Management Council and the Fisheries Revenue Allocation Committee are the two principal statutory bodies that have been the focus of much of the review process.

Further, he said:

... these bodies will be wound up. This will occur at the end of this year.

And he meant 2008. What the minister did in contempt of the Parliament and in contempt of our democratic process — something akin to what would happen in Robert Mugabe's Zimbabwe or what would happen in Brimbank — was abolish the Fisheries Co-Management Council and the Fisheries Revenue Allocation Committee before the legislation has been passed. Not only is he in contempt of the Parliament but he is actually operating illegally. Since then the rock lobster western zone's total allowable catch has been cut from 320 tonnes to 232 tonnes without consultation with an effective industry body, which is illegal. It is contrary to the legislation that currently applies in the state of Victoria.

The minister is currently involved in the abalone fishery management plan which is being redrafted without the Fisheries Co-Management Council being involved and

by specifically excluding — at the minister's whim — certain representatives of the abalone industry.

They are designated representatives of the industry and have had a long track record of representing that industry without fear or favour, but they have been excluded from those discussions at the personal political whim of the minister.

Mr Helper interjected.

Dr NAPHTHINE — He is saying yes. He is admitting that he is doing it. That is contrary to the legislation that currently exists in Victoria. It is absolutely disgraceful behaviour by this minister. Is it any wonder that we have articles in the *Colac Herald* with headlines like the one that appeared on 19 June, which read 'Fishermen worried by new quotas'; it says:

Apollo Bay commercial fishermen are angry about the proposed state government changes to rock lobster licences.

Apollo Bay Fisheries Cooperative's, Nick Polgest, said a proposed 30 per cent cut in rock lobster quota could kill the industry.

...

The state government wants to reduce rock lobster quota in the state's western zone, from the South Australian border to Apollo Bay, from 320 000 to 232 000 —

kilograms —

...

Mr Poltergeist said the co-op wanted the state government to put the quota allocation at 290 000 tonnes for the next two years.

They have called on the minister to be involved, but the minister will not listen to them, because the minister prematurely and illegally abolished the co-management council at the end of December 2008 and now wants us to pass this legislation to try somehow to justify his position. The minister is wrong; he has acted inappropriately, and I urge him to go back and consult broadly with the industry. He must engage in a consultation process that is fair and reasonable and enshrined in legislation, not do something as a lapdog and at his political whim. This is what this legislation is about.

On top of that the minister gave an assurance to the opposition that this legislation that is being rushed through Parliament is just about fixing up these timing issues. When we saw the legislation we realised it is not about that; there are other things added to it. This is another deception, another con, by the minister and his staff. In his second-reading speech the minister

admitted that he is introducing new material into this legislation when he talked about the amendments to state taxation provisions.

He again sought to deceive the opposition when he said he was looking for a spirit of cooperation and trust on this issue. That is typical of this minister. He has misled, he has deceived and he has abused the fishing industry in Victoria. He sacked the co-management council and the Fisheries Revenue Allocation Committee well before the legislation was passed, when they should have continued playing a role in the legislative and consultation process.

He has made decisions with regard to the future of the total allowable catch in the rock lobster industry without consultation with the co-management council, which is absolutely illegal, irresponsible and inappropriate. Who knows what decisions he has made with regard to the fisheries revenue allocation process without consultation with the committee? The minister stands condemned for this legislation and his behaviour over the last six months.

Mr DONNELLAN (Narre Warren North) — It is an honour tonight to talk on the Primary Industries Legislation Further Amendment Bill 2009. It has been interesting tonight to listen to some of the outrageous statements made by the member for South-West Coast about the Minister for Agriculture. He used ridiculous words like 'illegal', 'does not consult', 'has no respect for people' and so forth. That is not the minister I know personally. The member for South-West Coast might impugn the reputations of people, but at the end of the day he is a well-known mud-slinger.

Dr Napthine interjected.

The ACTING SPEAKER (Ms Beattie) — Order! The member for South-West Coast has had his turn.

Mr DONNELLAN — At the end of the day he is renowned as a man who has no mates on his own side. This is just ridiculous. The member for South-West Coast has come into the house to rant and rave, to have a go at the minister — there is no substance and no truth here tonight, just outrageous statements. He will go back to his *Colac Herald* or whatever he might like to do and rant and rave about nothing.

From what I understand, when the bill was before the house the first time the member was not here to talk about it. The member did not talk fully on this bill when it came back to the house. Given that he is someone who has some of the biggest live sheep exporters in the industry in his electorate, it is amazing that he does not treat this bill seriously. It is a reflection on his character

that he comes in here, rants and raves, and has a go at the minister but does not deal with substantive issues to do with the live sheep export trade, which are substantial in his electorate.

Dr Napthine — On a point of order, Speaker, I would suggest that the member is not speaking to the bill before the house. He should have taken a point of order. The member is not speaking to the bill before the house.

The ACTING SPEAKER (Ms Beattie) — Order! There is no point of order, but I remind the member to speak on the bill.

Mr DONNELLAN — This bill is an omnibus bill which amends things to do with — —

Dr Napthine interjected.

Mr DONNELLAN — It would be a pleasure to actually be able to talk on the bill instead of being told by the member for South-West Coast what I should and should not be doing. At the end of the day the bill has come back to the house.

Dr Napthine — It has not come back to the house.

The ACTING SPEAKER (Ms Beattie) — Order! The member for South-West Coast has had his turn. The member for Narre Warren North has the call.

Mr DONNELLAN — Thank you, Acting Speaker. What concerns me about this debate tonight is that more than anything else we are seeing accusations being thrown around the house. We are not actually dealing with the substance of the bill; we are having accusations thrown at the minister — that the minister does not consult with people, that the minister is undertaking illegal activities, that the bill is in itself illegal; or there is some suggestion that it is illegal. The bill does nothing of the sort, and I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me pleasure to make a short contribution to the Primary Industries — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! There will be no shouting across the chamber. The member for Morwell will be heard.

Mr NORTHE — It gives me great pleasure to make a contribution to the Primary Industries Legislation Further Amendment Bill 2009. The members for Swan Hill and South-West Coast have given an absolutely

brilliant overview of the legislation before us; it is a very accurate version of events.

The background to this bill is that it was supposed to have been passed before the end of 2008. It contains a number of provisions that were to commence on 1 January 2009. The commencement dates are no longer practicable, which has been duly pointed out by the members for South-West Coast and Swan Hill. Consequently the Primary Industries Legislation Further Amendment Bill 2009, this bill, has been drafted to be passed after the passage of the Primary Industries Legislation Amendment Bill 2009, which will amend the commencement provisions of that bill. This bill will clarify the operation of that bill and avoid any retrospective operation. There are some other minor amendments that are also consequential to the Primary Industries Legislation Amendment Bill, which was not passed before 31 December 2008.

Some of the issues that have been raised on this side of the house are about the passage of this bill. As has been pointed out by the members for Swan Hill and South-West Coast, the ineptitude of the minister and the government in respect of this bill defies logic. Being a new member of Parliament, I must say I am absolutely astounded by the goings-on of the minister and his department on this legislation. On the one hand this bill is being debated in this house while on the other hand, still sitting on the notice paper and listed for debate is the Primary Industries Legislation Amendment Bill 2008. We are debating this bill before the original bill has been removed from the notice paper.

We have had discussions around the consultation with industry, particularly the fisheries industry. The lack of consultation in respect of this legislation has been clearly outlined by this side of the house and by the fisheries industry. It is amazing that we are dealing with the legislation this evening.

Clause 3 of this bill provides for the provisions in division 1 of part 5 of the Primary Industries Legislation Amendment Act 2009, which amends the consultative arrangements in the Fisheries Act 1995, to commence on the day after royal assent instead of on 1 January 2009. The member for Swan Hill referred to the original legislation having to be hastily introduced in Parliament and supposedly be in place last year, yet the commencement date on this legislation is two years in advance — that is, 31 December 2010. It defies belief that initially the legislation was rushed but that this bill provides for the commencement to be two years down the track from the date originally proposed. This just demonstrates the incompetence of the minister

and his department with respect to the legislation before us.

Dr Napthine interjected.

Mr NORTHE — We will confine it to the minister, then.

The ACTING SPEAKER (Ms Beattie) — Order! The member for Morwell will speak through the Chair.

Mr NORTHE — I will take the Chair's advice. The fisheries industry is important, not only to Victoria but also to Gippsland. For example, at Port Albert and Port Welshpool in South Gippsland not only the commercial but also the recreational side of fishing is extremely important. When the initial legislation was brought before this place, advice was sought from a number of recreational and commercial fishermen, and they expressed concern. There is no doubt there is divide in the industry in respect of this legislation. A point we make very strongly is that there needs to be proper consultation with the industry and then appropriate legislation needs to be drafted to reflect the thoughts of the industry, and that has certainly not occurred in this instance.

The member for Swan Hill also drew attention to aspects of clause 5, which amends clause 100 of the Primary Industries Legislation Amendment Act 2009, which in turn amends section 126(1) of the Livestock Disease Control Act 1994. Clause 5 also makes amendments to the State Taxation Acts Further Amendment Act 2008. The member for Swan Hill quite rightly pointed out that initially the advice given was that this was simply a change of dates; however, we believe there are further implications with respect to stock agents and how that might operate in the legislation. It is a case of making sure that we are very careful about the legislation we have before us this evening.

In summary, this legislation demonstrates the ineptitude of the minister. It reflects poorly on the Parliament that we are debating a further amendment bill tonight while the initial Primary Industries Legislation Amendment Bill is still sitting on the notice paper. It is an indictment of the minister that he has, in the words of the member for South-West Coast, stuffed up. It is simply not good enough for the Parliament, it does not reflect well on the industry, and the minister needs to address the issues and outline to us now how some of these proposed changes might work.

Mr HELPER (Minister for Agriculture) — I will try to put the bill before us into some context. It is a bill that has become necessary as a consequence of the

unpredicted slowness of the passage of this legislation through the two houses. I will go to the substance of the bill. It is worth noting that we have a four-page bill in front of us in which the blank pages outnumber the pages with text. The pages with text simply alter the dates in the Primary Industries Legislation Amendment Bill 2008, which is currently before the upper house, and makes some changes because other legislation has been changed since the introduction of that bill. It would seem logical to me that the government of the day and the minister of the day, which is me, should bring in legislation that puts the legislation that is currently before the upper house into a contemporary context. It is needed so that the upper house, when it decides to pass or reject the Primary Industries Legislation Amendment Bill 2008, can be sure that the commencement date and the way in which that legislation would operate if it were passed by the upper house are in a contemporary context.

I turn to comment on the contributions made by honourable members. The member for Swan Hill has suggested that the bill had a difficult birth. The degree of difficulty has been somewhat increased by the relatively unholy alliances that have emerged between the Greens, The Nationals and the Liberal Party coalition on the substantive bill that is currently before the upper house. I previously referred to it by saying, 'If you hop into bed, you get fleas'. I do not know who is providing the fleas and who is getting them here, but I hope the pharmaceutical benefits scheme introduces a subsidy on flea powder!

The member for Swan Hill also expressed his reservations about the Legislative Council having a message, not the bill, before it. I am not responsible for, nor can I change, the parliamentary processes that have been followed for as long as this Parliament has been operating, whereby if a bill is amended in the upper house, a message is passed to this house; if this house rejects those amendments, what returns to the upper house is a message that says the lower house disagrees with the amendments proposed by the upper house. I regret that that is offensive to the member for Swan Hill, but he will have to build a bridge and get over it.

I commend the member for Seymour, the Parliamentary Secretary for Agriculture, on working tirelessly with me on this bill and on so many other aspects of the administration of my portfolio. I thank him for his efforts and for putting the bill in context with his contribution to debate tonight.

I will comment on the contribution of the member for South-West Coast. We do not have a tradition in this chamber of awarding points for overacting, but if we

did, he would probably win tonight's award. I will comment on some of the points the member raised.

Firstly, I suggest to the member for South-West Coast that if he wishes to accuse me of operating illegally, that is a pretty gutless and hopeless thing to do in the chamber. I would genuinely welcome him doing it outside the chamber, whether he wishes to do it tonight or at some other time. I ask that I am made aware of when he does so, so that we can appropriately record that occasion and take action on it.

I take exception to another point the member for South-West Coast raised — that is, the exclusion of certain individuals at my direct behest. I have a very blunt point to make to the member — that is, if he has a look at the legislation, he will see that I am the minister who appoints people to particular bodies. If I choose not to appoint an individual for a range of very good reasons, I will not do so.

Dr Napthine interjected.

Mr HELPER — I hear the member for South-West Coast interjecting, 'Because they are not your mates'.

The ACTING SPEAKER (Ms Beattie) — Order! Interjections are disorderly. The member for South-West Coast will address his remarks through the Chair. The minister has the call.

Mr HELPER — Thank you, Acting Speaker. Simply because somebody is the mate of the member for South-West Coast does not automatically mean I will appoint him either. I dismiss the contribution of the member for South-West Coast as light on substance, particularly on the bill that is before the house. As I said, if we had an award for the most overacted contribution, he would win.

I thank the member for Narre Warren North for his contribution to debate, as it particularly highlighted the shortcomings of the contribution of the member for South-West Coast.

I thank the member for Morwell for his contribution, which was relatively well measured when compared to that of the member for South-West Coast. I assure the member for Morwell that the consultation that the substantive legislation — the legislation that is currently before the upper house — has gone through has been extensive. I suggest to him, firstly, that it was a commitment that the Labor Party took to the 2006 election.

I further inform the member for Morwell that a discussion paper was issued, an extensive feedback

process on that discussion paper was developed and a further draft paper was prepared and, again, further consulted on. That has resulted in the bill. The period of time from 2006 to the introduction of the substantive legislation into Parliament in late 2008 has allowed an enormous amount of consultation to take place, and should add an enormous amount of value to the fundamental proposition that the government put forward in the original legislation.

With those few comments, I wish this bill — a bill that fundamentally alters commencement dates in a bill that is currently before the upper house — a speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

LEGISLATION REFORM (REPEALS No. 4) BILL

Second reading

Debate resumed from 12 March; motion of Mr BRUMBY (Premier).

Mr WAKELING (Ferntree Gully) — On behalf of the Liberal-Nationals coalition it gives me pleasure to rise and speak in the debate on the Legislation Reform (Repeals No. 4) Bill. At the outset let me state that the Liberal-Nationals coalition will not be opposing this bill.

This is the fourth bill introduced by the Bracks and the Brumby governments in the term of this Parliament in an effort to reduce the number of spent or redundant pieces of legislation on the Victorian statute book. The first bill removed 15 principal acts from the statute book; the second, an additional 7 principal acts and a further 48 amending pieces of legislation; and the third, 9 principal acts, 13 amending pieces of legislation with either transitional or substantive provisions and 61 amending pieces of legislation which are now wholly in operation. That bill also introduced transitional application provisions to the Road Safety Act 1986. This bill, the fourth in the series, seeks to repeal 45 principal acts and 5 amending pieces of

legislation with either transitional or substantive provisions.

The Liberal-Nationals coalition is pleased to see that the government has learnt from its mistakes and has referred this bill to the Scrutiny of Acts and Regulations Committee, as it did with the second and third bills. Members — certainly those on this side of the house — will remember that the first bill had to be withdrawn because it had not been referred to SARC for scrutiny. As a consequence the bill was withdrawn from the notice paper until SARC had the opportunity to assess its provisions.

The coalition is not opposed to the removal of redundant legislation. In this house over many years there has been a history of governments of both political persuasions removing redundant legislation from the statute book. It is important that legislation is current and relevant to meeting the needs of the Victorian community. Coalition members will not oppose this bill on the basis that, in good faith, we are reliant upon the work of parliamentary counsel and SARC. We are not questioning the work that parliamentary counsel has provided with respect to this legislation and the number of acts it is seeking to remove, but it is unclear whether there may be unforeseen circumstances regarding the future removal of the legislation specified in this bill. That position is consistent with the position the coalition has adopted with the three similar bills that have been passed during the 56th Parliament.

The government has set a target of reducing by a figure of 20 per cent the number of principal acts that operated in 1999 when the Bracks government was elected. In the second-reading speech the Premier has indicated that this government has already made significant progress in its efforts to consolidate and modernise the Victorian statute book. The bill before the house is the fourth bill in the government's legislative reform program. Once passed, the bill will repeal a number of spent and redundant acts and contribute to the government's ambitious target of reducing the statute book by 20 per cent.

Any effort by government to remove unnecessary principal acts from the statute book certainly should be supported; however, it is interesting to look at the number of principal acts that have appeared on the statute book over the last 10 years. In the statement of government intentions the Premier presented at the start of the parliamentary year in February the Premier highlighted the number of principal acts that were in operation. He indicated that 153 acts had been removed from the statute book in 2008. The same claim was

made in the Premier's second-reading speech on this bill. However, of those 153 acts only 31 were principal acts.

On 1 January 2000 — the start of the Bracks term of government — there were 554 principal acts on the Victorian statute book, according to information provided by the parliamentary library. The 2008 statement of government intentions shows that at 1 January 2007 this figure had increased to 579. The number of principal acts on the book as of 1 January 2007 had increased by 35 under this government's watch. The government talks about reaching its target, but it has already increased the number of principal acts.

In 2007 the first of the four repeal bills reduced the number of principal acts to 512. The second bill reduced the number to 505, and the third bill reduced the figure to 496. For the government to achieve its target of a 20 per cent reduction in the number of principal acts in operation since 1 January in 2000, it will have to achieve a figure of 435 principal acts on the state's statute book. This bill, the fourth in the series, will reduce this figure further to 451. That will mean the government will have to reduce the number of principal acts by 16 in order to achieve its target.

Whilst the number of principal acts may well be reducing — a reduction which we on this side of the house support — it is interesting to look at the level of regulation that this government has overseen. As we all know, a principal act can be a document ranging in size from a few pages up to several thousand. Analysis by my parliamentary colleagues has shown that since 2000 the Bracks and Brumby governments have enacted more than 12 000 pages of new laws, but during that time has only repealed 6100 pages of old laws. In effect we have seen a significant increase in the level of legislation that the government has overseen. That figure has increased by 5900 pages!

For an example one only has to look at the Gambling Regulation Act 2003, which weighs in at a hefty 908 pages. The act it replaced was only 182 pages in length. Whilst the government has swapped one piece of legislation for another, the volume has increased from 182 pages of regulation to 908 pages, which indicates the level of burden that this government has put on industry and on the community in terms of regulation.

Let us look at the Legal Profession Act 2004. The 1996 act, which preceded it, was 182 pages in length, but its successor, which was introduced by the

Attorney-General, has blown out to a figure of 589 pages.

I raise this matter to provide an overview. This government talks about reducing the regulatory burden on the Victorian community, but one needs to remember that this government has sought to increase the level of regulation that affects Victorian industry, Victorian consumers and the Victorian community in general.

In the 2009 annual statement of government intentions the government indicated that it was seeking to introduce three additional repeal bills. This bill seeks to remove a number of spent acts relating to land management and related matters. The government has not identified the pieces of legislation which will be dealt with in the no. 5 bill. It is my understanding from discussions I have had that it is unclear what legislation the no. 5 bill will relate to.

The no. 6 bill that will come before the Parliament will seek to remove a range of redundant legislation and is based on a recommendation from the Scrutiny of Acts and Regulations Committee's Redundant Legislation Subcommittee, which is chaired by Mr O'Donohue, a member for Eastern Victoria Region in the other place. The SARC report into that process, as a result of engaging Professor Ian Ramsay, the Harold Ford professor of commercial law and director of the Centre for Corporate Law and Securities Regulation in the law school at the University of Melbourne, identified a number of bills that it wishes to have repealed. They include the Companies Act 1961, the Companies Act 1975, the Securities Industry Act 1975 and a number of other acts including the Companies (Acquisition of Shares) (Application of Laws) Act, and the list goes on. That is the overview of the government's intentions with respect to its future regulatory program.

This act seeks to remove a number of principal acts from the statute book and as I indicated, these acts are land-related acts. I intend to provide an overview of those acts, but we will not be opposing the bill. We have taken advice in good faith from the parliamentary counsel that there are no unforeseen circumstances in the removal of this legislation.

The first act to be removed by this bill is the South and East Melbourne Lands Act 1906. Sections of that act relate to land reserves at South Melbourne and authorise the sale in fee simple of the land previously reserved to the Melbourne and Metropolitan Board of Works. The second act is the Ballarat Lands Act 1939. The act relates to reserved land at Ballarat, and it repeals the Ballarat Court House Land Act 1902 and

partly repeals the Ballarat Free Library (Borrowing) Act 1938. The third act is the Bendigo (Rosalind Park) Lands Act 1951. It relates to land at Bendigo and seeks to revoke orders in council and a Crown grant reserving land. The act also partly repeals the Sandhurst Public Buildings Act 1882.

The fourth act is the Port Melbourne Lagoon Lands Act 1957. It seeks to vest land within the Port Melbourne area. I am advised the act is no longer required with respect to the land in question. The fifth act is the Kerang (Alexandra Park) Land Act 1962. It relates to reserved land at Kerang and grants power for part of that land to be leased. From discussions I have had with the member for Swan Hill, it is clear it has been a matter of interest in his area. He has been in consultation with various parties about this act, because it has been an issue of concern to his community. The sixth act is the Revocation and Excision of Crown Reservations Act 1972. It relates to land at Mordialloc, Orbost and St Kilda. I am interested to hear the contributions of the members for Mordialloc and Albert Park on the repeal of this act in respect of that land. The seventh act is the Bittern Land Act 1974. I am sure this is of interest to the member for Hastings. This act relates to the power to grant a lease over land in the parish of Bittern.

Mr Holding interjected.

Mr WAKELING — We on this side of the house are interested in the concerns of that community, and I am pleased to see that the Minister for Finance, WorkCover and the Transport Accident Commission, who is at the table, is also interested in the concerns of the residents of Bittern. It is pleasing to see that the member for Hastings is interested in the concerns of those residents. It is also pleasing that we have a representative in this place who is concerned now about the residents in that community.

The next act is the Revocation and Excision of Crown Reservations Act 1974. This act seeks to partly revoke or cancel orders in council, Crown grants and a certificate of title relating to reserved land at South Melbourne, Ballarat, Buninyong and Heatherton in the parish of Mordialloc. Again, I am interested to hear the contributions of the government members who represent those communities on this very important piece of legislation.

Mr Robinson interjected.

Mr WAKELING — It is very pleasing to see that another minister, the Minister for Gaming, has come into the house to hear this very important debate.

The Revocation and Excision of Crown Reservations Act 1976 is a very important piece of legislation, as those opposite would well know from their research. I can see that the Minister for Gaming is well aware of this. The act relates to land near Neerim, at Daylesford, at Mirboo North, at Bundoora and at Keilor. With respect to the Daylesford land, the member for Ballarat East, is not in the house, but we will make him aware of the importance of this piece of legislation to his electorate.

An honourable member interjected.

Mr WAKELING — We are coming to your electorate, Minister, don't worry. The next act is the Revocation and Excision of Crown Reservations Act 1981. It concerns land at Alexandra, San Remo and Cobden. I am aware that members on this side of the house are very concerned about their communities and about legislation that affects the operation of Crown land in their electorates. The Geelong Lands Act 1981 relates to land which was re-reserved in 1982 as a site for the Institute of Educational Administration and for public recreation. I am looking forward to the contribution of the member for Geelong and his providing us with a clear understanding of the operation of the former Institute of Educational Administration and the public recreation that went with that. Someone may wish to let him know that we are awaiting his contribution.

The French Island (Land Exchange) Act 1981 authorised an exchange of Crown land for freehold land on French Island to consolidate the state park there. That is a very important piece of Victoria and an important part of the Western Port area. French Island is an important area and is well represented by the member for Hastings, who is in the chamber. I am sure the people of French Island are now happy they have good representation in this house on important issues affecting them — —

Honourable members interjecting.

Mr WAKELING — I am glad to see members opposite also concur with me on that matter. The Crown Reservations (Revocation and Excision) Act 1981 relates to land at Mandurang South. I am pleased that a number of government members are listening and want to contribute to debate on this important legislation. I am looking forward to the contribution of the minister at the table, the Minister for Finance, WorkCover and the Transport Accident Commission, on this important bill; I am sure, too, his constituents will be waiting with bated breath for his contribution.

The Crown Reservations (Revocation and Excision) Act 1981 relates to land at Mandurang and Kew. Sections 3 and 4 deem land at Mandurang and Murrumbidgee to be unalienated Crown land; section 5 of the act allows entry onto reserve land at Kew to carry out roadworks; and sections 6 and 7 made certain land at Kew unalienated Crown land. This act has been identified as no longer being required.

I still have a few more acts that I would like to speak about, because I know that members opposite are interested to learn about this bill. Clearly they have not done their research; clearly they have not read the bill; and clearly they do not understand what this bill is about. But we on this side of the house are more than happy to educate and enlighten them on what is happening.

More importantly, we will be interested to hear the contributions from government members on this important bill, to see how they are representing their communities with respect to land that is being revoked in specific communities.

The Crown Reservations (Revocation and Excision) Act 1981 relates to areas throughout the city of Melbourne. The bill also repeals parts of the Cemeteries Act 1958 and Emerald Tourist Railway Act 1977 with respect to certain land in the parish of Gembrook. I understand the importance that Puffing Billy has played for people in Melbourne's east and in my community. A number of constituents in my community volunteer to work on that tourist railway; they are hardworking constituents. Don Horsburgh and a number of other constituents are active members of that organisation. I, again, am looking forward to hearing the contribution of the member for Gembrook when she tells the house of the importance of the Emerald Tourist Railway Act. I am sure her constituents will also be waiting to hear her contribution.

The Land (Miscellaneous Matters) Act 1984 relates to land in Prahran. The member for Prahran, who is in the chamber, would clearly understand the importance of this act; he has studied it and understands its importance; he is nodding. I understand that as a local member he clearly understands and is ready to speak about and contribute to this debate on this important act, to talk about how it affects residents in his community. The act also impacts on Whittlesea — and the member who represents that area may not be in Parliament this week. There is an act that relates to Geelong; so the member for Geelong will be making an important contribution to the debate regarding that act and will explain its effects on his community.

The South Melbourne Land Act 1985 relates to the closed part of former Bright Street in South Melbourne and the deemed land which was unalienated Crown land. This has been deemed to be no longer necessary. I do not need to elaborate on that, because in his contribution the member for Albert Park will be able to provide an overview for this Parliament and for his community of the impact and significance of that legislation.

The Land (Miscellaneous Matters) Act 1985 relates to a closed part of Moorabool Street, Geelong. The member for Geelong will be busy providing the house with an explanation of that piece of legislation. I assume he is currently in the library doing research on the acts that are being made redundant. The Land (Miscellaneous Matters) Act 1985 relates to the Newmarket Sheep Sales Act 1974 and the Local Government Act 1958.

The Land (Miscellaneous Matters) Act 1986 relates to land at Bacchus Marsh and also in the parishes of Barrabool, Gembrook, Dandenong and Torquay. This act also relates to the Emerald Tourist Railway Act 1977. I am sure government members will be eagerly waiting to talk about the number of government acts and say how they affect their various communities.

The Land (Miscellaneous Matters) Act 1987 relates to land in the parishes of Cranbourne and Coleraine. The Land (Amendment and Miscellaneous Matters) Act 1987 amended the Land Act 1958; it previously reserved land at South Melbourne to be unalienated land. I will be waiting to hear the contribution to the debate from the member who represents the people of South Melbourne.

The Warrnambool Land Act 1989 relates to previously reserved land in Warrnambool.

The Frankston Lands Act 1989 relates to land which was reserved for public recreation and leased to the Frankston Football Club. The corporation of the City of Frankston was appointed as committee of management over the land under the Crown Land (Reserves) Act 1978. We are looking forward to the contribution of the member for Frankston on this important piece of legislation. I am sure that he is ready, willing and able to talk about the importance of that area to his community. In my community we are very concerned about ensuring that we have adequate sporting facilities provided, and I will be interested to hear what the member talks about in terms of the Frankston Football Club.

The Land (Miscellaneous Matters) Act 1989 revoked orders and grants relating to a number of pieces of

reserved land in Ballarat, Pomonal, Malvern, Kaniva and Heidelberg and the Queen Victoria Hospital land.

I come to the Yackandandah Land Act 1990. Yackandandah is an area that has been well represented on this side of the house by the member for Benambra, a good local member.

Mr Jasper — How do you know that?

Mr WAKELING — I am told by the member for Murray Valley that he is a very good local member.

The DEPUTY SPEAKER — Order! Through the Chair!

Mr WAKELING — The Land (IOOF) Act 1990 relates to the Oddfellows Hall (Melbourne) Land Act 1930 — and no, I am not talking about the government when I say ‘Oddfellows Hall’. I might leave that for government members as a collective to deal with.

The Land (Reservations Removal) Act 1991 relates to land at Spencer Street. I am looking forward to the member for Melbourne providing her contribution on this important piece of legislation because I am sure that, if she is in fact going to remain a member of this Parliament, she is very mindful of the needs of her community. I am sure that as an active local member she would be well aware of the issues relating to that act in her electorate.

The Portarlington Land Act 1991 relates to land on the foreshore of Portarlington. I am sure that the relevant government member for that area — I believe it is the member for South Barwon — will have responsibility for talking about that act.

The Land (Miscellaneous) Act 1991 is a very important act which relates to land at Dingee, Glenrowan, Charam and Trentham. The community of Glenrowan has had good representation in this house. I cannot say much about the community of Trentham, but I can say that the member who looks after Trentham will be coming into this house and providing an overview.

I now come to the Sunshine Land Act 1992. This act relates to land at Sunshine which, as members would know, is in the municipality of — —

Mr Wells — Brimbank!

Mr WAKELING — Brimbank! As we well know, this is a very important act because it relates to land located in a part of the community that has not been very well represented. Recent reports tabled in this Parliament through the Ombudsman — —

The DEPUTY SPEAKER — Order! The member for Ferntree Gully, on the bill.

Mr WAKELING — That is certainly a very important piece of legislation. I am waiting for the member for Keilor to speak on that very important act and talk about his concerns with that community.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Budget: debt

Mr WELLS (Scoresby) — I wish to raise a matter of great importance with the Treasurer, or with the Minister for Gaming, who is at the table. The action I seek is for the Treasurer to release a debt repayment plan for the debt which has been accumulated under the Labor government.

As we found out from the budget papers, debt levels are forecast to skyrocket under this lazy and incompetent government. Where in the past there has been a focus on good financial management, this government just keeps on going to the bankcards and maxing them out. The debt under the Cain and Kirner governments reached \$31 billion in 1992. Through the hard work of the Liberal-National coalition, that debt was paid down to \$3.1 billion, which saved billions of dollars in interest payments. We remember that under the Cain and Kirner governments we were spending more on interest repayments than on the health budget. In the latest budget papers we find that over the forward estimates period the debt will go straight back to \$31 billion and that the interest repayment will be \$2.2 billion. The cost of the police force is around \$1.8 billion.

The action I am seeking from the Treasurer is for him to release a transparent repayment plan, and as a matter of priority be able to identify when the debt will be repaid and how much debt will be repaid over the forward estimates period. This is important. Whilst the government is very keen to accumulate debt, there is to date no plan whatsoever in place to pay down this debt. It will be the responsibility of our children and their children. It will take decades for them to pay it down.

When we raise this issue in the house, government members keep on saying, 'But as a percentage of GSP (gross state product) it is actually declining'. However,

that is simply not the fact. The debt is 10 per cent of GSP, and there is no guarantee in the long term that that is going to reduce. We are seeking from the Treasurer the action which is required — that is, we want a debt repayment plan as a matter of priority.

Occupational health and safety: underground services

Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the Minister for Energy and Resources. I seek that the minister take action to further protect Victorian workers who need to dig below the surface of the ground as part of their work activities. It happens only rarely, but Victorian workers have been injured at work due to accidental contact with underground services such as electricity lines, gas and water pipelines and telecommunication services.

I know that the Brumby government has been working hard to improve workplace safety across a whole range of areas and different professions throughout the state, but Frankston is home to a large number of tradespeople who leave their homes each morning to work at locations right around the state, not just in Frankston. It is important to note that every worker —

An honourable member interjected.

Dr HARKNESS — Absolutely. Every worker deserves to work safely and also to return home to their family in the state of health they left in that morning.

I have a great deal of interest in protecting workers and ensuring they come home in one piece each day to see their families. Indeed, as the treasurer of the former West Gate Bridge Memorial Park Association, I was heavily involved in delivering the \$1 million memorial at the foot of the bridge to the 35 workers who lost their lives in the construction of that bridge in 1970. The collapse of the West Gate Bridge remains the single worst workplace incident in Australia's history in terms of loss of life. But there are many workplace deaths which occur in a wide range of industries each and every year. In a recent report the Australian Safety and Compensation Council conservatively estimated there are 7000 work-related deaths each year.

The locations of pipes and cables underground are not easy to predict. They are laid at varying depths on both public and private property. That is why I am calling tonight on the Minister for Energy and Resources to help further protect workers who need to dig to perform their designated tasks. I do not want to hear of Frankston residents going to work and not coming home. Indeed I do not want to hear of any Victorian

workers not coming home after a day at work. Everybody has the right to go to work, to help their family and to watch their children grow up.

Greyhound racing: Wangaratta

Mr JASPER (Murray Valley) — I direct to the attention of the Minister for Racing, and in his absence the Minister for Gaming, who is at the table, the decision of Greyhound Racing Victoria to cease greyhound racing at Wangaratta. This is an issue I brought up in the adjournment debate a few weeks ago because of my concern about the actions taken by Greyhound Racing Victoria in seeking to curtail greyhound racing at Avian Park in Wangaratta. The decision was made early in April that Avian Park would close at the end of June. Together with representatives of the Wangaratta Greyhound Racing Club and the Rural City of Wangaratta, I was part of a deputation to the Greyhound Racing Victoria board a couple of weeks later. We received a negative response from the board at that meeting and we made further representations.

I raised the matter with the minister in personal discussions. He stood back from the issue, saying that the board reported to him but that it was an independent board and he would not interfere. However, we made further representations. I undertook further discussions with the minister by way of letter, to which I have not had a response. I believe the minister has a responsibility to follow this through.

The key issue is that this is a huge concern for the greyhound racing community both in north-eastern Victoria and generally. It is disappointing that in its response in a media release in the latter part of last week Greyhound Racing Victoria indicated that it would go ahead with the closure of the course following a further deputation to it which included legal representation from the greyhound racing committee of Wangaratta. The disappointing part to all of this is that all the information provided by Greyhound Racing Victoria indicated that it had had extensive discussions over a long period of time with representatives of the local community, representatives of the Rural City of Wangaratta and me. This is a total fabrication.

What we seek from the minister is his intervention. We seek an investigation of all the aspects of this, because we believe there has been an injustice done to greyhound racing in north-eastern Victoria. In our view there is absolutely no justification in our view for the actions that have been taken by Greyhound Racing Victoria in seeking to cease greyhound racing at Avian Park in Wangaratta. We want the minister to intervene,

to take action and to have further consultation, because we believe that the board has not really addressed the issues. It has indicated it wants appropriate work undertaken at the track, but we do not believe that all the \$6.3 million it indicates needs to be spent on the course would need to be spent. The minister can assist. We want him to assist and to do something about it.

Family services: Cranbourne electorate

Mr PERERA (Cranbourne) — I raise a matter for the attention of the Minister for Children and Early Childhood Development. The specific action I seek from the minister is that she take the necessary action to ensure that the Brumby government is increasing services that are of great importance to the children and families in my electorate, especially in the Cranbourne East area. I believe we must ensure that every child has every opportunity to have a healthy and successful life. I also believe that access to services in the early years of life is vital to ensuring that that opportunity is realised.

The 2006 Census community profile series shows us that in the electorate of Cranbourne there are over 5400 children between the ages of 0 and 4 and a further 10 800 between the ages of 5 and 14. These children are from both the Frankston and Cranbourne ends of the electorate. Growth areas such as the electorate of Cranbourne clearly have specific and quite different service needs that focus on the young families moving into the area.

One of the rapidly growing areas in my electorate is Cranbourne East. It is growing quite well and is home to many young working families. Statistics also show us that the suburb is home to around 3600 people, with the major industry being manufacturing and a majority of workers being technicians and trade workers.

Cranbourne East is also home to the recently opened \$37.5 million Casey Aquatic and Recreation Centre and Casey Fields — the premier sports facility in the south-east. The Melbourne Football Club, the Demons, has relocated to Casey Fields and made Cranbourne its home base.

Honourable members interjecting.

Mr PERERA — I am sure with that good spirit next season the Melbourne Football Club will be able to get into the grand final. We will see!

There is also a large increase in the number of families in the area and the estimated number of children in the 0–4 age group is projected to treble over the next eight years. This increase in the number of young children

will place increased pressure on the services available to families in the area, particularly maternal and child health services, family support and kindergartens.

I call upon the minister to ensure that the Brumby Labor government is acting to increase services that are of great importance to the children and families in — —

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

Disability services: consultation

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the attention of the Minister for Community Services. The action I seek is for this government to put an end to its farcical approach to consultation and establish genuine systems of listening, engagement and discussion on matters of importance in which communities, families and individuals can have confidence.

Let me give members a recent example. Last week the government conducted a consultation panel for the eastern region in Ringwood. This particular consultation was for service users to discuss self-directed planning in the context of the Victorian state disability plan. Let me tell members the reality of what happened.

Participants voiced concerns that the consultation was poorly advertised, many only hearing of it in the days preceding via word of mouth. Obviously the government was banking on a small turnout — the room was so small that it was crammed with 30 to 40 participants who had replied to invitations. It was completely unsuitable for people in wheelchairs, who found it almost impossible to navigate the room — incredible at a forum for people with disabilities.

The discussion was meant to focus on a disability services draft model, but participants were not provided with a copy of the draft framework, and when they asked for a copy a government representative explained that the framework consisted of a flow chart on a PowerPoint slide. Government representatives discussed Victoria's disability services in bureaucratic riddles and DHS (Department of Human Services) acronyms and had to be asked by participants a number of times to speak in plain English and refrain from using complex terms. DHS organisers also regularly failed to record on paper criticisms of Labor's management of disability services.

I would like to put some comments on the record. Participants expressed frustration with this

government's ongoing attempts to appease them by holding consultation forum after consultation forum while, after 10 years, the realities for families continue to remain unchanged — services are bureaucratic, difficult to access and crisis driven. An overwhelming majority of participants claimed that the system lacked choice, flexibility and funding, and they have no confidence in it. One particular mum of a child with a disability said it had been 12 months since she applied for two nights of overnight respite, and she is still waiting to even be assessed.

This example of the forum last week is only a snapshot of what is happening across the board in my shadow portfolio. Rather than engaging in genuine consultation, this government conducts forums as a means of appeasing Victorians. It wants to be seen to be consulting. This government is not interested in real engagement, nor does it want to hear criticism or genuine feedback.

People with disabilities and their families and carers deserve to be heard, rather than managed; their input should be publicised widely, held in appropriate facilities, and facilitated in an appropriate manner; and, most importantly, their comments and ideas should be genuinely listened to. Any less is a farce.

Cycling: safety

Ms MARSHALL (Forest Hill) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is for the minister to ensure that non-registered and non-licensed riding on public bushland, parks, forest tracks and public roads and footpaths currently occurring in Forest Hill is not tolerated.

This is an ongoing problem. After complaints from my constituents regarding illegally ridden mini and monkey bikes along the Forest Hill pipeline reserve, council parks and residential streets, I contacted the Whitehorse City Council and local police in regard to this issue. The council erected vehicle barriers at the entrance of the park in Mock Street, considered to be a hot spot for illegal riding — but to no avail. Police have informed me that they are aware of the situation, but are currently limited in what action they can take against offenders.

Safety is the paramount concern here. There are fears for the safety of my constituency — in part, the elderly — who frequently utilise local parks and walk along the pipeline reserve, being involved in altercations with inexperienced, unlicensed and unregistered riders. The young families who play in local parks and in local streets are haunted by mini or

monkey bike riders and the riders themselves, who have been seen riding without protective headgear and no supervision.

In the words of one of my constituents:

It is my deepest concern that one day I will be ringing not the police, but an ambulance as these illegally ridden bikes pose a risk to adults and children alike who use the park.

Currently bike riders are required to follow certain legal requirements. Significant fines can be issued to trail bike riders if caught breaking the laws in state forests, parks and reserves. These requirements clearly state that riders must hold a current motorcycle licence or learners permit, and the bike must be registered, roadworthy and have a noise-compliant muffler.

The use of motocross bikes, pit bikes and mini-bikes — otherwise known as monkey bikes — on public land is in contrast to the aforementioned legal requirements, as these types of bikes are not designed for registration and do not have the equipment required for registration.

The Brumby government is well aware of the safety issues surrounding drivers engaged in reckless driving, as in 2006 amendments were made to the Road Safety Act 1986 giving police the power to seize and impound or immobilise vehicles on the spot for a period of 48 hours. Repeat offenders face having their vehicles confiscated for up to three months, and in some cases having to permanently forfeit their vehicle in addition to any impoundment costs. These amendments currently do not extend to illegal mini-bike riders — and those in Forest Hill, particularly — and it is clear by the number of grievances from my constituents that fines are not an appropriate deterrent to curb the amount of illegal riding occurring in public parks and streets.

I ask the minister for assistance with this matter before it is too late. I call on the minister to ensure the Brumby Labor government's continued commitment is to providing safe parks and streets for the residents of Forest Hill.

Malvern Primary School: funding

Mr O'BRIEN (Malvern) — I raise a matter for the attention of the Minister for Education. The action that I seek is for the minister to review her department's decision to refuse funding to Malvern Primary School under rounds 1 and 2 of the BER (Building the Education Revolution) program and to ensure that none of the school's \$3 million allocation is withheld.

Malvern Primary School is a fantastic school in my electorate that has educated generations of Victorians

since it was established in 1884. Its main buildings were constructed in 1884 and 1907. It is a vibrant school with enthusiastic students, committed parents, dedicated teachers and progressive leadership. However, because of the age of its facilities, some of which are heritage listed, it stands in need of a major renewal.

I note at this point that Malvern primary, like every state school in my electorate, has not been selected for the Victorian government's own rebuilding program. Although the Department of Education and Early Childhood Development states that the school's extended long-term enrolment is 450, the school currently has 693 students enrolled, and there is no prospect of a decline in those numbers.

According to the commonwealth Department of Education, Employment and Workplace Relations website, all primary schools in Australia can access BER funding, including under the Primary Schools for the 21st Century program. The website states that the indicative funding cap under BER for primary schools with more than 400 students, such as Malvern primary, is \$3 million.

The school sought funding for a 21st century library and learning centre. Such a project would make an enormous difference to the entire school community, but the application has been refused by the Brumby government under rounds 1 and 2 of the BER primary school program.

The reasons given by the minister's department in refusing the application were twofold. First, the department said that the school's enrolment level did not warrant such a centre. Malvern's 693 enrolled students makes such a claim untenable. Second, the department said that as the project was to be on land that was administered in part by Stonnington council, the planning process would take too long due to community consultation requirements.

This claim has no basis. The mayor of Stonnington council, Cr Claude Ullin, has confirmed to me that not only has the department not even approached him in relation to a proposed redevelopment of Malvern primary but the mayor would be pleased to support and facilitate such a project. So the two reasons provided to the Malvern primary community for refusing the school funding do not hold water.

The parents of Malvern primary who have approached me are very concerned that some or all of the \$3 million funding allocated under the BER program will be

siphoned away by the Brumby government instead of it renewing the school.

While the results of the third round of funding applications for major refurbishments under BER have yet to be finalised, the treatment of the Malvern primary community to date gives every reason for the parents to fear that their children's school will miss out — and miss out badly.

I ask the minister to review her department's actions concerning Malvern Primary School's applications under the Building Education Revolution program to ensure that the full \$3 million funding is made available to the school so that it can continue to provide quality education for the students of Malvern for the next 125 years.

Disability services: Pascoe Vale accommodation

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Community Services. It relates to the My Future My Choice program. The action I require is for a new home to be built in the Pascoe Vale electorate or in very close proximity to it.

Since April 1999 I have been advocating and working to ensure that young people with profound disabilities have age-appropriate accommodation, and that their parents or other full-time carers have a real option for full-time, long-term care outside the nursing homes based in the aged care sector. Recently I met with a wonderful couple whose beloved adult daughter has spent recent years largely confined to bed in their family home. Their daughter — let us call her Maria — receives faultless care from her parents. Those parents would be just as devoted if Maria had age-appropriate nursing care outside of an aged care home, and until there is realistic age-appropriate care for their daughter, I know this couple will continue to care for her.

The My Future My Choice program is an outstanding program implemented by the Council of Australian Governments to address the issue of young people in residential aged care (RAC). The aim of the initiative is to reduce the number of younger people living in residential aged care, assisting some of them to move out and others to avoid entry. Over 215 people aged less than 50 years living in RAC participated in an individual planning and assessment process that identified their preference to either move from RAC into alternative living options or remain in RAC with enhanced disability support. Approximately 70 per cent of the participants have expressed a preference to explore alternative living accommodation options.

I commend the minister and her dedicated team for working to ensure that young people and their families are assisted through an individual support package and other accommodation supports. Land has been secured to build three facilities in Altona, Frankston and Geelong, and I know the member for Geelong, who is sitting beside me, is very pleased about that particular initiative. I am sure he was one of its strongest advocates.

What I want is the department in stage 2 to look seriously at the Pascoe Vale electorate which has a number of large blocks of land which would be ideal sites. Some of those sites are already government owned. The result of this new purpose-built accommodation service would be to look after people such as Maria so that her parents would be able to look forward to retirement.

Parklands Albury Wodonga: land management

Mr TILLEY (Benambra) — I wish to raise a matter for the attention and action of the Minister for Environment and Climate Change. The action I seek is for the minister to avail himself to meet with a delegation of board members from Parklands Albury Wodonga (PAW) to enable this organisation to articulate its interest in being appointed as the committee of management for the environmental lands that are in the process of being transferred from the Albury-Wodonga Corporation (AWC) to the Department of Sustainability and Environment.

Back in the 1970s the commonwealth government announced plans to develop three large regional cities. In the Albury-Wodonga region the Albury-Wodonga Corporation was set up to plan and develop the expansion of the cities of Albury and Wodonga. Land purchased for this purpose also included significant rural land and bushland.

Mr Jasper — They have done a good job.

Mr TILLEY — They have done a good job. In 1996 a plan detailing the landscape and open space strategy for the region was developed, and in 1997 Parklands Albury Wodonga was established by the corporation to become the regional public land manager for rural land and bushland surrounding the two towns. The non-profit organisation was incorporated in both states. Partnerships developed between PAW and local tertiary institutions, and project management support to various programs such as work or the dole, Corrections Victoria and Greencorp are invaluable to the community.

Parklands Albury Wodonga has managed about 2000 hectares of Department of Sustainability and Environment Crown land in the Wodonga region for the past 10 years, and it has requested that the minister extend the committee of management status to include the additional areas. The City of Wodonga is obtaining a further 400 hectares and \$3.6 million. Under the heads of government agreement between the federal Ministry of Finance and Deregulation and the recipients of ex-Albury-Wodonga Corporation lands and finance, this finance is to be expended over 10 years to meet the objectives of the threatened species conservation strategies, as adopted by both states and councils. There is no provision in this agreement to commit funding for responsible management beyond the 10-year period.

Parklands Albury Wodonga believes that environmental land usage is a long-term management process and it would be a dereliction of state responsibility not to ensure the perpetual care of these lands and prevent their degradation after the expenditure of these millions of dollars within the 10-year period. In 2008 the Albury-Wodonga Corporation commenced transferring all environmental lands to surrounding agencies. The land comes with a \$9000 per hectare one-off operational fund and a one-off \$800 per hectare capital fund tagged for bushland restoration. Significant land areas were also transferred to the New South Wales Department of Lands with a lesser amount to the Department of Sustainability and Environment.

The pending cessation of the AWC and the transfer of environmental land has put the future — —

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

Rail: Craigieburn car park

Ms BEATTIE (Yuroke) — I raise a matter for the urgent attention of the Minister for Public Transport. The action I seek is for the minister to investigate and ascertain what can be done to provide extra car parking spaces at the Craigieburn station. I am pleased to see that a former Minister for Transport is in the house because he and other members will recall that in 2007 the rail electrification was extended from Broadmeadows to Craigieburn, with a station in between at Roxburgh Park. Craigieburn had been a little station, only by Sprinter services, and when the electrification came it was increased to 64 services a day. It has proved to be tremendously popular, with over 200 per cent growth.

There are 333 designated car spots at Craigieburn, but at the time of the extension of electrification the site had already been built around, so the opportunity for extra car parking at that time was virtually nil. We did provide an extra 140 car spaces at Roxburgh Park, but it is too far for some people to get to Roxburgh Park. The government has provided many extra bus services, and it will continue doing that. As is the case with the car parking, for some people it is too far or inconvenient to catch a bus.

I was pleased to be with the Premier on 5 June for the turning of the first sod at the new Coolaroo station — so that is three new stations on that line. The \$36 million project will be a terrific addition to public transport services in Melbourne's north. The Premier noted that a decision had been made to increase the car park size in recognition of the booming patronage on Melbourne's rail network. As passenger numbers on the network are currently the highest they have ever been, it is important that we plan ahead for the increased demand for facilities at all stations.

There is going to be a larger car park at Coolaroo station, and I know that will take some of the pressure off the Roxburgh Park station and the Craigieburn station, but I ask the minister to ascertain if there is any land for sale around the Craigieburn railway station and do what she can to alleviate the current situation and provide more car parking spaces around the popular Craigieburn station.

Members will recall that I have once or twice boasted about this terrific rail extension. Members opposite say all the time that we are not providing extra public transport, but here is the proof in the pudding: three extra stations, a boom in patronage — more than a 200 per cent increase — and more bus services. I want the government to keep up the good work and provide even more services.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Frankston for raising his important matter in Parliament tonight. As all members of Parliament would know, the member for Frankston is the state champion for working families in his electorate, and this is another example of his tireless work.

The member mentioned that occasionally Victorian workers are injured when they are undertaking digging activities. Although this happens very rarely, it can have a high impact. Even one workplace accident is one too many. That is why the Brumby Labor government agrees with Energy Safe Victoria's support for the Dial

Before You Dig in Victoria service. Dial Before You Dig is an underground asset location service that enables contractors and others in the broader community who are working below the earth's surface to identify and help avoid accidental contact with underground utility services, such as electric lines, gas pipelines, water pipelines and telecommunication facilities.

These services are on public or private land. Dial Before You Dig is a not-for-profit association. It provides a very useful service, and it is free. Information is provided within two business days of the inquiry, so it is not only a free service but also a very speedy service.

Energy Safe Victoria, as part of the regulatory framework of the energy industry here in Victoria, has mandated membership of the Dial Before You Dig for gas companies and will soon require electricity companies to also become members. The service not only helps protect Victorian workers but also helps prevent disruption to the services I mentioned before. Interruption to those services can cause power outages, which can be caused by workers who might accidentally sever underground power cables. Such damage and disruption can cost millions of dollars because of the high impact. We recently saw this happen in Sydney where workers severed underground power cables, and it threw the city into chaos, costing many millions of dollars.

Recently I launched new Dial Before You Dig service guidelines. These were endorsed by Energy Safe Victoria and WorkSafe Victoria. These guidelines will assist excavators and others who are digging to make informed decisions before they begin to dig. This will reduce the risk of injury, the risk of damage and the risk of disruption. The guidelines outline, firstly, the responsibilities of people and companies planning to dig, including excavators, planners, engineers and the like. They also outline the responsibility of asset owners, including water and electricity companies, and provide information about Dial Before You Dig in Victoria and the service it provides and the benefits that flow from it.

These guidelines were developed following significant and extensive stakeholders consultation. I can inform the member for Frankston that the Brumby government will continue to pursue initiatives like Dial Before You Dig. We do that in order to protect not only the working families who live in Frankston but also others who live and work throughout Victoria.

Mr ROBINSON (Minister for Gaming) — The member for Scoresby has requested that the Treasurer

produce a debt repayment plan, and I will pass that request on.

The member for Murray Valley has raised for the attention of the Minister for Racing the circumstances of the Wangaratta greyhound racing fraternity following a decision by Greyhound Racing Victoria to cease racing there, and I will pass that matter on.

The member for Cranbourne has drawn to the attention of the Minister for Children and Early Childhood Development the need to increase services to children in his electorate, and I will pass that matter on.

The member for Doncaster has drawn to the attention of the Minister for Community Services the conduct of a recent departmental forum on disability services, and I will draw that issue to the minister's attention.

The member for Forest Hill has asked the Minister for Police and Emergency Services to consider means of tackling illegal and dangerous use of mini and monkey bike riders in local parks in the Forest Hill electorate, and I will pass that matter on.

The member for Malvern has requested that the Minister for Education consider Malvern Primary School's application under the Building the Education Revolution funding scheme, and I will pass that matter on.

The member for Pascoe Vale has raised for the attention of the Minister for Community Services the My Future My Choice program, in particular the request for a new accommodation facility in the Pascoe Vale electorate, and I will pass that matter on.

The member for Benambra has raised with the Minister for Environment and Climate Change a request to meet a delegation from Parklands Albury Wodonga, and I will pass that matter on.

Finally the member for Yuroke — that champion of public transport in the northern suburbs of Melbourne — has requested that the Minister for Public Transport investigate the need for additional car parking at the Craigieburn railway station, and that matter will be passed on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.36 p.m.