

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 21 August 2007**

**(Extract from book 12)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://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, Minister for Industrial Relations and Minister for Racing . . . . .	The Hon. R. J. Hulls, MP
Treasurer . . . . .	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation . . . . .	The Hon. J. M. Allan, MP
Minister for Health . . . . .	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources . . . . .	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections . . . . .	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business . . . . .	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events . . . . .	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation . . . . .	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts . . . . .	The Hon. L. J. Kosky, MP
Minister for Planning . . . . .	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs . . . . .	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs . . . . .	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians . . . . .	The Hon. L. M. Neville, MP
Minister for Roads and Ports . . . . .	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 Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects . . . . .	The Hon. T. C. Theophanous, MLC
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 McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

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

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

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

**Electoral Matters Committee** — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr Hall 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 Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Scheffer and Mr Somyurek.

**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 and Mrs Maddigan. (*Council*): Mrs Kronberg, Mr O'Donohue 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 Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

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

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

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

## Heads of parliamentary departments

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

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

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

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. JENNY LINDELL

**Deputy Speaker:** Ms A. P. BARKER

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

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. J. M. BRUMBY (from 30 July 2007)

The Hon. S. P. BRACKS (to 30 July 2007)

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. R. J. HULLS (from 30 July 2007)

The Hon. J. W. THWAITES (to 30 July 2007)

**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 <sup>1</sup>	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	Naphine, 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	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Overington, Ms Karen Marie	Ballarat West	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Eren, Mr John Hamdi	Lara	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	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 <sup>2</sup>	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
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Resigned 6 August 2007



# CONTENTS

TUESDAY, 21 AUGUST 2007

BUSINESS OF THE HOUSE	
<i>Photographing of proceedings</i> .....	2743
<i>Albert Park and Williamstown by-elections</i> .....	2743
<i>Notices of motion: removal</i> .....	2750
<i>Program</i> .....	2754
SHADOW MINISTRY.....	2743
QUESTIONS WITHOUT NOTICE	
<i>Anticorruption commission: establishment</i> .....	2743
<i>Public transport: tenders</i> .....	2744, 2745
<i>Wind energy: Dollar</i> .....	2745
<i>Police Association: investigation</i> .....	2746
<i>Roads: funding</i> .....	2746
<i>Racial and religious tolerance: government action</i> .....	2747
<i>Sexual assault: legislation</i> .....	2748
<i>Police: Caulfield assault</i> .....	2749
<i>Drugs: illegal manufacture</i> .....	2749
SUSPENSION OF MEMBER.....	2749
PUBLIC ADVOCATE	
<i>Oath of office</i> .....	2750
NOTICES OF MOTION.....	2750
LEGISLATION REFORM (REPEALS No. 1) BILL	
<i>Introduction and first reading</i> .....	2750
CRIMES AMENDMENT (RAPE) BILL	
<i>Introduction and first reading</i> .....	2751
WORKING WITH CHILDREN AMENDMENT BILL	
<i>Introduction and first reading</i> .....	2751
FISHERIES AMENDMENT BILL	
<i>Introduction and first reading</i> .....	2751
FIREARMS AMENDMENT BILL	
<i>Introduction and first reading</i> .....	2751
JUSTICE LEGISLATION AMENDMENT BILL	
<i>Introduction and first reading</i> .....	2751
PETITIONS	
<i>Abortion: legislation</i> .....	2752
<i>Nuclear energy: federal policy</i> .....	2752
<i>Gaming: poker machines</i> .....	2752
<i>Rail: Bairnsdale line</i> .....	2752
<i>Water: north-south pipeline</i> .....	2753
TERRORISM (COMMUNITY PROTECTION) ACT	
<i>Operation</i> .....	2753
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE	
<i>Alert Digest No. 11</i> .....	2753
DOCUMENTS.....	2753
ROYAL ASSENT.....	2754
MEMBERS STATEMENTS	
<i>Port Phillip Bay: channel deepening</i> .....	2755
<i>Sustainability Victoria: website</i> .....	2755
<i>Volunteers: working-with-children checks</i> .....	2756
<i>Ballarat Business Month</i> .....	2756
<i>Economy: performance</i> .....	2756
<i>Wallan Secondary College: science achievements</i> .....	2756
<i>Family violence: government initiative</i> .....	2757
<i>John Laws</i> .....	2757
<i>Sir Edward 'Weary' Dunlop</i> .....	2757
<i>Women's Forum Australia: Faking It</i> .....	2758
<i>Dental services: Nepean electorate</i> .....	2758
<i>Mornington Peninsula Freeway: noise barriers</i> .....	2758
<i>Frankston water and climate change expo</i> .....	2758
<i>Gaming: poker machines</i> .....	2759
<i>Anzac Day: remembrance</i> .....	2759
<i>Wray Crescent-York Road, Mount Evelyn: pedestrian lights</i> .....	2759
<i>Strathmore Secondary College: space science education centre</i> .....	2760
<i>Victorian Environmental Assessment Council: river red gum forests report</i> .....	2760
<i>Children: unaccompanied and separated refugees</i> .....	2760
<i>Crime: Bayswater electorate</i> .....	2761
<i>Gas: Macedon electorate supply</i> .....	2761
ROYAL CHILDREN'S HOSPITAL (LAND) BILL	
<i>Second reading</i> .....	2762, 2790
<i>Third reading</i> .....	2792
PLANNING AND ENVIRONMENT AMENDMENT BILL	
<i>Second reading</i> .....	2783, 2792
ADJOURNMENT	
<i>Fitzsimons Lane-Anderson Street-Porter Street, Templestowe: traffic lights</i> .....	2803
<i>Schools: Geelong</i> .....	2804
<i>Border anomalies: elimination</i> .....	2804
<i>Consumer affairs: chain letters</i> .....	2805
<i>Police: Croydon and Mooroolbark stations</i> .....	2805
<i>Warburton Primary School: synthetic playing surface</i> .....	2806
<i>Rail: Drouin East level crossing</i> .....	2806
<i>Gowanbrae: housing estate signage</i> .....	2807
<i>Police: Hastings electorate</i> .....	2807
<i>Public transport: Yan Yean electorate</i> .....	2808
<i>Responses</i> .....	2808



## Tuesday, 21 August 2007

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

### BUSINESS OF THE HOUSE

#### Photographing of proceedings

The **SPEAKER** — Order! I would like to advise members that I have allowed a photographer in the public gallery today to take photos for educational purposes.

#### Albert Park and Williamstown by-elections

The **SPEAKER** — I would also like to announce that on 20 August 2007 I issued a writ for the by-elections for the electoral district of Albert Park and the electoral district of Williamstown, to be held on 15 September 2007.

### SHADOW MINISTRY

Mr **BAILLIEU** (Leader of the Opposition) — Following the recent changes to the ministry I am pleased to advise the house of changes to opposition responsibilities in this chamber.

The member for Brighton will be responsible for water, skills and workforce participation, small business and tourism and major events; the member for Nepean will be responsible for education; the member for Malvern will be responsible for gaming and consumer affairs; the member for Sandringham will be responsible for veterans' affairs and Aboriginal affairs; and the member for Doncaster will be responsible for mental health, drug abuse, community services and ageing. Other responsibilities in this chamber remain unchanged.

In the other place those with changed responsibilities are as follows: Philip Davis will be responsible for finance and manufacturing, exports and trade; Andrea Coote will be responsible for environment and climate change; Richard Dalla-Riva will be responsible for community development, innovation and freedom of information; David Davis will be responsible for industry and state development, major projects and scrutiny of government; Wendy Lovell will be responsible for women's affairs, country Victoria, housing, and children and early childhood development; and Gordon Rich-Phillips will be assistant shadow treasurer, with responsibility for the Transport Accident Commission and WorkCover, and

will be responsible for information technology. Other responsibilities in the other place remain unchanged.

### QUESTIONS WITHOUT NOTICE

#### Anticorruption commission: establishment

Mr **BAILLIEU** (Leader of the Opposition) — My question is — —

Mr **Stensholt** interjected.

The **SPEAKER** — Order! I warn the member for Burwood.

Mr **BAILLIEU** — My question is to the Premier. Will the Premier establish a broad-based, independent crime and corruption commission in Victoria? If not, why not?

Mr **BRUMBY** (Premier) — I thank the Leader of the Opposition for his question. We are pleased that we have more checks and balances in place in this state in relation to the operation of the executive, in relation to the government generally and the operation of the Parliament. I do not see any need for an independent commission against corruption. I was certainly not aware that this was official Liberal Party policy, but the government does not intend to introduce such an initiative.

I am surprised that the Leader of the Opposition has raised this today. My understanding is that this is an initiative which is being pursued by the Greens political party. It is a matter of concern in relation to the operation of the Parliament. We have seen, of all the legislation that has passed through the lower house into the other place, something like 68 per cent of that legislation voted on together by the Greens and the Liberal Party.

Mr **Baillieu** — On a point of order, Speaker, the Premier is clearly debating the question. He supported such a commission when in opposition. The question is simply whether he does now or not.

The **SPEAKER** — Order! I uphold the point of order. The Premier, to continue his answer.

Mr **BRUMBY** — The reality is we have introduced a whole raft of measures to make government in this state more open and accountable. We have enshrined officers such as the Auditor-General in the constitution. We have restored the independence of the Director of Public Prosecutions. We have introduced a whole raft of measures to make this state more democratic and

more accountable. I repeat: the government does not intend to introduce an independent commission against corruption.

**Public transport: tenders**

**Mrs MADDIGAN** (Essendon) — I have a question for the Premier. I ask him if he can advise the house of any recent decisions relating to the future operations of Melbourne’s rail and tram networks.

**Mr BRUMBY** (Premier) — Members will recall that in 2004 the Victorian government was forced to act in relation to the contracts which had been put in place for the provision of public transport in our state. We were forced to act because the contracts that had been put in place by the former government were not sustainable. They had been undercosted and they were fundamentally flawed. In 2004 — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I will not allow conversations across the table. If the Minister for Energy and Resources and the Leader of the Opposition would like to have a discussion, they can do so outside the chamber.

**Mr BRUMBY** — In 2004 the government acted to resolve the crisis in those contractual arrangements. We committed \$1.1 billion extra for the operation of our public transport system, and we put in place new KPIs (key performance indicators) demanding higher levels of performance in the system. The result of that has been unprecedented patronage growth since 2004. The transport system in our state is now carrying 43 million extra passenger trips per year compared to 2004. The growth on the train system alone has been 33 million extra passenger trips. There are 25 per cent more passengers in the rail system today than there were in 2004.

*Honourable members interjecting.*

**The SPEAKER** — Order! I remind the member for Bass that it is difficult for me to hear over his constant interjections. I also ask the member for Ferntree Gully to desist from interjecting.

**Mr BRUMBY** — Having made that decision in 2004, we put in place additional measures in 2006 in Meeting Our Transport Challenges which will in aggregate inject something like \$10.5 billion into the transport system over the decade from 2006. This is the most substantial investment we have ever seen in transport in our state, \$7.5 billion of it going directly to the public transport system. But as I have said before in

this chamber, we can always do better. There is always more to do, and so there is in the public transport system in Victoria.

Today, with the Minister for Public Transport, I announced that the government has determined that the private operation of the system will continue into the future. I secondly announced — —

**Dr Napthine** interjected.

**The SPEAKER** — Order! The member for South-West Coast knows better than to interject in that loud manner.

**Mr Burgess** interjected.

**The SPEAKER** — Order! The member for Hastings can chuckle very quietly, but not in that loud manner.

**Mr BRUMBY** — The government has also — —

**Mr Mulder** interjected.

**The SPEAKER** — Order! I warn the member for Polwarth, and I especially warn him that there will not be a second warning.

**Mr BRUMBY** — The government has also determined that the operation of the system will now be subject to a full, competitive and open tender. This means that there will be new operators of the system in place by 2009. We will be submitting the system to a full, open, competitive tender. We believe that there is significant international interest in terms of the market. We will be releasing the tender documentation by the middle of next year, with the aim of having new operators in place by the end of 2009. The existing operators are Connex and Yarra Trams. They will of course make their own judgements as to whether they bid for those tenders or not, but the new arrangements will be in place. They may be the existing operators or they may be, as I have said, new international tenderers who will be competing for this market.

Over the next few months a number of other improvements will be made to our public transport system. New timetabling arrangements will come into place in October. As I have said before, the government has brought forward the purchase of 10 new train sets, which will be in place from 2009.

**Mr Thompson** — Train sets!

**Mr BRUMBY** — ‘Train sets’ — that is the terminology.

**The SPEAKER** — Order! I make the same offer to the Premier and the member for Sandringham that I made to the Minister for Energy and Resources and the Leader of the Opposition.

**Mr BRUMBY** — The system today is operating at unprecedented levels of capacity. The only time in our recent history when more passengers have travelled on the system was during the immediate postwar years.

The government is acutely aware that there are challenges, particularly in relation to our train system. We believe that the steps we have put in place are meeting our transport challenges and that some further shorter term initiatives which the government will be announcing later this year will ameliorate some of the pressures in the system. But I think the combination of new tendering, private operation and \$10.6 billion to meet our transport challenges will give us a framework going forward which will provide more choice and better services at the lowest possible cost to the taxpayers of Victoria.

### Wind energy: Dollar

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to the Premier's comment as reported in the *Age* newspaper of 8 August that:

Except in national security cases, only 'real' cabinet documents will be exempt from FOI.

I ask: will the Premier now direct the release of the planning panel report into the Dollar wind farm or, in the Premier's judgement, is this a case of national security?

**Mr BRUMBY** (Premier) — My understanding is — I did seek advice on this matter — that there is not a current FOI request in relation to that matter.

**Mr Ryan** interjected.

**Mr BRUMBY** — Because your question referred to an FOI request, as I heard it.

**Mr Baillieu** interjected.

**Mr BRUMBY** — No, your question referred to an FOI request.

**The SPEAKER** — Order! I ask the Leader of The Nationals and the Premier not to converse across the table.

**Mr BRUMBY** — The advice I have is that there is no FOI request, and if one were made, that would then be a matter for the FOI officer to adjudicate on.

**Mr Ryan** — On a point of order, Speaker, the Premier is debating the issue. Certainly the preface to the question referred to FOI, but the question itself was: will the Premier now direct the release of the report? That is the question, and I ask the Premier to answer it.

**The SPEAKER** — Order! I do not uphold the point of order. As I have stated on numerous occasions, any remarks made in the preface to a question can be referred to in the answer. The Premier is clearly answering the question.

**Mr BRUMBY** — I have answered the question. The Leader of The Nationals referred to FOI. The advice I have got — and I am happy to be corrected — is that there is no FOI application which has been made. If one were made, that would be a matter for FOI officers. I doubt that the Leader of The Nationals would want the Premier of the state dictating to FOI officers.

**Mr Baillieu** — On a point of order, Speaker, this was a simple question. If this is going to be the Premier's tactic — to dodge answering a simple question — he should say so now.

**The SPEAKER** — Order! There is no point of order.

### Public transport: tenders

**Mr HUDSON** (Bentleigh) — My question is to the Minister for Public Transport. Can the minister outline for the house how today's franchising decision will provide value for money for Victorians?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Leader of the Opposition knows better than to interject across the table. The Minister for Public Transport is not helping matters, either.

**Ms KOSKY** (Minister for Public Transport) — I thank the member for his question and indeed his strong interest in public transport. Here in Melbourne we have one of the most extensive and complex public transport systems around the world, and it therefore really does need the best and most experienced operators to run the system. That is the way we believe we will get the best value for money for Victorians. That is why the Premier and I announced earlier today that the government will put the operation of Melbourne's train

and tram networks out to competitive, open, international tender.

This has been informed by a number of pieces of work that have been done — the first being the Auditor-General's 2004 report on the refranchising process, in which he found that the refranchising process provided reasonable value for money. We also commissioned a review by the Department of Infrastructure, independently verified by Deloitte, which did a value-for-money assessment of both Yarra Trams and Connex against the key performance indicators that were established within those refranchised contracts. This review demonstrated that the current franchises represented good value for money and improved performance against the criteria that were established through those contracts, particularly for the tram network. It showed that the performance of Connex and Yarra Trams was sound and that the cost of operating the train and tram networks had remained fairly constant over the period of the franchise.

Patronage is well up, fare evasion is well down and the level of tram cancellations has fallen. Safety for passengers has improved significantly as well on both trains and trams for both service operators. Punctuality, as we know, has been challenged and has been somewhat patchy, particularly for the trains, but we need to put that within the context of the incredible surge in patronage growth in Victoria, and particularly in Melbourne. I have to say that that has not been replicated anywhere else around Australia. We have incredible patronage growth. We are very keen to see that patronage growth, but it has put some stresses on the system, particularly during peak periods.

We are responding to that through our Meeting Our Transport Challenges initiative with a lot of extra investment in infrastructure, and there have been improvements such as the duplication works at Clifton Hill and the triplication works at Dandenong. Also the new timetable will come into place later this year, and this will provide an extra 39 daily services on the train system. So we are looking at interim measures while some of those other infrastructure works are done. This has put some stresses on the system, particularly in relation to punctuality and overcrowding.

In addition an assessment of the international market has found that considerable interest in our transport network is being shown by both train and tram operators. There are now many more private operators in the international transport market, and they have indicated a very keen interest in being involved in the tender process. We believe it is critical for Victorians to

get the best value for money and the best expertise that is available, and that is why we are putting the tenders out to that open, competitive market.

### **Police Association: investigation**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. Would the Premier confirm and advise the house why four months after the Ombudsman tabled his report in Parliament the recommended Victoria Police reinvestigation of Police Association bullying claims has not only not been completed but has not yet even begun?

**Mr BRUMBY** (Premier) — My understanding is that the investigation to which the Leader of the Opposition refers is under way, and as it is under way it would be quite inappropriate for me to comment on it.

### **Roads: funding**

**Mr NARDELLA** (Melton) — My question without notice is to the Minister for Roads and Ports. Can the minister update the house on the government's efforts to ensure that Victoria's road infrastructure investment keeps pace with Victoria's growing economy?

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for Melton for his question and for his continuing commitment to ensuring that Victoria's road infrastructure leads the nation. Victoria has one of the most efficient, reliable and safe road networks of the nation. That has not been a result of good luck; it has largely been the result of good management by the Brumby government. It has happened in spite of, rather than because of, federal government funding in respect of roads across the nation.

It is no secret — and it is a well-accepted fact in this Parliament — that Victoria is the freight and logistics hub of the nation. Victoria contributes 25 per cent of fuel taxes collected by the commonwealth and provides 25 per cent of the national road freight right across the country; but it receives only 16.5 per cent of AusLink funding. It is a shameful situation.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Footscray.

**Mr PALLAS** — Essentially that translates into a \$1.27 billion pothole — or should I say 'black hole' — that affects and impedes the Victorian economy. Translated another way, that is \$361 out of the pocket of every Victorian motorist over the life of the AusLink agreement. If this funding discrimination is perpetuated,

it will mean Victoria will effectively be \$1.9 billion further out of pocket, which translates into \$542 out of the pocket of every Victorian motorist.

Despite this funding injustice, what has the Victorian government done to preserve our economic activity? Quite a lot: \$4.8 billion worth of investment on our roads has occurred since this government came to power, and \$2.1 billion of that investment has gone into country roads — and I hear The Nationals thanking the Brumby government for it!

To compare the contribution and the commitment of the Brumby government with that of the preceding government, in this year alone — —

*Honourable members interjecting.*

**Mr PALLAS** — To avoid any doubt, I was referring to the preceding Liberal government. This year alone the Brumby government will have increased Victoria's capital spending on roads by over 250 per cent compared to the last budget of the previous Liberal government.

**An honourable member** — Don't leave the Nats out — the Liberal coalition!

**Mr PALLAS** — Yes, the Liberal-National coalition.

Our road safety strategy has saved approximately 467 lives and delivered four consecutive years of the lowest road toll on record.

But we do not just want a bigger slice of the AusLink pie; we actually want a bigger AusLink pie. When you think about it, you realise that in 2006–07 — the last budget year — the federal government received \$14.2 billion worth of fuel excise taxes. What did it return to the states, territories and local government? Only \$2.7 billion — that is, less than 19 per cent of all revenue received.

This government has a strategic vision and a plan in which it wants to engage the federal government in terms of the future direction.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Polwarth and the Minister for Public Transport to cease their conversation across the chamber.

**Mr PALLAS** — We have a plan — Victoria's National Transport Links — which has identified 30 projects that will not only grow Victoria but also grow the national economy. What else would you

expect from a freight and logistics hub? We have identified 30 projects — whether they concern the Western Highway, the Western Ring Road, Princes Highway East, Princes Highway West, intermodal hubs or improving rail access into our port systems. We have put our money where our mouth is.

The Brumby government has made it clear on the national road links that for every \$3 that the federal government contributes it will contribute \$1 in order to get a fair share for Victoria — 25 per cent of the total contribution. What we are asking is: why will the opposition not join us in acknowledging that the federal government can do more? Why will the opposition not join industry groups, which have spoken almost as one in identifying that more can be done?

**Dr Napthine** — On a point of order, Speaker — —

**Mr Haermeyer** interjected.

**The SPEAKER** — Order! I warn the member for Kororoit.

**Dr Napthine** — As well as being boring, the minister is now debating the question, and I ask you to bring him back to order.

**The SPEAKER** — Order! I do not uphold the point of order. The minister, however, has been speaking for 6 minutes, and I ask him to conclude his answer.

**Mr PALLAS** — I will bore home the question and the issue by saying this: why will the opposition not join with this government and with industry groups, and why has not the Leader of the Opposition and the shadow minister for roads — —

**The SPEAKER** — Order! The minister, to refer to government business.

**Mr PALLAS** — Victoria deserves better from the federal government and Victorians deserve better than what they get from the state opposition.

### **Racial and religious tolerance: government action**

**Mr KOTSIRAS** (Bulleen) — My question is to the Premier, and I ask: what action will the Premier take to turn around the increasing incidence of violent anti-Semitic and racist behaviour in Victoria?

**Mr Seitz** — Yeah, you shouldn't do it, Nick!

**The SPEAKER** — Order! The member for Keilor!

**Dr Napthine** — On a point of order, Speaker, I suggest that that remark should be formally withdrawn.

**Mr KOTSIRAS** — On the point of order, Speaker, I find that remark offensive, and I ask that it be withdrawn.

**The SPEAKER** — Order! I ask the member for Keilor to withdraw that remark.

**Mr Seitz** — I withdraw.

**Mr BRUMBY** (Premier) — I am aware of the particular incident to which I understand the honourable member is referring, which occurred at the weekend when a member of the Jewish community was assaulted. All members of the Parliament would join with me in saying that that sort of racially based crime is totally unacceptable. Our sympathy obviously goes out to the particular individual and to members of the Jewish community and moreover to any member of an ethnic or minority community who is assaulted or abused in this way.

Such behaviour has never been a part of the culture that we have had in this state. We pride ourselves on being the multicultural capital of Australia. Indeed for many visitors who come to our state the single most important impression they take away from our state is the way in which so many different groups from so many different backgrounds live together with such a great degree of harmony. We are the leader in that. I remember when former President Clinton visited Australia some years ago and made a speech — a speech he actually made in Sydney — in which he referred to Australia standing out as a beacon to the rest of the world in terms of multiculturalism. While we have multiculturalism around Australia, nowhere is it as healthy and strong as it is in Victoria.

We have also always had longstanding bipartisan policy in relation to this matter, so I can only repeat today that the incident which occurred is completely unacceptable. I understand that the matter obviously is being fully investigated by police. I have made it clear in the Parliament before that we have significant additional police resources in our state. We also have antidiscrimination legislation. Through mechanisms which the former Premier established, such as the multifaith forum, we endeavour to bring together all of the groups in our community to ensure that they can live in harmony.

I thank the honourable member for his question and assure him that all members of the house will join me in condemning absolutely what is completely unacceptable behaviour. We obviously hope that the

perpetrators of this particular incident will be brought to justice at the earliest opportunity.

### Sexual assault: legislation

**Ms BEATTIE** (Yuroke) — My question is for the Attorney-General. Can the Attorney-General update the house on the government's efforts to combat sexual assault?

**Mr HULLS** (Attorney-General) — I thank the honourable member for her question. The Brumby government will not tolerate sexual violence, which is why I am very pleased to be introducing into the house this week tougher, clearer laws in relation to the offence of rape. These reforms mean that a person accused of rape will not be able to avoid a guilty verdict by arguing that they had not considered whether their victim was consenting to sex. The reforms will also strengthen and clarify directions given by judges to juries in rape trials and are aimed at reducing the number of appeals in relation to these matters and also the number of retrials.

I am sure all members of this house would agree that we must update our laws to reflect community expectations whilst of course ensuring fairness for any persons accused of offences. That is why we referred the issue of sexual assault to the Victorian Law Reform Commission and why, upon receiving the recommendations of the Law Reform Commission, we embarked upon a sweeping program of reform in this area — from establishing the specialist sex offences prosecution unit in the Office of Public Prosecutions to establishing specialist lists in the Magistrates and the County courts, providing additional counselling for victims, establishing two new sexual assault centres in Frankston and Mildura and introducing changes that make it easier for vulnerable witnesses to give evidence. This government has always believed in taking responsibility in these very important areas.

The reform that I am announcing today inserts an alternative fault element in the offence of rape which makes it clear that a person cannot avoid culpability by relying on an inadvertence to the question of the victim's consent. I might also say that a similar change will be made for all other sexual offences where awareness as to lack of consent is relevant to those offences.

I think everyone would also agree that we need to shed the shackles of secrecy and shame in our system. We certainly need a system that encourages people to come forward, a system that gives them cause for hope and a system that recognises the courage of victims in coming forward. We need to send a message that victims of

these crimes are entitled to support and to respect rather than being labelled, as many have been in the past, by stereotypes steeped in misogyny. By lending victims the strength to report and prosecute their offenders, by supporting them through the healing process and by clarifying the law, we certainly make the point that sexual violence will not be tolerated and, indeed, that the momentum for reform is irreversible.

**Police: Caulfield assault**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier, and I ask: why, despite the recommendations of the Office of Police Integrity, has no disciplinary action been taken against the police officer involved in the violent assault 10 months ago on Mr Menachem Vorchheimer?

**Mr BRUMBY** (Premier) — That is a matter for the Office of Police Integrity and police command. It is not a matter for me.

**Mr Baillieu** — On a point of order, Speaker, the Premier is debating the question. This matter has been addressed by the OPI and it is a matter that the Premier should be aware of and should be taking action on.

**The SPEAKER** — Order! Has the Premier answered the question?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Kororoit!

**Mr BRUMBY** — There has always been a clear delineation of powers between the Parliament and the executive and the police. Whether a charge is laid or not is a matter for police command; it is not a matter for the Premier of the state.

**Mr McIntosh** — On a point of order, Speaker, the Premier, as a premier of this state, is accountable for the actions of the government, which include the operation of the police.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Mordialloc!

**Mr Haermeyer** interjected.

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**The SPEAKER** — Order! Under standing order 124, I ask the member for Kororoit to leave the chamber for 30 minutes.

**Honourable member for Kororoit withdrew from chamber.**

**Questions resumed.**

**Mr McIntosh** — This is a matter where the Premier should be held responsible to this Parliament. This is not asking the Premier to give us a determination —

*Honourable members interjecting.*

**The SPEAKER** — Order! I will not have that level of interjection from the members for Burwood, Mordialloc and Footscray.

**Mr McIntosh** — The issue has nothing to do with the determination or passing judgement or otherwise. It is a question as to why that disciplinary action has not commenced.

**The SPEAKER** — Order! I do not uphold the point of order, and I believe the Premier has completed his answer.

**Drugs: illegal manufacture**

**Mr HARDMAN** (Seymour) — My question is to the Minister for Police and Emergency Services. Can the minister advise the house on recent measures the government has taken to address problems of illegal drug manufacture?

*Honourable members interjecting.*

**Mr CAMERON** (Minister for Police and Emergency Services) — All huff and puff in here, but all chicken when it comes to a by-election!

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister, to answer the question.

**Mr CAMERON** — I will disregard the bantamweight comments. Precursor chemical offences are something we take very seriously, and you would think the opposition would take them seriously because they are very foul crimes.

On 1 August regulations were put into place declaring 103 precursor chemicals and their quantities. This came about as a result of the ministerial council on drugs in

May, and 103 chemicals were part of the national model. Victoria is the first state to put those in place, and we would hope that other states will follow suit soon. That is because those who manufacture drugs are people who do not respect state boundaries.

The net effect of these offences is to put in place an imprisonment term of up to five years for people caught with the precursor chemicals. These are show-cause offences, where somebody who is caught with a prescribed amount of the chemical has to show cause that it was lawful. Of course any law-abiding person need not fear this. But a lot of those chemicals are very common in industry — things like ammonia in the cleaning industry, things like tanning oil, and things like the basic acids that are used in perfume manufacturing or in food preservatives.

Of course nobody in those businesses need have any fear about these laws, but if somebody has a collection of these chemicals when clearly it is intended that they be used for the manufacture of drugs, the police can act early without having to wait, stake out and engage in a very long process to bring about action against an offence. Already, since 1 August, two charges have been laid under this provision.

Since 2000–01 there has been a 20 per cent reduction in cultivating, trafficking and manufacturing of drugs. However, there are some offences which are very large scale, and they involve those who are involved with clandestine labs. Last year in Victoria police uncovered 64 clandestine labs, which is almost double the number, 36, in 2005. That is why these laws are very important.

We are committed to the reform of drug law enforcement. That is why we have been the state leading the way in getting these in place. I would hope that the opposition and The Nationals support what we are doing because we believe these laws are necessary to take a pre-emptive —

**Ms Asher** interjected.

**Mr CAMERON** — You really have to wonder!

**The SPEAKER** — Order! I ask the Deputy Leader of the Opposition for some cooperation, and the minister should disregard all interjections.

**Mr CAMERON** — Are we committed to drug enforcement reform? Yes, we are. To put that in language the Deputy Leader of the Opposition will understand: cluck, cluck, cluck, cluck, yes!

**The SPEAKER** — Order! The time for questions without notice has expired.

## PUBLIC ADVOCATE

### Oath of office

**The SPEAKER** — Order! I wish to advise that on 14 August 2007 I administered to Colleen Georgette Pearce, the public advocate, the oath required by schedule 3 of the Guardianship and Administration Act 1986.

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! I wish to advise the house that under standing order 144 notices of motion 12 to 17 inclusive 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.

## NOTICES OF MOTION

### Notices of motion given.

#### **Mr STENSHOLT commenced giving notice of motion:**

**Dr Naphthine** — On a point of order with regard to the call — —

**The SPEAKER** — Order! I have called the member for Burwood. As I called a member of the opposition and then a member of The Nationals, I have now called two government members, one after the other. I remind the member for South-West Coast, though, that the call is given at the discretion of the Speaker.

#### **Mr STENSHOLT continued giving notice of motion.**

### Further notices of motion given.

## LEGISLATION REFORM (REPEALS No. 1) BILL

### *Introduction and first reading*

**Mr BRUMBY (Premier) introduced a bill for an act to repeal certain spent or redundant acts relating to local government, health, housing, community services and other matters.**

**Read first time.**

**CRIMES AMENDMENT (RAPE) BILL***Introduction and first reading*

**Mr HULLS (Attorney-General) introduced a bill for an act to amend the Crimes Act 1958 to further provide for the offence of rape and certain other sexual offences and for the use of jury directions in trials for such offences and for other purposes.**

**Read first time.**

**WORKING WITH CHILDREN  
AMENDMENT BILL***Introduction and first reading*

**Mr HULLS (Attorney-General) — I move:**

That I have leave to bring in a bill for an act to amend the Working with Children Act 2005, the Children, Youth and Families Act 2005 and the Sentencing Act 1991 and for other purposes.

**Mr CLARK (Box Hill) — I ask the Attorney-General to provide a brief explanation of the bill.**

**Mr HULLS (Attorney-General) — I am happy to.** The main objective of this bill is to assist in protecting children from physical or sexual harm by actually enhancing the existing assessment mechanisms within the working-with-children checks under the relevant legislation.

**Motion agreed to.**

**Read first time.**

**FISHERIES AMENDMENT BILL***Introduction and first reading*

**Mr HELPER (Minister for Agriculture) — I move:**

That I have leave to bring in a bill for an act to amend the Fisheries Act 1995 and for other purposes.

**Dr NAPTHINE (South-West Coast) — Can the minister provide a brief explanation of the bill?**

**Mr HELPER (Minister for Agriculture) —** The bill will amend the Fisheries Act 1995 to implement a prohibition on commercial net fishing in Western Port bay, to provide for a compensation scheme for affected fishers and to clarify and improve some matters in the act that have been identified in the Fisheries

Regulations 1998, which are due to sunset on 1 April 2008.

**Motion agreed to.**

**Read first time.**

**FIREARMS AMENDMENT BILL***Introduction and first reading*

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

That I have leave to bring in a bill for an act to amend the Firearms Act 1996 to make further provision for the regulation of firearms in Victoria, to amend the Crimes Act 1958 to make further provision regarding the use of firearms in the commission of offences and to amend the Magistrates' Court Act 1989 to enable certain indictable offences under the Firearms Act 1996 to be heard and determined summarily and for other purposes.

**Mr McINTOSH (Kew) — I ask the minister for a brief explanation of this bill.**

**Mr CAMERON (Minister for Police and Emergency Services) —** Essentially this bill is a strengthening of some of the machinery-type provisions in the Firearms Act as a result of a discussion paper which was put out earlier in the year. It also fulfils the government's election commitment under its four-wheel drive and hunting policy relating to hunters being able to get access to certain game reserves.

**Motion agreed to.**

**Read first time.**

**JUSTICE LEGISLATION AMENDMENT  
BILL***Introduction and first reading*

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

That I have leave to bring in a bill for an act to amend the Control of Weapons Act 1990, the Corrections Act 1986, the Legal Aid Act 1978 and the Magistrates' Court Act 1989 and for other purposes.

**Mr McINTOSH (Kew) — I seek a brief explanation from the minister in relation to this bill.**

**Mr CAMERON (Minister for Police and Emergency Services) —** This bill will make amendments to various acts. It will do things like make some changes to the victims register and tighten some

provisions in the Control of Weapons Act, among other purposes.

**Motion agreed to.**

**Read first time.**

## PETITIONS

**Following petitions presented to house:**

### **Abortion: legislation**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house:

1. the avowed desire of some members of Parliament to decriminalise later term abortion;
2. there are around 90 000 abortions in Australia annually, which is 5 per hour, or 1 every 6 minutes;
3. the command of Almighty God: 'You shall not murder' in Exodus 20:13; His clear instruction that human life begins at conception, as stated in Psalm 139:13-16, Matthew 1:18, 20, 21, and Luke 1:39-44; and His express command not to kill the unborn in Exodus 21:22-25;
4. the scientific fact that a new human life begins at conception, with its own DNA, blood group, blood type, separate blood supply, heartbeat and gender;
5. the fact that today's modern medicine and medical treatment ensures a high survival rate for babies born prematurely, as early as 23 weeks gestation and improving continually ('67 per cent survival at 23 weeks: Royal Women's Hospital' in *Premature Baby Debate Needed*: Pike, the Age, 07/06/05).

The petitioners therefore request that the Legislative Assembly of Victoria:

preserve and retain the current provisions of the Victorian Crimes Act 1958 that make it a crime to deliberately kill babies capable of living outside the womb (section 10 'Offence of child destruction');

expand the provisions of sections 65 and 66 of the Victorian Crimes Act 1958 to prohibit all forms of abortion at any stage of pregnancy, excepting those extremely rare instances of indisputable medical emergency where the mother's life can only be saved at the expense of the unborn child;

require, through appropriate legislation, that all such emergency abortions be performed with the goal of delivering the baby alive together with supply of modern medical care for the premature baby.

**By Mr HOWARD (Ballarat East) (374 signatures)  
Mr CRUTCHFIELD (South Barwon) (124 signatures)**

### **Nuclear energy: federal policy**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the commonwealth government's promotion of a nuclear industry in Australia and the strong likelihood that Victoria will be selected as a site for the construction of a nuclear power facility.

The petitioners therefore request that the Legislative Assembly of Victoria reaffirm the opposition of the Victorian government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

**By Dr HARKNESS (Frankston) (28 signatures)**

### **Gaming: poker machines**

To the Legislative Assembly of Victoria:

The petition of Cr E. A. Chatwin, Reverend Dr Peter Crawford, Mrs Dot Griffin, Mr Robert Farr, Mr Keith Ewenson, JP, OAM, all residents of the Gembrook electorate of the Victorian Parliament, draws to the attention of the house that the residents of the Gembrook electorate earnestly consider that any move to bring and install electronic gaming machines to Ranges ward of Cardinia shire be rejected.

The petitioners request therefore that the Legislative Assembly of Victoria support the Cardinia shire gaming policy and its submission to the Victorian Legislative Council select committee inquiry into gaming licensing in Victoria. Further, that the gaming and planning legislation in Victoria needs to be changed to allow local governments and judiciary to enforce what is in the best interests of the community.

**By Ms LOBATO (Gembrook) (1705 signatures)**

### **Rail: Bairnsdale line**

To the Legislative Assembly of Victoria:

The petition of the residents of East Gippsland draws to the attention of the house the lack of train service leaving Melbourne in the early afternoon to travel to Bairnsdale, thereby causing gross inconvenience to many citizens who are forced to await the departure of the evening train. The petitioners therefore request that the Legislative Assembly of Victoria calls upon the government to remedy this problem by instigating a train service which departs Melbourne in the early afternoon and travels to Bairnsdale.

**By Mr INGRAM (Gippsland East) (717 signatures)**

### **Abortion: legislation**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to proposed amendments to the Crimes Act which will ensure that no abortion can be criminal when performed by a legally qualified medical practitioner at the request of the woman concerned.

The implementation of this legislation will allow abortions to be legal in Victoria right up to birth. This will only increase

the thousands of children who die needlessly each year through abortion and will add to the existing social problems in Victoria resulting from such a high abortion rate.

The petitioners therefore request that the Legislative Assembly of Victoria vote against amendments to the Crimes Act that will decriminalise abortion in the state of Victoria.

**By Mr SEITZ (Keilor) (1134 signatures)**

### **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 Mr WALSH (Swan Hill) (18 signatures)**

### **Water: north–south pipeline**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly of Victoria the proposal to develop a water-carrying pipeline which would take water from the Goulburn River and pump it to Melbourne.

The petitioners are opposed to this project on the basis that it will effectively transfer the region's wealth to Melbourne, have a negative impact on local government 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 basin.

Your petitioners therefore request that the state government abandons their proposal to pipe water from the Goulburn River to Melbourne and calls on the state government to address Melbourne's water supply needs by investing in recycling and capturing stormwater drains and desalination.

**By Mr WALSH (Swan Hill) (462 signatures)**

**Tabled.**

**Ordered that petition presented by honourable member for Frankston be considered next day on motion of Dr HARKNESS (Frankston).**

**Ordered that petition presented by honourable member for Keilor be considered next day on motion of Mr SEITZ (Keilor).**

**Ordered that petitions presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).**

## **TERRORISM (COMMUNITY PROTECTION) ACT**

### **Operation**

**Mr BRUMBY (Premier), by leave, presented report.**

**Tabled.**

## **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

### **Alert Digest No. 11**

**Mr CARLI (Brunswick) presented *Alert Digest No. 11* of 2007 on:**

**Confiscation Amendment Bill  
Land (Revocation of Reservations) Bill  
Road Legislation Amendment Bill**

**together with appendices.**

**Tabled.**

**Ordered to be printed.**

## **DOCUMENTS**

**Tabled by Clerk:**

*National Environment Protection Council (Victoria) Act 1995* — Second Review of the Act under s 64

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

Alpine Resorts — C19  
Ballarat — C125  
Banyule — C51  
Baw Baw — C54  
Bayside — C50  
Cardinia — C87 Part 3  
Corangamite — C20  
East Gippsland — C57

Glenelg — C37  
 Golden Plains — C2, C42, C50  
 Greater Bendigo — C105  
 Greater Dandenong — C95  
 Greater Shepparton — C68  
 Hobsons Bay — C70  
 Horsham — C40  
 Hume — C87  
 Knox — C64  
 Latrobe — C55  
 Manningham — C58  
 Mitchell — C48  
 Moorabool — C50  
 Nillumbik — C49  
 Surf Coast — C33  
 Warrnambool — C54  
 Wellington — C47  
 Whittlesea — C74  
 Wyndham — C94  
 Yarra Ranges — C57

Statutory Rule under the *Court Security Act 1980* — SR 87

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 84.

## ROYAL ASSENT

**Message read advising royal assent on 14 August to:**

**Accident Compensation Amendment Bill**  
**Energy Legislation Amendment Bill**  
**Magistrates' Court and Coroners Acts**  
**Amendment Bill**  
**Superannuation Legislation Amendment**  
**(Contribution Splitting and Other Matters) Bill**  
**Wills Amendment Bill.**

## BUSINESS OF THE HOUSE

### Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 23 August 2007:

Confiscation Amendment Bill  
 Gene Technology Amendment Bill  
 Justice and Road Legislation Amendment (Law Enforcement) Bill  
 Land (Revocation of Reservations) Bill  
 Planning and Environment Amendment Bill  
 Royal Children's Hospital (Land) Bill.

In bringing forward this government business program for this sitting week we have identified six pieces of legislation that we would like to progress during the course of this parliamentary week. It is in line with the number of bills that have been presented to the house through recent government business programs, the exception of course being the week when we had condolences for Walter Jona. It is my view, given the nature of these bills and the number, being six, that this program provides an adequate time for debate for these bills during the course of this parliamentary week, and I commend the motion to the house.

**Mr McINTOSH** (Kew) — The government business program on the bills before the house is a matter of little or no controversy. I anticipate that the Leader of the House is in fact correct and that there will be no difficulty in completing those bills by 4 o'clock on Thursday. I again note that there are still two outstanding bills on the government business program, including the Senate Elections Amendment Bill. We are getting even closer to a federal election, and that bill remains unpassed. There is also the Water Amendment (Critical Water Infrastructure Projects) Bill, which of course was apparently considered so important by the Labor government under former Premier Bracks that we had to come back before Christmas to deal with it. It went to the upper house and was amended there, but it has languished on the notice paper never to be touched again.

Perhaps the urgency has gone out of it because of a change of Premier. Maybe the government under Premier Brumby is not as concerned about water infrastructure as the previous Bracks government was. The bill has languished on the notice paper for a considerable amount of time and I would have thought it was about time we dealt with those bills. Having said that, the opposition does not oppose the government business program.

**Mr DELAHUNTY** (Lowan) — The Nationals are pleased to support the business program this week. We were given adequate notice, and we have had discussion with the Leader of the House and also the Government Whip about one of the bills, which is the Justice and Road Legislation Amendment (Law

Enforcement) Bill. Our lead speaker will be away on Thursday, and we believe that bill will be debated either late tonight or tomorrow. We thank those involved for that slight adjustment to the government business program. But, like the member for Kew, we are also interested to know what is going to happen with the Senate Elections Amendment Bill and particularly the Water Amendment (Critical Water Infrastructure Projects) Bill, which is a major concern for us in country Victoria. Water is the lifeline to our economic and environmental survival, and we have not seen that bill being brought back on for further consideration.

Looking through the government business program, you will see there are six bills. I do not think any of them are so controversial that they will take a lot of time to debate, but if there is time we would support debating a few of the motions that are included on the notice paper this week, whether it be notice of motion 467 given by the member for Rodney, notice 471 given by me, notice 475 given by the member for Mildura, notice 478 given by the member for Shepparton, notice 480 given by the member for Benalla or notice 482 given by the member for Swan Hill. They are all excellent motions which could include debate about the north–south pipeline. As we know, that was announced with very little support from across country Victoria, and that support is decreasing.

Notice of motion 471 in my name talks about the fact that this house condemns the Premier for refusing to support the national water plan for the Murray–Darling Basin, but congratulates the federal water minister. We think that would be an excellent motion to bring on for debate if we had the time. With those comments I indicate that we will be supporting the government business program this week.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Port Phillip Bay: channel deepening

**Dr NAPHTHINE** (South-West Coast) — I accuse the Minister for Roads and Ports of misleading this house and all Victorians on the serious environmental issues in relation to the channel deepening project. On 19 July the minister was asked about the ongoing erosion in the Rip Bank area affected by the trial dredging project. In response the minister said ‘there is no ongoing review or activity arising out of the supplementary environment effects statement process’. This is clearly untrue.

On 18 June Jeremy Gobbo, QC, on behalf of the Port of Melbourne Corporation, told the supplementary environment effects inquiry that ‘erosion is continuing to occur in the area of the Rip Bank affected by the trial dredge program’ and that ‘the geology of this area is currently the subject of review’. On 16 July Mr Gobbo told the inquiry that work was continuing in relation to the issue of scouring at the entrance. There have been other reports from Cardno Lawson Treloar and Sinclair Knight Merz, which both confirm ongoing reviews, assessments and activities in the Rip Bank area.

Evidence is clear that the minister misled the Parliament and Victorians on this serious issue. The minister should now resign or be sacked. He clearly does not understand his portfolio, and the government must come clean on these serious environmental issues. The minister deliberately lied to the Parliament and to the people of Victoria to cover up serious environmental problems with the channel deepening project. This is an important project, and the minister needs to tell the truth about these issues.

### Sustainability Victoria: website

**Mr BATCHELOR** (Minister for Energy and Resources) — The Sustainability Victoria website, [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au), is one of the most helpful websites on the internet. It offers a plethora of energy-saving tips for the home and the office, including ways in which to improve the efficiency of heating, cooling and lighting. It also suggests ways to reduce waste and ways to reduce the cost of buying and using energy. Measures can be as simple as ensuring that lights are turned off when they are not needed and using your clothes line rather than a clothes dryer. Additionally, when purchasing new appliances we should be selective and buy the ones with better efficiency ratings.

The website is a handy resource for people looking to upgrade their heating and cooling system or purchase new appliances. It contains a series of fact sheets on a variety of topics, including the benefits of different types of heating and how best to use them as well as tips on the proper installation of insulation and information on landscape design and renewable energy systems. It is not only a valuable tool in our battle against climate change but it also provides some really helpful information on how to reduce energy bills, including information about the operating costs of certain appliances. I strongly urge all Victorians to look at the Sustainability Victoria website. It is a wonderful resource that will help them to do their bit by reducing their household emissions and their energy bills.

### **Volunteers: working-with-children checks**

**Mr WALSH** (Swan Hill) — I raise the issue of the complexities and confusion related to the working-with-children checks. They have become a bureaucratic nightmare for the community, particularly volunteer groups, since they began last year. Volunteering is one of the great strengths that holds our country communities together, and it actually gets things done in those communities. The confusion and angst over which groups need to comply with the working-with-children checks is putting this great strength in our country communities at risk. Although working-with-children applications can be picked up at any post office, they can be submitted only at selected post offices.

The people of Donald, a town in my electorate with a population in excess of 2000, have to travel to Horsham, over 1 hour away, to lodge their applications. Donald High School students are assisting with the delivery of Meals on Wheels to increase their awareness of community service, but because of confusion over whether Meals on Wheels volunteers will need police checks and the hassle in obtaining those checks, the school is reconsidering this project. It has been called a bureaucratic nightmare by those involved. There is also confusion over the difference between working-with-children checks and police checks. People are sceptical of the system and ask why there is a need for both. There is a need for clear, simple information as to what groups and individuals need to do to comply with working-with-children regulations. Volunteers deserve our support and thanks, not more bureaucratic hoops to jump through.

### **Ballarat Business Month**

**Mr HOWARD** (Ballarat East) — The month of August has again been declared Ballarat Business Month, also known as B31. During this month over 51 events have been organised. They are aimed at updating, challenging and inspiring those involved in a broad range of businesses across the Ballarat region. They are also aimed at promoting and celebrating the many innovations and examples of best practice already occurring across the region. Some of the events, such as the Mindshop Excellence events, also attempt to involve school students in learning about work opportunities and what is going on within a number of Ballarat businesses. There are also events to support and celebrate women in business, as well as a session providing information regarding the employment of refugees.

The month culminates in the Ballarat business excellence awards, to be held on 30 August. This brings together a broad range of business people across our community so that they are able to celebrate and network to ensure that we are able to upgrade our business opportunities in the region. We are reliant upon sponsors and supporters of the event. I am very pleased to see that the state government is the major sponsor of this event, but I also acknowledge the support of the great work of Kay Macaulay of the Australian Industry Group, the City of Ballarat, the University of Ballarat and the many other groups involved.

### **Economy: performance**

**Mr WELLS** (Scoresby) — This statement condemns the Brumby government for its failure to build upon Victoria's once-proud status of being the 'Can-do state' and allowing it to slide down the economic slippery slope to its now second-tier-economy position. Nowhere is Victoria's comparatively poor economic performance better demonstrated than in the government's dismal record on facilitating vitally needed infrastructure. It is a sad fact that Victoria's overall investment in infrastructure continues to lag behind that of most other states. It is a fact that the total construction work done as a proportion of gross state product (GSP) in Victoria in 2005–06 was only 3.2 per cent. This places it at the second lowest level of all states. Only South Australia's performance was worse. Victoria's limp effort compares with 9.5 per cent in Western Australia, 5.3 per cent in Queensland, 5 per cent in Tasmania and 3.3 per cent in New South Wales.

The figures for construction work done in Victoria's public sector are even worse. In 2005–06 that figure was 0.9 per cent of GSP, the lowest of any state. This compares to New South Wales, which was 2 per cent; Queensland, 2.7 per cent; Western Australia, 1.6 per cent; South Australia, 1.5 per cent; and Tasmania, 3.3 per cent. Also, the Brumby government's record in water infrastructure is simply appalling.

### **Wallan Secondary College: science achievements**

**Mr HARDMAN** (Seymour) — I rise to congratulate Wallan Secondary College on its participation this week in the 10th National Science Week. The school's new science facilities are another great example of the Brumby and Bracks governments' investment in infrastructure right across our state, no matter where you live, including country Victoria. The theme for 2007 was Antarctic science. Young people at the school will be undertaking a number of activities.

One of these events will be a family science night, which will be held tomorrow night. Everyone will be invited to come along and enjoy science activities.

Students at Wallan Secondary College voted science as their favourite subject. This is because there is obviously a great interest in this subject at the school. It has great teachers who engage the young people in the topic, and this is very important. The facilities at the school are magnificent and their design is state of the art, which makes it a great place to learn. They are also a great learning tool in that they have sustainable development through natural lighting and luminaire lighting, which detects people as they move in and out of classrooms. Wallan Secondary College deserves to be congratulated on the great effort it puts into science.

### **Family violence: government initiative**

**Mr CLARK** (Box Hill) — Despite promises that it will be decisive, the Brumby government has delayed until later this year acting on recommendations given to it by the Victorian Law Reform Commission in December 2005 to provide better protection for domestic violence victims. Instead the Attorney-General has issued proposals for community consultation and will not decide until later this year about measures such as making it easier for victims of family violence to remain in the family home, avoiding the cross-examination of victims in person by alleged perpetrators, extending the definition of ‘family violence’ and broadening the scope of the family members covered. Indeed the legislative proposals that the Attorney-General claimed to have issued last week still have not been posted on the Department of Justice’s family violence webpage.

These delays come despite the fact that the government has had more than 19 months to consider the recommendations, issue proposals and undertake any necessary consultation. In the meantime, on the government’s own figures an estimated 150 000 domestic violence victims a year, many of them women and children, are suffering without improved protection. It is clear that our so-called decisive Premier and his deputy are continuing the Labor government’s habit of making announcements about looking into matters rather than actually making decisions.

One of the measures reannounced last week was an initiative put forward by the Liberal Party in 2003 to allow interim intervention orders, applying for up to 72 hours, to be obtained on the spot by police. This would remove the alleged offender from the home immediately to protect the victim or other family

members from further harm. However, the government is not going to introduce its safety notices until mid-2008, and then only under a trial program. The Liberal Party would have been happy to debate and pass such legislation this week, and we remain happy to debate and pass such legislation when Parliament next sits.

### **John Laws**

**Mr LIM** (Clayton) — The Sydney shock jock, John Laws, is a racist and a coward. Last Friday Laws took a call from a woman called Helen who complained about being fined for not paying the toll on the cross-city tunnel. When she explained that ‘that’s the first time I travel to east’, Laws said, ‘Sounds like you travelled from the east’. Laws then asked, ‘Obviously you’re Asian, are you?’. Helen replied she was from China. Laws then launched into a racist tirade which was also cowardly, because much of it was said after he had ended Helen’s call. His comments included, ‘I understand that Chinese drivers are probably the worst drivers on the face of the earth’, and, ‘I’ll give you even money that sweet Helen’s little, too. She’s about 4 foot 8. I can see it. They look out between the steering wheel and the top of the dashboard’.

John Laws’s comments were offensive in the extreme. He says he is not racist; however, to negatively stereotype an entire ethnicity is the very essence of racism. Laws finished by saying, ‘If that’s racist, then put me in jail. I couldn’t care less’. I hope the authorities oblige and throw away the key to his cell. I call on the Australian Communications and Media Authority to take action against John Laws. I also call on consumers to boycott products endorsed by John Laws, because that is one sanction he might understand.

### **Sir Edward ‘Weary’ Dunlop**

**Dr SYKES** (Benalla) — Over the past few weeks people in north-east Victoria have celebrated the life and achievements of Sir Edward ‘Weary’ Dunlop, who lived the early part of his life near Benalla.

On the weekend of 13 and 14 July I joined hundreds of people in celebrating the 100th anniversary of Sir Weary’s birth on 12 July 1907. I was particularly grateful and humbled by the opportunity to listen to some of Weary’s fellow POWs (prisoners of war) speak of their respect for Sir Weary and the comradeship which kept them going when POWs in nearby camps on the Burma–Thailand railway died in their hundreds due to disease, starvation and the atrocities committed against them by the Japanese. Ex-POWs Koop Purss, Norm McArthur, Tom Uren,

Bluey Butterworth, John Roe, Keith Flannigan and Jim Ferguson are all still remarkably sprightly, and their love and respect for Sir Weary was reflected in their eyes and in their voices as they spoke of their wartime experiences.

On 10 August I joined a packed house at the Benalla Performing Arts and Convention Centre to see the play *Weary*, a snapshot of Weary's wartime experiences based on his diaries. It was impossible not to be shocked by the accounts of the atrocities and suffering, but more importantly it was impossible not to be inspired by the amazing courage, persistence and resilience of Sir Weary and his fellow POWs. I wish to record my extreme gratitude to Sir Weary and his fellow POWs for enduring what they endured so that we may enjoy what we enjoy.

### **Women's Forum Australia: *Faking It***

**Ms LOBATO** (Gembrook) — On Saturday evening I attended the hugely successful Get Real event held at the Melbourne town hall and organised by Women's Forum Australia. Hundreds of people attended in order to be present at the launch of the Women's Forum Australia's publication, *Faking It*. The publication's author is Selena Ewing, and it is edited by Melinda Tankard Reist. The beautifully presented publication reports on research findings on the impact on women of the negative portrayal of them in magazines and in the mass media and the sexual objectification of women and young girls.

The Get Real event heard from Melinda Tankard Reist about the toxic culture of the sexualisation of women and young girls. Selena Ewing spoke about the image of women in young women's magazines, and Emma Rush spoke about corporate paedophilia. The forum also heard from Claire Vickery of the Butterfly Foundation about eating disorders associated with negative media portrayals and from Julie Gale from Kids Free2B Kids.

The magazine expands upon some of the conclusions that are derived from the research — that is, the messages sent to women that they are sexual objects, that they should have never-ending sexual appetites, that if their man strays it is their fault and that they are ugly unless they purchase and use the beauty products advertised in the glossies. Some of the article titles in *Faking It* are 'The ideal woman — half naked and sexually available', 'Hate your body — we show you how', 'Wanted — living doll (no talent required)', 'Girls — too sexy, too soon', and 'The stick insect diet'. We need standards that reflect respect and equality for women.

### **Dental services: Nepean electorate**

**Mr DIXON** (Nepean) — I raise an issue regarding the dental waiting lists at the Peninsula Community Health Service at Rosebud. A constituent came to see me recently after he was told by staff at the health service that he would have to wait over three years for dental work. Although the work was not urgent, he was having some problems with his teeth and was in some discomfort. After expressing his dissatisfaction with this, he was referred to Frankston Community Health Service.

Staff at the service were very upset that he had come to Frankston seeking assistance, even though their colleagues had told him to do so. When he pointed this out to them, he was told to complain to his local member of Parliament. It is not fair that, due to this government's poor funding of community health services in general and dental services in particular, my constituents are being forced to wait an unrealistic amount of time for treatment and are given the run-around by frustrated staff.

### **Mornington Peninsula Freeway: noise barriers**

**Mr DIXON** — On another matter I was appalled by a response I received from the Minister for Roads and Ports regarding the noise barriers on the Mornington Peninsula Freeway at Dromana and McCrae. Not only did he handball the response to his chief of staff, he failed to even recognise that VicRoads had identified issues with the noise levels on the freeway. At least the previous minister had the courtesy to respond himself and had some knowledge of the problem.

For the new minister's benefit, VicRoads listed the installation of sound barriers for the freeway three years ago, but we are still waiting for it to become a priority. The freeway noise — and our impatience — is increasing.

### **Frankston water and climate change expo**

**Dr HARKNESS** (Frankston) — On the evening of Tuesday, 14 August, the Speaker and I hosted Parliament's inaugural water and climate change expo. The new Parliamentary Secretary for Water and Environment, the scintillating member for South Barwon, attended and provided an informative and thought-provoking presentation.

Climate change and ongoing drought conditions are impacting on our water supply. Whilst water saving efforts have reduced Melbourne's water use by 22 per cent, we still need to find new ways of boosting supply.

It is important for all of us to use water wisely and to tackle climate change — and ignore the few global warming deniers in the federal Parliament. Over 400 residents attended the expo and found out more about what the government and its agencies are doing, and what individuals can do, to make a difference.

I am very grateful to Brian Mace and his staff at the Frankston Football Club for providing the venue as well as to the 25 organisations and groups who made presentations or set up trade displays and information stalls. Residents took the opportunity to exchange old shower heads for new water-efficient ones, took home drought-tolerant plants donated by Frankston City Council, collected a range of energy-efficient products provided by Sustainability Victoria and picked up a wealth of information and ideas from the event.

A highlight of the evening was the presentation of certificates and awards to 31 primary school students who coloured in the state's marine faunal emblem, the weedy sea dragon, and came up with various water saving ideas. The judges had a tough time choosing the best entries for prizes because so many students produced such fantastic entries. The expo was all about providing residents with a range of options that they can implement at home, from cheap and easy ideas like draft stoppers to stop heat escaping, to installing water tanks and solar panels. The event was a terrific success.

### **Gaming: poker machines**

**Mr O'BRIEN** (Malvern) — While I congratulate the member for Mitcham on his appointment as the Minister for Gaming, it is of concern that Labor thinks so little of this portfolio that it now has its third minister in just nine months. The minister stated in the house in April 1998:

... the state will eventually have to take steps to wean itself off its increasing reliance on gambling revenues.

It is now time for the minister to put up or to shut up. Data from the Victorian Commission for Gambling Regulation shows the extent to which electronic gaming machine (EGM) losses are continuing to increase under Labor. Total losses in 2006–07 rose to \$2.54 billion — the second highest figure on record, the eighth straight total in excess of \$2 billion under Labor and over \$70 million higher than for the previous financial year. Average annual EGM losses under the former coalition government were \$1.17 billion, but they have more than doubled under Labor to \$2.39 billion.

The government knows that problem gamblers make a disproportionately high contribution to that total loss

figure. What is worse, these figures demonstrate that Labor's regional caps policy has utterly failed. Of the 19 regions throughout Victoria that are subject to caps on EGM numbers, 18 recorded an increase in pokies losses during 2006–07. The new minister must now acknowledge that Labor's regional caps policy has failed, that Labor's reliance on taxes from gaming machine losses is greater than ever and that under Labor more Victorians are losing more money on pokies more often.

### **Anzac Day: remembrance**

**Mr SCOTT** (Preston) — I wish to discuss the role of the Anzac experience in Australian culture and to suggest that there is one aspect on which we need to further reflect. I noted the member for Benalla referring to 'Weary' Dunlop, who I think was a wonderful example of a person who was able in a war situation to bring out the best in himself and the people around him.

The Anzac myth plays a central role in our culture and is a tale of sacrifice which has one absolutely fantastic element to it: it does not demonise the enemy. Turkish soldiers and the Turkish enemy are celebrated and respected. However, I fear that other participants in the Gallipoli campaign are sadly often ignored. One thing that is often not understood by many Australians is that a larger number of British than Australian soldiers died during the Gallipoli campaign and that significant numbers of French and Indian soldiers also died.

I think it is time that we started to reflect on these matters and to have an inclusive view of the Anzac campaign which again celebrates the sacrifice and heroism in war and does not demonise enemies but also acknowledges others who died there and the role that they played. While the respect paid to Turkish enemies reflects well on the Australian and New Zealand tradition of celebrating the Anzac role at Gallipoli, it is also time we paid respect to those who were our allies.

### **Wray Crescent–York Road, Mount Evelyn: pedestrian lights**

**Mrs FYFFE** (Evelyn) — I rise to express my community's outrage at this government for breaking yet another promise. In 2001 I presented a petition of 1372 signatures to this Parliament calling for pedestrian lights at the intersection of Wray Crescent and York Road, Mount Evelyn. On 5 June last year the then member for Evelyn, as part of her re-election campaign, was featured in a local paper proudly standing for a photograph with the local mayor and other supporters with a banner saying 'Thank you, Heather, for our York Road safe crossing'. She had announced that this

government was providing \$450 000 to construct pedestrian-operated signals which would provide users of the Warburton trail and local residents with a safe crossing point.

After numerous attempts to establish the status of these works with VicRoads I have received a letter, signed by the chief executive, Gary Liddle, saying that this project is being suspended. The reason given is that the federal government is providing \$573 000 for traffic lights and a short duplication of York Road. Total costs for the lights and duplication are roughly estimated at \$900 000. There was a clear commitment from this government and the then local member that this crossing would have detectors to activate the signals for Country Fire Authority vehicles, pedestrians and buses and cars exiting Wray Crescent.

This crossing is needed for the very popular Warburton trail. Families with small children, cyclists, horse riders, walkers, many mothers with prams and aged pensioners cross this very dangerous road. It is appalling that this government is withdrawing funding. The government promised to install a first-class crossing to give safety to a multitude of users. Once again Mount Evelyn is being short-changed by this state Labor government.

### **Strathmore Secondary College: space science education centre**

**Mrs MADDIGAN** (Essendon) — In early 2006 Australia accepted an invitation from the American National Aeronautics and Space Administration to participate in a 14-agency working group to develop a conceptual framework for internationally coordinated exploration of the moon, Mars and beyond. That resulted in a document entitled ‘The global exploration strategy — the framework for coordination’, which was released in May. This was produced by the space agencies in Italy, the United Kingdom, France, China, Canada, Germany, India, Japan, Republic of Korea, United States of America, Ukraine and Russia — with the Commonwealth Scientific and Industrial Research Organisation representing Australia, and the European Space Agency being part of it.

The document outlines a number of areas for coordination by space agencies in an investigation of their future. The first conference of that group has been organised and is being held today and tomorrow at the Victorian space science education centre at Strathmore Secondary College. This is a huge compliment to the establishment of the Victorian space science education centre, which was an initiative of this government.

Today and tomorrow, as I said, representatives of those agencies are meeting to look at possible Australian contributions to the global exploration strategy. This is a huge coup for Strathmore Secondary College, and I congratulate it.

### **Victorian Environmental Assessment Council: river red gum forests report**

**Mr WELLER** (Rodney) — I was privileged to join hundreds of cattlemen, graziers and timber industry representatives at a campfire and protest rally in the Barmah State Forest at the weekend. More than 200 people took part in the rally at the Barmah muster yards to protest against the state government-commissioned VEAC (Victorian Environmental Assessment Council) report which advocates the banning of cattle grazing across public land and a massive reduction in timber harvesting in the river red gum forests. Put simply, it threatens to drive the communities of Cohuna, Koondrook, Nathalia, Barmah and Picola into intergenerational welfare dependency.

The function at the muster yards at the weekend was typical of the type of community tradition which has been running in the forest for the past 155 years. Surrounded by horses we shared a campfire, great food, music and great company. This community tradition may be forced into extinction if the VEAC report recommendations are adopted. They would mark the end of the campfire, the end of camping overnight in the forest with horses and dogs, and the end of hunting. The report advocates a complete lockdown in the river red gum region and will end life in the forests as we have known it for 155 years.

I congratulate the men, women and children of the Murray River red gum region for taking such a strong stance against this outrageous report and encourage others to join them by lodging submissions and writing letters to politicians to ensure they realise the disastrous ramifications of these recommendations for country people in the river red gum region.

### **Children: unaccompanied and separated refugees**

**Ms CAMPBELL** (Pascoe Vale) — Congratulations to Professor Mary Crock on her insightful report *Seeking Asylum Alone — A Study of Australian Law, Policy and Practice Regarding Unaccompanied and Separated Children*. The report highlights the physical, legal and administrative experiences of unaccompanied and separated children seeking refugee protection in Australia and documents the disparity between their

treatment and the provisions of the international human rights instruments ratified by Australia. The reality of the treatment of these children by the Australian government is that their human rights have been ignored. We should be embarrassed individually and as a nation, given the report's documented breaches of our international and human rights obligations.

The report recommends that unaccompanied and separated children should never be detained. Where a child's age is in dispute they should be given the benefit of the doubt and should not be placed in immigration detention. Members may remember that until 2005 Australia immediately placed into immigration detention all children without valid visas. Shamefully there still remains no absolute prohibition on detaining such children.

With regard to protection outcomes, the report recommends that:

The TPV regime should be abolished ...

Children found to be refugees should be given immediate assistance to find and sponsor family members ...

A direct correlation was apparent between access to support networks and ... wellbeing ...

This report should be read by every member of this house.

### **Crime: Bayswater electorate**

**Mrs VICTORIA** (Bayswater) — A constituent of mine recently delivered a used syringe to my office. He was fed up with finding his front fence line littered with them night after night. Out of sheer frustration he was seeking my help to end this problem. He has contacted the local police, who have increased patrols past his home, but they cannot be there 24 hours a day. They just do not have the resources to eliminate ongoing criminal behaviour. Drug addicts are cunning. They watch for the police to drive off then go about their business with no thought for the resident whose front yard they are trashing with dirty syringes. My constituent does not sleep well at night for fear that the junkies may well burgle his home in order to fund their habit.

Why does he or any other Victorian have to live this way? Why have offences for drug possession and usage increased by 6.1 per cent since 2004? Is the Labor government still planning an additional 350 police for our state? And is 350 enough? Why have the majority of police stations, according to the *Police Association Journal* of March 2007, received no increase in personnel in the last four years and instead have

suffered a reduction in their numbers? This government talks about crime reduction. That is true if we talk about bicycle theft, which is down 1 per cent, according to the crime stats for the year ending 2006. But let us get real: in my area let us talk about homicides, abductions or even sexual assaults. All of these are up — way up — and this government should be embarrassed at its own inaction.

### **Gas: Macedon electorate supply**

**Ms DUNCAN** (Macedon) — I rise to pay tribute to this government's foresight in providing \$70 million for the natural gas extension program. The electorate of Macedon was successful in the tender process and has had seven towns connected to gas. I am pleased to announce that the last of the seven towns now has had gas connected to the first homes, and gas is now being connected to individual houses that have put in expressions of interest.

Houses in the towns of Woodend and Macedon have been connected, and houses in the towns of Gisborne, New Gisborne, Riddells Creek, Romsey and Lancefield are in the process of being connected. This has been a great project that has already delivered great benefits to the homes and businesses that have been connected to date. Many homes are keenly awaiting connection and contractors are working as quickly and as efficiently as they can to connect these homes.

I would like to acknowledge the work of S. P. Ausnet, and particularly Rob McDougall and Jim Demitriou from Regional Development Victoria, for their efforts in delivering this project. The initial reticulation area has already expanded, and I am confident that this will continue to develop as our towns develop. The economic and environmental benefits of this project are clear, reducing the costs of heating in particular but reducing energy bills overall by up to 50 per cent.

Members will recall that the previous Liberal-National coalition government sold our energy providers, with no provision for future gas extensions to existing homes. This government has made these extensions possible with this funding commitment. In the coming months most houses in the Macedon Ranges will be cooking with gas.

## ROYAL CHILDREN'S HOSPITAL (LAND) BILL

*Second reading*

### Debate resumed from 19 July; motion of Mr THWAITES (then Minister for Water, Environment and Climate Change).

**Mr CLARK** (Box Hill) — The redevelopment of the Royal Children's Hospital is a vital project to provide for the future health needs of Victoria's children. Many of us have, as members, experienced constituents reporting to us about the long waiting times that they and distressed children have suffered at the current children's hospital, despite the best efforts of the staff concerned, because of the ageing and inadequate facilities at the current hospital and the fact that little has been done over recent years to respond to the ever-growing pressure of numbers.

There is, of course, very strong community support for the children's hospital, but that community support and the fantastic contributions that the community makes through the annual appeal go nowhere near providing enough for the major redevelopment of the hospital that is needed to provide our children with state-of-the-art facilities of a size and capacity that can provide for our children's health needs both now and into the future.

The need for action to redevelop the Royal Children's Hospital, along with the Royal Women's Hospital and the Royal Melbourne Hospital, is something that the opposition has been calling for over a long time. Many members will recall that Mr Robert Doyle, when he was shadow Minister for Health and Leader of the Opposition, highlighted the need for a redevelopment of the three 'royals', and it is pleasing that eventually the Bracks government recognised that need and step by step made some provision for it, including now the process for the redevelopment of the Royal Children's Hospital.

Unfortunately, like most projects of the Bracks and Brumby governments, this project is already running well behind time and there is grave concern as to whether or not it will run over budget as well. When the project was announced back in 2005 and when expressions of interest were sought and an industry briefing was provided to prospective bidders, the time lines that were set down included an expression of interest short-listing in May 2006, the appointment of a preferred bidder in July 2007, commencement of construction in late 2007, opening of the new hospital in late 2010 and project completion in 2011.

Already there has been significant slippage on those time lines and indeed a departure from the time-line process that was announced by the government initially. The first short-listing of parties took place not in May 2006, as scheduled, but in July 2006 — indeed, the last day of July 2006. The then Minister for Health announced that three consortiums had been short-listed — namely, the Children's Health Partnership, The Kids Health Partnership and Plenary Health. Already by that time the minister was contemplating a delay in completion of the project, because instead of the opening of the new hospital taking place in late 2010, the minister said that the new hospital would commence operations in 2011.

Indeed, well might the minister have provided for a slippage in the time lines because since then the process seems to have departed from the procedure that was initially announced. We had a second media release from the then Minister for Health, dated 30 May 2007, in which the minister announced that:

Construction of the new \$850 million Royal Children's Hospital is a step closer after tenderers for the project were short-listed to two, Health Minister Bronwyn Pike said today.

The minister announced that the consortiums of Children's Health Partnership and Plenary Health had been invited to participate in a structured negotiation phase aimed at addressing key issues associated with their proposals and to provide the bidders with an opportunity to refine their designs.

In the time between 31 July 2006 and 30 May 2007 the government managed to progress from three short-listed parties down to two short-listed parties. We are now in August 2007, and we are well past the scheduled announcement and appointment of the preferred bidder which had been set down for July 2007. Unless there is some dramatic acceleration of the process, it seems the government is going to be struggling to be able to commence construction, as scheduled, in late 2007, let alone open the new hospital in late 2010 as was originally scheduled.

As far as I am aware, we have had no explanation from the government as to why we have gone into this two-stage short-listing process, which was not foreshadowed in the original time lines, and I would invite government speakers on this bill — and indeed the minister for children, who is at the table, if she contributes to this debate — to indicate why it is that there has been this departure from the procedures that were originally laid down in the announced tender process.

The bill before the house is to make provision for revocation of various land reservations in order to make land available for the construction of the new hospital. It is also to provide for the re-reservation of land upon completion of the project, with the stated objective of ensuring that there is no net reduction in parkland within Royal Park and that an amount equal to the amount of land that has been taken for the new site is returned so that there is no net reduction compared with what applied previously.

Even that announcement by the government — its objective of no net reduction in parkland — is something on which the opposition would invite some further explanation from the government, because when the original invitation to industry and the industry briefing were provided, it was made clear in the slide show issued to participants that it was expected there would be an opportunity for net increase in parkland. However, now that we have the bill before the house, there has certainly not been a reference to a net increase in parkland. The talk is about there being no reduction in parkland compared with the present amount.

We look for an explanation as to what exactly has happened between 2005 and now. Similarly, when we look at the initial indicative site boundaries that were issued back in 2005, both in the slide show that was used in the industry presentation and in a brochure that was issued at about the same time, we see that the indicative boundary on the left-hand side looking at the proposed hospital from Flemington Road has been extended.

The land that is being excised from Royal Park by virtue of schedule 2 of the bill extends all the way up to the tramway that cuts across Royal Park from Flemington Road, whereas the indicative site boundaries that were initially released show an indicative boundary that falls well short of that. It may be that there is a perfectly reasonable explanation for that, such as allowing room for vehicle movement or other construction activities, but the house and the community are entitled to an explanation of the apparent variation in boundaries or at least the discrepancy between boundaries and revocation of reservation that is being implemented by the bill.

It is also worth making the point in relation to this bill that there are a large number of issues which any private sector developer is expected to address in undertaking a project of this size, but there is a distinct lack of reference in the second-reading speech or other material issued in relation to this bill to what the government has been doing on its part to deal with these issues. It seems, as in so many other instances of

land management, that there is one set of rules for the government and a different set of rules for everyone else.

I would certainly hope that during the course of debate on this bill we would obtain some clarification from government members who speak on it about issues such as what consideration has been given to any Aboriginal heritage; and what policies and practices are being adopted in relation to offsetting lost vegetation and parkland. Of course in other developments there is a policy requiring substantial reinstatement — indeed more than reinstatement — of vegetation that is removed. It is a replacement ratio far higher than 1 to 1. We are entitled to ask what practices are being adopted with this project.

Similarly there are questions that need to be asked about what policies, practices and measures the government is adopting in relation to the number, age and significance of the trees that will be removed from Royal Park to make way for construction. Obviously the project needs to be built and trees will need to be removed to make sure that occurs; the loss of trees in order to achieve the hospital's construction is inevitable and perfectly acceptable. However, at the same time, as is expected of all projects, efforts should be made to avoid unnecessary loss of trees. I ask the government to explain what practices it is following to ensure that approach occurs on this project. In a similar vein, what measures will be taken to ensure that total clearance of the site is limited to only those areas where that is necessary and that unnecessary clearance of shrubs and ground cover does not occur?

The final issue that I invite government members to address in this debate is to say what heritage processes have been followed in relation to this project. Have necessary assessments been undertaken in relation to the existing buildings at the hospital, and what have the outcomes been? It may well be that assessments have taken place, and it has been concluded that there are no heritage implications, but that is an issue about which the community is entitled to ask and be informed.

There are a number of other issues that occur in the bill itself on which the opposition would appreciate some response or comment from the government during the course of the debate. It is curious in reading the preamble and some of the other provisions of the bill to learn that the reservation of the existing hospital site was a temporary reservation even though it dates back to an order in council dated 21 March 1950. Similarly clause 10(3)(d) provides the land in respect of the new hospital site:

... is deemed to be temporarily reserved under section 4(1) of the Crown Land (Reserves) Act 1978 for hospital purposes ...

There may well be a good reason for this being a temporary reservation, but it seems incongruous that a major building which is intended to endure for many years is being based on land which has only a temporary reservation.

Another issue I raise is in respect of clause 11 which deals with leases and provides that they continue despite revocation of reservations. That provision operates in two different respects. First, there is a provision which says:

Nothing in section 10 affects the status or continuity of any lease of any land which forms part of the new hospital site if that lease was entered into after the commencement of part 2 and is in existence immediately before the land is reserved by an order under that section.

In other words, this provision preserves leases that may be entered into in the future but prior to the restructuring of the reservations at the end of the completion of the hospital project. The reason for that is understandable. The second provision in clause 11(2) deals with leases that exist at present. It provides that:

Nothing in section 10 affects the status or continuity of any lease of any land which forms part of the old hospital site in existence immediately before the land is reserved by an order under that section.

It would appear that this provision is intended to preserve the McDonald's lease and perhaps other leases that exist at the children's hospital. Again, that is a perfectly understandable provision. What needs to be answered, however, is which party will be the lessor under such a lease at the time when the committee of management for the property has ceased to exist and the land has become unreserved Crown land — because presumably the lease was entered into by either the children's hospital or a committee of management for the land, if that is different from the children's hospital, and that lessor will no longer have responsibility for the land concerned. I think that question needs to be answered for the sake of certainty for all parties involved.

There is another curious aspect of the bill in the second-reading speech in relation to leases. In the penultimate paragraph of the then minister's second-reading speech he said:

In line with Partnerships Victoria policy, the bill will enable the committee of management of the new hospital site to enter into an operating lease or licence over the new site for a period of up to 30 years.

He goes on to say:

This long-term leasing and licensing power will allow the state, through the committee of management, to enter into an arrangement with its private-sector partner for the maintenance of the new hospital facility, as part of the Partnerships Victoria arrangements.

The question that needs to be asked here is: how does that statement fit with what is in the bill itself, and in particular which entity is it intended will actually enter into the lease with the private sector entity? On my reading of the bill, a new committee of management is not going to be established until after the project has been completed and after the land reservations have been rearranged, so that the new hospital site has been reserved for the hospital and the remaining parts of the old hospital site have been returned back for public parkland. Is it the intention of the government that the private sector developer and provider of the hospital is not going to be given a lease until that stage, at which point it is going to be given a lease by the committee of management? Or is the second-reading speech in error and the Crown is going to give a lease to the private sector partner prior to the committee of management being established?

The other point which needs to be clarified is the claim in the second-reading speech that the bill is to enable the committee of management to enter into a lease for a period of up to 30 years. Again there is no reference there in the bill to a limitation of a 30-year period, so is there another piece of legislation that imposes such a limit or is the second-reading speech simply referring to a government policy that there is going to be a period of up to 30 years, and in fact there is no such limitation imposed under the bill?

I might say in passing that this links back to a rather curious table which was included in the original briefing material issued to industry back in 2005. In that briefing material, under the heading of 'project scope', were listed a range of activities that it appears were expected to be undertaken by the private sector party that is successful under the Partnerships Victoria tendering process. Under the operating phase, that lists maintenance/refurbishment and also cleaning, security, help desk, car parking operations, grounds maintenance and food services.

The interesting aspect about that list is that it seems to be a departure from previous Bracks government policy in relation to what would be included in a Partnerships Victoria project, because in previous Partnerships Victoria projects relating to hospitals, ancillary services such as cleaning and food services were not included in the tender. Even though there is a question mark next to 'food services' in this list, there is a tick next to all the others, so it seems that under this partnership project in

fact there is going to be a greater range of services included in the tender. That is not necessarily a bad thing, but it seems to be a change of government policy that has not received a great deal of public attention or justification.

In conclusion, there is a range of issues of detail which this bill raises. The opposition certainly supports the project, and we support the bill as a necessary step in ensuring that the project goes ahead. We want to achieve the best possible result for Victoria with this project and would like this bill to operate in the best possible way to ensure that there are no hiccups and that, as far as the legislation is relevant, this project proceeds smoothly. For that reason we have raised the concerns that I mentioned, and we hope that the government will address them by either laying our concerns to rest or making any necessary alterations to ensure that Victorians, in particular Victoria's children, get the best possible piece of legislation and the best possible hospital that they can.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Royal Children's Hospital (Land) Bill 2007 on behalf of The Nationals and to put on the record that The Nationals will not be opposing this legislation.

The major purpose of this bill is to provide for the revocation of part of the reservation of Royal Park, in order to provide for a new site for the construction of a new Royal Children's Hospital. It also provides for the re-reservation of that and other land, and for leasing and licensing arrangements over certain other land.

The Royal Children's Hospital is on land which is temporarily reserved as a site for the children's hospital. It has occupied that site since 1963; it has been there for a very long time. It is also understood — I think by everybody — that the current design of the hospital is no longer consistent with its status as a world-class paediatric hospital, and I think we need to understand how important the Royal Children's Hospital is — not just to Melbourne but also to rural and regional Victoria and in fact visitors who come from across the world — and thus make sure that it has state-of-the-art facilities and world-class medical providers.

The plan is to build a new Royal Children's Hospital on a site in Royal Park to the north-west of the current hospital. To facilitate this development, it is necessary to revoke part of the reservations over that land and to provide for the re-reservation of that land and the majority of the old hospital site when the project is completed. It is also necessary to allow for the management of the land that will be the new site.

A number of human rights issues were identified within the terms of the human rights charter. At the moment all of the open areas of Royal Park are available to people. The new hospital site will be part of that open public area. When the legislation removes the new hospital site from Royal Park reservations, people will no longer be able to have the Crown's implied permission to enter or to pass through that site. People will have to walk around the site rather than through it. In effect, it will become a construction site, and that will be dangerous.

There are some occupational health and safety issues associated with that, and I understand that the reasons for this bill putting a reservation on the site where the hospital is to be built are not only to protect the public but also to protect the workers on the site. It is important that we make sure the existing hospital is able to continue operating while the new hospital is being built, not only so there will be less disadvantage to the public but also so the public is protected by that site being reserved as a construction site.

This consequence can be perceived as a limitation on the right to freedom of movement, which is protected by section 12 of the charter. My understanding is that the Minister for Planning in the other place has considered this limitation to be reasonable. I had a briefing on this legislation, for which I thank Deirdre Eagan, Miles Tour, John Manton and Penny Smith, the senior adviser in the office of the Minister for Planning. When I asked at the briefing whether the Melbourne City Council supported this proposal, I was told yes, the council supported the proposal.

I had asked the Melbourne City Council to respond on that point, and the email I got back was rather interesting. It was from Eloise Gucciardo, who is the council's coordinator of major project approvals. The email says:

I can't really give you much information. I can advise that the councillors have been briefed on the bill, however the council has not taken a formal position on the matter.

At the briefing I also asked about other sites, because the second-reading speech talks about the sites that were eliminated and the site that had been chosen. I asked about the other sites. I am very appreciative of the briefing given to me, because it actually went into detail about not just the site that was chosen but the sites that were looked at and considered.

I was advised at the briefing that the new Royal Children's Hospital will be built immediately to the west of the existing hospital. It is going to be called the New West option. The recently completed research

precinct building will be retained. The existing front entry building may also be retained; however, this is dependent on the winning design. All other existing buildings will be demolished and the site returned as parkland, providing a new gateway to Royal Park. Again, as the member for Box Hill said, it does not say there will be an increase in the amount of parkland. In fact what it says is that there will be no net loss of parkland.

I was advised of the other three short-listed options that were given consideration. One of them was Docklands, where they were looking at building a hospital on a greenfield site at Docklands, at the corner of Footscray Road and Docklands Drive. The other option was called East Integrated, which was to be the existing hospital, with new clinical facilities being built where the present car park and south-east building are located on the corner of Gatehouse Street and Flemington Road. The present hospital building would have been retained and a car park would have been constructed under the oval to the west of the existing buildings. The last option was the West Integrated option, which would have seen new clinical facilities being built to the west of the current hospital, which would have been retained, with no net loss of Royal Park parklands.

I also asked what sort of consultation had been undertaken to make sure that the community had ample opportunity to consider the options and to make their views known. I also asked about the response of the community in those consultations. I was told at the briefing that both the state and the hospital had consulted with a large range of stakeholders about the four options and about what people thought of those four options in order to get their views on the best way that the Royal Children's Hospital could be built and provide its services.

I was told that the first round of consultation was conducted in May to June 2005. That focused on the interest groups and individuals, and what they wanted to see in a world-class children's hospital. I was told that much of those deliberations from those stakeholders formed part of the project brief. I was also told that during September and October 2005 a second round of consultations took place at which focus groups were also asked to put their views forward and a feedback form was designed. About 600 people from a number of groups responded to the survey. I understand there was intensive consultation.

The Minister for Health announced a short list of the consortiums of tenderers to build the children's hospital. While it is a fairly substantial tender, the development has been announced as being a

\$850 million proposal. We were told that the new hospital would be world class and would make sure it remains as one of the foremost paediatric hospitals in the world. The hospital will stay at Parkville, where it will be surrounded by some of Victoria's most modern medical research facilities, which was the reason for the proposed location of the new hospital.

The three successful short-listed consortiums are Children's Health Partnership, which is Bovis Lend Lease and Spotless Services; Kid's Health Partnership, which is Bilfinger Berger BOT, Baulderstone Hornibrook, United Group Services, ISS Facility Services and Macquarie Bank; and the final one was Plenary Health Group, which is made up of Plenary Group, Multiplex, Deutsche Bank, Honeywell and Medirest.

We were told that the short-listed consortiums will be asked to develop a fully costed proposal for the development. My understanding is that there are now two that have been short-listed for the project, and they have been asked to develop proposals detailing all their funding options. We were told that the announcement is expected in 2007, that construction will commence in late 2007 and that the new hospital will commence operations in 2011. This was in a media release issued by the Minister for Health on Monday, 31 July 2006.

This legislation is late coming into this place. To find out about the progress of the hospital I looked on the government's own website, which has a page entitled 'Building a new hospital for Victoria's children'. The page, which is from the Victorian government's health information website, has a statement which was issued on 31 July 2007. The website is fairly up to date. I will not read all of it, but the part that actually sparked my interest is this:

Legislation will be enacted in mid-2006 to remove the permanent reservation over the proposed construction site. Once construction is completed, the permanent reservation will be reinstated around the portion of the construction site that falls outside the final site boundary (no larger than 4.1 hectares), and reinstated as parkland.

That date is over 12 months ago. I looked at the site again today to see if it had been updated. The site says, 'Last updated: 1 May 2007'.

I thought the website would have been updated to show that the legislation had not been introduced in 2006 and that in fact it was being brought in now. The website should have been updated. I urge the government to update that website so that the public does not think that the legislation was introduced in this place last year.

Everybody around Victoria understands the need for a new children's hospital. As I said earlier, it is not just people from rural and regional Victoria or metropolitan Melbourne who understand this. Many staff members of hospitals in country Victoria send their young patients to the Royal Children's Hospital because of their need for specific help, care or surgery. These people make sure that patients go from local hospitals to the major hospital. Many children get sent straight from the accidents they have had in country areas to the Royal Children's Hospital as emergency cases. It is important that we have the most up-to-date facilities and the best paediatric services available in Victoria. We know there is a need for the hospital because of the discussions about overcrowding, which causes stress not only to patients, families, doctors and medical staff but to everybody who visits the hospital.

In 2004 I received a letter from Mr Ian Nalder, whose young son Tom was diagnosed with a brain tumour. Mr Mulder went to the Royal Children's Hospital, and he was so concerned about the situation at the hospital that he came to see me. He was very distressed, so I asked him to put his concerns in writing. I will read a part of his letter, which is dated 24 March 2004:

Dear Jeanette,

In September 2000 our son Tom was diagnosed with a brain tumour. He was operated on at the children's hospital by Professor Jeffrey Rosenfeld. Two weeks later, he experienced severe headaches once again and required a second operation to insert a shunt to relieve the build up of fluid around the brain.

Mr Nalder then detailed some radiotherapy that his son had at the Peter MacCallum Cancer Centre. The letter then reads:

For the past three years he has had three-monthly MRIs and check-ups at the children's hospital and thankfully the tumour has remained stable.

The check-ups are carried out at the outpatients oncology department of the sixth floor at the children's hospital. The waiting area of these critically ill children and their families is cramped, making it difficult for them to cope with the most stressful time of their lives. The staff are extremely kind and supportive to the children and their families. However, the specialists have huge demands on their time, which allows for only minimal time to be spent with each patient and their families. Our specialist, Professor David Ashley, had 12 patients to see in a 2-hour period, when they all require time to have their questions answered.

Thankfully our son's health is progressing steadily. However, on behalf of the many families with critically ill children who depend on the professionalism and personal support of the staff at the oncology department, we ask that sufficient funds are provided to the children's hospital to ensure that conditions are dramatically improved and staff are not

severely overworked and unable to provide at all times the highest quality care that these people so desperately need.

I personally handed this letter to the then Minister for Health in 2004. To her credit the minister personally responded to Mr Ian Nalder and also sent me a copy of the letter that she sent to him. The letter is a little long and contains sincere apologies for the stress Mr Nalder felt. The letter says that the matter would be fully investigated in a confidential manner and that the minister would take on board the issues Mr Nalder raised. At the end of the letter, the then Minister for Health said:

You may also be aware that the women's and children's health service is soon to be divided into two specialist, stand-alone hospitals to give a new focus to the care and treatment of Victorian women and children. This will enable planning for the redevelopment at the Royal Children's Hospital to focus on building a state-of-the-art hospital designed to cater for the specific needs of all sick children in Victoria.

The then minister's letter was dated 26 May 2004. It is understood that a new Victorian hospital has been on the cards for long time. As I said, we all understand the need for it. The Nationals hope that the passing of this legislation will allow for the commencing of the construction of the new children's hospital. Hopefully the hospital will be able to attract the world's best specialists to work there, the staff will not be under stress and the hospital will not be overcrowded. Mr Nalder said in his letter that he did not want to criticise the staff. He said was not being critical of the specialists, the surgeons or the nursing staff. In fact he said that, under the most terrible conditions, the staff were sensitive and met the needs of patients.

What we need to do now is make sure that the hospital is built, and hopefully this bill will enable that to happen by revoking the reservation on the parkland. Once the new hospital is built, the current hospital will be able to be demolished and the land put back into Royal Park so the community of Victoria can have its parkland back again.

**Mr CRUTCHFIELD** (South Barwon) — It is a great pleasure to rise to speak on the Royal Children's Hospital (Land) Bill and to join The Nationals and the Liberal Party in supporting it. The bill facilitates the delivery of an \$850 million new Royal Children's Hospital and — not as importantly, but it has been the focus of some media attention — it enshrines the government's commitment that there would be no net loss of parkland in Royal Park as a result of the project. Indeed the land will return to Royal Park by operation of law, and it could not be much more emphatic than that.

The Royal Children's Hospital, as the member for Shepparton said, is not just a metropolitan asset. I join with her in acknowledging that it is a significant asset for the whole of Victoria, including rural and regional Victoria. It is certainly an asset for those children and mothers who have used and will continue to use the facility. It is a world-class paediatric hospital, but sadly the building itself is no longer consistent with that status. I support the comments of other members who have spoken about the quality of the staff and the quality of the research that emanates from that facility. But the hospital is in need of a lot more love from a capital perspective, and this bill certainly ensures that that will happen sooner rather than later.

The bill realises a vision of this government that it enunciated in May 2005, when the then Premier, Steve Bracks, and the then Minister for Health announced that the new Royal Children's Hospital would be built for all the children of Victoria. The hospital will be more spacious, with more single rooms, neonatal cots and operating theatres. It will be able to treat some 35 000 more patients every year, and as I said, a significant number of those will be from rural and regional areas.

The government has committed to minimising the impact of the development on Royal Park. As I said earlier, there have been some strong and indeed misguided comments made about this — but not by members of any political party in this house, I may add. There certainly were some strong, entirely misguided — I emphasise that — and politically advantageous comments made prior to the previous state election that focused, more importantly, on the previous Minister for Health and the fact that the development was located in her seat rather than on the actual development itself.

In accordance with the government's commitment, the bill is about minimising the impact of the development on Royal Park. The bill includes a framework to ensure that the final size of the development is contained to protect Royal Park from any net reduction in its size. When the old hospital is demolished and the final boundaries of the new hospital site are settled, a range of provisions in the bill will be triggered. It will limit the size of the hospital to less than — I emphasise 'less than' — 4.1 hectares, which is the size of the current hospital site. The bill will also return project land that does not form part of the final hospital site. As members would be well aware, a larger site will be excised temporarily from the park for construction purposes and for occupational health and safety and access reasons. Clearly this bill will ensure that that land will be returned to Royal Park when the hospital is

indeed completed. The bill will also add all the land cleared as a result of the demolition of the old hospital buildings to Royal Park by permanently reserving it for public purposes.

The member for Box Hill raised a couple of questions, which I can certainly comment on. He asked what consideration had been given to Aboriginal heritage. I can say that an assessment of that has been done, and none has been identified. He talked about whether there was state-significant vegetation on the site. An investigation of that has been done, and an expert arborist has identified that there is no significant remnant native vegetation on the site.

The member for Box Hill also alluded to the replanting of the area where the current Royal Children's Hospital stands at the corner of Gatehouse Street and Flemington Road. That land will be replanted in consultation with the City of Melbourne, the state government and, importantly, residents. That level of detail has not yet been progressed, but I note that there will be ongoing consultation about access to that area and about a staged return of the construction site to Royal Park, where possible. It may be possible to return some of it sooner rather than later. There will also be consultation with the Friends of Royal Park over the revegetation and beautification of the old site.

The member for Box Hill also asked about heritage assessments. They have been done, but there is nothing significant about the buildings themselves. There are some items of significance in the buildings, and they will be kept. I cannot advise where they are going to be kept, but they will be kept. The member for Box Hill also asked when the developer will get its long-term lease. As he said, quite correctly, it will be only when the demolition and construction phase of the project is complete. Finally, the member for Box Hill asked about the term of the lease. I do not mean to be impertinent, but if the member takes a look at clause 14 he will see that both subclause (3) and subclause (4) mention a 30-year lease, so that is actually in the bill.

I will return to some of the commentary that appeared in the newspapers, and in particular I would like to comment on one article in the *Sunday Age*. One commentator in the daily *Age* took some liberties with the facts, but David Broadbent from the *Sunday Age* did not. I refer to the *Sunday Age* of 6 November 2005, in which David wrote a very accurate and balanced assessment of the 'no-win fight in the park over plans for a new children's hospital'. I want to read one excerpt, which states:

The government and its powerful medico-social supporters insist the commitment to the Parkville site is not just

sentimental tradition. In a formal submission to the government, doctors at RCH argue that the Royal Park location actually provides a 'healing environment' for the young patients. Every carer in the world knows the therapeutic value of sunlight and parkland views for patients and their parents.

He goes on to talk about the merits of the site in some detail and also to comment on some of the other sites that were not successful.

In the short time I have left I want to touch briefly on a couple of clauses. Clause 2 importantly provides that the act can commence early by proclamation, which hopefully will be before the end of 2007, when the tender is expected to be awarded to one of the two competing bidders.

Clause 3 defines the terms in the bill. I know there is a meeting of the Friends of Royal Park tonight, and as the Parliamentary Secretary for Water and Environment I want to emphasise that some constituents — a very small number, I may add, and getting smaller — have suggested that the use of the term 'temporary reserve' for the old hospital site demonstrates that the Royal Children's Hospital was only ever intended to be situated in Royal Park temporarily or for a short period of time. That is erroneous. The term 'temporary reserve' in the context of the Crown Land (Reserves) Act relates to the legal and administrative procedures involved in any dealings that create or revoke a reserve, and indeed that is quite common. The use of the term 'temporary reserve' is standard practice in relation to government buildings and hospitals.

In closing I thank the other parties in the house for supporting this bill. All of us look forward to the Royal Children's Hospital continuing to be a wonderful asset for Victoria.

**Mrs SHARDEY** (Caulfield) — I rise to speak on the Royal Children's Hospital (Land) Bill 2007. As stated by the member for Box Hill, the Liberal Party supports this piece of legislation. The redevelopment of the Royal Children's Hospital has been on the agenda and part of the policy of the Liberal Party for some time, so we very much support the direction the government is finally taking on this very important piece of infrastructure that provides care for Victorian children.

I have visited the children's hospital on a number of occasions. On the last occasion I visited the intensive care unit (ICU) and certainly became aware of the great need for improvement in the care provided for some of the sickest children in the state. I must admit that I was very surprised to see large amounts of equipment and so forth in the corridor of the intensive care unit, and

the staff said they were finding it very difficult to manage under those conditions. However, we know that the staff provide excellent care for some very sick children, particularly in the ICU. On various occasions I have spoken with parents who have talked about the overcrowding and the great difficulties that has caused them in wanting to be with and care for their children in their times of need.

The purpose of this bill is to provide for the revocation of up to 4.1 hectares of land from the Royal Park reservation to be used as the site for the new Royal Children's Hospital. Of course we know that some parts of the old children's hospital will be retained. I think the Murdoch Children's Research Institute is the area that has been most recently completed and will be retained. The bill also sets out provisions for the re-reservation of any of the 4.1 hectares of land on the existing Royal Children's Hospital site that is not used as part of the new development. That will be incorporated back into the Royal Park reservation. It has been quite a long process to get to this stage, and there has been a lot of community concern over the use of parkland, so we look forward to any unused land going back into parkland for all Victorians.

Clauses 7 to 10 of the bill detail how the Minister for Health must gazette the project completion, after which the final boundaries of the site will be determined and signed off by the surveyor-general. The planning minister will then have the job of assessing the surplus land, as determined by the surveyor-general, and recommending that an order be made by the Governor in Council for the gazetting of the surplus land back into parkland.

In his contribution the member for Box Hill raised a number of issues, particularly about the assessment of heritage issues and the replacement of vegetation. The government has responded by saying that these assessments have been done and that there are plans for revegetation in consultation with the City of Melbourne. We would like to see the proof of that assessment made available. Indeed it would be very helpful to the opposition to see the assessment, particularly in relation to the Aboriginal heritage and other heritage issues involving the Royal Children's Hospital.

The bill sets out when the declaration of completion should be made by the Minister for Health for the purposes of gazetting the land. It should be noted that the term 'complete' in clause 7(1) is open to interpretation. This means that the minister will, we believe, be in a position in 2010 — just before the next election — to declare the building complete. Although

it may not be a building that can actually be used by patients and staff, it might in theory be complete, and therefore it would be very nice to have an opening just prior to the next state election. In the past facilities have been declared open but have not been available to be used, and I think that is of some concern.

As I said, we support this facility, but we note that the industry briefing provided in December 2005 indicated that the preferred bidders would be appointed by July this year. This has not occurred. In fact, the short-listing of bidders has taken place in two stages. One preferred list of short-listed bidders was done in May 2006, and three consortiums were named at that time. More recently a second short list, which is down to two bidders, was made available in May 2007. As I understand it, by this stage we were meant to have the final bidder, but we do not. What we have instead is a short list of two. These bidders still have to develop detailed and fully costed proposals, but as I understand it we are not going to see those fully costed proposals until the end of this year, when the successful consortium will be announced. We are all eager to hear and see what the final cost of the building is going to be. We have been told it will be \$850 million, so it will be interesting to see whether that is in fact what it will be.

While the building was meant to be completed and opened in 2010, the last press release I saw from Minister Pike talked about an opening in 2011, so already it is 12 months behind schedule. We hope that does not blow out even further, because the current hospital is groaning at the seams. We have had waiting lists which have been somewhat large. At the last count, in December last year — it is a bit hard to assess, because we get these figures only every six months, but I cannot imagine the number has gone down too much — nearly 2500 children were waiting for elective surgery at the Royal Children's Hospital. There had been very large increases in categories 2 and 3, with a 253 per cent increase in category 2 waiting lists for the hospital from 1999 to December 2006.

If one looks at the plan for the hospital, one sees that despite these increases there will not be much of an increase in emergency attendances. The hospital will only be able to cope with an increase of 1000 emergency attendances per year by 2016. The hospital will treat an additional 3700 inpatients. The number of multi-day beds — that is, inpatient beds — will decline under the plans. It reminds me of the Royal Women's Hospital where, again, we will not see more inpatient beds. This issue may have to be addressed, and I ask the minister to address it, given the waiting list of some 2500.

There have been some serious issues with the state of the kitchen at the Royal Children's Hospital. That issue was brought to the attention of the media last year. The kitchen, which was said to be of Third-World standard, was to have been improved through an allocation of money, but it has not happened. We are told that the money has now been made available and that the kitchen has now been brought up to standard. I would like some feedback on that.

There have been a number of financial issues in relation to the Royal Children's Hospital. Papers in relation to deficits at the hospital were leaked to the media. Paxton Partners carried out investigations that identified quite large shortfalls at the hospital. At the time that was denied by the minister, but we found out it was true and that the hospital required additional funding.

It should be noted that Victoria's hospitals find the way in which this government allocates money causes very difficult problems. In fact on the latest policy and funding framework the hospital only has an increase of 2 per cent in its weighted inlier equivalent separations allocation. There are many problems with it, but we wish the building of the new hospital well.

**Ms BEATTIE (Yuroke)** — This is a very simple bill that enables a new children's hospital to be built for Victoria. I listened to the contributions from members of the opposition and The Nationals. Although they say they support the bill — and I am sure they do — some of the issues they raise point to a fundamental difference between the parties: Labor builds hospitals; Liberals close hospitals.

Now we will see a newer, world-class hospital being built. I say 'newer' because even with its old facilities, the Royal Children's Hospital is not only a world-class hospital but a world-class teaching hospital, which is broadly acknowledged. The member for Caulfield expressed concern on the one hand that it might be a pre-election stunt to open the hospital, but on the other hand she said that 2011 was getting too late to open it.

I can tell the member for Caulfield that if there is one thing the Brumby Labor government wants to do, it is to get it right. Rather than opening at a time for the cameras to come in, it is important that we get it right. I am confident that there will be no pre-election stunts, but there will obviously be congratulations as the hospital is built — and so there should be. I was recently at a conference with many interstate and overseas guests. They all complimented Victoria on the partnerships it has established with private investors to get things built the right way, not just the quick way.

The facilities will be built at the Royal Park site. The bill ensures that the new Royal Children's Hospital will cover an area of less than 4.1 hectares, which is very important to emphasise because that is the size of the existing hospital site; when the parkland is returned, it will be less than that size. The site needs to be established for construction, but the majority of the old site will be returned as public parkland following the completion of construction of the new buildings and demolition activities on the old buildings.

There will be some disruption, but I do not think anybody should be worried about a little bit of disruption when what we will get is a world-class facility for the children of Victoria. I know there has been some opposition from the Friends of Royal Park, but I urge the group to get on board. We all treasure our parklands but we treasure our children, too. It is important that this hospital be built near all the science facilities, teaching facilities and universities.

The sum of \$850 million is not to be sneezed at. The former Premier, Steve Bracks, announced the redevelopment of the children's hospital in May 2005. We are now down to two bidders. They are the Children's Health Partnership consortium, comprising Babcock and Brown, Bovis Lend Lease and Spotless; and the Plenary Health consortium, comprising Plenary Group, Grocon and Honeywell. They have been selected to proceed to the next stage. It is vital to say that there has been an evaluation team of experts comprising representatives of the state government, the Royal Children's Hospital and other health professionals that have been consulted all the way along in this process.

One of the big issues is that it is important for the wellbeing of patients for a hospital to be located where not only bodies but minds can heal. The new hospital's location in the parkland will itself enable the healing process. To look out the windows and see the parkland all around will certainly be very important to the mental wellbeing of patients and indeed the families and friends that go to visit our young, tiny patients in the children's hospital.

Another thing I would like to highlight is the commitment made by the Bracks and Brumby governments to make this hospital the most advanced children's hospital in the world, with a capacity to treat an extra 3500 extra patients per year. Indeed the children's hospital project is the most significant hospital development in Australia and is part of the largest health building program in Victoria's history. We already have world-class paediatricians, neurosurgeons and orthopaedic surgeons at the

children's hospital, but I am confident the new Royal Children's Hospital will become a drawcard for such people. We will attract the greatest health professionals in the world to Victoria because we will have this new children's hospital.

It is a great project. I would like to see some more fulsome support from the opposition, and I hope it will come on board. As I have said, there will be some minor disruption around the site, but for the finest hospital in the world, minor disruption is a small price to pay. This is a good bill, and this hospital will be another exciting project for Victoria. The whole community is looking forward to it. I close my contribution as I opened it: the Labor government builds hospitals; the Liberal opposition closes them.

**Mr CRISP (Mildura)** — The Nationals are not opposing this legislation. As I understand it, this bill enables the revocation of part of the reservation of Royal Park to provide a new site for the construction of a new Royal Children's Hospital and to provide for the re-reservation of the old land and other land. It also provides for leasing and licensing arrangements over certain land for the purposes of building the new hospital. Really the bill facilitates a land swap. The current site of the children's hospital is land which is temporarily reserved as a site for a children's hospital, land which has been occupied by the hospital since 1963.

Victoria plans to build a world-class paediatric hospital. That is what country people expect, and that is what country people need. Victorian country people need a major centre of excellence for treating their children. Because of the tyranny of distance, sick or injured children are often in poor condition on emergency arrival at the children's hospital. Even in Mildura over recent years we have had periods where we cannot even attract a paediatrician. This has caused a number of complicated and emergency evacuations from Mildura to the Royal Children's.

Building a facility is one thing; funding and staffing are another. A centre of excellence is more than bricks and mortar, and to be state of the art an \$850 million building will need recurrent funding to adequately meet the need that exists. Also that hospital will need to have the confidence of country GPs, who operate under difficult conditions, often working alone. They need the confidence of knowing, if they are in a solo practice, that they have a centre of excellence that is accessible to their sick clientele.

In order to access a new centre of excellence, country people use something called the Victorian patients

travel assistance scheme (VPTAS). This is of real value to country people when moving their children to hospital. However, the kilometre rate of 14 cents is not good enough, and the overnight accommodation rate of \$40 is well short of what is required, even given the generous accommodation services provided by many charities involved in assisting country people in Melbourne. Families of sick children have enough to worry about to get their children to the Royal Children's Hospital, and they do not have the comfort of going home each night. They must in effect run two households, with all the associated expenses. VPTAS needs to be of assistance — not a pittance. Distance should not impose a barrier that impedes equity of access for country people.

This bill is an important step forward for country people, and The Nationals are happy not to oppose but in fact to support this bill. However, equity of access depends on a fair and equitable VPTAS system.

**Mrs MADDIGAN** (Essendon) — I am also pleased to rise to support the Royal Children's Hospital (Land) Bill 2007. It is good that the other parties in this chamber support the development, even though they have raised concerns about some of the issues. I will address some of those shortly, because I think a considerable amount of misinformation has been spread about the development of this site, which will not only be of benefit to the Royal Children's Hospital but also support the development and future retention of Royal Park as an open parkland space.

What is the point of this bill? It is initially to improve the Royal Children's Hospital, and as the member for Mildura just mentioned, it will incorporate areas into the hospital that are not there now. Let us just be clear about the benefits we will derive from this development. The new hospital will be more spacious with more single rooms, neonatal cots and operating theatres. It will be able to treat 35 000 more patients every year, bringing the average up to 315 000 patients a year, and that is a significant improvement.

The new hospital will also have improved accommodation and other facilities for parents and siblings, which, as the member for Mildura has just outlined, will be of particular benefit to families from the country. It will have more play areas, better park access and expanded child care. It will have new facilities for mental health, rehabilitation and research, and more shops, services and other amenities for staff, patients, families and other campus users. There are very strong positive findings from the changes, but how do they relate to Royal Park?

One complaint about this development that has been raised with me is that the Royal Children's Hospital is on a temporary reserve and was never intended to be there in the long term. This is factually incorrect. Temporary reserves are a standard way of reserving Crown land for hospitals and government buildings, and the first temporary reserve in this area was put on in the 1860s. I think you can see from that that there is nothing temporary about it at all. It is standard practice. It was never suggested, when the Royal Children's Hospital was established, that it was there only on a temporary basis.

There is a good reason for the temporary reserve. If for some reason some naughty government in the future decided to close the Royal Children's Hospital, the land would revert to Royal Park, as it is part of Crown land. So in actual fact having a temporary reserve is an automatic protection. If it were a permanent reserve, you would have to enact an act of Parliament to change it. Having a temporary reserve will protect that space as parkland should the children's hospital ever be removed.

The new Royal Children's Hospital will take up less land than the current children's hospital site, which is 4.1 hectares. During the construction period it is true that 6.8 hectares will be removed from public use. This is so for a number of reasons, one of which is public safety and another being that the hospital will be built in stages, so it is necessary to have that larger part of land. When completed, however, the hospital will take up less of Royal Park than it does now. It will be under the 4.1 hectare limit, and there is a guarantee that the land that has been used as a construction site will be reinstated as part of Royal Park. That is part of the bill. There will be more of Royal Park when the hospital is completed than there is now.

The lease for this site will be for 30 years. Normally on Crown land it is 21 years, but because of the nature of the public-private partnership, it will be for a longer period of time. In fact the site will revert totally to state ownership after 25 years.

One concern that has been raised relates to bike paths. Every effort has been made to keep bike paths and walking tracks open through the whole of the construction phase. Another concern that has been raised is that a small oval will be subsumed into this development. But that oval has been used only intermittently by some local schools and does not have any permanent tenants. The users of that oval will be accommodated in another part of the park.

Contrary to the information that has been provided, the entrance will be from Flemington Road, not from Gatehouse Street. The development will also incorporate a helipad so that patients will be able to be transported directly to the hospital in a much faster and more efficient way than they can be now. All of these things not only provide for a better children's hospital but also significant protection for Royal Park — more than it actually has at the moment.

Another matter raised was: how will the flora and fauna on the site be protected? That is very specifically covered by this arrangement. The exact layout and configuration of the construction site is not known at the moment as it will not be known until after the successful design is selected later this year. However, bidders have comprehensively addressed their obligation to mitigate impact on vegetation as part of their bids, and this has been thoroughly evaluated.

The state, in collaboration with the successful bidder and relevant experts, will develop a plan which clearly identifies vegetation to be retained and the program for the protection, relocation and replacement of any vegetation impacted on by construction activities. The plan will focus on avoiding impact wherever possible, then aim to minimise and offset any impact on Royal Park. Due consideration will also be given to relevant policies, including Victoria's native vegetation management framework and the draft Port Phillip and Western Port native vegetation plan.

There will be no impact on the 'fairy circle' of trees on the northern side of the new site, and the construction zone will not extend beyond the pedestrian bike track to the north of the site. The government has also given a commitment that there will be consultation with the local community to ensure that the revegetation is appropriate to Royal Park and meets the needs and aspirations of the local community.

A study carried out by expert ecologists suggests that the project is unlikely to impact significantly on any individual species or populations of fauna on the site. This view is based on the following considerations: no net loss of parkland; none of the significant native fauna recorded within the study site are considered to be resident or breeding within the area; landscaping of reinstated parkland fulfils an equivalent or improved ecological and landscape function as currently performed; and the retention of mature trees along Flemington Road.

If you take all those factors into account, you can see that this is a really sensible development. To move the children's hospital away from other hospitals and

scientific research centres in that area would be a significant detriment to the services provided through the Royal Children's Hospital to the children of Victoria.

This bill has many protections in it for Royal Park. It ensures that the local community is taken into consideration and that the new hospital minimises any impact on the local community. In the end — in 2010 or 2011 or whenever the hospital is completed and officially opened — we will have a much better Royal Children's Hospital and we will have a much better Royal Park, and I commend the bill to the house.

**Mr MORRIS** (Mornington) — It is a pleasure to speak this afternoon on the Royal Children's Hospital (Land) Bill 2007. The Royal Children's Hospital is a much-loved and highly respected institution in the Victorian community. In its 137-year history it has developed an enviable reputation for the significant advances, or contributions to advances, it has made in world medical circles in fields as diverse as the treatment of gastroenteritis, cardiac transplantation, paediatric anaesthetics and new-born care. It is also the home of the renowned Murdoch Children's Research Institute. Its 250 beds treat some 32 000 inpatients a year, and overall it services some 280 000 patients a year. It has developed a very firm place in the heart of the community, and I think the place it occupies is borne out by the support it gets, as other speakers have said, in the Good Friday appeal every year.

We also cannot speak about the success of the Royal Children's Hospital without acknowledging the contribution that Dame Elisabeth Murdoch has made over many years. She has made an enormous contribution of her time and her energy. On that basis, it is definitely a pleasure to support this bill.

The bill is not so much about the hospital; it is about the future of the building. The bill provides for the reservation in Royal Park of a new site and effectively the surrendering of the existing site when the new site is occupied. I thank the member for Essendon for a very lucid explanation of the utility of temporary reserves, and I think that probably addresses a number of issues that have been raised with me, but I am certainly old enough to remember when this site was first occupied in 1963. I remember visiting the hospital, not as a patient but as a visitor, a couple of years after that, so I guess simply on that basis alone, it is probably time that the present building was replaced.

The second-reading speech referred to a press release from the then Premier on 1 May 2005, when it was announced that this building was to be redeveloped. It

is interesting to look at the detail. The indication was that the hospital would be expanded to 340 beds, which would be a 90-bed increase on the current capacity — that is, a 25 per cent increase. When read in conjunction with that, the second-reading speech talks about the hospital treating an additional 35 000 patients a year.

I would suggest that, despite the scale of this redevelopment, we will in fact achieve a very modest increase in overall capacity. We will get, as I said, 90 beds, plus an extra 12.5 per cent in outpatient capacity, so the increase will be fairly limited from that point of view. But the most important thing is that we will get a brand spanking new hospital, and that is important because the Royal Children's Hospital provides world-class care; it conducts world-class research and it needs world-class facilities to continue to keep up the standards it has set for itself. Whether we actually achieve world-class facilities remains to be seen.

I note there is a certain irony here, in that neither the Premier who announced this redevelopment nor the Deputy Premier who made the second-reading speech is any longer in the Parliament. I hope this development has greater longevity and greater immediate success than those two gentlemen had.

This bill is not so much about the hospital itself as about the siting arrangements and the impact on Royal Park, so I will move on from talking about the hospital and talk about the relevant provisions. Clauses 4 to 6 of the bill provide for the revocation of the existing reserves. It revokes the original order in council. Clauses 7 to 10 effectively provide for the process in determining the actual area of the final site, whatever the final size may be, to a maximum, I think, of 4.1 hectares. Clauses 11 and 12 ensure the continuity of the existing leases on the land for the new hospital site, and clauses 13 to 15 cover the new lease arrangements.

Given that I support the bill I do not intend to delve into the details of those particular clauses any further, but I want to make some general comments and to an extent echo some of the concerns that have been raised by my colleagues, because there seem to be points that have not been picked up. There seem to be some omissions. Perhaps they are covered elsewhere, and perhaps they are covered by regulation, but in reading this bill in isolation it would appear that they are not dealt with.

The first issue is that of Aboriginal heritage. As comment has been made, Royal Park was first reserved for public parkland in 1876. The colony was only just over 40 years old, and I would suggest that Royal Park

was probably relatively untouched, so the potential for issues is certainly there.

The offset provisions for vegetation clearance also appear to be not directly addressed in the bill. As someone who has had a lot of experience with local councils trying to get roads built, I can say they cannot get them built because they cannot meet the offset provisions for the vegetation. If there is a mechanism available to the site that might be applied in other cases, I would certainly be interested to know about it.

I understand from comments that have been made in the debate that an assessment may exist of the vegetation to be removed. I am particularly interested obviously in the number of trees to be removed and whether there are any trees of a particular age or significance. I understand from the comments of other speakers that the issue of fauna has also been addressed. Apparently there are no concerns there, but it would be comforting to know that was in fact the case.

The issue of vegetation and fauna is important to make sure the community has confidence that this is the appropriate spot for the hospital. I certainly recognise and support the importance of locating a new children's hospital within the Parkville medical precinct. It would not be very clever to move outside that precinct. Now that we have a new and apparently more accountable Brumby government, there is an opportunity to prove that point and disclose any information that may be available on the extent of clearing, et cetera.

The next point I want to raise is in terms of an assurance on the clearing of the site prior to the commencement of works. I have seen far too many incidences of infill development in metropolitan Melbourne and out on the fringe where I am, where sites are effectively moonscaped. It is very tempting for construction companies to do this; it makes life much simpler for them, but it has an enormous impact on the surrounding sites. It is a far greater impact than you need to allow for the construction.

My final point is that I would be interested in finding out about the timetable. The former Premier's original announcement committed the government to start by the end of 2007. We are now not that far away from the end of 2007, and it would be very useful to know when action might start. In conclusion, this is a small but important bill that heralds a new and significant development in the life of a very well-respected Victorian institution. I commend the bill to the house.

**Ms CAMPBELL** (Pascoe Vale) — I rise with great enthusiasm to support the Royal Children's Hospital

(Land) Bill. It is a great win for the children of this state, their families, the community and the staff who will inevitably work in an environment far more conducive to good medical practice. There will be a number of significant improvements as a result of this legislation.

The Royal Children's Hospital itself will have new infrastructure, not just for the sake of new infrastructure, but because it is patient focused and meets the needs of sick children. Staff at the moment fulfil an admirable role and are very caring, compassionate and attentive to their patients. This new hospital will be designed around the 21st century needs of sick children and their families, providing them with quality medical care. This decision has been taken after a lot of community consultation. It is really pleasing that the design of the hospital has had input from the staff who work with children and their families every day. They know their needs and medical requirements. Those design needs have been incorporated. The long period of community consultation will pay real dividends.

As a result of the new infrastructure, an additional 35 000 patients every year will be treated at this hospital, which has an annual average of 315 000 patients. I am really pleased to see that the improved accommodation and other facilities will enable parents and siblings to be closer to family members. This of course will assist in their healing. There will be more play areas. Again the same principle applies — better play facilities assist families and children who are ill.

Access to the park is essential. All of us know how much better we feel when we are able to look out on a wonderful environment. Royal Park provides that environmental nurturing that is of so much assistance to children and their families. When parents are concerned about their sick children's needs and other littlies are playing havoc in the wards, they can be assured that there is quality child care both for the staff and families. There will be new facilities for mental health, rehabilitation and research. The shops and services which are so essential for families and staff working in such a large institution will be further enhanced.

Being a north-western suburbs MP, I find it heartening to know there are high-quality hospitals close by. I can appreciate the comments made by country members about the difficulty for parents in coming to the city, looking after sick children and trying to run a family home in country Victoria. Residents in my electorate are very appreciative; we never take for granted the Royal Children's Hospital.

We also appreciate Royal Park. As previous speakers have stated ever so clearly, we are going to have a smaller footprint on Royal Park than the current hospital precinct as a result of the completion of this new hospital. That is good for residents and the community in and around Royal Park. We will have a new hospital that will take up only 4.1 hectares, which is far less than the current footprint. One way that we have been able to achieve that is to incorporate the helipad as part of the infrastructure, which is great for the environment and, more importantly, great for the children and other patients who are coming to the hospital, because it will mean faster access to the emergency care needs that have forced them to be transported rapidly to the Royal Children's Hospital by helicopter.

The other item that I want to mention briefly is information that has been provided to me in relation to the environmental impact of this hospital. Like all new buildings that the Brumby government signs off on, we will have improvements in this hospital that will minimise environmental impacts. A number of environmentally sustainable design principles have been incorporated, which are expected to result in reduced water and energy consumption, reduced greenhouse emissions, water capturing and recycling, and improved indoor air quality. That is very important.

I drive past this site every time I come into Parliament. For local residents in the immediate vicinity it is important to know that within the construction period there are building constraints relating to the impact of noise, dust and vibration. It is really important to ensure that any negative environmental impacts are kept to an absolute minimum. The trams that go along Flemington Road are not expected to be impacted on, and of course traffic will still be able to traverse that area quite freely, as we have seen with the building of the new Royal Women's Hospital. From the lessons learnt further down Royal Parade and Flemington Road, it is clear that this hospital will have minimal impact on passing traffic.

I want to place on record my appreciation of the staff of this hospital. I think everybody in this house would have at least one family member who is alive thanks to the tremendous dedication of the staff there. No amount of infrastructure, no matter how brilliant, can ever replace the care, the compassion, the love and the concern of all the medical team members and the ancillary staff; often we forget the ancillary staff but they are there in a critical role too. This infrastructure will make everybody's lives better, particularly the young people of this state and the international visitors

who come as patients to the state. We will be indebted to this house for decades to come.

**Mrs VICTORIA** (Bayswater) — The purpose of the Royal Children's Hospital (Land) Bill 2007 is essentially to revoke up to 4.1 hectares of land from the Royal Park reservation, or the parklands, to be used as the site for the new Royal Children's Hospital, which I am delighted to say is not far away now. The bill also sets out provisions for the re-reservation of any of the 4.1 hectares of land of the Royal Children's Hospital site that is not used as part of the new development to be incorporated back as part of the Royal Park reservation.

I have had many occasions to visit the Royal Children's Hospital over the years. Probably the last time I was there was when I was pregnant. I had just found out I was pregnant, and I had the great honour of going with the National Council of Women of Australia on a tour through the Murdoch Children's Research Institute, which of course is housed at the Royal Children's Hospital, and of finding out what the institute was doing to help people like me, whom they call 'elderly prima gravidas', to have full-term pregnancies and healthy babies. I have to say that now, as the mother of a very healthy three-year-old, I hope I never have to visit that fantastic facility again in any sort of personal capacity.

The Royal Children's Hospital cares not only for the children of Victoria but also for children from Tasmania, southern New South Wales and other states around Australia. We also have a lot of international children who come in through the sponsored programs of wonderful organisations such as Rotary and the like. The hospital was established in 1870 on the site where it now is, and the new site will be immediately to the west of that. The hospital has been in its present location since 1963. It has 250 beds and sees approximately 32 000 inpatients every year, which I think is an atrocious amount of children, but I am so glad that the facility is there. There are a total of 280 000 children who are treated through the hospital annually, not only as inpatients but also in outpatient clinics. The Royal Children's Hospital is the Australian national centre for cardiac transplantation and is also the leading centre for bone marrow and cord blood transplantation.

One of the other very interesting units that is housed at the hospital and certainly will be housed at the new hospital is an anorexia unit — an eating disorders unit. I do not know that anybody else has raised this issue. I think it is very important that we look at the type of things that the Royal Children's Hospital is doing when we are looking at building a new facility to ensure that

the right amount of beds and the right amount of care goes into each particular area. In effect the Royal Children's Hospital has closed its doors to new patients suffering anorexia. The Family and Community Development Committee on body image found that there is, and I quote:

... a serious service gap in the public health treatment of young adolescents recovering from severe eating disorders.

It also recommended that:

... dedicated funding be available to child and adolescent mental health services for eating-disorder-specific programs.

Yet it is reported that the Royal Children's Hospital will further limit the number of beds dedicated to eating disorders. I am hoping that as part of the new facility this need is going to be addressed.

This lack of services, which health professionals say is the result of a failure of the Victorian government to fund an increase in demand, could really have a disastrous outcome. We know that as society changes, demand changes as well, and it certainly has increased in this area. In fact there was an article in the *Age* just at the beginning of this month saying basically what I have just said — that there has been a cut in services to those children with eating disorders, most of whom suffer anorexia. There is grave concern that when the current facility is closed and before the new one is built there will be an overflow problem into the Monash and Austin hospitals, which only have six beds between them. I hope that is going to be addressed in the new facility.

One thing that I also hope is going to be addressed — and certainly some of my colleagues have spoken about this before — is that there are offset issues relating to lost vegetation and parkland from the revocation of Royal Park land. I hope the developers do not just come in and willy-nilly clear the land. When the actual footprint is established, if they do not need to clear all of that 4.1 hectares, I hope they take into consideration the age and the size of the trees that are on that land. It is all right to say we are going to have more parkland by giving back the old site and also by using some of the 4.1 hectares that is not actually going to be built upon, but you cannot replace the old trees. It would be very good if some provision could be made in consultation with the developers to ensure that trees are only cleared as needed and not just removed and thought about afterwards.

One other thing that worries me is the commercial lease arrangements that are going to exist in the new facilities for companies like McDonald's. I had plenty of visits to

the Royal Children's Hospital when I was a director of the Make-a-Wish Foundation. Make-a-Wish is a brilliant international organisation that has a very strong arm here in Australia. Many of the children who came to the Make-a-Wish Foundation looking for wishes to help enrich their lives — and unfortunately many of them did not go on and live — were referred to us by the hospital. Much time was spent by our volunteers talking with the parents away from the children in places like McDonald's, so it certainly serves its purpose; however, I do not know of too many commercial lease arrangements that go on for 30 years. The current lease arrangements of three years are certainly more commercially acceptable. I am not too sure about the lease arrangements being 30 years. I think that is very long and quite excessive. That is one of the reservations I have.

In all, I think this bill offers us the scope to build a beautiful, brand-new facility for our children and for children in general. Anything that is going to give us world-class facilities for our children is certainly to be commended. I support the bill and I hope my colleagues do as well.

**Ms BARKER** (Oakleigh) — I am very pleased to contribute a few brief comments on this very important bill. The bill, as members are aware, provides for the necessary legal changes to the status of the new hospital site so that this wonderful new hospital can be built. Presently the site of the new hospital is Crown land permanently reserved for public park purposes. Its use is restricted by the Crown Land (Reserves) Act 1978. This bill will revoke the permanent reservation over the construction site, making it unreserved Crown land capable of being dealt with under the Land Act 1958. Removing the reservation will allow the site to be used as a construction site and ultimately of course for hospital purposes.

At the completion of the construction, the bill will provide for the temporary reservation of the new hospital site for hospital service purposes and the appointment of the Royal Children's Hospital as the committee of management on that site. It will provide the Royal Children's Hospital with the ability to enter into long-term leases or licences for purposes consistent with the hospital reservation. Importantly the bill enshrines this government's commitment that there will not be any net loss of parkland as a result of building the new hospital in Royal Park. As has been said in the bill, the size of the new hospital must be less than 4.1 hectares, which is of course the approximate size of the existing hospital.

As previous members have said, the site for the new hospital is immediately to the west of the existing site in Royal Park in Parkville. That site has been selected after a long period of time and considering quite a number of factors. There has been community feedback, but we also needed to consider the size required to accommodate the hospital building; the cost, of course; and the accessibility, not just for children from Melbourne but also for parents and children from country Victoria.

As has also been mentioned by other members, it is not only children from Victoria who attend the children's hospital; there are also international visitors and, importantly, children from other states. I speak from experience on that. I have family in Tasmania. Many years ago my then five-year-old nephew was rushed to the children's hospital in Melbourne and spent probably about five years of his life in and out of there most of the time. He is still with us at 25. He is not all that well, but he is still with us and has recently become a father, so that is a wonderful thing.

Importantly the hospital will be kept in Parkville. It continues to be surrounded by Victoria's largest medical research and technology precinct, which of course builds on and gives our children access to all of the latest knowledge, equipment and the best possible treatment. As we all know, the Royal Children's Hospital is a world-class paediatric hospital, but we do need a new hospital. That has been a commitment by this government, and in May 2005 it was announced that we would build a new Royal Children's Hospital. The facility will cost \$850 million and will be delivered under the Victorian government's Partnerships Victoria policy, but importantly the management of the hospital and provision of all clinical services will continue to be the responsibility of the state.

It is important that we build a new children's hospital. It has to date been a wonderful facility. All of us have been touched by the Royal Children's Hospital at some stage in our life. Recently, having a grandchild, I have spent time in the emergency department and also in the infection ward at one stage with a bad case of chickenpox. I am very proud that we are rebuilding the children's hospital. It will be a wonderful facility for many years to come. I am very proud to be a member of a government which has invested so much in our health system. As a government we have embarked on one of the largest capital works programs in history.

We have invested \$4.1 billion in capital works alone to rebuild our health system. We only have to look at the examples of the saved and rebuilt Austin Hospital and the rebuilt Mercy Hospital. We have built the suburban

Maroondah, Angliss, Northern, Sunshine and Dandenong hospitals. We have rebuilt country hospitals in Kyneton, Stawell, Ararat, Geelong and Ballarat, and we built the first new hospital in over 20 years in Berwick.

At a local level, particularly including those hospitals that service my electorate, we have spent \$10 million on the upgrade of the emergency department at Clayton's Monash Medical Centre. We have upgraded and redeveloped the intensive care unit at The Alfred at a cost of \$20.2 million. We built the first dedicated centre for elective surgery at The Alfred hospital at a cost of \$80 million. We are investing in stage 1 and stage 2 of the Caulfield General Medical Centre, and we have started work at the expansion of Box Hill Hospital.

Throughout the state the government is working on the largest building programs in history. We have employed more than 7264 extra nurses, more than 1576 extra doctors and more than 713 extra paramedics. This government has a total dedicated commitment to improving the health of all Victorians; we are doing that throughout Victoria but importantly with this bill we will see a brand new and wonderful Royal Children's Hospital. I commend the bill to the house.

**Mr BURGESS** (Hastings) — It is a great pleasure to rise and speak on the Royal Children's Hospital (Land) Bill 2007. It is a great privilege to be involved in some small way in the renewal of such a great hospital. In fact the Royal Children's Hospital (RCH) is much more than this bill anticipates; it is much more than a building — it is an institution.

The Royal Children's Hospital is a world-class paediatric centre. It is widely respected throughout Australia and the world. Its patients are referred to the hospital from all over Australia and the Asia-Pacific rim countries. The hospital was initially developed in 1870, and it has been standing on its present site since 1963. It has 250 beds and treats approximately 32 000 inpatients each year; a total of 280 000 children are treated there annually. The bill will assist this hospital to maintain its commitment to research, services and patient care by facilitating the building of a new Royal Children's Hospital. The bill will ensure the hospital's outstanding reputation into the future and will enable better support and modern approaches to the provision of high-quality medical care and leading research.

The achievements of the Royal Children's Hospital include: the involvement of its clinicians and scientists

in identifying the involvement of the rotavirus in gastroenteritis; the Australian national centre for paediatric cardiac transplantation is located at the hospital; it is a leading centre for paediatric bone marrow and cord blood transplantation; Australia's first gait laboratory for children is located at the RCH; the worldwide changes in measles immunisation was initiated at the Royal Children's Hospital; it leads Australian studies into childhood allergies and also in paediatric anaesthetics; it provides Australia's most comprehensive care program for neonates; it is internationally recognised for its work in ethical and legal aspects of newborn care especially in the use of high technology; it has developed the EEG (electroencephalogram) monitoring system which is now used internationally and has been integrated with the best epilepsy surgical program in Australia; and it is conducting a landmark longitudinal study of childhood asthma into adulthood.

The new hospital will be more spacious with more single rooms, neonatal cots and operating theatres. It is said that the hospital will be able to treat 35 000 more patients every year. The hospital will also have: improved accommodation and other facilities for parents and siblings; more play areas, better park access and expanded child care; new facilities for mental health, rehabilitation and research; and more shops, cafes and other amenities for staff, patients and other campus users.

The cost of the upgrade will be \$850 million, and the upgrade will include the provision of parkland for public use. The upgrading of Victoria's hospitals must be a priority for this state government. At the moment metropolitan and regional hospitals, with ageing facilities and colossal waiting lists, are struggling to provide adequate patient care.

As I said earlier, the Royal Children's Hospital is much more than the building: it is an institution. It is one that has touched my family on many occasions. Almost 30 years ago one of my nephews was diagnosed shortly after birth with having retinal blastoma. For the uninitiated, that is a very serious cancer located behind the eyes. I can say that the Royal Children's Hospital played a great role not only in making sure that my nephew is still around now, and healthy but also by reducing the levels of anxiety that my family had to cope with during that time, giving them hope when a disease like retinal blastoma was considered to be a very serious disease in those days — and it is still considered to be a serious disease.

My thanks and that of my family go to this great institution because of what happened as long as

30 years ago; but also today my family has reason to have access on a regular basis to the Royal Children's Hospital because of one of my children. I must say it is a very enlightening experience to be in a facility that can be best described as ageing; some would describe the facility as much worse than that. At the hospital there are other institutions involved. Everybody involved at the hospital, including doctors and nurses, are the most fantastic people; they have the most positive approach you could ask for. One only needs to go through the cancer ward at the Royal Children's Hospital to see the sorts of things that these people are asked and required to deal with. Yet they still have such a positive attitude and produce such wonderful outcomes. In all, this project is badly needed.

It is important for us to recognise that the children of Victoria not only need but deserve this project. If you look at the history of the current government, you find that it is anything but inspiring when it comes to areas such as health, where its performance has been poor. In major projects this government's performance can best be described as abysmal. This particular project involves both of those aspects.

Of course the real problem that is created when something like this occurs is that, regardless of the desire of the people who work there and the people who contribute to the organism that is the Royal Children's Hospital, there is an inertia that develops over the period of time when a new facility or a new location is developed. In this case there will be a certain amount of inertia built into the system that will be inescapable. The point that needs to be made is that this is not a project where we can afford to have that sort of inertia built into the system. I do not think this is a project where we can afford to have the government drop the ball.

I am very keen to support this bill, but we are already 12 months behind on the plan that was to have been put together. The legislation was supposed to have been introduced to this house 12 months ago, and other speakers have detailed that particular circumstance. I implore the government to get a move on and get this great facility re-established.

**Mr BROOKS** (Bundoora) — It is with great pleasure that I rise to speak on this bill. It is a fantastic privilege to be able to speak on a bill that was formulated to facilitate the development of a brand new Royal Children's Hospital. Whether they come from inner city Melbourne, from the outer suburbs or from a small town in the farthest part of this state, people have a very strong connection to the Royal Children's Hospital. We have heard speakers this afternoon on

both sides of the house talk about the fantastic people who work at the children's hospital and the fantastic things they are able to do with the young kids who are in that hospital suffering from illness or injury.

As the minister outlined in the second-reading speech, the new hospital will have better facilities and will be able to treat over 35 000 more patients every year. It will have better accommodation and other facilities for parents and siblings of patients, better play areas, better park access into Royal Park, better child care and better facilities for mental health and rehabilitation and for research. The project has an estimated cost at this stage of \$850 million, so it is a significant investment on behalf of the Victorian government in a new children's hospital.

It has been interesting to note the media coverage over the last couple of years in relation to the siting of the new children's hospital. I understand there have been some concerns expressed by local residents about the siting. It is obvious from looking through the provisions relating to land reservations in the bill that the government has carefully considered those views. The bill provides that the new children's hospital will cover an area of less than 4.1 hectares, which is the size of the current site, that the existing site will be reinstated to parkland and that the project budget will carry the cost of that, so people should have some confidence that that reinstatement will definitely take place.

On behalf of the electors of the Bundoora electorate, it is important to point out that the siting of the hospital is a good one. I know there was talk about the site being at Docklands or on the old Carlton and United Breweries site. The access from many parts of Melbourne to those sites would have presented difficulties. I think many parents who have to rush to the Royal Children's Hospital in the middle of the night with an ill child would much prefer to access the site at Parkville than one at Docklands, for example. I understand there were some problems with helicopter access to those other sites as well.

People in the electorate of Bundoora have access to a range of good-quality health services, whether it be at the community health level or at the major hospitals in that part of the world, being the Northern Hospital, which has been consistently expanded and improved by the Bracks and Brumby governments, and also the Austin Hospital in Heidelberg. People may remember — I certainly can — the dark days under the previous government when that hospital was run into the ground in preparation for a sell-off. I can remember at one stage the hospital administration trying to sell a car park across the road so that it could use the proceeds

of the sale to prop up the operating costs of the hospital, such was the poor state of funding for public health at that stage.

My attention was drawn to clause 10(3)(d) of the bill, which indicates that the new hospital will be reserved as a temporary reservation and not a permanent one. I suppose on a first reading of that one could be a little bit concerned, but I understand that reflects the status quo — that is, the current hospital has a similar reservation — and that the land that will be reinstated as parkland will similarly revert to the same reservation status as the existing parkland, which is permanent reservation status, so I am not overly concerned about that.

One also has to bear in mind that any change to a temporary reservation would still need to be made by Governor in Council, so effectively both forms of reservation would require the will of the government to change. Given that the length of the contract being discussed here is 30 years, you would not imagine any government in its right mind would want to walk away from that site.

In closing, I think this bill represents the development of a fantastic new hospital in the Parkville area for children, for all of Melbourne and for all of Victoria. I commend the bill to the house.

**Mr WELLS** (Scoresby) — I join the debate on the Royal Children's Hospital and restate that the Liberal Party is supporting this important piece of legislation. This world-class children's hospital is going to be built on a 4.1 hectare site in Royal Park gardens. The current Royal Children's Hospital is obviously one that has a world-class reputation. Wherever you go around the world, when you are speaking to medical people the Royal Children's Hospital always comes to the fore. It is great to see the amount of support the hospital receives during the Good Friday appeal and the amount of money that people in Victoria and surrounding states put into it. I think it is because a lot of them are touched in some way, whether it be through a friend or a relative, by the good work that the hospital does for our children.

We have a very close family member who has worked at the Royal Children's Hospital for 23 years, and her dedication and that of her colleagues is mind blowing. It seems that they get in early, they work hard all day, they come home, they make follow-up phone calls to patients and you never, ever hear a complaint. It is all about making sure that all the kids are okay. I imagine that sometimes they have to deal with very sad cases, especially when young children pass away. That must

be upsetting for the families and for the nursing staff and doctors, but they handle it professionally to ensure that those families receive the utmost care.

I am looking forward to this world-class facility. I think the building and surroundings will be magnificent and the hospital will ensure our children receive world-class care. I am looking forward to the improved working conditions at the Royal Children's Hospital. I note that after the construction phase it will have 1900 underground car-park spaces. I think one of the real problems at the moment at the Royal Children's Hospital is the lack of car parking. Hopefully 1900 underground car-park spaces will address that situation. I look forward to seeing this hospital being built on time and on budget.

**Ms GREEN** (Yan Yean) — It gives me great pleasure to join the debate on the Royal Children's Hospital (Land) Bill and to support other members of the government who have spoken in support of this great project. I am pleased that both the opposition parties are supporting this as well — and why wouldn't they? The Royal Children's Hospital has an international reputation as a specialist paediatric hospital. Like many people in this chamber, my children have had care — fortunately not for anything really serious — in this fantastic hospital. We as a government have obviously identified that the current facility, which was built in the year I was born — a very good year! — now needs replacing.

I am really proud to have been part of the Bracks and Brumby governments, which have recognised the need to continuously update our public hospital system, not only in terms of its people needs by increasing the number of nurses and medical professionals in the system but also with major capital upgrades. I am particularly privileged to represent an area in the north that has the most fantastic access to good quality public health facilities. Three out of the four newest hospitals that are currently up and running in this state are based in the northern suburbs.

My colleague the member for Bundoora spoke briefly about the Austin and Mercy hospitals project, which was the biggest public hospital project of its kind ever. The house needs to be reminded and should not forget that this facility was going to be sold off to the private sector during the reign of the Kennett government. It would have been lost to the people of Victoria. Also, the northern suburbs lost the Preston and Northcote Community Hospital, known as PANCH. The Northern Hospital was an initiative of the previous Liberal government. It went ahead, but with a much smaller and more downsized model than Labor had intended.

We have upgraded that hospital on three occasions. We have also built the Craigieburn super-clinic. I am pleased to see that the Royal Women's Hospital and the Eye and Ear Hospital are also being rebuilt, as they should be and as this community deserves.

I am disappointed that, despite the opposition parties saying that they support this project, the member for Box Hill in particular talked down this development and that of the Royal Women's Hospital. He said the Liberals had been calling for these developments. He referred to a previous shadow Minister for Health, Robert Doyle, who has now left this place, and said he had been calling for it. Under Mr Doyle's watch, when he was the parliamentary secretary for health, we know what happened — hospitals were privatised, beds were closed and nurses were sacked. What we hear all the time from Liberal Party members is sanctimonious talking down of the actions of this government; actions they never had the courage to take. In fact they did the exact opposite, to the disadvantage of not only city people and the specialist hospitals that serve the city and the whole state but country Victoria as well. The Nationals stand condemned for not standing up for those communities.

I was also a bit disturbed by some of the comments by the member for Box Hill. On the one hand he called on the government to get on with it and move this project along, but he then said that the government as the developer of the Royal Children's Hospital should somehow have the same constraints on it as a private sector developer. We are getting on with developing this project in an environmentally sensible way and in a way that preserves the integrity of the well-regarded Royal Children's Hospital. The bill also enshrines the government's commitment that there will be no net loss of parkland in Royal Park as a result of this project. There was quite a bit of consultation, and it was determined that the new site should be adjacent to the existing site as this location is the one that best meets the needs of sick children and their families. As I said, it has been serving the community at almost the same location where it is going to be built for all of my life.

This new hospital will continue to be surrounded on three sides by parkland. It will be fully integrated with Royal Park, so it will continue to provide a beautiful outlook for sick children and their families during a difficult time and provide a powerful healing force. Significant international research shows that children heal faster when they have views of nature. When I recently attended the opening of the latest new wing at the Northern Hospital with the previous Deputy Premier, John Thwaites, we met a patient who said

what a positive thing it was to be able to see trees out of his window, so it is also good for adults.

The new hospital will cover an area of less than 4.1 hectares, the size of the existing site. The additional land required for construction and the majority of the old Royal Children's Hospital site will be returned to public parkland following completion of demolition and construction activities. That is definitely a good outcome. The additional land, required only during the construction period, will ensure the safety of the general public and provide a decent buffer zone around the new site. We will always be committed to safety in the workplace and safety for the public during the large capital development program this government is undertaking in health and other areas.

The project budget includes an allowance for the full reinstatement of parkland following the completion of the demolition and construction activities, and this will be undertaken by the state in close consultation with the Melbourne City Council and the local community. The bidders have outlined strategies to protect and minimise the impact of site activity on the park during construction of the new hospital, and the state will work closely with the successful bidder to ensure that the impact of construction activity on the park is minimised and mitigated where possible. This is another example of a great public health project being delivered by this Labor government, and I commend the bill to the house.

**Mr THOMPSON** (Sandringham) — The Royal Children's Hospital (Land) Bill 2007 is one of the underpinning pieces of legislation that will see the redevelopment of the Royal Children's Hospital.

The Royal Children's Hospital is one of the great institutions of Victoria, and it has been supported over many years by myriad community groups and organisations. It has treated many children, sustaining the lives of and performing intricate surgery on many young children over multiple decades. All Victorians are very grateful for the world-class surgery, medical treatment and research undertaken by the hospital.

One organisation in the electorate of Sandringham has celebrated its 50th anniversary this year — that is, the All Souls Opportunity Shop. This enterprise was the vision of Reverend Waterman. In 1957 he, together with other members of the local church, had a vision of establishing an opportunity shop that might support a range of charitable organisations and foundations. In the last 50 years this opportunity shop has distributed some \$1 843 158 to a range of charitable organisations, one of which, during the course of the last financial

year, was the Royal Children's Hospital — and in particular, its Beyond Sight program.

I pay tribute to the volunteers at the All Souls Opportunity Shop who have carried the torch, continuing the work undertaken by the shop. I refer to the president, Philip Higgins, who is the vicar at All Souls Anglican Church; vice-presidents Joyce Izon and Margaret Tait; and shop supervisor Jenny Lord. Others include Bruce Shorten, Hilary de Sousa, Dorothy England, Brian Murdoch, Florence Nixon and Anne Willis, and committee members Bill Bingham, Bettina Buckley and Val Witchell. Bettina Buckley, I might add, received an Australia Day honour for her work looking after the shop.

It is also worth noting other supported organisations that benefit children in Victoria. They include Arthritis Victoria, the Asthma Foundation of Victoria, the Australian Kidney Foundation, the Australian Leukodystrophy Support Group, Bethlehem Health Care Melbourne, the Bone Marrow Donor Institute, Breast Cancer Network Australia, the Burnet Institute, the Caulfield Cardiac Support Group, diabetes research, the Australian Huntington's Disease Association, juvenile diabetes research, the Meniere's Support Group of Australia, the Microsurgery Foundation, the Motor Neurone Association of Victoria, the Multiple Sclerosis Association of Victoria, the National Heart Foundation of Australia, the National Stroke Foundation, the Ovarian Cancer Research Foundation, Parkinson's Victoria, the Peter MacCallum Cancer Centre, the Royal Flying Doctor Service, the Scleroderma Foundation of Victoria, the Sir Edward Dunlop Medical Research Foundation, the Southern Peninsula Rescue Squad and St John Ambulance. These are just a few of the causes supported on an annual basis by the All Souls Opportunity Shop.

In conclusion the opposition supports the bill before the house. It has some concerns in relation to heritage issues and the loss of vegetation from the Royal Park site. I reiterate that the Royal Children's Hospital is an iconic institution for Victoria that has been supported by the excellent and ongoing work of the All Souls Opportunity Shop in Sandringham.

**Ms MUNT (Mordialloc)** — I do not have much of a voice today — just a squeak for the people of Mordialloc — but I will do my best. Regardless, I am very pleased to be able to express my support for the Royal Children's Hospital (Land) Bill. As previous speakers have said, our government builds and rebuilds hospitals. There is the Alfred, the Austin Hospital, the Royal Women's Hospital, the Royal Dental Hospital and many regional hospitals — too many to name. We

have a total commitment to community health, and we have a record of which we can truly be proud.

It may sound obvious, but this hospital is for our children. It is a world leader, and it is world class. If we did not spend our taxpayers money on our children and their health, I do not know in what better direction we could send those dollars. The hospital needs to be rebuilt. The needs of today's families and medical practitioners are different from those of 50 years ago. The orientation of the new building, surrounded on three sides by parkland, will provide a lovely place for our children to rest and to heal. There will be no net loss of parkland; there will just be a rebuild and a reorientation.

I have listened to a lot of members speeches from both sides of the house this afternoon, both from here and from my office, and I have heard many MPs tell stories about how they and their families have been deeply touched by the treatment their children or children in their families have received from the staff of the Royal Children's Hospital. It has a very dedicated staff who do a wonderful job.

I have been similarly touched. I have sat in the emergency department with my own very sick children. It is comforting to go to the Royal Children's Hospital knowing that the very best help in the world is available right there for your children when they are sick. I have sat there with other children from my family as well. I have a grand-nephew who is currently being treated in the Royal Children's Hospital. He is now seven years old, and he has been treated there basically from birth. He is a very sick little boy. I often talk with his father, my nephew, about his treatment at the children's hospital. The staff are magnificent and do a wonderful job. With this new facility, I know they will continue to do a wonderful job with my grand-nephew's health.

When my grand-nephew first started being treated at the Royal Children's Hospital one of the concerns of his parents was their need to stay close to their son. Facilities have been put in place recently so they can be close to him. I am sure the new hospital will have great facilities for parents to stay close to their children, great facilities for patients themselves and great facilities for our world-class doctors, nurses and other staff to work in.

I am excited to be part of a government that is doing this work, and I am excited to see this hospital taking shape. I really cannot wait to see it grow and start to provide the wonderful care I know it will be able to provide to our children. As I said before, we build and rebuild our hospitals for the people of my electorate and

the people of Victoria. I would like to quickly congratulate the former Minister for Health, who is in the chamber this afternoon, for all her wonderful work and the bravery she showed in putting this project in place and getting it up and going. I support this bill and commend it to the house.

**Mr LANGDON** (Ivanhoe) — I would like to spend some considerable time speaking on this bill; however, I am aware of the requirements of the house and the need to do the opposition a favour and fit members in, so I will speak only briefly. The Royal Children's Hospital (Land) Bill is a vital bill.

*Honourable members interjecting.*

**Mr LANGDON** — I could speak for some time! I come to this with some authority as a result of the Austin Hospital development — and what a great hospital that is. While I am here, I would like to commend the former Minister for Health, now the Minister for Education, for all her great work on the Austin and for starting the process for the Royal Children's Hospital development.

**Ms Beattie** interjected.

**Mr LANGDON** — Yes, I want more money for schools!

Obviously when you build a new hospital there are things you have to go through. You cannot pull down a hospital and start again on the same spot within 24 hours. We would all love it if we could, but literally we cannot. Clearly building a new hospital takes some considerable time. The Austin took quite a few years. We were lucky enough to have — —

**Ms Beattie** — It's still going.

**Mr LANGDON** — Yes, it is still going. We were lucky enough to have some spare land, because we had to knock down some buildings to rebuild the Austin Hospital. The same thing cannot quite occur with the Royal Children's Hospital. There is no spare land, so they need to take the parkland. I know it is a sensitive subject to many, but as I said you cannot pull down a hospital and build it again within 24 hours. I commend the bill to the house and wish it a speedy passage.

**Mr LIM** (Clayton) — I know I have only 2 minutes, so I will rush and tailor my speech as a result. It goes without saying that the Royal Children's Hospital is the best public hospital in this state, if not in Australia and probably in the world. The government has now set its mind to rebuilding it and turning it from a hospital that treats 280 000 children annually to one that treats

350 000 children annually and raising the number of beds from 250 to 340, which is pretty significant. The modern, cutting-edge technology that will be attached to it will tell the whole world what this government is all about — building and improving hospitals and caring for our children.

It is an understatement to say that everybody loves the Royal Children's Hospital. I have had occasion to take part in a lot of fundraising for the hospital through the Chinese community. In addition to the annual Good Friday appeal, which is famous worldwide now, many people in Chinese community organisations have raised a lot of money throughout the years to support the hospital.

When we talk about the Royal Children's Hospital we can have nothing but respect and admiration for the dedicated, highly qualified staff who work there. My family has been touched by their care. My two boys attended the hospital in their early years — and they are now in their 20s. I think the hospital has touched everyone in Victoria in some way. Now that the government is taking steps to rebuild it — and rebuild it in such a way as to make it outstanding and the best children's hospital in the country — we should be very happy about it. I commend the bill to the house.

**Debated adjourned on motion of Mr KOTSIRAS (Bulleen).**

**Debate adjourned until later this day.**

## PLANNING AND ENVIRONMENT AMENDMENT BILL

*Second reading*

**Debate resumed from 21 June; motion of Ms NEVILLE (Minister for Mental Health).**

**Government amendments circulated by Ms PIKE (Minister for Education) pursuant to standing orders.**

**Mr CLARK** (Box Hill) — The Planning and Environment Amendment Bill proposes a series of amendments to the Planning and Environment Act 1987, the Transfer of Land Act 1958 and the Subdivision Act 1988. The bill is something of a curate's egg. Some of the provisions are sensible and mechanical; others cause considerable concern to us in the opposition.

The bill comes to this house in the context of the current government's continued drive to impose

high-rise, high-density development across large parts of Melbourne's established suburbs under its Melbourne 2030 policy. In my electorate, for example, Box Hill has been designated a transit city identified for high density development. It is certainly experiencing high density but so far it has received little of the promised benefit that was supposed to accompany its designation as a transit city.

Clearly development — when well done, when sensibly planned and when appropriate — can provide considerable benefits to the community. There are a range of redevelopments around my electorate that have been well done, both under the current government and under the previous government. There are also a range of proposals that have put considerable stress on the community and have been an overdevelopment in the context in which they have been built. They have undermined the quality of life and the amenity of the suburbs concerned. This is a common experience across large parts of Melbourne as the government continues to push its policy despite strong community concerns.

Briefly the main provisions of the bill are as follows. There are provisions to clarify the role of councils as planning authorities. These are intended to simply restate the position, not to make any substantive change to it. However, nothing is done to return to councils the powers that they previously had to prepare planning scheme amendments. They are still only able to prepare planning scheme amendments if first authorised to do so by the minister. Another provision is to change the time lines for planning scheme reviews to be undertaken by local councils from every three years to every four years. That is to fit in with the extended council terms under the Local Government Act, and in principle that is a sensible change.

Clause 9 relates to the keeping of planning registers and in particular includes a change in the definition of 'prescribed forms' to allow for electronic records as well as hard copy records. Clause 10 removes the power of the Liquor Licensing Commission in relation to the review of decisions relating to liquor stores and retail outlets on the basis that this is considered a redundant power.

There are a series of amendments made that give greater power to the Victorian Civil and Administrative Tribunal (VCAT) in relation to planning permits. VCAT will be empowered to consider, cancel or amend a planning permit that it has previously issued. I will return to and make further comments on that provision. Clause 15 of the bill extends the powers for the recovery of the costs of panels, and it provides that:

The relevant planning authority must pay for, or reimburse, any reasonable costs or expenses incurred for or by a panel in carrying out its functions under this Part unless the Minister otherwise directs.

In many cases the expenses incurred by the planning authority in making this reimbursement can and will in turn be recovered from the party that has requested the planning scheme amendment. The amendments to the Transfer of Land Act provide for the registrar to issue forms electronically or to license other people to issue forms electronically.

In relation to the Subdivision Act, there are rights to appeal against valuations made by local government in relation to the cash value of developer contributions equivalent to valuation appeal rights in other contexts. There is an amendment that makes it clear reviews of decisions can include reviews of decisions that require alterations to engineering plans as well as other plans.

The major concern to the opposition are the provisions that relate to the powers that are conferred upon VCAT. As I said previously, those powers allow the tribunal to cancel or amend a permit that is issued at the direction of the tribunal. What the minister had to say in his second-reading speech on that is quite instructive, because he refers to the fact that:

Existing act provisions for the tribunal to cancel or amend permits are subject to restrictions and safeguards designed to protect the interests of the owner, occupier or developer of the land affected. These are inappropriate if the person requesting the amendment or cancellation is the permit-holder.

What this statement seems to overlook is that there are parties that have an interest in a planning permit other than the permit-holder, other than the owner or developer of the land; in other words, there are the neighbours and other members of the community who may well have had a say on the initial decision by Victorian Civil and Administrative Tribunal to issue the permit and may equally want to have a say on any proposal to amend the permit. Unless there are protections built into VCAT processes on this account, you may well find that once a permit has been issued by VCAT, subsequent decisions in relation to that permit are totally out of the hands of the local community.

There may well be an opportunity provided for a developer to have multiple bites at the cherry, as it were, having got a permit initially to come back seeking a series of amendments that give additional rights, concessions or opportunities to the developer. Those decisions are made at VCAT rather than through normal community processes. So at the very least, if this power is to be given to VCAT, there need to be constraints on the way in which that power is exercised

and there need to be safeguards to make sure that the local community can have a say.

It is ironic that at the same time as this bill is going through the house there is a report in the *Herald Sun* of 20 August headed 'Councils keep powers' which refers to the Minister for Planning in the other place. The article states:

The state government will not move to rip planning powers from local councils, planning minister Justin Madden has assured a group of suburban lobbyists.

The group's spokesperson, Mary Drost, is reported as having said:

Then he clarified that, and said, 'not unless a particular council wants me to take on a decision'.

However, even then the government was back-peddalling on this apparent commitment. The article states:

... a spokesman for Mr Madden said the minister had only confirmed government policy at the meeting.

The minister reiterated the government's position, that we will consult with councils on any issue regarding planning powers should such an issue arise.

So we have had the government on the one hand deciding to send out the message that it is not going to strip local councils of their planning powers, and on the other hand back-peddalling even on that statement while giving these quite extensive powers to VCAT that could end up creating a two-track system of dealing with permits — one through the local community and the other through VCAT. We would certainly like some clarification of this during the course of the debate and some indication of what safeguards will be built into the VCAT processes.

Clause 15 of the bill relates, as I said earlier, to the recovery of costs by panels and talks about reimbursement of reasonable costs and expenses. In the context of other bills I have made the point that this is a very open-ended power. It is basically cost plus. Whatever expenses are clocked up by the panel just get passed on down the line to the relevant local council, and then in many cases to the person who is seeking the planning scheme amendment. We know that across the board the government has already given itself the power to annually increase virtually every fee and charge that it imposes by whatever amount it chooses each year.

This power here is not even subject to any restraint along those lines. It is whatever the panel thinks is reasonable can be passed on in costs. We have had

extensive debate in recent times about housing affordability and, as my colleague Matthew Guy in another place has repeatedly pointed out, state government policies and state government taxes and charges are an increasing burden on housing affordability in this state. This sort of open-ended provision simply adds to that cost pass-on.

Several provisions in the bill relate to documentation in electronic form, and while the changes that are being made to facilitate electronic keeping of the registration of applications and the electronic issuing of forms in relation to the transfer of land are fine as far as they go, there is a lot more that needs to be done.

### **Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Mr CLARK** — Before the dinner break I was referring to clauses 9, 18 and 19 of the Planning and Environment Amendment Bill, which relate to the keeping of records or the provision of forms in electronic rather than paper format. I was making the point that that is fine as far as it goes, but one would have thought the state of Victoria might have been able to go quite a deal further than that over the eight years that the Bracks and Brumby governments have been in office.

In the 1990s Victoria was at the forefront of the adoption of new information technology around the world, to the point where the then Minister for Multimedia, Alan Stockdale, was one of only two politicians around the world alongside the then Vice-President of the United States of America, Al Gore, to be invited by Microsoft CEO (chief executive officer), Bill Gates, to an international conference on the use of IT in the public sector. You would certainly not find the Victorian minister for multimedia or information and technology being invited to such a conference today. Indeed the Bracks and Brumby governments have done their best to abolish the role altogether, merging the office of the chief information officer into the Department of Treasury and Finance and turning it into more of a procurement role than an information-management role.

In relation to this bill you would have thought we would have gone a lot further down the track in terms of electronic lodgement, the processing of planning permits and the registration and lodgement of land transfers and related processes online. After all, if you can have computer registries transferring large numbers and very high values of shares electronically, you would think the titles office would have gone a lot further down the path of becoming an electronic-based system than it has. Simply allowing for the relevant

forms to be provided electronically is not a particularly big step. There is a further concern about this provision, which, as with the earlier provisions I referred to, relates to charging. It is curious that clause 19 says that the registrar of titles may supply forms 'free of charge or at a moderate charge' or may make a form available 'electronically free of charge or at a moderate charge'.

Then curiously, in the provision that authorises the registrar to license another person to print and sell forms, or to make them available electronically, the reference to 'moderate' in relation to charging has disappeared and it simply says 'electronically free of charge or at a charge'. As I said in relation to the earlier provisions, it is bad enough that the Bracks and Brumby governments have given themselves the power to increase a wide range of fees and charges across the board each year by any amount they choose, but now they are starting to go even outside that limited constraint and give particular entities within government the power to set whatever charges they like.

We saw it earlier in clause 15 in relation to costs and expenses of planning panels; now we see it with the registrar being empowered to charge what the bill simply refers to as a 'moderate' charge but with no limit whatsoever on the charge that a person licensed by the registrar may make for the making of a form available electronically. I am glad to see that the minister is in the house and listening closely to the points I am making; I look forward to his response in closing the debate as to how he justifies these open-ended charging powers that are contained in clause 19 of the bill.

The final issue I refer to is one that has been raised by the Law Institute of Victoria. It relates to the provisions I referred to earlier, empowering VCAT to consider, cancel and amend planning permits it has previously issued. As is often the case, I would like to commend the law institute for its attention to these issues and the detailed and considered advice it is again giving to government and to the opposition, and I believe to The Nationals and other members. It is a welcome return to the fine record that the law institute used to have in past days of providing detailed and professional expert advice on legislation that is to come before the house.

In relation to this bill, the institute raises a concern about the absence of a definition of the term 'permit' in proposed sections 87 and 87A to be inserted by the bill. I quote directly from a letter dated 11 July from the president of the law institute, Geoff Provis, to the Minister for Planning in the other place, and copied to

the shadow Minister for Planning, Matthew Guy, in the other place. The letter says:

The LIV considers that the absence of a definition of the term 'permit' in sections 87 and 87A as proposed by the bill gives rise to an inconsistency in respect of the range of documents which the tribunal and a council are able to amend. This is particularly problematic noting that pursuant to subsection 72(2), the council is expressly excluded from amending a permit issued at the direction of the tribunal. Therefore, a permit issued by the tribunal can only be amended by the tribunal. That being the case, the LIV is of the view that the scope of documents which the tribunal is able to amend should at least mirror that which the council is able to amend.

Elsewhere in the letter the institute points out that for other provisions of the act there is a definition of the word 'permit' that provides that the term 'permit' includes any plans, drawings or other documents approved under a permit. The risk that is created, in essence, is that a council has authority to amend a permit, including plans, drawings or other documents approved under a permit, but it appears that VCAT has the power to amend only a permit, in the strict sense of the word, that is issued and has no power to amend any of those other documents.

This inconsistency has been raised and a question mark has been drawn about who, if anybody, has the authority to approve amendments to plans, drawings or other documents approved under a permit that has been approved by VCAT. That is a pretty important question to raise. There may well be an answer to the concern that the law institute has raised, in which case I would welcome the government putting that explanation on the record so that the Parliament and the community is aware of what that response is. Conversely, if the institute has highlighted a problem in the bill, we look forward to the government considering that problem while the bill is between the houses and remedying it when the bill is before another place.

In conclusion, as I said at the outset, this bill makes some sensible clarifications and mechanical improvements, which the opposition welcomes. On the other hand it has a range of provisions that cause the opposition concern, particularly those amendments relating to the open-ended nature of charging and the very sweeping powers that are given to the Victorian Civil and Administrative Tribunal in relation to amendments to permits, and we look forward to the government's response to these issues during the course of the debate.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Planning and Environment Amendment Bill 2007 on behalf of The Nationals, who do not

oppose this legislation. The purpose of this legislation, as the government states, is to streamline the operation of planning schemes. I have been a councillor and a commissioner and I very much understand the need to streamline planning schemes, as well as their importance and sometimes complexity. I also understand that some of these clauses are procedural, some are mainly administrative, but some of them actually do make changes to the principal act.

There was an amendment put forward by the government just before members got up to speak. The amendment is really just a change in the definition which omits 'Sustainability and Environment' and inserts 'Planning and Community Development' in two places in the bill. The Nationals certainly do not oppose that. It was a change made following the changes to the names of the departments some weeks ago.

Clause 4 of the act inserts a new section 8A. I guess this is probably one of the major parts of the bill as far as most people are concerned, because it clarifies the general responsibility of a municipal council as a planning authority for any planning scheme in force in its municipal district as well as for planning schemes for which it is preparing amendments. As I said earlier, I was a councillor, a shire president and a commissioner, and it was always our understanding that councils were the planning authorities for their municipalities.

When I looked at the act I saw that in fact it says under section 8 that the minister is the planning authority for any planning and environment issue, and in section 9 it says that the minister may authorise any other minister or public authority — and I guess that means a local council — to prepare an amendment to a planning scheme, with the minister imposing a number of conditions. This bill inserts a new section 8A after section 8, which, in addition to stating that the minister is the planning authority, also sets out that municipal councils are planning authorities. As I said, it was always understood that councils were the planning authorities, but I guess this is now putting that into law. It also reinforces the fact that the minister must authorise a council to make any amendments to its planning schemes.

Clauses 7 and 8 change the planning scheme review cycle from three years to four years. This is in line with the four-year review in the Local Government Act. Section 125(2)(b) of the Local Government Act states that a council plan must include strategies for achieving the objectives for at least the next four years. This bill is a tidying up of the Planning and Environment Act to bring it up to date with the Local Government Act.

Clause 9 provides for the register of applications — what we call the planning register — to be kept electronically. The current requirement is that the information is kept in a prescribed form, and that is usually assumed to be a book. I think that most people nowadays prefer to do business online, so allowing people to register online will take us into modern technology. The time frame for the implementation of this clause is different to the others in that it will commence by 1 September 2008. The reason for that lateness is to enable consequential amendments to be developed concerning the form of the planning register and any information that is put on to that register. I guess that takes into account the privacy issues that we have to be aware of at the moment.

Clause 10 repeals the redundant power of the former Liquor Licensing Commission to apply to the tribunal for a review of decisions relating to liquor outlets. This no longer has to happen, so that clause brings the act into line with current practice.

Clauses 11 to 14 provide for a straightforward procedure to ensure that those with permits issued at the direction of the Victorian Civil and Administrative Tribunal are able to amend or cancel those permits. The bill will extend the current powers of VCAT, and it makes common sense. If a permit-holder requests a cancellation or amendment, the matter can now be heard at VCAT. There was some concern that it would bypass the scrutiny of council, but it will shorten the permit application process because it will mean that a permit will not have to go back to council for a minor amendment or minor omission or for some of the technical things that go on permits. They can be dealt with at VCAT, and I think that makes sense.

Clause 15 provides a mechanism for enabling the costs and expenses of panels to be charged to the planning authority. At the moment the planning authority, which is the council, bears the cost of the fees and allowances of panel members unless the minister directs otherwise, so the minister has that discretion; the minister can make a determination that others can pay for those fees and allowances. The department pays for the basic administration system for arranging the panels. That could come at a fairly hefty cost.

The bill will allow those costs to be charged to the planning authority if it is deemed to be suitable. There is some concern that full cost recovery could create a higher cost for planning permit fees and also some concern that it could increase the cost of developments, but I believe it will bring it into line so those who want to bring forward planning applications will be the ones who will pay the fees. The bill also provides that the

minister will continue to authorise a municipal council to prepare an amendment to a planning scheme. There was some confusion in the electorate, because some people thought that a council could authorise an amendment, but it says in new section 8A that it will still be up to the minister to authorise a municipal council to prepare an amendment to a planning scheme, so that part will not change.

Clauses 18 and 19 amend the Transfer of Land Act 1958 to authorise the electronic provision of forms for registering land transactions. We have seen a number of bills come before the house that update the registration process. The Motor Traders Act provided that the dealings book should be in book form or a prescribed form. It has now been found that many motor dealers put in their dealings electronically and do not even use the book. So we are coming up to speed with what is happening in the modern world, and this makes common sense. There are also changes to the Subdivision Act 1988, which allows consistency with the Valuation of Land Act 1960 in regard to objections and appeals for valuations of land.

I was given a briefing on this bill by the department, for which I thank Diedre Eagan, Miles Tour, John Manton and Pene Smith from the minister's planning office. I was quite pleased with their answers to my questions; most answers were given to me there and then, and if they were not, they were given to me at a later date.

I have also consulted the Municipal Association of Victoria, which is the peak body for local government. It was satisfied that the bill gives effect to initiatives that are already under way or agreed to. There were no challenges and nothing that seemed to come out of left field, so it was quite happy to support the legislation. I emailed the Victorian Local Government Association asking for its response. At the moment there has been no response, so I hope it has no problems with this legislation. I ran the bill by Mitchell Rowe HSM Valuers of Shepparton to see whether it had any issues, particularly in relation to the valuation of land and subdivision act proposals. Mr Rowe felt the bill made common sense and brought the legislation up to date with modern-day practices.

I also spoke to Asher Judah of the Master Builders Association of Victoria. He also was comfortable with the bill. He said it has a number of good policy settings which will free up the planning process. He also went on to say it would improve Victorian housing affordability. We all know that if it does improve housing affordability, it is good legislation. He also went on to say that the bill brings more planning-related red tape into the digital world, which will reduce the

time burden on builders and councils. Over time I have heard from a lot of developers and a lot of builders that red tape can add costs onto proposals and, even worse than that, can add time onto a development, which causes all sorts of problems. When developers hold up builders and electricians, those people take on other jobs and it actually takes the development even longer to complete.

The government's second-reading speech talks a lot about the *Cutting Red Tape in Planning* report. I have a copy of the report, and in fact half of the second-reading speech is taken up with some of the issues in it. One of the issues which I would like to talk about briefly and which is of real concern to country councils is the training of councillors in the operation of the Planning and Environment Act. Under action 5, 'Promote efficient decision making', the report states:

As policy makers, councillors may sometimes need to be involved in planning permit decisions if an application raises an issue of policy or has significant new policy implications. A number of submissions expressed concern that some councillors may not have the knowledge or skills to make decisions in accordance with the relevant planning scheme.

This is something that was put forward in The Nationals planning policy. I think all councillors must have the opportunity to be offered training in the operation of the Planning and Environment Act. It is vital, because while the red tape report says that some councillors 'may' be involved, the reality is that all councillors are always involved. When I was a new councillor one of the biggest issues for me was dealing with planning permits and planning applications. When you are a new councillor you do not have the background to understand what has come before the council. You are very much reliant on the council officers, and you hope they are giving you the right recommendation.

From time to time councillors reject the recommendation of a planning officer. I think it is important that councillors have a very strong understanding not only of the Planning and Environment Act but also of the Local Government Act, because both those documents are almost local councillors bibles, if you like. I think it is really important that councillors understand what they are agreeing to or not agreeing to, whether it is a new application or an amendment to the planning scheme. It is very important that we look at that.

I will just give one example: a number of councillors are looking at applications for brothels in their municipalities. I know the member for Rodney has been dealing with an application in his electorate, and

council officers have been talking to councillors about how their councils can deal with the issue of brothels. In Shepparton there was an application for a brothel. The council officers said there was nothing they could do because they were bound by the Planning and Environment Act. They were told that moral issues were not something on which you can reject a brothel application.

When I spoke to the planning department I was told that under section 60 of the Planning and Environment Act a council could certainly reject an application on the grounds of social implication. I think some councillors listen very much to what officers tell them, and maybe the officers felt they could not use section 60. When I raised this in the house with the Minister for Planning, he told me that a council could certainly use section 60 to refuse a planning permit, or it could have as part of its local planning scheme a clause that would allow it to reject an application. I think councils and councillors have to understand what their planning schemes allow them to do or not to do.

As I said earlier I think councillors rely heavily on the planners. Sometimes that advice may be, to all intents and purposes, what they believe to be the case, but if they had asked for some guidance, they may have found that they could have rejected the brothel application under section 60, as the Shire of Campaspe has done under its planning scheme. I think that was a good outcome from the cutting red tape policy. I hope the government takes that on board and offers training for councils in the operation of the Planning and Environment Act.

One of the other issues in the *Cutting Red Tape in Planning* report is that a number of submissions indicated that the availability of practice information for planners could be improved. I asked the Minister for Planning when we were talking about section 60 if he could produce a practice note so that councils knew how to administer section 60 of the act — in particular, what was allowed and what was not allowed. I asked him to give that practice note to council officers and to allow that to go to the Victorian Civil and Administrative Tribunal so that VCAT would in its determinations understand what section 60 actually allowed councillors to do. I think that that needs to be looked at as well.

The United Kingdom has an online planning portal that condenses all information about the planning system: planning schemes, a national planning register, specific guidelines, and — just as interestingly — job vacancies. In country areas some planning matters are taking much too long to deal with because there are not

enough planners — particularly strategic and social planners — and building inspectors. It is very difficult in isolated country areas to get a professional person when that person's partner is also a professional person and cannot be provided with a job when they move into a small town. I urge the government to look also at action 11 in the report, which recommends:

Establish a structured graduate training program within the planning industry.

As part of that planning program we should include a rural and regional planning course, because obviously planning in rural and regional areas is very different from things that are happening in the metropolitan area.

The second-reading speech states that:

The government has introduced a faster process for planning scheme amendments that removes unnecessary controls and has imposed tough performance targets on the Department of Sustainability and Environment for processing planning scheme amendments. These are 15 days for authorisation and 30 days for approval of planning scheme amendments. At the same time the authority of DSE regional directors has been increased to assist them in achieving these targets.

That is one of the issues that comes to my office time and time again. Developers say they are waiting many months for an application to be finally approved. It is approved by the council, then goes to the regional office to be processed and then to the minister's desk. What I am hearing is that an application stays on the department's desk for too long. Whether that is a case of too many planning applications, not enough staff or perhaps needing more relevant information, we need to make sure that our developers are not disadvantaged because of the delays in processing planning applications, which could take many months. In one case the process took almost 12 months.

A former Minister for Planning, the Attorney-General, said that there would be an audit of the planning blueprint which is Melbourne 2030 and that it was not going to be a fundamental re-examination of its policies, principles and directions. I remember that in 2002 in this place a promise was made to conduct a review of Melbourne 2030 after five years. There has been a lot of angst about Melbourne 2030. It is now five years since that promise was made. The government was supposed to look at Melbourne 2030 and decide whether there were any problems with it, to see if it could be improved or if other things could be added to it or removed from it.

By making it an audit, the government has certainly downsized the implications of what it is doing. My understanding is that the government will be seeking submissions on Melbourne 2030 rather than having

discussions with councils and so forth. It is really sad that now Melbourne 2030 will not be properly reviewed to decide whether after five years of operation it does or has done the job it was said it would do. I call on the government to extend the audit and ensure that all stakeholders have an opportunity to have some input into it.

There needs to be a review also of the rural zones. The government issued a dictate that there would be an automatic transfer from rural zone to farm zone. Many councils have done that but they have done it without wanting to. Some councils have not yet automatically transferred. Councils should have been able to undertake a land audit to decide what sort of land they wanted in their rural zones. A number of rural zones certainly did not need to go straight into a farm zone. They should perhaps have been regarded as a rural activity, rural residential or even a conservation zone.

I urge the government to look at those councils that are now considering undertaking a land audit. In their submission to the government about the rural zone review, The Nationals called on the government to allow councils to undertake and pay for a land audit. That certainly was not done, so I urge the government to look at those councils that want to be able to rezone their municipalities. As I said, The Nationals do not oppose this bill. We hope it will streamline planning processes, particularly in country Victoria.

**Debate adjourned on motion of Ms BEATTIE (Yuroke).**

**Debate adjourned until later this day.**

## ROYAL CHILDREN'S HOSPITAL (LAND) BILL

*Second reading*

**Debate resumed from earlier this day; motion of Mr THWAITES (then Minister for Water, Environment and Climate Change)**

**Mr BATCHELOR** (Minister for Community Development) — I would like to conclude this debate and thank those members who have spoken for their general support of the bill. I would like to thank the member for Box Hill, the member for Shepparton, the member for South Barwon, the member for Caulfield, the member for Yuroke, the member for Mildura, the member for Mornington, the member for Pascoe Vale, the member for Bayswater, the member for Oakleigh, the member for Hastings, the member for Bundoora, the member for Scoresby, the member for Yan Yean,

the member for Sandringham, the member for Mordialloc, the member for Ivanhoe and the member for Clayton. The house has given the Royal Children's Hospital a lot of support, as evidenced by the number of members who have spoken during this debate and the comments made on this bill.

As many members have commented tonight, this bill will facilitate the development of a new Royal Children's Hospital whilst ensuring that there is no net loss of the Royal Park parkland. The Royal Children's Hospital is of course a much loved, admired, desired and welcomed institution on the outskirts of the central business district. This explains the very widespread support for this bill in the chamber —

**Mrs Shardey** interjected.

**Mr BATCHELOR** — In the upper house. The interjection was, 'Where is the Minister for Planning? This is a planning bill'. The Minister for Planning is in the upper house. The member for Caulfield should know that.

However, for the benefit of the member for Caulfield, this bill will revoke the permanent public park reservations over the new site; it will require the size of the Royal Children's Hospital to be of approximately the same size or smaller than the existing hospital; it will require the return of surplus areas of the construction site and the majority of the old Royal Children's Hospital site to Royal Park once the construction and demolition activities are complete; and it will enable the committee of management of the new Royal Children's Hospital site to enter into a long-term lease or licence of the new hospital with the private sector consortium which will be selected to deliver the project.

Limiting the size of the new hospital buildings and requiring surplus areas of the construction site to be returned to Royal Park will address the concerns of the Friends of Royal Park group including the Royal Park Protection Group and protectors of public land. Further, the Department of Human Services project budget amounts for the full reinstatement of the existing hospital site as parkland. This element of the project, the restoration of the parklands, will be undertaken by the government in consultation with Melbourne City Council and community stakeholders. Given that the construction site is adjacent to Flemington Road, it is envisaged that the construction vehicles will in fact use Flemington Road for access into the construction site.

During the course of the debate a number of issues were raised which I would like to address. A number of

speakers, particularly the member for Box Hill, the lead speaker for the Liberal Party in this debate, the member for Caulfield and the member for Mornington, raised the issue of heritage. It is worth noting that none of the buildings that are to be demolished are heritage listed. In addition I do not believe there is a heritage overlay applying to this site; but there are some items of significance within the building. Those heritage items have been catalogued and will be transferred to the new hospital to preserve their importance.

Aboriginal heritage is another issue. I can advise the house that an expert study has identified that no Aboriginal heritage issues exist in relation to the new site. A thorough historical check was carried out, and there are no registered Aboriginal sites where the new hospital is to be built.

The question of vegetation offsets was also raised, particularly in relation to the cleared trees. The government has done an enormous amount of work on this. An arborist's report has identified that for the majority of the construction site, little or no remnant vegetation exists. There is little or no significant biodiversity or habitat on the site, according to this expert arborist's report. We will not know how many trees will be cut down until the final site is selected. However, there are a number of things that we do know in relation to this. We know that none of the mature trees on Flemington Road are expected to be cut down. The trees that will be cut or the vegetation that will be impacted on will be determined by the exact layout and configuration of the actual construction site, and that will depend on the winning design.

The bidding process has not yet concluded, so the effect on vegetation will not be known until later this year. However, both the bidders have comprehensively addressed their obligations to mitigate the impact on vegetation as part of their bids, and that will form part of the evaluation process. The state, in collaboration with the successful bidder and relevant experts, will develop a plan which will clearly identify vegetation to be retained and a program for protection, relocation and replacement of any vegetation impacted on by the construction activities. The plan in effect, though, will focus on avoiding impact wherever possible. It will aim to minimise any impact, and of course any impacts will be offset in the regeneration of the hospital site after demolition. Based on the advice that I have been given, there will be no impact on the fairy circle of trees, which is on the northern side of the new site. The construction zone is not intended to extend beyond the pedestrian and bike track on the north side.

What does that mean? It means that due consideration will be given to native vegetation management through the appropriate framework and that the state will consult heavily with the Melbourne City Council and residents regarding the planting of new vegetation on the parkland. The bill does not deal with these things as such because the existing controls in other statutes govern the requirements that are placed on vegetation clearance in Victoria. But the thing that is important to remember when considering this is that most of the site is a seldom-used oval, and of course the vegetation that people are concerned about is not present on the oval because of the nature and use of that part of the proposed new site. However, the bidders have comprehensively addressed their obligations to minimise the impact on the vegetation in their bids, and, as I said, the successful bidder will be required to work very closely with the Melbourne City Council and local residents.

A number of other issues were raised. The member for Box Hill queried where the 30-year leasing power is in the bill. I think other members may have pointed it out to him, but it is clearly set out in clause 14. Clause 14 contains two references to that 30-year lease. The member for Box Hill asked who would have the responsibility as the lessor after the permanent reservation over the construction site is removed. What will happen as a result of this is that the new construction site will become unreserved Crown land and the Crown will be the lessee of that area under the Land Act. The other point to remember is that the existing hospital site will continue to be reserved Crown land with no change in the committee of management.

The member for Box Hill also asked when the private sector would get its long-term lease over the construction site. I can advise the member for Box Hill that this can happen only after the construction and demolition phase of the project and the completion of the required works. This is set out in clauses 7, 8, 9 and 10.

Much was made of whether or not the project was late. I want to set the record absolutely straight here and now. A bit of confusion has been injected into the debate by reference being made to something on a website. That website, under a page headed 'A snapshot of the new Royal Children's Hospital', above an artist's impression of the new hospital site, explains that the existing area will be subject to final architectural designs, which will be developed during 2007. Of course those new designs need to be developed before you fully understand what the footprint of the new facility will be.

We acknowledge that there is a reference elsewhere that talks about the legislation being enacted in mid 2006. A web page headed 'How much of the current site will be retained?' refers to legislation being enacted in mid-2006. That is clearly a mistake; it is a typo and it will be corrected accordingly.

If people have doubt with the conflict in the use of 2006 and 2007 in different parts, to really understand that this project is on course they should go to the Premier's media release of 1 May 2005, which says that construction will commence around the end of 2007. That is repeated in another press release from the Premier at the end of November 2005 and is repeated in the minister's press release of the same time. They all say 'towards the end of 2007' or 'in 2007'. That is clearly the intention of the government still at this stage — that construction of this project will commence at the end of 2007. The member for Box Hill can expect that to occur. If that is not to be the case, we will certainly let him know.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## PLANNING AND ENVIRONMENT AMENDMENT BILL

*Second reading*

**Debate resumed from earlier this day; motion of Ms NEVILLE (Minister for Mental Health).**

**Ms BEATTIE (Yuroke)** — It gives me great pleasure to rise to support the Planning and Environment Amendment Bill and to also support the circulated amendments. Members will recall that back in 2006 the then Parliamentary Secretary for the Environment in the other place, Elaine Carbines, conducted a very wide-ranging consultation and review aimed at improving the operation of the planning system. Ms Carbines produced an excellent report. I am not the only one saying that it was an excellent report; the whole of the planning industry agrees it was excellent.

It was entitled *Cutting Red Tape in Planning*, and it made recommendations for a very wide-ranging program to improve the operation of the Victorian

planning system. Many of the recommendations in the report were just machinery, procedural-type things but others required legislative change. That is why we find ourselves debating this bill. Good progress has been made in implementing the changes, and I understand that 15 milestones have been reached. As I said, that leads us to where we are today.

This bill will change and improve the operation of the Planning and Environment Act, the Transfer of Land Act and the Subdivision Act. It will also clarify the role of municipal councils as planning authorities so that they are able to review their planning schemes and initiate scheme amendments. It will align planning scheme review requirements with the council plan cycle under the Local Government Act 1989.

As members know, there will be municipal elections in 2008, and the requirements will be included in that cycle. This bill will require the register of planning scheme applications to include prescribed information, rather than their being in a prescribed form. It will also improve the rights of land owners, occupiers and developers to seek cancellation or amendment through the tribunal of planning permits issued at the direction of the Victorian Civil and Administrative Tribunal.

The bill will provide a legislative basis for recovering miscellaneous costs associated with planning panel hearings, consistent with that for advisory committees under the Planning and Environment Act and inquiries under the Environmental Effects Act. That is one of the things raised by the opposition, but I do not think there is any fear of there being outrageous costs; the costs should be reasonable. It will update the regulation-making powers under the Planning and Environment Act, and it authorises the electronic provision of forms required by the Transfer of Land Act 1958 when registering a land transaction. I want to talk a bit about that, because it seems that the land titles office is one of those bodies that really has not moved with the times, and I am very pleased that the electronic provision of forms will be required. That should certainly speed things up.

I remember when I bought a property several years ago its title was on one of those old law titles. The original title to that property was actually in sheepskin so that in the event of a fire, it would only draw down rather than be destroyed. It was amazing to see it. It was not a sheep in wolf's clothing, either! The bill also makes minor changes to the Subdivision Act.

As I said, the bill is mechanical in its nature. I will refer to a few points that have been raised. The member for Box Hill raised the issue of Melbourne 2030 and

pointed to some difficulties with it. I invite him, and any other members, to my electorate of Yuroke, which has an urban growth boundary around it. It is one of the areas where you can really see Melbourne 2030 and the containment of growth working extremely well. In the old days under the Kennett government, when Rob Maclellan was minister for planning, developers just had to knock on the door to get whatever they wanted. That has been curtailed now.

Because of the containment of growth — the member for Seymour knows this, because he is in the electorate right next door to mine — we see the Craigieburn rail extension going ahead with three new stations now that Coolaroo is being done, the Craigieburn health clinic being built, and improvements being made to Mickleham Road. All that infrastructure is catching up with the growth, because that growth has been contained. Gone are the old days when developers would knock on their mates' doors to get whatever they wanted. We are thinking about the whole of the state of Victoria, and not just whoever knocks at the door.

Melbourne 2030 has been very well accepted by the development industry, and developers are full of praise for the current Minister for Planning in the other place and his vision for the whole state. The development industry is also in favour of the adjustments that have been made, as is referred to in the amendments. The newly created Department of Planning and Community Development is referred to instead of the old reference to the Department of Sustainability and Environment, so that the whole of planning can be looked at at once, rather than having the Department for Victorian Communities sitting on one side with planning coming under the Department of Sustainability and Environment. I refer to the first of the minor amendments:

1. Clause 3, line 8, omit "Sustainability and Environment" and insert "Planning and Community Development".

And again, in amendment 2:

2. Clause 3, lines 11 and 12, omit "Sustainability and Environment" and insert "Planning and Community Development".

All in all, this is a very straightforward bill that comes forward from the work of a previous Parliamentary Secretary for Environment, Elaine Carbines. I commend her work on *Cutting Red Tape in Planning*, and I commend this bill and the amendments to the house.

**Mr MORRIS** (Mornington) — It is a pleasure to make a contribution to the debate on the Planning and

Environment Amendment Bill 2007. The bill seeks to amend the Planning and Environment Act, the Transfer of Land Act and the Subdivision Act. The amendments to the Planning and Environment Act 1987 give additional powers to the Victorian Civil and Administrative Tribunal (VCAT) and make other amendments to allegedly improve the operation of the act. Other amendments update the Transfer of Land Act 1958 to bring it into the 21st century in terms of electronic forms. I understand there are minor amendments to the Subdivision Act as well.

In a similar vein the second-reading speech refers to the report from Ms Carbines in the last Parliament, *Cutting Red Tape in Planning*, which made recommendations for a program to improve the operation of the planning system. The second-reading speech indicates that some of those changes required legislative change. It goes on to say that the government has introduced a faster process for planning and has imposed some tough performance targets. The second-reading speech in fact devotes some two and a half pages out of a total of five and a quarter pages to the big picture. The remaining half a page of page 3, which brings us up to three pages in total, talks about the machinery provisions, and a provision to update the act to reflect current practice and to clarify that councils are in fact the planning authorities, although I had been under the impression that councils had been planning authorities since the commencement of the act in 1988.

I guess the structure of the second-reading speech reflects the thinness of this bill. I am relatively new to this Parliament, but I did enter public life some 20 years ago as a councillor. I was a councillor of the Shire of Mornington when the Planning and Environment Act became operational in early 1988, replacing the then Town and Country Planning Act. I well remember the passage of the bill through this Parliament in 1987, and I certainly remember the 300-plus amendments that the Honourable Alan Hunt had to introduce in the Legislative Council to make the Cain government's bill workable in any form at all — over 300 amendments to make the legislation workable.

I raise this because we are talking about cutting red tape. We thought we had red tape then, but that was a very different environment. When you look back at those days, the planning schemes were mostly closed-column arrangements. It was pretty much black and white; you could either do it or you could not do it. Certainly in the case of Mornington shire the fifth column outlawed any other use, so it was either permitted or it was not permitted; there was absolutely no lack of certainty. We now have a very different situation. We have layer upon layer of complexity.

Some of the changes have been for the better, and I have to say that the introduction of what are effectively performance-based applications and the end of prescriptive controls created a great opportunity for innovative design. Unfortunately we have really had very little innovative design come out, as I say, because of the complexity of the process that has evolved.

The real outcomes have been very different from the outcomes that were intended. Instead of a simple and transparent process — and I acknowledge this has occurred under successive governments — we have had the introduction of the Victorian planning provisions; we have seen the introduction of time-consuming and ineffective vegetation controls; we have seen overlays for all sorts of things introduced; we have seen the introduction of incorporated documents so that what is in the folder does not necessarily constitute all of the planning scheme; we have seen councils devoting thousands of hours to the development of local policies that are effectively ignored because they are overruled by state policy; and in some cases now rather than going to one zoning map you might need to go to the zoning map and perhaps seven overlay maps to find the controls that affect a particular property.

The process is not only more complex but also means immeasurably more buildings and more projects are caught in the net. A simple change in my own municipality to lower the height limit on a two-storey building with a trigger that requires a permit from 8 metres to 6 metres effectively means that everyone who wants to build a two-storey house in the municipality has to apply for a planning permit. The reality has been that every time we talk about reducing red tape and every time we talk about increased simplicity we add another layer of complexity.

The other very obvious contrast with the Planning and Environment Act when it was first operational is the approach to appeals. Twenty years ago appeals to the then Administrative Appeals Tribunal, as the relevant body, were very rare and would have been matters of extreme concern to councils. These days a visit to VCAT has become commonplace; it has become standard fare. Whether you are an applicant or an objector, if you do not like what you have got, off you trot to VCAT. In the past, 60 days was plenty of time to consider an application; if you could not do it in 60 days, then serious questions were asked.

Now, quite frankly, no-one cares. If you look at *Cutting Red Tape in Planning*, you see that the average process time in 2005–06 was 100 days and that 48 per cent of applications had to be notified. One good statistic out of

all this is that 96 per cent of applications were dealt with under delegation. However, an incredible statistic, I think, is that 7 per cent of the applications — and we are talking about 53 000-odd applications — were sent off to VCAT.

I turn to the bill. Clauses 4 to 6 simply restate and attempt to clarify a council's role. They make it clear that councils are the planning authorities for their areas. The government could have taken the opportunity with the bill to strengthen councils' powers, but it has not. Clauses 7 and 8 simply restate and clarify the language of the principal act. The proposed changes are largely unnecessary if councils are doing their jobs in the first place. Clauses 9 to 10 are machinery matters. Clauses 11 to 14 hand more power to VCAT. Unlike probably 99 per cent of people in the community, I have great confidence in VCAT. I think its members are impartial and do a great job, but they get far too much work. Unfortunately this bill proposes to hand even more power to VCAT.

I will not keep going through the detail of the bill because, quite frankly, it is a lost opportunity. The changes it makes will have very little impact or effect; they are basically window-dressing. All the participants in planning contests agree that they are tired of the cost of the delays and the uncertainty, and they are tired of the fighting — whether for or against an application. And as I say, the residents are sick to death of having to fight the same battles over and over again. The sooner the government stops fiddling around the edges, grasps the nettle and commits itself to creating a sensible and transparent framework for assessing development applications, the sooner we will have a system that works. The bill before us, as I said, is nothing more than window-dressing. It will have no impact on the process one way or the other.

**Mr HOWARD** (Ballarat East) — I am very pleased to be able to speak positively about the Planning and Environment Amendment Bill that is before the house. As we have already heard, this bill follows very wide-ranging consultation undertaken by this government and by the former Parliamentary Secretary for Environment, Elaine Carbines, who was a member of the other place. Clearly that was a broad consultative process in which she went about talking with local government and other bodies associated with planning to ensure that we could cut red tape and have planning matters moving through more smoothly so that those involved with planning could have a clearer understanding of the relevant objectives and we could make sure the right decisions were made more quickly.

When you look at the very detailed report prepared by the former parliamentary secretary, you can see that it covers a very broad range of areas regarding ways that we can speed up planning processes and move them through more efficiently. Most of those do not require legislation. Most of them can be processed through general procedures and many of them are already under way through good consultation with local government. For example, we have already seen that many items for which people previously required planning processes — normally smaller items associated with domestic properties — no longer require planning applications. Something like 4000 issues a year or more will be dealt with outside of the planning process. This will save council staff a lot of extra planning work as those minor items that generally have gone through as a matter of process do not require planning consent at all. That is one issue and we know that working on and trialling a number of other processes with councils is also bringing about a number of very positive changes.

This bill, as we have heard, generally carries through a number of machinery items in recognising ways councils can work effectively through issues and clarifying their roles. It also recognises issues that have not been recognised before such as the ability to use electronic forms and the internet to gain access to information and some of the required forms, therefore speeding up the process. The previous legislation did not recognise this new technology and of course this legislation takes that up.

In looking at the details of the legislation we see that it clarifies the general role of municipal councils as planning authorities to review the planning schemes and initiate scheme amendments. It looks at aligning required planning scheme review requirements with the council plan cycle, which is the four-year cycle under the Local Government Act 1989. It requires the register of planning applications to include prescribed information rather than a prescribed form, thereby clarifying and simplifying some of the information that needs to be provided by people who are seeking a planning application. It also increase the rights of landowners, occupiers and developers to seek the cancellation or amendment of issues that have been dealt with by VCAT (Victorian Civil and Administrative Tribunal), which was not previously able to be done. It also enables the use of electronic information and so on.

There are a number of very sensible changes proposed in this bill. We all know the value of improving our planning scheme systems. I expect all members would have people regularly coming to their electorate offices with their planning concerns, either because the council

is taking too long to progress matters or is not seeing those planning matters in the way the constituents would have liked them to be seen. Those of us who have previously been members of local councils know that planning matters take up a lot of council time.

We also know additional problems have become more serious in recent times. I know in my electorate the various planning departments of each of the five local governments have great difficulty in gaining a full complement of staff and maintaining a consistent staff. On those few occasions when some of my councils have been able to fill all the vacancies in their planning areas, they have found soon after that one or other of the staff have left because they have been poached by a larger municipality or something else has happened. They have found it difficult to maintain a full complement of planning staff, thereby creating more problems. There are a number of issues that we need to support in regard to the training of more staff capable of reviewing planning matters for councils.

It was interesting to hear the member of Mornington, who spoke before me, say that in his days on council all the planning matters they dealt with went through so smoothly. I cannot understand how Mornington council could be so different from the City of Ballarat when I was a councillor or any of the other councils I have been associated with.

**Dr Napthine** interjected.

**Mr HOWARD** — I hear the member for South-West Coast interjecting. I wonder whether any of the councils in his area are currently able to deal with, or historically have been able to deal with, planning matters in a black-and-white fashion. What used to happen is that officers would regularly report back to councils, having understood the planning schemes, and councillors would regularly go to water because they were being lobbied by one group or another and would reverse the recommendations made by planning officers. We often have a great mess when planning decisions are then taken off to the Victorian Civil and Administrative Tribunal and reversed because councillors quite regularly refuse to accept the planning guidelines set down. They go soft or take the safe road because they know it will all be sorted out at VCAT.

*Honourable members interjecting.*

**Mr HOWARD** — Members of the opposition are interjecting quite vociferously. Perhaps this reflects on some of the councils they are associated with — I must be touching a raw nerve here. However, it has been my

understanding in recent years that, where they are professional councils understand — —

**Dr Sykes** interjected.

**Mr HOWARD** — I am yet to experience a Labor council. I would love to see a Labor council, but I am yet to see one in my electorate. They have had some Labor councillors through history, and some of them have gone on to be members of this state Parliament, but unfortunately they have never been in a majority. It seems to have been the conservatives who have been in the majority in my councils. I have seen, as all of us honestly have, some pretty shoddy decisions.

What we needed, and it is happening more and more, is to have councillors who are concerned about heritage issues and environmental issues being required to do some research associated with that and to put in proper overlays so that ahead of time they can give clear guidelines to people who are seeking planning permits. These overlays need to say, 'This is an historic area, these are the sorts of things you can do in that zone'. If councils have those clear planning guidelines in place, VCAT will support them. However, if they simply go all over the place, take the soft political route here and there, do not show a consistent approach and do not show that their decisions are backed up by clear planning guidelines, they generally fail when they get to VCAT.

We have seen many improvements in our councils across Victoria as they do the work, as they can, to put in place the appropriate overlays and the research to show that they are working consistently. I believe the work of this government has greatly assisted in ensuring that we are working through the significant challenges that continue to come before us in regard to planning matters. We are working to ensure that these matters can be progressed as quickly and effectively as possible, but we know the bottom line is that there are so many issues that keep changing in regard to planning. Issues that we may not have predicted a few years ago have become key issues that we must now address. New projects such as wind farms are coming before us and they require significant planning. I am pleased to support this bill.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to speak on the Planning and Environment Amendment Bill 2007. One just had to listen to the contribution from the member for Ballarat East to see how those opposite are simply apologists for the failed planning system this government has been responsible for. It has failed this community. This system has been in place for eight years and nobody in

Melbourne supports it. To have the member for Ballarat East stand up in this chamber and say that councillors have the audacity to knock back planning applications — —

**Mr Howard** interjected.

**Mr WAKELING** — As a former councillor, I know that councils will often knock back planning applications because councillors represent their local communities. Unlike the member for Ballarat East, I was proud to represent my community.

The Planning and Environment Bill is just another attempt by this government to try to fix the failed planning system which was put in place under the Melbourne 2030 plan. The Planning and Environment Act is to be amended to extend the powers of the much-loved VCAT (Victorian Civil and Administrative Tribunal). It will be able to cancel or amend planning permits issued at its direction. It will streamline the planning system operations through enacting further recommendations contained in the Carbines review which are aimed at removing red tape and doing away with planning delays. It will also clarify the general responsibility of a municipal council as a planning authority for any planning scheme in force in its area and will also alter the time frame when councils review their planning schemes, from three to four years.

I listened to the member for Yuroke's contribution to the debate. Whilst from time to time she makes a good contribution to debates in the house, I listened to her trying to explain the benefits of Melbourne 2030 in her own electorate. I can tell you, Acting Speaker, that as someone who has the urban growth boundary running through my electorate, Melbourne 2030 is loathed by the people in Melbourne's east.

This bill is about spin; it is not about substance. This has more to do with fixing the mess which this government has put Victoria's planning system in. This government is clearly out of touch with community expectations with respect to planning. By any measure, Melbourne 2030 is an abject failure. This government will thrust upon the Melbourne community an additional 1 million people. In the city of Knox there is an expectation that by the year 2030 my community will have to put up with an additional 15 000 houses.

I should explain to the house that in the city of Knox there is not a lot of land left on which you could put 15 000 houses, so what is going happen? They are going to subdivide every second house lot in my municipality and implement what they colloquially call 'infill development' but which the local community

knows as housing units. My community is going to be forced to accept units at the behest of this government. If members do not think that is bad enough, recently the planning minister would not rule out categorically the idea that they were going to be toying with removing planning powers from local government. They were potentially going to hand it over to some new body. This clearly demonstrates that this government is all about centralising planning powers.

The bill will strengthen VCAT's role: it will go from being an adjudicative role to being more of an interpretative role. It is all about strengthening the role of VCAT. I, as a former councillor, know only too well how VCAT is acting as the Labor government's muscle to force the failed Melbourne 2030 policy onto the Victorian community. Too see that one need only look at the numerous applications for planning developments which were rejected unanimously by councillors of every political ilk on Knox City Council, only to have those decisions overturned by VCAT. Why were they overturned? It was because the applications fell within the domain of Melbourne 2030 in meeting its planning controls and the requirements of the government's policy. But one group it did not take into consideration, which is a group I am sure the member for Ballarat East is not concerned about, was the local community.

The local community did not want the housing, and Knox City Council did not want the housing. There was only one group that did — represented by a person sitting in Melbourne, not out in the city of Knox, adjudicating in a VCAT hearing, who had never been to Knox and never been to the street, did not care about the impact on the local community and was not concerned about the people in Knox. This is more about imposing unwanted housing on a community that does not want this to occur. This is all about ensuring that VCAT acts as the political muscle for the Labor government with respect to its failed Melbourne 2030 policy.

Of all the applications that have gone through Knox, one stands out in my mind, and that involves the land that was once owned by Sir George Knox, who served as a member of this house for 33 years, including 5 years as Speaker. His property was sold to a developer who told the community he would build 88 two-storey units there. He did not care where they went, on the north of the property or on the south of the property, but he said he would build 88 two-storey units. The council did not want this development, the community did not want it and abutting residents did not want it. The only people who wanted it were the developer and VCAT. It was opposed by every member of the council, and it was opposed by the community at

public meetings. It went to VCAT, and what did VCAT do? It ticked it off, for one important reason — because it met the needs of Melbourne 2030. It did not meet the needs of the local community, it did not meet the needs of abutting residents and it did not meet the needs of the concerned councillors, but it met the needs of this government's policy.

It can be seen that this government is about imposing planning policies which are unwanted and which have failed. What the minister should be doing is recognising that 2030 has failed. What the minister should now do is walk away with his tail between his legs and acknowledge that he has messed up, acknowledge that this is a failure and come up with new planning controls, because the people in my community and the people of Melbourne will not put up with 2030. Let us just remember that Melbourne 2030 is predicated on this government providing housing around activity centres.

A central plank of activity centres is that public transport will be provided. One only needs to go out to my community to see the lack of infrastructure for public transport. This is a government that promised in 1999 that it would build a tramline to Knox and that we would have a Rowville rail feasibility study. Eight years later nothing has been done. This government is putting housing around activity centres but failing, despite its own policy document, to provide the necessary infrastructure for public transport.

*Honourable members interjecting.*

**Mr WAKELING** — Those opposite can carp and whine as much as they like, but the reality is that the government's own policy has failed to provide the necessary infrastructure around its activity centres. The community does not want this policy, the people in my municipality do not want it and the residents of Ferntree Gully do not want it. It is about time the government started listening to the concerns of the Victorian community, recognised that this policy is a failure and put in place the necessary legislative changes to ensure that we have a planning system that will take us forward and not backwards.

**Ms DUNCAN** (Macedon) — It is always a pleasure to follow the member for Ferntree Gully — indeed it is always interesting to follow any member of the opposition. Here we are again, listening to their contributions. I must say they are very good actors, because they can stand up here, as they do again and again — I have observed it for nearly eight years — and say all this guff with a straight face. We have to hold them in some admiration given that they can speak

with such forked tongues and do so with such straight faces. It is the same on almost every piece of legislation: 'Do not do what we did in government; do what we in opposition say you should'.

It is always a pleasure to follow them and their hypocrisy, for example, in criticising this government for its planning policies, when with Kennett government planning ministers it was just a case of: 'Knock on the door, walk right in and I will call in any planning scheme your friends on the council or your developer friends choose to have called in'. There was no process, no transparency and no explanation, just the signing off: 'Bring it up, guys, and I will call it in and sign it'. We had under that government a document called the *Good Design Guide*. What an abomination that was! It was absolutely open slather.

The member for Ferntree Gully, who is now leaving the chamber, had a crack at the policies implemented by this government that at least give private landowners a right to privacy and sunlight. If his residents are worried about having units next door, I wonder how they felt when they had no right to privacy and sunlight. Under the *Good Design Guide* there was no right to privacy and Premier Kennett stated that no-one should expect to have access to sunlight. Let us not forget where we have come from and where we are today as I speak in support of this bill.

It was also interesting to hear the previous government speaker talk about councils. I have worked with councils that have had members of both the Liberal and Labor parties and have been predominantly conservative, and I must agree with the member for Ballarat East. My experience has always been with councils that have been of a predominantly conservative nature, but I must say that I have found it refreshing that I have never yet seen a council go to a vote and divide along party lines on a planning scheme. Councils have been divided, but I have never seen a division that has occurred along party lines. Even with all this Labor-Liberal business and no matter whether councils are predominantly Liberal or Labor, I have never seen a division along party lines. Given the chorus of carry-on that we heard from opposition members earlier, I suspect that they have not seen it either.

Some of the comments made by the member for Ferntree Gully were just outright offensive. VCAT (Victorian Civil and Administrative Tribunal), whether you like its decisions or not, is an independent umpire. To suggest that, because VCAT sits in Melbourne and does not live in some particular backyard it therefore has no knowledge, right or understanding to enable it to

make decisions on planning is an absolute outrage. It is an outrage to VCAT and also to every tribunal and court in this state and this land. Anyone who stands here as a member of Parliament and has no respect for independent tribunals under our judicial system should hang their head in shame and walk out the door, as we have seen the member for Ferntree Gully do.

I think he described VCAT as the 'Labor Party's muscle'. Apart from that being ignorant, untrue and insulting, in the next breath he went on to talk about a unanimous decision that had been made by the Knox council. He said councillors of all political persuasions were 'unanimous' in their opposition to a particular development, yet they went off to this Labor Party muscle, VCAT, which approved it. I am not sure what sort of Labor Party muscle it is if half the people objecting to the proposal were Labor Party members. I am not sure which political party he thinks VCAT is acting for if a unanimous decision of Liberal and Labor councillors has been overturned. It was not much of a mate to the Labor Party if that is what the member for Ferntree Gully was proposing. He should be ashamed of his contribution to the debate.

We heard previously from the member for Mornington. In my office as I was preparing to speak on this bill I was trying to listen to what he was saying. If I can summarise the gist of what he was on about, he seemed to be lamenting the fact that we actually have a planning appeals process. We know that under the previous government we did not have an appeals process. The appeals process was the door to the minister's office. That was it — a one-man show. There was no accountability, no transparency, nothing, zip, zilch. He turns around and criticises this government for introducing processes to ensure that no one person dominates. It is not about whether it is my neighbour or your neighbour or my friend or your friend, we have a transparent planning process. That is what we are supporting here tonight.

I am pleased to see these legislative changes, which have come about as a result of the recommendations made in the *Cutting Red Tape in Planning* report that was the result of a review chaired by Elaine Carbines.

**Mr Wakeling** interjected.

**The ACTING SPEAKER (Ms Munt)** — Order! The member for Ferntree Gully has had his say, and now it is the member for Macedon's turn.

**Ms DUNCAN** — This review is a great document, and I recommend it to anyone who has not read it. Perhaps members of the opposition might like to read

it. The report recommends 15 actions to improve the Victorian planning system. As we have heard previously, not all these recommended actions require legislative change. Some require changes to procedures and forms as part of what is in the bill before us, including the amendment of regulations and planning schemes.

Other recommended actions may require, in some instances, pilot programs to understand exactly how these changes would work. It is not about standing up here, in the city of Melbourne, completely removed from the rest of Victoria, and making these legislative changes. What we want to do is make sure that when we make changes they work, improve the system and help remove red tape.

The document is really a work in progress, and this bill continues that work. We all know that councils and councillors do a fabulous job. They work under very difficult conditions. From a residential point of view there would not be a more emotive or difficult decision than a planning determination. It is all very well for us to sit here in our ivory towers and criticise, but it is very hard for councillors, who must live in their local communities, to make some of these very difficult and emotional decisions.

It is why it is critical that we maintain an independent tribunal. We heard the member for Ferntree Gully refer to one of the commissioners, saying, 'They do not care'. In a way we want dispassionate observers. As we see with our Magistrates Court, our County Court and our Supreme Court, they all sit in the city for the most part, other than the odd regional court, yet they still seem to have a handle on what is going on out there. The member for Ferntree Gully seems to think that if you live within the central business district you can make no comment and have no insight into or understanding of what goes on outside it.

I am so pleased and so grateful that we have people who are a little brighter and a little more objective than the member for Ferntree Gully. Thank God for that! I commend the bill to the house.

**Mrs FYFFE** (Evelyn) — It is very interesting following the member for Macedon, who has spent 8 minutes attacking the member for Ferntree Gully and the member for Mornington, and 2 minutes on the bill. Perhaps for her edification I might explain the basis of the bill. The purpose of this bill is to amend the Planning and Environment Act 1987, to extend the powers of VCAT (Victorian Civil and Administrative Tribunal), to cancel or amend planning permits issued at its direction, streamline the planning systems

operation through enacting further recommendations contained in the Carbines review, clarify the general responsibility of a municipal council as a planning authority, alter the time frame for councils to review their planning schemes from three to four years, and broaden the ability for the recovery of costs and expenses. The member's contribution only very lightly touched on the actual bill, yet normally we are told to come back to the bill.

Clauses 11 to 14 hand VCAT new powers to consider, cancel or amend planning permits. This is a step forward in expanding the power and operations of VCAT, changing its role from an interpretive one to a determining one in planning matters. My concern in relation to this amendment is that it provides VCAT with yet another increase in power.

My electorate of Evelyn lies almost entirely within the shire of Yarra Ranges. Evelyn is unique in that it encompasses the rapidly growing townships of Mooroolbark, Chirnside Park and Lilydale while also having townships such as Mount Evelyn and the well-developed town of Mooroolbark. Further into the electorate we have hobby farms surrounding small country towns; then we also have some of Victoria's most intensively farmed agricultural land, with numerous nurseries, vineyards and orchards.

It is such a diverse area that it makes sense that the democratically elected councils should have the responsibility for planning decisions. VCAT's powers should not continue to be expanded. Certain areas need protection from development; however, the current planning system is not adequate. The urban growth boundary, which creates green wedge zones by an artificial boundary, does not allow any flexibility. Planning decisions should be made by the local councils on a case-by-case basis. I am concerned that this bill is a further move to centralise planning decisions, to remove the authority from councils' hands and place it with a centralised body under a metropolitan planning system. I am opposed to a centralised model of planning approvals which will see bureaucrats determining what can or cannot be built across Victoria.

Planning in Yarra Ranges needs to carefully balance the environment with community needs. A faceless individual or panel based in Melbourne must not be able to make decisions over the rights of Yarra Ranges councillors and the local community. That is why the decision-making powers should remain with the council. It is important that councillors have a right to voice their opinion on planning matters and that the greatest influence on the process is that of the

community lobbying councillors on what is actually allowed and permitted under the planning scheme. We have very complicated planning schemes, we have a shortage of planners, and yes, often councils have difficulty coming to decisions, but their decisions are usually the right ones for their communities.

Part of this bill is an attempt to streamline the planning system by enacting recommendations from the Carbines review to remove red tape and improve planning delivery. The changes to red tape in this bill are minor and technical in nature. It is probably an oxymoron to say, 'Labor governments are reducing red tape'. The fact of the matter is that this Labor government has made Victoria the red tape capital of Australia. Victoria has 2200 acts and regulations — only 5 less than the commonwealth government. The nearest state in terms of number is New South Wales, with almost 500 fewer acts and regulations. The Australian Capital Territory, which has 495 acts and regulations, has 1705 fewer acts and regulations than Victoria, so any reduction in red tape by this bill is not going to be significant.

I am also concerned about the cost of panel hearings. Clause 15 details the broadening of the costs of panels which are recoverable. The reasonable costs and charges of panels will now be paid for by the relevant planning authority — usually local government — without the term 'reasonable' being defined.

Clause 9 of the bill allows for a change in definition of 'prescribed means' to include electronic as well as hard copy applications. Clauses 18 and 19 enable land transfer applications to be processed online. As pointed out by the member for Box Hill, one would have thought the government would have made more use of modern technology, especially in the light of it always talking about being the first for this and the first for that. The bill also makes a simple change in altering the time frame for councils to review their planning schemes, from three to four years, in order to comply with new local government terms.

I have concerns about what effect this bill will have on costs for small developers and about the flow-on to homebuyers. Already we are seeing increased stress on homebuyers caused by this government's poor land release action and the high cost of stamp duty and other state-imposed fees and charges on developers, small builders and home builder-occupiers. This government is continually increasing costs and charges, which are pricing houses out of the reach of ordinary people. Every time a bill arrives at one's home it contains an increase in charges. We are now getting a lot of increases in parks charges, water charges, planning

charges — we have increases in every charge. Every house is costing a heck of a lot more under this Labor government, and no-one seems to care that the average battler, the average family, is having great trouble in purchasing a home.

I think that the planning schemes need to be returned to the councils. I believe the Melbourne 2030 planning scheme has many faults. When I was a commissioner we had great problems trying to interpret the planning schemes, but we did it, in consultation with the local authorities. We had the Upper Yarra Valley and Dandenong Ranges Authority, which was formed by the community for the community after a long time of discussion. The four shires under that regional authority abided by the decisions of the regional authority because it was formed by the people for the people.

You could not make a planning subdivision decision without the approval of the authority. We in the Yarra Valley have protected our farmland, but we have also allowed the townships to grow as the local communities wanted them to. What we are seeing now with these changes to the Victorian Civil and Administrative Tribunal and Melbourne 2030 is that that is being taken away from the local people. It took us over five years to develop the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

The four councils worked hard together to do it, and it worked so well that it was accepted. It was seen as a genuine local umpire. The members of the panel were local people who understood what was needed in the Yarra Ranges. We have been able to retain the intensive horticulture and agriculture. We have been able to retain the townships and villages. They are all examples of how planning should be done. We are faced now with the break-up of areas that used to be beautiful residential streets. They are being encouraged under Melbourne 2030 to put in units. It is destroying the landscape; it is destroying the feeling of the area.

Under Melbourne 2030 you see in Lilydale, an old town with narrow streets and some lovely little old houses, that people are putting up more buildings, increasing the traffic volume and noise volume and destroying the lifestyle of people who have been living there for two and three generations. They chose to live there because they believed the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan would be upheld by this government and not be overridden by an arrogant planning minister. We have had a succession of them since 1999. We have had planning ministers who have failed to listen to what the community really wants. They have been listening to what they believed the community should have.

We have a nanny government which dictates what everyone should do. It wants to plan every little step of everyone's life, but it is not listening to the people. The member for Seymour is sitting there and smiling, but he should listen to some of the complaints about what is happening in Yarra Glen and Healesville.

**Ms CAMPBELL** (Pascoe Vale) — I rise to support the Planning and Environment Amendment Bill 2007. There are many points that should be taken up in relation to both the bill and also some of the scurrilous accusations presented to this house by the opposition.

The very first point I wish to make is that any suggestion whatsoever that this government has failed to listen is abhorrent and wrong. The bill we are debating tonight is a very good document that has been prepared in consultation with the community through the then Parliamentary Secretary for the Environment, Elaine Carbines. This legislation has been formulated with the great assistance of the stakeholders groups she engaged as part of her consultation on cutting red tape. It is really important that we put on the record the facts and not the fiction suggested by the member for Evelyn.

The facts are that this government has listened, and the bill before this house is the result of that community consultation. Let us look at exactly what the bill contains as opposed to what is in the ether as far as the opposition is concerned. Firstly, this bill streamlines the operation of the planning scheme; and secondly, it authorises the electronic provision of forms used to register land transactions in Victoria. It does not do anything to detract from councils and their important role in relation to the planning schemes. It does nothing to undermine councillors. In fact the bill before the house strengthens the planning scheme here in Victoria.

I want to contrast the difference between a Labor government that listens and a very vivid memory I have — in fact it is more like a horror dream — of Minister Maclellan, who was the planning minister in a previous Liberal government, and his attendance at what was to be a public consultation meeting at the Broadmeadows town hall. Naively I went to that meeting thinking, 'At last the Liberal government is going to listen on planning issues. We have actually got the planning minister'. After a few people had spoken and done nothing to upset the minister, some poor woman said to the minister, 'You have got this wrong. Communities are ridden over. There is no consultation'. Before she got a fourth sentence out he rose, turned around to his entourage — it was like he was the King — and said, 'That's it. We are leaving'. I had heard about his arrogance, but I actually saw it that day.

It was an unforgettable memory. It was more like a horror movie, as I suggested.

The legislation we have before us is a result of an incredible amount of consultation. A paper was put out to the community, and the minister has considered it and acted upon the concerns that were raised. One of the questions put by the member for Evelyn was in relation to costs, and about those costs being passed on to purchasers, perhaps first home buyers. That is a fair enough question, but the fact is that any costs that are to be borne in relation to planning have to be borne by somebody. Is she suggesting that every single taxpayer who has no beneficial interest in the sale or purchase of this land should be bearing the burden?

She is always saying, as members of the opposition are always saying, that we have to cut costs and that people should be looking after themselves. In fact this change to the legislation is about the costs of the planning scheme going to those who are affected by it. In relation to development costs generally, the amount likely to be recovered through these provisions is small, estimated to total some \$65 000 per year over all amendments in Victoria. Any additional costs for a significant amendment releasing housing land will be quite insignificant.

As I said, the costs have to be met from somewhere. There is no particular reason for them to be subsidised by taxpayers generally. Any subsidy for the development of housing land would be better applied directly to that purpose and the development of infrastructure and facilities for growth areas rather than an across-the-board subsidy for scheme amendments. This government is putting a lot of effort into ensuring that land is available for housing development, particularly in Melbourne's identified growth areas. I hope that is of some assistance to the member for Evelyn.

The other item that was raised by the member for Ferntree Gully also requires a response. He was talking about councils and their responsibilities and the importance of councils having the ability to prepare amendments to the planning scheme applying to their districts. In fact they have that now. This particular bill before the house does not take that away from them. The changes made in 2004 were made to ensure that amendments put before the public have a proper strategic planning basis. Nobody — the council, an amendment proponent, the public or the government — benefits from the preparation and exhibition of ill-conceived amendments which are unlikely to be approved. The new provisions ensure that the issues are

properly thought through rather than being rushed into a statutory amendment.

I want to tease this out a little further. The proposed amendments recognise the fact that councils have always had a special role as planning authorities for their municipal district, and this is wider than preparing and exhibiting amendments. The responsibilities set out under section 12 to implement the objectives of planning in Victoria provide sound strategic and coordinated planning of the use and development of land in a council area.

The planning authority, which is the municipal council, must prepare a strategic statement, which is part of the planning scheme for its district. A municipal council must also review its planning scheme regularly, and it regularly considers requests from other councils to amend the planning scheme. To the bleating that members heard from the member for Evelyn, who said that councils have worked through consultation in the past, I say that the provisions in this bill do nothing to detract from councils being able to continue to work together cooperatively. This is very good legislation, and I wish the bill a speedy passage.

**Mr CRISP (Mildura)** — I rise to speak on the Planning and Environment Amendment Bill 2007 and indicate that I do not oppose it. Broadly, the purpose of the bill is to assist councils with planning, which is a most difficult task. Everyone who has been a local government councillor knows the magnitude of the task.

Elements of the bill will assist councils, particularly by clarifying the general responsibilities of council as the planning authority for the district; changing from three years to four the review cycle of planning schemes to bring it into line with the Local Government Act; facilitating the current technology to keep the planning register in a prescribed form in the form of a register book, which means using computers instead of books; providing a procedure to ensure that those with permits issued at the discretion of the Victorian Civil and Administrative Tribunal are able to amend those permits, which will save time and money; and amending the Transfer of Land Act 1958 to authorise the electronic provision of forms and the registration of land transactions, which will bring the process into the 21st century and again will save time and money.

Councils are facing quite a number of challenges, and some of them are on quite difficult issues. In the country there is a shortage of planners. Having quality people to assist councils is proving to be a very difficult task. The skills, training and expertise of councillors is

also an issue. As I said earlier, planning is a very difficult task. There is no better example of that than the current transition from rural zones to farming zones. As an example of that, in Mildura we have a vet who wanted to move into a farming zone to establish a large animal practice for the town. That struck numerous problems, which have required a lot of effort by the planners to solve them. I am pleased that the matter has been resolved, but that absorbs time, money and effort.

Small horticultural farms also present a challenge in my electorate. On 29 August council is running an information forum for those in the older Mildura irrigated areas. This is a planning challenge that has to be met in rural areas. These are tough times for small horticultural farmers, and concern over future water security is certainly a challenge for any council, which must seek the best outcome from a planning-based process.

The unbundling of water has certainly caused some other problems for our councils. The separation of land and water and the resulting rating impact on irrigation councils within the Murray Valley are causing quite a deal of difficulty. This was well predicted and is a longstanding problem. In August 2005, when it was put in place, then Mayor Byrne of the Mildura Rural City Council wrote to the then minister, stating that this would be a considerable issue. Now, two years later, we do have a problem.

I refer to an article in the *Sunraysia Daily* headed 'We face rates black hole', which states that according to the acting mayor, Cr Vernon Knight, removing water from some rateable properties could cost the Mildura council \$2 million in revenue. Good planning costs money. The Murray councils are facing a cash shortage. The Murray Group of Councils has identified \$15.7 million in lost rates and has called for assistance to cover those rates. The group supports an adjustment package that is transparent, maintains integrity of rating systems and prevents severe cuts to services.

Broadly, the councils that face this difficulty are the Mildura Rural City Council, Moira Shire Council, Swan Hill Rural City Council, Gannawarra Shire Council, Loddon Shire Council, Campaspe Shire Council and Greater Shepparton City Council. All councils are a part of that \$15 million package that is needed. Against this background we are looking to have improved outcomes for country planning, but because of a cash shortage this will be difficult. Good planning needs good resources; and good planning outcomes need a strong local focus. As always, this is a case of local solutions to local problems. The reforms

are welcome but more is needed. I commend the bill to the house.

**Mr HARDMAN** (Seymour) — I rise to speak on the Planning and Environment Amendment Bill 2007. The main purpose of the bill is to ensure that we have a more streamlined operation of the planning system. This bill will amend the Transfer of Land Act to allow forms to be made electronically available. As a result of this bill VCAT (Victorian Civil and Administrative Tribunal) will be able to cancel or amend planning permits issued at its direction. The bill is enabling legislation and will implement the *Cutting Red Tape in Planning* report by Elaine Carbines, a member of the Legislative Council in the last Parliament.

This bill is technical in nature. It deals with our continued efforts to improve the planning system and obviously to make sure that people get their planning permits done in the most speedy fashion possible. It clarifies the role of local government as a planning authority and its ability to review planning schemes and to initiate scheme amendments. As a result of *Cutting Red Tape in Planning*, many redundant provisions have been taken out of the planning scheme.

In my electorate planning permit delays as a result of councils, particularly planning departments of councils, being under a great deal of pressure, are a large issue for people who are hoping to build a new home, an extension or a large development. The council in my electorate has a great deal of difficulty finding enough good planners. The more we can do, as a state government, to ease that pressure, the better and speedier the decisions on important matters will be.

There is actually more work to be done, but the Brumby government has made some good progress as a result of changes to date. At the conclusion of her contribution to the debate the member for Evelyn told me that I should listen to my constituents in the Healesville and Yarra Glen areas. I certainly do, and I have to thank her for that. Part of the reason that I was elected to Parliament was because the people of Healesville were angry about the centralised undemocratic appointment of commissioners in amalgamated councils. I find that her dislike of central bodies making planning decisions and her acceptance of centrally appointed commissioners a rather hypocritical point of view. I thank the Liberal Party and the member for Evelyn for her role in the Yarra Ranges for helping me to become a member of Parliament.

I wish to go through some of the technical amendments of this bill. Briefly they clarify the general role of municipal councils as planning authorities which

review the planning schemes and initiate planning scheme amendments. They also align required planning scheme requirements with the council plan cycle under the Local Government Act 1989. The bill requires the register of planning applications to contain ‘prescribed information in respect of’ applications, decisions and determinations rather than being kept, as the act currently says, ‘in the prescribed form’. It also improves the rights of landowners as well as those of developers.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house do now adjourn.

### **Fitzsimons Lane–Anderson Street–Porter Street, Templestowe: traffic lights**

**Mr KOTSIRAS** (Bulleen) — I wish to raise a matter for the attention of the Minister for Roads and Ports. I ask the minister to provide funding to install traffic lights at the Fitzsimons Lane–Anderson Street–Porter Street intersection. Currently this intersection is one of the most dangerous intersections in Manningham.

It is a real adventure to cross this intersection. There are so many different lanes and so many different roads leading into this intersection that it is very confusing for drivers, especially those who are not paying attention. The main problem is people who tailgate, hoping to move through the roundabout as quickly as possible. This causes much anxiety, as many drivers find the car behind them is virtually on their bumper bar. Some residents who walk in this area actually spend time looking at this intersection. They are amazed that someone has not yet been killed. They are stunned and surprised by how cars manage to manoeuvre themselves through this intersection. It is breathtaking for the observers, but I have to say it is very stressful for the drivers.

Earlier this year I raised the need to install a detector loop at the intersection of Parkwood Place and Fitzsimons Lane to assist cars entering and exiting Parkwood Place. VicRoads investigated it and for some reason came to the conclusion that a detector loop is not needed. I challenge the public servants at VicRoads to actually go there and attempt to exit Parkwood Place during peak time. It is a challenge, and it is very difficult. VicRoads has said no to this, but it has acknowledged that there is a problem further down

from this intersection. A brief written by Mr Trent Robinson from VicRoads states:

Any additional activation of the signals during either morning or evening peak will impact on the safety and operation of the Fitzsimons Lane–Anderson Street–Porter Street intersection, which is already subject to congested conditions.

Since VicRoads acknowledges that there is a problem at this intersection, I urge the minister to provide funding to install traffic lights there. It was something that we raised prior to the last election. Unfortunately the Labor candidate at that stage did not have the courage to stand up and promise the money for the installation of traffic lights, so I ask the Minister for Roads and Ports to actually turn up to the electorate, have a look at the intersection and provide enough money to install traffic lights to make sure that everyone is able to cross safely and that no-one gets hurt. It is a challenge and it is an adventure, but we cannot put residents at risk.

### **Schools: Geelong**

**Mr TREZISE** (Geelong) — Tonight I raise an issue for action by the newly appointed Minister for Education — a minister who I know will continue on with the great work that has taken place in our state schools since the election of this government back in 1999. That work, as you will be well and truly aware, Deputy Speaker, really has seen the renaissance of state education in Victoria, including in my electorate of Geelong. The action I seek is for the minister to visit Geelong to inspect school works currently ongoing and/or planned within my electorate and indeed within the wider region of Geelong.

Since 1999 nearly all the primary schools within my electorate have been completely refurbished or rebuilt, and so, too, all the secondary colleges. Currently there are a number of schools under stage 1 construction, and there are a few now moving into planning stages for stage 2. Primary schools such as Tate Street and South Geelong are currently moving into stage 2 planning, and there are also primary schools such as Herne Hill that have already completed their stage 2 planning. It is important for the minister to come to Geelong and to visit a number of those schools.

The minister will no doubt accept the invitation to visit Geelong schools with great enthusiasm. I say that because I know when the minister was the former Minister for Health she always made herself available to organisations like Barwon Health and the wider health sector in Geelong. I know that the various state schools within my community would welcome Minister Pike with open arms. I believe it is important

for the new Minister for Education to visit Geelong schools in the very near future. I would welcome her to the electorate of Geelong, and I reiterate my invitation for her to visit it in the near future.

### **Border anomalies: elimination**

**Mr JASPER** (Murray Valley) — I wish to raise a matter for the attention of the Premier, and in his absence the minister at the table, the Minister for Gaming. I seek the support, cooperation and continued action of the Premier in eliminating the border anomalies that exist between Victoria and New South Wales.

By way of background I indicate that the Border Anomalies Committee was initially established in 1979 and through the 1980s a fair bit of work was undertaken in eliminating anomalies along the border between the two states. Unfortunately through the 1990s it was put on the backburner to some extent and we did not get the action that we should have got. Then after the change in 1999 the government really did not give us the support we required. In fact in 2004 I got a letter from the former Premier saying that the Border Anomalies Committee would be disbanded. I took fairly strong action in making representations to the Premier at that time and through 2005.

Then we saw the recognition of the need for some organisation to operate between the two states, which led to a meeting on 29 June last year in Echuca. The secretaries of the premiers departments of Victoria and New South Wales, together with about 30 senior bureaucrats, met to discuss border anomalies and how we should proceed in looking to eliminate the massive number of anomalies, estimated at about 1500. Last Friday a further meeting was held in Albury which representatives from the departments, including senior officers from the premiers departments and others, MPs representing border electorates — there were about five of us there — and the mayors of various councils along the river were invited to attend. We initially met to have some discussions and to be brought up to date with the actions which have been taken so far.

I applaud the fact that there has been progress in this matter. I will list some of the areas where there has been progress. They include mutual recognition arrangements for 22 occupations in six priority trades; accreditation and registration of health professionals; and the harmonisation of payroll tax and occupational health and safety schemes. A number of other issues were mentioned in the discussions.

We want to make sure that this continues and that the Premier maintains the pressure to ensure that action is being taken at the highest level to address the anomalies. I mention particularly the unification of fishing licences, boating licences, and L and P-plate driving licences between the two states, with mutual recognition, reciprocal rights and legislative action in these and other matters. We want the Premier to take action to ensure that these anomalies, which are huge problems for those of us living on the border between the two states, continue to be addressed.

### **Consumer affairs: chain letters**

**Dr HARKNESS** (Frankston) — I raise a matter tonight for the attention of the newly appointed Minister for Consumer Affairs, and I congratulate him on his appointment — a fantastic minister I think he will be. I have been approached by a constituent who has some very grave concerns about a particularly odious scam letter, known generally as a ‘David Rhodes’ letter. The action I seek from the minister is for him to investigate this scam and to provide some contemporary advice to me and the Parliament and also to the Victorian public about what to do when one receives a letter such as this in the mail.

These chain letters claim to be from a David Rhodes and advise that the recipient can turn \$218 into \$78 185 within 80 days. Unsuspecting Victorians are requested to send money to five people on a list at the bottom of the letter, add their own name to position 5, delete the name of the person in position 1 so that everybody else moves up, make copies of this four-page letter and post it to 200 other people, often just chosen — —

**Mr Jasper** — Did he send one to the minister?

**Dr HARKNESS** — No, I do not think the minister would pay any attention to this particular letter. Often the people are just chosen randomly out of the phone book. As I understand it, this is an illegal pyramid scheme, and it certainly exploits the people who can least afford to lose the money.

A few years ago Consumer Affairs Victoria worked closely with Australia Post and various other consumer agencies around Australia to put in place a number of compliance and enforcement strategies to stop these letter-based pyramid schemes. As part of this campaign more than 160 000 ‘David Rhodes’ letters were intercepted and seized across the country. Hopefully the minister and Consumer Affairs Victoria can renew their efforts to crack down on this so that Victorians such as my constituent do not fall victim to this unsolicited pyramid scam.

Personally I think the best advice that can be offered to Victorians is to simply throw the letter in the bin when they receive it or, if they receive it via email, to delete it. I know that is what the minister would do — he would throw it in the bin, and so would I. Other Victorians who receive this letter should do likewise. However, somewhere in its four pages the letter guarantees that the recipient will earn at least \$70 000. This is complete and utter nonsense, but at the same time it is obviously very appealing to some people. On the face of it these letters might appear to be harmless, but in reality they are a very insidious form of pyramid selling, and they need to be stamped out as soon as possible before more people lose their hard-earned money to this scam.

### **Police: Croydon and Mooroolbark stations**

**Mr HODGETT** (Kilsyth) — I wish to raise a matter of importance for the Minister for Police and Emergency Services. The action I seek is for the minister to provide the necessary funding for the Croydon and Mooroolbark police stations to purchase essential equipment and to provide off-site storage facilities for each station. Such funding would allow the supply and implementation of Livescan fingerprint technology at both these police stations.

For fingerprinting most police use the same equipment they used in the early 1900s — an ink strip and gloves. The act of taking the prints is time consuming, and it takes quite a long period to receive the results of a search. The fingerprints taken by police are sent to a central location and searched against existing records. If a match is found, this is checked by an expert in the field and police are then notified of the results. All sorts of problems are caused by this manual process. The time taken means that suspects have had to be let go, and if they used an alias at the time of the test, they may well be long gone, creating further work for officers in the field. If the prints taken are poor, the search is severely hampered and a clear match may not be found. It is also a very messy and cumbersome task.

The problems created by this system impose a burden on our police officers and place our community at unnecessary risk. However, there is a better way. There is simple, effective and efficient technology that allows a set of fingerprints to be digitally captured, and this system exists in some police stations. The introduction of Livescan fingerprint technology has made the fingerprinting process quick, clean and efficient. The results can be known within 15 to 20 minutes. The machine even assists the user by providing instructions so that the best possible set of fingerprints is recorded. The Law Reform Committee emphasised the

importance of such technology in its 1999 paper *Technology and the Law*. The government introduced Livescan fingerprinting in a sprinkling of major stations throughout the state, but since then it has done relatively little to assist other police stations to implement the technology.

The funding I am seeking would also be used to provide offsite storage facilities for both the Croydon and Mooroolbark stations. Storage is a major problem at both of these stations, with vital space being taken up by items held as evidence for future court cases. In one case a quarter of the police car parking bays are taken up with impounded vehicles. What sort of image do we portray to the public when our police have to park off-site because the police station parking area is full, with spots being taken up by cars impounded for evidence? Those cars could be sitting there for months, or even years, because of the time it takes to get matters through our courts. In other cases storage areas are at capacity, with every available space occupied by items and materials being held for future court proceedings.

I want the minister to know that there are a few simple but incredibly effective ways in which we can work towards helping our men and women in blue to perform their duties at the highest possible level. We should resource, fund and support our Victorian police officers to uphold the law. I entreat the minister to provide the necessary funding for the Croydon and Mooroolbark police stations to allow the purchase and implementation of Livescan fingerprint technology and the provision of off-site storage facilities for each station.

### **Warburton Primary School: synthetic playing surface**

**Ms LOBATO** (Gembrook) — I raise a matter for the Minister for Sport and Recreation. The action I seek is for the minister to consider the needs of students at Warburton Primary School in terms of sporting facilities. Late last year the then Minister for Sport and Recreation announced that much of the savings from last year's Commonwealth Games would be invested in school sporting facilities. One of the initiatives from this fund was to construct synthetic turf playing surfaces at up to 11 government primary schools with limited or overused grass areas to encourage more sport. Informal play activity areas would also be upgraded.

Warburton Primary School has a reputation for producing very fine, successful athletes, particularly in football and netball. This is evident when we look at the calibre of sportspeople within the Warburton-Millgrove

Football Club — of which, by the way, I am the no. 1 ticket-holder. Warburton Auskick is also producing some very promising champions. Over the last few years Little Athletics has also emerged as a favourite for young ones in the Upper Yarra. Unfortunately families are forced to drive huge distances to access Little Athletics due to the lack of local facilities.

Earlier this year I was contacted by someone from one of the Upper Yarra schools. They expressed frustration at having to travel, along with people from other schools, such a long distance to engage in interschool sports due to a local oval not being accessible because of drought-affected grass. This travel is a burden on schools, and it is also costly for families. I therefore request that the minister consider Warburton Primary School as a worthy recipient of synthetic turf, which may assist with local athletics, interschool sports or general fitness training for students.

I also take this opportunity to acknowledge the school's principal, Kerry Jorgensen, an outstanding contributor to the education and wellbeing of the students and the broader community. Kerry's husband, Neil, has until recently been a fantastic principal of Woori Yallock Primary School, which is just down the road, and he will hopefully soon join Kerry in a job-share arrangement at Warburton.

The Upper Yarra communities have been deprived of basic services for decades, as the Minister for Sport, Recreation and Youth Affairs well knows. I look forward to continuing to reverse that trend.

### **Rail: Drouin East level crossing**

**Mr BLACKWOOD** (Narracan) — I rise to request the Minister for Roads and Ports to take the action required to upgrade the road and rail intersection at Lardners Track in Drouin East on the old Princes Highway between Warragul and Drouin. This rail crossing was overlooked in the government program last year to provide boom gates at every level crossing servicing the very fast train. It was overlooked because to place boom gates at this location without traffic lights for the road intersection would have created a major safety hazard for traffic travelling east and turning right into Lardners Track. What we are left with is a very dangerous rail crossing and an extremely dangerous high-speed intersection.

There are currently over 9000 vehicle movements between Warragul and Drouin every day. The population of both towns is increasing at around 4 per cent per year. Located on Lardners Track to the north is the Chairo Christian primary school campus. Almost

200 students commute to the school by bus and car, creating major traffic problems before and after school on a daily basis.

Lardners Track is also used by large B-double stock transports to access Radfords abattoir and heavy vehicle traffic servicing events at Lardner Park, which occur regularly throughout the year. The coming together of school buses, mums and dads in cars, large livestock transports and through traffic travelling at 100 kilometres per hour, coupled with the distraction of negotiating an awkward rail level crossing, is a recipe for a major tragedy.

To improve the safety of this intersection will be expensive, but in the context of this government's record income — in particular from stamp duty, speeding fines, gambling, land tax and the GST — the safety of the people of Warragul and Drouin and surrounding districts must be given urgent priority.

I call on the minister to take action immediately and provide the necessary funds to upgrade this intersection with traffic lights synchronised with boom gates at the Lardners Track rail crossing.

### **Gowanbrae: housing estate signage**

**Ms CAMPBELL** (Pascoe Vale) — I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is the installation of better signage to the Gowanbrae housing estate, because without it residents are feeling isolated and their visitors are having difficulty identifying the access road.

I have had correspondence from Debra Dariol. She has lived in Gowanbrae with her husband and four children since 2001. She told me that over the last six years she has been explaining to people who live as close as Airport West, Strathmore and Gladstone Park how to access the Gowanbrae housing estate. Most people in the local area have no idea where Gowanbrae is or, if they know of its existence, find it difficult to identify the access road.

Gowanbrae is bordered by the Moonee Ponds Creek, the Western Ring Road, the Melbourne–Sydney rail line and the Tullamarine Freeway. I, along with many other Moreland commuters, can attest to the fact that it is very difficult to identify. I am sure that the minister at the table, the Minister for Gaming, is fully aware of that as well. Gowanbrae is a suburb that people do not drive through. You basically only access Gowanbrae if you live there or if you are visiting a resident.

The need for appropriate signage has been raised with me by residents, but the difference between other

residents and Debra Dariol is that she has actually been able to identify — in her view — the way to solve the problem. She recommends that signs be erected on the Melrose Drive–Malvern Avenue intersection, which is the entrance to Gowanbrae, and that those signs face both directions. She suggests that a sign at the Melrose Drive exit from the freeway would also be handy and that an arrow pointing right where Malvern Avenue veers to the right towards Gowanbrae Drive would also save confusion.

If members are having difficulty in identifying all these roads, I can tell them that Ms Dariol has said to me that she acts like the radar at Essendon Airport, helping people to identify where Gowanbrae is. I endorse her recommendations and ask the minister, together with VicRoads, to have discussions with the local council so that, if possible, signs can be installed prior to Christmas.

### **Police: Hastings electorate**

**Mr BURGESS** (Hastings) — I ask the Minister for Police and Emergency Services to act urgently to increase the number of police officers at the Hastings police station and to ensure that new police stations are built at Langwarrin and Somerville. Despite the Brumby government's claim that crime across the state is on the decline, a closer look quickly identifies that crimes against the person, violent crimes and sex offences are up dramatically. The incidence of youth crime and lawlessness also continues to accelerate across the Hastings electorate. On a daily basis I am informed of incidents of crime, vandalism and graffiti across a variety of suburbs, and residents are fed up.

Smashed letterboxes, graffiti, broken shop windows and damage to public facilities are common occurrences in Somerville. In Langwarrin gangs of youths roaming the streets, intimidating residents and damaging property are a nightly occurrence. Langwarrin is a town that needs a much stronger police presence. It is a town that lacks the facilities of its neighbour, Frankston, and restless youths regularly indulge in vandalism and property destruction.

The riding of monkey bikes and trail bikes in Bittern, Crib Point and Hastings is causing concern to residents and frustrating local police, who find they do not have the time or resources to apprehend these illegal motorbike riders. The same issue of illegal motorbike riding has been brought to my attention by residents of Pearce Dale, Clyde and Tooradin.

More alarming is the incident last weekend at Clyde, where four youths who had been refused entry to a

party stabbed two people who had been hosting the party. The 19-year-old and 20-year-old victims were treated at the Alfred hospital and remain in a stable condition. One of the four youths charged over the incident is just 16 years old.

Police are regularly called to blocks of units in Hastings where youths converge. Police can be called to particular addresses up to five times a night by frightened residents who are intimidated in their own homes. Local police endeavour to assist as promptly as possible, but the station is understaffed and underresourced. I have approached the state government repeatedly and asked it to provide police stations at Somerville and Langwarrin so that the towns of my electorate can have an improved police presence.

The residents of these townships need and deserve to feel safe on their streets and in their homes. Currently they do not. Residents are fearful and angry that repeated representations to the government have failed to address the rising rate of criminal activity evident in towns across the Hastings electorate. I ask the Minister for Police and Emergency Services to act urgently to increase the number of police officers at the Hastings police station and to ensure that new police stations are built at Langwarrin and Somerville.

**Ms Green** — On a point of order, Deputy Speaker, only one matter can be raised during the adjournment debate. I think the member was raising several matters.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order. The member was raising an issue for the Minister for Police and Emergency Services, and while he mentioned two matters, the issue is about police resources.

### Public transport: Yan Yean electorate

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is that she act on recommendations which will come from the bus service reviews currently under way in Whittlesea, Banyule and Nillumbik and that she ensure that these reviews result in increased bus services and public transport access for communities in the Yan Yean electorate.

I want to commend the minister, the Department of Infrastructure and the consultants for the manner in which these reviews are being conducted and for the way they are engaging and consulting local commuters and residents, seeking their advice on how best to improve and grow bus services in both new and established suburbs and towns. The government's

*Meeting Our Transport Challenges — Connecting Victorian Communities* statement, which was released last year, committed \$650 million to grow new bus services and improve the existing ones throughout the metropolitan area.

I very much welcome the statements made by incoming Premier Brumby, who, upon taking up his position, said that he was going to focus on services to the outer suburbs and also address transport issues by bringing forward some of the projects in *Meeting Our Transport Challenges*. Conducting workshops with locals and tapping into their knowledge about how to improve services are the best way to ensure we get improvements in bus services.

I was delighted to attend some of the workshops conducted by the consultants, both last night in Eltham and last week in South Morang. Some very innovative and positive ideas and suggestions were put forward by local commuters, including the possible use of sporting facilities that are used only on weekends as park-and-ride facilities, support for bus routes between particular areas and advice on the best span of hours to get people out of their cars and onto buses. Submissions to both these reviews can be made until 31 August. I urge the minister to closely examine the results of these reviews and to ensure that my community of Yan Yean has much better access to public transport and improved bus services.

### Responses

**Mr ROBINSON** (Minister for Consumer Affairs) — The member for Frankston raised an issue pertaining to a letter which a constituent presented him with and which I understand is characterised as a 'David Rhodes' letter. I appreciate the member raising this issue. It is unfortunate, but from time to time residents across Melbourne and other parts of Victoria and Australia encounter these sorts of solicitations. They are not new: the names sometimes change, but the underlying tactic does not. They are about get-rich-quick schemes — not for the people who receive them but for the people who are sending them. The consumer affairs website details and describes the history of these chain letters, and at the moment it carries a warning about the David Rhodes scam. It also comments that this is a remake of similar chain letter schemes, like the Edward L. Green, David Stein and Paul Collins chain letters.

All of them claim that you can turn a small amount of money — in this case I think it is \$218 — into something of a fortune, \$78 185, in only 80 days. The member has correctly alluded to the illegality of these

schemes. They are pyramid schemes, and in Victoria pyramid schemes are illegal under section 22 of the Fair Trading Act. Those involved, if they are caught, are liable to prosecution under that act, which contains quite severe penalties. I am very happy to pass this matter on to Consumer Affairs Victoria.

It may very well be that new advice needs to be issued to warn Victorians of the scheme. It may be that Consumer Affairs Victoria needs to again discuss protocols with Australia Post, because these schemes are a bit like Paterson's curse: they spring up everywhere from time to time. The member has correctly commented that he should advise people who contact him that the schemes and the letters are illegal. The letters should be disregarded, although people who receive them are at liberty to retain the 5-cent pieces that are often stuck to them! That is about the only thing of value in the letters.

The member for Bulleen raised a matter for the attention of the Minister for Roads and Ports which involves his request for lights to be installed near the intersection of Fitzsimons Lane and Porter Street in his electorate. I understand that there is a big sportsground quite close by, and I think my boys played cricket there last summer.

**Mr Kotsiras** interjected.

**Mr ROBINSON** — There is a service station not far away. It is a lovely part of the world. I will refer that matter on.

The member for Geelong raised an issue for the Minister for Education, inviting the minister to visit the electorate and inspect schools. And why would the minister not visit Geelong? It is a great part of the world and she has done a power of work in recent times with school renewals, including the Tate Street school which is moving into stage 2 of its program.

The member for Murray Valley raised an issue for the attention of the Premier. He drew attention to his longstanding interest in border anomalies. Newer members of this place might just like to note that, if they ever want to know anything about border anomalies, the member for Murray Valley is their man. He is an absolute expert on this, and he has a genuine commitment to resolving these anomalies, which are deep seated. He has worked assiduously on this matter with governments of various persuasions for a long time as, indeed, I understand people on the other side of the border have. I am sure the new Premier will be keen to continue the work which has been carried on in recent times. The Premier does have an interest in

reducing red tape and duplication where it is ultimately unnecessary. The member has drawn attention to fishing licences, boating licences and L-plate and P-plate identification on vehicles as three key areas needing more attention. I will certainly pass that on to the Premier.

The member for Kilsyth raised an issue for the attention of the Minister for Police and Emergency Services that related to Croydon and Mooroolbark police stations. He referred to the Law Reform Committee and a 1999 report, and I can assure him that it was an excellent committee. It was an outstanding committee of this Parliament. I am not sure I remember that particular report, but if he is holding it up I will take some credit, because I think I was on that committee at the time.

*Honourable members interjecting.*

**Mr ROBINSON** — I have been on a few, and that committee I think was chaired by the former member for Doncaster, Mr Perton. It was quite a good committee. I will refer that issue for the member.

The member for Gembrook raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs that related to Warburton Primary School and the need for increased sports facilities — in particular, synthetic turf. She drew attention to the excellent sportspeople who have come from that part of the world. I think Damian Monkhorst — he certainly played football for Collingwood — came from that area. I think Jack Dyer played football for Yarra Junction many, many years ago. I will certainly pass that on.

The member for Narracan raised an issue pertaining to a level crossing at Lardners Track in Drouin East, and of course Drouin East is where the Abletts all came from. I will draw that to the attention to the Minister for Roads and Ports.

The member for Pascoe Vale also raised an issue for the Minister for Roads and Ports regarding signage for the Gowanbrae housing estate, which is pocketed in a beautiful part of northern Melbourne, near the Moonee Ponds Creek Valley. A very sensible suggestion has come to her from a resident about how to get the signage for the location right. I think Peter German came from out that way. He played for North Melbourne. His family ran the newsagency at Pascoe Vale for some time.

The member for Hastings raised a matter for the Minister for Police and Emergency Services relating to police resources in his electorate. He referred to an

unfortunate incident in that electorate, and we will make sure the minister responds to that.

The member for Yan Yean raised an issue for the Minister for Public Transport that related to the bus service review. She has a very rapidly growing electorate. Her interest in this is well appreciated, and I will pass that matter on to the minister.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.34 p.m.**