

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 6 May 2009

(Extract from book 5)

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
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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
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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*): Mr Nardella 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 Burgess, Mr Carli, Mr Jasper and Mr Languiller. (*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

WEDNESDAY, 6 MAY 2009

BUSINESS OF THE HOUSE

Notices of motion: removal 1153

PETITIONS

Water: north–south pipeline 1153

VicForests: firewood contracts 1153

Police: Red Cliffs 1153

Rail: Mildura line 1153

Mornington Primary School: funding 1153

Bushfires: vegetation clearance 1154

Bushfires: fuel reduction 1154

Bushfires: forest access 1154

LAW REFORM COMMITTEE

Alternative dispute resolution and restorative justice 1155

DOCUMENTS

MEMBERS STATEMENTS

Clearways: Stonnington 1155

Anzac Day: city of Monash schools 1155

Dorothy McIntyre and Kathryn Price 1155

Mother's Day Classic 1156

Richard Pratt 1156, 1161

Prostate cancer: Geelong support group 1156

Government: performance 1156

Footscray Swimming and Water Polo Club: centenary 1157

Berengarra school: relocation 1157

Bayside College: funding 1157

Schools: Sandringham electorate 1157

Planning: Mariemont Avenue, Beaumaris 1158

Romsey: sporting facilities 1158

Bushfires: Country Fire Authority volunteers 1158

Fred Hunnam 1159

Forest Hill College: basketball marathon 1159

Ambulance services: Mount Eliza 1159

Thomas Mitchell Primary School: international accreditation 1159

Drought: counselling services 1160

Bushfires: celebrity soccer match 1160

Bushfires: forest access 1160

Victoria University: Chinese language course 1160

David Benwell 1161

Frank Dominick 1161

MATTER OF PUBLIC IMPORTANCE

Bushfires: victim support 1161

STATEMENTS ON REPORTS

Outer Suburban/Interface Services and Development Committee: local economic development in outer suburban Melbourne 1180

Law Reform Committee: vexatious litigants 1181

Rural and Regional Committee: rural and regional tourism 1182

Law Reform Committee: alternative dispute resolution and restorative justice 1183

Environment and Natural Resources Committee: impact of public land

management practices on bushfires in Victoria 1184

Public Accounts and Estimates Committee: report 2007–08 1184

NOTICE OF MOTION

Postponement 1185

PLANNING LEGISLATION AMENDMENT BILL

Second reading 1185, 1196

QUESTIONS WITHOUT NOTICE

Budget: government performance 1188

Budget: employment 1188, 1191

Budget: debt 1190

Budget: first home owner grant 1191

Budget: education 1192

Budget: roads 1193

Budget: public transport 1194

Budget: drought 1194

Budget: health 1195

ABSENCE OF MINISTER

..... 1190

CRIMES AMENDMENT (IDENTITY CRIME) BILL

Second reading 1228

Third reading 1238

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL

Second reading 1238

Third reading 1239

JUSTICE LEGISLATION AMENDMENT BILL

Second reading 1239

ADJOURNMENT

Gas: Mount Macedon supply 1250

Energy: customer transfers 1250

Schools: Rainbow 1251

Bushfires: school memorial plaque 1251

Waverley Road, East Malvern: traffic management 1252

Victoria University: boatbuilding program 1252

Bushfires: Murrindindi shire 1253

Skilled Stadium: redevelopment 1253

Princes Freeway–Sand Road, Longwarry: upgrade 1254

Energy: alternative generation 1255

Responses 1255

Wednesday, 6 May 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 66 to 71, 151 to 158, and 209 to 217 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:

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Dr SYKES (Benalla) (20 signatures).

VicForests: firewood contracts

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland, Victoria draws to the attention of the house the lack of access to reasonably priced local firewood. The petitioners therefore request that the Legislative Assembly of Victoria calls on the state government to provide provision for firewood contractors to access state forest.

By Mr INGRAM (Gippsland East) (758 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) (16 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 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) (136 signatures).

Mornington Primary School: funding

To the Legislative Assembly of Victoria:

The petition of the parents and staff of the students of Mornington Primary School draws to the attention of the house:

The ageing facilities and poor state of repair of Mornington Primary School, highlighted by the leaking roof and subsiding foundations of its principal, historical, school building.

The inadequacy of annual maintenance funding to overcome this situation, requiring moneys raised by parents and friends to be expended on routine maintenance and repairs.

The lack of advice on where the school sits in the priority list for capital works, which in turn means that

the school council cannot make an informed decision on where best to direct repair and maintenance funds.

The petitioners therefore request that the Legislative Assembly of Victoria:

Make adequate funds available to cover the entire cost of roof repairs.

Make a plan for the renovation and restoration of this historical building, in the context of a capital works program for the entire school.

Advise the school where it sits in the overall plan for refurbishment of Victorian schools.

By Mr MORRIS (Mornington) (270 signatures).

Bushfires: vegetation clearance

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Gippsland draws to the attention of the house the concerns held by landowners of Gippsland at the lack of control they have over clearing native vegetation on private property.

In particular, concern surrounds the lack of control of native vegetation along fence lines.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action in legislating measures which would allow private landowners to clear native vegetation up to three (3) metres either side of fence lines on private property.

By Mr BLACKWOOD (Narracan) (122 signatures).

Bushfires: vegetation clearance

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Gippsland draws to the attention of the house the concerns held by landowners of Gippsland at the lack of control they have over clearing native vegetation on private property.

In particular, concern surrounds the inability of residents to remove native vegetation directly surrounding homes in rural and bushland areas.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action in legislating measures which would allow private landowners to clear native vegetation with a 10-metre perimeter of a dwelling.

By Mr BLACKWOOD (Narracan) (178 signatures).

Bushfires: fuel reduction

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Gippsland draws to the attention of the house the concerns held by road users of Gippsland at the level of natural vegetation along roadsides.

In particular, concern surrounds the lack of fuel reduction burning on Gippsland roads.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action in legislating measures which would allow the use of a fuel reduction burning programs along roadsides coordinated by VicRoads, the Country Fire Authority and local council.

By Mr BLACKWOOD (Narracan) (167 signatures).

Bushfires: forest access

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Gippsland draws to the attention of the house a request to place a moratorium on the closure of access tracks created during the 2009 Victorian bushfires on Crown land.

In particular, concern surrounds the lack of access tracks currently within Crown land, and the lack of maintenance on them to allow emergency access vehicles to safely use them during emergency situations.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action in legislating measures which would allow for a retention of access tracks established during the 2009 Victorian bushfires and that those tracks be maintained to ensure safe access for emergency vehicles.

By Mr BLACKWOOD (Narracan) (124 signatures).

Tabled.

Ordered that petition presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

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

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 Narracan be considered next day on motion of Mr BLACKWOOD (Narracan).

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

LAW REFORM COMMITTEE**Alternative dispute resolution and restorative justice**

Mr CLARK (Box Hill) presented report, together with appendices, minority report, extract of proceedings and transcripts of evidence.

Tabled.

Ordered that report, appendices, minority report and extract of proceedings be printed.

DOCUMENTS**Tabled by Clerk:**

Auditor-General:

Annual Plan 2009–10

Management of School Funds — Ordered to be printed

Results of Audits for Entities with other than 30 June 2008 Balance Dates — Ordered to be printed

The Channel Deepening Project — Ordered to be printed

The New Royal Children's Hospital — a public-private partnership — Ordered to be printed.

Financial Management Act 1994 — Report from the Minister for Health that he had received the 2008 Report of the Psychologists Registration Board of Victoria.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports tabled July 2006 — February 2007.

MEMBERS STATEMENTS**Clearways: Stonnington**

Mr O'BRIEN (Malvern) — I again bring to the house's attention the Brumby government's unilateral decision to change clearway operating hours in the Stonnington area. The decision to extend clearways from 6.30 a.m. to 10.00 a.m. and 3.00 p.m. to 7.00 p.m. was taken without consultation and has been rejected by councils, traders and residents.

If the Minister for Roads and Ports had been aiming to destroy the after-school trade for the strip shops in my electorate, he could not have come up with a better plan than 3.00 p.m. clearways. Slashing the parking on arterial roads will be the final nail in the coffin of many

strip shopping areas. It will also inconvenience and potentially endanger local residents by herding volumes of cars into residential side streets.

Having heard the outcry, including across many Labor-held electorates, the minister has now had a rethink. What is Labor's new answer? Starting the clearways from 4.00 p.m., except within 100 metres of an intersection, where they will start from 3.00 p.m. The same stretch of road, in the same strip shopping area, will have different clearways with different starting times depending on whether a car is parked 99 metres from the intersection or 100 metres away.

What evil genius! Just when I thought the minister had come up with an unfair policy that will destroy small businesses and cost jobs, he delivered a twist that makes it a confusing, unfair policy that will destroy small businesses and cost jobs. The government's nonsense has rightly been rejected by Stonnington City Council, local traders and residents. The minister should listen and go back to the drawing board.

Anzac Day: city of Monash schools

Ms MORAND (Minister for Women's Affairs) — On Tuesday, 21 April, I attended an Anzac service for schools within the city of Monash which was hosted by the Rotary Club of Monash. It was the second Anzac school service organised by the Rotary Club and the RSL. It was a great success, with over 800 students attending from schools right across Monash. Colonel John Coulsen gave a fantastic address to the ceremony, providing the school students with a personal connection to the history of sacrifice made by so many young men and women to ensure peace and security in Australia.

Dorothy McIntyre and Kathryn Price

Ms MORAND — In the last two months I have had the pleasure of congratulating residents in the Mount Waverley electorate who have celebrated their 100th birthdays. It is a quite common occurrence in Mount Waverley to have a number of residents celebrating special milestones, such as 90th, 95th and 100th birthdays. I was very pleased to be able to congratulate Mrs Dorothy McIntyre, who turned 100 on 19 March, and Mrs Kathryn Price, who celebrated her 100th birthday on 25 April. Both Mrs McIntyre and Mrs Price were able to share their milestone birthdays with family and friends, and both received a large collection of cards, flowers and warm wishes.

Mother's Day Classic

Ms MORAND — Finally, this Sunday is Mother's Day. I will be joining thousands of people in participating in the Mother's Day Classic, which is held right across Australia on Mother's Day, not only to raise money but also to remember those who have been touched by breast cancer. I will be there with my daughter and many parliamentary colleagues. I encourage all members to join us on this great day.

Richard Pratt

Mrs POWELL (Shepparton) — I would like to pay tribute to Richard Pratt, who sadly lost his battle with prostate cancer on Tuesday, 28 April, at the age of 74 years. Known as Australia's most generous philanthropist and one of the richest men in Australia, Richard started life in more humble surrounds. He and his family emigrated from Poland in 1938 and settled in the Shepparton district. He attended Grahamvale Primary School and Shepparton High School before moving to Melbourne to study at the University of Melbourne.

Richard's family started a packaging and recycling business in Shepparton, Visy Packaging, to supply cardboard boxes to the fruit growers in the Goulburn Valley. Richard always remembered his early years in the Shepparton district and often returned to attend functions and visit Visy Packaging, which still supplies packaging in the Goulburn Valley. There have been many organisations and projects in the Goulburn Valley that have benefited from his generosity. Because of his generosity and leadership, Richard Pratt, along with his wife, Jeanne, have left a lasting legacy in business, education, sport, the arts and the environment to the people of the Shepparton district and Victoria.

I am fortunate to have met Richard and Jeanne a number of times in Shepparton and to have enjoyed discussing a number of shared interests with Richard, such as the Carlton Football Club, singing, theatre and the interesting life of a migrant. Richard Pratt was passionate about everything he did. He was generous, charming, witty and down to earth. He was a wonderful role model for many migrants who have settled in Shepparton. Richard showed by his success that Australia truly is the land of opportunity and that living in a country town like Shepparton can give you a great start to life. I extend my condolences to his family.

Prostate cancer: Geelong support group

Mr CRUTCHFIELD (South Barwon) — I would like to inform the house of an event I held recently in

my electorate. It was a prostate forum held at 7.00 p.m. on a cool Tuesday night some two weeks ago. I would like to congratulate Rolly Armstrong and Graham Robinson from the Geelong Prostate Support Group, who helped me organise this important forum. Some 80-odd people attended the forum.

I would also like to congratulate Robyn Metcalfe from the Cancer Council Australia, who gave a wonderful talk from the perspective of the council, and Geelong urologist Greg Neerhut, who answered questions and gave a half-hour information session on this important health issue for males. We also had one of only three prostate ambassadors in Victoria, Bill Rebula from the Prostate Cancer Foundation of Australia, who is a Geelong person. I would also like to thank my staff member, Neville Stanley, who helped to organise this important event.

I encourage other members to hold such forums. Prostate cancer is an important health issue, and the forum was very well received in my electorate. I hope that a prostate support group is formed in the area south of the river in Geelong.

Government: performance

Mr KOTSIRAS (Bulleen) — This Victorian Labor government has become an expert at illusion and distortion. Who brings forward estimates from the 25th century to deliver a balanced budget today and then attempts to portray itself as a wise financial manager? Who uses other government's cash bonuses for infrastructure projects and then claims to be using its own money? Who pays someone to write a report card on its achievements and then tries to sell it as an independent report? The answer to these questions is: the current Victorian Labor government. It is a Labor Party that has been in government for 10 long years and has lost its way.

On 10 April 2007 the Brumby government paid Deloitte Australia to prepare a report entitled *Science and Technology Innovation Achievements*. The summary report consists of 13 pages and took about two months to complete. In a media release on 20 May 2008 the Minister for Innovation said:

Victorians are benefiting from the Brumby government's investment in innovation according to a report ...

Through FOI documents it is clear that the total cost for this worthless document was \$68 500, which equates to \$8562 per week of preparation, or \$5269 per page.

Speaker, I ask you, if you pay someone to provide you with an achievement report, would they write a

negative report that highlighted your failings? Given that you are paying the consultant and you also have the opportunity to review the draft report and make changes before the final version is released, why should such a report have any value? In fact this report is worthless, but that has not stopped this government from attempting to deceive Victorians.

Footscray Swimming and Water Polo Club: centenary

Ms THOMSON (Footscray) — Last week I had the good fortune to attend the annual general meeting of the Footscray Swimming and Water Polo Club. This will be its 100th year in operation. Its committee members are very keen, active and genuine individuals who are doing all they can to promote both swimming and water polo within the area of Maribyrnong and the surrounding western suburbs. It is fantastic that the club has found a new home at the Maribyrnong Aquatic Centre. It is producing results with its young swimmers and has had club members compete in many national, state and international events, including the water polo competition at the 2000 Olympics when the Australian water polo team won gold.

It is fantastic to see such a club being able to last for 100 years. It is writing its history this year for its centenary in October and its clubrooms are surrounded with photos of swimming champions going right back. It is a great club. I wish it every success and hope the club goes on for another 100 years providing its worthwhile services to the people of Footscray, Maribyrnong and surrounding areas and giving young people the opportunity to get into the pool, enjoy swimming, be active and compete — and hopefully it may even provide some Olympians of the future.

Berengarra school: relocation

Mr DIXON (Nepean) — Berengarra is an independent coeducational school for junior secondary students who are of normal intelligence but have experienced significant difficulties that have precluded them from success in mainstream educational settings. Although it is an independent school, two-thirds of the students come from government schools. The school aims to, and has succeeded in, building its students' self-confidence, social skills and academic outcomes. The students generally spend one to two years at Berengarra and then move successfully back to mainstream schools or training opportunities.

The lease on the school's current premises expires at the end of this year, and if a new location is not found, the programs will begin to wind down from June and

the students will have to return to schools where they clearly do not fit, so they will probably just fall through the cracks. The school wants to move to the site of the former Monash Primary School, which this government closed, and re-establish in partnership with a Monash council auspiced community Victorian certificate of applied learning program. The Minister for Education has the power under special circumstances to grant permission to the school to establish on that site, and moreover the school can pay its own way and increase the provision of its sorely needed services to more children from both government and non-government schools. I implore the minister to use her powers to allow Berengarra to continue and to expand.

Bayside College: funding

Mr NOONAN (Williamstown) — It has been another great week for Bayside College. For the third straight year the college has received funding as part of the Brumby government's commitment to education and to regenerating schools in Melbourne's west. Just as construction is nearing completion at the college's junior campus in Altona North, a further \$11.1 million has been allocated to start work as part of stage 1 of the senior campus in Newport. During this government's term in office the overall contribution to building works at the college will have exceeded \$22 million. I might add that the Altona North campus will also benefit from a decision of the Hobsons Bay City Council to construct a new \$4.75 million library along the Millers Road frontage. This investment has been supplemented by the state with funds flowing from both the Living Libraries program and the Community Support Fund.

Understandably the school is ecstatic at this latest announcement, and so it should be. It has worked hard to provide its students and teaching staff with the best opportunities and facilities. I particularly want to acknowledge Bayside College principal Mike Kerin, senior campus principal Rob Evans, college council president Steve Kingshott and the other members of the school community for creating the vision and then persevering to ensure the best of all possible outcomes for their students. When this government says education is its no. 1 priority, people need travel no further than Bayside College to appreciate just what that statement really means.

Schools: Sandringham electorate

Mr THOMPSON (Sandringham) — I draw the attention of the house to the lack of provision of education capital and maintenance funding to schools in the Sandringham electorate. We have just heard the member for Williamstown speak about the provision of

funding for schools in his area; however, the Sandringham electorate has been sadly neglected by the Brumby government in the latest round of educational funding. At Sandringham College windows are rotting and falling out and the school is unhealthy in terms of occupational health and safety. This budget has failed to make provision for basic maintenance upgrades for local schools and is an absolute disgrace, and yet in the marginal adjoining electorates \$9 million has been spent on one school and \$6 million on another. There is nothing for schools in the Sandringham electorate.

Planning: Mariemont Avenue, Beaumaris

Mr THOMPSON — The next matter I raise is the concern of residents of Mariemont Avenue, Beaumaris, regarding the proposal by Bayside City Council to implement amendment C75 to the Bayside planning scheme inter-war and postwar heritage controls in relation to properties in their street. My understanding is that not one resident in the street supports the proposal. A petition will be lodged in the house this week drawing to the attention of the house the concerns of residents and the misappropriation of property in their street.

Romsey: sporting facilities

Ms DUNCAN (Macedon) — On Tuesday, 21 April, I had the pleasure of accompanying the Minister for Sport, Recreation and Youth Affairs to Romsey Primary School to announce funding of \$500 000 for the Romsey sports field's development. It will be funded under the Community Facility Funding program for major facilities. The project is worth more than \$1 million. The construction of the new sportsground will include an eight-lane grass athletics track, a soccer pitch and a cricket and football ground at the Romsey Primary School, which is within the Romsey sports precinct.

Club facilities and associated car parks will also be provided, with paths providing pedestrian links to the Romsey Park. Romsey Primary School will benefit, as well as Mitchell Ranges Soccer Club, Romsey Cricket Club, Romsey Junior Football Club and Lancefield Junior Football Club. Lancefield-Romsey Little Athletics Club will also benefit, as well as the local schools, which will use these facilities for their school sports. Built across the road from the Romsey Recreation Reserve on 15 acres of undeveloped land belonging to the Romsey Primary School, it will be a fabulous new facility.

The land is currently used informally by the local athletics club, the Romsey Primary School, the cricket

club and Auskick's out-of-school-hours sports program. Works are anticipated to be completed by December 2010, and the project is supported by council funding of \$466 000 as well as over \$58 000 from local sporting groups. This is another example of the government's commitment to improving the quality and accessibility of community sports.

Bushfires: Country Fire Authority volunteers

Mrs FYFFE (Evelyn) — During the terror of this year's bushfires we saw volunteers from the CFA (Country Fire Authority) unhesitatingly put their lives on the line as they fought to protect people and property. Many are self-employed and, without hesitation, left their work and businesses to fight fires, some for three to four weeks. Many of these men and women have many years of service and experience in the CFA. Over the years they have fought fires not only in their own area but right across Victoria. Victorians have rightly acknowledged them as heroes — a tag that has sat somewhat uncomfortably on their shoulders. They will say, 'We are just ordinary people doing what we have been trained to do'. That training has taken many hours of their own time, has been extensive and has required a huge commitment over the years. Although they are called volunteers, these firefighters are absolutely professional in their work and commitment to the community. Lauded by government and feted by the Premier, these heroes are now being gagged by this government from speaking out.

Honourable members interjecting.

Mrs FYFFE — They desire to speak out, not for political or financial gain but because they do not want ever again to go through another horror period like the one that started in Gippsland and became Black Saturday. I have been given a copy of a memo dated 3 April from the chief officer of the CFA.

Ms Duncan interjected.

The SPEAKER — Order! The member for Macedon will cease interjecting.

Mrs FYFFE — This memo effectively gags any member of the CFA from talking directly to the media on any operational matter or any other contentious matter. What is so wrong if they do sincerely speak out about what happened — about things that worked and things that did not, about decisions that were wrong and communication breakdowns and about the many brave acts?

Mr R. Smith interjected.

The SPEAKER — Order! Before calling the member for Forest Hill I point out to the member for Warrandyte that not only are interjections disorderly, impolite and disrespectful to the Speaker, who was on her feet, but he is not in his allotted seat in the chamber.

Fred Hunnam

Ms MARSHALL (Forest Hill) — I am proud to bring to the attention of the house an honour recently bestowed upon Forest Hill resident Fred Hunnam, who was awarded the Australian Defence Medal on 24 March. The medal acknowledges the contribution of reservists and general personnel who have served in the defence force since the end of World War II.

Fred served in the national guard from 1957 to 1959, when his main role was lifting 11-kilogram and 27-kilogram shells into guns within the artillery unit. Duty is in Fred's blood — his father served in World War II and his grandfather in World War I. The Forest Hill community thanks you, Fred, for your service to the defence force and this country.

Forest Hill College: basketball marathon

Ms MARSHALL — On another matter, I would like to congratulate Forest Hill College on its innovative fundraising efforts. The Forest Hill College annual basketball marathon for 2009 was held on 31 March and raised over \$7000. The event consisted of 24 hours of non-stop basketball. Students looking on enjoyed performances by live bands, solo artists and DJs. This is a terrific idea, and acknowledgement must be given to Ms Reily and her committee of dedicated and enthusiastic senior students who organised it.

Funds raised will be directed to Cancer Council Victoria, the State Schools Relief Committee, the James Macready-Bryan Foundation and Reach Out for Kids, all of which are very worthy causes. By all reports everyone involved had a fantastic time, and I would like to congratulate everybody on a job well done.

Ambulance services: Mount Eliza

Mr MORRIS (Mornington) — At 3.00 p.m. on 7 April Mrs Eugenie Weir of Mount Eliza, a very active lady of 98 years, had a fall outside a supermarket in the village. As a result she broke her hip and a finger and was in considerable pain. Fortunately she was accompanied by her daughter, who immediately called an ambulance and was told there would be a 1 hour wait. The wait turned out to be not 1 hour but more than 3½ hours. A 98-year-old lady waited in considerable pain for 3½ hours entirely because of this government's

gross incompetence. It wants to fiddle with our local ambulance services and reduce service levels even further, while at the same time claiming that improvements will result. No doubt they would be similar to the illusory improvements claimed for Frankston Hospital.

Mrs Weir's suffering did not end with her arrival at Frankston Hospital at 7.30 p.m. that night. At 3.30 p.m. the next day she was still lying on a trolley in the emergency department. More than 24 hours after the accident she was still waiting to be admitted, let alone operated on. The real facts about our hospitals stand in stark contrast to the government's rhetoric. In one way Mrs Weir was lucky, because at least she got into Frankston Hospital — too often ambulances are turned away.

When a 98-year-old lady with a broken hip is left in the street for almost 4 hours and then for another 24 hours on a trolley, the system is simply not working. The Minister for Health should stop talking and start fixing — or get out of the way and let someone who cares have a go.

Thomas Mitchell Primary School: international accreditation

Mr DONNELLAN (Narre Warren North) — I congratulate the Thomas Mitchell Primary School in Endeavour Hills and specifically John Hurley and his staff. I was at the school in April this year to join in the great honour of the awarding of an accreditation by the Council of International Schools. This is an accreditation for which the school has worked very hard over a period of two years, looking at all its systems, how it delivers educational services and so forth. It is an accreditation which only 600 schools in the world have. Only 20 schools in Victoria have the accreditation, and they include my old school, Xavier College, and Presbyterian Ladies College, but I am talking now about this accreditation being awarded to a state primary school that probably has a lot less resources.

This school is incredibly well led by John Hurley, who has been there since 1991. Having visited the school many times, I know it is an extraordinarily happy school. I have never seen so many kids smiling so much at their assembly and so forth. It is a school of 70 different nationalities. I really just want to say how proud I am to have in my electorate a school like that, which is so well led by John Hurley and has achieved this accreditation. Congratulations to the school and the teachers. Well done.

Drought: counselling services

Mr WELLER (Rodney) — I rise today to convey my enormous disappointment at the state government's failure to extend funding for drought counsellors in country Victoria beyond 30 June. This government's model of funding drought counsellors for a couple of months and then waiting until after the expiry date to decide whether the funding will be extended beyond that period is a disgrace. It causes unnecessary stress and confusion for drought counsellors and the country communities in which they work. Worse still, it undervalues a critical service which has helped save many from suicide, depression and marriage breakdown.

In December last year I led a delegation from my electorate to meet with the Minister for Community Services to argue for a more streamlined approach to drought counselling funding. The minister gave an undertaking to improve the funding model and to develop a plan for mental health services and outreach workers in the northern region. Sadly that has not happened.

The government's stop-start approach to drought counselling funding in this state has already resulted in the loss of a skilled and experienced counsellor at Echuca. We cannot afford to lose any more counsellors. I urge the government to stop playing with the lives of Victorian farmers and their families and to guarantee renewed funding for drought counsellors immediately. The Brumby government must understand that when it rains, it will not rain money. We need these counsellors for 18 months after the drought breaks.

Bushfires: celebrity soccer match

Mr EREN (Lara) — As members may know, I have a passion for the world game and have spoken many times in this place about the great game of soccer. Soccer is the most popular sport in the world and is increasingly popular in Geelong, Victoria and the nation. The state government also has a passion for soccer, which is why it supported the Go for Your Life Geelong Cup recently and also showed support at the recent Australian Masters Games, where I and fellow members of Parliament entered the MPs Allstars team into the futsal indoor soccer event.

Our fantastic skills were widely recognised, and we have been asked to form a team to help support a celebrities versus politicians match for the Football Federation Victoria bushfire appeal. I call on all members in this and the other place to take part in this very worthwhile cause. The celebrity match is set to

take place on Tuesday, 12 May, as a 6.00 p.m. curtain-raiser to the 7.30 p.m. main attraction, Melbourne Victory Football Club versus the Victorian Premier League men's team.

I take this opportunity to thank the Melbourne Victory Football Club, the Melbourne Olympic Parks Trust and Football Federation Victoria for organising such a wonderful event for this worthwhile cause. We all know the devastating effects the Black Saturday fires had on fire-affected communities. Victorians and Australians showed their true spirit when they came together worldwide to assist. This is again a fantastic way to raise money to support bushfire-affected communities in Victoria.

Bushfires: forest access

Mr BLACKWOOD (Narracan) — I have raised previously in the house the issue of the rehabilitation of containment lines, access tracks and firebreaks constructed at enormous taxpayer expense, and I need to raise it again. These assets, which were put in place during the firefighting effort, are being completely destroyed by Department of Sustainability and Environment and Parks Victoria contractors. It is of even greater concern that tracks that had been in place for many years and were used by recreation four-wheel drivers and trail bikers are being closed off and rendered completely unusable. I strongly suspect that the money allocated to rehabilitation efforts following the fires are being used for this purpose. Green zealots in government departments are once again taking the opportunity to extend the area of public native forest that can no longer be accessed by the general public.

As I have said previously, the destruction of these tracks began before any study into their future strategic importance was undertaken. These tracks, which were constructed at great taxpayer expense, should have been assessed for their strategic value in any future fire event or lighting strike and, more importantly, in facilitating fuel-reduction burning in the future. Instead we are seeing taxpayers money wasted, more public native forest permanently closed off to the public and strong signals that this government is once again engaging in a smoke-and-mirrors process rather than making a genuine commitment to reducing fuel on the forest floor with a consistent, well-planned and well-managed approach.

Victoria University: Chinese language course

Mr LIM (Clayton) — On Monday, 4 May, I joined some 200 protesters at Victoria University to express concern at the proposed closure of the Chinese

language teaching course. Speakers at the rally included student representatives from all the universities in Melbourne, the National Union of Students and many Chinese community representatives. The decision to cease offering the course contradicts the Prime Minister's call to make Australia the most Asia-literate country in the Western world. It is happening at a time when China has become our top trading partner. We will need more bilingual people so that we can be on an equal footing with China in our trade, business and investment dealings.

Victoria University has decided to outsource the course to the University of Melbourne. This is again illogical, because it does not make sense to expect western suburbs students to commute between classes at Victoria University and Melbourne University. The university is betraying its role to provide services locally for the western suburbs. The community is outraged at the decision, and it is calling on Victoria University, particularly the vice-chancellor, to reconsider this decision and to bring back the teaching of the Chinese language.

David Benwell

Mr McINTOSH (Kew) — I take this opportunity to acknowledge the generosity and dedication of two citizens of Kew — one well known and the other less so. David Benwell is this year's city of Boroondara citizen of the year. He has been a selfless contributor to the community over many years, working voluntarily for countless community groups. David has been an active participant in and president of the Kew Historical Society, secretary and treasurer of the Kew Senior Citizens Association and president of the Kew Community Festival Committee, on which he served on for 18 of its 27 years. In addition to all this he has been a voluntary auditor of countless groups such as neighbourhood houses and various traders associations.

Richard Pratt

Mr McINTOSH — Better known is the late Richard Pratt. Dick Pratt was a powerhouse of Australian business and a legendary benefactor and social philanthropist. It was with deep regret that I was unable to attend his funeral. I would like to publicly express my profound condolences to Jeanne and her family on their loss. I give thanks for the life of this great man and express my sincere appreciation for his universal generosity to our Australian community.

We are made so much richer by the contributions of such public-spirited people as David Benwell and Dick Pratt. It is not given to many to make such a mark.

Frank Dominick

Mr BROOKS (Bundoora) — I note the sad passing of Mr Frank Dominick on 19 April. Frank will be known to many members on this side of the house, particularly those from the north-east of Melbourne. Frank was born on 17 January 1923. He served his country in the armed forces during World War II. Frank was a life member of the Australian Labor Party, joining the party on 15 December 1947. In fact he was a foundation member of the Bundoora branch of the Labor Party, and over the years supported many local members, including John Cain, Sherryl Garbutt, Harry Jenkins and Jenny Macklin, to name but a few.

Frank was a member of the ALP's housing policy committee for many years and would happily tell people about his experiences on that committee. He was also a life member of the Construction, Forestry, Mining and Energy Union, which was originally the Building Workers Industrial Union, where he was a member of the committee of management for over 20 years.

Frank was a devoted family man. He cared for his wife, Aileen, who was ill for some years before she sadly passed away prior to Frank's passing. He was also very fond of his two daughters.

Frank was a loyal union man who never forgot his working-class beginnings. He was an original settler in the Bundoora housing estate, where he worked with local residents. He made a significant contribution to the Labor movement and to his local community. He will be sadly missed.

MATTER OF PUBLIC IMPORTANCE

Bushfires: victim support

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Gippsland South proposing the following matter of public importance for discussion:

That this house express its ongoing support for the victims of the Victorian bushfires and calls upon the government to ensure that all available measures are used to enable recovery.

Before calling the Leader of The Nationals to commence his contribution, I wish to provide some guidance to members concerning the scope of the debate. I remind members that the 2009 Victorian Bushfires Royal Commission has been established to investigate the cause of the bushfires. When addressing

a matter of public importance today members should refrain from:

- (1) criticising the commissioner or his staff;
- (2) canvassing evidence which is before the royal commission; or
- (3) pre-empting the outcome of the commission's investigations.

Mr RYAN (Leader of The Nationals) — I rise today for two purposes. The first is to offer to the victims of the 2009 Victorian bushfires the absolute and unqualified support of every member of this Parliament, irrespective of any political persuasion. All of us in this place have an ongoing concern for the people who are facing the consequences of this year's disaster, the more so with the onset of winter. The second purpose is to encourage the government to marshal every conceivable and possible resource to offer assistance to the people who are facing a struggle, which is the reality for many of them.

I wish to make it clear that we recognise that many, many people — indeed an army of people — in a variety of locations are doing their very best to assist the people who have been affected by the fires. Singling people out is always a mistake, but I will proceed to make it by referring to Yorick Piper, who has been of the greatest assistance he possibly can to the many of us who are looking after the interests of those who have been affected by the fires.

People are emerging from this disaster by degrees. I was on some of the fire ground just last week, at Flowerdale and then at Kinglake, at Narbethong and over at Taggerty. This was one of many visits I have paid to places where people suffered horrors earlier this year. I have been throughout Gippsland. Indeed some of my electorate has been impacted upon. This morning we will hear from people on this side of the house, and I presume on the other side as well, who as members of Parliament are directly affected by the fires in the sense of having firsthand contact with the people who have borne the brunt of this disaster.

However, the practical fact is there is no point in being in denial. While we are all anxious to help and we are all doing what we can, issues have arisen. I think it is important that we face up to the reality of those issues. If we do not do that, we are not doing justice to the people who are coping with what they are facing. The commentary from this side of the house this morning, and I am sure from the other side, is intended to reflect those basic sentiments.

We strongly support the royal commission. The terms of reference were devised after discussions between the government and the coalition. The Premier made a promise that in essence everybody would have a right to be heard before the commission. Unfortunately for the expectation that was created, a determination was made by the commission that only those whose conduct was under scrutiny would have the right of legal representation. I make that observation without any element of criticism whatever of the commissioners. The decision was made, and I respect it entirely. But the fact is that the promise was made by the Premier, and there is an abiding sense of disappointment amongst people who have been affected by the fires because that promise has not been kept.

There is a capacity in the government to deal with this issue. This is not a court; it is a royal commission. The separation of powers as we strictly understand it does not apply. The government has the ability to amend the terms of reference to enable victims to have a right of legal representation directly before the commission. The government amended the terms of reference for the Metropolitan Ambulance Service Royal Commission. It did so by a press release from the then Premier, Mr Bracks, on 25 September 2000. The government can do that again. The victims want to be at the table.

It is a fact that the victims can still be called to give evidence, and indeed many of them will be. Jack Rush, QC, counsel assisting the commission, has made that very clear. But the fact remains that a promise was made by the Premier and people would love to see that promise kept. Nevertheless, it is important that people who want to make submissions do so by 18 May.

Despite the best endeavours and efforts and commentary by all concerned, there is a misunderstanding about the initial community consultations held by the commissioners. There were 26 of those consultations. At Taggerty last week it was obvious that people do not understand the distinction between those community consultations and the lodging of a submission. In his opening commentary, which I read again this morning before getting to my feet, Jack Rush, QC, emphasised that if people want to make a submission, it is imperative that they do just that. The irony in all of this, with due respect, is that at the time of the Longford Royal Commission the Premier in his then role as Leader of the Opposition was granted leave to appear, as were then shadow ministers Theophanous and Loney. People have an expectation that what the Premier promised them will be delivered.

There are other elements in relation to the conduct of the commission which we are interested in and in some senses are anxious to see unfold. The question of Mr Myers, QC, being at the table on behalf of all the government agencies is a matter which is yet to see its fulfilment as the commission proceeds. Be that as it may, and being conscious of the rulings that have been given and the guidance that has been delivered this morning, I take the matter no further.

On the fire ground itself many issues have emerged to do with a variety of things around the basic concepts of the recovery from the bushfires. I will name but a few. There is the question of fencing. There is the question of the clean-up of those areas of land that have been burnt, and particularly the homes — in the order of 2000 — that have been lost. There is the matter of the re-sowing of the fields that have been burnt. There is the 51 per cent rule, as it has become known colloquially. There are questions around the case managers and their capacity to cope with the load and provide people with the assistance that is so badly needed. I again want to make it clear that we all accept that everybody is out there having a go and doing their best on behalf of the people who are the victims of this nightmare, but there are nevertheless issues that need to be contended with.

There is the determination made by the Victorian Bushfire Appeal Fund advisory panel that the \$50 000 payment will be made only to those who have lost their principal place of residence. In places such as Marysville many of the people who owned homes and moved between Melbourne and Marysville as a matter of course but who could not strictly speaking identify their homes in Marysville as their principal place of residence will effectively get nothing. That is causing great disquiet out there in the community.

There are also all the issues to do with red tape. There are other matters to do with building permits and the difficulties people are beginning to encounter with regard to their ability to build again. I might say this is happening in a framework where, with the best will in the world, enormous expectations were created at the time the bushfires were at their height. People said there would be a rebuilding, that we would rebuild brick by brick and street by street. As winter comes upon us, people are now coping with the fact that the reality they are having to deal with is not necessarily in keeping with what they understood would be the case. These are things we need to face up to, and other speakers this morning will make reference to those matters.

There is another particular issue to which I wish to refer to do with the administration of the bushfire appeal

fund. Mr Landy, with whom I have met and from whom I have received correspondence, has indicated to me that there is a particular difficulty in distributing money from the fund to those who are the victims of the bushfire. That difficulty arises from the fact that the fund is unable to make payments where there is the notion that a corporation or any other form of commercial entity is the recipient. The Australian Taxation Office — God bless it; where would we be without it? — is riding shotgun on the way the bushfire appeal fund makes its payments. That is its role, and so be it, but the issue is around the question of charitable status. The ATO is saying to the fund panel that it must be careful to make payments in accordance with the law, otherwise there is a risk to the charitable status of the fund. That is of course untenable. We could not have a situation where the charitable status was in any way threatened.

I have with me legal advice I sought on behalf of the coalition, and I want to refer to it in the brief time I have available. I also want to make it very clear that, having looked at that advice, I accept entirely the reality of what Mr Landy has said to me. Those administering the bushfire appeal fund understandably need to be very careful in relation to this critical issue. The issue goes to the question of whether the fund can be administered in the way the people who donated so generously to it intended it be administered. I have no doubt that the people who donated those vast sums of money intended that those who are the victims of the fires, particularly farmers and people in small business, would be the beneficiaries of their generosity. Those people did not anticipate that we would run into an impediment the nature of which I have generally described.

The core problem is about the notion of what is 'charitable purpose' under our law in Australia. That important definition is governed by the common law. We do not have a statute in Australia either federally or at state level which defines charitable purpose. The term 'charitable purpose' is of enormous significance in the way the fund panel goes about its affairs. Ironically, we now have a situation in Australia where this whole notion of charitable purpose is bound up with legislation which was passed in England in 1601. The notion of charitable purpose in Australia is governed under our common law by an act of Parliament that was passed in Britain in the 17th century. It is an issue which is untenable in the way in which we deal with charities and charitable purposes in Australia. We have to fix it, and there are means whereby that can be done.

This issue was considered in *Central Bayside General Practice Association Ltd v. Commissioner of State Revenue* (2006). That Australian case examined all the

law in relation to this issue. In the Australian context what became clear was that the word ‘charitable’ has a technical meaning, which was defined in *Commissioners for Special Purposes of the Income Tax v. Pemsel* (1891), an English decision known as Pemsel’s case. In the course of that case there was reference to the spirit and intent of the preamble to the *Statute of Charitable Uses Act* (1601), otherwise known as the Statute of Elizabeth.

Time constraints stop me from going through the 12 pages of legal advice to explain all this in detail, but the simple fact is it is an appalling state of affairs that we have victims out there suffering as a result of these fires who are not able to enjoy the benefit of what those generous donors intended for them because of a statute passed in the British Parliament in 1601. It is a nonsensical and ridiculous state of affairs. It must be addressed, and it can be addressed in one of two ways. There is a capacity to obtain a private ruling from the people running the Australian Taxation Office and for them to specifically make a determination about what the fund might intend to happen in relation to its money. Alternatively, if the ATO makes a private ruling against the capacity to distribute the funds in the way that we all would like to see happen, the federal government must legislate to fix this.

On behalf of the coalition I put that case in a letter to the Prime Minister. I provided to the Prime Minister a copy of the advice which I hold as I speak. I hope the Prime Minister, particularly in the context of the broad-ranging assurances he has given to the victims of these fires, is able to act on this and to do so as a matter of urgency. Otherwise I fear a gross injustice is being done to a lot of people, particularly in the farming sector and in small business.

Insofar as the operation of the bushfire appeal fund is concerned, it would be a positive thing if the fund were to develop a system by which a regular update was given to people as to the actual expenditure from the fund, the commitments that have been made from the fund, the amount of money which was in the fund originally and what is left as the expenditure goes out. I think that would be of great benefit to people.

I might also say — and this is an issue of some delicacy — it is important that the fund advisory panel should speak for itself. The Premier, to his credit, led the way on how we handle this bushfire crisis, but I think the fund advisory panel should speak for itself. As I travel the fire grounds there is an expression of concern from people that there has now been 10 media releases from the Premier’s office detailing

distributions from the fund. I do not think that is the right way to go about it.

I want to finish where I began. We stand united as a Parliament in looking after these poor people in the best way we possibly can. The state of Victoria owes them no less.

Ms GREEN (Yan Yean) — It is a great pleasure to stand and speak in support of my communities, which were so deeply affected by the terrible events of Black Saturday. The house would recall the spirit of bipartisanship that existed in the two days that this house and the other place debated issues arising from the bushfires and showed its support for both the victims and the survivors of that terrible day. The community expects its leaders to work collaboratively and not to increase the suffering of the people who have been affected following the events of that terrible day.

It is a tragedy of enormous proportions that everybody in this place is still grappling with. Again I put on the record my extreme gratitude to the emergency service volunteers and staff who worked so diligently on that day and saved so many lives and protected and looked out for each other: the Country Fire Authority, the State Emergency Service, the police, the paramedics, the community emergency response teams, the Red Cross, the magnificent service clubs and all sorts of members of the community who came to the aid of those who were affected on that terrible day.

The lead speaker, the Leader of The Nationals, has proposed this matter of public importance. I hope that throughout the debate this morning the 10 contributors from the government and opposition will continue in the spirit of bipartisanship and aim not to increase the suffering of the survivors.

I would like to correct the Leader of The Nationals. He referred to ‘victims’ this morning. Victims are those who sadly lost their lives on the day. Those who remain living in those areas or who have had to move out of bushfire-affected areas are not victims — and I say this respectfully to the Leader of The Nationals — they are survivors. They deserve not our pity but our support. I would also like to correct him, because those fire-affected community locations are not now fire grounds. They were fire grounds on the day, but they are now the locations of communities that are rebuilding, and members on both sides of this house ought do everything in their power to work collaboratively to help them to that end.

Anyone contemplating their contribution this morning should not stoop to playing politics with people’s

suffering, and I caution anyone who might be thinking about doing that. The objective of any member in this place should be to do no more harm than has already been done to people as a result of that day.

The appropriate review body to work out the causes and the effects of the terrible fires on that day is not this Parliament, it is not my party and it is not the Liberal Party or The Nationals; it is the royal commission. That is why I am very pleased that the Premier and the government acted so quickly to establish a far-reaching royal commission to get to the bottom of what occurred on that day and to help learn the lessons from it. The area of Yan Yean was terribly affected, and along with the member for Seymour and other members of this place I will be taking the opportunity to appear before the royal commission, both as a representative but also as someone who fought the fires. I am not going to canvass in great detail what I might say to the royal commission.

It is important that we continue to work collaboratively. It would be extremely offensive to play politics, and it would be insulting to the survivors and also to the firefighters and other emergency service workers. The response to this terrible tragedy is of course always a work in progress, and I commend the hundreds of thousands of Australians and people internationally who have donated to the bushfire appeal fund. I also commend the many other local fundraising efforts. I commend all the government agencies that are working closely with bushfire-affected communities, whether it is at the commonwealth level, the state level or the local government level. I hope this collaboration continues into the future for the good of our communities.

Both the relief fund and the Victorian Bushfire Reconstruction and Recovery Authority headed by Christine Nixon are working constantly and looking at new issues that come up, as am I and my staff and other members of Parliament. When someone comes to you and you see that they may be falling through the cracks, the appropriate thing for a member of this place to do is to raise that with the fund, with the authority or with the relevant agencies and to advocate for them. It is not appropriate to name them or to add to their pain or to do a media story, which I know some have done. The appropriate thing is to work through the issues systematically, whether they are about fencing or about support for a business. I commend the work of both the fund and the authority.

I have the privilege of serving on an expert reference group working with the authority. I am absolutely amazed at the goodwill that exists around the table. The member for Seymour and other representatives of

bushfire-affected areas sit on the reference group along with Bill Shorten, who is the Prime Minister's Parliamentary Secretary for Victorian Bushfire Reconstruction, and representatives from the Housing Industry Association, the Master Builders Association, the Planning Institute of Australia and the Victorian Farmers Federation (VFF), which is doing a power of work in coordinating thousands of volunteers in rebuilding fences for affected communities. Representatives of the Red Cross also sit on the expert reference group, as do many other agencies. The catchment management authorities are represented, and everyone is working absolutely collaboratively, and ideas and issues are acted upon very swiftly.

In talking about the VFF and the fencing effort, more than 50 Young Labor volunteers will be coming out on the weekend after next to work with members of the Victorian Farmers Federation, which is often better known as being connected with the other side of politics. This is an example of Young Labor kids putting aside their weekend to work alongside the VFF to help the affected communities.

Thus far the Department of Human Services has paid over 9100 emergency grants totalling more than \$1 million. They have been paid to individuals and families in need. These were immediate emergency grants of up to \$1067 and were issued immediately to bushfire survivors on the Sunday. They were issued on the spot to survivors who had lost everything. Red tape was put aside to get money into survivors' pockets for immediate needs. It is important to put things aside to assist people.

The Leader of The Nationals referred to some difficulties in relation to the fund because of its charitable status. The state government has requested that the commonwealth government look at this matter to work through how the charitable status might not be compromised so that more assistance can go to businesses in addition to the individuals and families who have been supported through the fund. I commend the fund and the authority for looking at creative and supportive ways of getting around the issue of the charitable status.

The government has allocated \$500 000 to the Victorian Employers Chamber of Commerce and Industry Business Relief Fund to provide support for businesses that have been affected but not physically damaged by the fires. The first round of these payments will be made soon. The government has listened to business owners and farmers who were missing out and provided a special, one-off payment in recognition of the unique circumstances they face in the aftermath of

the fires. Only the week before last some owners of small businesses whose businesses were damaged or destroyed by the fires missed out on recovery grants due to the requirement that they earn 51 per cent of their income from their business, but they may now be eligible for a \$5000 special circumstances recovery grant. That is just another example of what the government has done to assist people who fell through the cracks.

In addition the government has provided land tax and stamp duty relief and is waiving fees for the replacement of birth, death and marriage certificates, drivers licences and vehicle registrations. It is important not only that we deal with the material and emotional needs of individual communities but also that we get the economies in those areas back in operation, providing businesses and jobs and keeping services where they are needed. I am pleased to see that with the efforts of Grocon many local contractors are being employed to assist in the clean-up of sites.

Again put on record my thanks and enormous gratitude to the fantastic Country Fire Authority staff and volunteers who continue to work in the recovery effort while dealing with their own grief at the many friends they lost in their communities. I particularly refer to Strathewen — one in five people of that beautiful community is no longer with us. The Arthurs Creek and Strathewen brigade continues to do a power of work in supporting that wonderful community.

I was privileged to be with the Premier, the Minister for Police and Emergency Services, firefighters from across the state and many others at last Sunday's annual memorial service to pay tribute to and honour those who paid the ultimate price by losing their lives fighting fires in our state. Very sadly, I was there with Dini Shepherd and her family. She is the widow of Joe Shepherd, a member of that great Arthurs Creek and Strathewen brigade, who lost his life that day. He was a beautiful, quiet man, and he will always be remembered in that community. I am proud of how that community is supporting Dini and her family.

There will be a permanent memorial in Strathewen. The Australian Blacksmiths Association is undertaking this wonderful project. We are all getting to make leaves out of copper or steel with our own names or the names of the beautiful people we lost on Black Saturday. This will be a lasting tribute and is another example of the wonderful things communities are doing across the board to provide healing and get on with the rebuilding effort while not forgetting those we have lost.

It is very important to continue to support the survivors — they are survivors, not victims. I commend the government on its efforts, and I know it will continue to do everything it can, working with those who have the best interests of survivors at heart. I commend this matter of public importance.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the matter of public importance:

That this house expresses its ongoing support for the victims of the Victorian bushfires and calls upon the government to ensure that all available measures are used to enable recovery.

It is very important that we continue to support and advocate for all victims, direct and indirect, of the bushfires in January and February. In this era of the 20-second grab we rush around getting on with things that require immediate attention, and it is very easy to push to the back of our minds the real and ongoing suffering of those in our communities who have been made homeless, who have lost loved ones, who have lost businesses and whose jobs are no longer there — those whose world is so different and so difficult, where every day is a fight for survival, a fight to find the energy just to keep getting up, a fight to wake up to the reality of what was and what is.

So many good things have been done, and so many good things are being done as we speak. However, the reality is that some things that should have been done have not been done. It is our job to represent those in need and advocate on their behalf as they struggle with surviving the catastrophe of the fires that started in Gippsland on 28 January, destroying 29 homes and 72 outbuildings and other assets; the fires of Black Saturday; and the fires that continued throughout the Yarra Ranges and in the Upwey area.

I specifically mention the Gippsland fires to point out that the people of Gippsland, understandably, feel they have been forgotten in the process, because the emphasis by the media has been on Marysville, Kinglake, Steels Creek and Chum Creek. I guess it is an easier story for the media to handle as those areas are closer to Melbourne and so many more lives were lost there. However, all members of this house recognise the suffering of those in Gippsland from the fires that started there.

It is now three months since the fires. More than \$320 million has been donated. In many cases people have given more than they can afford, which makes you extremely proud to be an Australian and a Victorian. There have also been donations from overseas. I was pleased to hear about the US wine importer, Old Bridge Cellars, which donated \$25 000 to

the Country Fire Authority. It markets wines from the Yarra Valley, and it said it had heard the stories and wanted to help the CFA. There were numerous fundraising activities in the Yarra Valley — far too many for me to mention. I hesitate to itemise them all, because I am sure I will miss someone and offend them. But of all of this money — the \$320 million that has been given — according to a quote attributed to John Landy on Monday only \$36 million has been distributed. Yesterday's *Herald Sun* newspaper carried three pages plus an editorial on the issues facing victims.

With regard to the allocation of \$50 000 to those who have lost their homes, the process is too slow. They have been caught up in a convoluted bureaucratic process, and it is putting tremendous strain on people who want to move on and start their lives again. I visited a survivor at his property on Tuesday on top of the hill at Toolangi. I said 'property' not 'home' because the home has gone. The day was freezing cold and wet, and he had nowhere to store any of the tools he needed to start working on the property. He has three very active small children, and for three months the family has been living in a tiny cottage that was built only for people to spend a weekend in. This man desperately needs to get the money to build a shed to put his tools in and to put the kids toys in so they can play out of the elements while he and his wife get on with what they need to do on the block. It is cold up there; it is freezing in Kinglake and Marysville. I believe the temperature was 1 degree this morning.

The government is probably too involved in this actual process. I guess that is a natural process because of the involvement of case workers and their backgrounds, but this money was given by the people for the people. The announcement of funding allocations is made and yet weeks go by before the funds are passed on. It is simply not quick enough. It is fine talking the talk, but it is also terribly important that we walk the walk. We have people still living in tents and small caravans on their land and living with family and friends in overcrowded houses. A shed or a garage — if that is what they want — could be built with this \$50 000. They need a place to store things and a building to cover some of those small caravans, campervans and tents to provide extra shelter from the elements.

I am being told frequently of people having to supply their details over and over again. It is demoralising and degrading. We are talking about people, the majority of whom have never had to hold out their hand for help before and now are being put through bureaucratic hoop after hoop. The announcements are made with great fanfare, but when will the money get through? We

are told case workers have been assigned to everyone who has lost their home, yet a 78-year-old man from Taggerty who has lost everything came into my office on 23 March apologising for the state of his shoes, because they were the only ones he had. He had used his initial \$1000 to buy a hammer, nails and other tools to fence his property and contain his stock. He had not been told of all that was available to him. When I went through it with him, he was overwhelmed by the generosity, but he was also overwhelmed at the thought of having to fill out forms and supply personal details to strangers. He is a man who has never had to ask for help before.

A single mother from Glenburn lost everything. A normally strong and resilient woman, she had organised a caravan to be taken to her block but needed a water supply. By the time she got to me she was distraught. What she was trying to get was a small water tank that could be put on the back of a trailer so she could use it until a new tank could be erected. But it seemed to be beyond the ability of those who she had gone to for help. I made a call to the Rotary Club of Wandin, and within 24 hours it had delivered, connected and filled a 1000-litre tank for her. I called the Rotary Club of Chirnside Park, and it funded and delivered a builders toilet. I was very pleased to help.

I am not saying this to make it seem like I can solve all the problems, but I worry for those who do not know what to do and do not know how to find people who can help them. These are the sorts of things that money is needed for. Volunteers are still working on replacing fencing as we speak. Many farmers have had to sell their animals because they cannot contain them. The amazing Lyn Mullens of Dixons Creek, who lost a husband three months before the fire and her home during the fires, is coordinating fencing teams.

I am running out of time and there is so much I want to mention. With regard to tourism, I was really pleased about the announcements made by the Minister for Tourism and Major Events of funding to boost tourism in the Yarra Valley. It was very gratefully received, and it achieved a lot. The shire council estimates that 630 highly trained hospitality people have lost their jobs since the fires. The grape grazing event, which is normally attended by 18 000 people — that is the shire council's figure; I thought it would be higher — was this year attended by only 9000 people. Losses have occurred there. The accommodation and tourist services have taken a while to recover, so the effects of the fires will be ongoing for quite a long time.

Many of the timber industry operators who use their equipment to fight fires are now working on timber

salvage. I am sure other people will be talking about that. We have erosion problems at Steels Creek and Dixons Creek, but not like the terrible problems Licola had after the bushfires there.

Sports facilities were damaged. Yesterday the Minister for Sport, Recreation and Youth Affairs made announcements which I am really pleased about, because a lot of the sports facilities were damaged through having emergency services workers camping on them. I am not criticising that; it had to happen.

There has been a lot of work done by many people, including volunteers, for animals that were hurt in the fires. I would like to mention Carolyn Rogers in particular, the Sewing for Wildlife founder, who has been sewing pouches with the help of other women. They have made 5000 pouches. She is also going to schools and talking to the children, which is terrific, because the kids are worried about the animals.

Housing is a matter of great urgency. There are still caravans stored at Mooroolbark. I think there are roughly 200 caravans which have been donated to help bushfire victims but which are not in use because the blocks have not yet been cleared and people cannot get permits to put the caravans on the blocks. That needs to be rectified urgently. We cannot have people living in tents or in little campervans when we have caravans of a good size sitting on a block in Mooroolbark. As I said, I was advised this morning there were 200 of those. As I also said, lots of really good things have been done. I am very grateful, and so is my community, for those many things, but it is really important we do not lose sight of the need.

Mr HARDMAN (Seymour) — I also endorse the matter of public importance (MPI) submitted by the Leader of The Nationals. I also put the case that people are survivors and not victims. We need to focus on that in our treatment of them and in going forward through the recovery and reconstruction process.

The government obviously supports this MPI. That support has been reflected in the budget this week with the government committing nearly \$1 billion — or \$986 million, I think it is — in funds to assist with the costs of the firefighting efforts and the reconstruction, the clean-up and community rebuilding over the next few years.

Last night when I read the matter of public importance I was pleased with the wording. When I was told about the MPI to be submitted I thought, 'Oh no, what is this going to be about?'. I wondered if it was going to be an opportunity to grandstand or if it was going to be a

genuine attempt to commit the Parliament and the government to the ongoing efforts needed to provide for the communities and individuals impacted by the fires on 7 February, the fires that continued after that date and the fires in Gippsland that occurred before that date.

The tragedy that has come out of these events is widespread. I have not seen all of it as yet, but the fires severely impacted the Seymour electorate. As I mentioned in my contribution to the condolence motion, many towns were affected by the fires, including the Redesdale fires in the Bendigo complex area which also affected part of the north-western corner of the Seymour electorate.

On 7 February the lives of many people changed forever, including my own. My focus on my job and what I do, and even how I view the world, has changed since that day. I see that as something that has come out of the fires. I know that for my constituents in the Seymour electorate that day has forever changed many of their lives and the way they view the world as well. It is only when you see a tragedy or are part of a tragedy that you start to understand what is important, and that has been an interesting experience.

The recovery process is obviously going to be long. I do not like to use the word 'overwhelming', but in many respects it is overwhelming. That is something that we all have to come to grips with. We also must recognise that to step up to the plate and make this the best possible recovery and reconstruction, we need to focus on what the communities need, to listen to what they are saying and move forward from there. By the same token we have to do that with consensus, because there are many people who have been impacted by the fires who have very different views about what should be done and about how people should be treated going forward. It is important to realise that is their reality and is how they see the world; therefore for them it is real. We have to try to find some consensus within that to ensure that we do as good a job as possible.

On my visits to the communities and towns in and around the Seymour electorate, I have had totally different conversations with people about how they see the recovery process. I can be listening to someone who wants the recovery to proceed in a particular way, and immediately afterwards I can be listening to another person who is telling me something absolutely and totally different. In some respects they are both right, because it is the way they see things and it is what they want to do, but to move forward there has to be some kind of consensus from the whole community about how we proceed.

I speak today about a positive event I went to at Marysville on Sunday. There were a couple of hundred people there; I did not do a headcount, but there were a couple of hundred. As has happened all the way through the recovery process, there were many volunteers there to help and facilitate. There were also people from the shire, the Victorian Bushfire Reconstruction and Recovery Authority and government departments. They were all there to listen to the community about its needs and wants in moving forward.

The events of the day were exceptionally well facilitated and run. There was a person running the meeting and people were able to get up and give a 1 minute speech about what they liked about Marysville, Narbethong, Buxton and Taggerty — that Marysville triangle area — and what they wanted going forward. We heard many different opinions, but each one was well respected. People then broke into groups which were facilitated by volunteers and people who obviously had experience.

One of those people was a community relationships manager from Department of Primary Industries and another was a friend I grew up with in Kiama who had flown down from Brisbane to be there for the day. That is an example of how much help is coming in and how many people want to help. The people got together and wrote down all the things that were important about Marysville and what they wanted to see going forward. If we can concentrate our efforts on doing those sorts of things, then we will do a really good job of the rebuilding and recovery process. Obviously so many things could be said about this matter, but I hope I have encapsulated some of them through that small anecdote.

I understand that the response is not perfect and that there are survivors out there who are still falling through the cracks. I am talking to them all the time, and it is my job, as it is the job of every member in this chamber, to make sure that we get that message through to the people who matter, including the Premier and the ministers in charge, the Victorian Bushfire Reconstruction and Recovery Authority, the federal government and local government. I would like to make one point about something which has been drawn to my attention recently and which I have seen. To improve the way the recovery moves forward, local, state and federal governments, including the Victorian Bushfire Reconstruction and Recovery Authority, all have to make sure that they are kicking in the same direction and talking to each other and communicating. If I could have a wish, it would be that that happens and that people get together, communicate what they are doing, work together and make sure that everybody is

going in the same direction and always respecting the individual local communities in what they want. Flowerdale, Kinglake, Strathewen, St Andrews, Wandong and Clonbinane — all those communities are different and all the people who live in those areas are different; however, at the end of the day we need to ensure that we are putting our best foot forward and putting the time, the resources and the focus into making this a good recovery process.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the debate on the matter of public importance proposed by the Leader of The Nationals. Like other members of Parliament, I too offer my ongoing support and love to bushfire survivors. I also say to the member for Seymour that we share the emotions he expressed in his contribution.

I do not want to politicise my contribution to the debate on this matter of public importance; however, I do want to relay some of the real stories from people who have been caught up in this awful disaster. The Victorian bushfires were not confined to just 7 February. As the member for Seymour said, Gippsland was affected some 10 days prior to that date, with bushfires hitting the communities of Boolarra, Yinnar, Darlimurla and Mirboo North. Up to 30 homes were lost in Boolarra at that time.

The devastation caused by the fires of 7 February hit many Gippsland communities hard and caused death and destruction on a scale never seen before. After that, disaster relief centres were established. Looking back now, it really was a surreal experience, but at that time we saw the cohesive nature of the teamwork from various government departments, insurance companies, banks, councils, service clubs, volunteers, the Red Cross, Lifeline et cetera. Previous speakers have mentioned that, without naming everybody, we should acknowledge the great efforts of Country Fire Authority personnel.

I want also to make a quick reference to the ambulance officers and paramedics who did an outstanding job through that disaster. It was an emotional time for many survivors, who were simply overwhelmed by the generosity and goodwill of people within the community. However, three months on — it will be three months tomorrow — unfortunately the mood has changed markedly for many people who experienced this disaster. At the same time, let me say that the support from the three tiers of government, the business sector and the community in general has been amazing, as can be seen by the amount of money donated to the Red Cross Victorian bushfires appeal and, in our area, to the Gippsland Emergency Relief Fund.

Tuesday's *Herald Sun* contains an article that refers to Callignee fire survivors Louise and Tony Mann and some of the challenges they are facing at this point in time, particularly in relation to the bushfire appeal fund. Previous speakers, particularly those from The Nationals, have outlined some of the difficulties in making sure that those funds are disbursed in an appropriate time. However, the people who are the intended recipients are feeling somewhat frustrated about the funds not being disbursed in a timely manner, particularly when it was announced seven or eight weeks ago that they might be eligible for grants of up to \$50 000, for example, and only a small portion of that total fund has been disbursed.

Also the point needs to be made that people who have contributed to the Red Cross appeal are somewhat frustrated knowing that the moneys have not been disbursed to those in need in a timely manner. As I have said, I do not want to be critical of the Red Cross, and I want to highlight that the Leader of The Nationals has outlined the reasons for that having occurred.

In the article Tony and Louise Mann are also reported as speaking about difficulties associated with insurance companies. On the whole I feel the insurance companies and the Insurance Council of Australia have done a pretty good job in the circumstances. Of course there have been many challenges with private insurance companies and particular insurance issues, but with a disaster of such magnitude that is understandable.

The Manns also referred to communication issues and said that some of the information was not being provided to bushfire survivors. This matter has been relayed to me strongly and loudly. Case managers have been appointed to many bushfire survivors, and they are doing a good job in some circumstances, but the issues are not only about the grants, funding or assistance that is available to bushfire survivors. People are missing out on hearing about local community meetings and other forums in which they would be interested. In this house in early March I raised the possibility of having a one-stop shop or a central data point that would be established in each fire-affected community. We have all the data and the details of the people who have been affected by this disaster, and the technology is available for us to disperse this information to the people who need it. It is disappointing that in general conversation you might mention a particular fund, a grant or a community meeting that might be occurring only to hear that people are unaware of them. I think we have some work to do in that regard. The notion of establishing a one-stop shop or a central data point from which this information can be dispersed to the people

who require it is a matter that we could consider and implement quite easily.

I want to commend the community associations and recovery committees whose members are doing a marvellous job in the various bushfire-affected communities across Victoria. Some examples in my own electorate are the Traralgon South and District Association and the Boolarra Community Development Group, the members of which are doing an outstanding job on behalf of their communities. However, the task is quite difficult for them, and we could lighten their burden by having a one-stop shop or central data point that would help disperse some of the information instead of relying on the community associations to do so.

Yesterday in question time the Premier spoke about time lines for the clean-up process and the utilisation of local contractors. Some local contractors and victims of the bushfires whose homes have been destroyed have raised concerns about the time lines and the usage of local contractors. I think it is important that local contractors are used where possible, even if only to contribute to their sense of wellbeing in being able to give something back to the community that has been affected. Where we can, we should encourage this absolutely. It is pleasing to see at least some work commencing in that regard and that we are getting there.

Many farms and properties in the Morwell electorate and the Latrobe Valley are owned by hobby farmers who derive more than 51 per cent of their income off the farm. This has caused great consternation for many people who simply do not qualify for the many grants that are available. I reiterate the point that these grants are most welcome, but the reality is that people become bitterly disappointed once they realise they are not eligible for such assistance. Earlier I mentioned Tony and Louise Mann, who lost business vehicles in the bushfires. They realised that they were not eligible for any stamp duty relief should they purchase new vehicles because their circumstance was different to those of people who lost private vehicles in the fires. There appears to be an anomaly there. However, at the same time it was pleasing to see the announcement that the criteria for one-off \$5000 grants to small businesses and farmers will not include the 51 per cent off-farm qualification.

I think one of the biggest issues is the unmet need. We talk about people slipping through the cracks of the system and not being eligible for funding and assistance, but what are we actually doing with that information? In the event that a case manager assesses

somebody's situation and realises they do not qualify for particular funding and grants, we are really doing nothing to note that unmet need and deal with it, and I think that is something we really need to address. Again we could do it quite simply by having a register that would note the details of the unmet need of individuals and businesses. This would be beneficial not only for the recovery authorities but also for the government and local communities to identify whether there is a high percentage of a particular need in the community, and then we can address it. The simple fact is that people are becoming frustrated at the moment because they are slipping through the cracks. They do not qualify for a particular funding grant, and nothing else is happening. They are left to their own devices.

Housing has been mentioned. I think we can do a little bit better there. For example, there is a 97-year-old man in Callignee who is residing in a caravan. Maybe through the Department of Human Services and the government we can look at better ways to deal with this or bend the rules somewhat to provide some flexibility to allow people like that, people about whom the community is concerned, to be provided with a more upmarket form of temporary accommodation.

Fencing has been mentioned, and there is a massive task ahead. Volunteers have been just amazing. In our region we have had volunteers come across from Tasmania and South Australia to assist. Benn Thexton, who is a fencing coordinator, has done a wonderful job. Helen Hoppner from the Cowwarr Cricket Club Hotel has accommodated visitors from interstate, which is just fantastic to see.

With respect to building, I know a lot of people are now at the stage where they are trying to construct housing plans. At the moment many builders are grappling with the new building regulations that are in place, and I think the government, the building commission and others need to seriously look at resolving some of the issues that are being confronted by not only the builders but also the planners, surveyors and councils. On the whole I support the thrust of the matter of public importance.

Mr FOLEY (Albert Park) — The electorate of Albert Park may well be a long way from many of the fire grounds that so tragically ravaged Victorian communities earlier this year, but it too has been impacted upon and has responded in much the same way as all of Victoria's communities have responded. It has shown its support and lent its help through fundraising, through providing volunteers, through providing temporary housing and through a whole range of measures in schools, sporting clubs, local

government, service clubs and RSLs — a whole raft of areas that make up the communities which were not directly affected but were impacted upon not just because of the scale of the disaster but because of the scale and the human-to-human links.

It is an honour to represent my community, to reflect on some of its contributions and to make some passing comments about this important matter that the member for Gippsland South has brought before the house. As the member says, the house expresses its ongoing support for the victims. The member for Yan Yean has also brought to the attention of the house that they are equally the survivors. There is an important distinction between those who see themselves as victims, quite rightly, but also look forward and see themselves as survivors rebuilding their communities. The matter of public importance then goes on to call upon the government to ensure that all available measures are used to enable recovery.

It has been quite edifying so far in this debate to note that the tone in which the member for Gippsland South commenced the debate has continued and that members on both sides of the house have avoided the temptation to turn this tragedy and significant disaster into a partisan point-scoring exercise. The tone of this debate is similar to that reflected in the condolence debate in this house immediately after the terrible fires. We have also heard members rightly acknowledging the resilience and determination of survivor communities and the support they have received from across the Victorian community, interstate and overseas. We have also heard acknowledgements of the scale and the speed at which all levels of government — local, state and federal — responded.

To this effect I point to what has turned into a relatively famous letter from one of the survivors of the fire, Gary Hughes, a journalist from the *Australian* who dealt directly with the Prime Minister in relation to some of the matters early in the recovery. He reported to the Prime Minister in a letter written the week after the fire:

By comparison, at Diamond Creek on Monday —

that is the Monday immediately after the fires —

the Victorian government's Department of Human Services officers were sitting at an adjoining desk handing out emergency relief.

When survivors told them they had lost everything, including their identification, the officials replied that was fine, took down names and addresses, asked for a signature and wrote out cheques and handed them over.

That, Kevin, is called cutting through the bureaucratic crap. It's also called trust.

That initial response has largely continued through the efforts of the Victorian Bushfire Reconstruction and Recovery Authority, the efforts of local, state and federal governments, the efforts of non-government organisations and the efforts of the community itself. All of this has been conducted in a manner that points to the fact that this terrible disaster has written itself into the ways in which these communities need ongoing assistance and support, as the matter of public importance says, to ensure recovery.

As previous speakers have also pointed out, this is not a matter where the processes should be immune from criticism where criticism is warranted or from constructive suggestions where constructive suggestions are warranted. There also needs to be a continuation of the bipartisan approach to make sure that the real human suffering, community dislocation, ecological problems and economic setbacks of the farming and business communities are all dealt with and responded to appropriately. In doing so we need to ensure that approach is measured and constructive, and that it recognises the processes put in place by all levels of government in their response to those issues. We should also recognise that our approach will inevitably blur with the royal commission's line of review of the processes associated with these terrible fires.

So far we have heard constructive contributions to the debate from previous speakers, particularly on matters concerning non-government organisations such as the Red Cross and the taxation issues around their charitable status. We have heard matters relating to insurance claims and the difficulties caused by the scale and extent of the damage in particular examples. We have heard about communication and information difficulties arising from time to time. We have even heard constructive suggestions on how some of these issues could be circumvented or ameliorated.

Suggestions have been made encompassing different aspects of service delivery, focusing on the needs of particular communities, whether they are towns, small businesses, the agricultural sector or even hobby farmers. We have heard about how housing issues could be responded to more effectively. Ways and means for more flexible service delivery arrangements have been suggested. These suggestions have come from within my own community and, following discussions I have had with the member for Seymour and with other members, I have no doubt they have come from within other electorates which have been so tragically impacted upon.

On the continued support from both sides of the house for this matter of public importance, the real question

concerns how its intentions can be practically achieved so as to ensure that the goal it sets can be delivered to the people in these communities. I will briefly focus on one aspect of how Victorian government agencies have sought to respond to some of those issues in a coordinated approach with federal agencies. That has particularly been the case with the approach taken by the Victorian Bushfire Case Management Service, which was pretty quick out of the blocks — it was established on 13 February, the Friday immediately following the fires — in seeking to help families and individuals negotiate the range of services and government agencies that have come together in this approach, which can be a daunting task.

So far, at least as I understand it, there are now nearly 380 case managers working with the range of communities across the state which have been affected by these terrible events. As the previous speaker said, they seek to bring together in a one-stop approach the 72 agencies across Victoria that are involved in delivering the bushfire reconstruction and recovery process. They are helping some 5000 families and an equally vast numbers of individuals to get their lives back on track.

Against this background I hope the constructive suggestions continue to come from those communities through their political representatives on both sides of this house. That sort of approach allows communities to respond effectively and democratically through their representatives, so that services can continue to be delivered in such a way as to ensure that those communities really can recover.

Mr BLACKWOOD (Narracan) — Today's matter of public importance on bushfire recovery is extremely timely. We are now three months out from the fires of 7 February, and all the issues that we have to deal with have pretty much come to the fore, but I am sure that over the next 12 months there will be many more issues we will have to acknowledge and deal with. I want to put on the record my appreciation of and my concern and support for all our parliamentary colleagues who have an electorate that has been hit very hard by these fires, particularly those electorates that have suffered terrible loss of life. I put on the record my support for the members for Yan Yean, Seymour, Morwell and Gippsland South. I have had a bit of a taste of what it was like for them. We were lucky at the Bunyip Ridge fire that no lives were lost, but all the members I have mentioned are serving areas that have suffered terrible loss of life, and once again my thoughts go out to them. It is incumbent on us as members of this Parliament to make sure we support our fellow members as best we can.

The cold weather has set in, the rain has started to fall and the mud will now start getting deeper. The climate for deepening depression is upon us. The government response in the form of grant announcements made by the federal and state governments almost on a weekly basis gave the victims of the Bunyip Ridge fire an initial sense of hope. However, now we are seeing that hope turn to anger and despair as applications become bogged down in red tape — too many forms to fill out, repetitive requests for the same information, constant demands for proof that the applicant's situation is genuine, statutory declarations for every grant application and referrals to financial advisers — which ends up causing time-wasting delays. All this is adding enormous stress to already depressed and now traumatised families and individuals.

I applaud the government for many of the initiatives it has announced, but I am very critical of the actual announcements taking priority over the development of processes to deliver the grants being offered to victims. Surely it would make much more sense to ensure that a mechanism for the delivery of all these grant programs has been developed and is in place before the announcements and subsequent media releases are publicised. My office has been inundated with frustrated and angry genuine fire victims. Their case managers are also finding it just as frustrating and difficult. If their clients are able to tick only 9 of the 10 boxes on a grant application, they are immediately knocked back. There is a lack of compassion and flexibility in this process. The problem may be that our agencies are trying very hard to deliver assistance as quickly as possible and in doing so are taking a broadbased, one-cap-fits-all approach to assessment of applications.

What I have discovered with many victims is that often they have a fairly unique set of personal circumstances and therefore need to be assessed on an individual and more personal basis. A good example of this is Jessica Grayden and her brother, Hew, who lost everything in the fires on their 20-acre family farm — house, sheds, fencing and pasture. Jess is 23. She is the sole carer for her 21-year-old brother, who has Down syndrome. Jess and Hew have lost both parents to cancer — their mum in 2001 and their dad in 2006. When the fires struck the property was still in their father's business company name and the process for the transfer of ownership to Jess and Hew had almost been finalised by their solicitor.

Under the current rules Jess and Hew will not be able to access the \$50 000 from the bushfire appeal fund because the home was not in their name. That is an example of the rigid inflexibility of the process which

has been put in place by the government and which is being administered by the Department of Human Services — and it is causing enormous stress and heartache for those already doing it really tough. However, I do not intend to give up on this one, and I will do everything possible to get for Jess and Hew everything they are entitled to.

Another example is the situation that Sandra Firth-Williamson is trying to deal with. Sandra is a 67-year-old widow. She came to my office and was in tears as she explained the run-arounds and knock-backs she was getting in trying to access the grants she believed Mr Brumby had promised her. After the fires all she had left of everything she had acquired over her 67 years of life were two small cardboard boxes of personal possessions. Sandra had tried to access the temporary living expenses grant, but because she was living with a friend she was deemed ineligible. Certainly she is not wearing the cost of temporary accommodation, but I believe she is entitled to other living expenses such as food, clothing, personal items, essential household items and so on.

Another element of frustration has been caused by the long delays in getting Grocon to our area to start the clean-up. Many house and shed sites are still waiting to be cleared, and clearing has just been started on some. I understand it is a huge task across all fire-devastated areas, but part of the reason for the delay could be that the conditions of engagement Grocon has put on local contractors have been so tough that most are not interested in the work and the few that are have not been engaged. I have been told that all the contractors now working in our area are from out of town.

It is very depressing for people still living on site in temporary accommodation to have to walk out their door every morning and be confronted with the shocking reminder that all that is left of many years of hard work is a tangled mass of twisted iron, concrete and bricks. That is not a great way to start your day at any time, let alone when you are trying to come to terms with the enormity of your loss and stay in a positive frame of mind.

Gina and Warwick Harris of Jindivick are typical of many in this situation. They thought they were fortunate to save their home from the fireball, but they witnessed their business, their livelihood, going up in smoke. Their sheds, tools and stock worth hundreds of thousands of dollars were lost. They cannot restart their business until they rebuild, retool and restock. They have waited over two months for the promised government clean-up, and every morning for three months they have had to confront the twisted mass of

misery at their back door. Then, to add insult to injury, their insurance company has played hardball with a policy they had for loss of income through interruption to business. The Insurance Council of Australia is helping with that.

I must say that the insurance council has been fantastic in assisting many fire victims with insurance problems and in most cases has been able to achieve a very quick and successful outcome. Unfortunately the promise by the Prime Minister and the Premier to stand beside fire victims and help them rebuild their homes and livelihoods brick by brick appears to many at this stage to be a commitment that may never be delivered.

I know this is a very negative account of some aspects of the bushfire recovery in my area. However, it is critically important that I take this opportunity to put before the Parliament the concerns our bushfire victims have and the problems they are currently having to live with. Most of the extremely generous donors to the Red Cross appeal believe that all bushfire victims are getting all the help they need based on the Premier's announcements and media releases. For the victims of the Bunyip Ridge fire this is just not happening. In highlighting these gaps in the delivery of assistance to the victims I plead with the government to act immediately to cut the red tape and get things moving.

The problems being faced by farmers in the Labertouche, Jindivick and Drouin West areas are another example of the urgency of the situation being faced by many businesses. There has been little or no financial help given to farmers to replace boundary fencing. Without fencing, farmers have no chance of resurrecting their businesses. Most have had to borrow to buy materials and, thanks to the hundreds of volunteers, most have been able to rebuild their boundary fences. But the government must come to the party on this cost, especially for those who share a boundary fence with a government agency. A recommendation of the 2006 bushfire inquiry was for state government to become a good neighbour and share the cost of fencing on its boundaries, just as any normal neighbour has to do.

There have also been many positives in the recovery effort to date. The huge army of volunteers has been untiring in its provision of labour, emotional support and generous donations of much-needed essential materials. The Baw Baw shire management, staff and councillors have done a magnificent job, ranging from the setting up of the municipal emergency response right through to dealing with a whole range of issues. The Victorian Farmers Federation, with its coordination of donated hay and fencing volunteers, has been

tremendous. Four-wheel drive clubs, service clubs and individuals — especially those who continue to man the drop-in centre at the Labertouche hall — have all played a critical role in helping victims on the road to recovery.

Regional ABC radio in Sale did a fantastic job during the fires, and now it is keeping in touch with all those who are still suffering because of the issues they are dealing with as a result of the fires. It is giving people support and trying to give them hope.

Over the next 12 months it will be important that we stay in touch with all the people impacted by the events of Black Saturday. I urge the state government to have an urgent review of all grant programs, to talk to the case managers and to implement improvements to the assessment of applications for grants and the delivery of grants to ensure that genuine fire victims are able to access all they have been promised by state and federal governments in a much shorter and less frustrating time frame than is currently the case. The state and federal governments must revisit the issues that our farmers are facing and also find ways to assist those businesses that are suffering a drastic drop in activity because of the fires.

Ms LOBATO (Gembrook) — I also rise to support the matter of public importance submitted by the member for Gippsland South. I support the sentiments expressed by the members for Yan Yean and Albert Park, who talked about the importance of language. The matter of public importance states:

That this house expresses its ongoing support for the victims of the Victorian bushfires and calls upon the government to ensure that all available measures are used to enable recovery.

I support the members' calls for the term 'survivors' to be used instead of 'victims'. Unfortunately these fires created many victims, but we also have a lot of survivors.

It is appropriate that I should follow the member for Morwell in this debate. Unfortunately we, along with the member for Narracan, shared the horror of the Bunyip Ridge fire that wiped out approximately 27 000 hectares. That was just one of the fires that surrounded and threatened the electorate of Gembrook, together with the Kilmore East, Murrindindi and Upwey-Belgrave South fires.

Today we are talking about the ongoing support from this government for the bushfire survivors. It is important to reflect on 7 February and acknowledge the absolute devastation and destruction caused by Australia's worst natural disaster and to reflect on the

response from this government subsequent to that terrible day. On 8 February we had the immediate response from this government. It actually started on 7 February but on 8 February we saw the Premier take an admirable leadership position. He was there immediately, with the Prime Minister, with local members of Parliament and with all ministers. Each and every minister cancelled their forthcoming calendar events and went into the fire-affected communities. They sat down, listened and immediately began the response. The response has been outstanding for all the affected communities. It has been extraordinary for the communities I represent, communities which were not directly affected by the fires but which were threatened for up to five weeks.

I want to discuss some of the initiatives that were implemented by the Brumby government and the federal government as very effective partners — and there should be partnerships throughout this response effort. The first thing was that the state government, in partnership with the Red Cross, set up the Victorian Bushfire Appeal Fund. This fund raised, I think, \$335 million. That is an extraordinary amount of money, and each and every person who contributed should be very proud of themselves. We now see that fund has paid out around \$40 million. The bulk of the money is starting to flow with about \$1.5 million to \$2 million being accessed by survivors each day. On top of that, yesterday's budget provided nearly \$1 billion to help complete the response effort.

I want to make mention of other initiatives the state and commonwealth governments have put in place. The case managers that were provided to all affected families throughout the crisis were very welcome. I note that the Minister for Community Services is at the table and will speak later. I am sure she will say more about that. However, the value of having the case managers for referrals, for counselling and for direction to available services cannot be overrated.

The business and tourism support provided to affected communities is also very welcome. As we all know, many businesses were physically burnt out and need much assistance. An industry assistance package worth \$51 million is delivering grants to businesses damaged or destroyed by the fires as well as low-interest loans and mentoring advice for those rebuilding businesses. So far over 1100 grants of \$5000 have been allocated and over 100 grants of \$20 000 have been paid to farmers and businesses to assist them to bounce back after fire damage. This is very important for those affected communities, along with the need to provide support to increase tourism to these areas that are so heavily reliant on it. The assistance is also vital to areas

like those in my electorate of Gembrook that suffered tremendously from a lack of tourism during the fires. These areas were threatened by the impact of fire for up to five weeks and of course the tourists were not visiting them. All the assistance the governments are providing for the business sector and to increase tourism is very welcome and needed.

I do not have much time left, so I want to make some brief comments about the importance of the government's initiative to instigate a royal commission into the bushfires. The feedback from the community is very important. We need to learn from these fires and make sure that something as devastating never occurs anywhere in this country again. Importantly the royal commission, headed by Justice Teague, will make initial recommendations to this Parliament in August this year, in time to implement necessary changes prior to the next bushfire season.

I need to touch on the politicisation of the issue and the accusations that Country Fire Authority members have been gagged. I think it is very unfortunate. All CFA members can make a contribution to the royal commission. They have also been doing that through local members. We are all listening to the experiences and the suggestions, and we are putting those forward. I held two community bushfire workshops in Warburton and Gembrook last week. Many people from the community and emergency services in a whole range of areas came to these workshops and talked to me. In the case of the Warburton forum they also spoke to the Treasurer, John Lenders, and discussed their experiences and provided suggestions. They spoke about what was good and what was not good in the response and provided suggestions. They did the same at the Gembrook forum where the Minister for Police and Emergency Services was listening and taking their information on board. I thank both those ministers.

I would also like to thank other ministers who played an active role in the response to my communities during the bushfires. I also acknowledge the members for Seymour and Yan Yean, who have been outstanding advocates on behalf of their communities throughout this awful experience.

Dr SYKES (Benalla) — I welcome the opportunity to speak in support of this matter of public importance put to the house by the member for Gippsland South. It is:

That this house expresses its ongoing support for the victims of the Victorian bushfires and calls upon the government to ensure that all available measures are used to enable recovery.

I commend the previous speakers from both sides of the house, who covered a wide range of issues. I would like to comment on two particular aspects: firstly, the role of local government and the challenges it faces, and secondly, the challenges confronting individuals and communities. I want to concentrate primarily on the so-called Beechworth fires, which impacted heavily on the Alpine shire and to some extent the Indigo shire, which is looked after so ably by my colleague the member for Benambra.

Let me make it clear that effects of this series of fires and the associated recovery process make for a massive task, and no-one expects perfection from day one. Many good things have been achieved. Quite a few of those are as a result of lobbying by local MPs and other interested individuals and agencies — and certainly local MPs are in an extremely good position to identify issues, to pass on to the government the issues of concern and to lobby for action. The challenges I see confronting us now include, as I have said, the enormity of the task. The initial attitude in the crisis phase and the early recovery phase expressed by the agencies and the government was, 'We will do whatever needs to be done to get us back on our feet'. That included things like back-burning and resourcing. However, since the flames have been suppressed the government bureaucrats have reverted to strict adherence to policy and tangling people up in red tape. That is coming to me from people working with the agencies.

If we look at the Alpine shire — it is a relatively small shire in the scheme of things, with a low income base — we see that 23 660 hectares were burnt, including 12 680 hectares of farmland. Regrettably two lives were lost, over 250 properties were affected and 2100 kilometres of fencing was burnt. This disaster in that shire comes on the back of 10 tough years. There have been three major bushfire events now, in 2003, 2006–07 and 2009; severe frosts and major damaging storms; industry demise and uncertainty associated with the closure of the Mount Buffalo Chalet; tobacco industry closures; timber industry uncertainty; decreasing dairy prices; significant floods in 1993 and 1998; decreased tourism activity in recent times; and of course an ongoing decade or more of drought.

The Alpine shire put together a situation statement, which was very well prepared, and submitted that to the government on 27 March. The shire highlighted to the government on that day some of its key needs. Interestingly one of them was Mount Buffalo Chalet. The future of that chalet has been in limbo for over two years and Alpine shire was saying, 'Please help kick-start the economy by clarifying the status of the Mount Buffalo Chalet and getting it going again'. It

then looked at specific bushfire-related issues and made a plea for urgent assistance so the council would be properly and equitably resourced in its recovery effort. The statement mentions fencing, trees and fodder. Water is a major issue; I think it was the member for Evelyn who mentioned the issue of getting water to people in need. It is a relatively straightforward process if you have a can-do attitude, but at times it gets bogged down in bureaucracy.

The Alpine shire also made a plea for assistance for small-scale farmers, noting that the eligibility criteria for assistance packages must be equitable and consistent, with assistance required to help landowners understand funding criteria and access funding opportunities. It also mentioned the need to support and recognise the efforts of volunteers, which other speakers have touched on, and I commend the volunteers for their fantastic efforts. The shire also raised the issue of mobile phone coverage. It stated:

Assistance is required to provide a reliable mobile phone service with coverage across the fire-affected areas and the Alpine shire.

The shire has a serious need for funding. There is also a need for rate relief. There is an ongoing opportunity to provide considerable relief by reimbursing the amount of the rate notices.

A critical issue is discretionary funds. In the words of Alpine Shire Council:

The provision of a lump sum amount would allow council to respond immediately to urgent community needs without the red tape of 'Which department will fund this, whose responsibility is it, or which forms have to be completed?'

I now turn to look at things from an individual or community perspective. Concerns have been documented very well by the Mudgegonga and district community, concerns which were pulled together and presented to me by Loretta Carroll. I should say I have to commend that community on its amazing persistence and resilience. It is exemplified by Loretta Carroll and the whole Carroll clan and its many neighbours who have pitched in, particularly with the fodder relief program they have carried out in that area. But also fellows like Steven Street have helped a heck of a lot with getting stock away on agistment — the 19 000 stock that were without feed.

The document prepared by the local community identifies challenges to its recovery, which includes:

- Supporting our neighbours who have lost homes
- Supporting all members of our community

Fodder and animal health

Water management

Fencing

Pasture re-establishment

Rebuilding local business

Communications

The call is to help that community to overcome those challenges, and there are particular calls. The document states:

A coordinated effort is required from the various agencies to ensure an equitable and sustainable recovery process.

Interestingly the community document states:

Groups like Alpine shire, CMA, DSE, DPI and VFF —

the catchment management authority, the Department of Sustainability and Environment, the Department of Primary Industries and the Victorian Farmers Federation —

need an allocation of discretionary funds.

This is a common theme.

Special mentions in the Alpine shire go, as I have said, to Loretta Carroll and her team but also the mayor, Nino Mautone, the deputy mayor, Jan Vonarx, and the chief executive officer, Ian Nicholls. They have led a fantastic recovery effort by the Alpine shire. Although they are at times subjected to criticism, I do not think it is necessarily justified. They are at the front line wearing criticism for things that may not always be of their doing.

The Myrtleford community has pitched in very well, and I should make special mention of Kerry Murphy and the TAFCO Rural Supplies team — their effort is fantastic. In terms of emotional support and the like, Renee Williams and her team of counsellors and support people are very much appreciated in that area, because they go out to the people's homes and talk to them where they are grieving around the kitchen table, wondering what their futures hold. As the member for Narracan mentioned, it is depressing to look outside the door each day and see the blackened mess. These counsellors are getting out and talking to the people, which is what is required.

I also commend the Minister for Housing for his efforts in helping to get a contract for local company Mod-Eco to construct modular homes for temporary accommodation for people affected by the fires.

I turn now to the issue of lobbying and the role of local MPs. I and other MPs have been involved in raising a number of issues, some with which we have gained traction and had some wins. At least now with the 51 per cent rule there is a modest grant of \$5000 going to farmers who earn less than 51 per cent of their income on the land. That is a start, but we have a long way to go. There has also been a special grant of \$5000 to farmers with, I think, up to 5 hectares.

We have had some shifts in the government's fencing policy, particularly boundary fences burnt as a result of back-burns. The government will now pick up the whole tab there. Regrettably, land-holders still have to pick up the tab for internal fences burnt as a result of back-burns. We have also had a win in terms of the extension of eligibility for payment for clean-ups, if those clean-ups were not done by Grocon. Eligibility for those clean-up refunds is on a case-by-case basis, which is something that we have run.

In closing I want to mention my staff and the staff in the office of my colleague the member for Benambra. They have been very much at the forefront of supporting people. Rowena Sladdin has handled a lot of it in my office. Interestingly, her husband is a Country Fire Authority member. He put in at the fire front and she is putting in at the office. Kerrie Facey and Peta Clark have also been working hard.

The key reason behind people coming to us is that they are still not aware of the available assistance measures. They have still got problems with the cumbersome grant application process. There are still issues with communication. There are also other issues with people feeling aggrieved about not having the opportunity to put their case in person to the royal commission. There are many issues yet to be addressed. A lot has been done; a lot more needs to be done in a cooperative way.

Ms NEVILLE (Minister for Community Services) — This morning gives us all an opportunity again to reflect on the impact the bushfires of 7 February have had on so many people and to allow this Parliament to recommit its unqualified support to those families, individuals and communities who are on the long road to recovery. I begin by again putting on the record my sincere sympathies to those who have lost so much and my congratulations and thanks to those who have contributed so much since 7 February: the Country Fire Authority, the State Emergency Service, the Red Cross, the police and the Salvation Army. I also thank the hundreds of volunteers who came from across Victoria and Australia for their extraordinary efforts in supporting the community at a very difficult time.

As I have previously reflected in this house, the effects of this natural disaster have resonated across our community and our country. The road to recovery for so many people is a difficult one. But you can see extraordinary signs of recovery and extraordinary signs of community spirit in affected communities. Those of us who spent time with families and with communities and visited those areas in the first few days and weeks following the bushfires have witnessed in more recent times that, yes, there is still extraordinary grief and trauma, but there is also extraordinary hope and courage. We have seen nature regenerate, and I think that has made an extraordinary difference to all of us as we visit these communities and look for signs of hope and rebuilding.

This government and this Parliament are committed to continuing to walk alongside communities, providing them with the support they need to rebuild the lives of their members. Since that day the government, in partnership with the commonwealth government and local government, has moved quickly to put in place relief centres, emergency grants, the appeals fund and the Victorian Bushfire Reconstruction and Recovery Authority, which of course is leading one of the biggest reconstruction efforts in this country's history.

At the peak of the recovery process around 600 staff from the Department of Human Services worked on immediate relief. They worked alongside commonwealth staff, local government staff and hundreds of volunteers and community members. We paid out more than 9100 emergency grants. Meeting the immediate needs of communities was the first priority. Efforts then moved on to putting in place the supports that families and communities need for sustained support. Some speakers today have mentioned this. There has been support for business, support for tourism, support for sporting infrastructure that was destroyed and support for communities to build memorials. Importantly, ensuring a sustained effort in social and community building has been a key priority in our local communities so affected by this bushfire.

The establishment of the Victorian Bushfire Case Management Service represents our ongoing commitment to provide intensive support to individuals affected by the fires. Around 4000 families are registered with the case management service, and we have almost 400 case managers. Each week we continue to see people register for case management for the first time. They are allocated a case manager within 24 hours. We continue to recruit new case managers to meet demand. The Victorian health and community services sector has taken on the delivery of case management service to local communities, ensuring

that this service benefits from these organisations' understanding of local communities and their skills and expertise. There are 72 agencies across Victoria involved in delivering the case management service.

The needs of registered families vary. They range from families which have simple requests for information and assistance with grants, to families which have extraordinarily complex issues. I just want to share briefly a couple of examples of people who case managers have been assisting. A 25-year-old man who was studying overseas when the fires went through lost his parents, his younger brother and his brother's friend. He lost his home and other buildings in the community he lived in.

His aunt is an executor, so she is also registered with the case management service and is getting support. This young man has experienced a whole range of issues, ranging from grief and loss, through having to work with the coroner's office on the details of when he will be able to hold a funeral for his parents and his brother, to facing information overload and the disruption to his normal life. He needs to know whether he can go back to study and how to liquidate his family's business.

Some of the work case managers have been doing with this young man includes encouraging him to talk and go out to visit other people; going to places where he feels comfortable, which might be to a park or just for a walk; holding family meetings to try to work through some of the complex issues in relation to the estate; working with the coroner's office in relation to the release of bodies; working on providing immediate grant relief and making sure he is registered for the range of grants the family is entitled to; organising recreational activities that provide relief from some of the trauma that is being experienced by the family; getting reimbursement for his airfares when he came back from overseas after the fires; and working closely with the executors of the estate to try to ensure that they are able to manage the task while also living through grief. I probably do not have time to go through other cases, but those are the sorts of complex issues that case managers are dealing with on an ongoing basis.

Our priority is to ensure that we are delivering a high-quality, consistent but flexible service which is able to respond to the needs of individuals. To assist us in this we have quality managers who have been recruited to work with case managers to monitor and promote best practice. We have also produced comprehensive resource kits which provide the information case managers need on matters ranging from grants through to insurance and clean-up.

Through the database case managers can now check on people's grant information to ensure they have applied for the right grants and to check on their progress. As members of this house know, a range of grants are in place that people can tap into — some through the Department of Human Services, some through Centrelink and of course the grants that are available through the Red Cross appeal fund. I want to note the generosity of so many Victorians, Australians and people from overseas who have contributed so much to that fund.

Around 4000 grants, totalling nearly \$40 million, have been paid out to individuals who have been directly affected. Currently around 150 claims are being processed and paid each day. More staff have been employed to process grants, and where all documentation is provided those grants are paid within around three days.

We have also invested significantly in the psychosocial response, assisting people to deal with the trauma and the grief they have experienced as a result of the fires, with additional capacity in specialist mental health services, in our schools and amongst our service providers to ensure they are providing the most appropriate mental health response to families and individuals and to communities as a whole.

We have also established community services hubs. These hubs are there for the long term. Having moved from relief and recovery centres, community hubs are now providing a physical one-stop shop for communities to get the information and support they need as they go through the recovery process. We also have community development officers who are working through those community hubs to ensure local needs are met and solutions are provided for local communities.

In an effort of this nature there will always be issues that arise. Our priority is to ensure that we find solutions and minimise issues. The government remains committed to providing the support and services that families and communities need. Needs and issues will change over time, and through our grants, our community hubs and our case managers we are well placed to respond to these needs as they change, which will ensure that we are able to take some of the burden off families as they go through this difficult process of rebuilding their lives.

Mr McINTOSH (Kew) — This is one of the rare occasions in this place when there can be a mutuality of interest in supporting not only our own individual communities but also the broader community here in

Victoria at a time of anguish and trauma. It is edifying to be able to stand in this place when we all come together to provide support to the survivors of the recent bushfires, to acknowledge the victims and to ensure that we talk about a mechanism to deliver all the available services of government and the relief fund to provide for recovery from the bushfires.

I start my comments by saying that on Sunday I had the opportunity to attend the Country Fire Authority memorial service in Fiskville. A large number of politicians attended, including the Premier, the Minister for Police and Emergency Services and the member for Yan Yean as parliamentary secretary, as well as Bill Shorten, who is the federal Parliamentary Secretary for Victorian Bushfire Reconstruction. I will say something that I do not normally say: the Premier was the lead speaker at the memorial service, and on behalf of all Victorians he very eloquently and passionately expressed the way we feel about the people from the Country Fire Authority who were lost in the service of their communities and their state. In the case of Mr Balfour from the Australian Capital Territory fire service, the Premier acknowledged that Mr Balfour was repaying a debt of honour to Victorian firefighters who attended the ACT fires a few years ago. He also acknowledged the passing of Mr Shepherd. I also acknowledge and express my condolences for the passing of Mr Shepherd and Mr Balfour.

In your contribution, Acting Speaker, you talked about how proud you are that as Victorians, as Australians and as members of the world community we can come together and take pride in the amount of money that has been so generously donated. It is not only the money but also the time and the provision of services by a community coming together right around this state that has had such a profound effect.

I have been awestruck by the efforts of those on our side of politics — and I am sure it is reflected on the other side of politics — in particular by the amount of time that the Leader of The Nationals, on behalf of the coalition as the shadow minister for bushfire recovery, has dedicated by travelling the length and breadth of the state. He recently attended the opening of the submissions before the royal commission into the bushfires. It is an ongoing process.

I acknowledge the opportunity I had to travel with you, Acting Speaker, to your electorate and to see something that does not necessarily occur in my electorate and to see the enormous contributions made by individuals there. I also acknowledge the opportunity I had to share the concerns of the members for Morwell, Narracan

and Benalla, who spoke today, and the concerns of their communities.

I will pick up on the comments that were made by the Leader of The Nationals about the bushfire appeal fund and the charitable purpose requirement. As I said, I was struck by the amount of money — some \$320 million — which was generated not only here in Victoria but also elsewhere in Australia and overseas.

In his speech yesterday the Treasurer referred to the donation from Papua New Guinea. Notwithstanding the parlous financial state of that country, it saw fit to donate over \$2 million to the bushfire appeal fund. I recently attended the Anzac Day service in Villers-Bretonneux with the members for Essendon, Coburg and Benambra. I note that the community of Villers-Bretonneux is prepared to support the Kinglake community through the rebuilding of one of its schools, repaying a debt of honour from 91 years ago when Australian soldiers passed around the hat to raise funds for the reconstruction of the school in Villers-Bretonneux.

In that regard I note that the money generated is clearly there to be dedicated to those survivors of the fires who have lost an enormous amount — be it houses, other property, fencing, stock or their livelihoods. It is important that that process is dealt with. There is currently a significant impediment which has nothing to do with the goodwill, or lack of goodwill, of the government or of people, but with the definition of 'charitable purpose'. As the Leader of The Nationals outlined, the definition of charitable purpose for Australian taxation purposes comes from an archaic piece of legislation passed in the United Kingdom in 1601. I understand that that legislation has now been repealed and that a new definition of charitable purpose has been promulgated in the United Kingdom. However, here in Australia we have an antiquated definition of charitable purpose. It was defined before the creation of corporations or companies limited by guarantee or otherwise.

As we know, many people provide for their own purposes a mechanism whereby their livelihoods, their whole lives, are encapsulated in a corporation — for example, farmers, plumbers and electricians can do this. As a former lawyer I know it is common for lawyers to incorporate. Under the definition of 'charitable purpose', because corporations are primarily designed to generate profits, moneys raised cannot be used to provide assistance to a person who has chosen to have a corporate veil around themselves. As most speakers in this place have said, that is not the intention of the overwhelming majority of those who made

donations. It is just an interpretation that has been provided, probably quite legitimately, by the Australian Tax Office.

It rests with the federal government to clarify this matter and if necessary pass urgent legislation so that adequate money can be provided in the spirit in which it was given not only by those in Victoria and Australia but also by those overseas — that is, to provide relief to people, including those who are now suffering from the inability to access those funds because they had chosen to structure themselves in a quite legitimate way.

I join the Leader of The Nationals in expressing concern about this matter and calling upon the federal government, in the spirit in which it has acted in the past, to do something urgently to resolve this matter so that those survivors of the bushfires can access funds.

STATEMENTS ON REPORTS

Outer Suburban/Interface Services and Development Committee: local economic development in outer suburban Melbourne

Mr MORRIS (Mornington) — I will make some comments on the report by the Outer Suburban/Interface Services and Development Committee on its inquiry into local economic development in outer suburban Melbourne, which was tabled in September last year. I am sure it was an important subject to people in the outer suburban area when it was tabled; if it was important then, it is critically important now.

History tells us that in economic slowdowns and times of recession these setbacks often start earlier and last longer in the outer metropolitan areas than in inner or middle-ring areas. The impact is often more severe, self-evidently because the period in which the economy is recessed lasts longer, but also because many home buyers have less equity in their homes, have proportionally greater debt and are without the job security enjoyed by their fellows in the middle ring and inner ring of Melbourne.

We are in a time of rising unemployment and declining opportunities for full-time employment. As a result the facilitation of economic development has become of critical importance.

I know that certainly in Mornington Peninsula shire there are some very large employers, and they are going through a process of winding back long service leave and encouraging employees to take long service leave

wherever possible as well as to work four days a week wherever possible and so on and so forth. All of that is fine and legitimate in terms of the business, but it means there is a declining income in the home.

The area covered by the report includes the often collectively referred to interface councils of Mornington Peninsula, Cardinia, Yarra Ranges, Nillumbik, Whittlesea, Hume, Melton and Wyndham. Together they make up a considerable proportion of the greater metropolitan area. While some parts of those municipalities contain growth areas and are obviously very active, particularly in the north and north-west of that area, there are other areas like the Mornington Peninsula that do not ever want to be part of the growth area. All the municipalities identified contain large slabs of green wedge land, which is a further complication that is of benefit to some municipalities and less so to others. The committee went beyond that and talked also to the Casey City Council, which of course is critical in the south-east.

The committee went up into the town of Kinglake in the Murrindindi shire. Kinglake has its own entirely different set of problems now, and we support it in its every effort there. The committee also spoke to the Moorabool Shire Council on the western edge of the metropolitan area. The report very clearly articulates that the productive capacity of outer suburban Melbourne is being significantly handicapped by the infrastructure gap. There are serious structural disincentives for productivity improvements.

There are 171 recommendations in the report. Obviously I cannot touch on all of them in 5 minutes, but I want to talk briefly about the recommendations relating to local economic development practices, of which there were 17. They were all heavily reliant on the state government, local government and the Municipal Association of Victoria working together to implement them, as you would expect with local initiatives. They covered a whole range of issues such as improving the training of practitioners, accreditation, best practice standards, mentoring and skilling up — a whole host of very useful recommendations.

Unfortunately only 1 recommendation has been endorsed in full by the government, 1 has been rejected and 15 have been adopted in principle — in other words, the government may think about doing something about it a bit further down the track. I would have thought that given economic circumstances at the moment it would be important to try to progress these sorts of things straight away. Interestingly enough, the recommendation that was supported is for an for best practice. There is no initiative to develop best practice

but there is one to run an awards show. Being the best of the worst may be okay, but there is nothing about becoming the best of the best. It is also significant that the recommendation that was rejected was a funding recommendation.

Law Reform Committee: vexatious litigants

Mr BROOKS (Bundoora) — I would like to take this opportunity to make some comments on the Law Reform Committee's report on its inquiry into vexatious litigants, which was tabled in December last year. At the very outset and as a member of the committee I thank my fellow members of the committee for the preparation of this report, in particular the chair, Mr Scheffer, who is a member of the other place, and the deputy chair, the member for Box Hill, who, along with all the other members, contributed to a fine report. I would also like to thank and commend the staff of the committee who did an excellent job in pulling this report together — Kerry Riseley, the executive officer, Susan Brent, Deanna Foong and Kate Buchanan, who did a lot of the research work, Helen Ross-Soden and a legal policy intern, Claire Barrance, who also contributed to the preparation of the report.

There is already a mechanism in place for dealing with vexatious litigants under section 21 of the Supreme Court Act 1986. Part of the deliberations of the committee, which are clearly set out in this report, dealt with the question of why only 15 people have been declared vexatious under that mechanism since 1928, and a large number of those have been declared more recently. I suppose the issue the committee had to weigh up was whether it is appropriate in a range of circumstances for people's access to the justice system and the courts to be limited in a fairly severe way. There is also a reluctance on the part of the judiciary to enforce the vexatious litigant provisions.

The committee also heard evidence and received submissions about the impact that people who are considered vexatious litigants have on the justice system, on the courts and on the people they are suing or pursuing through the legal system. A representative of the Victorian Bar Council said in oral evidence at a public hearing:

... there is often what I will describe as a paranoia on the part of a vexatious litigant, a paranoia that the individual is being really persecuted — that is the actual belief of the person concerned — or that the system of justice is deliberately perverse to the individual. You have people coming from that sort of mindset in many cases. You also have people who can see that use of the justice system is an effective means of causing havoc, cost and distress to somebody else.

At an anecdotal level there was strong evidence that there was a real problem with vexatious litigants. The committee considered throughout the preparation of this report two broad options for reform: one was along the lines of the model Vexatious Proceedings Bill 2004 proposed by the Standing Committee of Attorneys-General, which essentially bolsters the existing provisions of section 21 of the Supreme Court Act; and the other was to introduce a graduated system based on that used for civil restraint orders in the UK.

In considering these matters the committee noted at page 158 of its report:

Although most participants were unfamiliar with the UK's graduated system, it attracted some interest during the inquiry. The Supreme Court's submission noted 'a statutory system of graduated orders, similar to those developed in the United Kingdom, could provide a more flexible regime for dealing with litigation constituting an abuse of process'.

The Law Institute of Victoria also described it as arguably more flexible and less draconian than the current model.

In the end it was the finding of the committee that Victoria should move to a system of graduated orders based on the system that has been in use now for a number of years in the United Kingdom. Under that system there would be three levels of orders. Probably the least serious order would be a limited litigation limitation order, which would restrict a person from actions for bringing of further interlocutory applications in existing litigation without leave. There would be a middle-range order for continuing or bringing further applications in existing litigation without leave, and a general litigation limitation order which would be similar to the existing section 21 provisions.

Rural and Regional Committee: rural and regional tourism

Mr NORTHE (Morwell) — I wish to make a short contribution on the report of the Rural and Regional Committee's inquiry into tourism, which was tabled in this Parliament earlier this year and of which committee I am a member.

I refer to recommendation 23 of the committee's report and subsequent response by the government to this recommendation. Recommendation 23 states, in part:

That, following natural disasters, the state government

- a. provide additional funding for the replacement and repair of damaged government infrastructure such as roads, tracks, signs, and bridges as soon as practicable.

The government's response to this recommendation was:

Agree in principle.

In addition to funding provided for reopening of parks and forests both Parks Victoria and DSE do have appropriate levels of insurance for their built assets managed on public land such as roads, bridges, signage, and visitor and picnic facilities. Following any large bushfire or other natural disasters, both agencies work with their insurer to replace infrastructure as soon as practicable. Priority is given to replacing those assets critical for community access (i.e. to houses and properties), tourism activities, and firefighting access.

I raise this aspect due to the fact that bushfires affected the Gippsland community, as members well know, in late January, particularly in the areas of Boolarra and Yinnar. Significantly impacted through that bushfire was the Boolarra to Mirboo North rail trail, which is an important iconic trail not only to the local community but also for visitors into that pristine region.

One of the problems we experienced with the re-establishment of this rail trail post the bushfires was the number of dangerous trees and damaged infrastructure from the fires. It would be fair to say from the feedback I have received from the local community that there has been a lack of cohesion in some respects with Parks Victoria (Parks) and DSE (Department of Sustainability and Environment) in the attempts by the community to reopen the Boolarra to Mirboo North rail trail. I am somewhat concerned that what is stipulated in the government's response about priority being given to replace assets that are critical for community access and also for tourism activities is not actually happening on the ground.

The Boolarra to Mirboo North rail trail is not only important from a tourism perspective but is frequented by many members of the community in that area. It is a great area for local residents to improve their health and wellbeing. A walk is proposed along the Boolarra to Mirboo North rail trail on 9 May, and we are just starting to see some teamwork come to the fore between DSE and Parks to ensure that the walk will proceed on that particular date. Whilst there has been some consternation about the time taken, it appears that we are now moving forward with that.

With respect to making sure that we have appropriate levels of insurance for government assets, such as bridges, the committee's recommendation 14 talks about the development and establishment of the Gippsland Plains rail trail. From an insurance perspective it was impacted by the 2006 floods when bridges along that rail trail were lost. It took a considerable time to deal with the bureaucracy and the

insurance companies to ensure that infrastructure was re-established in an adequate time frame. From memory the time taken WAS well in excess of 12 months. We do not want to see the like of that happening again.

I am pleased to see the government's response to the committee's recommendation 23. I hope it will ensure that we recognise the vital needs of such infrastructure for local communities, not only for the health and wellbeing of those communities but also to enhance tourism opportunities into the future.

We know that through recommendation 14 the establishment of a Gippsland Plains rail trail from Traralgon, Maffra and picking up communities such as Glengarry, Toongabbie and Cowwarr, are vital for those regions to make sure that they prosper in the future and that they provide tourism opportunities for their local economies. From a local community aspect they are important for the health and wellbeing of the community.

Law Reform Committee: alternative dispute resolution and restorative justice

Mr FOLEY (Albert Park) — It is with pleasure that I rise to make a few brief comments on the Law Reform Committee's report on its inquiry into alternative dispute resolution (ADR) and restorative justice which was tabled today. I begin by acknowledging the work done by the hardworking members of staff of the committee. As my friend the member for Bundoora previously said, the committee staff members make all the difference, and they made this substantial inquiry a worthwhile inquiry. The inquiry ran for a significant time and engaged a wide variety of stakeholder groups across the legal and community sectors from right across Victoria.

As the chair of the committee, Mr Scheffer, a member for Eastern Victoria Region in the Legislative Council, said in his media release today:

In recent times, ADR and restorative justice have emerged as part of a wider movement of non-adversarial justice, which seeks to use innovative and alternative means to deal with civil disputes and criminal offending outside the traditional courtroom.

This report seeks both to respond to and to consider some of the issues associated with alternative dispute resolution, as well as the somewhat more controversial restorative justice provisions.

The terms of reference of the inquiry are twofold but very broad in scope and deal with such issues as how alternative dispute resolution and restorative justice

schemes can improve access to justice and outcomes in civil and criminal court jurisdictions and reduce the need for contact with the court system, with a particular emphasis on implications for marginalised communities. The second aspect of the terms of reference goes to the regulation of alternative dispute resolution providers and to them having a greater sense of consistency and accountability in how alternative dispute resolution applies.

The committee operated quite cohesively throughout the inquiry and did a significant amount of work — and a significant number of recommendations arose from it. The report details 44 recommendations which seek to realise the potential of alternative dispute resolution in Victoria and by doing so ensure high-quality services which will make alternative dispute resolution accessible to more and more members of the community.

As the chair of the committee points out in his media release, these recommendations fall within three broad categories. Firstly, reducing barriers to people's access to a low-cost and less intimidating form of alternative dispute resolution centres throughout the states and particularly providing access for those in marginalised communities to do so. The second area the recommendations deal with is increasing the capacity of Victorians to resolve civil disputes themselves through education and conflict resolution means rather than the knee-jerk reaction of accessing courts. Finally, the recommendations deal with the supply of alternative dispute resolution services for exploring the scope of additional schemes and undertakings and further work on how alternative dispute resolution can achieve its very worthy goals.

In this respect the committee then went on to consider the somewhat more controversial area of restorative justice programs, which have been the hallmark of this government's approach to reforming the legal and judicial system to ensure that it is not the plaything of rich and powerful interests who might traditionally have sought to use it as such. The first and second justice statements of this government have shown that this is a significant area of reform that is well under way and will continue.

However, it is with some degree of sadness that I note that the bipartisan nature of the committee's report deviates when it comes to the issue of how restorative justice should be expanded. Members of the opposition parties in both houses sought, as is their right, the opportunity to put in a minority report when it came to that issue. I think it is fair to say that they sought to oppose the expansion of restorative justice to adults or

in relation to more serious offences, which they consider to be inappropriate, whereas the majority position as part of the justice statement approach that this government has taken seeks the measured, considered and appropriate expansion of restorative justice as a legitimate opportunity for and a means of delivering social and legal outcomes.

**Environment and Natural Resources
Committee: impact of public land management
practices on bushfires in Victoria**

Mrs FYFFE (Evelyn) — I want to use this time as an opportunity to speak on the Environment and Natural Resources Committee's inquiry into the impact of public land management practices on bushfires in Victoria. The ENRC held a large number of public hearings and site visits around Victoria. ENRC is a government-dominated committee but the findings and recommendations were all unanimous.

The committee's findings are that, while the legislative, regulatory and reporting structures for the planning and conducting of prescribed burning activities are complex, they provide an appropriate system of risk management for an inherently complex land management practice. The committee also found that the frequency and extent of prescribed burning has been insufficient over a number of decades for the preservation of ecological processes and biodiversity across the public land estate and that an increase in the extent and frequency of prescribed burning for the enhancement of environmental values should therefore be a priority for the Department of Sustainability and Environment and its partner agencies.

The committee made other findings regarding the evidence it had received about prescribed burning and found there was no evidence of an adverse impact by forestry operations on the level of prescribed burning. The committee's report also highlights the need for government to monitor the effects of prescribed burning. The main recommendation is that there be an increase in the amount of land burnt during prescribed burning from 130 000 to 385 000 hectares each year. The evidence we heard during our 2008 investigation into the impact of public land management practices on bushfires proved without a shadow of doubt that fuel reduction burns must be increased. Bushfires are regarded as inevitable in our landscape. However, their size and intensity are variables that we have the capacity to influence — that is, a more aggressive schedule of prescribed burning. Therefore it is rather disappointing to see in today's *Age* a report from the budget papers that I had not yet picked up, because I

am ploughing through the budget and trying to compare apples with apples.

The *Age* reports that the Department of Sustainability and Environment has a target of 130 000 hectares for its 2009–10 program of fuel reduction burns. That is exactly the same as its 2008–09 target, which was the only year in which that target was met. It is very disappointing that, although the recommendation had been made by an all-party committee dominated by the government, we have not seen an increase in the target of the number of hectares to be burnt. If this year continues to be as dry as last year, there will be ample opportunity for the burning targets to be increased.

I compare the 17 public hearings, 18 site visits and submissions from 202 witnesses with the task facing the royal commission. Our inquiry could possibly be said to pale into insignificance in comparison, but the opposite is true. The community at large understands the need for prescribed burning for fuel reduction programs. More than 15 000 bumper stickers have been distributed and more are being printed. These are based on the recommendations in this report to increase fuel reduction burns. The bumper stickers simply say 'No fuel, no fires — fuel reduction saves lives'. The evidence we heard pointed to the need for fuel reduction burning.

Another important recommendation is that DSE implement remote sensing imagery as a routine part of the program, because that process would produce maps of exactly how the burns were completed and whether the area that was declared to be burnt has been fully burnt, or whether through climatic conditions the area burnt was less than predicted. Some of the Gippsland areas that had been prescribed burnt did not burn as fiercely, or the fire was checked when it hit those areas. Reducing the amount of fuel is not going to stop the number of bushfires, but it will help those who are fighting to stop them and prevent them reaching residential areas. We held some very emotional hearings, and I do not envy what people will hear at the royal commission hearings.

**Public Accounts and Estimates Committee:
report 2007–08**

Mr STENSHOLT (Burwood) — I would like to speak about the Public Accounts and Estimates Committee (PAEC) 2007–08 annual report, which was tabled in October 2008. Pages 8 and 9 of the report detail the committee's responsibilities and functions. The first function is to inquire into public accounts, and this function falls into three areas: conducting special inquiries, reviewing financial and performance

outcomes of some 600 or 700 annual reports each year, and reviewing the reports of the Auditor-General, a function to which I will return in a minute.

The second function of the PAEC is its estimates function. The committee reviews the budget papers and related documents and then ministers and departmental secretaries appear before it. This is far better accountability than existed in the seven dark years of the Kennett era. The Premier, ministers and parliamentary officers will appear before the committee. The next round of hearings will start this Friday and continue solidly for approximately the next two and a half weeks. In order to contribute to improving the presentation of the budget information to Parliament, we will be looking to report on those hearings before Parliament next meets at the beginning of June. We will also be providing an analytical paper later on.

The third function of PAEC is an auditing one in respect of the Auditor-General, the appointment of the Auditor-General and the independent audits of the Auditor-General's office, as well as reporting to Parliament on the Auditor-General's budget estimates and annual plan, which were tabled today. We welcome that. Part of the role of the Public Accounts and Estimates Committee is to meet privately with the Auditor-General to discuss his proposed plan and take evidence from him. This is done on a regular basis and has been done in the time being reported on.

I also note that part of our role with respect to the Auditor-General is to discuss the Auditor-General's estimates — in other words, what money does he need in order to undertake his annual plan? I quote from the foreword of the annual plan that was tabled today:

I acknowledge the support of the Public Accounts and Estimates Committee for my request for an adjustment to my budget. This increase is needed to maintain my existing service capability.

I thank the Auditor-General for those comments in respect of the role of the Public Accounts and Estimates Committee. I am sure members will have some more words on that when the parliamentary appropriation bill comes before the house for debate.

We commend the Auditor-General insofar as he also has a strategic plan with indicative possible audits going out beyond 2009–10 and looking at the out years with respect to the following three years. That is a great innovation.

The other report tabled today in regard to the Public Accounts and Estimates Committee is the

government's response to the committee's 82nd report to Parliament on its review of the findings and recommendations of the Auditor-General's reports tabled from July 2006 to February 2007, which is referred to as part of the work of the committee in its annual report, as I said before. I should mention that the original PAEC report had 38 recommendations, of which 3 were rejected by the government, 1 was under review, 5 were referred to the Auditor-General to follow up and implement and the other 29 were either accepted or accepted in part or in principle. We think this is reasonable, and the committee will take up the responses and look at them in detail, particularly the recommendations that were rejected. We are not sure whether some of those that were rejected need a little bit more work, but the role of the committee is to look at them going forward.

NOTICE OF MOTION

Postponement

Mr CAMERON (Minister for Police and Emergency Services) — In relation to notice of motion 1, the Leader of the House and Minister for Energy and Resources has passed this matter to me. I do not wish to proceed with the notice today and request that it remain on the notice paper.

Mr McIntosh — On a point of order, Acting Speaker, on the matter that was raised by the Minister for Police and Emergency Services I will just say that the opposition finds it incredible that this matter is not being dealt with today. This is a matter that has been the subject of considerable discussion. It is a fairly draconian and dramatic step that the government wishes to take in having us initiate this process. It beggars belief that notwithstanding discussions yesterday and today the government does not want to proceed with this matter.

The ACTING SPEAKER (Mrs Fyffe) — Order! There is no point of order.

PLANNING LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 5 May; motion of Mr BATCHELOR (Minister for Community Development).

Mr MORRIS (Mornington) — I am pleased to have the opportunity to make some comments on the

Planning Legislation Amendment Bill 2009. Let me say at the outset that this is an absolute shocker of a bill. How government members and indeed the minister can come into this house, support this sort of legislation and keep a straight face while they are talking about it and all the wonderful things it supposedly does is quite frankly entirely beyond my comprehension.

This bill is nothing but an attack on communities. It is an attack on local democracy and on local government. It is simply a blatant, naked grab for power. It is hidden behind rhetoric about reforming the planning system, but that is all it is — a grab for power. Let us be very clear about it. Absolutely nothing in this bill will contribute to legitimate reform. Nothing in this bill will speed up the process. Nothing in this bill will improve probity. Nothing in this bill will improve transparency or quality of outcomes. Indeed all those things will go backwards under this legislation.

It is in fact highly likely that additional delays will be caused by the introduction of this legislation. In many cases, if not all cases, councils as responsible authorities have delegated extensively to their officers, so many of the decisions that are proposed to be considered by development assessment committees (DACs) have already been delegated to individual officers or committees of officers, and this process will be slowed down. The message from the state government to the people and the councillors of Victoria is very clear: 'You can't be trusted. You can't be trusted to make decisions about your own communities, so we're going to make them for you'.

There is only one positive comment I want to make about this bill, and that is to say I appreciated the frank, comprehensive and professional manner in which we were briefed on the issues by the departmental officers and by the minister's office; it was well done. Apart from that, there are no redeeming features.

What does this crock purport to do? The bill amends the Planning and Environment Act to establish development assessment committees and to set guidelines for their operation. It is interesting to note that the minister described this bill as a framework for a new state-local government partnership. It will be an interesting partnership — local government will pay, but the state government will make the decisions.

You might say the polite term for all this is cost shifting. You might say it is undermining the democratic process. I call it extortion at gunpoint. Hand over your valuables; in this case hand over your suburbs, towns, cities and neighbourhoods. Each neighbourhood has been established and nurtured by

generations of civic leaders. Each neighbourhood has its own character and is a special place in its own right. The demand is, 'Hand them over to us and we will look after them for you. You will still pay, but we will look after them'. If this bill succeeds, every neighbourhood in the state is at risk, every neighbourhood will be compromised — not might be compromised but will be compromised.

Government members understand that. They know exactly how devastating this bill will be and what it will do to local communities. But for some reason they are prepared to support the bill. Let there be no doubt that a member who supports this legislation will not be able to ever come into this house again and pretend they are a friend of local government. They will have outed themselves for life and proved beyond reasonable doubt that they are enemy no. 1 of local councils and local communities.

The amendments to the Planning and Environment Act change the definition of growth areas and establish and regulate the DACs. There are also amendments to the Docklands Act 1991, the Heritage Act 1995, the Local Government Act 1989 and the Melbourne Convention and Exhibition Trust Act 1996, which is being amended to make some changes which should have been enacted years ago. I mention that only in passing, because I want to concentrate entirely on the growth areas and the development assessment committees.

The changes to the growth area provisions are substantial. Growth area provisions are currently restricted to the defined councils of Cardinia, Casey, Hume, Melton, Whittlesea and Wyndham. They are defined in section 46AP of the principal act, which will be repealed under this legislation. It is proposed that the new provisions will be extended to any council or part of a council in Victoria. Any area can be declared a growth area — from Malvern to Mornington, Maldon to Mildura, and from Narre Warren, Northcote, Noojee or Nepean.

The changes will be made without consultation. The Minister for Planning, through the device of an order in council, can make orders at the stroke of a pen. The Minister for Planning will become the Tsar of Planning for all of Victoria. He alone will declare the growth areas; he alone will make decisions without the hindrance of local opinion and community input.

Areas will not only be defined as growth areas; they will also come under the ambit of the Growth Areas Authority. If you happen to be living within a defined urban growth area, any land transfer that occurs after the passage of this legislation will cost you an up-front

payment of \$95 000 per hectare for the privilege. The whole concept is just crazy. It throws due process out the window, and it cuts the community out of what process is left — and on top of that you get to pay for the privilege of no longer being able to have a say in what happens in your community.

The other principal change of course is the introduction of the development assessment committees. Once again the changes apply across the state. Once again, with a stroke of a pen, the minister can rip away any local oversight or any part of the responsible authority functions of a local council — without discussion, without consent, without justification and with no right of appeal. If this bill ever receives royal assent, it will change local government in Victoria forever. No doubt as the debate progresses we will again hear from across the chamber claims that councils will still control the process. That is rubbish. Councils — or the ratepayers — will foot the bill. That is the extent of the input they will have. They will pay for the privilege. They will provide the resources and they will cop the blame, but they will have absolutely no say in the outcomes.

The other claim that is often made and that no doubt we will hear again and again is that councils control planning schemes and are able to make local policy. That is not just rubbish — it is absolute rubbish. Yes, local policy exists, but it will always get trumped in the Victorian Civil and Administrative Tribunal by state policy. In any case, who makes the policy? It goes through a planning scheme amendment process. Who says you can even start a planning scheme amendment? It is the Minister for Planning. Do not tell me that councils have any real say in what goes on in their community.

There are a whole lot of other examples of nonsense in this bill that I obviously do not have time to detail, and I do not believe any purpose would be served by detailing them. An example though is the conflict-of-interest provisions that, as I understand it, have effectively been mirrored from the Local Government Act. We know that the Local Government Act, as amended, is totally unworkable. It has taken only four months to prove that these provisions will not work for local government, so the government is introducing them for DACs as well! These are provisions that require 70-plus pages of explanation, and still do not work. There are lots more examples in a similar vein.

This legislation is an attack on local government, it is an attack on local communities and it is an attack on every citizen of Victoria. It is a blatant grab for power.

It is a cheap stunt to try to pass off the shortcomings of the government's planning processes. The bill must not pass.

Mr BROOKS (Bundoora) — I rise to support the Planning Legislation Amendment Bill 2009. The bill does a number of things by amending a range of acts. It amends the Planning and Environment Act 1987 in relation to the establishment of development assessment committees and the delineation of growth areas. It also amends the Docklands Act 1991, the Heritage Act 1995, the Local Government Act 1989 and the Melbourne Convention and Exhibition Trust Act 1996. I intend to comment on this bill in relation to the provisions that provide for the establishment of development assessment committees, and I will leave other parts of this bill for other members to comment on.

The bill allows for the Governor in Council to establish development assessment committees. As the Minister for Planning has indicated, he intends to establish those committees in all of Melbourne's principal activity centres. The development assessment committees will consist of five members — two from the local council, two appointed by the Governor in Council but nominated by the state government, and one independent chair appointed by the Governor in Council. This move will ensure that at a policy level local interests are blended with broader metropolitan and state interests. I listened to the lead speaker for the opposition yesterday and to the speaker before me, and I think what was lacking in the positions they put was a broad policy framework for planning in Victoria and across Melbourne. Their policy position seems to be based solely on criticising aspects of this government's planning policy.

The move through this bill to establish development assessment committees will provide a level of confidence to the development sector that the full range of interests, as opposed to solely local interests, will be considered when a development of a significant scale and size is proposed. There is no argument from members on this side of the house that it is important that local interests are considered — and those of us who have served in local government certainly understand the importance of that particular matter.

The bill will help to implement the proposals in *Melbourne 2030*, which is a very important policy document. This blueprint for Melbourne's growth has been criticised by the Liberals on many occasions. The policy is based on very sound principles — the principle of having more housing around key activity centres, essentially around transport hubs, and the

principle of protecting suburban neighbourhoods, which we have seen through ResCode and a range of other measures where this government, working with local councils, has moved to help protect neighbourhoods.

Melbourne 2030 promotes new subdivisions, new communities and new housing growth in specified growth corridors — and importantly it protects Melbourne's green wedges. As I said, the Liberal Party has consistently attacked the Melbourne 2030 blueprint. I heard one member describe it as a dog of a policy, but it is important to try to pinpoint exactly what part of the policy Liberal Party members disagree with. Do they disagree with the protection of neighbourhoods and green wedges, or do they disagree with having more housing around activity centres, which is effectively what this bill seeks to deal with? I would be very interested to know how they can form a position on these sorts of policies without a policy of their own.

The ACTING SPEAKER (Mrs Fyffe) — Order! It is time for the house to break for lunch. The member will have the call when debate resumes.

Sitting suspended 12.59 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Budget: government performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's claim that there is no bad news in the budget, and I ask: given that unemployment will leap to 200 000 in Victoria, debt is set to soar to \$31 billion and fees and charges will increase for all Victorians, is it not a fact that under this budget hundreds of thousands of Victorians will suffer? The Premier should tell us: if everything is so good, why are so many Victorians struggling?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. The fact of the matter is Australians are moving to our state in record numbers. They are doing that because Victoria is a great place to live, work, invest and raise a family. My attention was drawn to the Australian Bureau of Statistics data on building approvals released yesterday, which by the way again shows that Victoria is leading Australia in building approvals. More remarkably it shows that in the last month 33.7 per cent of all dwelling approvals — new houses — across Australia were given here in Victoria. That tells me something about our attractiveness as a place to live. It tells me

something about the strength and the fundamentals of our economy, and it tells me something about the affordability of housing in this state.

Yesterday's budget was a jobs-building budget. Yesterday's budget was about saying that if you look around the world today, particularly if you look around the developed economies of the world today, you will find that most similar developed economies are recording significant negative economic growth, and that is not the case in Victoria. Just as Australia cannot change the global financial crisis, Victoria cannot change the global financial crisis. The world economy will shrink by 2 per cent this year — the first time since the Great Depression of the late 1920s and early 1930s. Against that we have put in place a set of plans and a set of policies in this budget which position us better than just about any place in the world.

Thirty-five thousand new jobs will be generated as a result of our capital projects. Whether you are talking about health and what we are doing in the hospital system, whether you are talking about education or whether you are talking about transport — the biggest rollout of new investment in the transport system we have had since Federation — this is a budget that will generate activity and generate jobs for Victoria. I believe it is a positive statement. It has been received in the community very positively basically by everybody except this miserable lot opposite.

Budget: employment

Mr TREZISE (Geelong) — My question is also to the Premier. I refer to the government's jobs-building budget, which will secure — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Geelong to take a seat for a moment. I believe the Leader of the Opposition was allowed to ask his question in silence. I would ask that the same courtesy be shown to the member for Geelong.

Mr TREZISE — As I said, my question is to the Premier. I refer to the government's jobs budget, which, as the Premier alluded to, will secure 35 000 jobs for Victorians, and I ask: could the Premier explain to the house how commentators and interest groups have endorsed the budget as a jobs plan for tough global times?

Mr BRUMBY (Premier) — I thank the honourable member for Geelong for his question and also for the strong support he has given so many of the initiatives in this budget, particularly as they relate to the Geelong

area. As I indicated a few moments ago in my answer to the Leader of the Opposition, this year's budget has been framed in what unquestionably are the most challenging circumstances that have faced our state and faced Australia for many decades. The appropriate response, I think, for a government in those circumstances is to bring down a budget which focuses on jobs. As I have said, this is a jobs-building budget but a budget too which is a positive budget in terms of the settings for private sector investment and a budget which, when the world recovery comes, positions our state as being first out of the blocks and best able to take advantage of that world economic recovery.

This budget will generate 35 000 direct new jobs through \$7 billion worth of infrastructure spending in our schools, in our hospitals, in transport and of course across community facilities. In addition there will be something like 172 000 extra training places over the next four years.

There has been strong support for this budget, and the support and cheering for the budget comes from all parts of the state — —

An honourable member — Jeering?

Mr BRUMBY — Cheering!

Honourable members interjecting.

The SPEAKER — Order! I think we all know now quite clearly the word the Premier used.

Mr BRUMBY — A Warrnambool *Standard* headline is 'Gloom buster — Brumby spends big in our region'.

An honourable member interjected.

Mr BRUMBY — No, they were not talking about Denis! The *Bendigo Advertiser* has the headline 'Bendigo Health gets its wish'. The *Geelong Advertiser* headline is 'Operation jobs' — and so it goes on. The *Border Mail* has the headline 'Home stretch'.

There have been many positive reports of the budget we delivered yesterday. The *Australian* newspaper, which I know the opposition is fond of quoting, said:

In the hardest economic conditions since the Great Depression, yesterday's budget, the 10th delivered by Victorian Labor, illustrated the benefits of a steady, disciplined fiscal approach.

Honourable members interjecting.

Mr BRUMBY — I will just repeat that: a steady, disciplined fiscal approach. It is talking about us, not you! It continued:

Other governments would do well to emulate it.

Under the headline 'Infrastructure spending right for the times', the *Age* stated:

... instead of throwing money at the problem indiscriminately, it is focusing on expanding and renovating the state's infrastructure.

The *Australian Financial Review* headline is 'Surplus and rating envy of other states'. The article says:

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.

The ANZ this morning said today's budget 'is expected to provide a blueprint for the other states'. The Australian Industry Group has described the budget today as prudent and 'a budget for the times'.

On top of all that, what I was most pleased about in this budget — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to the members for Hastings and Ferntree Gully that, if they wish to stand in their places at the appropriate time, I will give them the call to ask a question. To ask questions while the Premier is addressing a question that has already been asked is inappropriate. I warn the members for Hastings and Ferntree Gully.

Mr BRUMBY — What I was most pleased about with this budget, which, as I have said, was constructed in very challenging times, is that we have been able, with the help obviously of the Rudd government, to dramatically increase our spending on capital works and generate jobs. We have been able to do that with record low levels of debt, and we have been able to do that in a strong AAA-budget-rated setting.

In difficult times one of the other tests for governments is whether they look after those who are in need in our community — not just those who can look after themselves and not just the big end of town but those who need the support, the help and the encouragement of the state and who want that support. I was pleased in that response to get such a strong endorsement of this budget by the Victorian Council of Social Service. I am proud of what we have done as a government through our A Fairer Victoria plan. It is outlined in this budget. I will be releasing more details about A Fairer Victoria tomorrow, but I think the test of this budget is that it is a

AAA budget, it is a budget which delivers an operating surplus, it is a budget which delivers jobs and it is a budget which looks after those in our community who are in need.

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling the Leader of the Opposition, I apologise to the house, because I failed to inform it of the absence of the Leader of the House from question time today. The Minister for Mental Health will address any questions on community development and the Minister for Agriculture will address any questions on energy and resources. I also inform the house that the Minister for Police and Emergency Services will be the acting Leader of the House.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Budget: debt

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Will the Premier rule out going further into debt in next year's budget, or does the government plan to increase debt even further as this house-of-cards budget collapses and Victorians are condemned to repay Labor debt for the next 50 years?

Mr BRUMBY (Premier) — I thank the honourable member for his question. The question was about debt. I just make this observation about debt. The Leader of the Opposition was born in the 1950s — I think it was 1952, 1953, 1954 or thereabouts.

An honourable member — He doesn't know!

Mr BRUMBY — What year was it?

The SPEAKER — Order! The Premier!

Mr BRUMBY — During that period, running from the Bolte era and then of course into the Hamer era, government debt as a share of the state's economy — I know you do not like the answer — was almost 60 per cent. Our gross domestic product today is \$260 billion or thereabouts. If you did 60 per cent of \$260 billion, it is around \$160 billion worth of debt. When the Leader of the Opposition was born as part of that great, glorious Liberal era, he was shackled with a level of

debt 10 times higher than today. He seems to have turned out all right.

The SPEAKER — Order! The Premier will come back to answering the question.

Mr BRUMBY — We as a government are generating significant cash from our operating activities. For our capital works program going forward, we are financing that, basically dollar for dollar, from cash from operating activities and borrowings. That is going into projects around the state, like schools, hospitals and transport. The question for the Leader of the Opposition is: which projects would he scrap?

The SPEAKER — Order! The Premier will address the question. It is not an opportunity for the Premier to ask questions of the opposition.

Mr BRUMBY — A policy has been brought to my attention that says in relation to spending on capital works — —

Mr Wells — Answer the question!

Mr BRUMBY — I am answering the question. In relation to expenditure on capital works:

... there must be a rate of return over the life of the project which is realistic and benchmarked against other private and government infrastructure projects;

Mr Stensholt interjected.

The SPEAKER — Order! The member for Burwood is warned.

Mr Baillieu — On a point of order, Speaker, the Premier is debating this question once again. He was asked to rule out further increases in debt. All he has done is seek to increase debt and licence himself to increase debt in the future. If he is going to be — —

The SPEAKER — Order! I warn the Leader of the Opposition. I rule that the Premier was debating the question. I also rule that the point of order was outrageous. If the Leader of the Opposition wishes to continue to be heard on points of order, he will curtail his behaviour. The Premier has been speaking for in excess of 5 minutes. I ask him to conclude his answer.

Mr BRUMBY — If the Leader of the Opposition examines the budget papers, he will see that there is significant forward unallocated capital, which is provided to pay for capital works in the future. I just reiterate that in our program we have got schools, hospitals and transport infrastructure. I do not know

how you can get a rate of return for a government school. How do you get a rate of return for a government school apart from — —

Honourable members interjecting.

The SPEAKER — Order! The Premier has concluded his answer.

Budget: first home owner grant

Ms GRALEY (Narre Warren South) — My question is for 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 outline for the house how the Brumby government is making it easier for young Victorians to buy their first home and support Victorian jobs?

Mr BRUMBY (Premier) — I thank the honourable member for her question. Earlier this morning I was delighted to announce, along with the Treasurer and the Housing Industry Association (HIA) and local builders, the extension of our first home owner scheme. As honourable members would know, the Victorian government pays the \$7000 first home owner grant. In addition to that over recent years we have been paying a further bonus on top of that to stimulate the housing market. That grant was scheduled to conclude on 30 June this year. I am delighted to say that in this budget we decided to extend funding for the first home bonus for a further 12 months, given the circumstances of the housing market and the need to encourage young Victorians to buy their first home.

I am delighted to announce today that with the \$125 million of additional funding which has been put aside for the next year, from 1 July this year first home buyers will receive a bonus of \$11 000, up from \$5000, for newly constructed homes. What that means is that if you are buying a newly constructed home and you are a first home buyer, providing the value of the home is below \$600 000, you will receive from the state government a grant of \$18 000. If you live in country Victoria, you will receive a grant of up to \$22 500; we have increased the regional bonus by 50 per cent. If you are buying an existing home, you will receive a grant of \$9000. Of course the benefit of this is that it will provide significant encouragement for first home buyers in our state. I am proud of the fact that we have one of the highest levels of home ownership anywhere in the developed world. We need to do what we can to help first home buyers.

I mentioned yesterday's ABS (Australian Bureau of Statistics) building approval figures, which showed that

in the last month 33.7 per cent of all new homes approved for construction in Australia were in Victoria, and in fact over the last year dwelling approvals have risen by 15.3 per cent in Victoria compared to a 16.5 per cent fall across the rest of Australia.

In putting together this plan we worked very closely with the HIA. It has done its modelling on what it believes the new first home owner bonus is worth. The HIA estimates that the bonus will stimulate an extra 4344 homes being built in Victoria; it will create directly almost 4000 additional new jobs in our economy; and it will generate \$1.3 billion in additional housing activity. The HIA said today that the boost to the first home owner grant for new homes lifts business confidence in the industry and assists thousands of aspiring first home buyers looking at purchasing a dwelling. The Real Estate Institute of Victoria welcomed the decision to extend the first home bonus and the state government's prudent budget saying that it will minimise the impact of the global recession here in Victoria. I think this is a very positive announcement.

On top of this very positive announcement and the ABS data yesterday, retail trade figures for the month of March, which came in today, show that Victoria is up 2.7 per cent in the month, which is a fantastic result. Australia is up 2.2 per cent. Over the year Australia is up 6.3 per cent, but the strongest mainland state of all is the state of Victoria, which is 7.9 per cent higher.

Budget: employment

Mr WELLS (Scoresby) — My question is to the Premier. I refer the Premier to his statement on ABC radio this morning when he said that we will be the envy of the world, and I ask: will the Premier ask the 200 000 Victorians who will be left unemployed under his budget whether they share his view?

Mr BRUMBY (Premier) — As I have said, this is a budget which has been brought down in the most difficult circumstances which have existed in our state and across the Australian states since the Great Depression of 1929 and the early 1930s. For the first time since the Great Depression the world economy is actually shrinking this year. That is why I have said consistently — just about every day when the Parliament has sat this year — that as the global recession breaks over Australia it will mean slower growth and it will mean higher unemployment. The question then is: how do you respond to that as a government? As a government what you have to do is to bring down a budget which maximises jobs growth in our state. That is exactly what we did yesterday, and

that is what the commentators say is exactly what we did yesterday.

Through our capital programs and through the escalation of those capital programs in this budget we will generate something like 35 000 direct new jobs. In addition, according to the HIA's modelling, the first home owner bonus that we announced today will generate an additional 3609 jobs. In addition to that, in our health system we will see close to 1000 new jobs for health professionals, for nurses, for doctors and for others who support it. In our training system there will be 33 200 new training places this year, which is more new and guaranteed training places than anywhere else in Australia. It is the same in mental health, where there are increased resources. Right across our state in all the areas for which we have got responsibility, we are increasing jobs.

And I will make another point: if you care to look across the rest of the world, look across developed economies and look on the internet to see what is happening there, you will find that in just about every other developed economy across the world governments are shedding jobs, governments are cutting jobs and governments are reducing the size of their workforce. We are not. We have continued to guarantee our jobs in our hospitals, in our schools, in our preschools and in our public sector because at this time and with this challenge it is exactly the right thing to do. The only threat to the jobs generated in our budget are the alternative proposals being espoused by the member for Scoresby, who would slash capital works spending and put at risk the 35 000 jobs that we are generating.

Budget: education

Mr HERBERT (Eltham) — I refer to the government's jobs-building budget, which will secure 35 000 jobs for Victorians, and I ask: can the Minister for Education inform the house how the Brumby government is building a better education system to give every child every opportunity while securing jobs for Victorian families?

Ms PIKE (Minister for Education) — I thank the Member for Eltham for his question. I note of course that the member for Eltham was very pleased to be with the principal of his local school, which received additional funding for capital works in this budget.

We have said many times, and we will continue to say, that education is our government's no. 1 priority. This budget will continue to build better schools, deliver jobs and support Victorian families in these tough

economic times. We are laying the foundations for the future. Every single classroom right across the state will benefit from the increased investment not just in capital works but in improved teaching and learning opportunities. Together with the Rudd federal government, the Brumby government is delivering the biggest investment in this state's history to strengthen and build education.

We are proud and pleased to be working shoulder to shoulder with the federal government. We are pleased to be in an environment where there is cooperation and collaboration. I think this is a good thing for Victorians. Victorians welcome this new climate of cooperation; they welcome the resources and investment that the federal government is providing; and they welcome the partnership.

It is unfortunate that not everyone is positive about that. As recently as today one commentator slammed the collaborative approach and described it as litter or rubbish, making the comment that our budget is littered with tables of federal education spending. I do not think members have to look too far to guess who made those naive and pejorative comments, the kinds of comments that are completely out of touch and out of step with where Victorians really are and where their thinking really is.

I cannot stress enough that this investment is very important at this time, as the Premier has said. Our \$402 million investment, which is the third instalment in our plan to rebuild, renovate or extend every government school in this state, when coupled with the investment by the federal government — which we welcome, of course — will secure around 5000 construction jobs around the state. Because this program is universally applied, every community around Victoria will have increased construction and more jobs, all created because of what is happening in education. As I said, the budget continues the Victorian schools plan and brings us three-quarters of the way through the commitment we made to the Victorian people to upgrade, rebuild and modernise every school in the community.

The budget also provides a further investment to lift teacher quality, with our teachers now the highest paid in Australia. That extra funding will provide support in all classrooms so that students can have quality learning environments in quality facilities. We are also increasing the funding we are providing to schools so that students can undertake vocational education courses within the school community. A sum of \$15 million will help schools roll out those programs. There will also be a \$57 million grant to allow

250 teaching and learning coaches to work within our schools.

We are taking action in education to support families and create the kinds of environments where good teaching and learning takes place; — the physical environment, the professional development and the programs to support young people in our community. We are making sure that our children of the 21st century have 21st century learning environments so that they are equipped to take on 21st century jobs. In the meantime this substantial, revolutionary investment also provides much-needed employment opportunities and stimulation to the Victorian economy in this difficult context.

Some would say the only reason that justifies extra expenditure in capital works is to generate a rate of return. We all know that if those opposite were in government the rate of return they would get in the education portfolio would be from closing and selling schools to the highest bidder.

The SPEAKER — Order! I call the member for Mill Park.

Honourable members interjecting.

The SPEAKER — Order! I have called the member for Mill Park. I apologise to the member for Mill Park. I will give the call to the member for Polwarth. I remind the member for Polwarth that he needs to stand in his place to have the call.

Honourable members interjecting.

The SPEAKER — Order! I ask members for their cooperation.

Budget: roads

Mr MULDER (Polwarth) — Thank you for your understanding, Speaker. My question is to the Minister for Roads and Ports. I refer the minister to the \$1.9 billion promised in the fifth transport plan for the outer suburban arterial roads program and to the 1.5 per cent of this figure — or \$29 million — allocated over four years in yesterday's budget, and I ask: can the minister confirm that at this rate it will only take 262 years to complete this program?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Polwarth for his question, although I wish I had been asked a question by the member for Mill Park!

This government is making a substantial contribution in terms of Melbourne metropolitan roads. So that it is clear, I point out that since coming to government our contribution in terms of Melbourne metropolitan roads has been \$3.9 billion. If you look at the 2009 budget, you will see it contains \$579.6 million for metropolitan roads, which includes outer metropolitan arterial roads and commonwealth-contributed roads.

But of course let us not dwell on the overall aspect, let us look at the individual projects that are actually delivering connectivity for Victorians.

Mr Brumby — Connectivity.

Mr PALLAS — Connectivity and jobs — let us not forget jobs, Premier! We know that as a government we are making a very substantial contribution to the Peninsula Link — \$354.3 million has been allocated to it. That will ensure that this 25-kilometre stretch of road will be toll free and will be essentially delivered by way of an availability charge. It will ensure that the people of Frankston, connecting all the way to down to Mount Martha, will be able to travel effectively without coming across a traffic light all the way from the Mornington Peninsula right up to metropolitan Melbourne.

With the total Victorian metropolitan capital spend, when you look at things like cycling, our commitment to noise walls and our commitment to the Springvale Road grade separation, you see there is \$879.9 million of new capital spend. The total new state contributions to metropolitan commonwealth partnership projects — slightly less than that of course — is at \$743.8 million. In terms of the totality of this budget, we are making a contribution of around \$1 billion right across the state. This is an enormous contribution in terms of road capital spending.

Let us not forget that we are in partnership with the federal government, and that partnership is making considerable inroads. Think about this: we are putting in place a contribution, essentially in cooperation with the federal government, on regional roads. Of course I know the member for Gippsland South, the Leader of The Nationals, will be pleased to know that work on Cox's Bridge is going ahead as a part of this government's commitment to regional roads. With the \$2.4 billion in this budget, committed both by ourselves and by the federal government, we are moving forward. This is a budget that all Victorians can be proud of, and this is a budget that will deliver very substantial upgrades.

Let me say in respect of the 59 major projects that have been completed in outer metropolitan Melbourne on this government's watch that we are not resting on our laurels. We are building or preparing to build a further 17 outer metropolitan roads at a cost of \$1.7 billion. Only today I had the pleasure of being in the company of the Minister for Finance, WorkCover and the Transport Accident Commission, who is also the Minister for Tourism and Major Events — —

Mr Hulls — And water!

Mr PALLAS — And water! We had the great pleasure of announcing that the government would be proceeding with its \$74.6 million contribution to the Dingley arterial. Effectively that contribution — and I know you, Speaker, would see that as something of considerable value to the people of the outer metropolitan areas of Melbourne, particularly of the eastern suburbs — and commitment will ensure that there will be a greater ability for access into Dandenong. It will complete 11 kilometres of the 19-kilometre ultimate commitment to the Dingley arterial, and it will reduce traffic pressure on Cheltenham Road. That is just part of the work that goes on under this government, delivering substantial projects to metropolitan Melbourne and to all of Victoria.

Budget: public transport

Ms D'AMBROSIO (Mill Park) — My question is for the Minister for Public Transport. I refer to the government's jobs-building budget, which will ensure 35 000 jobs for Victorians, and I ask: can the minister inform the house of how the Brumby government is delivering on public transport and jobs for Victorians?

Ms KOSKY (Minister for Public Transport) — I thank the member for Mill Park for her question and for her strong interest in public transport in this state. This is a fantastic budget for delivering on public transport, with \$2 billion for public transport. It was only six months ago that I went along with the Premier and the Minister for Roads and Ports and this government delivered — we delivered — the Victorian transport plan, which is a 12-year, \$38 billion plan to deliver on transport right across Victoria. That includes public transport, with trains, trams and bus networks being improved, delivering more services to more people more often and with more jobs being created right around the state. This budget, the first budget since the announcement of the Victorian transport plan, has delivered what we committed to through that plan.

We have \$650 million for 20 new trains to cater for the increasing demand on the metropolitan rail service, 19 of which will be assembled in Ballarat, which will create 50 new jobs. We have \$562 million in this budget to duplicate the single track between Keon Park and Epping and extend the Epping line through to South Morang, securing up to 460 jobs. This project includes duplication of the line — grade separations are included — and a new station as well as works at existing stations. There is also in this budget \$204 million to electrify the Sydenham line from Watergardens to the growth suburb of Sunbury. That will secure 240 jobs in construction. We also have \$152 million in this budget to build four new train stations — Williams Landing, Lynbrook, Caroline Springs and Cardinia Road — securing up to 210 jobs in construction.

There is \$198 million in bus service improvements, which will provide up to 280 jobs in construction and 90 new bus drivers. There is \$140 million in partnership with the commonwealth to eliminate the level crossing at Springvale Road in Nunawading, which will provide 220 jobs in construction. There is \$27 million to reopen train services to Maryborough in 2010. This will offer 14 weekly trips between Maryborough and Ballarat with onward connections to Melbourne and will result in 35 jobs in construction. We are proud that this is the third line we have reopened since coming to government. We do not close train lines, we reopen them, and we invest.

I have referred to just some of the public transport announcements in this budget. This budget delivers on transport initiatives to connect our suburbs, our regions and our state. In tough economic times this budget, in delivering on transport, delivers on jobs, jobs, jobs. This is a jobs budget, and it is incredibly important in these difficult economic times that we deliver on jobs right across the state. These projects and these jobs will deliver much-needed infrastructure right across our state that will improve transport services — they will not close them, but will improve them and reopen them. We are getting on with the job of creating jobs and delivering more services for more people to travel to more places more often.

Budget: drought

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Agriculture. I refer to the budget papers, which reveal that 10 of the 13 drought response programs will have their funding completely cut out after June this year, and I ask: is the drought over?

Mr HELPER (Minister for Agriculture) — I thank the Leader of The Nationals for his predictable question. Every year we go through the same farce, and then we have to go through the same explanations of how we fund our drought response.

Mr Hodggett interjected.

Mr HELPER — I have not shortened my answer. I need to explain it in an enormous amount of detail so that maybe next year the Leader of The Nationals will possibly understand.

Let us start at chapter 1 of drought budgeting. Firstly, let us set the historical context. It is this government that has committed over the last three seasons in excess of \$400 million in support of our farmers. Secondly, in the last season in the current financial year we committed \$115 million in drought response. The third lesson is that the community of Victoria, the farmers of Victoria and the agricultural sector of Victoria can rely on this government making an appropriate response to the season that lies ahead.

Let me go to lesson 4 from drought policy and drought response. We have a look and wait to see the evidence before us as to how a season plays out. Is it going to be a drought season? Is it going to be a recovery season? How do we respond to the needs of our agricultural sector as we move into that?

The final lesson in drought budgeting for the Leader of The Nationals is that in around about October, when we know what the season is going to be — refer to lesson 4 — we will determine what our response to the drought will be.

Let me say further that the budget contains the massive funding commitment that we made to agriculture in April last year when the Premier and I together announced the Future Farming strategy providing \$205 million for agriculture in this state, to take agriculture forward and to develop agricultural opportunities into the future.

The Leader of The Nationals has again this year, as he did last year — and as the member for Swan Hill and every member of The Nationals did last year with media releases throughout this state — said that we are not supporting farmers through the drought. That was not proven last season, and hopefully we will not have to disprove it this season because hopefully we will not have a drought.

Budget: health

Mr HOWARD (Ballarat East) — My question is to the Minister for Health. I refer to the government's jobs-building budget which will secure 35 000 jobs for Victorians, and I ask: could the minister outline how the Brumby government is taking action to secure jobs while continuing to deliver world-class health facilities for all Victorians.

Mr ANDREWS (Minister for Health) — I thank the member for Ballarat East for his question and his long-term commitment to better health services in his local community.

Yesterday's budget extended this government's history of continuing to invest in the health services that are so important to communities right across our state — in metropolitan Melbourne, in the outer suburbs and in rural and regional communities. In terms of ongoing funding, again there is record funding in this budget to treat the record number of patients coming forward for the care they need. What is more, it is also a budget that builds on our investment in the best capital works program ever. It is the biggest capital works program this state has seen in the life of our government, and this budget builds on that. That is important, both for patients and for our dedicated staff, because after all that is their workplace.

A number of key projects were funded in the budget yesterday, and if I can go to a few of those it will not only provide the member for Ballarat East with some comfort about the prospects for health service provision in his local community but also give the house a sense of our ongoing commitment to the very best capital works and the best fabric across our health system.

The Ballarat base hospital will receive \$20 million to redevelop facilities, including a new and expanded special-care nursery for mothers and babies in that local region and a new — that is, for the first time — coronary catheterisation laboratory service, which is very important. It will mean that 800 people from the Grampians region will be able to get the coronary care they need in Ballarat rather than having to travel to Melbourne. By any measure that is a great outcome for families in Ballarat and the Grampians.

In terms of the Bendigo Hospital — we have already heard a bit about this today — there is a \$55 million boost. We were the only party in 2006 to commit to a new hospital for Bendigo. We committed to fund the planning, and we did that. We committed to support the hospital in terms of new emergency department, and we did that. Now, in this budget, there is further support for

a new hospital for Bendigo. It is very important for people right throughout that region.

In terms of the Alexandra District Hospital, a fire-affected community, we are absolutely proud to be able to provide that community with the \$19 million required to build a new hospital, together with a co-located ambulance station.

In terms of the Warrnambool hospital, stage 1C for that important project has \$26.2 million to continue our government's record support for Warrnambool. It is not hot air that builds a new hospital in Warrnambool; it is this government's commitment to that project and so many more right across rural and regional Victoria.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to take a seat for one moment. I have asked members of the opposition to stand at an appropriate time to ask questions of the minister. To throw questions across the chamber about every different locality within Victoria while the minister is addressing a question already asked of him shows a degree of rudeness and disrespect that should not enter this chamber. I seek members' cooperation.

Mr ANDREWS — What those projects and many more show is that this government remains absolutely committed to ensuring that the quality of the facilities across our health system matches the quality of the care provided by our dedicated staff. That is what we have done, and that is what we will continue to do. I do not know what the rate of return on these capital programs is, but I am proud of them, and so is every member on this side of the house. We will continue to ensure that our dedicated staff and the patients they care for have access to the facilities they need.

PLANNING LEGISLATION AMENDMENT BILL

Second reading

Debate resumed.

Mr BROOKS (Bundoora) — As I was pointing out prior to lunch, the Planning Legislation Amendment Bill, particularly the provisions that relate to the establishment of development assessment committees, will help the government to implement the objectives of Melbourne 2030, the principal planning blueprint for Melbourne, right across Melbourne's 26 principal activity centres and will help to ensure that we have focus not just on local policy in decisions that affect

principal activity centres and particularly large projects but also that those considerations include regional and state interests.

As I mentioned earlier, the *Melbourne 2030* document has some broad objectives about directing growth around activity centres and into key growth corridors while protecting local neighbourhoods from overdevelopment and protecting Melbourne's green wedges. Members opposite have criticised the Melbourne 2030 planning blueprint but will not say which one of those objectives they disagree with. We have heard comments from members of the opposition about their desire to move in on the green wedge zones of Melbourne, and I am sure that many residents who live in the green wedges of Melbourne and who value living in that environment would be very concerned about some of the moves in destroying those green wedges the opposition would doubtless make if it were ever to take government.

It is very difficult for the opposition to form a position on issues around development in activity centres, principally because its members do not have a policy in this area — or in any other area for that matter — but they particularly fall short in the area of planning for major housing developments around major activity centres. During the debate on this bill we have heard that members of the opposition oppose the bill because they say it is an attack on democracy and takes powers away from local government. Only last month we heard the shadow Minister for Planning saying that the minister calling in five key projects was too slow and that he should have acted faster. He urged the minister to hurry up and make key decisions. Surely this is an example of the opposition trying to straddle the policy fence, and as we all know, that can be a very uncomfortable position to be in, particularly as we get closer to an election.

The principal activity centre at Greensborough in my electorate is a good example of local government working together with state government. The Greensborough principal activity plan has been supported by both the local council, which is the Banyule council, and by this government. Comments have been made in the other place saying this government did not support the redevelopment of Greensborough, but the facts show that it was this government, after a request from the council for funding support for that redevelopment, which includes a new aquatic centre, that committed \$7.5 million to the project. A request was made to the then Howard federal coalition government, which fell on deaf ears. The council subsequently approached the Rudd federal Labor government.

This week representatives of the federal government were out in Greensborough to formally announce \$5 million of federal money for the project. Now some \$12.5 million of Labor state and federal money is going into that project. The current situation is that the local council, in concert with the state government, has helped to progress that proposal in partnership with Lend Lease, the private sector partner, to have a development that is ready to go within the next six months. Not only will that be good for the local residents who will use those civic facilities, it will also be good for the people involved in building those facilities.

In terms of development assessment committees, surely part of the thinking is to ensure certainty around the reasoning for decisions being made about key activity centres and certainty for the people who will put up the money to get these projects developed, which will mean that people will have employment. Even members of the opposition talk about jobs when they talk about the minister calling in key developments. Surely providing certainty around principal activity centres through development assessment committees is all about providing certainty for people who want to develop appropriate projects in those principal activity centres.

The bill will help to ensure that we have a clear policy framework for applications in activity centres. I think that is the best way forward, and it will ensure that the people who want to develop large projects have the certainty they need. That is very important for jobs. I am very happy to support this bill.

Mrs POWELL (Shepparton) — I am pleased to speak on the Planning Legislation Amendment Bill 2009. The purpose clause of this bill is fairly detailed; the bill amends a number of acts. It amends the Planning and Environment Act 1987, the Local Government Act 1989 and a number of other acts. It also enables applications for planning permits or amendments to planning permits to be decided by development assessment committees (DACs). This bill establishes those new committees and also allows the Victorian government to deem any area in Victoria to be a growth area. It increases the penalties in the Heritage Act 1995 and it amends the Melbourne Convention and Exhibition Trust Act 1996 and the Docklands Act 1991.

The Liberal-Nationals coalition opposes this legislation. It is interesting to note the presence of the Minister for Local Government at the table, and I urge him to also have a look at what this legislation does. It removes the planning powers from local government. I would like to

focus my comments on the impact on local governments because as a former councillor and commissioner I have always been a strong supporter of local government.

The bill establishes DACs. The first five DACs will be in the activity centres of Camberwell, Doncaster, Geelong, Preston and Coburg, but there is also the potential for DACs to be established in any growth areas right across Victoria, not just in Melbourne but also in country Victoria. The new DACs will become the responsible authority for all developments within the area that is determined by the minister. The minister can determine any class of development, whether that be residential or commercial, and can take away those powers from local government. There is a budget allocation for the DACs this year and next year. I note there is no further planning for money, so we have to be concerned that there could be further cost shifting onto local government after that for the establishment and maintenance of those committees.

The development assessment committees will have five members. Three of those members will be appointed by the Minister for Planning. The second-reading speech states that the chair of the committee is meant to be independent, and yet the bill says the chairperson will be nominated by the minister. The other members are to be people nominated by the minister and the municipal council. They do not have to be councillors. They can be councillors, but they can also be council officers.

As other members have said, the reason we oppose this bill is that it removes the powers from local government, and we believe it is doing this by stealth. It is another broken promise by this Labor government. This government has continually said it will not remove planning powers from local government. I would like to put on record a number of questions that the Leader of the Opposition asked the former Premier.

On 20 December 2006 the Leader of the Opposition asked the following question:

My question is to the Premier. Does the Premier stand by his comments of 23 November on 3AW that under a re-elected Labor government the planning powers of local councils and councillors would not be reduced and would remain as they are now?

The response from the former Premier was:

Yes, we have set out all our policies in the election campaign. Those policies will be adopted by our government over the next four years.

The Leader of the Opposition asked a further question on 18 July 2007:

I refer to the Premier's answer to this house on 20 December 2006, when he confirmed that the planning powers of local councils and councillors would not be reduced, and to his pre-election comments on 3AW on 23 November 2006, when he emphatically denied that the planning powers of councils would be stripped, and I ask: does the Premier stand by these comments, or was it all just another Labor lie?

The former Premier's response is reported as follows:

I assume the opposition leader is referring to the matters which are raised on the front page of the *Age* today in relation to a South Australian planning system which has an expert panel in place on some projects in place of councils. Obviously, like all governments, we examine things right around the country. It does not mean we adopt them though, and the government does not have a proposal ...

It does not mean we adopt those proposals. We are very proud of what we have done in planning. We are very proud of the fact that we have third-party rights. We are very proud that councils have a clear and unequivocal say in what is happening in planning.

I asked the Minister for Local Government a question on 6 May 2008:

Does the minister stand by the comments of the previous Premier on 20 December 2006 and 18 July 2007 in this house that the planning powers of local government councils and councillors will not be reduced?

The Minister for Local Government is reported as saying, in part:

In relation to planning matters, they are handled at two levels. One is as a strategic role for government in undertaking the broader overview of planning. In relation to local planning decisions, they are matters for local government, and that is where they belong.

I totally agree. That is where local planning decisions are made — at the local council.

The government already has enough powers in relation to planning issues. It already has enough call-in powers. It is now going further to remove council democracy. Many councils I have spoken to totally oppose DACs. The member for Mornington and I have visited quite a number of councils across the state. Those we spoke to at Glen Eira council said they strongly oppose the establishment of the DACs. They said they have a whole council plan which was approved by the community and which has held up as one of the great planning schemes because of the work done in preparing it, putting it before the community to be endorsed and then moving along and implementing it. Boroondara council strongly opposes it as well. Greater Dandenong and Whitehorse councils said there was not enough detail for councillors to discuss the DACs.

They did not know enough about them, as there has been very little consultation.

The Municipal Association of Victoria has received mixed indications from councils because not very many have responded. Obviously many councils are not even aware that a DAC could be established in their area. Moreland City Council was originally happy with the concept, but it had a change of heart after the government called in projects such as the Pentridge site and the Kodak site in Coburg.

The Victorian Local Governance Association (VLGA) has a number of concerns, including concern that the establishment of DACs will mean that local government will lose its decision-making control and still bear the costs. There is a concern that the consultation process with the councils was hurried and the details were unclear, and the VLGA questions the government's commitment to genuine partnership with local government.

The government has said that it is establishing DACs to speed up development, but delays are not always the fault of councils. There are many reasons. A developer may decide to make changes to the project because of funding blow-outs or financial constraints. There might be many objectors. Those objections need to be dealt with and it is appropriate that they are. The council may be seeking further information from a developer or from a referral authority, and that is an important issue. Often the referral authorities are the ones that have to look at the information and provide further information, and that could cause a delay. The minister himself could be holding up the project. Developers have often told me they have spoken to their councils about a development hold-up only to be advised that it was on the minister's desk. Again we are finding that often it is not local government that is holding up developments but the state government itself.

The DAC members are not allowed to criticise decisions made about the DAC or they will be fined. There is a concern that the members of a DAC who make decisions may have no connection to their local community. There is uncertainty about the conflict-of-interest provisions. I have had a look at them, and they are fairly onerous. I urge the government, instead of removing planning powers from councils, to ensure that the Department of Planning and Community Development does everything it can to assist local councils, which make decisions in the best interests of their communities.

Establishing another layer of bureaucracy to make planning decisions will not reduce delays. This

government is continuing to remove the voices of local communities. We as an opposition will stand up for the voices of communities, we will stand up for local governments in a democracy, as this government should do. We oppose this legislation.

Mrs MADDIGAN (Essendon) — I rise — in some surprise! — to support the Planning Legislation Amendment Bill. I have heard some of the discussion in the house, much of it from former councillors, so I would like to declare an interest: I too am a former councillor in a local government area, and therefore I am keen to support the rights of local councils. However, there are occasions when the greater good of the state has to be taken into account. And I think this is one occasion where councils — and some councils welcome the establishment of development assessment committees — have to work together with the state to achieve an outcome that is reasonable for the whole population of Victoria.

Some very strange comments have been made about the population of Victoria and about Melbourne @ 5 Million. The other day I was reading an interesting article which said the city of Paris is planning for a population of 35 million, which would be a much harder task than planning for 5 million. Yet I have heard people suggest that the state government is somehow bringing people to Victoria from some undisclosed source to make up a population of 5 million. It was not the state government that said there will be 5 million people living here in the future; that was taken from the bureau of statistics figures. Accordingly any responsible government must take steps to ensure that we have the infrastructure in place to accommodate this growing population.

I find it odd that there is a belief that somehow the state government is out there revving people up and saying, 'Come and live in Victoria'. People come to live in Victoria, and particularly in Melbourne, because it is actually a very nice city to live in, as I am sure all the members representing metropolitan Melbourne would agree. But if we want to keep it a nice city to live in, it is essential that we look forward and make planning decisions which ensure that we will have the capacity to house people in the manner they wish to be housed and that we work in a way which makes that possible.

The reality is that some of Melbourne's urban areas are extremely well serviced by public transport. There are some that have major activity centres and main shopping centres and there are areas that can obviously sustain a larger population growth than others. Many councils have been really proactive in working with the state government to ensure that they follow state

government planning policies and work with the government to ensure that there is greater development in areas which can sustain it while at the same time protecting residential areas. There are some councils that have done this extremely well. Unfortunately other councils have been unwilling to work with the state government in meeting the aims necessary to accommodate the growing population. It is necessary for the state government to work with these councils to ensure that we can put the infrastructure in place to support the growing population of Victoria.

I am sure all members here know that not all councils address their planning matters in the way we might like to see them addressed. I am certainly aware of councillors who vote against their own councils' planning policies. I am certainly aware of councils that, rather than making a decision themselves, prefer to allow planning decisions to go to the Victorian Civil and Administrative Tribunal, which puts VCAT in an unfortunate position because it is not a planning authority and should only operate as an authority to ensure that council planning policies are implemented properly. If councils do not have proper planning policies — and unfortunately that is the case for some councils — it means that VCAT ends up being the planning authority.

The processes that will be put in place by one of the provisions of this bill — the one that most people have spoken of, even though there are a number of other provisions I have referred to previously — will try to ensure that quality decisions are made to balance both local and state government priorities. That is why it is proposed that the committees will have representatives from both those levels of government. Having heard the comments made in the house today, one would think there is to be no council representation on these committees at all.

The member for Shepparton mentioned some councils she has spoken to. I have certainly spoken to councillors at my municipality, the City of Moonee Valley, and they have actually welcomed this legislation, because they see that having access to state government officials will make life much easier for them in determining their planning policies so they will not end up having some terrible argument with the state government or come to grief as a result of there being disagreement. They will also find it useful to be able to use the planning expertise of the Minister for Planning in determining some of their planning decisions.

There can be some quite significant benefits for councils. According to information the government has, a number of councils warmly regard the development

assessment committees, as do local government peak bodies and the development and planning industries. There is quite broad support across the community for this process to go ahead. We have to be realistic about it. I once heard the member for Scoresby say in this house, 'Development is all right, but not where I live' or 'not in my area' — words to that effect. The reality is that the growth of population in Victoria is not going to be isolated in one area. It will be spread across the community, as it should be.

All councils have to be prepared to work in a sensible and realistic way with governments to ensure they are providing the sort of infrastructure and they are making the sorts of decisions that will allow people to live where they want to live. I have heard rather unfortunate views expressed by some people in the community who seem to work on the theory, 'Because I got to live here first, I have the right to say who else can live in my community'. None of us owns communities. We might own our own dwelling, but none of us owns communities and none of us has the right to say that other people cannot come and live in those communities.

My electorate of Essendon has excellent infrastructure, excellent train services, excellent tram services and excellent bus services, it has a substantial number of child-care centres and infant welfare centres, and it has a significant number of schools. Obviously there is some capacity in my electorate for there to be greater development in areas which are appropriate, like the Moonee Ponds business district. I know it is not one of the first five districts that have been identified by the government, but it will come online at some later stage. I think there is a great capacity through this process for my council, for example, to work with the state planning officers to ensure that we get the best development — the one which best fits the community and which will ensure that people who live there already in strictly residential areas will not have their lives affected in a way which is detrimental to them but which will allow development around the railway line and the tram line where there is greater capacity for it. Having access to DACs will make that process that much easier, and it will not cut out council from having a significant say in planning decisions.

I am not quite sure how people think the development assessment committees will work, but they will work on the basis of coming together and reaching an agreed position. I do not think they will be seen as drawing some sort of battle lines with council on one side and the state government on the other. They will be comprised of informed people who have planning expertise and who can work together to ensure that we

have both the best planning policies for the councils involved and also policies that follow the state government planning guidelines. Councils will now have the opportunity to tailor their planning schemes in a way that will protect those areas in their communities that they want protected from larger scale development — and they will still have the rights to have a significant say in relation to that.

I think that part of the Planning Legislation Amendment Bill will be very worthwhile, but of course that is only part of it. There are a number of clauses in the bill, and I am glad to say they were outlined in the statement of government intentions that was read by the Premier earlier this year. This legislation shows once again that the government is serious about following its plans for legislative change as outlined in the statement of government intentions. I congratulate the officers who have worked on this bill, and I look forward to its being passed through the house.

Ms WOOLDRIDGE (Doncaster) — I rise to oppose the Planning Legislation Amendment Bill, which I believe is an attempt to lessen community participation in planning issues which directly affect the community. This bill will take away local planning powers from our community and entrust them to an unelected authority. It is a sneaky attack on local councils, and it will dilute considerably the ability of local residents to be heard and to change matters which directly concern them and which are likely to have a major impact on their way of life. This completely contradicts the Premier's commitment that he would not be reducing the powers of councils, which we heard the member for Shepparton make reference to. What we are seeing in this bill is quite the opposite, and clearly it represents a significant change in approach by the Brumby government. It is symptomatic of the way this government works — reducing the rights of communities and focusing authority and decision making in the hands of a few hand-picked members.

I want to focus on two areas of concern: the creation of the development assessment committees, or the DACs as everyone is calling them, and the appointment of growth areas. The creation of these DACs, one of which will be set up in my Doncaster electorate, will strip the Manningham City Council of the ability to decide planning matters for its own community. There will be a lack of genuine engagement of the communities and the councils in this process, and I think that is evidenced by the fact that when I approached Manningham council to talk to it about the legislation it had not even seen the final bill. It had been talked to along the way, but the final bill was significantly different from what had been discussed,

and the council had not even been consulted or given the opportunity to comment on it. That is a clear sign of what is to come.

Instead, the role of making planning decisions will be given over to a new five-member board dominated by ministerial appointments. Its decisions will be binding, and although there will be recourse to the Victorian Civil and Administrative Tribunal, the local authority cannot appeal the decision. Two members of the DACs will be local government representatives and three will be appointed by the minister. However, these ministerial mates will clearly be unelected. The appointed members will have to fill out a disclosure-of-conflict-of-interest register, but to view it one will need an appointment with the departmental secretary — a system designed to make it awkward to find out about those who are making major decisions in our community.

Unlike the council representatives, who will be community members and who will hear directly from the community, the appointed members on the Doncaster DAC will not be required to have any geographical link with or interest in Doncaster, its community or any other areas to which their appointment may apply. Indeed the local representatives on these boards could be prevented from voting on an issue simply because it concerns the ward in which they live. Having a quorum of three will mean that decisions could be made without any local input. How is this going to serve the needs and the interests of our Doncaster community and communities across the state? There are also sections of this legislation which will gag any criticism of a DAC by its members — a move designed to further restrict the voice of the two local government representatives.

Not only will the Manningham City Council lose its planning authority, it will be lumbered with the not yet detailed costs of servicing this new body. It will be required to provide briefing material, secretarial support and technical advice, and to pay any reasonable costs and expenses of the DAC. This legislation will not speed up planning approvals. It will just add a further layer of bureaucracy while removing local control of important local planning developments. It is little wonder this legislation is being viewed with significant suspicion and distrust by the residents of Doncaster.

Planning issues are of great interest to many residents, and they are often the subject of much controversy. In recent years there has been considerable debate about the Manningham council's Doncaster Hill strategy — a 20-year strategy which plans to attract 4000 new residential apartments. Proposals have come up before

the council, and they have often received considerable local publicity and comment. Residents have been very vocal in expressing their views. The council has attempted to listen to the concerns, and it has held issues forums on the implementation of the development.

The council is currently calling for submissions on the precinct 1 master plan. This has meant that residents have had some input and have been able to talk to their local elected representatives and council officers face to face on related matters such as the developments, public transport and traffic. When the council makes a decision on these proposals it does so with a solid background of what the community feels about these issues, not simply based on directives signed by a minister a dozen kilometres away and carried out by his buddies.

It is quite ironic, because many residents would say that the Manningham council is too wedded to the government's Melbourne 2030 vision in terms of its approval of high-rise projects that concentrate and grow the population in the area. What we hear from the government is that for the greater good it is removing these planning processes, when in fact council has been supporting and making decisions consistent with the 2030 strategy. Nine significant developments approved by council have not yet proceeded. That is not because of a planning process or slow time lines for decision making; it is because of the financial conditions and a lack of demand in the area that so many developments that have been approved have not yet proceeded.

A second major planning issue in Doncaster concerns the proposed sale of the Eastern Golf Club despite the opposition of many residents. The site comprises 47 hectares of prime land which the club hopes to sell for \$90 million. The land is currently zoned residential 3 and has height restrictions placed on it with buildings to be no higher than 9 metres. This land directly abuts the Doncaster Hill development, and there is considerable disquiet about whether the developer, in seeking to maximise his returns, will move to have the planning controls amended to allow a greater height, especially on the land along Doncaster Road. Last week the Manningham council publicly outlined draft principles to guide the development of this site. It has agreed on a two-week time frame to allow the community to make submissions on these important issues.

There is grave disquiet about residents being unable under this legislation to have any real impact on the make-up of developments such as this if an outside body has the final say on what is approved. Residents

believe their concerns could be glossed over in the interests of developers, with little thought being given to things like the impact such intensive development will have on the local community.

Of further concern in this bill is the move by the Brumby government to deem growth areas in any part of Victoria. A growth area will be subject to the planned growth areas infrastructure contribution — another form of revenue raising for this tax-hungry government. While it may top up the government's coffers, it is likely to add considerably to the cost of building a new home and will badly affect developers and land-holders in these areas.

This legislation shows that the government does not want to listen to voters. It merely wants a mechanism whereby it can easily approve developments it wants to have in place with scant involvement from the community and scant opportunity for community opposition. It is for these reasons that I will be opposing the bill.

Mr DONNELLAN (Narre Warren North) — It is an honour to be speaking today on the Planning Legislation Amendment Bill. Having looked at the various notes and so forth, I think the bill is a worthy way to assist local government in dealing with major projects that go well beyond their borders. I know local government has often had difficulty in getting enough staff to deal with planning matters, and that has been so for my local council. The City of Casey has great difficulty in meeting the needs of local developers who put applications before it. This is no criticism of the current planning officers there; it is a simple fact of life that the council does not have enough planning officers to deal with these issues. Consequently major decisions in Casey, which impact on Cardinia and Dandenong and surrounding councils, need to be looked at through the prism of a whole-of-government planning exercise.

I can go back to examples just down the road from my electorate, such as the estate in Lynbrook. At the time the state government and the Department of Sustainability and Environment, which was probably then the planning department, indicated to the local council that that was not a preferred area for development in terms of planning for transport and the like. The council, in its wisdom, decided to go ahead, and for many years there was no train station in the development. The council pushed for a train station, even though it had been told by the state government that it was not an appropriate spot for a major subdivision. If we are going to have development assessment committees, the state government's

planning in transport, infrastructure and the like can be brought into line with council expectations.

The way the committees are going to be set up looks to be representative of the needs of both local government and the state government. There is a suggestion that somehow or other these committees will be unrepresentative. Most planning decisions are made by council planning officers. Usually recommendations go to the councillors and the councillors either approve or reject them, but most of the work is still done by those unelected, dangerous planning officers. The Liberal Party is trying to suggest that we are removing democracy from the people, which is a load of absolute rubbish.

The development assessment committees will necessarily include an independent chair whose appointment must be jointly agreed by the council and the state government. At the end of the day if it is not jointly agreed, there will not be an independent chair, the chair will not be there, so we will not be able to set up a development assessment committee. There will be two standing state government nominees and an alternative for each member who shall be nominated by the Minister for Planning. Our planning officers will be involved in that process. They are the people who look across the whole of Melbourne and work with the Department of Innovation, Industry and Regional Development to plan well. Last of all we will have two local government nominees who will be nominated by the council. They have to be elected councillors or members of staff of the municipality. There will be three alternative members who can be elected councillors or members of staff nominated by the council. These people can be elected representatives or officers of the council, but at the end of the day they are representative of the local area and its needs. All these members will be appointed by the Governor in Council.

There is an idea that somehow or other this will be a secretive group which will make these decisions without any recourse and so forth. That is again a load of rubbish. Development assessment committee meetings will be public, so the public has a right to go along and listen. The agendas for these meetings will be put out beforehand so that the public is well aware of what is going on with these major developments. Last of all, the legislation requires evidence of minutes in the same way the Planning and Environment Act 1987 currently does. There will be minutes of these meetings. They will not be secret. There will not be recommendations that are not open for the public to listen to and know what their council representatives are doing.

At the end of the day it is important that the state government and local councils work together to look at the future housing needs of this great state. We know in terms of housing approvals and the like that Victoria is moving ahead faster than any other state in Australia. We are doing a mighty job of pushing this along. If we want to make housing affordable for people in the future, the first home owner grant and bonus may assist but generally we need to provide alternative options in terms of housing. In my area in the city of Casey there is very little one-bedroom accommodation. It is all one type of housing, and it is focused on the family. That suits the majority of people in my electorate, but there are people who might need one or two-bedroom apartments or units, and they cannot get them at the moment because that sort of accommodation is very limited.

We as a state government need to work with councils to ensure they deliver this sort of accommodation in the same way as we are working with the City of Casey to ensure it provides some industrial land within its boundaries. The City of Casey has failed comprehensively to provide any employment opportunities in my area, unlike the City of Cardinia, which has zoned substantial land for employment opportunity. At the end of the day we as a state government will work with councils on these things to ensure that there is diversity, that there are employment opportunities and that areas are well planned so that they do not become, like the city of Casey, areas that everybody evacuates every day because all the employment opportunities exist outside the municipality.

These development assessment committees will look at all types of planning decisions — retail, commercial and residential. These developments have major impacts not only on the communities directly affected in a city council area but also outside that city. Major shopping centre developments and so forth, such as I guess the Fountain Gate shopping centre, obviously have impacts upon catchment areas well beyond the boundaries. It is important that these things are planned well. At the time Fountain Gate was being put up as a proposal the suggestion of the state government at the time, which the council rejected, was that it be put directly above the railway line. It would have been a bit like Box Hill shopping centre, and you would have had trains and buses coming directly in and a major service centre, all in one. In its wisdom the City of Casey decided to reject the proposal; it knew better than all the state government authorities and the Department of Infrastructure. It did the wrong thing. That is pretty much the story.

In many ways it really is incumbent upon the state government to have a full and healthy involvement in the planning decisions of councils. As a government we cannot abrogate our responsibilities to the public to ensure it has good public transport, good employment opportunities, local services and the like. I understand that if councils are not supportive of the development assessment committee decisions, at the end of the day there are still opportunities for the minister to call the decisions in or for people to look at appealing to VCAT (Victorian Civil and Administrative Tribunal).

For this legislation to work it will depend above all else on the choice of the independent chair who will work with the council and the state government. Chairs who will move things along will work incredibly well, so the choices of the minister will be vital in ensuring that all parties to the exercise work together. Without that trust between the two groups, these development assessment committees will never work well.

This bill is a substantial movement forward in the planning of major sites around Victoria. It provides good representation for both the local community through either councillors or council-appointed representatives, and it gives the state government the ability to look over these decisions and plan in a wise and careful manner. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand briefly and participate in the debate on this bill. I state from the outset that I will be opposing this bad legislation. It is bad because it is misleading. When the Labor Party came to government it promised it would not take away any planning powers from local councils. That was its promise, and it has been saying it for the last 10 years. However, this bill does exactly the opposite; it takes away planning powers from local councils.

The bill does absolutely nothing to speed up planning applications. The excuse that this bill will speed up planning applications simply highlights that this government's policies of the last 10 years have failed. Why else would there be a backlog of planning applications if its policies had not failed? This legislation does nothing more than take away the planning powers of councils and the voices of residents. This bill is also about gagging critics. This government hates it when it is criticised and when it receives bad publicity, and it will do anything it can to ensure that those critics are gagged to ensure it stays in government.

This bill does a number of things, but I will say a few words about two of them. The first is the proposed

amendments to the Planning and Environment Act 1987 that provide that any area of Victoria may be deemed to be a growth area. The second matter is the establishment of new development assessment committees (DACs). In relation to the growth areas, this bill allows any new area in Victoria to be deemed a growth area, as opposed to the current six listed local government areas. Thus a growth area could now be 1 hectare in Warrandyte or a former commercial site in Manningham. There will be five DACs: one each in Camberwell, Doncaster, Geelong, Preston and Coburg.

The one in Manningham — in the Doncaster area — concerns me. Currently Manningham residents are concerned and anxious about this government's planning procedures. Melbourne 2030 has failed. We said it was a disastrous policy when it was introduced, but this government refused to listen to us, and residents are now nervous and anxious about what this government will do in the future. There is not a day when I do not get a telephone call from a local resident complaining about what this government has done to their rights as residents living in an area into which they have moved and in which they enjoy living. This government is destroying the lifestyle that they are accustomed to.

I received a copy of a letter that was sent to the Minister for Planning by a local constituent. This letter is dated 19 March, and it states:

We have been told by Manningham's director planning and environment that the council has no control as to the type of houses built in its municipality — surely part of the function of local government is to maintain livability for all residents within their municipality?

Another resident wrote to the minister on 28 December 2008, and he too was opposed to the policies of this government. This resident wrote:

The current building permit system is being exploited to the detriment of existing property owners.

...

There are illogical inconsistencies between the building permit system and the planning permit system.

...

The building regulations defined and referenced in the act do not adequately protect the interests of adjoining property owners in all construction environments.

...

The current building permit system is counterproductive to your stated intent to have a planning system that provides fairness.

...

The current building permit system is counterproductive to your stated intent to have a planning system that provides transparency.

...

The current building permit system is counterproductive to your stated intent to have a planning system that provides certainty.

It is no wonder residents in Manningham are concerned. They are concerned because they do not trust this government. They do not trust this government because when in opposition the Labor Party said one thing but now in government it does something else. In this particular case it is taking away the planning powers of local councils.

Why are we are opposed to this legislation? The establishment of development assessment committees shows that this government once again is targeting local councils. The loser will be community input. Local residents will not be able to have an input, and their views will not be heard. Instead decisions will be made by unelected, ministerially appointed mates. We know this government has a history of appointing supporters of the Labor Party into key positions. There is no requirement for the appointed members to have any link to the area. Some members could live in Geelong and sit on this committee in Manningham. Where is the fairness in that?

The minister may also determine the boundary of a DAC without any feedback from the relevant local council. Local councils may also be required to pay a large amount in operational expenses as well as staff resources to fund a DAC. The level of payment of DAC members is yet to be advised, and it is only for the ministerially appointed representatives. The minister's previous promise on the independence of the chairperson is not part of this bill. A quorum on a development assessment committee is three members, therefore a decision could be made without local government input. It remains unclear whether a DAC will still have a quorum if a member or members absent themselves from the decisions.

There are many parts of this legislation that gag critics. Any criticism of DACs and its members is punishable by a 100 penalty unit fine and/or removal from the DAC. What happens if a local government representative has a conflict of interest? I hope the minister in his summing up can explain what happens when there is a conflict of interest.

The establishment of the DACs will not speed up planning in Victoria. It is just another level of bureaucracy. The state government has all the powers

of call-ins today, and this legislation will do absolutely nothing to decrease the number of applications. This is just another way for this government to ensure it gags the residents and gags critics of the policies it has implemented over the last 10 years. One has to question why the government would prefer to look after the developers and their supporters and not the residents. One has only to look at the number of financial supporters of the Labor Party and ask: will these people receive preferential treatment from this government to ensure their support continues at the next election?

This is poor legislation. It does not demonstrate that this government cares about local residents. It does not allow local residents to have a say. It gags local councils. It takes away their power and gives it to mates of this government — mates who will be appointed on the committee and mates who will be influenced by financial supporters. I ask the government to withdraw this legislation, because it is poor legislation. Every single member on the government side represents all the constituents of their electorate. This legislation does nothing to support constituents. I call on this government to withdraw this legislation and throw it in the bin, where it belongs.

Ms THOMSON (Footscray) — I rise to support the Planning Legislation Amendment Bill. I do so as the member who represents Footscray, which is an area that has been designated a central activity district. I can talk about the collaboration that already exists between the Maribyrnong City Council and the state government in relation to development and the agreements on the areas which will be designated for the minister's direct planning control. I can talk about the work that has been done to ensure that the development of Footscray into the future will create in the area jobs, livability, living standards, activities, entertainment, quality of life and its multicultural nature so that Footscray will develop and grow in a way that not just complements what happens in the city of Maribyrnong but also complements the broader Melbourne community.

I think this is a very good example of the way we could see the development assessment committees (DACs) working in the future. It is the concept of taking a potential development that is significant not just to a municipality but to the communities around it and to the broader Melbourne community and ensuring that collaborative work is being done to see the development through in a way that meets the needs of the local community and meets the needs of the broader community. We are doing that now in partnership with the activity centre in Footscray, and I am sure that is what is going to happen with the development assessment committees. The notion that the committee

is balanced is very important to understand. There will be an independent chair, representatives from the minister and the department and representatives from council.

At this point I want to cover the issue of conflicts of interest, because I think it is important to get it right. There is a capacity for alternative members to be put in place. Where there is a conflict of interest there will be an expectation that a person will remove themselves and ensure that they do not participate in any decision making or consideration of the issue and that an alternate member is put in place. To say that the community will not be heard is in fact not true. The process will ensure that the state government representatives, the independent chair and the council representatives hear the concerns of the locals; everyone gets to hear them. The meetings will be open, and people will be able to make submissions and see their councillors in much the same way as they can in existing council meetings. Their interests will be heard. Ultimately, if they do not like a decision, they can go to the Victorian Civil and Administrative Tribunal.

We understand that the population of Melbourne and Victoria is growing. We also understand the need for sensitive development of our environment — both the existing environment and what it can be in the future — and the need for jobs and job opportunities, while making sure that people have access to work without having to travel long distances. We need to take into account the environment and our responsibilities to it. The best way to do that is to take the decision-makers and put them all in one room, rather than going through different processes which may result in not getting it right.

As a government and as a Parliament we have a responsibility to ensure that as we develop Melbourne beyond today, we bring our communities together and our developments are planned and strategic and are not ad hoc, where we allow one development to go ahead because there are no objections but do not allow another to go ahead because there is one objection, or we tie up a development because there is one objection. It is about time we understood that we have to have a larger framework under which we allow these developments to occur. We need to be consistent in our decision making.

As we grow we need to understand the importance of looking after the inner and middle areas and to make sure that developments are sensitive to the needs of the local community. We also need to understand that there is greater significance to the broader community. We have to understand that just because in the past people

have thought of land as being their patch of greenery, or their home or their territory, it does not mean they should exclude other people from having that patch or a share in it.

My electorate includes the 128 hectare defence site in Maribyrnong which, thanks to the collaborative approach with the federal government, will now be handled and developed by VicUrban and will see a development close to metropolitan Melbourne which is sensitive to the local communities, sensitive to the Maribyrnong River, and will provide services and business activity as well as residential and recreational activities. For the first time in 100 years it will open up the river to people who want to enjoy it but who have not had access to it before. This is a sensible approach and a sensible development. It is what we should be seeing right across Melbourne as we move forward, taking into account local concerns but not stopping other people from enjoying living close to Melbourne or living close to a railway line or living close to their workplace. They should have the opportunity to live in an environment that is affordable and which provides them with the necessities for living a comfortable and enjoyable life with their families.

This should not be exclusive. It is about allowing others to enjoy the benefits of living closer to Melbourne than they might otherwise be able to do. It is about balanced development. It is about saying that it is not just one or the other. It is about collaboration. In the budget that was brought down yesterday we saw the collaboration between the federal Rudd government and the Brumby government which will ensure that the money that comes from the commonwealth and the money that is available from the state is brought together to result in optimum funding. That is what we are doing with the development assessment committees. It is about ensuring that the developments are at their optimum, that they are the best we can possibly do for local communities, but that they are also the best we can do for the people who might live there, work there or play there and enjoy the community environment as it develops.

That is what we see happening with this legislation. We want to see a planned and staged development across Melbourne that meets all those needs but still balances them out. Yes, there will be areas of difference; there always are. But at the end of the day it is about getting the balance right. It has to be about taking the interests of locals and the broader interest and trying to find the best outcomes for all. That is what this government is doing well. It is saying, 'This is about partnerships between local government and the state government'. If what has occurred between the Maribyrnong City

Council and the state government in relation to the Footscray renewal project is an indication, then I have every confidence that it will be a huge success and Melbourne will develop in a balanced way, meeting all the needs of Melburnians and Victorians now and into the future.

Someone has to be prepared to take up the challenge and meet that need. This legislation does it in a way which will ensure that local communities will have their say, but it also takes into account the fact that the people who may come to live there will also be considered. Existing infrastructure and services are taken into account to make sure that they are utilised to their full capacity, and that we are servicing the people who live in our suburbs.

I commend the bill to the house. I look forward to the success of the Footscray renewal project. I welcome the cooperation of the Maribyrnong City Council. It is more than cooperation, it is a genuine partnership. That is what this legislation seeks; a genuine partnership with local government and the state government to ensure that the development of Melbourne and its suburbs is the best for everyone concerned.

Mr CRISP (Mildura) — I rise to speak on the Planning Legislation Amendment Bill. The Nationals, in coalition, are opposing this legislation. The purpose of the bill is to amend the Planning and Environment Act 1987 so that any area of Victoria can be deemed to be a growth area, enable the establishment of new development assessment committees (DACs), increase penalties for offences under the Heritage Act 1995, amend the Melbourne Convention and Exhibition Trust Act 1996 to remove the limitation on the trust to operate only within the council areas of the city of Port Phillip and the city of Melbourne, and amend the Docklands Act 1991 to allow VicUrban to continue its operations and projects beyond 31 December 2005.

I will focus on the planning aspect of this bill. The provisions in this bill that deal with DACs are extensive. We will discuss some of those concerns in time. The section regarding growth areas — a small but significant part of the bill — is also of concern. It allows any part of Victoria to be deemed to be a growth area and exposes every part of the state to the planned growth areas infrastructure contribution. This appears to be another means to raise revenue, and I will say more about that later.

The Nationals are concerned about the DACs. The Governor in Council may establish a DAC, while the ministerial order determines the area and declares it a growth area. At that point local government has

effectively lost its planning powers over that area. That loss destroys the links with local knowledge. Although two councillors or council staff members will be on each DAC, this change moves the process away from the local community. Ratepayers, through local councils, continue to pay for this exercise. What do ratepayers get for their dollars? Will the DAC process overcome the problems of the current planning system? I do not think so. The problems will still exist. There have been delays, and I do not think the DAC process will overcome them. It is just a new decision-making body that has been brought into being. The problems it will need to deal with — that is, zoning, the planning scheme definitions and skills shortages, whether among staff or councillors — will remain.

Let us look at how the DACs will be composed. They will have an independent chair, yet the independence of the chair is not discussed in the legislation. I think that is significant. One of the deficiencies in the understanding of this legislation relates to the difference between what people expect of an independent chair and what is likely to occur. A DAC will have five members, which would appear to mean that the quorum would be three members. If there are two government members and the chair, who will almost certainly be the government's choice, then the government will have the majority. Why then are we even bothering with any local representation? You might as well have a DAC of three members with the universal powers.

At the end of the day, if a council is unhappy as a council and representative of the people, it will not be able to appeal a decision. The conflict-of-interest provisions will gag those councillors who are on the DAC, as they will be prevented from assisting in any way any group or anyone else who may wish to lodge an appeal with the Victorian Civil and Administrative Tribunal (VCAT). That is how the bill reads to me. The penalty for criticism — up to 100 penalty units — is considerable, so councillors or council representatives on DACs will be very quiet. That will leave the councillors or council staff members in a position where they will not be able to defend themselves. Councils will not be able to go to VCAT, and residents will be confused, stressed and angry. Residents will be able to go to VCAT, but they will not be able to enlist any support from councils. The bill undermines the role of local government.

I agree with what the member for Box Hill said in his contribution — that is, that the government is seeking an extraordinarily broad grant of discretionary powers from the Parliament. That is what it is, and it will be seen by the community as a power grab. These powers can be applied anywhere in Victoria. The legislation

only marks out a small number of councils at this stage, but we are passing legislation that can be universally applied. How long will it be before it is applied elsewhere?

The bill also allows for the collection of growth area infrastructure contributions. These are extensive, and I am curious about who will get the money if this is extended to country Victoria. At \$95 000 a hectare it is a significant amount of money. Does that go back to state coffers? It is listed in the budget revenue estimates as \$84.7 million going forward for this year. If that money comes out of local government and if the collection is extended to country areas, it will not achieve what the government wants to do. Local governments already seek developer contributions to cover a number of issues with development. I hope that the minister will in his summing up sort out where this \$95 000 per hectare fits, particularly if this is extended beyond the five councils listed in the bill.

The extra charges quickly cancel out the generosity of the budget's extension of the first home buyer grant for rural areas. The budget allocates \$1500 more to first home buyers in country areas, but the addition of \$96 000 per hectare to the cost of land washes that away and much more. The approach is very much that of giving with one hand and taking away much more with the other.

What residents and developers really want out of the planning scheme and councils is consistency and certainty in planning. What will anger residents and developers is for the government to appear to be picking winners or for the DAC to be accused of bias, allowing queue jumping or even the granting of favours. This would conflict with the bill. The lovely new section 97MX(f), inserted by clause 6 of the bill, requires a DAC member to:

... treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other members of the DAC, employees of a responsible authority providing services to the DAC and other persons ...

This is a statement of how the DACs expect to be treated. The government and DACs will need to take heed of those words and treat those involved accordingly.

Also government really does not need to do this. If there is a project that is that important, that is bogged down or in that much difficulty, then it can call in the powers that already exist. Country people want local decisions for local issues, but if it is too hard there already is a provision there to call it in, and the minister can do it. I think what is required and what country

people expect in order to get that consistency and certainty is to have the current planning system fixed. This is treating the symptoms of the problems with our current planning system not the causes of them. Local governments find planning very difficult and so do residents. I do not think this is going to alleviate the difficulties.

What we need to do is to address the resource issues that are required out there to overcome those problems so local people can make local decisions about their future. I believe this bill gives the power to attack local democracy. It is a threat to decentralisation, and it is a threat to communities. The bill is being opposed by the coalition. This is bad legislation for communities in country areas.

Ms MARSHALL (Forest Hill) — It is with great pleasure that I rise to speak in the debate on the Planning Legislation Amendment Bill 2009. This is a bill that will ensure that local councils and the state government alike will be able to balance local and statewide interests and make certain that essential infrastructure can manage the increasing growth of Melbourne over the next 20 to 30 years. It is terrific to see the government's response to the recommendations identified in the five-year audit of Melbourne 2030, which outlined this government's intentions in the following areas: transport and congestion management, sustainability, climate change and managing urban growth.

The bill's primary focus is to allow for the establishment and implementation of development assessment committees, or DACs, to make amendments to the Local Government Act 1989 and to make unrelated amendments to the Docklands Act 1991, the Heritage Act 1995 and the Melbourne Convention and Exhibition Trust Act 1996. DACs will be empowered to make decisions on certain planning application matters such as permit planning decisions for areas and matters of metropolitan significance. They will comprise state and local government representatives, who will need to adhere to the effective and transparent probity provisions set out in the legislation.

Currently planning decisions can be made only by local councils and the Minister for Planning. The Minister for Planning has reiterated the fact that councils have been making planning decisions that impact well beyond their municipalities. Melbourne is a large, complex and interconnected urban region where decisions made in one part of the city can generate demands and have impacts in others, requiring a greater focus on state planning policy in certain circumstances. That is

precisely what the forming of DACs aims to do. The formation of these committees will strengthen partnerships between state and local governments on projects of significance to both parties and make certain that decisions relating to such projects are looked at from both a local and a broader perspectives. I embrace the chance for shared responsibility between state and local governments that this bill brings, providing for better decisions on planning permits.

The Local Government Act 1989 will be amended to provide an exception from conflict-of-interest provisions resulting from a councillor being a member of a DAC. The minister has commended the participation of local councils in the consultation process on this bill, and I join with him in his praise. In forming DACs the legislation seeks not to intrude on local communities and diminish the voice of residents in those communities but to bring about a better and more balanced decision-making framework. In order to avoid confusion the date referred to in section 9(1) of the Docklands Act will be removed by this bill, allowing the Victorian Urban Development Authority to continue its involvement with the development of the Docklands.

I welcome the amendment to the Planning and Environment Act, which is yet to come before this house and which will broaden the definition of 'growth areas' as in section 46AP of the Planning and Environment Act. Allowing the minister to declare an area as a growth area is advantageous as it allows local councils to deal with growth pressures more readily by allowing the state to direct resources to those areas.

This bill is just one example of the Brumby Labor government's desire to continue to improve the planning system. It clearly demonstrates this government's willingness to work with local councils. It also shows that the Brumby government is looking towards the future to ensure that Melbourne will continue to be the best place to work, live and raise a family. I commend the bill to the house.

Mr HODGETT (Kilsyth) — I rise to speak on the Planning Legislation Amendment Bill 2009. I oppose the bill because it is taking planning powers away from local government, because it overrides local communities, because it will cost jobs, because it will not speed up the planning process and because it will add costs to development. We have all heard that the purpose of the bill is to amend the Planning and Environment Act 1987 so that any area of Victoria may be deemed a growth area. It establishes the new development assessment committees (DACs), it increases penalties in the Heritage Act 1995 and it

amends the Melbourne Convention and Exhibition Trust Act 1996 to remove the limitation on the trust to operate only within the council areas of Port Philip and the city of Melbourne. It amends the Docklands Act 1991 to allow VicUrban to continue operation in projects beyond 31 December 2005.

I intend to run through the main provisions of the bill and then outline my concerns with the legislation. We have heard the main provisions in relation to growth areas. This bill allows any area of Victoria to be deemed a growth area as opposed to the current six listed local government areas. Therefore a growth area could now be 1 hectare in Mildura, it could be 100 hectares in Sale, it could be a former commercial site in Bayswater North, a former commercial site in Kilsyth, or for that matter any part of the Maroondah City Council area or the Yarra Ranges Shire Council area, which form part of my electorate of Kilsyth.

The bill establishes the development assessment committees. These new DACs, as they have been called, will become the responsible authority for all developments within the deemed operational area as determined by ministerial order. The ministerial order will specify the class of development — for example, residential or commercial et cetera. A DAC will consist of five members, three of whom, including the chair, will be appointed by the Minister for Planning and two of whom will be nominees of the relevant local government area. We should not forget that the local government representatives will need to be ratified by the Minister for Planning.

A quorum for each DAC will be three; that might be any of the three members. Local government may not even get a look in; it might not be at the table or represented at all. The DACs will have the powers of the responsible authority. The DACs decisions are taken as being made by the responsible authority, including the failure to make a timely decision.

Councils from which the DAC is removing the power of the responsible authority will have to provide all operational support to the DAC. The local government area still has to pay for the operational costs, but it is having its decision-making powers taken away. If you ask me that is a form of cost shifting. Once a DAC decision is made, it is to be considered the decision of the responsible authority and thus as binding as a decision from the local council.

I move to express my concerns about some of the provisions contained in the legislation. I am concerned about the establishment of the growth areas. This section is a small but significant part of the bill; it will

allow any area of Victoria to be deemed a growth area, which will then expose every part of the state to the growth areas infrastructure contribution. This appears to be another means for the greedy Brumby government to raise revenue.

Mr Nardella — Greedy?

Mr HODGETT — The member for Melton has got two ears and one mouth, and he should use them in those proportions.

The ACTING SPEAKER (Mr Stensholt) — Order! The member for Kilsyth without assistance, and on the bill.

Mr HODGETT — Local government planning powers are yet again being targeted by the Brumby government. Former Premier Steve Bracks was asked prior to the last election if he would be taking away the planning powers from local government. He replied that he would never do that. Former Premier Bracks was asked after the last election if he would be taking away planning powers from local government; again he replied that he would never do that. Even the Minister for Local Government is on record as saying that the government would not be taking away planning powers from local government.

This shows the arrogance of the Labor government. This is another ‘no tolls’ — members would remember that story. We were told that of course there would not be any tolls on the freeway. Then after the election, within three months or six months, the government did the backflip and we were told there would be tolls. The government said there would not be any tolls, that it would be a freeway. We now know that the Scoresby freeway is a tollway, so do not trust this lazy, arrogant Labor government because this is well and truly — —

Mr Walsh interjected.

Mr HODGETT — The member says, ‘feeway’; it became a feeway and not a freeway.

We should not trust this lazy, arrogant Labor government because local government planning powers are well and truly being targeted by the Brumby government. The loser will be community input as the majority of DAC members will be the unelected ministerially appointed Labor mates.

There is no requirement for the majority of the members who are appointed to the DACs to have any links to the geographic area in which the DAC is operational. The minister may determine the boundary of the DAC without any feedback from the relevant

local council; therefore the same DAC might be responsible for Camberwell, Prahran, Dandenong, Kilsyth, Bayswater North — any area minus local government representatives.

Local councils will be required to pay a large amount in operational expenses as well as staff resources to fund the DAC. That will remove their responsible authority powers. However, the local government that provides the support may not appeal against a DAC decision as its decision is considered the decision of the council.

The minister's previous promise of an independent chair is not part of this bill. As has been stated, a quorum is three members; therefore a decision could be made with no local government input at all. There are many sections of the bill which gag any criticism of a DAC by its members. The penalty for that is a 100 penalty unit fine and/or removal from the DAC, which is specifically aimed at the local government representatives. The minister alone may remove a person from the DAC.

Finally, we are concerned that the operational procedures are yet to be determined by a ministerial departmental note, or the DAC itself, and therefore they can make it up as they go along. There are no DAC operating procedures; they are yet to be drawn up or made public.

In the remainder of the time I have available I draw attention to a letter I received from the mayor of Maroondah City Council, which is one of the local municipalities in my electorate. The letter was written to the Minister for Planning, the Honourable Justin Madden, MLC. The letter raises some concerns which have been discussed with me by a lot of local governments since this bill was introduced into the house.

Firstly, the bill has been introduced into Parliament without adequate consultation with local government. It is significant that this council has only become aware of the bill through local residents or local representatives. The councils have not been consulted at all. The letter states:

As mentioned earlier, council had no direct knowledge of the introduction of this bill from the government. Council has been in contact with a number of the five councils earmarked for the first round of development assessment committees ... and none of them were aware of the introduction of the bill or in fact that the bill was imminent. Nor were any aware of the detail of the bill which has many implications for councils.

There you have a local municipality upon which this bill impacts significantly and which has not been adequately consulted. As members from this side of the

house have said, we are opposing the bill and asking for it to be withdrawn and amended, and for adequate consultation to take place with local government authorities.

The mayor of the Maroondah City Council goes on to state:

The approach set out in the bill triplicates existing planning decision-making systems ... As you would be aware, the vast majority of planning applications in the Ringwood activity centre, indeed throughout Maroondah, are dealt with under delegation and within statutory time limits.

...

Maroondah currently operates with the vast majority of planning applications determined under delegation. The bill requires planning decisions in the DAC area to be made only by the DAC ...

I am told that in the last five or six years most planning applications in the Maroondah City Council have been determined under delegation. I am not casting any judgement on how local government sets up its planning process and how it goes about that. The point I am making is that it will only add steps and slow down the planning process, which has been shown in the example I have referred to from the Maroondah City Council.

Also, as I have said, the bill requires planning decisions in the DAC area to be made only by the DAC, but as the majority — that is, three out of the five positions — are Labor-appointed mates, they will be on holiday in December and January and will not be around for two months. Who is going to make those decisions? The creation of the DAC in effect means that any planning application in that operational area can no longer be dealt with under delegation. This can only extend the time taken to consider the majority of planning permit applications.

Finally, the Maroondah City Council mayor's letter goes on to talk about the composition of the DAC. It states:

The quorum for the meeting is three ... but does not include a minimum number of members from the council. In addition, the minister's powers to suspend a member of a DAC seem unclear and could be indiscriminately used, given that one of the clauses triggering suspension includes 'acting in a way that is not in the best interests of the DAC'. In addition, it appears that the minister has the final say on which of the nominated council representatives are part of the DAC. The chairperson is also appointed by the minister and the council does not seem to have any input into this process.

That sums up the views of local government. As I said at the outset, we oppose this bill. I oppose this bill because it is taking planning powers away from local

government, it overrides local communities in the planning process, it will cost jobs, it will not speed up the planning process and it will add costs to development.

Mr EREN (Lara) — I am pleased to speak on the Planning Legislation Amendment Bill. Because many members wish to speak on this very important bill my contribution will be brief so that they can take the opportunity to have their say. The purpose of the bill is to establish development assessment committees (DACs), the members of which will make decisions on applications for planning permits. The amendments contained in this bill show our government's commitment to partnering with local government to achieve better outcomes for communities across the state.

As members will know — including you, Acting Speaker — Geelong is strategically a very important regional city that is continually growing. Obviously Geelong has a lot of potential and is of enormous benefit to the whole state. Avalon Airport, the port of Geelong and the \$600 million Geelong Ring Road all contribute to making Geelong very important in the scheme of things in Victoria. Accordingly the establishment of development assessment committees is a good way of dealing with all of the complexities that exist for varying reasons when it is left to local councils to deal with making major decisions on matters of state significance or the making of other major planning decisions.

Development assessment committees will be established by an order of the Governor in Council made on the recommendation of the Minister for Planning and will have authority to decide on a planning application and planning application amendments. Councils will retain their role of being the responsible authority and will process applications both before and after a decision is made. Currently councils are making decisions that have major effects throughout the whole state and not just in their own municipalities. This legislation will ensure that decisions are made in partnership to make certain the challenging task of providing for the future of Victoria's growth and development is shared responsibly.

Development assessment committees will not remove third-party appeal rights or affect the powers provided by the Planning and Environment Act 1987. When making decisions they will apply the policies set out by the local council and the state. The government has not made this decision lightly. In July last year a technical working group was established with the help of local governments to provide input into the development of

this amendment. The establishment of these committees will see an improved standard of decision making and effective partnership will benefit the whole of Victoria.

Last Friday in my electorate the minister made a terrific announcement that he would fast-track some key planning projects to the tune of \$862 million and 4939 jobs. These projects vary from the proposed development of the Kodak site in Coburg, which was called in from the Victorian Civil and Administrative Tribunal, the 568 St Kilda Road development, which was also called in from VCAT, and the development of 69 to 77 River Street, South Yarra. These projects are worth millions. The Minister for Planning will also appoint an advisory committee for a residential development at Chirnside Park golf course. Last, but not least, came the announcement of streamlining the planning approval process for airport-related development at Avalon Airport, which is in my electorate and which is very important not only for Geelong but also for Victoria. Fast-tracking the planning processes for Avalon Airport is worth \$40 million and 420 jobs. Clearly Avalon Airport is now in the second stage of the process of becoming an international airport, a proposal which is obviously in the realm of the federal government. As the state government we understand the importance of the airport, and the Minister for Planning has therefore made this important decision. Obviously this will enable improved retail facilities and accommodation to be developed at the airport. As I have said, the project will create employment for up to 420 people. This is a very important bill and I commend it to the house.

Mrs VICTORIA (Bayswater) — I too rise to make a contribution to the debate on the Planning Legislation Amendment Bill. I will begin by outlining the purposes of the bill and then go into a little more detail. The purpose of the bill is to amend the Planning and Environment Act 1987 so that any area in Victoria may be designated a growth area. The bill also establishes development assessment committees, to which some people are referring as DACs, and also amends the Docklands Act 1991 to allow VicUrban to continue operation in projects beyond 31 December.

The bill contains some very troubling provisions, and I will go through some that are particularly worrisome. Currently only six local government areas are deemed to be growth areas, but this legislation changes that so that any part of the state will be able to be declared a growth area. That worries me, because we all know there are certain parts of the state that cannot possibly be described as growth areas, especially if they are as built up as some of the suburbs in my electorate of Bayswater. The provisions in the bill will give

development assessment committees incredibly far-ranging and ridiculous scope for development. It could be said that a DAC could be set up to preside over a development as small as a 1-hectare development in Heathmont or former commercial site in Bayswater or Boronia.

Generally these sorts of planning decisions are made by councils and councillors who live in their local areas and who have the best interests of their local people at heart. What worries me most about the establishment of DACs is that, even though they will not be set up initially in my electorate — they are being set up in Camberwell, Doncaster, Geelong, Preston and Coburg — they could be set up in any particular area deemed to be a growth area, and the DAC will become the responsible authority for all developments within the boundary set out by the minister. If that is not bad enough, the bill also specifies the kind of development that can take place, including commercial or residential developments.

Each DAC will comprise five members, but three of those members will be ministerial appointments. If that is not nepotism, I do not know what is. With only two other members on each DAC, the balance of power will always be in favour of those people who have been appointed by the minister. Furthermore, the two people who will be appointed to each DAC from the local government area will have to be approved by the minister as well. This provision puts in place some strange powers of oversight in this area. I think it is very scary that we give one person — the minister — this amount of power.

As I said, the appointment of local representatives to each DAC will have to be approved by the planning minister, which is wrong. We live in a democratic society — or it is supposed to be! DAC members will be able to be removed from their positions for reasons of probity, corruption or not acting in the DAC's best interests? How do you define what is in the best interests of a DAC? Could it be those members who constantly object or bring fresh ideas to the consultative process? Could it be that they disrupt meetings? It could be the case that they have some good reasons for being disruptive, but who then will deem what is in a DAC's best interests? The bill provides that these people can be fined for being disruptive or even removed. Again, who has the power to do that? It is the minister.

Local councils will have very little say in anything that goes on, yet they are being asked to provide all the operational and financial support and to provide the submissions and information that comes in. Local

councils are being asked to give up some of their powers and pay for that privilege. I do not quite understand the logic; there is no logic. What the government is doing is an absolute abuse of power. The briefing materials and the secretariat responsibilities and all those sorts of things are going to come back to councils, which will have lost power over DACs. Such a measure does not make sense.

The bill provides that each DAC's decisions will be binding. I find this incredibly disappointing, for want of a better word. A third party could come along and say, 'I want to appeal that decision'. That is their right, and they will be able to do that, but a council will not be able to do that. A council may totally object to the DAC's decision in its own municipality, but it gets no say in it. It gets no right to take this to the Victorian Civil and Administrative Tribunal (VCAT) or to ask to have it heard and reversed. The government is taking away all of the decision-making powers from councils. That is wrong. That is the best way to put it. As I said, the decision can be appealed at VCAT. The local council can have a say in that as long as the action is being brought by a third party, but it cannot bring that action itself.

The members who are appointed by the minister may not know the local government area, and that is probably one of the greatest travesties here. You may have people making decisions about an area they know nothing about. They may know nothing about the amenity of the area, the people who live there, what people moved there for and why it is that they love that area. An entirely inappropriate development might come along to that area and any members of the DAC who speak out against that — and that might only be the two members from local government — will be gagged. If they do speak out against it, they could be fined 100 penalty units. That is an incredibly big misuse of power.

What are the benefits? None; absolutely none. There is not one benefit. Correspondence from the mayor of the Maroondah City Council to the minister indicates that the council has serious concerns. A letter dated 1 May 2009 states:

... the bill has been introduced into the Parliament without adequate consultation with local government. It is significant that council has only become aware of this bill through local residents.

Would you not think that if this were going to affect local councils, they would know about it? The letter continues:

Council has been in contact with a number of the five councils earmarked for the first round of development

assessment committees (DAC) and none of them were aware of the introduction of the bill ...

Is that not significant? Further:

Council does not believe that the creation of yet another decision-making body is a necessary or a workable long-term solution ... I do not expect that there are to be any efficiency gains through this process.

What is it about this proposal that is offending so many people? The letter continues:

A better solution to government perceived concerns about the implementation of Melbourne @ 5 Million would be through the introduction of strong and clear local policy that was written in true partnership between state and local government.

That is simply not happening.

At the moment the government has the right and the ability to order call-ins. Why not continue to use that system, if needed? This bill goes well and above all of what is currently in place, and I believe it is truly an offensive piece of legislation. The minister is being terribly paranoid in the way that he is setting up these DACs. Perhaps he should go and listen to a little bit of Black Sabbath's music; the band does a great musical number called *Paranoid*; the minister would be doing himself a bit of service to have a listen to that.

To quote another great piece of art, if you like, there is a fabulous Australian movie called *The Castle*. In that movie, which I am sure so many members in the chamber have seen, there are numerous scenes where people try to explain what it is about a piece of land and their houses that cannot be replicated elsewhere. Whether it was Dennis Denuto, Darryl Kerrigan or Lawrence Hammill, QC, they all tried to express that it was just not right to do this. The only thing to do was to keep people in an area they knew, that they loved and that they chose to live in. The Federal Court judge says in the movie, 'And what law are you basing this argument on?'. Darryl Kerrigan turns around and says, 'The law of bloody common sense!'

Someone needs to tell me: what will VCAT say on appeals? There is no common sense in this proposed law.

Mr TREZISE (Geelong) — I am pleased to be speaking on and in support of the Planning Legislation Amendment Bill 2009. As previous speakers have noted, this bill in part amends the Planning and Environment Act 1987 in order to introduce the initiative of development assessment committees (DACs) which, amongst other centres, will apply in the central activity area of my electorate of Geelong.

I am pleased to be speaking in support of this bill because it highlights once again the fact that this government, unlike the former Kennett government, as you are well aware, Acting Speaker, seeks to work effectively in partnership with local government, including the City of Greater Geelong, the area of which is effectively represented by the Acting Speaker, the member for Lara, by me and by the member for Bellarine.

Over the last nine years this government has established an effective working relationship and partnership with the City of Greater Geelong, and in fact with all councils within the region under the banner of the G21. This legislation introducing the DACs system is another step in further developing our strong working relationship with local government when it comes to important local planning applications.

As the Acting Speaker is well aware, in regional centres like Geelong where developers are interested in investing in the city, they will shy away from such investment if there is any uncertainty, any delay, and if they are not confident of a predictable outcome. Hence the importance of this legislation that we are debating this afternoon.

It is important to me as a local member who works closely with local councils that this legislation is fair and that it promotes a true partnership in planning decisions. Facts such as the committee being made up of five members — including two council nominees, two state government nominees and an independent chair — shows that this legislation will promote an open, transparent, strong and balanced partnership between the state government and local councils.

It is important that centres like Geelong continue to grow and prosper, and I have to say that such prosperity will only emanate from the state government through commitments such as those in yesterday's budget. We will see in cities like Geelong that prosperity and growth will emanate from council commitment and expenditure, and also from private sector commitment. But above all, it will emanate from a partnership between those three sectors: state government, local government and private investors.

The establishment of DACs is one part of a raft of new initiatives proposed to improve our planning system across the state. These are planning decisions that are important to my local community, the Acting Speaker's local community and to the electorate of the member for Bellarine, who is the minister at the table. It is important legislation, it is good legislation, and I therefore wish it a speedy passage through the house.

Mr WELLER (Rodney) — It gives me pleasure to rise and speak on the Planning Legislation Amendment Bill 2009. The bill seeks to amend the powers of the Planning and Environment Act 1987 so that any area of Victoria may be deemed a growth area. It establishes new development assessment committees (DACs), increases the penalties in the Heritage Act 1995 and amends the Melbourne Convention and Exhibition Trust Act 1996 to remove the limitation of the trust to only operate within the council areas of Port Phillip and the city of Melbourne. It also amends the Docklands Act 1991 to allow VicUrban to continue to be involved in projects beyond 31 December 2005.

We have heard how this bill is going to lead to greater cooperation between local governments and the state government. In reality, this is a takeover. According to my figures — and I would have thought members of the other side would have understood numbers reasonably well — three out of five rules. A chairman appointed by the minister and two government appointees makes three; therefore they rule. The bill will result in a government takeover of planning in local areas. Even worse than that, it will mean local government will have to pay. State government will take over planning issues; local government will then be bound by those decisions and will have to pay for them.

The member for Geelong made some interesting comments about working in partnership. I also heard the members for Narre Warren North and Footscray talk about a partnership. I do not believe any of them have actually read the bill, because new section 97MK says:

- (1) A DAC is to consist of the following members in relation to DAC applications applying to land in a particular municipal district —
 - (a) a Chairperson nominated by the Minister;
 - (b) 2 other members nominated by the Minister;

So that is three out of the five, and then:

- (c) 2 other members, nominated by the municipal council for the municipal district, who must be drawn from a group of 5 persons who are councillors or members of staff of that council and who have been nominated by that council.

The council does not even appoint those people; the minister makes a selection from those nominated persons.

I went back and read the second-reading speech; it made interesting reading. It says:

In particular, the position of independent chair will be developed and short-listed in consultation with the local government sector.

The wording does not say in agreement with the local government sector; it says 'in consultation'. Prior to coming to Parliament I was chairman of the Victorian Farmers Federation.

An honourable member interjected.

Mr WELLER — The Victorian Farmers Federation is a great organisation. It should be remembered that in that role I was part of a group which consisted of the chairman of the Victorian Catchment Management Council and the chairman of the Municipal Association of Victoria. We nominated people for appointment to the catchment management authorities. I do not believe a lot of the people I recommended were appointed. While I was involved in the process — —

Mr Nardella — You should have talked to Jeff Kennett!

Mr WELLER — For the benefit of the member for Melton, I was president of the Victorian Farmers Federation from 2002 to 2005.

Mr Nardella — I knew that.

Mr WELLER — The point I am making is that consulting does not mean that you — —

Mr Nardella interjected.

Mr WELLER — I am actually on the bill. Having consultation will not mean the local government will end up with the person it would like as the chair. The act says that the minister appoints, and that is what he does. He consults, but he can choose to take no notice, and he can appoint. It is therefore an appointment of the minister.

I turn to proposed section 97MS(b), which states that a quorum for the meeting of a DAC is three members. It does not say one of them has to be the council representative — it says a quorum is three members. Therefore we could have a DAC meeting making decisions with no council representatives present. This is not the ideal situation. It is not consulting and working with the community; it is taking over from the community.

I turn to proposed section 97MU(1), which states:

In addition to the procedures set out in this Division, a DAC must act in accordance with any procedures determined by the Minister ...

Once again we have the minister telling the committee what to do, not the council. This is nothing less than a takeover and a grab for power by the state government.

I turn to the second-reading speech, where the minister himself states there will be 'one independent chair, and an alternate'. Obviously the minister has not read the bill and does not understand that the independent chair is a nominee of the government. Further on in the bill is a very interesting, and I believe quite good, paragraph. Proposed section 97MX(f) states:

treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other members of the DAC, employees of a responsible authority providing services to the DAC and other persons ...

I wish we could apply that principle further. Last year the Minister for Water referred to people who disagreed with the north-south pipeline as quasi-terrorists. Here we have a minister saying everyone has a right to an opinion. I think this is quite a good thing that should be extended further.

Returning to the second-reading speech, we have the Leader of the House stating that the probity requirements for DAC members includes 'conduct principles for members', which relates back to proposed section 97MX(f). That is fine, but he is also on the record as saying that people who disagree with the north-south pipeline are indeed 'ugly, ugly people'. I think we should be consistent and apply those rules further. We need to treat people with due regard, and that is one of the better paragraphs in a bill I totally disagree with.

Then we hear that councils have not been consulted. Here we are putting a bill through Parliament and councils have not even been consulted on it. The member for Kilsyth mentioned a letter he received from his local council, and the member for Bayswater has also referred to that letter. This bill should be withdrawn until there has been proper consultation so that we can be working with the communities and the local governments — as this government says it is doing. There is a lot of proof that it has ignored the councils and ignored the communities and that this is an out-and-out takeover.

I will not deny there are problems in planning. Many issues come to my office regarding problems with planning, and developers in my area are very concerned

about the planning process and the red tape it involves. This bill is again a prime example of the Brumby government not consulting and not getting the right outcome. This is policy on the run that is wrong and that will take this state backwards. It is a grab for power by the Brumby government, and it should be thrown out.

Mr LANGUILLER (Derrimut) — It gives me great pleasure to rise today in support of the Planning Legislation Amendment Bill 2009. The bill sets out the purposes of the legislation, which include to amend the Planning and Environment Act 1987 to enable the establishment of development assessment committees that will decide on certain types of applications for planning permits and amendments to planning permits, and to enable growth areas to be declared in any part of Victoria. The bill also amends the Docklands Act 1991 to allow the Victorian Urban Development Authority to continue its involvement in the Docklands development, it amends the Heritage Act 1995 and it further amends the Local Government Act 1989 to provide that a person is not regarded as having an indirect interest due to a conflicting duty under section 78B solely because he or she is a member of a development assessment committee. This is a good step in the right direction.

The bill seeks to amend the Planning and Environment Act 1987 in order to introduce a system of development assessment committees to make decisions on particular types of planning permit applications of significance and to set out clear provisions in the act relating to effective and transparent probity provisions for members of a development assessment committee and to associated issues. Consequentially the bill also seeks to amend the Local Government Act 1989 to provide an exception from conflict-of-interest restrictions which may arise from a councillor's membership of a development assessment committee.

Opposition members walked into this chamber today and made a range of submissions on this bill. I particularly wish to refer to the assertions made by the member for Box Hill, who was evidently busy today working through his budgetary papers and making a presentation to his colleagues so they could respond to a very good budget — a jobs budget — by the Brumby government. Mr Clark's comments on this bill were another example of the opposition's mistakes and inaccuracies, and I think it is important that we refer to them. The first one relates to the growth areas. What one ought to say in relation to the growth areas infrastructure contribution (GAIC) is that it is totally irrelevant to this bill. The GAIC is subject to a separate

piece of legislation that is yet to come before this Parliament.

The ability of the minister to declare an area a growth area has a range of benefits. It can assist councils to deal with growth pressures more readily by enabling the state to direct resources to those areas. It can also enable the Growth Areas Authority (GAA) to work in areas requiring specialist coordination for master planning and indeed inter-agency coordination. It does not follow that an area that is declared a growth area will necessarily be the subject of the GAIC. I think it is important to put on the record that the contribution to debate on this bill made by the member for Box Hill in particular was in that sense wrong. Indeed the GAIC policy commitments that have been publicly stated to date set out exactly which areas would be subject to the GAIC and how the funds would be allocated. The GAIC is intended to fund infrastructure for the areas that will come into the revised Melbourne urban growth boundary, which will come into effect later this year. The assertions made by opposition members in this place today were wrong, and it is important from the government's point of view and indeed for the benefit of the public that these matters be cleared up, and cleared up now.

The Liberal-Nationals coalition is effectively thumbing its nose at the growth areas outside of metropolitan Melbourne and saying, 'You don't need the assistance or the additional resources of the state government or the GAA. You can coordinate planning on your own. You can do it yourself'. We think that is wrong, and I think it is important to state that the development assessment committees, which are known now as DACs, will play an important role in resolving a whole range of issues. The opposition's argument goes along the lines of saying there is a problem in the planning system, but that any proposal to bring about better and more balanced decision making is opposed. It says on the one hand that the DACs will not speed up planning because people will still have a right to appeal. On the other hand it says the DACs are an intrusion on local communities and will reduce their say in their destinies. Which way is it? What is it that the opposition wishes to support?

The Brumby government has always said that it is embarking on a process of continual change in and improvement to the planning system. We make no apologies for that. I certainly do not, particularly in relation to the area I represent, the electorate of Derrimut. As the member for Derrimut, which covers the municipality of Brimbank, I welcome this new process because with the new mechanisms to be set in place by this legislation, to which I look forward,

hopefully a range of developments in a number of areas that need to be resolved can be resolved quickly — because people who are unemployed want jobs, and they want them now. I say this unapologetically: we need to be able to do things and do things well. We need to do them responsibly. We certainly need to consult, but there ought to be a time and a place when these matters can be resolved and resolved quickly.

I support this legislation because I believe this is a further step in strengthening partnerships with local government. The DACs are another forum through which local government and the state government can work together in support of the community, in support of the economy, in support of creating jobs and in support of good development.

The final matter I wish to place on the record is that I am sure every member of this place, both government and opposition, has had the opportunity to talk to the business sector and developers. There is one thing they need, particularly now with the global financial crisis, and that is certainty. They need to know where they stand. They need to know that things will happen. It takes 12 months on occasions to get things off the ground, particularly with big developments. This requires major investment on the part of the developer and on the part of the businessperson, and they need certainty. I believe the DACs will make that contribution and that the amendments and proposals in this legislation will be welcomed by local government, by the community and indeed by us. It is a terrific piece of legislation that ought to be supported by every member in this place who has common sense. I commend the legislation to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise and contribute to this debate on the Planning Legislation Amendment Bill 2009. As members on this side of the house have indicated, the coalition will be opposing this unfortunate piece of legislation. This piece of legislation seeks to amend the Planning and Environment Act 1987 so that any area of Victoria may be deemed a growth area. It establishes the new development assessment committees which I will deal with in a moment. It increases penalties in the Heritage Act, amends the Melbourne Convention and Exhibition Trust Act and amends the Docklands Act to allow VicUrban to continue operations in projects beyond 31 December 2005.

This failed Labor government will be remembered for its consistency. It is consistent in the sense that it says one thing and does another. It promised our community a freeway and we were left with a tollway. It promised my community a 24-hour police station, which is now

only operational for 16 hours a day. It promised the Rowville rail feasibility study, which it has not done.

Members should listen to this question asked in this house by the Leader of the Opposition back in December 2006. His question was to the then Premier. He asked:

Does the Premier stand by his comments of 23 November on 3AW that under a re-elected Labor government the planning powers of local councils and councillors would not be reduced and would remain as they are now?

What was the Premier's response? Did he shirk the issue? No. In one of those rare moments from ministers the Premier gave an unequivocal answer. He started off by saying:

Yes, we have set out all our policies in the election campaign. Those policies will be adopted by our government over the next four years. And of course one of the things we want to do, and we have committed to, is have a new agreement with local government which enshrines and upgrades its powers and reinforces local government as the third tier of government in this state.

It is interesting. Here we are, more than two years after the then Premier, Steve Bracks, unequivocally told this house that local government had nothing to fear from a re-elected Labor government and that it would not touch planning powers in this state, and what we see before us is a bill that does exactly the opposite. The government promises one thing and it does another. It promised a freeway and we ended up with a freeway.

This bill strikes at the heart of local democracy. Members opposite talk about understanding the needs of local communities. Local communities elect local councils to make decisions about local planning applications. What we see before us is a piece of legislation that will create new development assessment committees (DACs). These committees are to be established initially in Camberwell, Doncaster, Geelong, Preston and Coburg. I ask those opposite to tell this house which of the local councils were consulted about the establishment of these committees. Which of those councils were consulted about the introduction of this piece of legislation? This is about establishing a body that is going to rip at the heart of the role of local councils.

Like many in this house, I have served in local government. I understand what it is like to deal with local planning applications. I understand what it is like to stand up in local council and deal with issues that affect local communities. These DACs will consist of five members, three of whom, including the chair, are to be appointed by the Minister for Planning. They will not be representing the local community but will be

appointed by the minister. Two of the five members — the minority on any DAC — will be people from the local community. We will have a situation where three representatives from country Victoria or from Geelong will be driving hundreds of kilometres to other parts of the state to make important decisions that will affect local communities. They will drive in, make the decision and get back in the car and drive back to their local communities. We will have people from Melbourne driving to country Victoria and telling country Victorians what planning decisions suit their communities.

The member for Swan Hill is at the table. He would be aware of the needs of his local community and would want to ensure that his local council is the primary decision-making body for applications that affect that community. With the greatest respect, the people in Swan Hill have a better understanding of the needs of the people of Swan Hill when it comes to planning applications than people from metropolitan Melbourne. Despite the commitment, despite the promise, despite the spin and rhetoric of the then Premier in this house, despite him saying, 'Trust us, we know what we are doing. Do not worry, you have nothing to fear. Local planning powers will not be touched', with a stroke of a pen the situation has changed.

Do not take it from the coalition. Local communities are outraged by the imposition of this new system. The majority of those who will be making the decisions will not even represent those local communities. People from local councils will be responsible for providing the assistance, for providing the know-how and wherewithal, and for doing the legwork and assisting in the process, but those people will not be able to make the final decisions on important issues that affect their local communities. It cannot be asserted that after a decision is made councils can simply fix the mess at a later point in time. If major developments go through, they will be a legacy that is left for the community.

If those opposite say the system of planning is wonderful and fine and achieving the results required by this government, then one has to ask why the DACs are being created in the first place. If the government is telling us that there are problems with the planning system — that the current system, which this government has controlled for the last 10 years, is not working — then the government needs to fix the system. Implementing the DACs will not fix those problems, because if there are problems with the system, they extend far beyond Camberwell, Doncaster, Geelong, Preston or Coburg.

This is about ripping out the role of local councils and ripping away the control of local councillors to make decisions about their local communities. I am unashamedly supportive of local councils making decisions for their local communities, and if that means that we stand on this side of the house in opposition to this bill, then I am proud to do so. Local councillors are elected to represent their local communities and make decisions on behalf of their local communities. They are not elected to local government to say to their communities, 'Significant planning applications are going to be dealt with in this community, but I am more than happy for some unelected person to be brought in from another part of this state and make a decision about what affects my community'. If I was a councillor, I would not sit back and let that happen. This is why we have seen a number of councillors at a number of councils in a number of communities across this state indicate their concerns and reservations about this legislation.

This government should be withdrawing this legislation and consulting with communities, local government and local councillors, and asking them what they want to see when it comes to local government planning. I can tell the house the answer. It is pretty simple. You do not need to hold too many meetings. What they expect is for local councils to be empowered to make decisions for their local communities. This bill may well pass this house, but we are yet to see what will happen in the other house. More importantly, if this bill is to pass — —

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

Mr CARLI (Brunswick) — I rise to support the Planning Legislation Amendment Bill. I do so because I realise that in planning a city — given its development, redevelopment, growth and change over time — we have to have mechanisms to allow for good decision making. We have to balance the demands of local communities and local policies with state issues and demands. We have to balance development with conservation, and we have to provide a whole lot of mechanisms to do all that with.

The reason I want to focus on the development assessment committees (DACs) is that I think they constitute a mechanism that works in situations where you have complex developments and where you need to consider not only the planning permits but the metropolitan implications of those developments and the coordination with different government agencies. Bringing together bodies such as the DACs, which

allow state government and local government to work in partnership, is a very sensible and good way to go.

I always enjoy speaking on planning issues both in this house and in my community, because they raise a level of emotion, pressure and tension. That is not surprising, because planning is important to us. It is about the future of our city and our community — not only our future but that of later generations. The implications of planning and development will be there, affecting residents and later generations and prosperity into the future.

When we have these debates there is a tendency for the two sides to accuse each other of having very polarised positions. The claims go that one side must be pro-development and the other side no-growth; that one side is for overdevelopment and one is for appropriate development; or that one is pro-business and one is pro-community. Those accusations that get thrown around — and we have heard a lot of them today in this house — are not very helpful.

What is important to me and to the community in a planning process is that we have good development. There is an understanding that cities change and develop; that those developments need to be good; that we should have improvements to amenities; and that we should ensure there is good and affordable housing, that jobs are made available, that quality of life is improved and that we support sustainable transport options. The DACs will be working in areas where there is the possibility of lowering our dependency on cars, ensuring the greater use of sustainable transport, reducing long trips and ensuring that people have access to services and jobs close by. It is about a more sustainable city as well. These are really big issues, issues that need to be dealt with in the planning process, and I think the DACs are an appropriate way to do that.

I have heard a lot from the opposition today about the importance of local community, local input and a whole lot of such issues. Yes, it is important to involve local communities in planning matters and to ensure that they have an input, but we also have to recognise that these developments are about the future of our city; they are about the future residents of these areas and they are about future generations. We cannot simply resort to whatever local opinion might decide on the day. We have to have a much stronger dynamic of debate and involvement, and I think bodies that have an independent chair, two state government representatives and two local government representatives will provide a good mechanism to allow this to happen, so I am very supportive of the DACs.

I want to focus on the DACs in the context of the Coburg redevelopment. The Coburg shopping centre, along with the areas around it, including the footy ground, constitutes an incredibly important transport hub. It has a tram line, it has a railway station and it has buses going through the area. It is a largish piece of land. It includes parts of Sydney Road and Bell Street, so it has some important arterial roads. It really is a product of 1970s urban planning. All the houses were knocked over and supermarket car parks were built. A large number of those car parks are actually owned by the city council. A large part of the land we are dealing with is owned by the City of Moreland. One of the reasons I think the DAC is important for this complex piece of land is that it is very difficult for council, which is in a consortium with Equiset as a developer, to be the planning authority and also the proponent of the developments. It is good to have a mechanism that is at arm's length from the city council and that ensures that there is no conflict of interest.

As I said, I am very much about outcome-based planning. I think we should realise and recognise that what we are trying to achieve here is good, balanced development that provides jobs, provides housing, uses existing infrastructure and builds on that existing infrastructure. We should not be carried away by ideas of who is losing authority and who is losing a say. The reality is that decisions have to be made, and they should be made in the best way possible. They should involve local communities, they should involve other interests that are important and they should involve broader state government strategies about how we make a more sustainable and a more contained city. If those elements are used as measures of what is an appropriate mechanism to make planning decisions and for coordination of future planning, a DAC is a very good mechanism.

When you look at the new housing and the renewal of infrastructure that is envisaged for Coburg, both the hard infrastructure of Coburg and also the soft infrastructure — the services and the community — you see that an enormous amount of planning work, community involvement and community debate has occurred, and there are very clear visions of how the city should look and how that redevelopment should look. Very central to that is the idea of strengthening that community. All this talk about communities being denied access and being denied a say is pure nonsense. Coburg is a really good example of a very long-term process that involves people in that process.

There are complexities when you deal with an area like that. Even if a lot of the land is owned by council, it is not all owned by council. There are parcels of land

sprinkled around with different land-holders, and there is a need to ensure that we can provide for new and major developments and that there is the potential to deal with issues of land ownership and land configurations. These are complex issues. We have complex issues of infrastructure provision, land acquisition and land ownership. We need a mechanism within the planning process to allow that to be worked through and resolved. It is not purely about the permit process; it is also about what is the mechanism to draw together and deal with that level of complexity.

We can identify levels of change in an area like that. There is a land use question. Clearly the DAC is critical in resolving land use issues and providing for potential permits. Providing the future direction of development is not an issue for DACs. That is an issue that is dealt with in terms of the structure plan and local policy, which in turn relate to state policies. There are growth opportunities and there are change opportunities there. We need to deal with those and make those possible. There is the issue of accessibility of that area, particularly in terms of transport.

Clearly revitalising the major historical investments that have been made in terms of transport infrastructure is important. We also have to protect that area from undesirable change. We do not want to deal with each permit, in a certain sense, as a lone entity. We need to have a structure for planning. We need to have a DAC process. We need to have a vision. Coburg is probably not as complex as other areas, because so much of the land resides with council and is part of that Equiset-council process. Nevertheless, if we are going to make the thing work, it is important we protect the area from what might be undesirable change.

We are dealing with an area of significant change. The DAC is appropriate in an area of significant change. It is not a low-change area. It is not an area of great heritage value. It is an area of great urban renewal. The DAC, I believe, is the appropriate mechanism to achieve it.

Mr THOMPSON (Sandringham) — There are a number of key concerns the opposition has with this bill. Firstly, one concern is that a development assessment committee (DAC) will simply replace a council with a body totally complicit with the state government in making decisions in activity areas. There are local governments in place that are required to make planning decisions that reflect, in terms of local democracy, the views of local communities that elect local councils.

The fining of DAC members 100 penalty units for simply voicing concerns over approval decisions indicates a level of paranoia about criticism. I note that three of the subordinate elected officials or satraps will be appointed by the government. The minister can predetermine the outcome of development in Victoria by virtue of the very people who will be appointed to make these development assessment committee decisions. Three members are appointed by the minister and two are appointed after local consultation. The minister will have a majority. By virtue of the people who are appointed, the outcomes of those matters can be pre-empted. I think that is a point of major concern.

When there was a call-in of planning decisions in the middle 1990s, the Victorian Local Governance Association, the Municipal Association of Victoria and councils across the state were generally up in arms because of the loss of local democracy and local autonomy.

The viewpoints might suit an inner urban area like Fitzroy or St Kilda, where at one point there was a level of detached residential development of 17 per cent, 13 per cent or thereabouts. The applicability of planning schemes in those areas is quite different to an area like my electorate of Sandringham where over 70 per cent of housing is detached residential development. It is possible for these schemes to change the urban character.

At this stage I would like to record concerns in Sandringham about the imposition of an overlay which is regarded as good in the minds of some but is not accepted by the local residents. A petition will be lodged in the house this week on behalf of the residents of Mariemont Avenue in Beaumaris drawing the attention of the house, and also of the local council, to their objection to the implementation of amendment C75 to the Bayside planning scheme inter-war and post-war heritage controls on properties in their street. The local people object to that particular proposal for a number of reasons. They are:

- I. It is inequitable to adopt arbitrary and discriminatory measures that would deprive a property owner of freedom of action with respect to their property other than to comply with relevant building standards and valid regulations.
- II. It is inequitable to adopt arbitrary measures that would have the effect of prejudicing a designated property's market value. This amounts to expropriation of property value without compensation.
- III. A 'heritage' scheme should concern itself only with the preservation of distinct structures of high public interest, not individual private dwellings of little interest to the general public. These dwellings are far from unique.
- IV. The houses do not constitute a precinct as defined in authoritative dictionaries. Nor are they even a 'relatively cohesive streetscape' as stated in the notice. There are some 30 properties in Mariemont Avenue, of which only 5 of the properties are designated as 'significant' (less than 16 per cent). The 5 are not adjoining. Nor are they a 'row'.
- V. Several of the designated houses may have been altered to the point where they are no longer integral to their original design. It is an exaggeration to describe all of the original architects as 'distinguished'.
- VI. The proposed overlay will deprive the owners of significant and contributory properties of a full range of options for moving on as they and the properties age. For affected property owners their home is their castle and should not be subject to gratuitous intrusions that devalue a major asset acquired in good faith without knowledge or forewarnings of these interventions.
- VII. The artificial preservation of several of the houses under reference will have the effect in time of diminishing the standing and value of all housing in the street as the significant and contributory properties age.

In short, the proposed amendment is arbitrary, ill-conceived, and deprives property owners of their rights.

The petitioners request that the Brumby government delete all references to Mariemont Avenue and reject plans to implement inter-war and post-war heritage controls in the Sandringham electorate other than for voluntary listings and council-owned assets. Here we have an example of a heritage overlay which, in the opinion of heritage architects, is a good idea — it is a good idea for a precinct in a street to have a heritage overlay imposed upon it contrary to the wishes of every resident in the street!

Likewise, in the case of the bill before the house, the appointment of development assessment committees may mean the imposition of an approach which is not accepted by the local community. In a sense this goes to the heart of local democracy — that is, communities have a right to determine their own outcomes.

I heard the erudite contribution from the member for Coburg and note his longstanding interest in planning matters. There may be some merit in having an approval process which enables certain projects to be fast-tracked, but often in these particular matters there is a strong political bias on the part of community stakeholders. If such an issue had arisen in Victoria 12 years ago, people would have been lining up outside Parliament. Editorial writers and objectors would have been saying, 'This represents a removal of local democracy, of local autonomy'. And yet we have a bill before the house, and there is a reasonable silence on the streets of Melbourne regarding the outcomes that might be envisaged under it.

Earlier today a constituent, who lives on the metropolitan tram network and who values the amenity of the area in which they reside, was here. With the more recent proposal, following the failure of Melbourne 2030 to deliver outcomes, it has been suggested that high-rise development be allowed along tramlines and on bus routes. I think I know why the government left out mention of train lines, certainly when referring to the Sandringham line, because nobody else can fit on the 8.15 a.m. or 8.30 a.m. trains from Sandringham unless the train was to be converted to look like an Indian railway carriage with people hopping onto the roof. Already seats are being taken out in the cause of efficiency.

Recently, another constituent mentioned to me that she has a \$2500 interest each year in the public transport system. That is what she pays to travel in zones 1 and 2 to get to and from work in the city. Yet she is deprived of a seat and she is deprived of space, and often the trains are cancelled — Connex has excelled at that in recent times. It is very difficult for her to get a reasonable ride to and from work. With the development of more infrastructure along tram routes and bus routes the government has wisely left out train routes under the description of where development will take place, but it will not be long before there is massive overcrowding on those routes as well. As the government has been managing issues arising from population growth, I think it has failed to think ahead about what is in the best interests of the Victorian community.

A number of these things have been talked about before, but there is a lack of infrastructure, including drainage infrastructure, sewerage infrastructure and public transport infrastructure. It is emerging that even local school infrastructure is not capable of coping with the demands that will be placed on the services required to be delivered by the state with increased levels of population.

There is a problem with centralised control and the ability of the state to meet outcomes and also to meet the aspirations of the local communities who value their local residential amenity, who value their local neighbourhoods and who value the very reasons why they moved into a district in the first place. To have unelected satraps and appointed subordinate government officials making decisions on planning outcomes to accord with the wishes of a centralised authority while denying local people a democratic voice is a matter of major concern.

The bill will also require a level of financial contribution that will add to the impost on developers

and land-holders whose land may be zoned as a growth area. In the opposition's view that could add thousands of dollars to the cost of a new home. If areas in regional cities are zoned as growth areas the housing industry there may also be slowed by the imposition of the new growth areas infrastructure contribution. The issue is problematic. It is a matter of major concern to the opposition. One needs only to look at local planning issues such as — —

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

Ms KAIROUZ (Kororoit) — It gives me great pleasure to contribute to the second-reading debate on the Planning Legislation Amendment Bill 2009. The bill amends the Planning and Environment Act 1987 in order to introduce a system of development assessment committees, or DACs, to function as delegates of the responsible authority in making decisions on planning applications of particular significance. I support this bill because it introduces a new framework for a better and improved state-local government partnership by providing for the establishment of DACs comprising state and local government nominees to make decisions on significant planning permit applications. The bill will insert clear provisions in the act that relate to effective and transparent provisions for members of a DAC.

Currently the Victorian planning system only allows planning decisions to be made at a local level by councils or by the Minister for Planning, and there are no systems in place whereby state and local governments can effectively act as partners to make decisions on areas of shared interest that will directly or indirectly benefit the community. I applaud the government for wanting to play an active role in implementing state policies and to share responsibilities rather than expecting councils to take sole responsibility. This new partnership will take pressure off local councils. It is designed to share the load that some councils bear, particularly when making controversial planning decisions.

Like many members of this house, I have served on a local council. I know firsthand how difficult it was to make some planning decisions, particularly those decisions that could benefit the community in the long term but would face opposition in the short term solely because members of the community did not want that particular development in their backyard. They could see that it would benefit the community and that it was a significant development — they would have welcomed it if it had been elsewhere — but they did not

want it in their backyard. I welcome this new partnership approach.

The concept of development assessment committees has generally been well received by councils and, I understand, by local government peak bodies. The notion that has been put forward by the opposition — that is, that the government wants to take over all planning systems — must be thrown out the door. Councils had the opportunity to put forward their concerns, and I am sure the Minister for Planning would have met with them when necessary.

The bill also amends the Local Government Act 1989 to provide an exception from conflict-of-interest restrictions that may arise from a councillor's membership of a development assessment committee. Provisions for the establishment, jurisdiction and functions of development assessment committees are clearly set out in new part 4AA, division 2, which is introduced by clause 6 of the bill. A DAC would be established by order of the Governor in Council on the recommendation of the Minister for Planning, and the order would specify the area to be covered by the DAC and the specific matters upon which the DAC would make a decision. An order establishing a development assessment committee may be revoked or varied to modify the location and the criteria for applications to be determined by the DAC. Councils will continue to retain the role of responsible authority and will process applications both before and after a decision.

A DAC will decide all applications within its jurisdiction as set out in the order. Councils will not be able to make a decision on a matter assigned to a development assessment committee. The decision made by the committee will become the decision of the responsible authority. The committee can make a decision on a planning permit application for the council. When making a decision on a planning permit application, a development assessment committee will implement the policies and controls set by the council and the state. This means that if a council has a particular policy or framework which it likes to apply to planning applications, the committee will consider that and work within these controls. Development assessment committees will not remove third-party appeal rights or affect the call-in powers provided in the Planning and Environment Act. If a third party is not content with the decision that has been made, they will still have third-party appeal rights.

The decision-making model was developed in consultation with local government and peak bodies. In July 2008 a technical working group of local government representatives was established to provide

technical planning input to inform the development and finalisation of proposals for the implementation and operation of the development assessment committees. In particular, the position of independent chair will be developed and short-listed in consultation with the local government sector. It is very important to understand that the local government sector will continue to be consulted. The proposals were then taken to all metropolitan councils for comment. Councils had the opportunity to comment and put their positions forward on several occasions. The local government sector should be commended for its responses and input into the decision-making model so far.

The membership of DACs is set out in division 3 of proposed part 4AA. The composition of the DAC membership provides for equal state and local government representation. Each development assessment committee will have one independent chair, two state government nominees, an alternative for each member who will be nominated by the Minister for Planning, and two local government nominees who will rotate on and off the development assessment committee to ensure representation from the municipality in which the application is based. All development assessment committees will seek technical advice, administrative support and any other support they reasonably require from the responsible authority. The development assessment committees set up by this government will provide a base for shared responsibility for managing the future growth of our state, particularly in areas such as my electorate.

Development assessment committees will create effective partnerships between state and local governments to make decisions on significant planning permit applications for areas of shared interest or responsibility; and they will provide for better standards and balanced decision making regarding planning permit applications. The amendments to the Planning and Environment Act are important in achieving the challenging tasks of managing Victoria's ongoing growth and development. This is occurring in my electorate of Kororoit at a very fast rate, so I welcome the DACs.

I look forward to the partnership between local and state governments. I commend the bill to the house.

Mr K. SMITH (Bass) — This appalling a piece of legislation, the Planning Legislation Amendment Bill, is going to be strongly opposed by the opposition, because it is taking planning powers away from local government and putting them into the hands of bureaucrats who will be appointed by the minister and who will dictate terms in local government areas where

local governments have been operating effectively and efficiently up until now.

Yes, we all know there are some councils that may be inefficient. Kororoit, or whatever it may be, may have an inefficient council and planning officers who do not know what they are doing and become a hindrance as far as the developers are concerned. In our consultations we found a number of groups that thought this was okay; the Master Builders Association of Victoria and the Urban Development Institute of Australia both supported this legislation going through. The reason they supported it was that they run into brick walls when they go into local councils and want to get some planning approvals done. That is because quite often the planning officers within councils are incompetent and do not understand what it is all about. The problem is more about the councils themselves not appointing the right planning officers.

Coming in over the top of councils are development assessment committees, or DACs. The membership of the DACs will consist of three people who will be appointed by the minister — and you can bet Labor Party hacks will be appointed; and there will be two members from the local government area — and you can bet that they will be a couple of lefties who will be able to influence the decision —

Mr Nardella — Socialists!

Mr K. SMITH — They will probably be socialists like the member for Melton, and they will be in a position where they will be trying to —

Mr Nardella interjected.

Mr K. SMITH — I cannot believe you, Don. The member for Melton should not say too much, because he will only show his stupidity instead of keeping it quiet.

The DEPUTY SPEAKER — Order! The member will speak on the bill.

Mr K. SMITH — I get upset about this. Only last week I was at a meeting convened at Officer about the growth corridor areas and the infrastructure fund that is being put in place by this government by stealth. It does not have any legislation to put it in place; it is going to start charging people up to \$95 000 per hectare for their block of land because it suddenly gets put into a growth area because the boundary is being moved.

I say to the member for Melton, who is nodding his head like some sort of noddy at a circus show, the truth of the matter is that in the Cardinia and Casey area they

are talking about 5200 hectares of land that will be included in a growth corridor. My comments are all to do with the bill. Let me say that \$520 million is going to be ripped out of the pockets of people who do not want to sell their land and who are happy just living where they are. They are going to get ripped off. This comes in on land that is 0.25 hectares, or 1 acre, which People in this growth corridor will be slugged. When someone sells their house, which is on 1 acre or an acre and a half of land, they will find that they have to have to pay a pro rata amount based on \$95 000 per hectare. If they have 1 acre of land, they are going to have to add in excess of \$20 000 to the cost of their house or they are going to have to pay out of their own pocket when this rip-off legislation goes through this Parliament.

I can tell members that we are going to fight this legislation tooth and nail. It is wrong. It is not up to this government to override local government with bureaucrats, these ministerial appointments who are going to be put in place by the Minister for Planning. He is the one who is going to do it; he is going to put them in place. He is going to tell them what he wants. He is going to put two of his council mates on the committee, and they will do what he tells them to do. They are going to rush things through that local people do not support. There may be things that they support, but they will not have a say in it; they will not have any say at all about what is going to happen. I just think what the government is doing is wrong.

The development assessment committees will be able to override the powers of the responsible authority — that is, a local council. The elected members of that area are going to be overridden by five people who have no right to do that. The minister has said in the past — as have the former Premier, Mr Bracks, and the present Premier — that he was not going to allow planning powers to be taken away from councils. They all said that, yet here we are with this legislation before the house. It is a disgrace. The government has gone back on its word again. Somebody asked me about some sort of code of conduct for members of Parliament, and whether that included lying. This government has made an art form of lying. It said it was not going to do something and here it is doing it.

Apparently the Minister for Planning will have the right to call in issues that are of concern, that he would like to see moved on. The minister will now appoint a group of people who are going to override councils, which will not have any say or any input into the decision making by these people who will not actually live in an area. If they do live in the area, they are not going to be able to have a say. They will have to declare a position

of some sort of interest in it. Even the council appointees who are on these groups are going to be in a position where, if an application concerns a development in their ward, they will have to declare a position of pecuniary interest in that issue. It is just wrong that this sort of legislation could be brought in against what the ministers and the Premier and former Premier all said previously.

A significant part of this bill is that any area of Victoria will be allowed to be deemed a growth area. That will expose every part of the state, and it might only be a quarter of a hectare of land — 0.25 of a hectare of land — anywhere in this state that could be classified as being a growth area. That means all of a sudden that land could be hit with the application of a \$95 000-per-hectare levy by the government.

The member for Melton should be as aware as anybody else that there are growth corridors being created out in his area — they are shown on the plans — that are probably two or three times as large as the areas down in Casey or Cardinia. The people in Casey and Cardinia are not happy about it. I could not imagine the people out in Melton who might have an acre of land or so and who are going to be in a position when they sell their house by private treaty to somebody else of having to pay the levy being imposed by this government.

The member for Melton can shake his head, but the truth of the matter is that is exactly the situation. This is going to cost people a lot of money. Any new estate that is being developed or is proposed to be developed in a growth area — or growth corridor, as it is called — is going to carry anywhere between \$6000 and \$10 000 per block of land for anybody who buys it. This will be an additional cost for first home buyers, who this government seems so concerned about — the Premier talked about them today — and is trying to buy off by offering them more money through the first home buyer scheme. The Premier looks as if he is buying them off, but he will give them the money in one hand and rip it off them with the other. However, people are not stupid. They will understand they are being ripped off by a Labor socialist government that has got itself back into a financial position where it is no better off than it was under Premiers Cain and Kirner when they were in government. We are going to be running up debts in this state like we had back in 1992 when the Liberals had to come in and sort it out. We do not want to be put in that position again, but that is what is going to happen.

The people of Victoria are going to wake up to this government and what it is doing. It is financially incompetent, nothing more and nothing less. This is

only a way of dragging money out of the pockets of poor people — they are not all developers. It is a way of drawing money out of poor people here in Victoria by a government that cannot be trusted. It has shown it cannot be trusted. The ministers lie. The Premier and former Premier lied to the Parliament when they said they would not take away the planning powers of local government, because that is exactly what the government is doing with this bill. People are going to wake up to this government.

We are going to fight this legislation tooth and nail. We are going to fight tooth and nail to make sure that the growth area infrastructure levy legislation does not go through this house. People are in uproar now. Just wait until they build up their hatred for this government. The government will pay for it with defeat at the next election.

Mr NARDELLA (Melton) — It is as if there has been a time warp. It is as if the seven long, dark years of the Kennett government never occurred. It is as if the 300 call-ins each and every year by the then Minister for Planning, the Honourable Robert Maclellan, never occurred in those seven long, dark years, because we have members of the Liberal Party and The Nationals who were senior members of the Kennett government who now say we are taking away democracy from local government. They say we are taking away democracy, unlike what they did when they were in government in those seven long, dark years!

What gall those members have to come in here today and say that we, after consultation and after working through these issues with local government, have not consulted local government. In actual fact the opposition does not understand any of the processes we have undertaken with regard to the development of this legislation because it is lazy, because it does not do its homework and because it does not go out there and consult with its stakeholders and the stakeholders we consult with every single day of our time in government. Opposition members have short memories about the period when they were in government and had a then Minister for Planning who, without any processes and without any consultation, would call in planning matters, and without any reference to the council involved would make decisions off his own bat.

When in opposition we raised time after time the problems it caused with corruption, the problems it caused with the mates that were being looked after by the Kennett Liberal-National Party government, but time after time and without any process, the then Minister for Planning made decision after decision without any reference to democracy, without any

reference to local residents and without any reference to local councils. Yet now that we are in government the opposition says to us with crocodile tears that we are taking away democracy, that we are doing this awful thing that it would never do. The opposition says that if it ever got back into government it would never do that, but it has amnesia.

The opposition has amnesia about the seven long, dark years of the Kennett government when time after time, year after year and in case after case it made a decision through the minister for planning to take away those powers. Let me give honourable members on the other side of the house a lesson. Planning powers are delegated from the state government to local government. Yes, local government is the responsible authority, but those planning powers are delegated by the state government. That is a hard concept for those on the other side of the house to understand, because they would have to think about that and mull that information through their minds to work out what that means. In fact it means that the state government is the responsible authority for planning, it delegates those powers to local councils and there are mechanisms to deal with appeals and disputes through VCAT (Victorian Civil and Administrative Tribunal) and through other mechanisms.

To say that this government is interfering in local government is not correct. The issue of establishing development assessment committees has been worked through in a process of consultation, and local councils have been involved in that process. Do they like it? Some do not, and I will tell you why they do not like that process. It is because some of those councils are hopeless, they will not make decisions and they refer all their difficult matters to VCAT. Some of the councils in the activity centres where the DACs are going to operate have never made a decision, either because they are looking after their mates or because they do not want to have the wrath of their residents or extremists within their communities who will start to oppose councillors and councils in those areas. That is the reason we are putting in place DACs.

We have to have a mechanism that involves local councils and the state government and takes into account both local and state policies in a process of partnership. That is what members on the other side do not understand. They do not understand partnerships between the state government and local councils. Of each five-member DAC, three members will be appointed from outside the council. People could be appointed from either within or outside a council area, so a council would have a voice on the DAC and,

through its delegates, a council could express its position on the committee.

Yes, the minister will appoint those people to those positions, but what are we talking about? If we were to pick up what members of the opposition are saying and look at it rationally and logically, we could ask who would be appointing those people to a DAC if the minister was not going to appoint them. Are we going to hold elections for each DAC? Are we going to open the committees up to the wider Victorian community? Will we have municipality-wide elections for those positions? Should we be having elections for VCAT, for example? Is that the logical extension of that process, because the opposition is finding facetious grounds on which to oppose this legislation?

Any rational, thinking person who is concerned about local residents and good planning would say, 'No, the responsible authority is the state government, and the responsible person — the Minister for Planning — has to have the responsibility'. That is what this legislation gives them — the power to appoint to the DACs people with the expertise to be able to deal with these issues without the background of the political pressure that can be applied by extremists who oppose development and the statewide planning policy. In fact such people oppose council planning policy at the local level because it is in their own interest. Of course the minister has to appoint those people so they can make decisions without fear or favour in an independent manner and taking into account both council and state policy, and that will be done in a cooperative way. Councils will appreciate that, and many of them will understand what that means. It will mean that officers from the council will get some expertise and assistance from planners at the state level. That is what they have been calling for and talking to us about.

Who opposes this change? Members of the Liberal Party and The Nationals oppose it for their own political ends and because they have no understanding of what this legislation means.

There has been some discussion about the government's infrastructure contribution scheme and the amount of \$95 000, which came as a revelation to the member for Bass. He said that amount was outrageous, yet having investigated the matter he cannot even understand what it is about.

Mr K. Smith interjected.

The DEPUTY SPEAKER — Order! The member for Bass is out of his seat and out of order.

Mr NARDELLA — If an area comes into the urban growth boundary (UGB) through the investigation area, then people will have to pay \$95 000. The member for Bass did not say that if land has come within the UGB through the last change and is sold, then its owners will have to pay \$80 000. This has come as a revelation to the member for Bass. In New South Wales that allocation is around \$30 000 per block of land. In Victoria it is around \$5000 to \$6000, and who pays for it? Who will pay the \$95 000 in these instances? Ultimately it will be developers, because they will come along to the land-holder. Fancy the member for Bass saying, ‘These land-holders will not want to sell’! They are looking at making millions of dollars for having their land put into the UGB, and he is saying they are not going to sell. The developer will pay the money and the land-holder will get a windfall profit. Land-holders will get their money and the sale will go through that process. I support the legislation before the house.

Mr BURGESS (Hastings) — I rise to absolutely oppose the Planning Legislation Amendment Bill. The purpose of this bill is to amend the Planning and Environment Act 1987 so that any area of Victoria may be deemed a growth area. The bill also establishes new development assessment committees, which are commonly referred to as DACs. The main provisions of the act allow any area of Victoria to be deemed a growth area as opposed to the current six listed local government areas, thus a growth area could now be 1 hectare in Mildura, 100 hectares in Sale or hectares anywhere in the state.

The bill provides for the establishment of development assessment committees, and the five initial DACs will be for the activity areas of Camberwell, Doncaster, Geelong, Preston and Coburg. These new DACs will become the responsible authority for all developments within their deemed operational area as determined by ministerial order. The ministerial order will also determine the boundary of operation of a DAC, and the DAC will be comprised of five members, three of whom, including the chair, will be appointed by the planning minister, and two will be nominees of the relevant local government authority. The appointment of the local representatives will need to be ratified by the planning minister, and details of each member will be published on the Department of Planning and Community Development website. A quorum for each DAC will be any three members.

DACs will have the powers of the responsible authority, and each DAC’s decisions will be taken as being made by the responsible authority, including the failure to make a timely decision. Councils from which

the DAC is removing the responsible authority power will have to provide all operational support for the DAC. Briefing material, secretarial support, technical advice et cetera will be provided by a local council, and a local council will also have to pay all reasonable costs and expenses incurred by a DAC.

Once a decision is made by a DAC it is to be considered the decision of the responsible authority and thus it will be a binding decision on the local council. DAC operating procedures will be set out in practice notes that are yet to be produced by the minister. Decisions made by a DAC will be subject to objection and appeal at VCAT by members of the public, although the relevant local government authority cannot appeal the decision — it can only object.

The growth area section of the bill is a small but significant part. As I said earlier, it provides that any area of Victoria can be deemed to be a growth area. It will expose every part of the state to having the growth areas infrastructure contribution scheme imposed upon it, which will clearly make available an extra tax database for the state government.

Local government planning powers are yet again being targeted by this government. The loser in this whole process will be the community. The majority of DAC members will be unelected, ministerially appointed mates. There is no requirement for the appointed members to have any link to the geographical area the DAC is operational in. The minister may determine the boundary of a DAC without any feedback from the relevant local council. Thus, the same DAC may be responsible for a range of areas including Camberwell, Prahran and Dandenong, minus the local government representatives who would normally operate in that area.

As I said earlier, local councils will be required to pay a large amount of the operational expenses. The level of payment of DAC members is yet to be advised, but it is clearly only for the ministerially appointed representatives, not the local council-appointed people. The minister’s previous promise of an independent chairperson is not part of this bill, but that will not be a surprise to anybody. There are many sections of this bill which gag any criticism of a DAC by its members, and offences are punishable by a 100-penalty-unit fine or removal from the DAC. These penalties are being aimed at the non- ministerially appointed people.

I would now like to refer to an article that appeared in the *Age* of Monday, 7 July 2008. It was written by Royce Millar from the investigative unit of the *Age* and was published on page 1. I quote:

Corporate donors to the Victorian Labor Party are almost invariably companies with multimillion-dollar government contracts or development, gaming or alcohol interests.

An investigation by the *Age* has also revealed a correlation in the timing of developer donations and key planning decisions. These projects include the \$600 million Martha Cove marina at Safety Beach, the redevelopment of the Lombard paper warehouse in Flemington and the \$650 million Burwood Heights residential and commercial precinct.

While there is no proof that money has bought influence, there is little doubt that many in the property industry are encouraged to believe that financial contributions to the governing party help their cause.

It seems that donations also buy access and time for big and small contributors alike. 'Yes, it gives them (companies) a bit more time in the sun', a Labor insider well versed in raising cash admitted.

There are a few examples given in the article, such as:

Kew cottages

Preferred developer Walker Corporation donates \$100 000 in September 2006. Weeks later, on the last working day before the election caretaker period, the government signs an agreement to ensure the \$400 million project proceeds.

Lombard-Bensons

In 2004, fire destroys Lombards paper warehouse in Flemington. Government fast-tracks planning to re-establish business. But Bensons redevelops site for apartments. Bensons and Lombards donate before the fire. Bensons donates almost \$100 000 between 2000 and 2007.

Burwood Heights

Entertainment-property group Reading Entertainment donates \$75 000 in mid-2006. The government fast-tracks its \$650 million Burwood Heights residential commercial development.

The article continues:

Between 2000 and 2007 donors to the ALP either had, or later won, government contracts totalling more than \$15 billion.

Of the 36 corporate or individual donors to the Victorian ALP in 2006, almost 60 per cent were in property, infrastructure, alcohol or gaming, and/or had contracts with the government.

In the same year, half of all contributors to Labor's fundraising arm, Progressive Business, were involved in the property or infrastructure industries, contributing almost \$200 000 to the ALP beyond membership fees. They included Connex, Yarra Trams, ConnectEast and Keane Australia, the company overseeing the introduction of the troubled myki transport ticket system.

The SPEAKER — Order! I ask the member to come back to the bill before the house. The myki transport ticketing system has nothing to do with the Planning Legislation Amendment Bill, and so I ask the member to come back to the bill.

Mr BURGESS — Speaker, you were not in the chair at the time I began reading this article, which is clearly directed at the relationship — —

The SPEAKER — Order! The member will come back to the bill.

Mr BURGESS — This article is clearly directed at the relationship between the planning powers and the possible opportunity for corruption within the government, and that is directly on the bill.

The SPEAKER — Order! I think the member needs to go back to the bill.

Mr BURGESS — There is no doubt this legislation will increase the cost for developers, slow the process down and cost jobs. Combined with the forthcoming imposition by this government of the growth areas infrastructure contribution and the unfettered power of the planning minister to deem an area to be a growth area, the Labor government has clearly established a whole new area of taxation for itself where it can drag money out of the pockets of Victorians as it likes. It is a brazen grab for power by the state government, and we must ask ourselves why the state government would be wanting so desperately to have this power. It is pretty clear when you look at the contents of the article that I have just quoted that either the coincidence of substantial donations and the planning approvals is simply that — coincidence — or there is the opportunity for there to be corruption. It also puts in the minds of the people who are going to be the victims of this piece of legislation that there is an opportunity for that corruption to occur.

In my view this piece of legislation is one of the most audacious attacks that I have seen on accountability within government. Whether or not the implications of the *Age* article are accurate, there is certainly an opportunity there for any government to be involved in corruption — —

The SPEAKER — Order! I ask the member to come back to the bill.

Mr BURGESS — It gives the people who are going to be subject to this piece of legislation reason to at least think that that corruption may exist. I oppose this piece of legislation. The opposition opposes this piece of legislation. I suggest the government withdraw it and never allow it to see the light of day again.

Debate adjourned on motion of Ms ALLAN (Minister for Regional and Rural Development).

Debate adjourned until later this day.

CRIMES AMENDMENT (IDENTITY CRIME) BILL

Second reading

Debate resumed from 5 May; motion of Mr HULLS (Attorney-General).

Dr SYKES (Benalla) — It gives me pleasure to rise to speak on behalf of The Nationals in coalition with the Liberals on the Crimes Amendment (Identity Crime) Bill 2009, and I wish to indicate we will not be opposing the bill. We have just been treated to an impressive performance — a vintage performance — by the member for Bass, followed up by an okay performance, an interesting performance, by the member for Melton. Returning to the bill, the main provision creates three new offences: of making, using or supplying identification information with the intent to commit an indictable offence, of possessing identification information with the intent to commit an indictable offence and of possessing equipment capable of making identification documentation with intent to commit an offence.

The bill also provides that, following a finding of guilt against an offender, a certificate will be issued to the victim regarding the identity crime suffered. The issuing of the certificate is of concern to us because the certificate can only be issued to a victim after a successful prosecution for an identity crime. This does nothing to help victims in the majority of cases where identity thieves are never caught or never successfully prosecuted. We also have concerns about the apparent belief that the use of fake ID cards to buy alcohol is a relatively minor offence.

Let us look at the background to this bill. I refer to a research brief prepared by the parliamentary library research service, which comments on the extent of identity crime in Australia. It states:

The Australian Bureau of Statistics has reported that more than 140 000 Victorians were victims of identity fraud in 2007. Nationwide, close to half a million Australians were victims of identity fraud that year. The majority experienced fraudulent transactions on their credit cards or bank accounts.

That is the big picture. At a local level I am sure all of us know someone who has been affected by identity crime. Just last week, on 2 May 2009, there was a report in the *Border Mail* of an identity crime committed against an Amanda Campbell. It appears she was the victim of a skimming device used on an ATM to take her identity credentials, and subsequently \$1000 was taken from her account. We have another example of identity crime concerning a constituent in a nearby

electorate. Unbeknown to her, her identity was used to set up an account with GE finance. Apparently that account was then defaulted upon, and there was a long delay between the defaulting and the follow-up with that victim. The net result was that there was no trail for the police to follow in their investigations. That constituent was subject to a fair bit of follow-up by GE finance, which caused her a considerable degree of distress. She has highlighted that something needs to be done to protect her in that sort of situation, where she is clearly the victim of that crime and not the perpetrator.

Another part of the background to this legislation is the final report of the Drugs and Crime Prevention Committee on its inquiry into fraud and electronic commerce, which was tabled in January 2004. I was a member of the committee at that time. It undertook a very thorough investigation of these issues and came up with over 50 recommendations. Two recommendations are of particular relevance to this piece of legislation. Recommendation 44a says, in part:

... consideration should be given to:

- (ii) The introduction of offences proscribing the possession of equipment or devices (including plastic cards), with intent to dishonestly counterfeit or alter documents or to assist in the commission of an offence involving dishonesty ...

That recommendation has been picked up, and it forms part of this bill. Similarly in recommendation 51b the committee recommended:

that procedures be developed to assist victims of identity theft to recover any loss or damage sustained as a result of the theft, including restoration of their credit rating. Consideration should be given to:

- i. the development of a formal certificate (with appropriate security) outlining the name of the victim and the offence, which could be used to prove that they have been the victim of a crime ...

The government at the time supported that principle, and we now see an attempt to incorporate that recommendation into this bill. But as I have said, whilst the bill addresses the situation where a person has been successfully prosecuted for a crime, it still does not address the problem of the majority of situations where there has been no successful prosecution for the crime, and yet, as I have indicated with the example of one of my constituents, the victims have been subjected to significant harassment and frustration as a victim. Whilst this bill addresses part of the recommendations of the Drugs and Crime Prevention Committee, in the words of the government of the day, more needs to be done.

I would encourage the government to go through and check the other 50 recommendations contained in the Drugs and Crime Prevention Committee report and check off whether the legislation that has been introduced is being complemented by other measures as recommended in that report to ensure that we have a suite of measures in place to try to reduce identity crime.

One thing we should not lose sight of is the importance of individuals accepting responsibility for their own actions and taking all reasonable precautions to ensure that key identifying pieces of information are not exposed to a high risk of being stolen and used for crime or other mischievous purposes.

With those remarks, I wish to indicate that my Liberal-Nationals coalition colleagues and I will not be opposing the bill. I look forward to hearing further contributions on the bill.

Mr MORRIS (Mornington) — It is a pleasure to join the discussion on the Crimes Amendment (Identity Crime) Bill 2009. The bill amends the Crimes Act 1958, the Children, Youth and Families Act 2005 and the Sentencing Act 1991, and I understand it makes some technical changes to the sentencing procedure.

The bill highlights the increasing importance of the concept or notion of identity. The proposed definitions for identification information in clause 3 of the bill contain standard things, including name and address, date of birth, marital status, drivers licence, passport — all the sorts of things we have become used to over the years. But then it moves into things like voice prints, biometric data, a series of numbers, letters or both — PINs, in other words — and ABNs (Australian business numbers), which highlights the breadth of information by which we can now identify ourselves and obviously the broad range of items which can be pilfered and used for inappropriate purposes as well. Anyone who has applied for a credit card in recent years or has even had to change the account details for their utilities because of a change in their marital status will understand the importance of being identified accurately.

When I was reading through the bill I could not help but think how much the concept of identity has changed in the last 50 or 60 years. Back in the 1940s and the 1950s the concept of identity was an entirely different one, and I recall those famous stories about airmen escaping from prison camps in World War II using forged documents. The critical identity documents could be forged very simply, or you could adopt the technique of the fictitious Jackal in Frederick Forsyth's first novel and use birth certificates from people who

had passed on at a young age. Thankfully those days are gone and the whole process has become a lot more complicated, but of course as technology has moved forward and the ability to identify people has improved enormously, so have the techniques and the availability of technology to produce false identities and use them for inappropriate purposes. This issue has obviously been recognised for a considerable period, but similarly, unfortunately, a solution has been a long time coming.

I understand the concept of identity crime was first identified in the Commonwealth and States and Territories Agreement on Terrorism and Multi-Jurisdictional Crime seven years ago back in 2002. It came up again the next year when the Standing Committee of Attorneys-General sought a report on credit card skimming, which of course has been in the news recently as well, and again in 2004 when SCAG similarly sought a report on the issue of identity theft itself and potential model offences, which is of course where this legislation essentially comes from. It took until March 2008 to get the final report through. I am not making that comment as a criticism; it simply indicates how complicated this whole concept of identity is — it is an ever-changing target.

It is also worth mentioning the scale of offences of this type. When I saw the statistics I was staggered at the number of offences and the number of people who are potentially offended against in a year. In 2007 something like 140 000 Victorians were affected by crimes of this nature and almost half a million Australians nationwide, which is a pretty horrifying statistic in itself.

In terms of the detail of the bill, part 2 contains amendments to the Crimes Act. Clause 3 inserts new definitions, both for identification information and identification documentation, and creates three new offences: making, using or supplying identification information; possession of identification information; and possession of equipment to manufacture. They are my words and not the words in the bill, but I think they sum it up reasonably well.

Clause 4 inserts new section 426 into the alternative verdict part of the Crimes Act. It provides that when a person charged with an offence under proposed section 192B — which is the making, using or supplying section — appears to have been guilty more of the possession of identification information, a jury can enter a finding of guilty under section 192C. That has the impact of reducing the maximum term from five years to three years. If there is an element of controversy in this legislation, it is possibly contained

in that clause 3, because it potentially engages the rights of a defendant under the Charter of Human Rights and Responsibilities.

The statement of compatibility tabled by the Attorney-General was definite in terms of its reference to this issue. It states in relation to the 1995 New Zealand case of *R. v. K*:

On this view the right does not extend to lesser included offences, therefore clause 4 does not limit an accused's right to be informed.

The Scrutiny of Acts and Regulations Committee was equally definite about its concerns, and in fact the views are 180 degrees apart.

This is not the first time we have had a situation where SARC has had an entirely different view on charter issues. I note that despite SARC's writing to the Attorney-General on 31 March seeking an explanation, as late as yesterday when the *Alert Digest* was tabled there had been no response. In practical terms this raises doubts about the whole charter process and whether it serves any useful purpose at all when these serious concerns can be effectively ignored and when a parliamentary committee which is charged by both houses with overseeing legislation makes these comments but we have to consider the bill before we have an opportunity to consider a response.

In the time remaining I want to talk briefly about the identity crime certificates in new part 4A which is to be inserted into the Sentencing Act by clause 6 of the bill. Without going through all the details of that part, essentially the bill allows victims of identity crime offences to obtain a court certificate to assist them in the mitigation of the effects of that crime. This provision seems to have considerable difficulties on two potentially conflicting sides. Once again concerns have been expressed by SARC and once again no response has been forthcoming in terms of issues for the charter and particularly defendants' rights in the issuing of these certificates. The other side of the argument, which quite frankly is far more important as far as I am concerned, is the effect on victims — or rather the lack of effect on victims — of a certificate being issued only following a successful prosecution. I do not think that is either fair or reasonable, because in the vast majority of cases the offender is not identified as there is no case proven and yet clearly the identity theft has occurred. The Attorney-General indicated in the second-reading speech that the operation of this provision will be subject to a review sometime down the track, but in the meantime unfortunately victims of identity crimes will be forced to continue to bear the

burden of those crimes on their own and will have no way of establishing independently their innocence.

The only redeeming feature of this bill is it is better than what we have got. Some might say it is marginally better, but it is certainly better than what we have got. I think it could have gone quite a bit further and perhaps been more effective. As has been said, the coalition will not be opposing it. However, I urge the Attorney-General to confront this issue of the human rights charter. It is simply not good enough to stretch the issue out until we cannot consider it in this house.

Mrs MADDIGAN (Essendon) — I rise to support the Crimes Legislation (Identity Crime) Bill 2009. I think the bill will be warmly welcomed by a large section of the community. Since the first justice statement in 2006 a number of reforms have been made in the justice area. This one refers more specifically to justice statement 2, which referred to 'new types of crime, especially offending that exploits new technologies'. Obviously identity crime fits into that category.

I am sure we are all very familiar with many stories of people who have suffered the effects of identity crimes. Being a great reader of novels I recall very clearly a scheme that was outlined where people were stealing the identities of others by going through their rubbish bins and removing documents from them and therefore having the capacity to identify them. That has always made me very nervous about putting documents in rubbish bins, so perhaps it was a salutary lesson.

We frequently read in the press of instances of identity crime. Just recently the ANZ Bank warned its customers about covering their identification numbers when they are removing money from automatic teller machines. Interestingly enough, if you are using an ATM in France there is a little notice telling you to cover the numbers so that no-one can see what numbers you are putting in, so obviously it is a problem far wider than Victoria.

The three areas of offences covered by this legislation are making, using or supplying identification information, possessing identification information, and possessing equipment for making identification documentation, each with the intent to commit an indictable offence. It is fairly easy to see how crimes may be committed in these areas.

I think there is great strength in the bill. Not only does it deal with people who are engaging in the crime but it also assists the victims of the crime. I have had a couple of people come to my office, as I am sure other

members have, who have been victims of identity crime and have found it a quite harrowing experience. If you like, it is really invading their private space. I know it has taken a long time for some of them to get over not only the shock that suddenly someone may have removed a great deal of money from their bank account but also the fact that someone has had access to all their private information. It is obviously a very scary experience.

Ms Asher interjected.

Mrs MADDIGAN — The member for Brighton agrees that it would be a very frightening experience, and I hope it never happens to her.

In relation to victims, I want to respond to some of the criticism raised by the member for Mornington about the extent of the coverage of the certificates for victims of crime. This was done after a considerable amount of consultation. I know it is more limited than the MCLOC (Model Criminal Law Officers Committee) scheme and does not recognise that identity crime offenders may not be prosecuted for some time, if at all. That has been a concern for some people. However, the certificate provisions in the bill are consistent with provisions in Queensland and South Australia. The decision to introduce a limited certificate scheme was made after stakeholders — for example, consumer advocates and the privacy commissioner — raised significant concerns about the broader scheme proposed. In particular they were concerned that the certificates may be a barrier and could further burden victims rather than helping them. In fact the decision to limit the certificates was made after discussion with the community to try to prevent any further concerns that may have been raised.

Also in relation to that, there is no evidence about the effectiveness of broader certificate schemes such as the one recommended by the MCLOC, as they do not exist in other states or territories. The new scheme will be evaluated after approximately three years of operation so the government can make an informed decision on whether or not to extend the scheme. I think the concerns raised by the member for Mornington have been covered by the process that was gone through before the bill was presented to the house. Obviously there is that provision for the scheme to be examined and evaluated after three years to see if any changes need to be made to further protect the community.

I think I will leave it there as I know another member would like to speak before dinner, although that will be difficult. Perhaps I will just leave it there. I commend the bill to the house.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mrs VICTORIA (Bayswater) — I rise to speak on the Crimes Amendment (Identity Crime) Bill. I want to first inform the house what the purpose of the bill is, which is to establish new identity crime offences and provide for the issue of certificates of identity crime for victims. The provisions in this bill will create three new offences. The first is making, using or supplying identification information with intent to commit an indictable offence, the second is possessing identification information with intent to commit an indictable offence and the third is possessing equipment capable of making identification documentation with intent to commit an indictable offence.

The bill provides for the issuing of certificates for victims, and I think a lot of members have spoken on this already. At first sight it seems to be a fairly meritorious idea — and I say that with some reserve. The idea is that a victim of an identity crime, having suffered enough, would be issued with a certificate that referred to the identity crime. However, victims would only be issued with the certificate after a finding of guilt against an offender. The problem with this type of crime is that as we progress with so much fantastic new technology, so too do the criminals — they get so much more clever and harder to detect.

There is also the fact that quite often once this sort of data is collected it is quite often sent offshore for use, which of course makes the job of the investigating officers even more difficult because they have to try to follow all of this up overseas. The certificates, although they sound good, are probably not going to be as useful as people would think. The bill also changes the requirements for where a court must record the sentence that would have been imposed on an offender if the offender had not pleaded guilty.

I turn to what identity crime is. According to the Australasian Centre for Policing Research it is:

the theft or assumption of a pre-existing identity (or significant part thereof), with or without consent, and, whether, in the case of an individual, the person is living or deceased ...

The Australian Institute of Criminology estimates that the total cost of crime in Australia is around \$19 billion per year. Extrapolating what part of that is identity crime and identity theft, the institute estimates the cost of that at around \$5 billion per year, so between one-third and a quarter of all crime in Australia falls into this category. In the middle of last year the Australian Bureau of Statistics identified the personal cost of identity fraud at around \$976 million in the

preceding year. That is a huge amount of money — nearly \$1 billion — that is lost to just this type of identity fraud alone. The bureau suggests there are just under half a million victims of identity fraud every year, a figure which can be broken down further into 383 000 victims of credit or bank card fraud and 124 000 victims of identity theft.

A young lady came into my office in this exact situation. She had had her identity stolen and was continually getting fines and summonses sent to her address. No matter how hard she protested, no-one would believe she was not the person who was racking up all of these demerit points on her licence et cetera. It was an incredibly frustrating scenario that was very difficult to prove.

I turn to one of the major activities this bill is looking at — credit card skimming. It is the process by which legitimate credit card information is illicitly captured or copied, most frequently via electronic means as opposed to via the old click clacks, as we used to call them in the retail trade when I was at university. You used to put in triplicate documents, put your bank card underneath and swipe backwards and forwards. People could make an extra set of those papers if you were not watching, anyone could sign and the bank would pay for it. Now of course it is all done electronically.

Skimming can include a number of activities. It is not limited to the skimming of cards at ATMs, which is where most people think it happens. Of course it can occur at EFTPOS terminals and that sort of thing. There is the interception of data transmitted at terminals as well as the physical side of it. The most common form of skimming involves a credit card being handed over to an operator, who then runs it through a small hand-held reader which electronically takes the information or stores the information on the credit card strip. That can then be re-encoded later on dummy or counterfeit cards. This form of skimming is most likely to occur in a high-volume area, so service stations are prevalent places for this to happen. It is generally when cards are out of the view of the owner for only a couple of seconds.

I know my local supermarkets and service station all have terminals where you now put in your own credit card and you hang onto it the whole time. There is advice out there that says, 'Do not hand your card to anybody unless you can keep it in full view the whole time'. Of course nobody thinks too much about doing that at a service station. Even if it is out of sight for a couple of seconds, you can in fact become very vulnerable, and we know the personal costs that can amount to.

As technology is progressing, criminals are becoming more and more daring. We have also recently seen skimming devices that attach to ATMs. They have a very small reader which fits over the face of the ATM. Quite often a pinhole camera observes the person's PIN number being put into the machine. I have known for many years of that practice. There are people who do what the banks call 'shoulder surfing'. They are looking over your shoulder at the time you are entering your PIN number. Even in the supermarket where the terminal is right in front of me and I pop my card in and out, I cover it with my other hand before I put in my PIN number. There are ways and means of protecting yourself to a certain extent.

Skimmers can tap into telephone data cables and that sort of thing. One of the major problems we have is the rapidly changing technology. A lot of information goes overseas for extraction and reconfiguration onto a new card. It is very difficult for authorities to prove exactly what is going on and also, in some of these provisions, to prove the intent to commit an indictable offence. This bill has good intentions. It is very hard to legislate for these crimes. I will not be opposing the bill.

Ms DUNCAN (Macedon) — I rise in support of the Crimes Amendment (Identity Crime) Bill. I support both its content and its intent. Just by way of background, this bill has arisen out of this government's 2006 election policy commitments that reaffirmed its justice statement commitment to modernise Victoria's criminal law and to improve responses to victims of crime. In particular justice statement 2 refers to the new types of crime we see developing, especially offences that exploit new technologies, as identity crime most often does.

The Model Criminal Law Officers Committee reported to the Standing Committee of Attorneys-General in 2008. In its report it identified gaps in the existing criminal law and recommended that legislation be enacted to fill those particular gaps. In its recommendations the Model Criminal Law Officers Committee recommended such an act.

This bill creates three new offences to assist in the prosecution of identity crime. Those new identity crime offences cover making, using or supplying identification information; possessing identification information; and possessing equipment for making identification documentation. The new offences will cover making, using or supplying this information with the intent to commit an indictable offence. This is an important point; the requirement to prove intent to commit an indictable offence will ensure that this bill does not capture innocent possession of someone else's

identity. If you are caught carrying someone else's identity, that is not automatically an offence. We know that occasionally false IDs are used to allow someone under the age of 18 to enter a hotel. This new bill is not intended to capture those sorts of activities. It is about showing someone had the intent to commit an indictable offence. That is a key provision of this bill.

There has been a fair bit of discussion about the issuing of certificates in the event that someone is convicted of an identity crime. In about two years we will look at how this is working to see whether the issuing of a certificate needs to change. The criticism at the time was that issuing certificates is too limited in that someone has to be found guilty of the offence. It was deemed that this could make matters worse for the victims. A number of reasons were given for that. This particular bill and the issuing of these certificates is consistent with South Australian and Queensland legislation. Because the issuing of certificates outside of a conviction does not exist elsewhere, it is difficult to know its impact.

Stakeholders who were consulted raised concerns about a broader scheme during the exposure draft process. In particular they were concerned that certificates may be a barrier to victims rather than a help to them. There were a number of reasons for that. First of all, the court proceedings required to get such a certificate are costly. They are formal, time consuming and may be intimidating for victims. Secondly, third parties such as banks, for example, may require victims to obtain a certificate routinely before they will even investigate a claim. Also such third parties may consider but cannot rely on the certificates as conclusive proof that a customer's identity was misused when assessing such claims.

There are a number of reasons the bill is structured in the way it is. I support the bill. I think the process that has been followed, the consultations that have occurred across the country with other attorneys-general and also with stakeholders, and the issuing of an exposure draft bill prior to this bill coming to the chamber ensure that the bill is appropriate for the times. It is a further commitment to this government's ongoing legislative agenda, which is to make sure our criminal code is current and up to date with current practices.

Identity crime is not a new crime, but it is certainly becoming more sophisticated with the use of new technologies that make it harder to detect. It makes it more difficult to clear your name or to prove that you are not in fact the person who is misusing an identity. I commend the bill to the house and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Crimes Amendment (Identity Crime) Bill 2009. The purpose of the bill is to establish new identity crime offences and provide for the issuing of certificates of identity for victims of crime. The bill contains provisions around three new offences, including making, using or supplying identification information with intent to commit an indictable offence, possessing identification information with intent to commit an indictable offence and possessing equipment capable of making identification documentation with intent to commit these offences. It also provides for certificates to be issued.

I would like to thank my 14-year-old niece for making my hair curl in relation to this issue when she offered me advice about — —

An honourable member interjected.

Mr CRISP — It has been pointed out to me quietly that I should have said, 'What is left of my hair'. She made what is left of my hair curl on this issue when I realised just where technology is and perhaps how old I have become. It appears that identity crime is very much a modern crime. It is also very much out there, and it is very difficult to detect.

From 2007 Australian Bureau of Statistics figures it appears that 140 000 Victorians and 500 000 Australians have suffered from this crime. It is mostly credit card fraud, and when we look at our emails we know how some of it can begin. I think all of us know someone who has been affected. However, there are some issues, including simple delays in people realising that a crime has been committed and in reporting and investigating, let alone in arrests and court delays. It is a very long process. Most people do not believe what is happening to them when it occurs. It is too long for the certificate system that is in place. Most people are devastated when this crime happens to them, and they need to be able to resume their lives. We heard the member for Macedon say that certificates work in other states, but we are dealing with new legislation here and we need to do better than the other states, which have had legislation in place for a while. We need to improve on the legislation rather than merely accept what the other states have, because this is a rapidly moving field so far as technology and the crimes that are being committed are concerned.

I believe that most of the people who suffer these crimes will have to fix things themselves before the certificates will be of any great use to them. When you look at the scope of the bill, you realise it will be

difficult for the courts to deal with a crime that has occurred overseas, and where the data has gone overseas or interstate. The issues are really complex. There is every likelihood we will not be able to effect a lot of successful prosecutions because it is just too difficult.

We need to look at how we can better manage a person re-establishing their identity. The member for Box Hill made some very useful suggestions in this area, and I urge the minister to consider them in his summing up or to at least lay out a path showing that we can do much better with this. In summing up, we need to know how to do better, and we need to do better, but this is a really welcome start. This is much better than what we have at the moment, and The Nationals in coalition are not opposing the bill.

Mr SCOTT (Preston) — It is with great pleasure that I rise to support the Crimes Amendment (Identity Crime) Bill 2009. As other speakers have mentioned, this is a very important area of regulation and law because it is a growing area of criminal activity which has now become a worldwide multibillion-dollar industry. I want to highlight a couple of things rather than going through the various provisions in the bill. They include the sorts of activities that people engage in as part of identity crime, and the audacity of those who engage in it.

In researching the bill I checked some of the emails which are sent to the junk folder on my computer. They included a range of attempts to obtain my identity including one — audaciously — from Visa Online Services purporting to be the Visa company seeking security information in order to prevent fraud. In one sense you have to admire the audacity of fraudsters who masquerade as security consultants seeking to avoid fraud, but that is the sort of behaviour that is fairly typical. People involved in identity crime seek to mask their motives and intentions and prey upon the gullibility of others who believe they are acting in their best interests.

Another area I wish to highlight is the danger of social networking sites. I note the sort of information that is regarded as identification information includes name, address, date of birth, place of birth and marital status — ordinary information that is often freely available on social networking sites. It can be used to create false documentation in order to impersonate a person for a criminal purpose. People should understand that things of a personal nature that they make freely available to others will not necessarily be used by others in a way that is helpful to their interests. There are many in our society, and many sadly

overseas — because identity crime is often perpetrated by people outside of our own jurisdiction — who will use that information for their own purposes and in doing so steal with a few clicks of a mouse. They do not need to touch a keyboard because often these processes are automated.

It is very difficult to detect, as has been touched upon, but it is important that as a Parliament we are acting to create separate offences for these activities. The three offences that have been created are making, using or supplying identification information; possessing identification information; and possessing equipment used to make identification documentation, with the important caveat that in each case there needs to be an intent to use the information or documentation to commit or facilitate an indictable offence.

It is important to note that possessing the information in itself is not an offence, and that is because of another matter that I do not think anyone has yet touched upon. People can commit this sort of crime remotely. They can have software such as Trojans and viruses that infect a computer, turning it into what is known as a zombie computer. This computer will then send spam email seeking and receiving people's information. As a result of a criminal conspiracy, an innocent party can have an infected computer. They might have the information in their possession, but not know it is there or not know its purpose. They can be an innocent victim of this process. It is quite a common aspect of this sort of crime that others are used in effect as a firewall through the manipulation of other people's computer equipment so as to prevent the perpetrators being directly known.

This sort of crime is reprehensible. It involves the lowest form of human life, those who seek to exploit others for their own benefit with no compunction about the effect on others. As members will all agree, identity theft is a significant violation. I know people who have had their credit card information stolen, with false sales being inputted in order for people to steal from them. This is a great violation, because much of our lives is based on trust.

This is an important bill that makes a significant contribution and creates significant penalties of three to five years imprisonment for those who are convicted of engaging in these sorts of reprehensible activities. I commend the bill to the house.

Mr THOMPSON (Sandringham) — I draw the attention of the house to the government's apparent disregard for what has been described as a relatively minor offence — that is, the use of fake identification to

buy alcohol. I think this sends a poor message to the wider Victorian community.

Within my electorate there are a number of licensed premises that require the production of identity documents for entry. There have been multiple issues surrounding under-age drinking and the commission of acts of graffiti and vandalism near licensed premises. I am also aware of a case where an under-age person was supplied alcohol in another context and was raped by those around her, suffering great misfortune as a result of that criminal act against her. I do not think it is a relatively minor offence for people under the age of 18 to be on licensed premises where there are wider social and life-learning issues.

I do not intend to arc up members on the government benches, but I seriously question the attitude of the government in relation to this matter. There has been folkloric comment on identity fraud regarding preselections, branch recruitment practices and even Young Labor election processes, where false identification has apparently been produced. I will leave that for Labor to work out within its own processes. Suffice it to say, due regard for lawful process and integrity is an important factor.

The principal purposes of the Crimes Amendment (Identity Crime) Bill 2009 are to establish new identity crime offences and to provide for the issue of certificates of identity crime to victims. The opposition is concerned that a certificate may only be issued to a victim after a successful prosecution for an identity crime offence. This will not help the majority of victims where the identity thief is never caught or never successfully prosecuted, but some loss has nevertheless been sustained and it is necessary to have that certificate to provide institutions with proof of the identity theft. It is also unclear how these new preparatory offences interrelate with the offence of attempting the commission of the offence to which the preparation relates. Can an offender be convicted of both?

The opposition has consulted widely in relation to this bill. It has consulted the Law Institute of Victoria, the Victorian Bar Council, the Crime Victims Support Association, the People Against Lenient Sentencing, the Federation of Community Legal Centres and the Criminal Bar Association of Victoria. It will not oppose the bill, but it holds the view that more needs to be done to help victims of identity theft where the thief has not been found or convicted. I highlight the concern of the opposition at the government's light-handed treatment of identity theft where it relates to what is described by government members as a relatively minor offence. In

the view of the opposition under-age drinking is a more serious offence than the government portrays it to be.

Ms MUNT (Mordialloc) — I am pleased to speak in support of the Crimes Amendment (Identity Crime) Bill. It introduces new offences for making, using or supplying identification information, possessing identification information and possessing equipment capable of making identification documentation with intent to commit an indictable offence. The offence of making, using or supplying identification information will have a maximum penalty of five years imprisonment, and the possession offences will each have a maximum penalty of three years imprisonment.

The bill is a result of extensive consultation. It will bring Victoria into line with South Australia and Queensland, which have similar identity crime legislation. The bill provides for a certificate to be issued after an offender is found guilty of an offence by the courts. As other speakers have noted, identity crime can be a very insidious crime with serious consequences, generally involving credit card crime and skimming offences but also ID cards and such.

I experienced a different example of identity theft crime quite recently. I was sent an email from a person with whom I was very familiar. This email came through to the parliamentary computer system. The email said this person had been the victim of a personal assault while she was in the Philippines on a holiday. This email was actually sent from her email account and signed by her. She said that she had been terribly hurt, that her passport and all of identification had been stolen and that she needed assistance to get accommodation and help in the Philippines to come straight home.

Generally speaking when you get an email like this from someone you do not know, you hit the delete button — you know straightaway that that is a spam email. But this email did not look like a spam email. I have had many email correspondences from this woman previously, and this was like another one of those, so I was immediately concerned. I replied to the email saying, 'Please give me your contact details, because I will contact the Australian embassy on your behalf and get it to provide immediate assistance to you — medical, financial and otherwise'. There was an email response to that email that said, 'No, I have been to the embassy and it was of no assistance. I really need your help. Can you send me this amount of money to enable me to come back home?'

Subsequently I learned this email had gone to this woman's other friends and relatives. Her relatives were very concerned and afraid for her after receiving this

email, so it caused great distress to her friends and family. As it happened, I decided to contact this woman to see if this was true or not true. She informed me she was quite happy in Keysborough, had not sent the email from the Philippines and did not need \$700 to come straight home. But in the meantime other family members who perhaps did not have the resources that I had to contact Australian embassies and all of that sort of thing had been concerned for her welfare.

This particular identity theft criminal had hacked into her email and sent an email to every contact in her email address book. It would not be too hard or too much of a stretch of the imagination to imagine that family members, after seeing the email, would have sent money to the person who was requesting it. She had had her identity stolen through her email account for the purpose of enabling the criminal responsible to extract money from her friends and family. It was very distressing for her and her family.

Identity theft comes in all manner of shapes and sizes. I recall being in the USA a few years ago. Identity theft was rampant there at that time and not quite so rampant here; they could not quite understand why this issue had not come here. I was not looking forward to the day when it did, but it has. They were very conscious of the destruction that identity theft crime can wreak on individuals, particularly when they are trying to establish that their own identity is indeed their own identity.

It is time for this particular legislation to be put on our books. This is a crime like any other crime — it can cause great human distress to those who are affected by it. It is distressing that criminals can do this insidious thing to people in all manner of ways. Our law has to keep up with the realities of the crime that is occurring out there. This law will do that. It provides the legal framework for identifying and prosecuting offenders and provides penalties for those offences. It also provides a means by which people who have been affected by this crime can re-establish their identity and rectify the injustice that has been perpetrated against them.

I support this legislation. It is another good piece of Brumby government legislation, and I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to this debate on the Crimes Amendment (Identity Crime) Bill 2009. In principle this bill seeks to establish new identity crime offences and provide for the issue of certificates for victims of identity crimes.

The main provisions of this bill are to create three new offences: firstly, making, using or supplying identification information with the intent to commit an indictable offence; secondly, possessing identification information with the intent to commit an indictable offence; and thirdly, possessing equipment capable of making identification documentation with the intent to commit an indictable offence.

The bill will also provide for the issuing of a certificate to victims regarding the identity crime they have suffered, following a finding of guilt against an offender. The bill introduces changes to the Sentencing Act requiring a court to record the sentence that would have been imposed on an offender if that offender had not pleaded guilty.

As honourable members would be aware, the areas of identity crime are very different today to what we would have seen many years ago. With the proliferation of electronic systems such as email, mobile phones and the like, it is very easy these days for people's identities to be misused. Members before me have given a range of examples of how this has in fact occurred.

I know from the emails that I receive on a daily basis at my parliamentary address which purport to be from a whole range of banks, that they have come a long way from the emails we received from Africa, when we were asked to participate in the sharing of millions of dollars from that country.

The Liberals and The Nationals in coalition are not opposing this bill. We still have some areas of concern with regard to some of the measures that this bill is taking. Firstly, a certificate can only be issued to a victim after a successful prosecution for an identity crime offence. The reality is that this will do nothing to help the majority of victims where the identity thief is either never caught or is never successfully prosecuted.

Another area of concern we have is the apparent condoning of the use of fake IDs and that being regarded as a relatively minor offence in relation to the purchasing of alcoholic beverages. We believe this is symptomatic of a government that has demonstrated a propensity to be soft on crime, and it sends the wrong message to the Victorian community.

Also of concern is that we have been unclear about how these new preparatory offences will interrelate with the offence of attempting to commit the offence to which the preparation relates, and the obvious question that arises from that is: can an offender be convicted of both?

As has been indicated by the member for Box Hill and other members on this side of the house, we do not oppose the legislation. More has to be done in ensuring that we deal adequately with identity crime, but we believe it behoves this government to ensure that legislation is put before the house which strengthens the way we deal with the perpetrators of crimes. We believe it is also important that the government sends a clear message to the community about what is acceptable and unacceptable. Comments such as those indicating that the use of fake IDs is a relatively minor offence send the wrong message to the Victorian community.

Mr NOONAN (Williamstown) — It gives me great pleasure to make a brief contribution in support of the Crimes Amendment (Identity Crime) Bill. It is often said that crime follows opportunity, and as it happened last week while I was preparing my notes to speak on this bill I received an email from a group called the Alliance International Net Award. The email brought me some great news, as many of these emails often do. It said:

Alliance International Net Award officially inform you that your email ID emerged winner of USD\$1 million in an email program.

The email extended congratulations to me and then invited me to contact a doctor in the Netherlands, Dr Michael Philips. I did not respond to the email, because I have seen plenty of them at both a global scam level and a local level. I noted the member for Mordialloc's contribution, and I admit her example rings alarm bells because it is similar to an email our office received about three or four months ago.

Having said that, I advise the house that a number of elderly residents have approached my electorate office with similar types of emails and letters requesting further identification from the recipients. Exactly what is going on is not automatically understood by all our constituents when they receive these letters and emails. It is a particular issue, and a lot of the letters and emails request further information. That further information often includes information identifying individual.

We know from the Attorney-General's second-reading speech on this bill that identity crime is recognised as one of the fastest growing crimes in the world. According to a 2008 report of the Model Criminal Law Officers Committee, this rise can be attributed to a number of factors, including the rise in high-speed information flows, globalisation, the increased use of remote communications to transact at a distance rather than by traditional face-to-face interactions, the ease with which documents can be forged using high-tech

methods and the widespread collection and dissemination of data about individuals by private sector and other organisations, which provides opportunities for easier access to personal information.

These factors are somewhat compounded by the fact that Australians are not particularly vigilant in protecting the privacy of their personal information. According to research conducted by the Australian Bureau of Statistics, as many as 140 000 Victorians were victims of identity fraud in 2007. More alarming is the statistic which estimates that identity fraud costs between \$2 billion and \$4 billion each year. As other speakers have identified, there are indirect costs associated with these crimes including emotional trauma suffered by unsuspecting victims.

The overall objective of this bill is to assist these victims and to attack the problem at the source by going to the perpetrators. The bill introduces new identity crimes offences and a new process that allows victims to obtain court certificates to assist them in remedying the effects of identity crime.

The new offences as defined by the bill will cover making, using or supplying identification information with intent to commit an indictable offence. Offences in this area will have a maximum penalty of five years imprisonment. Other offences include possessing identification information with intent to commit an indictable offence and possessing equipment capable of making identification documentation with intent to commit an indictable offence. The possession offences will carry a maximum penalty of three years imprisonment. As in all areas of fraud control, keeping one step ahead of criminals is an ongoing task. This bill uses reasonably neutral language to ensure that the offences can keep pace with advances in technology.

Importantly this bill also includes provisions which will allow the courts to issue a certificate to the victims of identity crime. The contents of the certificate will set out the identity crime offence to which the certificate relates and the name of the victim. It is anticipated that these certificates will assist victims to remedy the effects of crime, particularly with large institutions such as banks.

I note that the certificate scheme to which members have referred in their contributions to the debate will also be monitored and evaluated to ensure that it achieves its purpose. With those few words I wish this bill a speedy passage through the house.

Ms MARSHALL (Forest Hill) — I am pleased to rise in support of the Crimes Amendment (Identity

Crime) Bill. This legislation will allow victims of identity crime greater ease in reclaiming their identity by establishing a court-ordered certificate to demonstrate that their identity has been stolen. Commonly referred to as identity theft, the crime involves one person pretending to be someone else in order to benefit financially, and it is one of the fastest growing types of fraud around the world.

Our identity is a valuable commodity, and we require its use every day. Misuse of our identity can lead to various types of crime. In Australia identity fraud is estimated to be worth between \$1 billion and \$4 billion per annum, with as many as 140 000 Victorians falling victim to it every year.

A person's identity is central to almost every commercial activity, and organisations require verification of a person's identity before opening an account and issuing goods or services. A variety of documents are used to establish our identity, including passports, drivers licences, birth certificates, utility bills, bank statements and pay slips et cetera. Whilst our unique identity features — such as our DNA and fingerprints — cannot easily be adopted by another person, our other identity details and documents can. A person undertaking this type of crime does so to obtain various financial benefits. They could be trying to hide poor financial history, trying to avoid paying existing debts or trying to continue various criminal activities without attracting the attention of the police.

Recently the Australian Bureau of Statistics estimated that there are nearly 500 000 victims of identity fraud annually, which represents a victim rate of 3.1 per cent. A survey conducted in 2007 asked people aged 15 years and over about their experiences of personal fraud in the preceding 12 months. The survey found that nearly 500 000 Australians had lost, on average, more than \$2000 as a result of personal fraud.

It is envisaged that the certificates issued by the courts will be useful in dealing with creditors and financial institutions as evidence that the victim's identity has been stolen or misused. However, the certificates do not compel a third party to take restorative action.

This is a fantastic piece of legislation, and I commend it to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL

Second reading

Debate resumed from 2 April; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr WELLS (Scoresby) — This bill amends the Parliamentary Salaries and Superannuation Act 1968 to limit the increase in the basic salary payable to Victorian members of Parliament to 2.5 per cent in the 2009–10 financial year. This latest amendment is designed to ensure that the salaries of Victorian members of Parliament are in line with the state government's public sector salaries policy.

At the outset let me advise the house that the Liberal-Nationals coalition will be supporting this bill. We recognise that this bill brings the pay of Victorian MPs into line with community expectations of wage restraint during the current economic slowdown. Without relying on the decision of the independent arbitrator — that is, the Commonwealth Remuneration Tribunal — and to avoid the usual obvious conflict of interest in deciding one's own pay and conditions as an MP, it is imperative that we be seen to be totally accountable and transparent in ensuring that our pay outcomes are in line with community expectations of what is fair and reasonable.

Prior to this amendment the legislated gap between the base salary of a federal member of Parliament and a member of the Parliament of Victoria was \$5733. This will now change because of the 2.5 per cent increase resulting from this bill. This will be the third time that the legislated gap has been amended. The original and long-held legislated standard gap was \$500. The first amended gap of \$1442 was introduced in August 2004, effective from 1 July that year. At that time the then Premier stated that the amended gap was in accordance with community expectations and the government's wages policy and was necessary to maintain a viable economic future for the whole Victorian community.

It is interesting to note where Victorian MPs' pay now lies in comparison to other states. The commonwealth parliamentary record currently provides a very good comparison on its website. Even allowing for the

2.5 per cent increase, Victorian MPs will still be receiving a basic salary lower than that which applies in Queensland, New South Wales and South Australia.

On 27 March the Treasurer announced that the government would be changing its 3.25 per cent wages policy to 2.5 per cent, effective from 4 May. This is to include members of Parliament and public service salary increases. The Treasurer also stated:

Unlike other governments we will not embark on a program of retrenching public service employees.

He then sent this message to employers:

Today I am sending a challenge to all Victorian employers to make sure they hold on to their employees despite the current pressures flowing from —

the overseas economic downturn.

A fair and reasonable public sector wage outcome within an overall fiscally responsible budget framework is desirable. The Liberal-Nationals coalition shares the view of many Victorians that the government has failed to practise fiscal restraint in relation to its totally unacceptable waste of hundreds of millions of dollars of taxpayers money on politically motivated advertising, spin and rhetoric as well as through unexpected cost blow-outs on major projects. This aside, the Liberal-Nationals coalition supports this bill.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 5 May; motion of Mr HULLS (Attorney-General).

Dr SYKES (Benalla) — I rise to speak on the Justice Legislation Amendment Bill. The purpose of the bill is fourfold. Firstly, it amends various acts to enable the issuing of a search warrant under those acts in relation to a particular vehicle located in a public place. This amendment overcomes an existing limitation in the power to specify a particular vehicle in a public

place as the object of a search warrant issued under the acts being amended. This purpose of the bill makes sense and is not opposed by the Liberal-Nationals coalition, although we note there is some conflict in relation to the definition of what constitutes ‘a vehicle’ in the relevant acts.

The second purpose of the bill is to amend the Drugs, Poisons and Controlled Substances Act 1981 to enable any member of the police force to execute a search warrant under this act. This amendment addresses a current practical limitation in the power to execute these warrants whereby only the member named in the warrant can execute the search warrant. Again, that proposition makes sense and is therefore supported.

The third important purpose of this bill is to amend the Gambling Regulation Act 2003 to provide for further exemptions and restrictions in relation to gambling advertising. These amendments also require a registered bookmaker to have a responsible gambling code of conduct. I will come back to that in a moment. The fourth purpose of this bill is to repeal the sunset provisions in the Children, Youth and Families Act 2005 to enable the Koori Court, criminal division, to continue to operate.

I am going to concentrate my further remarks on those last two purposes. In relation to the Koori Court, clause 38 of the bill repeals sections 2(2), 2(3) and 605 of the Children, Youth and Families Act 2005. The sections to be repealed provide for the Koori Court, criminal division, to cease on 1 July 2009. Repealing these sections will result in that division being an ongoing division of the Children’s Court. I support that proposition based primarily on my experience and awareness of the adult Koori Court in Shepparton. It has been operating for a number of years, and it was put in place through the instigation and enthusiasm of a number of key people in the Shepparton area, particularly Sergeant Gordon Porter, Aboriginal justice officer Daniel Briggs and magistrates Peter Riordan, Peter Mithen and John Murphy. I also think magistrates Kate Auty and Angela Bolger had a significant role.

The interesting thing about the Koori Court, which gives us confidence that this approach to the administration of justice should be pursued and therefore underpins the reasons for removing the sunset clause, is that when the operations of the Shepparton Koori Court and the corresponding Broadmeadows Koori Court were reviewed, it was found that the recidivism rate for offenders appearing before those two courts was 12.5 per cent at Shepparton and 15.5 per cent at Broadmeadows. Both of these figures were much lower than the general recidivism rate of 29.4 per

cent. Based on that review, it was recommended that the adult Koori Court system continue. Based on a similar experience with the Children's Koori Court, it was appropriate to continue with that court. The critical thing about Koori courts is that you have community involvement in them. That was reflected in the Shepparton Koori Court receiving an Australian crime and violence prevention award from the Australian Institute of Criminology in Canberra in November 2005.

In addition to the names I have already mentioned, there were also a number of elders involved in the successful operation of the Shepparton Koori Court. Those elders included Aunty Rochelle Patten, Uncle Colin Walker, Aunty Kella Robinson, Uncle George Nelson, Aunty Merle Bamblett and respected persons Paul Atkinson and Sonia Briggs. What we have is a very successful pragmatic approach to the administration of justice, recognising the importance of involving the community in the administration of justice. Even people who offend against the law still have respect for their elders. By utilising the cultural tradition, we have therefore been able to achieve considerable success in reducing the recidivism rate.

On the issue of the Gambling Regulation Act and the amendments in relation to wagering, part 4 of the bill will remove the current restrictions on wagering service providers located in other states or territories of Australia advertising in Victoria. The bill, in conjunction with a list of advertising prohibitions, will also introduce guidelines in relation to advertising standards for wagering service providers that will ensure that consumers are appropriately protected. Furthermore, the bill introduces a requirement that the holder of a Victorian bookmaker registration should have a responsible gambling code of conduct which has been approved by the Victorian Commission for Gambling Regulation. Again, they are sound provisions, and there is a recognition of the reality that there is a need to open up gambling in Victoria to interstate competition. Equally there is a recognition that the wagering industry should have a code of practice — and the code of practice in this case has been incorporated into legislation for Victorian bookmakers.

I think there are two important issues here. The first is that this is an important precedent — I am not sure if it is the first — for incorporating codes of practice into legislation. Secondly, I seek clarification from the minister in his summing up as to whether this requirement for a code of practice for Victorian bookmakers is also a requirement for interstate bookmakers, because if it is not —

Dr Napthine — The answer is no.

Dr SYKES — I thank the member for South-West Coast, the shadow Minister for Racing, who made a comment there. I am sure he will expand on that in his presentation. What we have is a situation that needs clarification, and I expect subsequent presentations will provide that. I have read the code of practice, and it makes sense. I note that in relation to advertising, much of the code of practice is incorporated almost word for word into clause 49 of the bill.

In the few seconds left to me I would also like to highlight the importance of bookmakers to the atmosphere and the successful conduct of the racing industry, in particular the country racing industry. I have no doubt the member for South-West Coast will highlight the importance of that industry, and the bookmakers who participate in it, to the rural communities of Victoria. I also highlight the importance of proposed changes to that industry by Racing Victoria, which could see the gutting of our country race clubs and our country communities.

I notice, Acting Speaker, that you have been quite vocal in relation to a similar issue — the gutting of the greyhound racing industry in the fair city of Wangaratta. It is important that we stand united on this side of the Parliament to protect country communities by protecting thoroughbred racing and dog racing in the country. With those few remarks, I wish to confirm that I will not be opposing the bill, and I look forward to further contributions on it.

Mr LUPTON (Pahran) — I am pleased to make some comments tonight in support of the Justice Legislation Amendment Bill. In making these comments I want to raise an issue about the omnibus nature of this bill. We have incorporated a number of different amendments to pieces of justice legislation in this one bill. Over the last year the government has undergone a process of putting complementary pieces of legislation into omnibus bills in order to more effectively legislate in a timely manner on a range of issues. This bill is an example of that type of legislative practice. I commend it because it enables the Parliament to deal with a range of issues that are related to each other but in one piece of legislation rather than three different pieces of legislation coming before the house and then having to go through all the processes we are used to with second-reading speeches and other matters. I think it is a good example of the way we are modernising Parliament and effectively using our time.

The Justice Legislation Amendment Bill we are dealing with has three principal aims. In the first place it

amends a commonly used search warrant power to empower the search of vehicles in public places and makes some other minor changes to search warrant powers. Secondly, the bill repeals provisions in the Children, Youth and Families Act 2005 to enable the Children's Koori Court, criminal division, to continue its operations. Thirdly, the bill removes the current restrictions on advertising in Victoria by wagering service providers — that is, bookmakers — located in other states or territories of Australia and introduces an appropriate code of advertising conduct standards.

I want to first deal with the changes to search warrant powers. The recommendation that these changes be made originated through the Victorian Parliament Law Reform Committee, which in a previous Parliament I had the privilege to serve on. The inquiry that that committee conducted into warrants and search powers was a very productive one, and as a result the government took up the recommendation of the committee to make changes to search warrant powers. It is a good example of how the parliamentary committee process should work and often does work.

The problem we seek to overcome in this legislation is that historically search warrants have been able to be issued only over places — land, houses, buildings and suchlike. When a motor vehicle was parked in an area covered by a search warrant, a police officer was able to execute the warrant and search the motor vehicle. But if the vehicle was, for instance, parked outside the house mentioned in the search warrant, then police would not be able to search that motor vehicle. This was partly because it was not on the land in question and partly because search warrants had not previously been able to be issued to search a motor vehicle in the same way that they had historically been available to search land and premises.

Clearly that was a significant limitation on the ability of our law enforcement authorities to effectively conduct searches and execute search warrants. It is appropriate to extend the ability of our law enforcement agencies to execute a search warrant in those circumstances by giving them specific legislative power to search a nominated motor vehicle. The legislation is very carefully drafted to make sure that this is not just a general power to search vehicles and that police are able to specify the particular vehicle over which they seek a search warrant. In those circumstances I think the legislation is right and appropriate, and it gives our law enforcement officers the ability to carry out their obligations in the most effective way. There are some other amendments to search warrant powers, but they are somewhat less important in the legislation than that major issue about search warrants.

The second issue dealt with in this legislation is a change to the ability of bookmakers to advertise their services interstate. This follows recommendations of the national competition policy review. We have been working with other state agencies over recent years to effectively implement this more appropriate advertising regime. I was going to say it is important that when we do this we have a level playing field, but I suppose having a level racetrack is more important in the current circumstances.

We have come to an intergovernmental agreement, particularly with our friends in New South Wales. Reciprocal legislation will enable interstate bookmakers to advertise in appropriate circumstances with an appropriate code of conduct, but we will be moving in unison with the interstate jurisdiction. That will not unfairly impact on any bookmakers currently operating in a particular jurisdiction. It is important to make the change. It is in the interests of competition and making sure we maximise the ability of people to engage in the racing industry. It is an important industry, and we want to support it. I think in this respect the process that has been engaged in is a very sensible one.

The third issue being dealt with in this legislation is an extension of the Children's Koori Court, criminal division. This is something I am very supportive of. The legislation setting up the Children's Koori Court, criminal division, is due to sunset on 1 July this year. Unless we pass this legislation, the Children's Koori Court will cease to operate. It was set up with sunset legislation because it was a pilot program in the first instance. This enabled us to evaluate its effectiveness. On any measure it has been a very successful program. Historically, and even in recent times, there has been a grave overrepresentation of our indigenous population in the criminal justice system. That goes for both the adult indigenous population and the young population.

The adult division of the Koori Court has been operating successfully for some years. The children's division has also been operating successfully. It is reducing the rate of recidivism. It is also reducing the rate of involvement of indigenous people in the criminal justice system in the first place. It is providing appropriate diversion. Because the children's division of the Koori Court intervenes at the front end of the process, at the very time when people would ordinarily be charged and brought before the criminal courts, it is acting as a very significant and effective diversionary mechanism. It means there is less criminal offending going on and there are fewer repeat offenders. It means we are giving our indigenous young people a greater opportunity to participate productively in our

community and have lives that are outside the criminal justice system.

Overall the Koori Court, both in its adult and children's divisions, has been an extremely successful project of this government. I commend the Attorney-General in particular for his advocacy of these programs. I applaud everybody who has been involved in the working of them to date and wish them great success in the future. I commend this bill to the house.

Dr NAPHTHINE (South-West Coast) — On Friday, 10 October 2008, the Victorian Minister for Racing and the New South Wales Minister for Gaming and Racing issued a joint press release which said:

Victoria and New South Wales will soon lift advertising restrictions that apply to interstate bookmakers and wagering service providers under proposed legislative changes for both states.

... allowing interstate bookmakers to advertise their services.

It is interesting that that was on 10 October 2008. On 29 October the New South Wales Minister for Gaming and Racing introduced that legislation into the New South Wales Parliament, but unfortunately the Victorian Minister for Racing was left at the barrier. We had to wait nearly six months before the legislation was introduced in this Parliament for debate.

Let us have a look at some of the comments made at the time of this announcement of the proposal to lift advertising restrictions. The *Age* of 12 October last year says:

Releasing the change in policy, racing minister Rob Hulls said all ads would have to comply with responsible gambling guidelines ...

'While opening the way for advertising by bookmakers licensed in other jurisdictions, Victoria remains committed to a responsible gambling environment ...

While the legislation will not pass through Parliament until next year, bookmakers have been told they can begin advertising and sponsoring immediately.

...

... Tim Costello ... said: 'If there is far more advertising encouraging people to bet, there is bound to be more problems with gambling addictions and more people losing their savings wagering'.

The *Age* of 11 October reported that Racing Victoria chief executive officer Rob Hines said:

This is not a good story for the TAB, on which the racing industry relies heavily for its funding ...

The *Herald Sun* of the same day states:

Corporate betting giants claim racing will be the big winner —

following the lifting of advertising restrictions. But of course the corporate bookmakers are the big winners. I received an email from Stephen Stoios of Turf Accountants on 6 April this year. In it he said:

The proposed amendments are another further nail in the coffin of Victorian bookmakers. In an industry already struggling over the past 10 years despite record spring carnival crowds, all the legislative amendments and reforms have done is make it harder to operate in Victoria despite announcements to the contrary.

...

Victorian bookmakers are lambs to the slaughter.

...

This is all leading to the point that the interstate bookies have had a very big advantage over Victorian bookmakers by being allowed to use a tote business model but without having to make tote contributions ... Now by allowing them to advertise freely in Victoria we are handing over the last remnants of any Victorian consumer to interstate operators.

Further on he said:

Victorian bookmakers will not survive. And in 10 years time, when the corporates have a monopoly, the person who will miss out is the average ordinary punter ...

The amendments to the bill are just for big business and the big money. The small business operator, in this case the Victorian bookmaker, will be the casualty.

There are different views about it. It is interesting that the minister delayed the process of legislating and has allowed advertising carte blanche before introducing so-called responsible gambling guidelines and legislation. We have seen the effects of that.

I want to refer to a couple of specific items in the legislation. Clause 42 talks about responsible gambling standards. They say you cannot depict children, you cannot suggest winning is a definite outcome, you cannot say wagering is likely to improve a person's financial prospects, and you cannot promote the consumption of alcohol while betting. There will also be a prescribed statement in relation to problem gambling, but we do not know what that is.

It is interesting to note that the Minister for Gaming and Racing in New South Wales went one step further. In his second-reading speech he said:

In addition, gambling advertising in a newspaper, magazine, poster or other printed form must contain the G-line problem gambling message, which includes a telephone contact number for counselling services.

That important issue has been neglected in this legislation and by this minister, who really does not care about protecting people from problem gambling. We need to see what the appropriate advertising standards are.

We also note that in clause 42 of the bill there is a requirement for Victorian bookmakers to have a responsible gambling code of conduct. However, that is not a requirement for interstate bookmakers who want to advertise in Victoria. They can advertise willy-nilly in Victoria. They do not have to have a responsible gambling code of conduct but Victorian bookmakers do. Again the Victorian bookmakers are being asked to do the right thing, but their competitors are not being asked to compete on a level playing ground.

I note that on 1 November 2008 the *Age* quoted the Minister for Racing as having said:

I want to send a very clear message to bookmakers who want to advertise that it won't be open slather. It will only be allowed if it is responsible ...

That is absolutely amazing. We have had advertising for the last six months, and for six months prior to that when it was clearly illegal, and no action was taken. We have seen scantily clad bikini girls. We have seen offers of \$500 free bets. We still hear advertisements on SEN 1116 daily, virtually hourly, offering \$150 worth of free bets. Betfair is offering \$50 free bets in magazines and the newspapers, whether it be punting magazines or standard magazines.

This advertising, which it is proposed will be illegal in future, is being displayed now with no action from this minister or this government. The minister says one thing and allows the industry to do another.

What is the effect of this open slather advertising? The *Age* of 26 November says:

Interstate bookmakers are pocketing millions of dollars that would otherwise be used to fund horseracing in Victoria, in a wagering war that senior industry figures claim could threaten the future of the sport and cost jobs.

We have already seen what is happening in country Victoria with racing. We have seen the Minister for Racing standing idly by while greyhound racing has been closed down in Wangaratta, costing local jobs, hurting the local economy and the local community and devastating the owners, trainers and breeders of greyhounds in the Wangaratta area and those involved in the local club and industry. Only three years ago the state Labor government allowed — in fact introduced — the closure of seven country harness racing tracks, including the track at Wangaratta. The

Labor government has form when it comes to country racing. It closed seven harness tracks in 2005, and it is now closing the greyhound track at Wangaratta.

In 2008, 28 thoroughbred country race meetings were either taken away from country Victoria or downgraded, and at the end of 2008, with the endorsement and approval of the Minister for Racing, we saw a blueprint for country racing which will see a further 51 country race meetings taken away from country Victoria, 19 training centres in country Victoria defunded and closed, and the future of 11 country tracks and clubs threatened. That is what is happening in country racing under the Labor government. It should get out of Melbourne, come to country Victoria, go up to Wangaratta and talk to the people in greyhound racing at Wangaratta on Friday. Government members should listen to those people's views about how important racing is to country Victoria, whether it be greyhound, harness or thoroughbred racing.

The changes proposed will cost hundreds upon hundreds of jobs in country Victoria. We have just seen that 200 000 Victorians will be unemployed as a result of the budget and this government. Now this government is presiding over a loss of potentially another 400 or 500 jobs in the racing industries in country Victoria. Yet this government, through this legislation, is allowing open slather advertising from corporate bookmakers based in Darwin, who have an enormous tax and competitive advantage, taking money away from local bookmakers and the local TABs. The local TAB, however, is the major funder of racing industries in Victoria. That is where the money comes from.

Mr Foley interjected.

Dr NAPHTHINE — It is all right for the member for Albert Park, who does not care about racing and has no interest in racing and no knowledge of racing, but the people in racing depend on TAB turnover for their funding. They were gutted when the Minister for Racing took away \$80 million in April last year. They were promised they would be no worse off, but their own studies, done by Ernst and Young, show they are going to be \$600 million worse off over the 10 years of the new licence.

The government is undermining the value of the new licence and undermining the racing industry, and we need have a hard look at this issue.

Mrs MADDIGAN (Essendon) — I rise to support the Justice Legislation Amendment Bill 2009. Unlike

the comments of the member for South-West Coast, most of my remarks will be addressed to the bill. But before I get to the substance of the bill, I will say that I find the support of racing from the member for South-West Coast somewhat odd. I come from the city of Moonee Valley, where the Moonee Valley Racing Club is. I have been going to the club for over 20 years and have never seen the member for South-West Coast there.

The member for South-West Coast is well known for his comments in this house suggesting that the main race at Moonee Valley racecourse, the Cox Plate, should be removed from the Moonee Valley racecourse and sent to Flemington. Obviously, then, it is all right for some races to be removed from racecourses, but only if the member for South-West Coast thinks it is okay. However, I invite him to come more frequently to Moonee Valley, because many people would like to see him.

Dr Napthine interjected.

Mrs MADDIGAN — I am surprised the member says he is there regularly, because I have spoken to a number of people there, and they have said they have never seen him, but perhaps he can tell me when he was there. I will refer to just a couple of statements —

Dr Napthine interjected.

Mrs MADDIGAN — I was there about two weeks ago, thank you, and I am going the week after next, I think it is, just to let the member for South-West Coast know. In fact I could take him along with me one day, if he would like to come.

The member for South-West Coast quoted a number of things in touching on the gaming section of the bill, but I will get to that a bit later. The bill — though you would not have been able to tell from the comments of the member for South-West Coast — covers three main areas and makes three changes, introducing significant differences affecting significant parts of the justice system.

The first change is in relation to search warrant amendments. The bill amends search warrant powers to empower the search of a specific vehicle in a public place. These powers enable a search to be conducted under more commonly used search warrant regimes, which will address an existing limitation in this regard where that has not been possible. It also enables any police member to execute a search warrant under the Drugs, Poisons and Controlled Substances Act 1981 rather than only the member named in the warrant, which is a problem with the present situation. It also

clarifies the time line to provide an annual report in relation to covert search warrants under the Terrorism (Community Protection) Act 2003. Those parts of these amendments help to overcome some problems that have arisen in the amendment of the legislation previously.

The amendments to the Gambling Regulation Act remove restrictions on advertising, and the member for South-West Coast touched on that at the beginning of his speech. He read a number of press reports — perhaps fairly selectively — so I thought I would assist him by reading a couple of others. I have one from the *Age* of 11 October 2008:

The joint announcement yesterday by the Victorian and NSW governments on the lifting of advertising restrictions that apply to interstate bookmakers will further erode the long-held monopoly position of Tabcorp in the wagering business, according to Racing Victoria chief executive officer Rob Hines.

I presume from the comments of the member for South-West Coast that he supports the monopoly position of Tabcorp and presumably that of other agencies in the betting industry. The article continues:

Hines said the lifting of the restrictions was inevitable because it had been found to be unconstitutional not to allow the bookmakers to advertise across state borders

In the same way that search warrant amendments relate to problems in the operation of the previous legislation on search warrants, this change is also to overcome a problem that has been found in relation to the banning of advertising across borders in relation to gaming.

A further announcement by Centrebet endorsing the project states:

The Victorian Commission for Gambling Regulation yesterday announced that, pending the repeal of part of Gambling Regulation Act 2003 forbidding this advertising, it would not prosecute for breaches of these laws.

I think the member also referred to that. It continues:

The Office of Liquor, Gaming and Racing in New South Wales have confirmed previously that they also will not prosecute for breaches of the advertising restrictions contained in the Racing Administration Act.

That raises one of the questions there. When this legislation comes into place, that will overcome some of those problems.

I mainly wanted to spend my time talking about the changes to the Koori courts. Briefly, the changes repeal sunset provisions in the Children, Youth and Families Act to enable the Children's Koori Court, criminal division, to continue in operation. In my role as chair of

the Drugs and Crime Prevention Committee — we are looking at juvenile crime — I have had the opportunity to visit a number of Koori courts and also to speak to a number of people in the justice system about the operation of Koori courts. Without fail the response from people involved in the system has been that they are of great assistance in stopping recidivism in particular. If members have not seen a Koori Court in operation, I encourage them to do so, because it is quite an interesting procedure. It certainly makes justice less formal and less frightening, particularly for those who have not been involved in the justice system before.

The Koori courts for adults and children have both proved to be very effective. I think there is a review of the system at the moment to provide some assessment, but certainly from all the anecdotal evidence that has come forward there is strong support for it. The Koori Court, criminal division, of the Children's Court was first established in the Melbourne Children's Court in October 2005 as a pilot program. It was originally supposed to conclude in 2007. It was subsequently extended to July 2009. A second Children's Koori Court was launched in Mildura in September 2007. The reason for that was partly because of the success of the Melbourne Children's Koori Court.

Mr Crisp — Hear, hear!

Mrs MADDIGAN — I am sure the member for Mildura will talk about the benefit of the Children's Koori Court in Mildura when he gets his turn. It is unfortunate that indigenous offenders, both adult and youth, are still greatly overrepresented in the Victorian criminal justice system. There certainly are specific problems in dealing with our indigenous population that not only our justice system but perhaps other social systems have not been able to deal with in a way that is most effective for that community.

The Children's Koori Court provides a response to offending by young Koori people that more effectively addresses factors contributing to their offending than traditionally courts have been able to provide. It is based very clearly on the adult Koori Court model, so I think that has been very useful. The intervention is slightly different, however, in the adult Koori Court. The involvement of the Koori elders tends to be at the end of the offensive behaviour. The Children's Koori Court provides an opportunity to respond to offending at the front end and to seek to divert youth from further involvement with the criminal justice system.

If you talk to any people who have been involved in the juvenile justice system, you will know that anything we can do to keep young people out of jail is worthwhile.

Even when talking to judges and other people involved in courts and people on the parole board, you discover there are very few instances they can identify where sending young people to jail has been effective in changing their behaviour or preventing them from reoffending in the future.

The aims of the Koori Court are really significant in this way. Its aims are to reduce the overrepresentation of indigenous youth in the justice system; to reduce the rates of failure to appear at court and breach of court orders, which has been a specific problem in that population; to reduce the rate of repeat offending; to deter juvenile crime in the community generally and increase community safety; and to build a cultural responsive justice system. They are excellent aims. I think they will prove to be very helpful in the future. I am very pleased to see that we are removing the time restriction on the Children's Koori Court and that it will be able to continue.

I would like to see Koori courts extended to other populations, particularly Pacific islanders, who also have similar problems in dealing with the traditional justice system. Certainly New Zealand has special provisions for Pacific islanders based fairly on much the same model we use for the Koori courts. I think that has been very successful. Perhaps there are other populations which are very culturally diverse and differ from our traditional Anglo-Saxon community which might be investigated as possible resources as well.

I am very pleased to support the Justice Legislation Amendment Bill. I think the three areas it deals with — search warrants, the Koori courts and the Gambling Regulation Act — obviously need some attention. This legislation will be beneficial in improving the operation of the acts in those areas. I wish the bill a speedy passage through the house.

Mr BURGESS (Hastings) — It is a pleasure to rise to speak on the Justice Legislation Amendment Bill 2009, the purpose of which is to amend the search warrant powers, to lift prohibitions on advertising by interstate bookmakers and to repeal the sunset of the Children's Koori Court. The main provisions of the bill are to amend the search warrant powers in the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Firearms Act 1996, the Gambling Regulation Act 2003, the Police Integrity Act 2008, the Police Regulation Act 1958, the Prostitution Control Act 1994 and the Surveillance Devices Act 1999 to enable a specified vehicle in a public place to be searched under warrant.

The bill also amends the search warrant power in section 81 of the Drugs, Poisons and Controlled Substances Act to empower any police member to execute a warrant issued under that section instead of only the member specified in the warrant. It sets a maximum time within which an annual report must be given by the Chief Commissioner of Police under the Terrorism (Community Protection) Act 2003 on the use of the covert search warrant powers. It repeals sunset provisions in the Children, Youth and Families Act 2005 to enable the Children's Koori Court, criminal division, to continue operations. It amends the Gambling Regulation Act 2003 to remove the current restrictions on advertising in Victoria by a wagering service provider located in other states or territories of Australia.

The bill introduces guidelines on advertising standards for wagering service providers; it introduces a requirement that the holder of a Victorian bookmaker registration has a responsible gambling code of conduct which has been approved by the Victorian Commission for Gambling Regulation; and it prohibits the offering of inducements to open a betting account.

Different acts contain conflicting definitions of 'vehicle' — for instance, in some acts the term 'vehicle' will include a caravan and trailer, and in some acts it does not.

The definition of a 'wagering service provider' appears to include a professional punter, but it can be argued that the legislation will legalise the advertising of best tote odds. The bill does not require interstate bookmakers to comply with a responsible gambling code of conduct, which is required of Victorian bookmakers. At best there are ambiguous and ineffective restrictions on linking gambling with alcohol or sexually explicit advertising. The bill leaves it open to government to determine the wording of the prescribed statement on problem gambling that must be included in any advertisement, and it prohibits inducements for opening a betting account but not for using that account.

The Attorney-General made it clear when he said he wanted to send a very clear message to bookmakers about advertising. Unfortunately, as with the enforcement of law in this state, he is a big bully with loud words but not much else. In fact very little action has been taken by the Attorney-General. He has put the people on the benches that he requires to get the outcomes he wants, and the community is a witness to what those outcomes have been. In Victoria we have become very soft on crime, and the community knows why that is.

The other half of the duo has been completed by the Attorney-General's friend, the Minister for Police and Emergency Services, in the way the Victorian police force has been decimated. Morale is down and confidence is down, and if it were not for the feeling of intimidation and bullying that has been implemented in that force from the top down, there would be police coming out every day and saying just what has happened in the force and how difficult it is for them to even say, 'We do not have enough police officers'. Senior police in my region have come out and said that. One did it publicly. He is no longer in the police force after 32 years of decorated service. He was intimidated and pushed out of the force within about four weeks of making that statement.

That sort of intimidation is not restricted to the police force; it happens in this house as well. Whenever anything is said that the other side does not like, they try to howl you down or yell out, 'You must be on the bill'. It is a different matter for them. On this bill, as he is with most things, the Attorney-General is all bark and no bite.

Mr FOLEY (Albert Park) — It is a pleasure to rise to speak on this justice omnibus bill, which cuts across a number of portfolios, all associated with the justice area. It cuts across the portfolio areas of the Attorney-General, the Minister for Racing, the Minister for Gaming, the Minister for Consumer Affairs, the Minister for Police and Emergency Services and the Minister for Health.

As many speakers before me have pointed out, the bill deals with three major areas. I will not deal with the search warrant amendments; they have been more than adequately dealt with by previous speakers. I will address my comments to the two areas of the repeal of the Children's Koori Court sunset provisions and the amendments to the Gambling Regulations Act 2003.

In his colourful contribution the member for South-West Coast talked about some of the arrangements associated with aspects of the Gambling Regulations Act. The bill seeks to remove the current restrictions on advertising in Victoria by wagering service providers located in other states and territories. We have heard the background about national competition policy and court cases dealing with this issue which, of course, necessitated what the government was in the process of introducing anyway. We have also heard that the bill seeks to introduce appropriate advertising standards in relation to gambling advertising by these wagering service providers. Equally we have heard that the bill will require a Victorian bookmaker to have a responsible

gambling code of conduct approved by the Victorian Commission for Gambling Regulation.

The member for South-West Coast made some fairly bold and inaccurate comments on the commitment of this government to bookmakers. Then he seemed to get lost in his arguments and went on a general rant about country racing when he knows full well that this government has done more to assist the regulatory, taxation and other arrangements for bookmakers to secure their position than anything the previous administration did under the part tutelage of the member for South-West Coast. I think it is fair to say that this Minister for Racing has done more to promote and enhance the role of bookmakers than any other racing minister in the history of this state.

The member for South-West Coast can make all the rash accusations he likes about the commitment and interests that people on this side of the house have in racing. I was at the Boort at Bendigo harness racing meeting last year when the shadow minister stood out like a proverbial shag on a rock while a Nationals member for Northern Victoria Region in the Legislative Council, Mr Drum, worked the crowd like a thorough professional. The member for South-West Coast can make all the accusations he likes about who is in tune with which community, knowing full well that he is in fact just flogging a dead horse, as it were.

The amendments to the Gambling Regulations Act arise initially from national competition policy and then from decisions of courts. They remove the restrictions that apply to advertising in Victoria by wagering service providers located in other states and territories. Reference has been made to the fact that in 2008 the Victorian and New South Wales governments jointly announced their intention to legislate to remove the current restrictions that apply to bookmakers licensed in other Australian jurisdictions. The interstate restrictions are in the process of being removed. Obviously it will only be done in circumstances where similar reforms in other jurisdictions are reciprocated. That is most notably the case with New South Wales, given the size of its market in these things. The bill seeks to do just that.

The bill removes the current Victorian restrictions on wagering service providers from other states and territories and introduces standards regarding gambling advertising by those service providers. It makes it a requirement for bookmaker registration in this state that the bookmaker has a responsible gaming code of conduct that has been approved by the Victorian Commission for Gambling Regulation. When the bill comes into effect it will permit interstate wagering

service providers to advertise their services in Victoria, establish the standards for such providers and introduce associated new offences. Registered bookmakers will be required to have a responsible gaming code of conduct in place. This requirement will come into effect six months after the proclamation of the bill. That delay has been put in place to afford bookmakers sufficient time to prepare and implement codes and have them approved.

The shadow Minister for Racing, the member for South-West Coast, might seek a diversion from these arguments. He need go no further than new section 4.7.9 of the bill, inserted by clause 49, to see that some of his arguments are misplaced. Talking about prescribed statements to be included in advertisements, it says:

A wagering service provider must not publish or disseminate, or cause to be published or disseminated, in the course of business any gambling advertising in any form or by any method of communication unless the advertisement contains a prescribed statement (if any) in relation to problem gambling.

I am at a loss to see how this legislation does anything other than what it sets out to do — that is, to give effect to national competition policy and deal with concerns that were raised about jurisdictional matters by the courts — particularly given the demolition of the arguments of the member for South-West Coast by the member for Essendon.

In the time still afforded to me I will very briefly discuss those aspects of the bill that repeal the sunset provisions in the Children, Youth and Families Act 2005 to enable the continued operation of the Children's Koori Court.

As a member of the Parliament's Law Reform Committee I had the opportunity to meet, in the context of the committee's alternative dispute resolution inquiry, with members of the Koori community and people associated with the Koori justice program to get an in-depth analysis of both the children's and adult Koori courts and how they operate. There was one particularly impressive contribution to the committee's consideration of this issue. We learnt that the Children's Koori Court was created some time ago and was facing the very real prospect of its sunset provisions coming into effect on 1 July this year, as members will know from a number of contributions. The strength of the court is that it operates informally. Koori children are vastly overrepresented in the criminal justice system, and the court seeks to deal in a culturally appropriate, non-technical and non-legal way with very difficult behaviour and the real problems that Koori children

face in this state. The Children's Koori Court does not hear any family matters, such as protection applications, nor does it deal with sexual offences — it can only hear criminal matters.

We have heard that the two courts have been operating effectively throughout the state. The fact that the ultimate decision regarding sentencing remains with the presiding magistrate, set against the role that Aboriginal elders or respected persons have in the system, renders the Children's Koori Court both culturally appropriate and particularly meaningful in dealing with the issues Koori children bring to the court system. Based on that, I wish the bill a speedy passage.

Mr K. SMITH (Bass) — It is a pleasure to be involved in this debate on the Justice Legislation Amendment Bill 2009. I say from the start that we will not oppose this legislation, but there are some issues of concern to us.

The bill covers a fair area. I must say the number of acts it changes is interesting. The government was once very much against bills that included a large number of changes to different pieces of legislation, known as omnibus bills, but this bill amends a large number of acts, including the Crimes Act, the Firearms Act, the Prostitution Control Act, the Gambling Regulation Act and the Police Regulation Act. It is ridiculous that all these amendments have been lumped in together without members of the house being able to give proper consideration to the important issues raised by the legislation.

I would like to talk about a couple of these issues. One relates to the bill making it easier for interstate bookmakers to get involved with betting in Victoria. They may be bookies from any other state or territory — and the Northern Territory seems to have a lot of bookies. There are even a number of bookies in Vanuatu who can take bets here. All this can be done on the internet.

I was once responsible for looking after the gaming side of things. I remember Betfair coming to Victoria and saying it would like to be able to take bets in Victoria. This government pooh-poohed it and said, 'No, we are not interested in Betfair being involved because it allows people to be able to bet on losers and not on winners. It is not the sort of thing we would like to see happening here in the state of Victoria'. Betfair then spoke to a lot of people in other states around Australia. It then set up in Tasmania, one of our smaller states, and probably from a racing point of view also one of the smallest states. It was able to set up there and put

back into Tasmanian racing a fair amount of money, which could have been going into Victorian racing.

This government was not interested in looking at it or talking to Betfair about it. But it must have been stupid in its assumption that it was going to be able to control Betfair, which is a big organisation. Betfair was operating around the world. It was operating from England where people were able to bet on almost anything: two flies walking up the wall, soccer matches, football or horseracing — you name it! They would bet on Australian Rules football from England, and they would bet on Rugby. Almost anything you wanted to bet on, Betfair was prepared to take a bet on. It was not going to be stood over by the Victorian government. If the government had been smart enough, it would have taken Betfair on. It would have laid down a few rules and regulations on how Betfair was going to be able to operate here in Victoria. Victorian racing would have got the benefit of some of the money that was being offered. It was not a huge amount of money, but it was better than no money, which was what it was going to get when the bets were placed through Betfair in Tasmania.

We are also in a position with this piece of legislation where the government was looking at changes to the Prostitution Control Act and how old warrants can be issued to somebody who may be — how should I put it delicately? — performing some act of prostitution in a motor vehicle. The heading to new section 61NA of the act, which is inserted by clause 30, says:

Details of warrant to be given to a person in charge of vehicle

It deals with the inspector notifying the person in charge of a vehicle which is:

... located in a public place in respect of which a search warrant is being executed, the inspector must —

- (a) identify himself or herself to the person in charge of the vehicle; and
- (b) give to the person a copy of the warrant.

That is all very well, but then it goes on to say:

- (2) If there is no person in charge of the vehicle located in a public place in respect of which a search warrant is being executed, the inspector must —
 - (a) identify himself or herself to a person (if any) on or in the vehicle; and
 - (b) give to the person a copy of the warrant.”.

The bill says there is nobody in the vehicle, there is nobody in charge of the vehicle, there is nobody in the vehicle and nobody performing an act of prostitution in

the vehicle. I wonder whether the policeman is going to stand in front of the car and say, 'I am Inspector Bloggs. I am going to an issue a warrant to search this car which has nobody in it. I cannot give the warrant to anybody, so I will push it through the window slot. You have to open up the car'. But there is nobody there to open up the car. I wonder what this little bit in the legislation is all about. There is nobody in the car, so the police cannot do anything about it. It just seems quite strange, but then again this government is quite strange in the way it operates in a number of ways. This is just another part of it.

The bill talks about different types of vehicles. A vehicle can be almost anything that a warrant can be put on. The police can take action against a vehicle. In some pieces of legislation a vehicle can be almost anything — a car, truck, caravan, campervan, trailer, boat or vessel — but this piece of legislation, as in a lot of legislation, is not definitive in identifying what a vehicle is. I know during his contribution on this legislation, the member for Box Hill argued strongly that the Attorney-General should be clear in setting out a description of a vehicle and should go through other pieces of legislation to ensure that a vehicle is shown as being the same thing in each piece of legislation.

One may think the Attorney-General thinks he is very good. He looks for all these things that do and do not work properly. He thinks he is pretty smart, but he is not really as smart as he wants to be. He has allowed this to go through, because he is the minister responsible for this. One would hope that maybe there are people in this house who have some feeling for the Attorney-General. I have feelings for him, but probably not in the same way that members on the other side of the house feel about him. They may have a quiet whisper in his ear and get him to sort this out, because there is quite a deal of legislation that allows for loopholes in our laws to be abused because the Attorney-General has just not been on the ball enough. I worry a little bit about that because he is also the Deputy Premier of this state.

We have to be careful. I will briefly — I only have 1 minute and 34 seconds to go — like to say I think it is important that this legislation does not require interstate bookies — and this legislation allows them to take bets across Victoria — to comply with the responsible gambling code of conduct that is required for Victorian bookmakers. That is a bit of a worry as well, because we know there are problem gamblers. You do not just have to put money into poker machines to be a problem gambler, you can also bet more money than you should at the races, you can put more money on a casino table and you can spend more money in lotto if you are silly

enough to do it. But the fact is that everybody should be playing by the same rules.

Mr Nardella interjected.

Mr K. SMITH — Responsible gambling is something that each of us, including the member for Melton, should understand is an important issue in our community. Problem gambling is an issue we should be doing more about.

I cannot give this government any credit at all because it has not been responsive to problem gambling in this state. It has been reaping the benefits from poor souls who put their money into any form of gambling, but it has not been able to take enough thought, care or energy to bring in legislation to give some protection to these problem gamblers. They need protection from themselves for the way that they are. It is important that this government looks at this legislation and makes some changes.

Ms DUNCAN (Macedon) — I rise in support of the Justice Legislation Amendment Bill 2009. This bill does a number of things but I will speak about the three main provisions. The bill amends commonly used search warrant powers, repeals provisions in the Children, Youth and Families Act 2005 to enable the Koori Court to continue its operations and removes the current restrictions on advertising in Victoria by wagering service providers located in other states or territories of Australia.

I will focus particularly on part 2 of the bill, which addresses an existing limitation whereby a vehicle can only be searched if it is located at a specific place or the specific house named in the warrant. This amendment allows a specified vehicle to be searched under warrant in any public place where it may be found.

It also addresses practical limitations in the current power to execute warrants under section 81 of the Drugs, Poisons and Controlled Substances Act 1981. Currently that section empowers only the police member specified in the warrant to execute it. There can be all manner of reasons why a police officer may not be available at that moment in time to reinforce that warrant. They might be on sick leave or otherwise occupied. This change will enable any police member to execute the warrant similarly to the way other commonly used warrant powers are exercised.

This is an important bill which continues the reform of the justice system to which this government is committed, and I commend the bill to the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Gas: Mount Macedon supply

Mr CLARK (Box Hill) — I raise with the Minister for Energy and Resources the inconsistent charges being imposed on residents in country towns who seek to have natural gas connected to their homes. I ask the minister to take action to ensure a fair and consistent policy and to seek refunds on behalf of residents who have been unfairly charged.

In October last year I raised the case of Mr Peter Crowhurst of Mount Macedon, who originally sought to have a gas mains extension installed for 45 local residents. He collected signatures from virtually all of those residents. He was then quoted \$161 036.70 for the project and asked to sign the quotation acceptance and collect the required amount within 30 days. This was virtually impossible and Mr Crowhurst had to scale back the project. Eventually he was able to arrange through AGL and SP AusNet for 12 residents to have gas connected for a total cost of \$6127, or \$510.59 per connection.

Mr Crowhurst was subsequently amazed to learn that just a short time later the gas main was extended to connect four adjoining residents at no cost at all to those residents. Then the main was further extended to connect an additional 22 residents, again at no cost to those residents.

Overall, of the 45 local residents living in Mount Macedon Road, Brougham Road and Clarke Street whom Mr Crowhurst originally approached, 34 now have natural gas connected, 12 at a cost of \$510.59 per resident and 22 at no cost, compared to the more than \$3500 per resident they were originally quoted, while a further 11 residents still do not have natural gas at all.

Residents were initially told they would have to pay over \$161 000 for 2320 metres of gas main, yet the neighbourhood ended up with 1725 metres of gas main for \$6127, but paid for by only 12 of 34 neighbours. To add insult to injury, several of the 12 residents who paid up-front were subsequently sent invoices from AGL demanding payment of the amounts they had already paid, and one resident was actually sent a formal letter of demand. It took Mr Crowhurst many hours on the phone to AGL to have those invoices reversed.

Mr Crowhurst has also found out that around 100 residents in another group of streets to the west of his home, ranging from Childers Road to where Waterfalls Road meets Honour Avenue, have had natural gas connected at no cost, whereas a further 12 properties along Honour Avenue itself were required to pay \$6490, or \$540.83 per property.

As Mr Crowhurst has written to me, subsequent events make the original quote of over \$161 000 a complete and utter joke. Indeed it makes the whole process of trying to get natural gas connected under Labor's policy a grossly unfair lottery.

I ask the minister to remedy the situation by properly honouring the government's promise to install natural gas in country towns; if residents are required to pay, by ensuring there is a much fairer basis for quotation and a simpler mechanism for residents to commit to installation; and last but not least, by arranging refunds to Mr Crowhurst and his 11 neighbours of the amounts they have been forced to pay for their connections when their neighbours who connected subsequently have received their connections at no cost.

Labor promised to bring natural gas to towns across Victoria, but this experience shows the reality has been vastly different.

Energy: customer transfers

Mr BROOKS (Bundoora) — I raise a matter for the attention of the Minister for Energy and Resources. The specific action I seek is for the minister to raise the matter which I will outline with the specific energy retailer, seeking assurances that it receive fully informed consent before transferring energy customers to its company and that it complies with the relevant codes of practice.

I have received representations from a constituent in my electorate concerning his elderly parents who are both in their 80s and live in Coburg. The parents received a final bill and termination notice, including an early termination fee of over \$60, from their existing energy supplier, but they could not understand why they were receiving a termination bill because they did not believe they had actually terminated the contract with the previous energy supplier.

My constituent, the son of these elderly people, contacted AGL, which was their existing energy company and then also the office of the Victorian energy and water ombudsman, which was able to explain that Neighbourhood Energy, an energy retailer, had taken over this energy account. On contacting

Neighbourhood Energy, AGL found that the company had phoned the elderly parents and received verbal agreement to switch energy retailers. The elderly parents vaguely recalled speaking to someone but could not recall agreeing to change energy suppliers. The outcome was that the energy supplier was transferred back to their original company, AGL.

It does highlight an issue of concern where elderly people or people who for various reasons might not be able to make a decision on the spot on the phone may be targeted by companies that are seeking to pressure people into changing energy retailers. I think it is important that the minister ensure that energy retailers obtain full informed consent when they are phone canvassing, and that their behaviour is completely ethical.

Schools: Rainbow

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Education. The minister, who I spoke to briefly about this matter today, is well informed. The action I request on behalf of the Rainbow and district community is that the minister and her staff work with and provide the Rainbow community with information in writing about what facilities will be provided if a combined K–12 school were to be developed for the Rainbow community.

The background to this issue is that two years ago participants in a community opportunity workshop, which was state government sanctioned, voted overwhelmingly in favour of the development of sports and recreation facilities incorporating education facilities at the recreation reserve in Rainbow. Seventy-five per cent of the community voted at that meeting in support of this combined facility to be located at a greenfield site at the Rainbow recreation reserve. By way of a little bit more background, the primary school has about 60 students and the secondary college at this stage has about 70 students, and is therefore one of the smallest secondary schools in my electorate. Again I highlight the fact that two years ago the schools started working together very diligently to develop applications for funding to do a feasibility study to progress this matter. They have been working very hard on this project.

However, only last week the education department came forward with a change of plan. Because of the new federal government Building the Education Revolution funding program it needed to look at the options again. The two options that were put forward at this stage involved going to the secondary school site or doing nothing. The three options that had been

discussed earlier were a greenfield site, relocating to the present secondary college site or doing nothing and applying for Building Futures funding. Previously the schools decided to go to the new greenfield site and were told, 'You design it, we will build it'. Now, with the disappointing news from the department, they have to make a very quick decision.

The issue has divided the community; it is a hot topic in the town. The minister and her staff must help to repair this division. We know that the department has tight deadlines, but the schools have agreed in principle to go to the secondary school site and to allow an architect to design what will be provided at the site. They need to look at not only classrooms but also recreation facilities, a playground and staff rooms et cetera. Importantly the application has to be in by 1 June. Again I call on the minister to assist members of this community with information in writing to help them make the best informed decision possible.

Bushfires: school memorial plaque

Mrs MADDIGAN (Essendon) — I also raise a matter for the Minister for Education. I ask the minister whether she can arrange for a memorial to commemorate the Victoria School in Villers-Bretonneux to be established at one of the schools that is being rebuilt following the Victorian bushfires. As members will know, Victoria is fondly remembered in Villers-Bretonneux. There is a Rue de Melbourne and a Victoria School. I remind members of the plaque on the Victoria School, which says:

This school building is the gift of the school children of Victoria, Australia to the children of Villers-Bretonneux as a proof of their love and goodwill towards France. Twelve hundred Australian soldiers, the fathers and brothers of these children, gave their lives in the heroic recapture of this town from the invader on 24 April 1918 and are buried near this spot. May the memory of great sacrifices in a common cause keep France and Australia together forever in bonds of friendship and mutual esteem.

The children and the families of the Victoria School community in Villers-Bretonneux heard about the bushfires in our Victoria and as a result of that held a concert and raised over €4000, which is a fairly significant amount for such a small township. They are sending those funds to the state government for the education department to assist in the rebuilding of our schools. I think that is an extremely nice gesture by the school community in what is in fact a very small village. It seems to me appropriate that in exchange for the esteem that they have shown us in the years since World War I, we should have a memorial plaque of some nature to acknowledge their gift to a school that is

being rebuilt in Victoria. I will leave that issue with the minister, and I look forward to a positive outcome.

Waverley Road, East Malvern: traffic management

Mr O'BRIEN (Malvern) — I raise a matter for the attention of the Minister for Roads and Ports. For almost a year now the minister and VicRoads have been contemplating calls for road safety measures to be introduced around the Malvern East terminus shopping strip in Waverley Road. Twelve months on, despite promises by VicRoads and the minister's own chief of staff, nothing has been delivered.

Early in 2008 I received a number of complaints to my office about dangerous speed levels in and around the Malvern East terminus village. I then conducted a survey of local traders on the issue. Ninety-one per cent of respondents supported a reduction from 60 kilometres per hour to 40 kilometres per hour in the speed limit in the vicinity of the village during business hours. The proposal also received the support of Stonnington council. In addition, the lack of safe pedestrian crossing facilities further up Waverley Road was raised by local traders and residents.

My office contacted VicRoads on 19 May 2008 to request that action be taken. On 1 June I received a letter from Mr Ted Vincent, executive director, regional services, VicRoads. It states:

VicRoads will investigate reducing the speed limit from 60 kilometres per hour to 40 kilometres per hour on Waverley Road near the intersection of Darling Road. You will be advised of the outcome of this investigation in July 2008.

Having had no further response, I wrote to the minister on 15 August seeking his intervention. In that letter I noted, among other things, that two primary schools, a school for children with behavioural disorders and two senior citizens facilities are all within close proximity to the village. By letter dated 15 September 2008 the minister's chief of staff wrote to me on behalf of the minister. The letter states:

A 40-kilometres-per-hour strip shopping speed zone may be considered for the section of Waverley Road, between Douglas Street and Darling Road ...

The letter goes on to promise that:

VicRoads will conduct a survey of pedestrian numbers in the vicinity of the terminus village to determine whether the site meets the criteria for consideration of pedestrian operated signals.

In March 2009 I was dismayed to learn that in fact no survey had been conducted and that VicRoads could

not advise me when any investigation or survey would be conducted.

As the local member for Malvern and someone who has his office in the area concerned, I can attest to the danger that local residents, particularly children and the elderly, face on a daily basis around the village. My community has been extremely patient with VicRoads and the minister. We asked politely for our concerns to be addressed, and we were given assurances they would be. However, one year on those assurances have turned out to be hollow words and nothing more. Does the minister need to see a multiple fatality before he acts? Surely it need not come to this.

The ACTING SPEAKER (Mr Nardella) — Order! I ask the member to come to his request for action.

Mr O'BRIEN — Therefore I ask the minister to immediately take action to improve road safety in the vicinity of the Malvern East terminus village by reducing the speed limit to 40 kilometres per hour during business hours and by introducing pedestrian-operated signals.

Victoria University: boatbuilding program

Mr NOONAN (Williamstown) — I raise a matter for the attention of the Minister for Environment and Climate Change in another place. The action I seek from the minister is that he take action to support the establishment of a new boatbuilding TAFE campus at the former Port of Melbourne Authority (PMA) site in Williamstown. The site has more recently been known locally as Seaworks. The site is vested in Parks Victoria as committee of management under the Crown Lands (Reserves) Act. Parks Victoria is also waterway manager under the Marine Act and port manager under the Port Services Act. As the committee of management, Parks Victoria has the responsibility for managing and maintaining the premises.

I can inform the minister that discussions have been ongoing between Victoria University, which currently operates boatbuilding courses in Newport, and Parks Victoria regarding a potential move. The minister will also be aware that a couple of years ago a prominent group of community leaders with affiliations to Williamstown was established to consider the future of the old PMA site. This group was formally registered in 2006 as a non-profit organisation called the Seaworks Foundation. The Seaworks Foundation, which is led by prominent Williamstown resident Ray Horsburgh, has done a mountain of work to create a vision for this outstanding site. Succinctly put, that vision is about

creating a place that opens up the history of Victoria and Williamstown from a uniquely maritime perspective.

Transforming visions into reality is always challenging, but Parks Victoria has been in the process of developing a master plan for the site and is using the Seaworks vision as the foundation for its work. The idea of having Victoria's only TAFE-based boatbuilding centre as part of the site's future has been warmly endorsed by the foundation. As part of its boatbuilding program the university currently conducts courses for certificate II in engineering, a boatbuilding pre-apprenticeship and certificate III in marine craft construction.

All in all, between 55 and 60 students are enrolled in the various courses offered by the university. These students are drawn from all parts of Melbourne and Victoria, including some from Gippsland, the Mornington Peninsula, Geelong and the Bellarine Peninsula. I am advised that in addition a couple of students from Tasmania make the journey across Bass Strait to participate in the university's training. The university also offers an incredibly popular advanced boatbuilding class on a Tuesday night, which is always heavily oversubscribed.

I recently visited the Newport campus, which will be known to you, Acting Speaker, to view its facilities firsthand and to meet the students and teachers. I was very much impressed with what I encountered, but noted the obvious missing link in the training experience, being simple access to a waterfront location where students could test their vessels. On that basis I seek the minister's support and ask that he take action to assist with the establishment of a new boatbuilding TAFE at the old PMA site in Williamstown.

Bushfires: Murrindindi shire

Dr SYKES (Benalla) — My issue is for the Premier. I request that he ensures all available measures are used to enable the recovery of fire-affected people and communities in the Murrindindi shire. By way of background, there has been an enormous impact on the Murrindindi shire by the February 2009 fires, including 106 deaths; 40 per cent of the shire area burnt; 75 shops and businesses destroyed; 1225, or 20 per cent, of the homes destroyed, of which around 30 per cent were not insured; 3500 kilometres of fencing destroyed; and a massive impact on rate revenue.

The cost of tidying up local roads alone is going to be in the order of \$7 million. Some 600 planning approvals will be required for building or rebuilding, as

will 1150 home and commercial building approvals. There is a massive need for money, particularly for staff salaries, to cope with these recovery processes. We are talking about \$2 million a year for at least the next two years. We are also talking about money to replace lost rate revenue. There is also a need for the Premier and the government to show public support for local government.

Local government in the Murrindindi shire has copped a fair bit of criticism locally about the way the issue has been handled. I think people do not appreciate the enormity of the task and that three of the councillors have been subjected to extreme emotional stress and trauma through their personal involvement and their community's involvement in the fires. Perhaps people are not aware that the CEO (chief executive officer), who has focused his attentions on helping the local community recover, has had to grapple with his own property up in the Yackandandah area being reduced to ashes. The staff of the Murrindindi shire have worked extremely hard under very difficult conditions. I would hate to think that there is anything sinister in the Murrindindi shire having been allowed to wear the brunt of the criticism for acts that are often not of the shire's making.

My request is that the Premier make a commitment sooner rather than later — in fact, immediately — for at least \$4 million of extra funding to the Murrindindi Shire Council to meet immediate human resources needs and to come out and publicly declare his absolute support for the local people and, in conjunction with the state recovery authorities, to put in place the best mechanisms for achieving a recovery and a rejuvenation of the Murrindindi shire and its communities, which have been devastated as a result of these fires. I ask the Premier to act immediately on this very important issue.

Skilled Stadium: redevelopment

Mr TREZISE (Geelong) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The matter relates to the ongoing redevelopment of Skilled Stadium in my electorate of Geelong, which of course is the home of the Geelong Football Club.

As members would be aware, the Geelong Football Club is not only the best Australian Rules Football side in this country but, more importantly, contributes enormously to the economy of the Geelong community. Hence it is absolutely vital that the Geelong Football Club continues to thrive as a club and does so at its home at Skilled Stadium, Geelong. Currently, thanks to

the \$6 million contribution from the state government, the old Ross Drew Stand is being rebuilt as a state-of-the-art stand and gymnasium.

The action I seek is for the minister to come to Geelong and inspect the works and to reiterate this government's commitment to keeping Geelong Football Club in Geelong through such projects. Labor governments have had a long, proud and strong relationship with the Geelong Football Club. During the Cain government it was the then minister for sport who delivered \$1 million for the construction of what is now known as the Charles Brownlow Stand, which is situated on the members wing of the ground. It was the first stand built to commence the refurbishment of the ground as we know it today — and the minister was not a bad bloke, I must say!

One then has to skip forward a decade or more, to 2005, when the then Bracks government provided \$13.5 million for the new Reg Hickey Stand, which was opened in May that year. It is a magnificent stand that takes up the outer wing and is also home to the community group Leisure Networks. The Reg Hickey Stand also played host to the headquarters of this year's Australian Masters Games.

As I said, it is vital for the community of Geelong that Geelong Football Club remains entrenched at Kardinia Park. As you are aware, Acting Speaker, the Geelong Football Club is not only a major contributor to the Geelong economy year in, year out but is also Geelong's main vehicle for promoting the region, not only to the rest of Australia but also as a place to be or a place to visit for people from across the world.

The club is very much an integral part of the fabric of the Geelong community. It is accurate to say that productivity in the town ebbs and flows on a Monday depending on the result of the Cats' performance on the previous weekend. It is important that the new Ross Drew Stand is completed. Doing so will see the ground's capacity reach 30 000 people. I was very pleased that the state government pledged the \$6 million to the total cost of \$30 million. This is an important construction project, and it will also create jobs. I look forward to the minister visiting the ground and to his ongoing commitment to the Australian Football League and the Geelong Football Club in Victoria.

Princes Freeway–Sand Road, Longwarry: upgrade

Mr BLACKWOOD (Narracan) — I raise a matter for the attention of the Minister for Roads and Ports.

The action I seek is for the minister to review the time lines for the construction of a freeway overpass at the Sand Road intersection with the Princes Freeway at Longwarry.

This intersection was identified by the Baw Baw shire in 1998 as being in serious need of an upgrade. In response to a request by the Baw Baw shire to VicRoads manager for eastern Victoria, Norm Butler, to revise the priority for the construction of this interchange, Mr Butler made these comments:

The construction of an interchange at Sand Road is part of the route 1, route 620, Princes Highway East strategy released by the Minister for Roads and Ports at Moe on 26 November 1997. In this strategy the Sand Road interchange works were programmed with an indicative timing of 2004 to 2007. It should be noted that this is an indicative program and that the dates could vary depending on availability of funding. The order that works are carried out are, however, unlikely to vary significantly.

We have just had the 2009–10 budget delivered and there is still no funding for the Sand Road intersection. Since the late 1990s the population of West Gippsland has increased by almost 20 per cent. Visitor numbers to the area have also increased enormously as the fantastic tourism opportunities available in Gippsland have become very popular. Additionally, more than 15 per cent of the working population of Baw Baw shire commute to Melbourne or the eastern suburbs to work, many of them by road, especially since the opening of the Pakenham and Hallam bypasses.

In 2007 the BP service centres on the east and westbound sides of the freeway at Sand Road were opened. All these increases in traffic and activity at the Sand Road intersection have increased the potential for a serious accident or fatality to occur. Sadly, lives were lost at this intersection even before the significant increase in traffic movement we have seen in recent times. At the moment plans are being considered by Baw Baw shire for the development of an industrial park in Longwarry, which will increase the volume of large vehicle traffic using Sand Road to access the Princes Freeway. In recent times there have been accidents occurring on a weekly basis at this intersection.

In the state budget delivered yesterday debt is forecast to reach \$31 billion by 2013. One of the excuses of the Brumby government for not doing things has been the need to invest in infrastructure projects to stimulate economic activity. Almost all the projects announced will deliver improved services to metropolitan Melbourne. Without any significant improvement in country infrastructure, country Victorians will share in the debt burden that their children will have to inherit.

I call on the Minister for Roads and Ports to take the opportunity to deliver the Sand Road intersection upgrade in the interests of the safety of residents and visitors in the Narracan electorate and balance the inequity in spending between country and city-based Victorians forecast in this year's budget.

Energy: alternative generation

Mr STENSHOLT (Burwood) — My request tonight is for the Minister for Energy and Resources. I ask that he direct his department to do some further research into and analysis of the possible greater use of microcogeneration and trigeneration.

I recently had a discussion with Robert Veerman, who is a local engineer. He was actually involved in designing and developing the solar power facility in Mildura, and he also lectures on renewable energy at Box Hill Institute. He had read about my views on the very high cost and relative inefficiency of solar panels as a means of producing electricity. We had a discussion about microcogeneration and trigeneration.

Some of the points that he raised included that microcogeneration or trigeneration systems are very efficient at about 80 to 90 per cent — that is, nearly two and a half times as efficient as the central gas plant at Newport. It is a mature technology and there has been over 100 years experience in industrial applications. It is cheaper and cleaner and can be independent. Provided the gas is on, it can mitigate against blackouts. Tri or cogeneration can actually provide electrical power, hot water and heating — and also cooling, if necessary. It can be adjusted to many situations. For example, a unit which can serve a block of four to six flats can be about one-tenth the size of a car engine. That is actually very small and can obviously operate very effectively in urban areas. It can have broad application in institutions, multiple dwellings, hotels et cetera operating on the existing natural gas reticulation system. It can obviate the reliance on coal-fired plants, reduce CO₂ emissions and balance solar and wind fluctuations into the grid, and it is compatible with feed-in tariffs and smart-metering arrangements.

Furthermore, engines can be manufactured by the motor car industry, while alternators and compressors can be made by the motor accessory industry. There are some small manufacturers, perhaps in Adelaide, who may benefit, but it is also something that could actually promote green jobs. It is cheaper than rooftop solar panels and saves more CO₂. I ask the minister to get his department to do some more research and look at the possible application of this form of alternative technology.

Responses

Mr CAMERON (Minister for Police and Emergency Services) — Ten honourable members have raised matters for four ministers. I will refer those matters to the relevant ministers.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.28 p.m.