

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 10 November 2009

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Lim, Mr Muy Hong	Clayton	ALP			

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 28 June 2008

⁵ Elected 15 September 2007

⁶ Resigned 6 August 2007

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Tuesday, 10 November 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.06 p.m. and read the prayer.

DISTINGUISHED VISITOR

The SPEAKER — Order! I welcome to the gallery today Mr Christos Salamanis, the consul-general for Greece in Melbourne.

SHADOW MINISTRY

Mr BAILLIEU (Leader of the Opposition) — On behalf of the opposition I advise changes to frontbench responsibilities.

The Leader of the National Party will be responsible for bushfire response, police and emergency services, and rural and regional development. The member for Brighton will add the responsibility for women's affairs. The member for Box Hill will be responsible for the Attorney-General portfolio and for finance. The member for Bulleen will be responsible for innovation, and multicultural affairs and citizenship.

The member for Kew will be responsible for corrections, crime prevention, and freedom of information and integrity of government and will be the manager of opposition business. The member for Malvern will add the responsibilities of energy and resources, exports and trade, and infrastructure and public-private partnerships. The member for Doncaster will be responsible for mental health, drug abuse, community services, and environment and climate change.

In the other house Mr Richard Dalla-Riva, a member for Eastern Metropolitan Region, will be responsible for industry and state development, and major projects. Mr David Davis, a member for Southern Metropolitan Region, will be responsible for health, ageing and scrutiny of government. Mr Gordon Rich-Phillips, a member for South Eastern Metropolitan Region, will be assistant shadow Treasurer, with responsibility for the Transport Accident Commission and WorkCover, community development, information technology, the aviation industry and federal-state relations.

The member for Warrandyte will be responsible for industrial relations and manufacturing.

The SPEAKER — Order! The Chair is pleased to have the member for Warrandyte much closer.

ABSENCE OF MINISTERS

The SPEAKER — Order! Before calling for questions I advise the house that the Minister for Roads and Ports is absent from question time today, and any questions for him will be taken by the Minister for Public Transport. The Minister for Police and Emergency Services is also absent from question time, and any questions for him will be responded to by the Deputy Premier.

QUESTIONS WITHOUT NOTICE**Public transport: passenger safety**

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the record of commitments between the Police Association, the then Minister for Police and Emergency Services and former Premier Steve Bracks signed on 6 November 2006, which states:

The ALP and the Police Association agree to the deployment of existing and future protective services officers at city loop railway stations ...

PSOs will provide a visible presence and enhance community safety around city loop railway stations.

I ask: will the government now accept the coalition's policy and deploy protective services officers at all metropolitan and major regional railway stations?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I remarked at the weekend, after learning of this policy, you have to look at what members of the opposition Liberal Party actually do and did, rather than what they say. We in this place all remember in the 1990s the 1000 extra police that were promised and the 800 that were cut. The people of Victoria were robbed of 1800 police by this lot opposite.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to debate the question.

Mr BRUMBY — Now, I understand, in what is a remarkable about-face, the opposition leader at the weekend promised 940 PSOs (protective services officers), but here is the thing: less than a month ago the Liberal and National parties voted against the Police Regulation Amendment Bill, which sought the removal of the present cap of 150. A month ago the Liberal Party's view was that the PSO limit should be set at 150, and that is how it voted in this Parliament. Then,

after another bad Newspoll, suddenly we get a commitment to 940.

But there is more to this, because the day after the Leader of the Opposition's announcement it was left to the Leader of The Nationals to say on radio that this commitment of \$200 million over four years would be funded by cutting the transport budget — that is what he said. This is a policy sham. This is what the Leader of The Nationals said, and I will quote him. That is a fair thing to do, is it?

Mr Ryan — Yes, it is.

Mr BRUMBY — 'This announcement we have made is being funded out of the transport budget'. So that is being funded out of the transport budget; it is \$200 million — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Polwarth.

Mr BRUMBY — The Leader of The Nationals does not like being reminded that that is actually what he said: 'This announcement we have made is being funded out of the transport budget'. That means cuts to the transport budget. What the opposition needs to explain — —

An honourable member interjected.

Mr BRUMBY — I think that makes it worse, not better. It is just like 1992. It is just promising 1000 police and cutting 800.

There are now more than 1220 front-line staff employed across the rail network. That is an increase of more than 35 per cent since 1998–99, including around 350 authorised officers. As a government we have provided — —

Mr K. Smith interjected.

The SPEAKER — Order! I ask the member for Bass not to interject in that manner.

Mr BRUMBY — We have provided a further 50 transit police, now bringing to more than 250 the number of full-time officers. In terms of police numbers, rather than cutting numbers we have been building them up. By this time next year there will be 1890 additional police across our state.

I want to get back to the core of the Leader of the Opposition's commitment — that is, that he will fund these places by cutting the transport budget. The

question is: will the opposition scrap conductors from V/Line passenger services? Will it reduce the extra funding that we have put aside for maintenance in the rail network? Will it cut the metropolitan bus network by 20 per cent at a time when bus services are becoming increasingly popular? Or will it be, as we have seen from the Liberal Party before, that it will simply lie to the Victorian public and promise additional — —

Honourable members interjecting.

The SPEAKER — Order! I would ask all members to refrain from that level of interjection.

Mr BRUMBY — Here is another thing about this decade: in public transport this decade — —

Mr Wells interjected.

The SPEAKER — Order! I ask the member for Scoresby not to interject in that manner.

Mr BRUMBY — The crime rate per million trips on public transport has fallen 10.5 per cent in the last decade.

Mr O'Brien interjected.

The SPEAKER — Order! I ask the member for Malvern not to interject in that manner.

Mr BRUMBY — Since 2000–01 the crime rate per million trips on public transport has declined by 43 per cent. Since 2000–01 the rate of assaults has fallen 21.3 per cent; the number of robberies has fallen 40.7 per cent; the number of crimes against the person has fallen 23.6 per cent; and so it goes on.

Ms Asher interjected.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition not to use her position at the table to constantly interject.

Mr BRUMBY — But there was a period in our state's history when the crime rate on public transport actually went up. That happened in the 1990s, when the Leader of the Opposition was the president of the Liberal Party and when police numbers were cut across the state

Ms Marshall interjected.

The SPEAKER — Order! The member for Forest Hill will not interject in that manner.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He was asked an explicit question as to whether he would deploy PSOs to railway stations. I note that he has failed yet to indicate whether he would or he would not. It required a yes or no answer. In the absence of a no, are we hearing a backflip on the — —

Mr Andrews interjected.

The SPEAKER — Order! I ask the Minister for Health to cooperate with the smooth running of question time.

Mr Batchelor — On the point of order, Speaker, it is out of order. The Premier is responding in great detail specifically to the question he was asked — that is, to comment on Liberal Party policy. If the Leader of the Opposition did not want us to comment on Liberal Party policy, he should not have asked that question.

The SPEAKER — Order! I do not uphold the point of order, but I suggest to the Premier that, even given the number of interruptions, he has been speaking for more than 12 minutes.

Mr BRUMBY — As I said, this is a policy on the run, invented by the Leader of the Liberal Party so that he would have something to say to the conference in Geelong. It is a policy commitment that is as believable as the opposition's promise to add extra police in the 1990s. This is a policy which the Leader of The Nationals has confirmed will be funded by cutting the transport budget — whether it is bus services, tram services, country rail or the new stations the government is building at Williams Landing, Caroline Springs, Cardinia Road or Lynbrook. This is a Liberal Party which is true to form: it promises one thing but does something completely different.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the member for Mordialloc, I welcome to the gallery today the former member for Gippsland South, Mr Tom Wallace.

An honourable member — Bring him back!

The SPEAKER — I am sure he would love to be back.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Major events: government initiatives

Ms MUNT (Mordialloc) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house how the government is working to attract world-class events to Victoria and the benefits this provides?

Mr BRUMBY (Premier) — I want to thank the honourable member for her question and for her fantastic support for this event at Kingston Heath. This morning Tiger Woods played a practice round of golf — he just played nine holes at Kingston Heath. I was fortunate enough to join him for his first press conference of the JBWere Australian Masters.

When you think of major events and you think of golf, you think of the great golf courses that we have got along the sand belt, you think of this year's Australian Masters and you think of next year's masters at Victoria Golf Club. In 2011 we have the Presidents Cup, which will be at the Royal Melbourne Golf Club. I think I have remarked to the media that I saw Tiger Woods in San Francisco at the recent Presidents Cup and he was saying how much he was looking forward to coming to Melbourne.

I think it is true to say that this event has already proven to be a stunning success for our state. We have had our critics of this event, of course. Amongst more than 5 million Victorians there has been one person who has criticised this event, but I will not name that person. This has been a great event for us. We have been keen to promote our golf courses internationally and to build events around them, and the JBWere Australian Masters does exactly that.

I am pleased to say that the tickets have sold out. There have been more than 100 000 ticket sales. Importantly, 35 per cent of those sales have been to people from interstate and overseas. The television audience that the coverage is beaming out to around the world is 380 million people. We calculated the net economic benefit of this event to our state at \$19 million. I just want to say to the house that because the event sold out so quickly and hotels, motels and restaurants across Melbourne have been sold out, it is likely that the economic benefit of this event will significantly exceed \$19 million.

If you just think about it: there are 35 000 tourists coming to Melbourne, and even if you thought they

would spend just \$1000 each — and of course they will spend a lot more than that — that is \$35 million net of new economic activity injected into our state. We are proud of the support that has been provided for this event.

Honourable members interjecting

Mr BRUMBY — The Leader of the Opposition keeps interjecting with his negative diatribe about this event. It is a great event for our state. Bookings at golf courses around the state are also surging. For example, Moonah Links has reported 1300 more bookings this month than during November last year. This morning at Marysville the Minister for Regional and Rural Development joined Patricia Ilhan and teed off with Geoff Ogilvy, Adam Scott and Stuart Appleby at the Ilhan Charity Challenge. The funds that are raised will be shared between the Ilhan Food Allergy Foundation and the Marysville Community Golf and Bowls Club.

As honourable members are probably aware, the official charities of this year's JBWere Australian Masters are the Marysville and Horsham golf clubs, and during the weekend we provided some tickets to two young golfers from the Marysville and Horsham golf clubs to participate in the Tiger Woods intensive coaching clinic.

All of this is about reinforcing Melbourne's position as the arts, cultural, sporting and major events capital of Australia. Last week in a speech at Melbourne University I released results of Gary Morgan research which surveyed 1200 people per year across Australia for the last decade. It looked at people's perceptions across Australia and at which city and which state is the best in terms of sport, the best in terms of the arts, the best in terms of culture and the best in terms of food and dining.

I encourage members of the house to have a look at that survey data, because what it shows over the course of this decade is the extraordinary growth in the success of our major events, our sports, our arts and our culture under the policies of this government. That research shows that Melbourne is Australia's most livable city. It shows that we have got the livability edge. In a world in which livability is now a key driver of economic activity, this is a key competitive edge for our city. It shows that we lead Australia in terms of food and dining; it shows that our cafes lead Australia; it shows that our shopping leads Australia; it shows also that Australians believe Melbourne to be the sporting capital of Australia and the arts and cultural capital of Australia.

The Deputy Leader of the Opposition should have a look at the graphs, which go back over the decade, to see the extraordinary performance of Melbourne compared to Sydney and compared to Brisbane over the last 10 years. I am pleased to say too that Melbourne is also ranked as Australia's most romantic city. We have succeeded in winning that title.

It has come about because of the extraordinary effort that has been put into major events across our state. I think Tiger Woods, as I said at the press conference today, is such a wonderful role model, he is such an inspiration to so many young Victorians and young Australians and he is an outstanding sportsman. The more we can do to encourage people to play sport, the better, and to play golf is a great thing.

This will be a great event for us this week. It reflects great credit on a range of organisations including the Victorian Major Events Company, obviously the Australian Masters, the US PGA tour, IMG and others. All of this has come together in what will be a fantastic week for Melbourne.

Protective services officers: powers

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his comments following the coalition's announcement about stopping crime in its tracks, when he ridiculed Victoria Police protective services officers (PSOs) by saying 'will they simply get on the mobile and call the police?' whenever a problem emerges. I also refer the Premier to the Victoria Police website, which states that under various acts 'Victoria Police PSOs have specific arrest powers'. I ask: if Victoria Police PSOs are good enough to protect the Premier and the Parliament, why, in the government's view, are they not good enough to protect all Victorians?

Mr BRUMBY (Premier) — I was in Marysville with the Minister for Tourism and Major Events and the member for Seymour supporting the Marysville Marathon raising money for the bushfire victims. It was a great event. I was asked about the Liberal Party's announcement. What I said was, 'It raises more questions than it answers' — and I reckon I am 10 out of 10 correct on that. The fact that we had to find out the next day from the Leader of The Nationals that this was an unfunded commitment and that it was going to be paid for by cutting the transport budget — —

Honourable members interjecting.

Mr BRUMBY — That is how is it going to be paid for; let us be under no misapprehension. This is another make-believe commitment — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Kew. I suggest to him that one more outburst like that and he will be out of question time.

Mr BRUMBY — As I said, it took the Leader of The Nationals, and it is not in his portfolio area even under the reshuffle, to reveal the truth about this empty policy commitment — that is, it can only be delivered by cutting the transport budget.

The challenge for the Leader of the Opposition, and indeed his cohort, the Leader of The Nationals, is to explain to the people of Victoria the cuts that will be made — \$200 million to the transport budget. Is it going to be SmartBus? Is it going to be the railway stations? Is it going to be the support staff? Is it going to be the 1220 staff?

Honourable members interjecting.

Mr BRUMBY — This is Liberal Party arrogance again. They say ‘No, none of them’. When you make a commitment, if you are honest about it, you will tell the people of Victoria how you are going to pay for it. Here we have an unfunded policy commitment, and it could be that of course you could fund this commitment — —

Mr K. Smith — On a point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! While the Chair hates to ever anticipate what a member may be about to say, I warn the member for Bass that I will take a very dim view of a frivolous point of order.

Honourable members interjecting.

The SPEAKER — Order! Every member in this chamber is entitled to take a point of order, and the point of order will be heard in silence.

Honourable members interjecting.

The SPEAKER — Order! The member for Albert Park is warned, and I suggest to him he will not be warned again.

Mr K. Smith — Speaker, on the point of order, firstly, I am a little concerned about you giving me a warning.

Honourable members interjecting.

Mr K. Smith — Speaker, you may smile about it, but I am like anybody else in this place. If I want to get up and — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass will be heard in silence.

Mr K. Smith — I consider it — —

Mr Andrews interjected.

The SPEAKER — Order! The Minister for Health is warned. The member for Bass will be heard in silence.

Mr K. Smith — Speaker, I consider it unnecessary for you to have to warn me in regard to a point of order that I may wish to raise, and I can only expect that you will do that to everybody else who rises in this house. My point of order is that time after time you have warned the Premier and members of the government that they are not here to criticise the opposition or the opposition leader. They are not here to question the policies of the opposition; they are here to answer questions from the opposition and in fact to give some honest answers, which the Premier has not been doing today.

The SPEAKER — Order! I do not need to hear any more on the point of order. The member for Bass is absolutely correct: question time is the opportunity for the opposition to question the government. However, today the opposition has taken the opportunity to invite the government to make comments on opposition policy. The Chair cannot restrict the answer to government business when the question was not about government business. I do not uphold the point of order.

Mr BRUMBY — As I was saying, this is a \$200 million commitment. It is an operating budget commitment as well, so the only way you could pay for this is by slashing other staff, by cutting services — we have added something like 900 services — such as cutting bus services. You could pay for it by reintroducing zone 3; you could do that.

Honourable members interjecting.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. The PSOs of Victoria were ridiculed by this Premier. They deserve a better answer from him as to why.

The SPEAKER — Order! I do not uphold the point of order.

Mr BRUMBY — The Leader of the Opposition asked me about PSOs, and he has repeated that question in a point of order. I make the point that when we introduced the Police Regulation Amendment Bill we sought to remove the current legislative cap of 150 PSOs. It was the Leader of the Opposition and the Leader of The Nationals who voted it down.

Major events: government initiatives

Mr HUDSON (Bentleigh) — My question is to the Minister for Tourism and Major Events. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister explain to the house how the Australian Masters golf tournament fits with the government's major events strategy and how this is being supported by Victorians?

Mr HOLDING (Minister for Tourism and Major Events) — I thank the member for Bentleigh for his question, because like most Victorians we on this side of the chamber do not tire of hearing about the Australian Masters tournament and what a fantastic success it is going to be for the Victorian economy. We believe that securing American golfer Tiger Woods's participation in this event underscores —

Mr Ryan — I hope he makes the cut, mate. He'd better make the cut!

Mr HOLDING — A few members on the other side of the chamber did not make the cut!

We on this side of the chamber know what an unbelievable coup it is for the Victorian economy to have secured Tiger Woods's participation in the Australian Masters tournament, but not every Victorian necessarily thinks so. My attention has been drawn to an *Age* article of 20 March this year entitled 'Woods deal a bogey: Baillieu'. If you look at that article, you will see that there is some question as to whether or not the Australian Masters is actually an international event.

We on this side of the chamber think we know a little bit about major events and securing cutting-edge major events for Victoria. In fact, ever since former Premier Joan Kirner set up the then Melbourne Major Events Company we have been working hard to secure great events for this state. We on this side of the chamber know that as soon as the Victorian Major Events Company (VMEC) and IMG Australia secured Tiger Woods for the Australian Masters it became an

international event, because for the first time in the history of an Australian golfing championship all the tickets for the tournament days presold before the event even started. Also we have had the unprecedented situation of the pro-am day and the practice day being ticketed; and all of those tickets have been sold. This is an extraordinary occurrence, and it is the first time any Australian golfing championship has achieved such a result.

How was this achieved? Because the VMEC secured Tiger Woods's participation in this event. We will see an unprecedented international broadcast audience for this event — a potential audience of up to 380 million people. How has this been achieved? Because the VMEC secured the participation of Tiger Woods in the Australian Masters tournament.

Not only will 100 000 people be attending over the four days of the tournament — and members opposite have been bagging this occurrence, but we know where they stand — but also 35 per cent of those patrons will come from interstate and from overseas. That will have an unbelievable economic impact on this state. All those people flying to and from Melbourne, staying in our hotels, eating in our restaurants and spending in our retail sector will be a massive boost for our economy.

There are also those who say we should not have paid to secure the participation of a cutting-edge international sporting superstar like Tiger Woods. It is no different from paying to secure the talent that participates in things like the arts festival and the jazz festival. Believe it or not, Speaker, in the past we have paid for talent to participate in the international comedy festival. It was none other than the Leader of the Opposition who was on the board of the comedy festival when we paid to secure international talent to participate in that event. That is how we make sure we secure the best talent. We pay to secure talent for the soccer and cycling events that we have gained for Victoria. It is not unusual. It beggars belief that the Leader of the Opposition believes he ought to be bagging this event by suggesting that it is not an international event or that we should not be paying for talent to participate in it.

The government makes no apologies for paying to secure the very best events for Victoria. We make no apologies for seeing Tiger mania here in this state this week, in which there is unprecedented international interest. Sydney just wishes it could have secured Tiger Woods to participate in the Australian Open. Instead he is coming here to participate in the Australian Masters. He has given his interviews and made it absolutely clear that he thinks the sand belt courses in Melbourne

are the best courses for golf anywhere in the world. As Ian Baker-Finch has said, that is a fantastic shot in the arm for the Australian golfing industry. The truth is that the Leader of the Opposition has no idea. He has stepped up to the tee, and he's shanked it.

The SPEAKER — Order! The minister knows better than to continue down that line.

Mr HOLDING — We are very proud to have secured a fantastic major events calendar for this state. It is a calendar that is securing jobs for Victorians. It is benefiting our tourism industry. It is broadcasting Victoria and the Melbourne brand to an international audience. We will continue to invest in these events. We will continue to bring the best blockbuster sporting and cultural events to the state because they generate jobs and showcase Melbourne and Victoria to a global audience.

Bushfires: preparedness

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Is it not a fact that the government has left Victoria dangerously unprepared this bushfire season and has still failed to implement: neighbourhood safer places, emergency warning systems, rectification of all school refuges, deployment of large jet fire bombers, equipment upgrades for fire towers, adequate police and Country Fire Authority communications systems and the training of a sufficient number of level 3 incident management team personnel? And as a consequence of this is it not a further fact that, as is reflected on the front page of Victoria's major daily newspaper today, 'We're not ready'?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. The fact of the matter is that across the state the fire preparation effort this year for this season has been unprecedented. We have seen an unprecedented effort by the paid staff and volunteers of the Country Fire Authority (CFA), by the Department of Sustainability and Environment (DSE), by community organisations, by fireguard groups, by local government, by the state government and indeed, in the limited role for which it is responsible, by the federal government.

I have indicated to this house before that more effort has been put in place to prepare the state this year than in any other year in our history. In terms of the budget, I have indicated to the house before — —

Mr K. Smith interjected.

The SPEAKER — Order! I warn the member for Bass.

Mr BRUMBY — In terms of the budget, this year we are spending something like \$705 million on the fire effort compared with \$255 million when we were elected. We have almost tripled the funding.

Mr Wells interjected.

Mr BRUMBY — Sorry, I missed that.

The SPEAKER — Order! The Premier will ignore interjections, and I ask the member for Scoresby not to interject in that manner.

Mr BRUMBY — Perhaps the Liberal Party has more cuts proposed for the fire budget as well, does it?

Honourable members interjecting.

The SPEAKER — Order! The Premier!

Mr BRUMBY — Across the state we have brought forward the employment of 700 seasonal firefighters who join 2700 DSE fire staff and 59 000 CFA volunteers. We have achieved record levels of fuel reduction across the state, including in the Otways, where the amount reduced is the best in 30 years. We have put in place the new national fire danger rating system with the new category code red, and we have publicised that widely across the state.

At the peak of the fire season we will be putting in place, as we have always said we would, the new national emergency warning system. The house will remember that this required national Council of Australian Governments approval, which was never forthcoming under the Howard government. We pushed it through with the Rudd government. We short-tendered the process, and we have that system now being implemented by Telstra.

We have announced new procedures for schools and children's services on code red days. We have put in place the new 10/30 right, which allows landowners to clear vegetation on their own property. We are providing upgrades to 43 level 3 incident control centres across the state in what is by far the biggest upgrade in the state's history. We have signed a memorandum of understanding with 30 of the state's commercial radio broadcasters and with Sky News, and we have made sure that virtually all of the FM channels are included. We have provided significant additional resources for the fire preparation and firefighting effort, including the first ever dedicated fire action week. And,

of course, we are busy implementing all 51 recommendations of the interim report.

In terms of neighbourhood safer places, the development of those township protection plans for the 52 high-risk areas is well advanced. There are detailed, locally focused plans developed in partnership between local councils, the Municipal Association of Victoria and the CFA, and potential sites for neighbourhood safer places have been identified in 33 of the 52 high-risk areas. Work is continuing to identify sites elsewhere. The reality is, as we said at the time, in some areas which are heavily wooded it is very difficult, if not impossible, to find a site that meets the criteria that have been set to guarantee people's safety should they gather at a neighbourhood safer place.

As I have indicated, we have also put in place the limited broadcasting of the standard emergency warning signal. That is now being run out across all the radio networks. There is a range of other areas. Victoria Police has put in place the new command and control arrangements. Victoria Police is also working with the CFA and DSE to review guidelines on roadblocks. I think all of that suggests there has been an unprecedented effort.

In 2006 we had 258 fires on 16 October, so you can get fires early in the season. We saw fires early in 2006 and we are seeing fires now. What we have all tried to achieve, across all of the organisations that have been giving 110 per cent of their effort, is to make sure that the state is better prepared than ever before. Victorians need to be alert, they need to be vigilant and they need to put their fire plans in place, but they need also to be calm and to understand that the effort that has gone in across the state is unprecedented and the preparations that have been put in place are all designed to make our state as fire safe and as fire ready as possible. I believe we are better prepared than ever before.

Racing: government initiatives

Mr HERBERT (Eltham) — My question is to the Deputy Premier, who is also the Minister for Racing. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask the minister to inform the house of how the government is assisting the racing industry to make this a reality.

Mr HULLS (Minister for Racing) — I thank the honourable member for his question and his interest in racing. As he would know, racing has certainly been a vital part of Victoria's sporting and cultural identity over the last 160 years. Beyond that, it is also a driving force in the economic and social life, as well as the

overall livability, of many communities. The Brumby government certainly understands this, which is why, through initiatives like the Living Country Racing program, it continues to support racing right around this great state.

Since its launch in 2001 the Living Country Racing program has already provided more than \$3.9 million to support over 300 projects at racing clubs right around this state. On top of this, on a recent trip to Healesville with the honourable member for Seymour I announced further grants totalling over \$253 000 for 18 racing clubs across the state. This included \$30 000 for the Healesville Amateur Racing Club and \$16 500 for the Healesville Greyhound Racing Association to build a playground with a shade structure, providing welcome relief for racegoing families.

In fact if you have a look at the list of clubs that benefited, you will see they go from Alexandra to Ararat to Avoca, Dederang, Edenhope, Hamilton, Merton, St Arnaud, Terang, Warnambool, Wimmera and Yarra Glen — right around the state. As members would know, next Wednesday will see the running of the Ballarat Cup, which marks the official end of yet another hugely successful Spring Racing Carnival event. We have seen a wonderful carnival so far, with great weather, fantastic racing and, can I say, great crowds — and well-behaved crowds by and large.

Remarkably, next spring's carnival will be even bigger and — believe it or not — better, with the 150th running of the great Melbourne Cup. There will be record prize money to attract the best horses from across the globe as well as an 18-carat gold replica of the 1930 Melbourne Cup, which, as we all know, was won by Phar Lap. Tourism Victoria and the Victoria Racing Club will undertake a \$300 000 international and interstate marketing campaign to raise awareness of the event, which is expected to generate millions and millions of dollars for the Victorian economy.

This spring saw a great many history-making races. They were fantastic races; whether they were the Melbourne and Caulfield cups, the Cox Plate, the Victoria Derby or the Geelong, Bendigo or Kyneton cups, they were all fantastic events. There was one race that was not up to standard — a race that had some loaded into the wrong barrier, had too many lightweight starters, saw rides taken away from females and also saw the flogging of a dead horse. That was the race for positions in the Baillieu Cup, the reshuffle that occurred —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier obviously missed that his microphone has not been on for some considerable time.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth! The Leader of The Nationals on a point of order.

Mr Ryan — On a point of order, Speaker, this is shocking. It has about it the faint perfume of a re-run of history. I suggest the minister is debating the question, and I ask you to have him conclude his answer.

Honourable members interjecting.

The SPEAKER — Order! The members for Kilsyth and Bass will not interject in that manner. The Minister for Racing, without debating.

Mr HULLS — In conclusion, we certainly cannot overstate the role that racing plays in the sporting, cultural and social fabric of life in Victoria. The Brumby government is absolutely passionately committed to supporting the racing industry, including small local clubs so that they can provide the best facilities and events for communities to enjoy. This grant program is a great grant program because it ensures that those smaller clubs can get funding to upgrade facilities for the benefit of local communities. It is just a pity that those opposite do not support it.

Health: government initiatives

Ms THOMSON (Footscray) — My question is for the Minister for Health. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the recent actions by the Brumby government to improve our health services so Victorian families have access to the best possible care?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Footscray for her unexpected question around the provision of first-class health services in her local community. As a government we have proudly invested in both the facilities and the programs that are important for families right across Victoria, whether it is in the west of Melbourne, in outer suburban areas or in rural and regional parts of our state.

I was pleased just recently to visit, with the member for Footscray, Western Health at Footscray to mark the completed refurbishment of four wards there. It is fair to say that that facility was showing its age, and as a

government we were pleased to be able to provide \$24.8 million for important redevelopment works. Four wards have been refurbished. That increases the number of surgical beds and dialysis chairs, and important electrical and other infrastructure works have been done as well to safeguard the useful life of that site in providing critically important health services for the local area.

Apart from the physical space and improvements to the infrastructure at Western Hospital as an important part of Western Health, we have also provided increased funding to do more elective surgery. There are more surgical beds and more funding to do more work through the theatres to cut waiting times and improve outcomes for families in Melbourne's west. As part of our partnership with the commonwealth government — and our ongoing funding beyond that partnership, might I add — some \$5.1 million was allocated last year to Western Health to do just under 1000 additional episodes of elective surgery. That is great news. It is an important boost in funding, with practical support in terms of providing the health services that are so important to families right across our state.

That boost comes as part of a \$60 million boost at stage 1 in a proper partnership with the commonwealth government to do 9500 extra episodes of elective surgery. The member for Footscray would be pleased to learn that in fact we did more like an extra 13 500 episodes. Then again in this year's budget there is a further \$45 million on top of that \$60 million to do 9000 additional episodes of elective surgery. There is extra effort, more work, more funding and more resources, which means more surgery faster than it otherwise would have occurred, and that is good news.

Every member on this side of the house is very pleased with that. Members on this side recognise, as do the vast majority of Victorians, that that is a substantial boost to the proper partnership and proper investment in services that matter. Sadly, not everybody shares that view. In fact this record investment in elective surgery has been described by at least one person as a 'drop in the ocean'. That is fundamentally unfair. You might describe, say, 9 hours of work over three years as a drop in the ocean — that would perhaps be a drop in the ocean — but the best part of \$100 million to do more surgery faster is not a drop in the ocean; it is real money, providing real care to Victorians who know the benefit of it. It is our record, it is our promise, and the government will continue to give to our dedicated health services not 9 hours of flimsy policy development but real resources to treat real patients.

Police: resources

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the 2009 Productivity Commission review of government services that shows for the fourth year in a row that Victoria is the lowest spending state on police resourcing, per capita, in Australia — that is, in the whole nation — and I ask: given that crime rates have soared during Labor's 10 years in government, including a nearly 70 per cent increase in assaults and a 40 per cent increase in general violent crimes, will the Premier now concede that a gross neglect of our police resourcing is leaving Victorians dangerously exposed to violent crime?

Mr BRUMBY (Premier) — There was a fair bit of make-believe in that question, and I suspect we will hear a fair bit more make-believe from the new shadow minister.

The fact of the matter is that Victoria has the lowest crime rate of any state, and that is borne out by both the statistics prepared by Victoria Police and those that are done independently by the Australian Bureau of Statistics (ABS). Victoria has the lowest crime rate in Australia.

Why is that so? I will tell members why: it is because since we have been in government we have added more than 1400 additional police, after the 800 that were cut by the Liberal Party, so we have built numbers up and pushed crime down. The coalition cut police numbers and crime went up. By this time next year there will be 1890 additional police in our state.

Mr Dixon — Do your research.

Mr BRUMBY — The member interjects, 'Do your research'. I know what the research shows. It shows that crime rates were higher in the 1990s; it shows that police numbers were cut despite a specific, unambiguous, unequivocal commitment by the Liberal Party to increase them by 1000. Those are the facts.

The latest figures, the 2008–09 crime statistics, show that Victoria's crime rate has fallen for the seventh consecutive year in a row, with a decrease of 1.7 per cent on the previous year. Victoria's crime rate is now 25.5 per cent lower than in 2000–01. Crime rates are now at their lowest point since the introduction of computerised recording in 1993. As I said, these figures come on top of data released by the ABS that show Victoria remains the safest state in Australia. That compares starkly, as I have said, with the picture in the 1990s, when crime rose 10 per cent.

In the last year — because the Leader of The Nationals said all these things have gone through the roof 'in recent years' — the rate of overall crime against the person was down by 0.2 per cent; the incidence of robberies went down by 1.7 per cent — —

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — Is this the question you were meant to ask last time?

Mr McIntosh — On a point of order, Speaker, the Premier is clearly reading from a document which has a number of pages. I was wondering if he would make that whole document available to the house.

The SPEAKER — Order! Is the Premier quoting from a document?

Mr BRUMBY — I am actually looking at notes that I use for question time.

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — As I have said, we are very proud of the results achieved by the men and women of Victoria Police who have worked to reduce our crime rate by 25.5 per cent and make Victoria the safest state in Australia. My notes say this compares with the Liberal Party which slashed 800 police and saw a rise in Victoria's crime rate of 10 per cent between 1994–95 and 1999–2000.

Mr Clark — On the point of order, Speaker, the Premier has now indicated that he is quoting from a document, and I ask him to make that document available to the house.

The SPEAKER — Order! I do not believe the Premier said he was quoting. I believe the Premier said he was referring to his notes. I suggest that it is a common practice amongst all members of the chamber to refer to notes.

Mr McIntosh — On the point of order, Speaker, my clear recollection of what the Premier said was, 'My notes say', and he was reading.

Mr Batchelor — On the point of order, Speaker, the rules of the house state that if you say you are quoting from a document, that renders it liable to be asked to be tabled, but if you are referring to your notes, as the Premier was, they are your own private notes. It is only quotes in documents that are required to be handed

across in order that the veracity of those can be checked, if that is what the other side would like to do. That was not the case on this occasion, and I put it that there is no point of order.

The SPEAKER — Order! I do not uphold the point of order. The Premier has concluded his answer.

Housing: government initiatives

Mr LIM (Clayton) — My question is for the Minister for Housing. I refer to the Brumby government's commitment to make Victoria the best place to live, work and raise a family and also to create a fairer Victoria, and I ask: can the minister update the house on recent initiatives to ensure that all Victorians have access to housing that is both safe and affordable?

Mr WYNNE (Minister for Housing) — I thank the member for Clayton for his question and for his longstanding and continued support for public and social housing.

As I have done in the house on a number of occasions, I am delighted to again report on another project being delivered by the Brumby government in partnership with the commonwealth through the Nation Building economic stimulus package. I refer specifically to a \$25.5 million social housing project on the former Ferntree Gully Primary School site on Burwood Highway, which, importantly, is secured in public ownership. That is an important outcome. This project was approved yesterday by the Minister for Planning. It follows the unanimous resolution and support of the Knox City Council, which is in favour of this development. This is an excellent example of collaboration between federal, state and local government. I submit that you would be hard-pressed to find a better located site than the Ferntree Gully Primary School site, located as it is so close to public transport.

Members of the house would no doubt be aware of the historic investment being made by both state and commonwealth governments to deliver significant economic and social benefits through this program. Just in this financial year we will support more than 3000 jobs through this program. Of course this and other Nation Building projects will house people who would otherwise be homeless or living on the margins of housing.

Last week I was with the Premier when we launched a fantastic project down in St Kilda that brought to fruition the work of the member for Albert Park in relation to addressing the issue of the most vulnerable

people in our community living in rooming houses. I applaud the member for Albert Park not only on his work but also on the collaborative way in which he brought together a range of different groups to reach a consensus about how we should go forward in delivering sustainable outcomes for some of the most vulnerable people in our community. The support of the Premier, with a \$77 million package to assist these people, is broadly welcomed.

The role of the Knox council in this particular development has been significant and is very much an indication of a way forward and how local government can work collaboratively with the state and commonwealth governments to achieve really significant social outcomes. I refer specifically to comments made by one of the councillors at Knox, Cr Sue McMillan. Cr McMillan is known to the member for Ferntree Gully, I would imagine.

Cr McMillan showed that support for social housing and the homeless can in fact be bipartisan, but only when those in a position of leadership have the heart and courage to show that leadership. In Cr McMillan's contributions to the debate on this development she singled out some opposition to this magnificent development at Ferntree Gully. She indicated — and she is a member of the Liberal Party — that she had been:

... personally offended by comments and innuendo that's been running around in the last few weeks.

We have an opportunity here to get a whole lot of new residents in and surely that's ... a good thing.

They've seen a situation which has the potential for people to be unhappy or unsettled.

That is, by the sorts of comments that were made.

Instead of getting behind it for the good project it is and encouraging people to look at the positive side of it, they're playing on that.

I think they've seen they can use it as a political point-scoring opportunity, and I am so disappointed ...

There was a petition, of course, which the member for Ferntree Gully would know very well. This petition was phrased to read 'Do you want this type of housing on your doorstep?'

This is an opportunity for the government and the opposition to stand in a bipartisan way to deliver outcomes. This is a unique opportunity that we have, in a partnership between federal, state and local government, to deliver for people in most need. It is time for the Leader of the Opposition to call off the dog

whistlers, whether it is the member for Ferntree Gully or the member for Warrandyte.

Disability services: supported accommodation

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer to comments yesterday from County Court judge Mark Taft, who has slammed the government in relation to an intellectually disabled man being warehoused in prison for nearly a year due to a lack of appropriate supported accommodation, and I ask: will the minister advise exactly how many people with an intellectual disability are currently abandoned by this government in prisons, caravan parks, rooming houses or on our streets because of a failure to provide enough supported accommodation?

Ms NEVILLE (Minister for Community Services) — I thank the member for her question. Can I just reject the premise of the question? This government does not abandon anyone. In fact it is this government that in the last two years has delivered the biggest ever investment in disability services in this state's history. That includes building an additional 245 beds in those two budgets, on top of the 850 we have already delivered.

Can I just point out that if the member was aware of this particular case in the courts, she would know that this is not a question about placing a person in shared supported accommodation. If you have a look at the offences and the issues that relate to this, you would see that it would not be an option to place this person in shared supported accommodation without putting at risk other residents.

I reiterate: this government is committed to supporting people with a disability. That is why we have put in record investment and that is why we are building more supported accommodation, and we will continue to do that.

CONSTITUTION (APPOINTMENTS) BILL

Introduction and first reading

Mr BRUMBY (Premier) — I move:

That I have leave to bring in a bill for an act relating to actions taken by lieutenant-governors and administrators of the state, to amend the Constitution Act 1975 and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — I ask the Premier to provide a brief explanation of this bill.

Mr BRUMBY (Premier) — The bill will provide that future appointments of lieutenant-governors and administrators be made by the Governor and that the previous actions of lieutenant-governors and administrators appointed by the Queen between the commencement of the Australia Act and the commencement of this bill are valid.

Motion agreed to.

Read first time.

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Constitution Amendment (Appointments) Bill 2009.

In my opinion, the Constitution (Appointments) Bill 2009, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The object of the Constitution (Appointments) Bill 2009 is to remedy an inconsistency between Victoria's Constitution Act 1975 and the Commonwealth's Australia Act 1986.

The bill will provide that:

future appointments of Lieutenant-Governors and Administrators be made by the Governor, rather than the Queen; and

previous actions of Lieutenant-Governors and Administrators are valid.

The bill will make the provisions of the Victorian Constitution concerning appointment of Lieutenant-Governors and Administrators consistent with the Australia Act 1986 and current practice.

Human rights issues

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

There are no human rights engaged by the bill. Although the bill concerns the appointment of Lieutenant-Governors and Administrators, it deals with the process of appointment rather than eligibility to be appointed as Lieutenant-Governor or Administrator. The bill does not therefore engage the right to participate in public life under section 18 of the Charter.

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

The bill does not engage and therefore does not limit any human rights contained in the Charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

John Brumby
Premier

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

The Constitution (Appointments) Bill 2009 will remedy an inconsistency between Victoria's Constitution Act 1975 and the commonwealth's Australia Act 1986.

The Constitution Act 1975 provides that the Queen may appoint a person as Lieutenant-Governor or administrator. This is inconsistent with the Australia Act 1986 which provides that all powers and functions of the Queen in respect of a state are exercisable only by its Governor. As the commonwealth constitution provides that commonwealth laws prevail over state laws to the extent they are inconsistent, it is necessary to amend the Constitution Act 1975.

In response to this inconsistency, Victoria changed its practice in 2006 so that lieutenant-governors are now appointed by the Governor. The current Lieutenant-Governor of Victoria was appointed by the Governor in 2006. The bill will therefore provide that future appointments of lieutenant-governors and administrators are made by the Governor.

To remove doubts about actions taken by lieutenant-governors and administrators since 1986, the bill will also provide that actions taken by lieutenant-governors and administrators since the commencement of the Australia Act 1986 and the commencement of this bill are as valid as they would have been if they had been done by a person validly holding the office of Governor. No cause of action will therefore lie against the state in relation to this bill or the relevant acts of lieutenant-governors or administrators except to the extent that they would be available had they been done by a person validly holding the office of Governor.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Leader of the Opposition).

Debate adjourned until later this day.

Mr Baillieu — On a point of order, Deputy Speaker, this bill seeks to change the Constitution Act in

Victoria. I wonder whether you can clarify for the house what the arrangements are for the passage of the bill. What majority is required for the passage of the bill?

The DEPUTY SPEAKER — Order! It requires a special majority, not an absolute majority.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who present an unacceptable risk of harm to the community to be subject to ongoing detention or supervision, to amend the Corrections Act 1986 and other acts and to repeal the Serious Sex Offenders Monitoring Act 2005 and for other purposes.

Read first time.

SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL

Introduction and first reading

Mr BATCHELOR (Minister for Community Development) — On behalf of the Minister for Police and Emergency Services, I move:

That I have leave to bring in a bill for an act to amend the Summary Offences Act and the Control of Weapons Act and for other purposes.

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

Mr BATCHELOR (Minister for Community Development) — This proposal will seek to introduce new measures that will enable Victoria Police to address violence and to look at the issue of carrying weapons, whether it is in the central business district or elsewhere, and also to respond to the significant increase in drunkenness and disorderly behaviour in public places in Victoria.

Motion agreed to.

Read first time.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL

Introduction and first reading

For Mr CAMERON (Minister for Police and Emergency Services), Mr Batchelor introduced a bill for an act to amend the Country Fire Authority Act to confer on the chief officer a duty to issue warnings and to provide information to the community in relation to bushfires in Victoria, to make provision for identification and designation of neighbourhood safer places and to provide for the representation of volunteer members of brigades and to amend the Emergency Management Act in relation to the control of response to fires and for other purposes.

Read first time.

TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL

Introduction and first reading

For Mr PALLAS (Minister for Roads and Ports), Mr Batchelor introduced a bill for an act to amend the Accident Towing Services Act, the Crimes Act, the EastLink Project Act, the Major Transport Projects Facilitation Act, the Marine Act, the Melbourne City Link Act, the Port Services Act, the Road Management Act, the Road Safety Act, the Southern and Eastern Integrated Transport Authority Act and the Transport Act and for other purposes.

Read first time.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Planning and Environment Act to provide for growth areas infrastructure contributions and to make related amendments to the Building Act, the Project Development and Construction Management Act, the Sale of Land Act, the Subdivision Act, the Taxation Administration Act and the

Victorian Civil and Administrative Tribunal Act and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the related amendments in relation to this bill.

Mr BATCHELOR (Minister for Community Development) — This bill will implement the new legislative framework to enable a simplified and flexible mechanism for the charging and allocation of state infrastructure contributions in Melbourne's growth areas.

Motion agreed to.

Read first time.

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That I have leave to bring in a bill for an act to amend the Taxation Administration Act in relation to feasibility studies and for other purposes.

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

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — Members would be aware that the government recently released a green paper titled *Fire Services and the Non-insured*. That green paper proposes a feasibility study in relation to the effects of the fire services levy on insurance and to look at alternative models. This bill facilitates the conduct of that feasibility study.

Motion agreed to.

Read first time.

EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL

Introduction and first reading

Ms ALLAN (Minister for Skills and Workforce Participation) introduced a bill for an act to amend the Education and Training Reform Act to provide for an expedited process for taking action against institutions providing courses to students from

overseas and to provide for public disclosure of information about the cancellation or suspension under that act of the registration, authorisation or approval of certain persons or bodies and for other purposes.

Read first time.

LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL

Introduction and first reading

Mr ROBINSON (Minister for Consumer Affairs) introduced a bill for an act to amend the Liquor Control Reform Act in relation to the consumption of liquor on party buses and for other purposes.

Read first time.

MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL

Introduction and first reading

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I move:

That I have leave to bring in a bill for an act to amend the Melbourne (Yarra Park) Land Act, the Melbourne Cricket Ground Act and the Conservation, Forests and Lands Act and for other purposes.

Ms WOOLDRIDGE (Doncaster) — I ask the minister to provide a brief explanation of the bill.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — Essentially this bill provides for the transfer of the management of the Melbourne Cricket Ground from the Melbourne City Council to the Melbourne Cricket Ground Trust. It seeks to improve the amenity and health of Yarra Park and also, importantly, will ensure that parking for MCG events and other major events in the precinct will continue as they do now.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The DEPUTY SPEAKER — Order! I advise the house that under standing order 144 notices of

motion 45 to 60, 131 to 133 and 224 to 233 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Mental health: Bass Coast housing

To the Legislative Assembly of Victoria:

Bass Coast has an approximate population of 30 000, the region has no affordable one-bedroom units, particularly in the town of Wonthaggi for single people with a chronic mental illness under the age of 55.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament, the Minister for Housing and the Minister for Community Services to support our petition and act immediately to provide long-term housing for single people with a chronic mental illness.

By **Mr K. SMITH (Bass) (123 signatures)**.

Gaming: poker machines

To the Legislative Assembly of Victoria:

Victorian gambling authorities have changed the definition of gaming tables which now allows for Crown Casino to install up to 200 new automated gambling machines, which were previously disallowed. The state government by accepting this change is promoting gambling which we believe is detrimental to our state and community. We do not want extra gaming machines or venues in our state including the Cardinia Shire.

We, the undersigned concerned citizens of Victoria wish to express our opposition to this changed definition and call on the state government and Minister for Gaming to close the loophole.

By **Mr K. SMITH (Bass) (34 signatures)**.

Public holidays: show days

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the inequitable nature of the current policy on the allocation of show day holidays in lieu of the Melbourne Cup Day holiday.

The petitioners point out to the house that this legislation is having devastating effects on the survival of traditional A & P show days due to the inability of local schools and businesses to close and thus attend on the day of the show.

The petitioners therefore request that the Legislative Assembly of Victoria amends its legislation thus allowing local government councils the flexibility to allocate the show day holiday to individual communities according to the day in

which the community deems it is appropriate to conduct its show day event.

By Mr DELAHUNTY (Lowan) (168 signatures) and Mr WALSH (Swan Hill) (1243 signatures).

Liquor: licences

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of anti-social behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognise the damage such across-the-board increases will cause, particularly in many country communities and review the legislation as a matter of urgency.

By Mr DELAHUNTY (Lowan) (224 signatures).

Rail: Mildura line

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

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

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

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

By Mr CRISP (Mildura) (23 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house for the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

By Mr CRISP (Mildura) (43 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (30 signatures).

Webb Street–Centre Road, Narre Warren: pedestrian crossing

To the Legislative Assembly of Victoria:

The petition of certain residents of the City of Casey draws to the attention of the house the busy intersection of Webb Street and Centre Road Narre Warren, which does not have a pedestrian crossing. This is a safety hazard and is a particular risk to members of the nearby Narre Warren Senior Citizens Centre.

The petitioners therefore request that the Legislative Assembly of Victoria acts promptly to establish a pedestrian crossing at the intersection.

By Ms GRALEY (Narre Warren South) (166 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 construct a pipeline to take water from the Goulburn Valley to Melbourne.

The petitioners register their opposition to the project on the basis that any water savings achieved by irrigation modernisation in the Goulburn Murray irrigation system

should be retained in that system for use by communities and for environmental flows and not piped over the Great Dividing Range to Melbourne.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal to build the pipe and call on the state government to invest in other measures to increase Melbourne's water supply, such as recycled water and stormwater capture for industry, parks and gardens.

By Mr WALSH (Swan Hill) (32 signatures).

Tabled.

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

Ordered that petitions presented by honourable member for Bass be considered next day on motion of Mr K. SMITH (Bass).

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

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

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 13

Mr CARLI (Brunswick) presented *Alert Digest No. 13 of 2009* on:

- Electricity Industry Amendment (Critical Infrastructure) Bill**
- Fair Work (Commonwealth Powers) Amendment Bill**
- Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill**
- Health Practitioner Regulation National Health (Victoria) Bill**
- Justice Legislation Miscellaneous Amendments Bill**
- Local Government (Brimbank City Council) Bill**
- Parks and Crown Land Legislation Amendment (River Red Gums) Bill**
- Road Legislation Amendment Bill**
- State Taxation Acts Further Amendment Bill**

together with appendices.

Tabled.

Ordered to be printed.

MAGISTRATES COURT OF VICTORIA

Report 2008–09

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

Ordered to be printed.

SUPREME COURT OF VICTORIA

Report 2007–08

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Agriculture Victoria Services Pty Ltd — Report 2008–09

Australian Centre for the Moving Image — Report 2008–09

Corangamite Catchment Management Authority — Report 2008–09

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

Eastern Beach Public Park Reserve, Geelong

Sandringham Beach Park

East Gippsland Catchment Management Authority — Report 2008–09

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the reports 2008–09 of the:

Dairy Food Safety Victoria

Murray Valley Citrus Board

Murray Valley Wine Grape Industry Development Committee

Northern Victorian Fresh Tomato Industry Development Committee

Phytogene Pty Ltd

PrimeSafe	Legal Services Board — Report 2008–09
Veterinary Practitioners Registration Board of Victoria	Legal Services Commissioner — Report 2008–09 — Ordered to be printed
Victorian Strawberry Industry Development Committee	Library Board of Victoria — Report 2008–09
Reports from the Minister for Environment and Climate Change that he had received the reports 2008–09 of the:	Mallee Catchment Management Authority — Report 2008–09
Barwon Regional Waste Management Group	Melbourne Recital Centre — Report 2008–09
Calder Regional Waste Management Group	<i>Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns as at 30 September 2009 — Ordered to be printed.</i>
Central Murray Regional Waste Management Group	Metropolitan Waste Management Group — Report 2008–09
Desert Fringe Regional Waste Management Group	Museums Board of Victoria — Report 2008–09 (two documents)
Gippsland Regional Waste Management Group	National Gallery of Victoria, Council of Trustees — Report 2008–09
Goulburn Valley Regional Waste Management Group	North Central Catchment Management Authority — Report 2008–09
Grampians Regional Waste Management Group	North East Catchment Management Authority — Report 2008–09
Highlands Regional Waste Management Group	<i>Parliamentary Committees Act 2003:</i>
Mildura Regional Waste Management Group	Government response to the Electoral Matters Committee's Report on the Inquiry into Political Donations and Disclosure
Mornington Peninsula Regional Waste Management Group	Government response to the Law Reform Committee's Inquiry into Alternative Dispute Resolution and Restorative Justice
North East Regional Waste Management Group	Government response to the Public Accounts and Estimates Committee's Report on the 2007–08 Financial and Performance Outcomes
South West Regional Waste Management Group	<i>Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning schemes:</i>
Report from the Minister for Health that he had received the Report 2008–09 of the Ballarat General Cemeteries Trust	Bass Coast — C86
Report from the Minister for Skills and Workforce Participation that she had received the Report 2008 of the International Fibre Centre	Baw Baw — C68, C69
Reports from the Minister for Veterans' Affairs that he had received the reports 2008–09 of the:	Benalla — C3, C23
Shrine of Remembrance	Boroondara — C87
Victorian Veterans Council	Casey — C80 Part 3
Fisheries Co-Management Council — Report 2008–09	Frankston — C61
Geelong Performing Arts Centre Trust — Report 2008–09	Gannawarra — C24
Geoffrey Gardiner Dairy Foundation Ltd — Report 2008–09 (two documents)	Glen Eira — C66
Glenelg Hopkins Catchment Management Authority — Report 2008–09	Greater Bendigo — C84, C104
Goulburn Broken Catchment Management Authority — Report 2008–09	Greater Geelong — C154 Part 3, C183
Harness Racing Victoria — Report 2008–09	Horsham — C44
Judicial College of Victoria — Report 2008–09	Hume — C110, C114, C118
Keilor Cemetery Trust — Report 2008–09	

Kingston — C76	<i>Subordinate Legislation Act 1994:</i>
Latrobe — C11	Minister's exception certificates in relation to Statutory Rules 120, 131, 132
Maribymong — C73 Part 1	Ministers' exemption certificates in relation to Statutory Rules 107, 117, 121, 122, 124, 125, 126, 127, 128
Maroondah — C75	
Melton — C64	Trust for Nature — Report 2008–09 (two documents)
Mitchell — C39	Victoria Grants Commission — Report 2008–09
Moreland — C94	Victoria Law Foundation — Report 2008–09
Mornington Peninsula — C98	Victorian Arts Centre Trust — Report 2008–09 (two documents)
Stonnington — C105	Victorian Catchment Management Council — Report 2008–09
Surf Coast — C56	Victorian Civil and Administrative Tribunal — Report 2008–09
Wangaratta — C33	Victorian Energy Networks Corporation — Report 2008–09
Wellington — C45	Victorian Equal Opportunity and Human Rights Commission — Report 2008–09 — Ordered to be printed
Whitehorse — C121	Victorian Institute of Forensic Medicine — Report 2008–09
Wyndham — C116	Victorian Law Reform Commission — Report 2008–09 — Ordered to be printed
Port Phillip and Westernport Catchment Management Authority — Report 2008–09	Victorian Multicultural Commission — Report 2008–09
Professional Standards Councils — Report 2008–09	Victorian Privacy Commissioner, Office of — Report 2008–09 — Ordered to be printed
Public Prosecutions — Director, Committee and Office — Report 2008–09	Victorian Small Business Commissioner, Office of — Report 2008–09
Recreational Fishing Licence Trust Account — Report 2008–09 on the disbursement of Revenue	VITS LanguageLink — Report 2008–09
Sentencing Advisory Council — Report 2008–09	West Gippsland Catchment Management Authority — Report 2008–09 (two documents).
Special Investigations Monitor, Office of — Report 2008–09	Wimmera Catchment Management Authority — Report 2008–09.
Statutory Rules under the following Acts:	
<i>Coroners Act 2008</i> — SRs 120, 131	
<i>Criminal Procedure Act 2009</i> — SR 132	
<i>Fair Trading Act 1999</i> — SR 125	
<i>Gas Industry Act 2001</i> — SR 121	
<i>Land Acquisition and Compensation Act 1986</i> — SR 124	
<i>Marine Act 1988</i> — SR 126	
<i>National Gas (Victoria) Act 2008</i> — SR 122	
<i>Police Integrity Act 2008</i> — SR 117	
<i>Road Management Act 2004</i> — SR 127	
<i>Road Safety Act 1986</i> — SRs 118, 119, 128, 129, 130	
<i>Supreme Court Act 1986</i> — SR 132	
<i>Water Act 1989</i> — SR 123	
	The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:
	<i>Electricity Industry Amendment (Premium Solar Feed-in Tariff) Act 2009</i> — Whole Act — 1 November 2009 (<i>Gazette G44, 29 October 2009</i>)
	<i>Gambling Regulation Further Amendment Act 2009</i> — Part 1, Part 2 (except ss 4, 6 to 8, 10, 12 to 16, 18, 19(1), 21 to 24, 44, 45 and 51 to 54), Part 3, Part 4 (except s 85(2)), Part 5, Part 6, Part 8 (except ss 108 to 110), Part 9 (except Division 1 of that Part) and Part 10 — 21 October 2009; Part 7 — 25 November 2009 (<i>Gazette S363, 21 October 2009</i>)
	<i>Greenhouse Gas Geological Sequestration Act 2008</i> — Part 1, s14, Divisions 1 and 2 of Part 3 and ss 147–150 — 30 October 2009 (<i>Gazette G44, 29 October 2009</i>)
	<i>Justice Legislation Further Amendment Act 2009</i> — Parts 2, 5, 6 and the remaining provisions of Part 9 (except Divisions 6 and 8 of that Part) — 30 October 2009; Division 6 of Part 9 — 9 November 2009 (<i>Gazette G44, 29 October 2009</i>)

Liquor Control Reform Amendment (Licensing) Act 2009 — Sections 3, 27 and 29 — 29 October 2009; Remaining provisions — 1 January 2010 (*Gazette G44, 29 October 2009*)

Major Transport Projects Facilitation Act 2009 — Whole Act — 1 November 2009 (*Gazette G44, 29 October 2009*)

Racing Legislation Amendment (Racing Integrity Assurance) Act 2009 — Whole Act except Parts 2, 3 and 4 — 15 October 2009 (*Gazette G42, 15 October 2009*)

Road Legislation Amendment Act 2009 — Remaining provisions — 9 November 2009 (*Gazette S390, 4 November 2009*)

Transport Legislation Miscellaneous Amendments Act 2009 — Section 3 — 26 October 2009 (*Gazette G43, 22 October 2009*).

Electricity Industry Amendment (Critical Infrastructure) Bill

Fair Work (Commonwealth Powers) Amendment Bill

Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill

Health Practitioner Regulation National Law (Victoria) Bill.

Justice Legislation Miscellaneous Amendments Bill

Parks and Crown Land Legislation Amendment (River Red Gums) Bill

State Taxation Acts Further Amendment Bill

ROYAL ASSENT

Message read advising royal assent to:

21 October

Energy and Resources Legislation Amendment Bill

Gambling Regulation Further Amendment Bill

Liquor Control Reform Amendment (Licensing) Bill

Personal Property Securities (Commonwealth Powers) Bill

27 October

Cemeteries and Crematoria Amendment Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Justice Legislation Miscellaneous Amendments Bill

Parks and Crown Land Legislation Amendment (River Red Gums) Bill

State Taxation Acts Further 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. Thursday, 12 November 2009:

As members will see from the substance of this week's government business program, it has six bills that have started their journey in the Legislative Assembly for detailed consideration and resolution. The gambling regulation amendment bill that relates to racing club venue operators will also be dealt with this week; it is different from the others in that it started its journey in the other place. We will be concluding it; it is being dealt with. We will be undertaking the role of review, which more often than not is undertaken by the other house.

A number of people have organised leave during this week, with the cooperation of the parties, to attend Remembrance Day functions. That is a suitable way of dealing with both that matter and the need to progress Parliament. To further assist those members who will be remaining at Parliament, there will be a short adjournment at the appropriate time to enable people inside this building to join those on the steps to partake in a very localised ceremony on the corner of Bourke Street and Spring Street involving the playing of the *Last Post*. In terms of the work program for this week, it is eminently achievable. I recommend the motion to the house.

Mr McINTOSH (Kew) — The opposition does not oppose the government business program but notes that at the commencement of proceedings today there are seven bills on the program. In addition the government has indicated that it wishes to deal with the Constitution (Appointments) Bill 2009, which was second-read by the Premier. The opposition agreed to facilitate its expeditious passage through both houses of Parliament by supporting it. Given that it is correcting a significant oversight which could have had significant ramifications for the administration of this state, the opposition is prepared to facilitate the bill's passage during the course of this week. That bill will have to be dealt with.

As the Leader of the House has indicated, the government has a desire to get the gambling regulation bill through this week as well. Given that it was introduced and second-read and has been the subject of some substantial discussion in the intervening period, I can understand why the government wants to do that. It effectively means we have nine bills for this sitting week, which, going on past form, means there may be a significant problem when we get to 4 o'clock this Thursday. Obviously we understand that the government wants to deal with the Constitution (Appointments) Bill and the gambling regulation bill, although neither is on the government business program. I hope we do not have to sit late on Thursday to facilitate the passage of those bills and to give members an opportunity to speak on them.

I join with a number of members on this side of the house in mentioning another point. The Leader of the House has indicated that while some provision will be made tomorrow for Remembrance Day celebrations for members who remain in the chamber — I understand the arrangement between the parties will enable many members to attend if not local memorials, certainly the service at the Shrine of Remembrance — of course a minimum number of members will need to be in the chamber to keep the business of the house running, except for that time; and of course the staff of the Parliament will be required to be in attendance. All Hansard staff, the dining room staff, the protective services officers and all the attendants will be required to be in attendance as normal.

It is a matter of deep regret that the government chose, firstly, to list a parliamentary sitting for 11 November. I note that last year we also sat on 11 November, but the parties agreed that there would be no sitting in the morning. From a personal point of view, as manager of opposition business I will be required to remain in the chamber, as will a number of members of the opposition. I put on record that this will be the first occasion in my 10 years as a member of Parliament that I have been unable to attend the local cenotaph at Kew Junction with my constituents and others who are members of the Kew RSL and who always turn up for that commemoration.

It is a matter of deep regret that I will be unable to join them because of my commitments in Parliament. It is not a matter of convenience or a matter of getting the business of the house done: the government chose tomorrow as a parliamentary sitting day. It is a matter of deep regret — and this has been expressed by a number of members of the opposition — that some members will be unable to attend either their local

services or indeed, if they are required to be here, even the service at the Shrine of Remembrance.

I appreciate that we will be able to join others outside on the steps of Parliament House, but certainly from my point of view, and as has been expressed by many members, it is regrettable that we will be unable to join our constituents in observing this deeply important day in the Victorian calendar. As I said, it is with deep regret that for the first time in my 10 years as a member of Parliament I will be unable to attend my local Remembrance Day service.

Mr LANGDON (Ivanhoe) — I want to place on record a comment about the business program which will go through the normal process. The member for Kew, the manager of opposition business, made comment about Remembrance Day, which is tomorrow. I am advised the house has sat on Remembrance Day under previous governments in 1993, 1997 and 1998. The house has also sat on Remembrance Day under this government several times.

Remembrance Day is a very special occasion, when we honour those who served in both world wars and in many other battles. I am sure, by arrangement between the parties, as many members as possible will be able to get out to their electorates.

Mr Delahunty — To Horsham?

Mr LANGDON — I realise it is more of a challenge for members who live further away from Melbourne, but I am sure they will make up for it in due course. I place on record that Parliament has sat on Remembrance Day during the terms of office of this government, the previous government and the Kennett government.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals I indicate we also will not be opposing the government business program, but I highlight that even though we have seven bills on the government business program that will have to be debated this week, as the member for Kew has outlined and with the support of the Leader of the House, in reality nine bills will be debated this week. It will take time, particularly as the activities relating to Remembrance Day tomorrow will take a little bit of time out of the day. I believe that will cause problems towards the end of the week in getting all this legislation through.

The annual statement of government intentions is still sitting on the government business program, awaiting debate. The Leader of the House has assured us that we will get the opportunity to speak on that before the next

statement of government intentions is made next year — but we will wait and see and watch with a great deal of interest.

The bill dealing with critical water infrastructure is also to be debated.

Mr Robinson interjected.

Mr DELAHUNTY — I have not yet had the opportunity to do so.

Mr Robinson — You've got no hope of coming back to it then!

Mr DELAHUNTY — The member for Kew has already spoken about it, and the member for Ivanhoe and other members have also mentioned it, but I want to highlight again that it is very inconvenient to have Parliament sit on Remembrance Day. As has been said by the member for Ivanhoe, in the last 17 years Remembrance Day has fallen on a Tuesday, Wednesday or Thursday on nine occasions. There have been occasions during that period when Parliament, under governments of both persuasions, has sat on that day, but I think it has to change to allow members to attend Remembrance Day events.

Remembrance Day is a very important and significant day. It is pleasing to note that the Minister Assisting the Premier on Veterans' Affairs is sitting at the table, because I am sure, after hearing the comments made by members in this house and by others, he would support the coalition's policy of not sitting on Remembrance Day, because 11 November is a very sacred day in Australia's history. It is important for all of us as elected members to have the opportunity to support our local communities.

It has already been agreed that we will not have divisions, quorums and that type of thing tomorrow morning so as to facilitate the opportunity for members whose electorates are in close proximity to Parliament House to attend and participate in services in their local areas to support the war veterans, their relatives, RSL clubs and the wider community. But for members representing outer-metropolitan areas and the country — like the member for Rodney, the member for Mildura and me — Melbourne is much too far away from our electorates to enable us to get there, which is a major concern for us.

Honourable members interjecting.

Mr DELAHUNTY — Unless we got the red helicopter! That might be a way to do it!

Remembrance Day is a very important day in Australia's history, and it is important for members to be able to attend their local commemorative services. Having heard the comments that have been made in this chamber today, I know there would be wide support for the coalition's policy of Parliament not sitting on Remembrance Day in the future.

Ms Beattie — So you would declare it a public holiday? Is that opposition policy?

Mr DELAHUNTY — But, as I said, The Nationals will not oppose this government business program. We believe there are very important pieces of legislation to be debated, and I know members, particularly those from The Nationals, are very keen to participate in those debates.

Mr CRISP (Mildura) — I rise to speak on the business program. Although we are not opposing it, I add my voice to the comments of the members for Kew and Lowan about Remembrance Day, particularly as I represent one of the far-flung corners of Victoria. Mildura is a soldier settlement district, an area principally expanded by returned soldiers after both wars. I add my voice to the expressions of disappointment that Parliament is to sit on Remembrance Day tomorrow. That precludes me from attending the memorial in my area, and that will not go unnoticed in the Mildura region.

Also this is a significant year in Mildura in that tomorrow will see the unveiling of the pillars that will bring the World War I servicemen and women into the same memorial as that for World War II service people. The unveiling of those pillars is a significant event. November is important to my community and to me, and in future when setting the parliamentary sitting program we should very seriously consider not sitting during Remembrance Day week. I add my voice to those of others who have spoken before me. We are not opposing the program, but we will be busy.

Motion agreed to.

MEMBERS STATEMENTS

Member for Gembrook: conduct

Mr McINTOSH (Kew) — Earlier this year the Premier, understandably, was distressed at the prospect of protesters targeting him and his family and threatening to march on his family property near Bendigo. The Premier condemned the protesters, saying it was 'not fair political play'. The Premier said his wife was not a public figure and went on to say it

was a violation of his family's private space, which was not even the subject of the discussion.

Most importantly, Speaker, there is a whiff of hypocrisy in the Premier's statement. By a media release dated 30 October this year a group called Gene Ethics and GM Cropwatch indicated there would be a gathering, saying in its document dated 2 November 2009:

Gene Ethics' supporters will gather on Monday at the first confirmed GM canola site in Berwick, West Gippsland.

The GM crop is growing on a property owned by the Baillieus, the family of state opposition leader Ted Baillieu.

Gembrook MP Tammy Lobato will attend the event as the GM canola is growing in her constituency, near housing estates, non-GM farms, and the freeway.

There is an element of hypocrisy here. I call on the Premier to censure the member for Gembrook for targeting the Leader of the Opposition's family — and not even his immediate family; it was a distant relative. It is a disgrace, and the Premier should censure the member for Gembrook.

Connections UnitingCare Anti-Poverty Awards

Mr BATCHELOR (Minister for Community Development) — It was with much pleasure that recently I was able to represent the Premier and attend the annual Connections UnitingCare Anti-Poverty Awards, which, coincidentally, were held during Anti-Poverty Week. These awards recognise young Victorians working to eradicate poverty locally, nationally and internationally.

Today I would like to highlight the remarkable work of two young women, Sarah Elston and Caitlin Grigsby, who are the co-founders of the Blue Stockings Association. The Blue Stockings Association was established in 2007 and supports women of all ages, backgrounds and socioeconomic standing. It has awarded more than \$40 000 in scholarships to Gippsland women to help further their educational endeavours. These two women are perfect examples of the extraordinary young talent we have in our community, and their willingness to help and support others to achieve their hopes and dreams is admirable.

I would also like to recognise and congratulate the Minister for Regional and Rural Development on the work she is doing in her role as honorary patron of this group. I know the minister has fond memories of being part of a Blue Stockings day at La Trobe University's Bendigo campus. The association is making a real difference to the lives of disadvantaged women through

leadership and helping women to empower themselves through further studies. On behalf of the members of this place, I offer my congratulations to Caitlin and Sarah.

Bushfires: preparedness

Mr DELAHUNTY (Lowan) — It is nine months after Black Saturday and we see headlines in the media stating that Victoria is not ready for this year's bushfire season. In western Victoria there are major concerns that CFA (Country Fire Authority) radio coverage is inadequate and will put firefighters at risk while fighting fires along the South Australian border. The front page of the *Casterton News* is headed 'CFA radio crisis'; I have the article in front of me.

I have been contacted by many CFA volunteers who are angry that the Premier has stated that radio coverage is adequate. Mr Russell Hall, CFA deputy group officer, has tested the radio coverage and found that there is poor coverage west of Casterton and that the areas of Poolaijelo, Dergholm, Dorodong, Corndale and Chetwynd do not have satisfactory coverage. The CFA must take this local knowledge seriously, as communications are not only important for fighting fires but also for the safety of emergency services personnel protecting our lives and property.

Victoria is dangerously underprepared. Even the Chief Commissioner of Police said a police submission for funding to supply radios had been refused. For the sake of all Victorians, I call on the government to cut the talking, fix the communication problems and adequately prepare Victoria for bushfires.

Public transport: passenger safety

Mr DELAHUNTY — On another matter, western Victorians have welcomed the coalition's transport security plan to make the train network safe again by putting Victoria Police protective services officers on stations after 6.00 p.m., seven days a week. Western Victorians are living in fear of the growing violence and crime, and they welcome the plan to make stations safe and secure for them as they travel into Melbourne or visit regional centres.

Racing: Cox Plate

Mrs MADDIGAN (Essendon) — I would like to congratulate the Moonee Valley Racing Club on the great running of the Cox Plate this year. It was a great race meeting this year and many thousands attended. Five years ago the shadow Minister for Racing revealed it was Liberal Party policy to remove the Cox Plate

from Moonee Valley. I can assure him and his party that the many thousands who attended the Cox Plate on 24 October would be horrified at such a suggestion. We had a great carnival atmosphere, and it went off extremely well.

Hamilton Lamb

Mrs MADDIGAN — On another note, in view of the fact that tomorrow is Remembrance Day, I would like to pay tribute to the only serving member of this Parliament who died on active service, Hamilton Lamb, a former member for Lowan. He was the member for Lowan from March 1935 until December 1943. He served in the Australian Imperial Force as a lieutenant in the 2/2nd Pioneer battalion in the Middle East and Java. He was taken as a prisoner of war in Java in 1942 and died on the Burma railway. He was well known, of course, in the Lowan electorate.

He came from a strong political family. His twin sister, Florence Rodan, was secretary of the ALP Women's Organising Committee and, I think, the first woman ever to gain endorsement from the Labor Party as a candidate, although she was unsuccessful. His son, of course, is Tony Lamb, a federal Labor Party member of Parliament. The Australasian Study of Parliament Group is having Tony Lamb to speak tomorrow night to commemorate Hamilton Lamb — and the Country Party — and I encourage members to attend.

Public transport: passenger safety

Mrs FYFFE (Evelyn) — The opposition's announcement concerning law and order and safety in public transport has been welcomed in my electorate. Having conducted a law and order survey earlier this year, I was distressed to find out just how scared residents of the Yarra Valley feel on Victoria's public transport system. Elderly people, young women with small children, students of all ages and people who frequently travel alone all report feeling on edge when they have to use public transport, worried that they will be harassed, abused or assaulted.

Survey responses indicate that residents are frightened and concerned about travelling on public transport. Examples of comments that highlight these worries are: 'I am fearful of aggressive and loutish behaviour on trains'; 'I am elderly and I worry about the assaults ... I don't feel safe travelling by train'; 'The appalling drunken/drug-affected behaviour of people on the train ... is of real concern to me'; 'I will not travel on trains after peak hours, do not feel safe after dark'. From a Wandin North resident: 'I have just returned from ... New York ... to find I felt safer in New York

than in Melbourne. I travelled the subway at night — a thing I don't feel free to do in Melbourne'.

The coalition will put around 940 armed security guards and an extra 100 transit police into our train stations, which, after 10 long years of neglect by this tired Brumby government, have become havens for violent criminal activity. For years commuters who are sick of the violent and often unpredictable behaviour on our trains have been calling out for a greater human security presence. Under a Baillieu coalition government, they will get it.

Gladstone Park Primary School: creative arts program

Ms BEATTIE (Yuroke) — I rise today to commend Gladstone Park Primary School and its efforts towards encouraging the creative arts at its school and within the broader community. I recently had the privilege to attend a choral performance by students at a local shopping centre, entitled 'One Day, One Song'. The students at Gladstone Park Primary School, under the instruction of their talented choral conductor, Rosalie Birney, sang beautifully and did the people of my electorate the great service of drowning out my voice, as I had the privilege to sing along with them — although I can tell you I can bang a mean tambourine!

I am very proud to have such talented young people within my electorate. Attending their performance reminded me, as I am now proud to remind this Parliament, of the importance of the creative arts within the school curriculum.

The students not only demonstrated the benefit of creativity in education, because as the people of Yuroke gathered around to watch them perform, I was reminded of the power of the arts to bring local communities together.

I offer my sincere congratulations to the students of Gladstone Park Primary School and give my thanks to all those involved in the performance. I also thank Rosalie Birney and members of the choir who sang this morning at the Liz Beattie school awards that I make to the electorate every year. Again their singing was wonderful, and it is a great tribute to them.

Public transport: passenger safety

Mr THOMPSON (Sandringham) — Sandringham electorate public transport commuters from Hampton, Highett, Sandringham, Black Rock, Beaumaris, Cheltenham and Mentone will be the great winners when the Baillieu plan to stop crime in its tracks with

new transport security forces is implemented after the next election. With Victoria Police protective services officers on every metropolitan railway station after 6.00 p.m. the Sandringham electorate commuters from Sandringham, Hampton, Highett, Cheltenham and Mentone railway stations will share in the benefit of over 1000 extra police officers on the public transport system, with a zero tolerance approach to crime on public transport.

In the city of Kingston there was a 20 per cent increase in assaults over the last 12-month period, and people fear for their safety when travelling by public transport at night. Under the Baillieu proposal train stations will be safe, secure and patrolled.

The coalition will not tolerate crime, violence or antisocial behaviour on public transport. We are of the view that safe public transport is a right and that in this instance the Brumby government has missed the bus in providing safety for public transport commuters.

Tertiary education for overseas students is one of the major growth industries in this state, and the personal wellbeing of these students has been placed at risk as a result of the lack of security around railway stations. Women and elderly people in particular are frightened to use public transport, and they will be the beneficiaries of this proposed program.

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

Peter Koukoulas

Ms D'AMBROSIO (Mill Park) — Sadly, I rise to inform the house of the passing of Peter Koukoulas. Peter was born in Kalamata, Greece in 1944 and migrated to Australia in 1963. Like most who migrated to Australia at the time, Peter came to Australia to make the most of the opportunities presented to him through hard work and much courage. Peter eventually settled in Lalor with his wife Helen, together raising three children: Steven, Maria and Christina.

Peter became a justice of the peace and gave a tremendous amount of himself to helping others and volunteering in the local community. Peter served as an active member of the Australia Day committee of the City of Whittlesea for the last 15 years. He was also a very active member of the Greek orthodox community of Whittlesea for over 18 years. He was presented with a Victorian Multicultural Commission award for meritorious service in 2006.

Peter was a proud man who displayed skills befitting many of the building trades, but like many of his

background and time, he did not hold the papers to show it; his handiwork said it all instead. His wife told me the other day that there was not a house in Lalor where Peter had not hammered in a nail or fixed a screw, such was his generosity and his ever-readiness to assist others voluntarily. Everybody knew Peter.

Peter was also a long-serving member of the Thomastown Greek-speaking branch of the Australian Labor Party. Where there was a lack of understanding of or respect for the rights of disadvantaged people, you were always sure to find Peter there, pressing and arguing on their behalf in his straightforward manner.

Peter was not a paid member of my electorate office, but he might as well have been. He was always there, dependable and trustworthy and a great personal friend. We will miss him deeply.

Bridges: Yarrowonga–Mulwala

Mr JASPER (Murray Valley) — I bring the attention of the house the frustration of the people of Yarrowonga and surrounding areas, including me, at the delays in processing the replacement bridge over Lake Mulwala between the townships of Yarrowonga and Mulwala. Members would be aware of the continuing representations of me and others over many years concerning the replacement of Murray River bridges between Victoria and New South Wales.

They have resulted in new bridges being opened at Howlong in 2002, the Federation Bridge between Corowa and Wahgunyah in 2005, and the Cobram–Barooga Bridge in 2006. It is disappointing that the roads minister has committed to a date of 2020 for the new Lake Mulwala bridge, despite extensive representations and an on-site visit by the minister almost three years ago.

Victoria and New South Wales have now committed to \$2.1 million, with a manager appointed to the project last month and with consultants to be appointed early next year with a three-year time line for a detailed planning study. This time line needs to be immediately revised with the need for a shorter time frame being recognised.

Some three years ago VicRoads presented initial investigations with about six alternative routes for the new bridge. There needs to be a recognition of the massive increase in population in Yarrowonga with higher traffic usage and increased tourist traffic, together with local and interstate transports making the ageing existing bridge totally inadequate.

I call on the roads minister to immediately review the Yarrowonga–Mulwala bridge replacement program and provide a shorter time line for the replacement of the bridge.

Geoff Dougall

Mr NOONAN (Williamstown) — I rise to congratulate local author Geoff Dougall on the recent release of his new book entitled *Of Full Steam and Taut Hawsers — The Tugs of Williamstown*. Geoff's meticulously researched book presents the reader with a wonderful opportunity to explore the historical link between the shipping industry and the seaside village of Williamstown.

The book's story is really told through the lens of the humble tugboat. In fact every tug from the 1830s through to the present day has been documented and had its story told as part of this book. In many ways these mighty sea-dwellers have been the unsung workhorses of our maritime industry — for example, take the *James Paterson*. Commencing its life in 1902, the *James Paterson* spent the next 63 years in service, rescuing countless stricken vessels from Port Philip Bay and surrounds. Such were the times that the *James Paterson* also saw two world wars throughout her length of service. She was requisitioned as an auxiliary minesweeper during the First World War, and later had the responsibility of towing many heavy royal navy vessels safely to Princes Pier during the Second World War.

Geoff's capacity to bring stories such as that of the *James Paterson* to life throughout this book is quite simply remarkable. He has written about these tugs as if they were real people. Geoff has also proudly immortalised many maritime workers through his writings, which in turn tell a great story about Williamstown's rich working history. The book is a great addition to Victoria's history.

Rail: Pakenham line

Mr K. SMITH (Bass) — In July this year I conducted a survey of all the constituents in the north of my electorate. A total of 15 000 questionnaires that asked 25 questions about the Pakenham rail line went out from my office.

The aim of the Pakenham rail survey was to assess the functionality and performance of the Met system and its services, and to determine what could be improved. One of the questions that was asked was, 'Has there ever been a time when you have not felt safe using the trains on the Pakenham line?', to which question 71 per

cent of respondents said yes, they did not feel safe; 28.5 per cent said no; and 0.5 per cent gave no response. I emphasise that 71 per cent of people, most of whom were travelling for work, recreation or school, said they felt unsafe.

When asked to explain why they were afraid of travelling at night, they said because of the drunks and the drinking of alcohol; loud, rowdy, noisy, aggressive passengers, particularly youths; drug users and drug-affected people; swearing and aggressive language; violence and assaults; thugs, hoons, louts and yobbos; and a lack of security guards. What an indictment of this callous and uncaring left-wing socialist minister and the government. This has not happened just in the last 12 months; this has been building up over the last 10 years while this government has watched it happen and done nothing. Young and old people, men and women, and people from my electorate have not been listened to by this government. Now the Leader of the Opposition has listened and acted.

Emily Werry

Ms GRALEY (Narre Warren South) — One in nine women, or one woman every 43 minutes, will be diagnosed with breast cancer. It is not just the individual woman who is affected, but all her friends and family are affected as well. I have recently had the pleasure of meeting a fine young woman who while not having been diagnosed with breast cancer has been affected by it. Emily Werry was just five years old when her grandmother was first diagnosed with breast cancer. Her grandmother managed to beat that but was again struck down by breast cancer and passed away when Emily was aged only 13. Emily remembers the time of her grandmother's death as being difficult. The grieving became unbearable, but as time went on she recalls that the pain changed from grief to remembrance.

Inspired by the memory of her grandmother, Emily has set her sights on making a difference for other breast cancer sufferers. As part of a school project Emily has launched a campaign to make magnetic resonance imaging scans free for women testing for breast cancer. Emily is working tirelessly on her campaign. Just recently I was lucky enough to assist her in staging a pink ribbon morning tea at her secondary school, Kambrya College in Berwick. The morning tea was an outstanding success. There was pink everywhere, and all Emily's Kambrya schoolfriends and teachers supported her cause. Already Emily has raised over \$1700, an extraordinary effort that would make her grandmother very proud. Her parents were, rightly,

beaming with pride. I get the feeling that Emily will never give up on this cause until a cure for breast cancer is found. Everything she does takes us one step closer. Thank you and well done, Emily.

Dairy industry: water licences

Mr BLACKWOOD (Narracan) — Recently I attended a briefing given by senior DPI (Department of Primary Industries) bureaucrats regarding the dairy shed water licence transition program. A pleasing aspect of the program is the amnesty that is in place until 26 February 2010. Farmers can apply for a new licence or upgrade their current licence to a volume that reflects current use. I encourage all farmers to take advantage of the amnesty. The cost of a new licence will be \$701.20, which is explained on the DPI website. What is not explained is that new licensees and those extending an existing licence above 10 megalitres will have to install a meter on their water source which will cost at least \$1400. This vital information has not been made openly available to farmers. Naturally they are very suspicious about the ongoing management fees that will be charged on an annual basis. Farmers have provided the infrastructure and the meter at considerable expense and will now be slugged an annual management fee that is nothing more than another blatant grab for money.

Dairy farmers are doing it very tough, as today's milk prices do not even cover their production costs. They are still suffering the impact of drought, even though this spring was a welcome relief. Our dairy farmers do not need to be insulted by government departments that continue to hide the facts from them and have chosen to implement a program that is going to add significant cost to the farmers' businesses at a time when costs are exceeding income. I call on the Minister for Environment and Climate Change, Mr Jennings, to review the need for an annual management fee and impose a moratorium on the application fee and meter installation until farmers' viability has returned.

Agriculture: genetically modified crops

Ms LOBATO (Gembrook) — My constituents and I have always been concerned about the dangers posed by genetic modification. This concern grew last week when I learnt that GM (genetically modified) canola was growing in Berwick in the middle of two housing estates. At the invitation of Gene Ethics and CropWatch, I attended a gathering to alert local people to the fact that GM canola was being grown in a suburban neighbourhood.

The reason I met with this group outside this property was that it was the first GM canola crop in a residential area and my communities are now at risk of contamination. Ownership of the property is irrelevant. What is relevant is that families and businesses in the local area are being put at risk by GM crops being grown in their vicinity. The gathering last Monday took place on a road reserve where people walk their dogs up and down every day. There was never any intention of trespassing and no invasion of anyone's privacy took place, to which Channel 7 and local media can attest.

This issue is not about particular people or politics. It is now a community issue, which needs to be considered and addressed by the communities that are affected. Disclosure of crops must occur, and councils must now get prepared for the inevitable spread. I have a duty of care to the communities that elected me to be their parliamentary representative. Sensationalism over ownership of the property should not divert attention from the fundamental issue, which is GM crops being grown in a residential area.

In the south-east we also have many organic and traditionally grown crops, including 90 per cent of Australia's asparagus and a project currently being developed by local councils known as the Bunyip Food Belt.

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

Retirement villages: contracts

Mrs VICTORIA (Bayswater) — Recently a constituent contacted me about some issues her elderly parents are having with retirement residences. They own a unit in a local retirement village after having lived there for 17 years. Whilst they were there they were exemplary members of the community, even helping to design the logo for the village, doing the communal gardening and being long-term committee members. Circumstances have dictated that they now have moved into aged-care facilities.

According to the original contract of sale, the family are obliged to sell their vacant unit back to the property group from which they purchased it. The property has a market value of between \$240 000 and \$250 000, and yet the family are only being offered a woeful \$75 000, or \$123 000 if they are prepared to wait eight years for settlement. Eight years! How can this be fair? Instead of the couple being allowed to sell their home to the highest bidder, they are bound to sell it to what in effect becomes the new vendor at less than a third of its commercial value. Even though these types of contracts

have been outlawed, there is no protection for those caught in between. This just takes the tarnish off the golden years.

University of Melbourne: faculty of the VCA and music

Mrs VICTORIA — Congratulations to the students, the staff and all who care enough about the survival of the Victorian College of the Arts as a practical training institution to sign the petition handed last week to the Minister for the Arts for tabling. I hope that she now takes action on this matter. I advise the minister that 15 000 people cannot be wrong.

Public transport: passenger safety

Mrs VICTORIA — I congratulate the leader of the coalition for announcing measures that will greatly increase security for public transport users right across Victoria.

Women in Trades awards

Mr TREZISE (Geelong) — On 20 October I had the pleasure of attending the inaugural Geelong Women in Trades awards ceremony at Bunnings in Corio. The Minister for Skills and Workforce Participation presented the awards. The goals of the Women in Trades organisation is to raise awareness of pathways into non-traditional trades for females in years 7 to 12 and to facilitate a support network for women currently employed in non-traditional work.

I take this opportunity to congratulate all the women who were nominated for awards. In particular I congratulate those who in fact won an award: Charlotte Gibbons, Sally Power, Glenice Drought and Simone Davis. I also take the opportunity to commend the people who formed the Women in Trades steering group: Maria Zaluski, Sheri Holdsworthy, Christine Couzens, Leesa Hanlon, Kylie Fox, Jo Harris, Rebecca Newell and, last but not least, Anne Marie Ryan. I also commend Michelle Shi-Verdaasdonk and Margaret Walker, who together with Maria Zaluski, made up the judging panel for the awards.

Well done to all those involved in their important work. I am sure the work of Women in Trades and the annual awards will go from strength to strength for the benefit of women who have pursued or wish to pursue non-traditional work.

Public transport: passenger safety

Mr CRISP (Mildura) — North-west Victorians welcome the coalition's transport security plan to make

the train network safe again by putting police security officers on stations after 6.00 p.m. seven days a week. My constituents fear violence and crime while visiting the city, particularly for health and family matters. The coalition plan will make Melbourne safer and more secure for country visitors.

Mildura: trade training centre

Mr CRISP — Mildura has missed out on round 2 funding from the commonwealth government for trade training centres. The Mildura application was the only application from the Loddon-Mallee region. The community of Mildura and I are extremely disappointed as a trade training centre was the way to even up demand for apprentice training, particularly during economic cycles when business cannot afford to take on indentured apprentices. Communities suffer in the longer term if you do not offer opportunities to those who want to be tradesmen and secure a future supply of those skills.

The Education and Training Committee has reported a low tertiary uptake in country areas compared to metropolitan areas due to the geographical and financial restraints. Without a trade training centre a generation of school leavers will not have the same opportunities afforded to metropolitan school leavers. Why has this happened? It appears that New South Wales received 40 per cent of the funding and Victoria received 17 per cent. Because Victoria was duped in its funding distribution, north-west Victoria missed out. The Brumby government needs to stand up for country training using cooperative federalism and get Victoria's fair share of funding, which will allow the Mildura project to go ahead.

Firelinx community project

Ms GREEN (Yan Yean) — It is with pleasure that I congratulate the winners and nominees of the 2009 Australian Safer Communities awards at the presentation I attended with the Minister for Police and Emergency Services. In particular I wish to commend the Firelinx community project for its bushfire alert system for community fireguard groups. The system was developed in the immediate aftermath of Black Saturday by Max Garner, Jason McClintock and John Huf for use by 11 community fireguard groups in North Warrandyte, Research, Kangaroo Ground, Warrandyte, Pantan Hill and Hurstbridge, covering 320 families.

Firelinx is a landline and mobile telephone bushfire alert system developed for members of community fireguard groups to allow members to initiate standard alert messages to their community fireguard group and

track bushfire threats through its online mapping facility. It is intended that the trial design will be capable of sending a fire alert message to all members of a community fireguard group within 60 seconds, making Firelinx faster than a traditional telephone tree, and the integrity of messaging is maintained through selection from a suite of standard recorded messages. The incorporated GoogleEarth map shows in real time weather conditions, fire activities and fire alerts. Community fireguard groups will benefit from fast, accurate and real-time information, which will enable them to make timely and informed decisions in an emergency event. This received a highly commended award in the voluntary category and was only outdone by the Teenagers in Emergencies project in Gippsland initiated by four 14-year-old students. I wish them well at the national awards. Well done to all awardees.

Mental health: services

Mr MORRIS (Mornington) — If there remained any doubt that the mental health system is at crisis point, it must surely have been eliminated by a recent incident at the Mornington community information and support centre. A little over two weeks ago a person arrived at the centre to seek assistance. He indicated to the staff and volunteers on duty that he needed help. Indeed he said that he had behaved in a threatening way on the bus trip to the centre. The staff contacted the Frankston Hospital and were initially told that there would be a 45-minute delay before an ambulance could be made available. Given that immediate help was needed the police were contacted and attended promptly. Unfortunately this caused a tremendous reaction from the man, who immediately ran off. A search failed to locate him, and the police returned to their duties. During the course of the afternoon the man returned four times, creating considerable disruption to the centre and concern for the staff and volunteers.

Repeated attempts were made to get assistance. When the crisis and assessment team was contacted the centre was told to ring an ambulance. The ambulance refused to attend unless there was a guarantee that the man was there, which of course could not be given. The man sought help, and the information centre tried very hard to assist, but the Victorian mental health system failed them. The Minister for Mental Health must take immediate action to ensure not only that basic services are available to those in need but also that innocent bystanders in the community are not again placed in such an unfortunate and potentially threatening situation.

Marysville Marathon Festival

Mr HARDMAN (Seymour) — I rise to congratulate the Marysville marathon committee, which ran a great event on Sunday, 8 November. The marathon committee was ably led by Dr Lachlan Fraser, who, along with the committee, did an outstanding job to promote the event, resulting in 3000 participants from across the state and indeed the country. The event was extremely positive for Marysville and included a marathon, half marathon, 10-kilometre run and 3-kilometre event. Lachlan and the committee were supported by many volunteers and a long list of dignitaries, including the Premier and the Governor of Victoria. I take the opportunity to thank all the people who came to support the Marysville community in its recovery and rebuilding.

Seymour electorate: shared pathways

Mr HARDMAN — I also rise to thank the Minister for Roads and Ports for his recent visit to Kinglake where he announced \$500 000 in funding for shared paths in Kinglake and Flowerdale and \$100 000 for the Wandong community for shared paths to link these communities. These projects have been on the books for those communities for quite some time and it is great to see them now come to fruition.

Erminia 'Min' Anthony

Mr LANGDON (Ivanhoe) — I stand to honour Erminia Anthony, who passed away peacefully on Monday, 2 November 2009. Min was a member of the Lions family for over 40 years as she was a Lions Lady to her husband, Sil, when he was a Lion with the Northcote Lions Club. She became a chartered member of the Lioness Club of Heidelberg-Rosanna and then a chartered member of the Lions Club of Heidelberg-Warringal, where she remained active until the end. Min and Sil opened up their home on many occasions for fundraising events. Her support of the community was never ending, especially her support of and commitment to the Lions House Foundation project. She will be forever remembered. I commend Min for her achievements and pass on my condolences to her family.

PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL

Statement of compatibility

Mr BATCHELOR (Minister for Community Development) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009.

In my opinion, the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will:

create new park and reserve areas in East Gippsland and elsewhere under the National Parks Act 1975 and the Crown Land (Reserves) Act 1978;

insert transitional and other provisions in the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 associated with the creation of the new park and reserve areas;

deem the new reserves under the Crown Land (Reserves) Act 1978 to be 'restricted Crown land' under the Mineral Resources (Sustainable Development) Act 1990;

repeal redundant or spent provisions in, and make other miscellaneous amendments to, the National Parks Act 1975 and the Crown Land (Reserves) Act 1978.

Human rights issues

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

Section 12: freedom of movement

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live. It includes the freedom from physical barriers and procedural impediments.

It may be perceived that the creation of new park areas may limit the ability of a person to move freely within those areas. However, the bill does not create any restrictions on a person moving freely within the parks and reserves or within Victoria.

It may also be perceived that, because certain areas of land cease to be roads by virtue of clauses 5, 7(2) and 8(2) of the proposed schedule One AAA of the National Parks Act 1975 (inserted by clause 11 of the bill) and clause 3(d) of the

proposed second schedule of the Crown Land (Reserves) Act 1978 (inserted by clause 21 of the bill), those provisions may limit access and the ability to move freely. However, those provisions simply change the status of the Crown land. They do not create any restriction on persons moving freely in those areas of public land.

Therefore, the bill does not limit or restrict the scope of the rights under section 12 of the charter.

Section 19: cultural rights

Section 19 provides for the right for Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The bill does not deprive any Aboriginal person of a relationship with the subject land and is not intended to affect existing native title rights and interests. Therefore, there is no limitation or restriction of the cultural rights of Aboriginal persons in section 19 of the charter.

Section 20: property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

In relation to the new park areas under the National Parks Act 1975, to the extent (if any) that an apiary licence or tour operator licence constitutes some form of property right, clauses 2 and 3 of the proposed schedule One AAA of the National Parks Act 1975 (inserted by clause 11) provides for these to be saved.

Clause 3(c) of the proposed Second Schedule of the Crown Land (Reserves) Act 1978 (inserted by clause 21) provides, in relation to the new reserve areas under that act, that when the reserves are created, the land forming the reserves is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

In relation to the new reserve areas, to the extent (if any) that various licences, permits and other authorities constitute some form of property right, clause 2 of the proposed second schedule of the Crown Land (Reserves) Act 1978 (inserted by clause 21) provides for these to be saved.

Therefore, there is no limitation or restriction of the right protected under section 20 of the charter.

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

It is not necessary to consider section 7(2) of the charter as all the human rights relevant to the bill are not limited by the proposed amendments.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit or restrict any rights under the charter.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

The Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009 will add significant areas to the state's parks and reserves system in East Gippsland and elsewhere. The bill fulfils key election commitments relating to the protection of forests in East Gippsland with no net loss of resources to the timber industry. It complements the government's actions to protect areas of the river red gum forests of northern Victoria in the parks and reserves system.

Expanding the parks and reserves system in East Gippsland

The national parks of East Gippsland are a special part of Victoria's park system. Snowy River and Errinundra national parks contain some of the most magnificent old growth forest and rainforest in the state, while Croajingolong National Park is renowned for its unspoiled coastal environments and wilderness coast.

The bill will amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to permanently protect an additional area of more than 45 000 hectares of East Gippsland's forests. In particular, the bill will:

add areas to Croajingolong, Errinundra and Snowy River national parks and create Tara Range Park under the National Parks Act; and

create 12 new or expanded nature conservation reserves under the Crown Land (Reserves) Act.

Importantly, the new park and reserve areas have been designed to ensure that there is no net loss of resource for the timber industry and, consequently, no loss of jobs.

Included in the new park and reserve areas will be:

significant areas of old growth forest, including the substantial areas of rainforest, old growth forest and threatened species habitat of the Goolengook block south of the existing Errinundra National Park;

seven icon areas containing rainforest sites of significance, threatened species habitat and areas of mature forest; and

a substantial link between Errinundra and Snowy River national parks, including areas of old growth forest.

The Mount Stewart Nature Conservation Reserve will also include significant native grassland values, including several significant species.

Tara Range Park will be established under schedule three to the National Parks Act and will include old growth forests of the Tara Range and the lower Snowy River. Deer hunting by stalking will be permitted to continue in this area.

The link between Errinundra and Snowy River national parks, together with the other additions to those parks and Tara Range Park, will create a continuous expanse of park across the Victorian Alps and into East Gippsland of more than 860 000 hectares.

In recognition of the substantial increase in the permanent reserve system, the informal reserve system in East Gippsland including special protection zones will be reviewed and amended as appropriate, ensuring that Victoria's conservation commitments continue to be met.

Enhancing the parks system elsewhere

In addition to the East Gippsland park and reserve areas, the bill will add approximately 2400 hectares to eight other parks across the state: the Alpine, Brisbane Ranges, Grampians, Greater Bendigo, Great Otway and St Arnaud Range national parks, Lerderderg State Park and the Otway Forest Park.

The largest additions are to the Alpine and Brisbane Ranges national parks. An area of 825 hectares at Mount Typo near the Wabonga Plateau will be added to the Alpine National Park, and an area of some 1185 hectares will be added to Brisbane Ranges National Park. This addition includes the catchment of the disused Lower Stony Creek Reservoir, which is surplus to the requirements of Barwon Water and contains significant vegetation and heritage features as well as a reference area. The bill will enable Barwon Water to continue to control and manage the water related infrastructure, such as the dam wall.

The additions to the Grampians, Greater Bendigo and St Arnaud Range national parks comprise areas with high conservation values and result from land purchases, or acquisitions arising from native vegetation clearance offsets elsewhere. There are also additions to the Great Otway National Park and the Otway Forest Park.

A small area will be added to Lerderderg State Park, and an area of 0.7 hectares, which includes part of a house that straddles the current park boundary, will be

excised. The National Parks Advisory Council supports the proposed excision.

Part of the boundary of Discovery Bay Marine National Park is currently defined as a fixed distance (500 metres) from the high water mark. To provide greater certainty as to its location, the bill will now define this section of the boundary using coordinates.

The bill will also re-reserve Aireys Inlet Recreation Reserve as a natural features reserve. The reserve will remain available for a range of passive recreational activities, and the Surf Coast Shire will continue as the committee of management.

Miscellaneous amendments

The bill will repeal several redundant or spent provisions in the National Parks Act and the Crown Land (Reserves) Act, and will update definitions in the National Parks Act relating to Wannon Water.

The bill will also amend the Mineral Resources (Sustainable Development) Act 1990 to specify the new reserves under the Crown Land (Reserves) Act as restricted Crown land.

Conclusion

The new park and reserve areas to be created by this bill will significantly enhance the state's parks and reserves system, particularly in East Gippsland. It achieves this while maintaining access to timber resources to ensure a sustainable timber industry in that region.

I commend the bill to the house.

**Debate adjourned on motion of
Ms WOOLDRIDGE (Doncaster).**

Debate adjourned until Tuesday, 24 November.

GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL

Statement of compatibility

Mr ROBINSON (Minister for Gaming) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009 (the bill).

In my opinion the bill, as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the bill is to amend the Gambling Regulation Act 2003 to provide for certain transitional arrangements that will apply to venue operator licences held by specified racing clubs.

Human rights issues

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

The provisions in this bill do not raise any human rights issues.

The obligations under the provisions of the bill only fall upon persons who hold a venue operator's licence. The Gambling Regulation Act 2003 provides that a venue operator cannot be a natural person.

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

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

Conclusion

I consider that the bill is compatible with the charter of human rights because it does not raise a human rights issue.

Hon. Tony Robinson, MP
Minister for Gaming

Second reading

Mr ROBINSON (Minister for Gaming) — I move:

That this bill be now read a second time.

Honourable members will be aware that the government has recently introduced legislation to implement the new gaming machine arrangements that will take place from 2012. Under these arrangements, Victoria will transition from the current duopoly gaming operator system to a venue operator structure.

Hotels and clubs interested in operating a gaming venue under the new structure will need to acquire 10-year gaming machine entitlements by way of the pre-auction club offer or the gaming auction to be held in the second quarter of 2010.

In order to operate a gaming venue under the new gaming machine arrangements a person must hold a venue operator licence. To protect the integrity and not-for-profit nature of clubs, the government previously introduced house amendments to the Gambling Regulation Amendment (Licensing) Act

2009 including the introduction of two types of venue operator licences, one for clubs and one for hotels.

To assist current venue operator licence-holders, the government introduced transitional provisions that allow venue operators to be deemed as either holding a club venue operator licence or a hotel venue operator licence, without requiring them to undergo an application process before renewal.

However, it appears that those transitional provisions did not deal with some of the complex legal structures of the particular racing club entities identified in this bill. The government has considered these particular racing club entities to be bona fide clubs.

This government continues to support the good work and endeavours of racing clubs in Victoria.

The bill before the house will amend the Gambling Regulation Act 2003 to extend the current transitional provisions to a small number of identified racing clubs and enable them the appropriate restructure to ensure they fall within the club category of venue operator licences. They will be given adequate time to do this prior to the new gaming machine arrangements to take effect in 2012.

The proposed bill responds to concerns about the fair treatment of these racing club entities and their ability to continue to participate in the new gaming machine arrangements as clubs.

I commend the bill to the house.

Debate adjourned on motion of Mr O'BRIEN (Malvern).

Debate adjourned until next day.

ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL

Second reading

Debate resumed from 15 October; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr O'BRIEN (Malvern) — In making the lead contribution on this bill for the opposition, I first wish to acknowledge the tremendous efforts of my friend and colleague the honourable member for Box Hill as shadow Minister for Energy and Resources since the last election. The member for Box Hill has discharged his responsibilities with his characteristic diligence and

intellectual rigour. I am honoured to be taking on the role of responsibility for energy and resources in light of the Victorian coalition's new shadow ministerial arrangements.

The bill before the house amends the Electricity Industry Act 2000 with the purpose of creating new offences in order to better protect critical electricity infrastructure as defined. The bill inserts new definitions of 'critical electricity infrastructure', 'critical generation facility' and 'related coal mine'. These definitions cover considerable ground and considerable forms of electricity infrastructure, but not all of them.

Transmission lines are one example of critical electricity infrastructure which is not protected by the amendments made by this bill. While I will discuss during my contribution the reason the government has brought this bill before the house, I note that if the government's intention is to protect the critical electricity infrastructure we have in Victoria, it needs to make sure these provisions are comprehensive and that those people prepared to break the law in order to protest do not simply move from one form of infrastructure to another, depending on the technicalities of the bill before the house.

The bill creates two new offences. The first proscribes conduct by a person present on land or premises on which, or in an enclosure in which, critical electricity infrastructure is situated and who knows that he or she does not have authority to be on that land or those premises or in that enclosure. The maximum penalty prescribed for the offence is imprisonment for one year. Because of the operation of the Sentencing Act, such a maximum term of imprisonment of one year can also lead to a financial penalty of 120 penalty units.

The reason the government has stated it needs to introduce these measures is because there has been a series of non-peaceful protests that have particularly beset the Hazelwood power station in Victoria. I will get to some of the history of that shortly, but it is useful at this point simply to acknowledge the importance of the Hazelwood power station to Victoria's current electricity generation needs.

While people might have different views as to the utility of Hazelwood and on the fact that it is fired by brown coal, Hazelwood remains essential for generating power in this state. The protesters who are trespassing and unlawfully putting themselves and others at risk to make their political points are really acting in a way that is entirely irresponsible. In that regard, we note the government's response through this bill.

New section 79 provides essentially what you might almost call a souped-up trespass offence. Trespass is something which can be found in the Summary Offences Act, but in that act such a provision has a maximum penalty of six months jail. By virtually replicating those provisions but doing so in the context of the Electricity Industry Act, the government is sending a message to those people who are considering engaging in unlawful forms of protest; but also to the courts, that there is an expectation that Victoria's critical electricity infrastructure deserves some protection.

We certainly hope that those people who wish to engage in unlawful protest will get the message and we hope that the courts might also get the message, but I cast some doubt on whether that is likely to occur, particularly in relation to unlawful protest. The government has previously increased penalties for certain acts of unlawful protest in relation to the forestry industry, and that does not seem to have had much impact on the level of unlawful protest we see in that industry at this time.

The second new offence that is created by this bill is in new section 80. It is headed 'Unauthorised interference with critical electricity infrastructure plant or equipment or vehicles' and it provides:

A person who —

- (a) damages, interferes or tampers with, or attaches a thing to plant or equipment that forms part of critical electricity infrastructure or that is on land or premises on which, or in an enclosure in which, critical electricity infrastructure is situated ...; and
- (b) knows that he or she does not have authority to do the prohibited act; and
- (c) is reckless as to whether the prohibited act will result in a disruption to the generation, transmission or distribution of electricity —

is guilty of an offence and liable to a term of imprisonment not exceeding 2 years.

The bill then goes on to provide examples of plant or equipment, which include bucket dredgers, conveyer belts, boilers, pumps, cooling towers, pipelines, sprays, turbines, transformers and so on.

The government appears to be attempting in this provision to introduce an offence which is almost a halfway house between trespass and sabotage. Sabotage has a much higher standard of proof in terms of the acts and the mental state required to establish that as an offence. Trespass does not seem to be necessarily enough to cover people who are actively attempting to

interfere or tamper with equipment that is provided for in areas of critical electricity infrastructure.

The opposition supports this bill. We think it is important that in the legislation Victoria's critical electricity infrastructure be given a measure of protection against those who would seek to unlawfully interfere with it.

The opposition has no objection to lawful protest. Lawful protest is a right of every member of a democratic society. Lawful protest also involves peaceful protest. It was the great American jurist and former Supreme Court justice, Oliver Wendell Holmes, Jr, who famously said, 'The right to swing my fist ends where the other man's nose begins'.

Similar sentiments apply when it comes to protest: the right of individuals or groups in our society to lawfully protest ends when other people's property or person are damaged or trespassed upon. You can make your point, that you are opposed to something like the Hazelwood power station, as loudly as you like, but you can do that from outside the gates. Tearing down the gates and protesters putting themselves, police and workers at these facilities at risk is unacceptable in any circumstances. To that extent, the opposition is very supportive of the measures contained in this bill that seeks to increase the penalties and introduce new offences for those who seek to protest unlawfully. It is important to note the fact that there is a very important right to lawfully protest. We on this side of the house would not seek to do anything which would interfere with that lawful right.

In commentary surrounding some of these protests we are hearing spin from some of these more radical protesters. They appear to regard a peaceful protest as being one in which they can still pull down fences. That is not peaceful. Destroying property is not a peaceful process. They can talk about non-violent protest that involves tearing down fences — that is not non-violent protest. Violent protest is not simply hitting someone on the nose. Destruction of property is violence. If a protester is to claim they are acting in a peaceful or non-violent way and that it still gives them carte blanche to destroy equipment and destroy infrastructure, that is absolutely unacceptable.

Unfortunately in Victoria we have seen quite a recent history of this. Before I take the house through that history I would also note the economic cost to Victoria of power disruption. It is estimated that there was an economic loss of \$500 million in Victoria caused by the 4½-hour power disruption in January 2007. These are

figures that have been provided to me by the minister's office, and I am grateful to the minister's office for that.

Let us not pretend these protests that seek to try to disrupt Victoria's power supply, if that is their aim, will not have a very real impact. It is not just an impact on Hazelwood and those people who own and operate Hazelwood. Power disruption will affect all of us. It affects mums and dads and kids at home, it affects small businesses and shops, it affects hospitals, it affects schools; it affects the entire community. In my view it is quite selfish for some of these protesters to believe that shutting down a power station, causing massive power disruption, is a victory for them when in fact they are hurting the entire Victorian community.

As I said, these people have every right to make a point, and I encourage everyone who is passionate about environmental issues to do so. This can be done by peaceful methods; it cannot be done by breaking down fences, disrupting electricity generation and chaining themselves to facilities.

I want to briefly mention some of the recent history of attacks on electricity infrastructure in Victoria which has led in part to this bill. Under the heading of 'Activists occupy Hazelwood power station in Earth Hour direct action', a media source by the name indymedia.org.au on 30 March this year reported the following:

'Switch off Coal and Switch on Renewables' was the very clear message being sent to state and federal governments this Earth Hour by community climate activists who occupied Hazelwood power station in Victoria's Latrobe Valley on Saturday, 28 March.

A report from ABC News online of 21 May this year states:

Police were called to a dawn raid at the Hazelwood power station in Victoria's south-east today.

The 14 Greenpeace protesters broke into the Latrobe Valley property in thick fog and chained themselves to a coal dredger.

It is the latest in a series of raids by climate change campaigners since late last year.

I now turn to a very disturbing article from the ABC News online of 15 June this year. Under the heading of 'Activists threaten power plant's CEO' it is reported:

The chief executive of a major Victorian power plant has been threatened by a radical green group that is angry about pollution.

The Earth Liberation Front has sent a menacing letter to Graeme York, who heads the Hazelwood Power Station in Victoria's Latrobe Valley.

The letter says Mr York's Melbourne property will not be safe as long as the power station continues to pollute the environment.

The activists say they hold him personally responsible for the damage.

What a pathetic, craven, cowardly act. To threaten a person, their family and their home because of the job they do is completely unacceptable and should be unacceptable in any decent society. The fact that bizarre, fringe environmental groups like that are prepared to act in such a way does massive damage to the cause of responsible environmentalists in this state. I acknowledge the fact that a number of green organisations moved to distance themselves completely from such a cowardly, craven act as threatening the personal home of the head of Hazelwood power station.

I turn to another ABC News online report of 16 July this year, which stated:

Seven Greenpeace activists are due to appear in court in Melbourne today over a protest at the Hazelwood power station earlier this year.

Perhaps the most recent and high-profile event of recent times involving Hazelwood was reported in an *Age* article of 12 September 2009 under the heading 'Hazelwood protest has support of the key Greens'. The article states:

Leading environment groups have backed protesters planning to break the law during a demonstration at the Hazelwood power station this weekend.

I stop there for a second: a lot of these green groups which certainly would regard themselves as being responsible and mainstream are coming out in advance of a protest and saying they support the breaking of the law. I think it is a strange position to take for a responsible environmental organisation to come out in advance of a protest and say, 'We know these people are going to break the law, and good on them for doing it'. The article goes on to say:

Australian Conservation Foundation spokesman Dave Sweeney said conventional methods of lobbying against coal-fired power had proved fruitless, and the urgency of climate change meant 'non-violent, direct action' was necessary.

As I have said before, how on earth can knocking down fences and assaulting police — as occurred in this protest — be regarded as non-violent? Just because you say a protest is non-violent and peaceful does not make it so. If you are involved with the destruction of property, if you are involved with tackling police on their line or if you are involved with assaulting police

officers in your protest, that is not peaceful; that is not non-violent.

The article goes on to say:

Environment Victoria spokeswoman Kelly O'Shanassy said people were 'incredibly frustrated' about the lack of action on climate change, and felt the need to 'go to the next step'. But she warned protesters against damage to property or violent behaviour.

Unfortunately the protesters did not heed that warning, and I give some free advice to Environment Victoria: it should know full well what sorts of activities are expected at these protests. It is fine to say in the press that you warned protesters against damage to property or violent behaviour, but unfortunately it was well known what was going to happen at that protest. In fact the report from the ABC online of Sunday, 13 September 2009 bore the headline '22 arrested at power station protest' and went on to say:

Victorian police arrested 22 climate change protesters at a Latrobe Valley power station on Sunday.

...

Some of the protesters were arrested for trespassing while one person was arrested for assaulting a police officer.

The Switch Off Hazelwood protest started around 11.00 a.m. After a rally and several speeches, police say protesters became more aggressive, with some wanting to jump over the plant's fences.

Louise Morris, a spokeswoman for the activists, says a mass show of civil disobedience is needed to draw attention to climate change.

'People are prepared to be arrested to show that we want a transition now to renewable energy', she said.

Superintendent Neville Taylor says police have had their hands full.

'I can confirm one person has been charged with an offence of assault police', he said.

It is hardly Rosa Parks material to be knocking down fences and assaulting police officers. Let us not have some of the more fringe elements of the environmental groups talking about civil disobedience and these sorts of non-peaceful protests, and equating themselves to some of the truly heroic activists and human rights activists that we have seen in the world over the past couple of hundred years. There is nothing noble or honourable about assaulting police officers, yet that is exactly what one person at this protest was arrested for.

It is very unfortunate that some people have been incited to engage in this sort of violent protest, have been incited to engage in trespassing and have been incited to break the law. I refer to an article that was

published in crikey.com on 10 September 2009, which is just two days before the protests at Hazelwood power station of which I have just spoken. The heading of this article was very instructive; it says, 'Politics has failed — time for civil disobedience'.

For those who use the term 'civil disobedience', trying to cloak themselves in the garments of Rosa Parks, Martin Luther King and Mahatma Gandhi, I say there is nothing about knocking down police lines and assaulting police officers which lets you put yourself in the same postcode as the sort of people I have just named.

If we are talking about civil disobedience, let us put it in the context we are actually dealing with; let us just call it violent, unlawful protest because that is what it is.

The author of this article says:

Disobeying the law should be a last resort when all other avenues have been exhausted. And they have been.

I stop there to say, 'What about the ballot box?'. I thought this was a democratic country in which every adult who is an Australian citizen is entitled to be enrolled to vote.

Mr Scott interjected.

Mr O'BRIEN — In fact, as the member for Preston points out, they are obligated to vote. So you have a very democratic system in this country. For the author of this article to suggest that all avenues for changing the law have been exhausted, when apparently the one avenue they have not tried is trying to secure a majority of the votes at a general election, is extraordinary. With this claim that 'all other avenues have been exhausted', I will proceed with the rest of the quote:

Given the moral imperative for decisive action on global warming, the protesters who plan to trespass at Hazelwood this Saturday are morally justified in breaking the law.

Their target is not the laws against trespass or criminal damage —

let me say they are the very laws that are being broken —

but the failure of our governments to make laws that would see Hazelwood and other coal-fired power plants in Australia closed down in short order.

In its briefing the minister's office advised me that 89 per cent of Victoria's electricity generation comes from coal-fired power. The author of this article claims that we should be shutting down Hazelwood and other coal-fired power plants. In short order this would essentially see us back living in the dark, living in

caves. We would see industry grind to a halt. So we have somebody here who is not only advocating but inciting people to break the law — not just to protest, which is a lawful activity, but to break the law.

We have somebody who says politics has failed. This is a person who is fundamentally undemocratic; they have no interest in the democratic system, in trying to secure the views of a majority of their fellow citizens. We have a person here who is authoritarian. They do not believe they need to secure the support of their fellow citizens; they believe because they have, as they see it, a moral right to impose their views on others, they will do so without bothering to go through the ballot box. It is an extraordinary set of statements that I have just read into the record.

I suppose it does then lead to the obvious question: who is the author of this article? It is none other than Clive Hamilton, Professor of Public Ethics at the Centre for Applied Philosophy and Public Ethics, Charles Sturt University. What an extraordinary thing for Dr Clive Hamilton to come up with. You would think that somebody who believes that politics has failed and who does not believe that the democratic process is the way to effect social change would be the last person to crop up as a candidate for election anywhere. However, funnily enough Dr Clive Hamilton has put himself forward as the Greens party candidate for the Higgins by-election to be held on 5 December.

Has Dr Hamilton changed his views? Does he really believe that politics has failed and that civil disobedience is the only way to achieve his ends? Does he have a new-found respect for democratic mandates, because certainly in this article he has not evidenced any respect at all for democracy or for trying to persuade his fellow citizens of his views? He believes that he has a moral imperative to impose his views on everyone else, willing or not.

Yet this is the person that the Greens political party has decided to put up as its candidate in the Higgins by-election — a person, I might add, who does not know Higgins, who was born and bred in Canberra and would not know Higgins without a *Melway* street directory in his hand. Yet this is the person that the Greens want to have carrying their flag in the Higgins by-election. It is just extraordinary! In my view you cannot have somebody who has evidenced absolute contempt for democracy and the democratic process running as a candidate for election. Yet that is who the Greens have put forward in the Higgins by-election.

I move on to another comment. I do not want to turn this into *Media Watch*; I will make this my last clip.

This comment is from the Friends of the Earth website and is a statement by that organisation in response to this very bill before the house. The heading is ‘Victorian government attacks right to peaceful protest’ and it quotes the Friends of the Earth climate change campaigner, Louise Morris, who says:

We are now seeing the Victorian ALP government continue its heavy-handed approach to dealing with the many people in our community who care enough to take public action about climate change.

I stop there: lots of people in my electorate, and I suspect in the electorates of every member in this house, care about climate change and are prepared to take public action or private action about it. Whether it comes down to their own personal lifestyle choices in terms of using environmentally friendly light bulbs or whether it is in relation to issues such as water recycling, there are many different ways in which people can show care and a concern for the environment. Sometimes it is through their private actions; sometimes it is through their public actions. But essentially to try to cloak unlawful, violent protests in the guise of public action is completely misleading.

Ms Morris goes on to say:

Threatening peaceful community campaigners who may use protest tactics that put them at the chance of a planned, considered and careful arrest is over the top, and completely inappropriate in a democracy.

Talk about getting it the wrong way around. It is the protests where people decide to try to break through police lines, break through fences, trespass on critical electricity infrastructure and then chain themselves to equipment with a view to shutting down a power station that are the planned tactics — ‘planned, considered and careful’. The arrests are simply a reaction to the decision by a minority — I stress, a minority — of protesters to choose to break the law. I am disappointed that we are seeing some environmental organisations essentially trying to defend the sorts of activities which lead to violent protests and protests which break the law.

I have already talked about the economic loss that can be caused by power disruptions. But I pose the question: would these groups be prepared to take moral or legal responsibility if a power disruption that they caused through illegal protests led to hospitals losing power supply? What might happen in this state if we saw that happen with hospitals or other places where there are ill people who rely on machines to help keep them alive? Are these groups prepared to accept the moral, legal and ethical responsibility for what will happen if their protests interfere with that sort of

equipment? It is fine for those people who engage in illegal forms of protest to talk about their morality, but I just ask the question: have they really thought through the impact that some of their actions might have if they succeeded in seriously disrupting Victoria's power supplies?

As I flagged at the outset, while the opposition queries whether this bill is as comprehensive as it should be and, in light of some other increased penalties we have seen with forestry protests, how much of an impact it really will have on those who seem determined to engage in unlawful protests anyway, we think the bill is a step in the right direction, and it meets with the opposition's support. On that basis we commend the bill to the house.

Mr HARDMAN (Seymour) — I rise to support the Electricity Industry Amendment (Critical Infrastructure) Bill 2009. I thank the opposition for its support of this important bill. This bill will amend the Electricity Industry Act 2000 to protect critical electricity infrastructure and plant or equipment or related vehicles on a critical electricity infrastructure site. At the outset it has to be said that the government absolutely upholds the right of people to protest peacefully, and the opposition has indicated it also supports that right. We see that as an absolute right in our country and in our state and believe this bill does not in any way impede people in undertaking peaceful protests.

The objective of the bill is to make amendments to the Electricity Industry Act 2000 to provide a more effective deterrent to unauthorised intrusions and interference with equipment at critical electricity infrastructure sites. The bill provides a definition of 'critical electricity infrastructure' to include generators with a capacity of 1000 kilovolt-amperes or greater, together with associated coalmines and water storages. Substations, terminal stations and switchyards are also included. Examples in the bill of critical infrastructure plant or equipment include bucket dredgers, conveyer belts, boilers, pumps, cooling towers, pipelines, sprays, turbines, transformers, telemetry equipment and emergency services equipment.

The new offences in the bill include being on an electricity infrastructure site without authority, which carries a maximum penalty of 120 units or a year's imprisonment, and damaging and interfering with critical electricity infrastructure without authority, having the knowledge of doing so without authority and being reckless as to whether the act will cause disruption to the operation of a critical infrastructure site, which carries a maximum penalty of 240 penalty

units or two years imprisonment. These are significant increases in the current penalties.

In the past penalties of fines of \$200 or \$300 were imposed. The government believes that is not a significant enough deterrent, given the amount of damage that sabotage, or just general trespassing with an intent to steal, can cause on these sites. The sites are difficult to protect because they are very large, with boundary fencing of up to 20 to 40 kilometres in length. It is difficult to stop people entering those sites. The greater the deterrent, the more people will think before they go ahead and attempt to enter the sites without permission. The new offences are there for a good purpose — that is, they are very serious offences and the impacts that can flow from people being on those sites are severe. The shadow minister has outlined many of the consequences of unauthorised entry into power stations, including the disruption of power supplies and the dangers that can arise. It is important that there be a more effective deterrent than the existing penalties.

One area which has not yet been explored is the fact that if someone significantly disrupts power supplies in Victoria, that will have a national impact. The national electricity market grid is complex and highly interconnected, and a rapid loss of output in one geographical location may have a significant impact on the entire national system and result in a cascading effect. In these circumstances, activity that would otherwise cause only a minor disruption may have a major impact on energy supplies. Sometimes people who may have good intentions need to think about what the result of their behaviour will be, and when people are in an emotional state they may not do that. The new penalties will help drive home the seriousness of these offences. When intruders interfere with equipment they put not only themselves at risk of death or serious injury but also other people. The other people include the power workers and police and emergency services workers who have to respond to the disruption caused.

People who trespass on or interfere with major electricity infrastructure also pose a serious risk to Victoria's electricity supplies, which means trains, trams, heating and cooling — the things our community relies on — being seriously disrupted. The new penalties will provide a stronger deterrent, and that is to be welcomed. As I said, the government supports the right to peaceful protests, and these amendments will not affect that right. However, the increased penalties better reflect the serious consequences of and the dangers that arise from damage to power stations and unauthorised entry.

This bill is aimed not just at illegal protesters — people who intend to break the law — but also at other people who enter these places for dishonest purposes. We know the value of copper and that people look to take advantage of that. It is always a disaster when someone steals copper or other things from these sites, and such action has a serious impact. That has to be taken into account when we consider whether to support this bill today. The Victorian government has had to bring in this bill because of the threat of sabotage. That threat is based on the brown coal power stations being major polluters and a major problem as far as carbon going into the atmosphere and climate change in general are concerned. It is important to note that the Victorian government has a pretty good history in reducing the impact of climate change and greenhouse gas emissions. It has increased the efficient use of energy through its Victorian energy efficiency target. The government has invested in that, and it is doing quite well. People are well aware of it.

Victoria is also encouraging investment in renewables with its renewable energy target, which has been in place for some time. We support wind farms and solar electricity generation. We support research into carbon capture and storage so that we can reduce some of the impacts of brown coal power stations on our greenhouse gas emissions. We are also investing in the development of other technologies such as solar technology; we want to make it more efficient and cheaper, so that everybody can access it.

This is a good bill. I commend it to the house. I want to see our government take even more action in the future in supporting the carbon pollution reduction scheme that the federal government is debating at the moment. It is obviously important for the future of our economy. We need electricity generation, but we also need to make sure we play a responsible part, along with other countries, in the world's future.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the Electricity Industry Amendment (Critical Infrastructure) Bill 2009. As other members have outlined, the main purpose of this bill is to provide higher penalties for people who knowingly enter critical electricity infrastructure sites without authority and who interfere with critical facilities.

The bill inserts new section 79, which provides a penalty of up to 120 penalty units or one year's jail for a person who knowingly is on a critical electricity infrastructure site without authority. It also inserts new sections 80(1) and 80(2) which provide for penalties of up to 240 penalty units or two years jail for interference

with critical equipment, plants or vehicles where the person is not authorised and is reckless as to whether his or her actions may disrupt the generation, transmission or distribution of electricity.

The bill also inserts definitions of 'critical electricity infrastructure' and 'critical generation facility'. That covers generators with the capacity of 1000 kilovolt-amperes or greater, together with associated coalmines, water storage facilities, substations, terminal stations and switchyards.

The question I have at this point in time is about how the legislation protects the transmission lines carrying our electricity from the Latrobe Valley to the city, for example. My understanding is they are excluded at this time.

The electricity industry is based in the Latrobe Valley and is critical to the needs of Victoria's business and residential community. The Latrobe Valley provides up to 85 per cent of Victoria's electricity capacity. As I mentioned, much of this generation comes from the five power stations which are located in the Latrobe Valley, which include: Loy Yang A, which has a generating capacity of 2200 megawatts; Hazelwood power station, which has a generating capacity of 1675 megawatts; Loy Yang B, which has a generating capacity of 1026 megawatts; and Yallourn, which has a generating capacity of 1480 megawatts. There is also the much-forgotten — on many occasions — Morwell power station, which has a generating capacity of 170 megawatts. That gives members some understanding of the importance and reliance upon the Latrobe Valley power generators and the good work they do in ensuring that Victoria has electricity supply capacity.

This is simple legislation. It will ensure that those people who might protest or interfere with critical infrastructure in Victoria will be penalised in an appropriate manner. Unfortunately over many years we have seen a number of protests occur at the Latrobe Valley power generators; it has not all been confined just to International Power Australia's Hazelwood station.

In August 2005 there was a protest at that station. A number of protesters broke into that site and they jumped aboard a coal dredger. At that time security concerns were addressed by those at the generators themselves. To give members some indication, International Power Australia already has a 20-kilometre security fence surrounding the Hazelwood generator. You can imagine the difficulty in trying to police and secure that area.

Further, in September 2007 up to 15 protesters broke into Loy Yang Power's station. That created much consternation at the time. A *Herald Sun* article at the time reported that:

Four of the protesters bypassed security fences and surveillance cameras and chained themselves to coal conveyor belts in a major security breach that knocked out almost a third of the station's power supply.

From my conversations with the power generators, I would like to acknowledge that as a consequence of these types of actions they have invested considerable sums of money to upgrade security in and around their premises. It has come at a large personal cost, with the employment of additional security officers just to keep protesters, like the ones in September 2007, from damaging things and making a nuisance of themselves within the boundaries of the power generators.

In November 2008 there were further protests at Hazelwood power station. Two protesters chained themselves to conveyor belts at that time. Further, in May of this year three people were expecting to be charged over a protest at Hazelwood power station. Again, protesters chained themselves to conveyor belts and disrupted the supply of coal between the mine and the power plant.

Further, in May there were again protests at Hazelwood power station. Whilst it is nice to be able to express your opinion, judging by the way many of these protests were occurring, the people involved were simply breaching the law and trespassing. Given the nature of electricity supplies across Victoria, interruption of those supplies can do untold damage to businesses and the like; I believe the member for Seymour mentioned the possibility of hospitals being closed as a consequence.

The member for Malvern, in his great contribution, mentioned the menacing letter that was sent to the chief executive officer of International Power Australia's Hazelwood plant earlier this year. It was just a despicable act by those protesters to actually make something so personal and write to the CEO, Graeme York, whom I know personally and who is a genuine gentleman. It was distressing for many at International Power Australia at Hazelwood and Graeme's family that people would undertake such acts, which should be deplored. I know the member for Box Hill, who is at the table, was very outspoken on the matter at the time. I certainly concur with many of the sentiments of members from both sides of the house in relation to that matter. We also had the civil disobedience protest occur at International Power Australia's Hazelwood station in September this year.

In summary, over a period of time a number of protests and trespasses have occurred at Latrobe Valley generators, which is why the coalition supports the legislation that is before us today. Increasing the penalties and introducing new laws to prohibit this type of activity are certainly very much welcomed. At the same time, it is important to understand that while our demand for electricity increases somewhere in the vicinity of about 3 per cent each year at the moment, the generators are operating at near capacity, so any type of activity that might jeopardise the electricity supply in this state needs to be taken very seriously.

That is what this legislation does. One would hope it would prevent somebody chaining themselves to a conveyor belt, for example, and interrupting coal supplies, which could have dire consequences. We do not want to see events similar to what occurred there earlier this year, which resulted in power blackouts across the state. I know they occurred for other reasons, but quite simply this is where protesters or trespassers could interrupt supply across the state, and that is not something that we wish to see.

It is important to note — and this is a little bit more specific to the Morwell electorate — the benefits that the electricity and coal industries bring to our community. An independent report commissioned by the Latrobe City Council last year shows that the coal and electricity industries provided in the vicinity of \$802 million per year to the local economy, or 21.2 per cent of the gross regional product of the Latrobe Valley. It showed also that 125 employees are directly employed in the coal mining sector, and a further 1705 people are employed in the supply sector. The flow-on effects and benefits to our region are so important.

It is important to recognise that this legislation seeks to provide for not only the protection of our assets but also the protection of our employees in those particular industries and even protection of the protesters themselves. They do not want to be messing with some of the supplies in there; it is a very dangerous area where they might be breaching security, so it is important for everybody's sake that this legislation is enforced. In summary, the coalition supports the amendments in the bill.

Mr NOONAN (Williamstown) — It is a pleasure to join the debate on the Electricity Industry Amendment (Critical Infrastructure) Bill 2009. At the outset I should point out and reinforce that the Brumby government is committed to ensuring affordable and sustainable energy for Victoria's future. That is borne out by the significant investments this government has made in

renewable energy and low emission technologies, such as carbon capture and storage.

The Brumby Labor government was the first in Australia to set a Victorian renewable energy target (VRET), which was opposed by the Liberals and The Nationals at the time. I think I remember the Leader of The Nationals describing the scheme as 'fraud' during the debate on that bill, but that scheme has driven investment in renewables such as wind and solar energy. The government has also recently released a climate change paper seeking input from the community into how we can further tackle problems of greenhouse gas emissions, and I understand some very useful consultations have been conducted around the state.

Victoria faces a lot of challenges as we move towards a carbon-constrained future, especially given our current and historical reliance on brown coal. In recent times there has been a focus by what I suppose could be called small minority environmental groups on our use of brown coal. This was highlighted by a recent protest at one of our largest power stations. This government respects — and I would suggest that certainly my colleagues and I support — the right of all individuals to protest in a peaceful manner and encourages the community to engage on these sorts of issues. I think many members themselves from time to time would have taken part in protests or demonstrations — certainly I have — and we always aim to do that in a peaceful way and in a way that does not disrupt the safety of other people.

It is important that we have clear distinctions between what is and what is not acceptable behaviour for groups and individuals who protest at power stations. This bill is ultimately about reflecting the seriousness of the consequences that can result from the disruption of power supplies and the dangers of unauthorised entry onto power stations or connected property.

As I said, it is important that the community be engaged in the debate on the issues of power generation and climate change. From time to time this may involve protesting, and as I said, this government fully supports the right of people to protest. However, protesting in a manner that has a potential to cause significant economic loss and potential loss of life must be rejected.

The bill before the house seeks to create two new offences for people who interfere with critical electricity infrastructure, as well as creating definitions for 'critical electricity infrastructure', which includes power generators with a capacity of 1000 kilovolt amps

or more, including associated coalmines, water storage facilities, substations, terminal stations and switchyards.

The first of the two offences that this bill seeks to create is knowingly being on a critical infrastructure site without authority. The maximum penalty for that offence is 120 penalty units, which I think is just over \$14 000 at the moment, or one year in jail. The second offence is created to prohibit people from interfering with electricity infrastructure and equipment where their actions may disrupt the generation, transmission or distribution of electricity. The maximum penalty for this offence is 240 penalty units, which I think is just over \$28 000 currently, or two years in jail.

Arguments could well be put that this bill creates a different set of sanctions for offences that are already covered in other legislation connected to people trespassing and committing damage on other people's property. I suggest this bill is justified given the threshold for these offences and the potential threat these actions could cause. When looking at the extent of the penalties for these offences we must consider the consequences of disrupting the supply or distribution of electricity in Victoria. The potential damage that can be caused by the deliberate disruption of electricity supplies in Victoria is indeed enormous.

Our schools, hospitals and public transport systems are just a few of our public services which rely on electricity to function normally, not to mention those people, particularly the frail, the elderly and people with illnesses, who rely heavily on power for various reasons in their own home; we cannot allow the operation of those services to be jeopardised by the inconsiderate actions of a minority of protesters.

The economic cost of even a temporary loss of power could potentially reach millions of dollars. As the previous speaker, the member for Morwell, mentioned, there is also the issue of safety of the employees who work on these electricity generation sites. For these reasons it is important that we emphasise the maximum penalties for such actions. I support the provisions in the bill which define the penalties, as I mentioned earlier.

It is also important to note that this bill does not impinge on the right of people to protest in a peaceful and constructive manner. The bill is about creating an awareness of the serious consequences of unlawful activity on the sites of electricity generation and distribution. It is about ensuring public safety and that those who choose to jeopardise this are punished in an appropriate manner. I give my full support to this bill and commend it to the house.

Mr CLARK (Box Hill) — I am very pleased to support the shadow Minister for Energy and Resources, the member for Malvern, in the debate on this bill. The member for Malvern has demonstrated yet again his considerable abilities in the way he has quickly grasped the detail of this legislation and presented the opposition's position on it so effectively to this house after just the few days since his appointment.

People across the community are fully justified in being concerned about the effects of climate change. If you accept the prevailing science, humanity faces an enormous challenge indeed. People are also entitled to be very dissatisfied with and to want to protest vigorously against the handling of this issue by Labor governments, both state and federal. At a state level we have seen Labor governments thumping their chests for many years, promising that they would take tough action on climate change if the Howard government failed to do so. Yet, when it came to the crunch, they squibbed it and deferred any action, instead calling for federal government action.

Following the change of federal government in 2007, the Rudd government has treated the issue of climate change as a political football and has produced an appallingly inadequate yet threatening piece of legislation to the Parliament instead of accepting the federal opposition's call to legislate on climate change and to introduce an emissions limitation scheme, but to get that scheme right.

The Brumby government has failed to take effective action and failed to speak up on the issue. In particular it has failed to speak up on the need to protect Victoria's interests to ensure that the lights stay on in Victoria, that we do not lose jobs and that we do not lose our competitive edge.

People are fully entitled to express a range of views on the climate change issue, and they are entitled to do that through peaceful and lawful protest. What they are not entitled to do is to take the law into their own hands, to threaten violence and to threaten the destruction of property. In a number of instances to date, protesters have actually invaded power plants, disrupted production and broken down fences. This sort of lawless behaviour brings the environmental movement as a whole and the cause for sensible legislation and action on environmental issues into disrepute, because it undermines the credibility of those who are seeking to obtain results through lawful means.

There have been a range of protest actions, from the personally threatening attacks of groups such as the Environmental Liberation Front, through to organised

mass protests. I certainly do not believe that all in the environmental movement should be tarred with the same brush, but when it comes to transgressing the law and to invading vital electricity generation infrastructure, that sort of lawlessness — indeed, any form of lawlessness — is completely unacceptable. It creates a risk to the safety of power plant workers, and it creates a risk to the security of supply of electricity for ordinary Victorians.

We have seen on a number of occasions that the penalties handed down in the courts for those who have engaged in this sort of lawless and extreme conduct, including invading power plants in Victoria, have not been adequate. Action is needed to ensure, amongst other things, tougher and clearer penalties for this sort of conduct. It is something I have been calling for publicly in this house since I first raised the issue in December last year, and I have repeated my calls for action on 2 April and 2 September this year.

It is welcome that at least the Minister for Energy and Resources has accepted the need for legislative action to provide a clearer regime with tougher penalties. I must say that the willingness of the Minister for Energy and Resources to act on this matter is in stark contrast with the continued refusal of the Attorney-General to act more broadly to ensure tougher and more effective sentences against lawlessness and violence across the state. Indeed, I might be tempted to say that the state would be a lot better off if the Minister for Energy and Resources were to take over the portfolio of Attorney-General — however, I would not want to see the current Attorney-General inflicted on Victoria's energy industry.

The contrast between what is proposed in this legislation to tackle the problem of lawlessness and violence in the electricity industry and the government's general refusal to act against the far broader problems of violence that we are currently facing is also reinforced by the contrast between the actions of Labor energy ministers and attorneys-general at a national level. The records of the Ministerial Council on Energy dating back to July this year indicate that it stressed the importance and urgency of the work of SCAG (Standing Committee of Attorneys-General) in reviewing penalty regimes for disruption to critical energy infrastructure. However, it took SCAG until its meetings on 5 and 6 November of this year to finally receive a report on the existing offences and penalties and to provide that report to the Ministerial Council on Energy. I understand that as of yesterday the Victorian minister had not yet been provided with the details of that report.

Acting on penalties is one aspect of tackling the problem; other things are also needed that are equally important. There need to be improvements in the security arrangements at power plants and substations; there need to be standard security measures and procedures; and there need to be arrangements for better communications between all parties involved so we can avoid a repetition of the fiasco we had with the Ringwood bomb scare, where, although the protocols required the Victoria Police bomb squad to be contacted, the operators of the substation had difficulty actually making contact with the bomb squad. You cannot just pass a law and assume it will fix the problem. We have seen that time and again in other areas, and if there is no follow-up on this bill, we will have a recurrence of the same problems.

As the member for Malvern has pointed out, it is all very well for the bill to set a two-year maximum penalty; the critical question is what penalty will courts impose in practice when people are brought before them. We have seen similar problems with many other areas of law, where the sentences handed down in practice bear little relationship to the maximum penalties that apply.

A couple of specific points should be made. The government refers to all the establishments covered by this legislation as 'critical infrastructure'. The point needs to be made that the bill covers facilities with a generating capacity as low as 1000 kilovolt-amperes, which is approximately equal to 1 megawatt; those are very small plants indeed. I do not quibble with that coverage. I think it is a sensible thing to cover them, but it is yet another example of spin getting away from reality for the government to claim that the bill relates solely to critical infrastructure.

The final issue I raise is in relation to the arrest powers that police will have. The offences created by this legislation remain summary offences. That means police arrest powers under section 458 of the Crimes Act are confined to circumstances when people are found in the act of committing an offence and an arrest is needed to ensure the appearance of the offender before a court, to preserve public order, to prevent a repetition of the offence or for the safety or welfare of members of the public or the offender.

If the offences under this bill were designated as indictable offences — even if the penalties remained as they are currently proposed — police would have the power at any time, without warrant, to apprehend people whom they believed on reasonable grounds had committed indictable offences. It is worth making the

point that a number of the more radical protesters conceal their identity.

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

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Electricity Industry Amendment (Critical Infrastructure) Bill 2009, the purpose of which is to amend the Electricity Industry Act 2000 to create new offences in relation to:

- (a) without authority, being on land or premises on which, or in enclosures in which, critical electricity infrastructure is situated; and
- (b) damaging, interfering or tampering with or attaching things to critical electricity infrastructure plant or equipment or certain related vehicles without authority.

I am happy to support this bill for a couple of reasons. Firstly, the bill goes to the heart of the relationship between the individual and the state. As has been touched upon by earlier speakers — and I was disturbed to find myself agreeing with much of what the member for Malvern said — in a democratic society like ours persons have a right to take action on issues they feel passionate about.

In fact I am sure all members agree that this is not just a right but something people should often be encouraged to do: to take action on an issue in our society, to argue, to persuade, to lobby, to distribute information to other citizens, to seek to influence elected representatives, to seek to elect different persons as representatives — in short, to take part in the vibrant democracy in which we live, and to do so in a boisterous, vigorous and enthusiastic way. However, that should not involve acts of vandalism, destroying private property and endangering the public in committing those acts.

In our society people have freedom of speech and freedom to participate vigorously in democratic processes whether, as I said, directly through electoral processes or indirectly through lobbying and engaging in activities to convince others of their point of view. Those avenues are freely available to persons in our society, and I encourage all persons who have passionate beliefs about various issues in the community to participate in the democratic process under its broadest definition. However, what I would not encourage in any way is persons behaving recklessly and putting themselves and others at risk by acting in the way that some have done in the Latrobe Valley in recent times.

I refer to an article in the *Latrobe Valley Express* of 14 September, which discussed the arrest of 22 persons

at Hazelwood power station and, in particular, the arrest of a person for assaulting a police officer, who was allegedly knocked to the ground during the demonstration. Persons in my electorate, like many other people, feel passionately about climate change and have strong views, in different directions, about the policies that should be put in place. However, I fail to see how any person engaged in that debate should be involved in offences such as those referred to in the *Latrobe Valley Express* article, where persons not only put themselves but also others at risk.

Of course that is an allegation, and I am sure the courts will deal appropriately with these matters, but as a general principle violence has no part in a democratic society and in determining the sort of society we live in. The democratic process should be free of violence and should be based on the value of people's arguments, not the literal strength of their fists.

As I said, the context of this is the recent protests in the Latrobe Valley. The bill intends to protect protesters, workers and the security of Victoria's electricity supply. As I think was touched upon by the member for Bundoora, we live in a society with an interconnected electricity generation and distribution grid across the eastern seaboard. Actions that disrupt electricity supply in Victoria could also disrupt supply to any of the other states on the eastern seaboard. These matters can have a very serious impact, both economically and, as was touched upon earlier, on persons who rely on electricity supply, such as persons I know who live in homes and depend on medical devices, who rely on a constant electricity supply for their wellbeing.

Further to what was said in other contributions, electricity is actually quite dangerous. Having for my sins studied electronics at university, I know that people do not realise how small an electric shock can kill a person. A very small shock through the heart can cause it to stop beating. Electricity should be treated with respect and people should take care with it. I know that people who work in the industry take electrical safety very seriously — and we as a society take electrical safety very seriously. I think people engaging in protest action should take their own safety and the safety of others very seriously, because this is not a game and these are very dangerous places where people can be killed or injured very easily.

A shock sufficient to kill a person going through the right part of the body can be quite a random process. The human body is quite good at conducting electricity. We are not made of metal, but our cell structure is made of positively and negatively charged ions and it can conduct electricity quite well. If electricity goes

through the heart, the heart can be stopped, and if it goes through the brain, brain damage can occur quite easily, which can have consequences for a person for the rest of their life. As I said, this is not a game; it is a very serious issue, and people should treat electrical safety seriously. A person should be qualified and deal with matters in such a way that they take good care of both themselves and other persons.

As was touched upon earlier by other speakers, serious penalties are provided for in the bill. In new section 79, which prohibits a person being on critical electricity infrastructure without authority, the maximum penalty provided for is 120 penalty units or imprisonment for one year. That is a serious penalty, and one that I support considering the gravity of the offences that can be involved. New section 80, which prohibits interference with critical electricity plant or equipment or vehicles where a person is not authorised and is reckless as to whether his or her actions may disrupt the generation, transmission or distribution of electricity, provides for a maximum penalty of 240 penalty units or imprisonment for two years. I touch upon the term 'reckless' in section 80, as I think it is important to take that into account.

What we are seeking to do is prohibit reckless behaviour where persons, rather than altruistically seeking to participate in society and change the laws and policies which govern it, are recklessly endangering the wellbeing of other persons whether directly or indirectly — directly through the safety issues that I have raised or indirectly through the economic damage that their actions could cause.

Climate change is a very serious issue — an issue that will perhaps define politics for some time to come. There are strongly held opinions. I personally believe in the science. I am no climatologist, but I understand enough about scientific method to believe that the likely outcome is that the science is correct. I am not sure. In science no-one can be guaranteed of a belief. In fact, the very nature of science is falsification; it will be constantly updated and knowledge will constantly be advanced. However, I believe in climate change, I believe it is generated by human activity and I believe that society should respond. However, people should respond peacefully. If people believe their arguments are so persuasive and strong that urgent action is required, they should persuade their fellow citizens of those views. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak in the debate on the Electricity Industry Amendment (Critical Infrastructure) Bill 2009. As more and more of our critical infrastructure is managed

through computers, invariably the risk of cyberattacks increases. However, this is not the only vulnerability of our infrastructure. We live in a world that must stay constantly on guard because of the threat of terrorism. We live in a state with a worsening crime rate. This awakens the government to certain realities, the main one being that our infrastructure must be made as secure as possible. In fact over two years ago the Leader of The Nationals wrote to the Premier advising that we needed this type of legislation, and the member for Box Hill raised it numerous times in his role as shadow minister for energy, yet it has taken until now for the government to react.

The bill creates new offences in relation to being on land or premises on which critical electricity infrastructure is situated without authority and new offences that apply to people who damage, interfere, tamper with or attach things to critical electrical infrastructure plant or equipment or vehicles without authority. It astounds me that given reports of foiled terrorist activity in Australia, the government has not had this legislation on the agenda before now.

In April questions about the security of infrastructure in the United States arose following a *Wall Street Journal* report that said the nation's electricity grid had been compromised by foreign hackers. In our quest for efficiency and the trend toward replacing humans with technology, utility control systems have been linked more closely to the internet. Ideally plant control networks should remain completely disconnected from the internet in the interests of state security. To think that in the US computers that were lifting and lowering plutonium rods into water to make steam were linked to the internet is enough to make anyone's blood run cold.

Importantly, this bill does not treat power generating facilities in isolation; it also encompasses related coalmines, water storage facilities, substations, terminal stations, distribution systems and transmission system switchyards. I am pleased that the bill recognises all such facilities involved in power generation in Victoria, any of which if attacked would potentially cripple our power supply.

One of the areas I see as a potential issue is the penalty which is to be applied to people who knowingly trespass on land on which critical electricity infrastructure is situated. The penalty in the bill is a one-year term of imprisonment. I question whether that will serve as enough of a deterrent to anyone remotely considering violating the boundaries of our critical infrastructure. While no obvious harm may be done by trespassing alone, there is a possibility that such an act may comprise part of a wider plot, the first step of

which may involve reconnaissance. Although the scout might be caught, vital information might still be fed back to an organised group of individuals planning a more serious breach of a facility's security in the future.

How will we deal with this? On face value it may appear that new section 80 (1)(b) in part 4 of the bill addresses this issue, as the bill states that a period not exceeding two years imprisonment can be applied when an individual knows that he or she does not have authority to do the prohibited act. However, this is in the context of actual physical interference with critical electrical infrastructure. Therefore it appears that a person who trespasses can be sentenced without consideration of intent to do more than just trespass. If there were an intent to do something with catastrophic consequences, a penalty of more than one year imprisonment should be available to our courts.

It is of concern also that the bill does not provide for offences to be considered as indictable offences. Police can arrest an offender only if they find them committing an offence. If police identify offenders retrospectively, they can only be charged on summons. Improved organisation of protest and criminal organisations mean that many offenders will dress identically to make recognition nearly impossible.

A curious omission from the bill is communication centres which support our power generation industry. Communications are vital in a crisis, as we know from the experience of the Black Saturday bushfires. If these assets are not given the same level of protection, they are vulnerable to attack, which may set up interruptions to power supply.

The definition of 'critical electricity infrastructure' covers generators with a capacity of 1000 kilovolt-amperes or greater. The threshold of 1000 kilovolt-amperes is equivalent to approximately a 1 megawatt generator, which is very small. While I live by the rule that it is better to be safe than sorry, it appears to me that this hardly constitutes critical infrastructure. Or is it that the provision of sufficient power in this state is so fragile and in danger of collapsing that even 1000 kilovolt-amperes would be considered essential to support supply?

Perhaps the bill should have also referred to the government's incompetence in delivering an essential service to consumers. Today's modern world requires consistent, reliable power, and some would say we are more at risk of interruption to supply from short-sightedness, given that in 2005 Powercor applied to the Essential Services Commission for \$26 million over five years to bury powerlines underground in

high-risk bushfire areas; but it was refused. Also both SP AusNet and Powercor companies wanted a combined \$81 million to clear vegetation around lines, but received only \$4.4 million.

The opposition supports the bill. I am pleased the government has brought it in although it has taken a lot longer than it should have. We all knew it was needed, but the government has been tardy. I hope some of the points I have raised are listened to.

Mr HOWARD (Ballarat East) — I also am pleased to speak on the Electricity Industry Amendment (Critical Infrastructure) Bill before the house. It is a sound bill which introduces new offences associated with either knowingly being on a critical infrastructure site without authority or interfering with critical electrical equipment. The legislation clearly makes the point that while it may be okay to go ahead with protesting in any form, it is important to draw the line between legitimate protests and protests which cause damage or which could harm the protesters themselves.

The background to this legislation is the recognition that there are many people in our community who are concerned about global warming. Certainly if you listen to the overwhelming view of credible scientists across this country and the rest of the world, it seems appropriate that one ought to be concerned about global warming.

It was somewhat disturbing to watch the *Four Corners* program earlier this week and to see there are so many members of The Nationals and the Liberal Party who still do not seem to be taking on board the concern about global warming. Instead they are listening to so-called scientists who do not have any legitimacy and want to push an alternative point of view. Those Nationals and Liberal Party members continue to be global warming sceptics and not take on board the serious issues that we in Victoria, Australia and across the world need to face to address the CO₂ going into our atmosphere and the other gases which are further adding to global warming.

The Brumby government has been at the forefront of acting to address global warming. We were the first government in Australia to introduce a renewable energy target scheme (RET), which we know the Rudd federal government has now taken up and accepted as a national renewable energy target scheme. We have also seen as a result of that significant investment being encouraged in renewable energy and other low emission technologies taking place in this state.

As a resident of Waubra I regularly look out from my back door and see the many wind turbines that are operating in our region. I know the majority of local residents believe they are doing their bit to help address global warming by having those wind towers there. As a result the farmers whose properties have wind farms on them are getting significant economic benefit, which is helping them to move forward.

As a result of the wind farm the community has a fund that is able to provide additional work on infrastructure in Waubra. Recently a fair was held in Waubra, which was also funded from the wind electricity plant; that enabled Waubra residents to attract other people to Waubra and to feel good about their community. A whole range of good things for our community are coming out of the wind farm.

As well, alternative energy facilities, mainly wind farms, are developing across the state. The government has acted strongly to encourage more efficient use of electricity. The black balloons campaign is an example of such an action. It is strongly supported by this government; I have certainly been pleased to support the black balloons campaign in providing material to constituents across my electorate, encouraging them to reduce their electricity usage and to be aware of inefficiencies in their households.

Our government has been doing a lot to address global warming, but it is natural for the general community to be concerned and wanting to see further action taking place. As this state is still heavily dependent on brown coal to produce its electricity, that is clearly an issue of contention to many people who are concerned about global warming.

Already a number of protests have taken place at a number of facilities in the Gippsland area. It is important that we send the message to them that, while legitimate protest is all right within the state — it is to be encouraged, in fact — we want to ensure that people understand the line drawn between legitimate protest and putting at risk workers in electricity facilities and the protesters themselves. We want to ensure that we protect our equipment and our ongoing power supplies. If something were to happen to our power supplies so they were cut off, there would be great cost to a number of people and businesses as a result.

This legislation clarifies succinctly the issues around what is a critical electricity infrastructure facility and what is a critical general facility. It establishes the offences that I and other members have noted earlier on in this debate. It is sound legislation which draws a distinction between legitimate protest and protest that

could disrupt our power supply or threaten our electricity facilities.

I am pleased the opposition members appear to be supporting this legislation, although, as they do, they are all over the place when they speak in response to such bills, trying to find all sorts of reasons to be critical of the government, rather than simply saying, 'Well done; this is sound legislation'. It is sound legislation, and I am pleased to support it.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Electricity Industry Amendment (Critical Infrastructure) Bill 2009. The purpose of the bill is essentially to provide higher penalties for persons knowingly being on critical electricity infrastructure without authority and for interfering with critical facilities.

The Nationals in coalition are supporting this bill; however, we have some comments to make about it. In particular, this legislation is about protecting our infrastructure, though I am surprised that it covers fairly small generators or facilities with a capacity of 1000 kilowatts or 1-megawatt. I am going to build from there to say that I support the principle put forward by the members for Malvern, Morwell and Box Hill, that protesting is a feature of our democracy, but it has to end at the fence. Damage to infrastructure or property is not to be supported. However, 1 megawatt is not much electricity. Victoria has thousands upon thousands of megawatts of capacity, so obviously the government is casting its mind at last to the energy shortage that will face Victoria.

We do not have much spinning reserve left in our coal-fired stations in the Latrobe Valley, and we are madly building gas plants all over the place to try to meet some of that demand, particularly the peak demand which is growing. We are also busily involving ourselves in the alternate energy sector. If we are going to go ahead and double the population, particularly in Melbourne, between now and 2050, we have got a real problem in supplying energy.

Something Australia has done very well for the last 50 or 100 years is that anyone can walk into a home, turn on the light, use the toilet, stroll out to the kitchen and turn on the gas, open up the fridge and cook tea. Going forward I am not sure that that is something we can promise, particularly if we have got to protect facilities down to 1 megawatt of capacity. Our energy structure is such that every bit of energy we have got in this country is precious and we cannot manage without it. We have heard a lot about the consequences of that from previous speakers.

If we are going to go forward, we have to look at how we address that energy shortage, and we all know that it will be a long time before we build another thermal power station. We have got to get carbon capture and storage sorted out before that is a reality. We then have to look at the alternate energy sector. The second-reading speech talks about climate change, and many speakers have spoken about the need for alternative energy.

There are a number of systems, one of which is solar power which is of great interest to the Mildura electorate with its Solar Systems project, which I will talk about a little bit later. Recently a delegation from the Mildura Development Corporation and the Mildura Rural City Council went to the United States for a two-week study tour, ending with a large conference in Anaheim which looked at the latest technology and a number of different sectors for applying that technology. I pay particular tribute to Anne Mansell, the chief executive officer of the Mildura Development Corporation, for both her planning of the trip and the briefings she has given me since her return. This was very much of interest to the people of Mildura as we look to take advantage of what I think will be an energy crisis in Victoria in the years to come.

The federal government has boldly gone out and set the year 2020 as the target for achieving 20 per cent of renewable energy, but I am not sure whether that 20 per cent is based on today's population or whether we will be looking for 20 per cent of renewable energy based on our 2020 population, because there will be a significant difference in the energy we need to find.

I am also concerned about the Solar Systems project, which is currently in administration. Concerns have been expressed by a group of Victorians that the intellectual property from this energy project will end up going overseas. I have expressed my concern in this house before about it being Australian technology. The company has had some financial difficulties and is in administration. I hope the Minister for Energy and Resources will call me and assure me that he has had discussions with the administrators and that Victoria is considering what it can do to keep that technology here. If overseas companies want to take that technology away, it will mean we will have to license it back in the future, and that would be a financial loss to Victoria, as well as loss of jobs which will be exported.

There is a risk to the Victorian economy. We have to quantify that risk to find out if we can put some more money up or if Victoria can do something to assist so that this intellectual property stays in Australia and this project is built in Mildura. The challenge now for this

government is to look at that and to do everything possible to ensure that the technology remains in Australia. It also needs to weigh up the cost of doing nothing and risk having this technology leave Australia.

This bill has given me an opportunity to talk on this issue, and I thank the Acting Speaker for allowing me to divert away from the subject a little, because it is very important for Mildura. Anything to do with energy now cannot be removed from our future prospects and the future of energy security that we face in Victoria. To return to where I began, we are supporting this bill. Protest is all well and good in this democracy, but it must end at the fence.

Mr STENSHOLT (Burwood) — I always like to follow the member for Mildura in debate regarding solar power and renewable energy, as it is a subject on which he and I have had a number of discussions.

This bill which has been introduced by the government which I obviously support, makes amendments to the Electricity Industry Act to provide a more effective deterrent to unauthorised intruders and to those who interfere with equipment. The bill defines critical electricity infrastructure to include generators with a capacity of 1000 kilovolt-amperes or greater, and which is around about 800 kilowatts as I understand it.

I was a little concerned about the views of the member for Mildura when he said, echoing others, that this capacity is probably a bit too small. I am not sure whether he wishes to advocate actions by people on smaller units. I hope the member is sincere in saying he wants to keep them at the fence of units with even 800 kilowatts capacity, which is equivalent to 1000 kilovolt-amperes. I assume the member does not wish to encourage people to get into smaller units, particularly those with renewable energy, which the member who spoke before the member for Mildura said he could see from his back porch.

The bill introduces a range of new offences for people intruding on infrastructure, one providing for 120 penalty units or a year's imprisonment and another for those who seek to interfere with or damage critical electricity infrastructure providing for 240 penalty units or two years imprisonment. I note that under the Crimes Act there are already penalties for sabotage.

Often when you have people protesting and taking their protests too far by intrusion and damage, including chaining themselves to infrastructure and stopping the operation of machinery and damaging it — in other words, causing severe economic loss — those people are charged with just trespass under the Summary

Offences Act. This bill will bring the offences into line with legislation in other jurisdictions, including Tasmania, South Australia, the Northern Territory and other jurisdictions that have similar laws whereby those who interfere unlawfully with the supply of electricity face significant penalties.

There have been a number of acts by people with regard to electricity infrastructure. Earlier this year a very disturbing incident occurred. The chief executive officer of the Hazelwood power plant, Graeme York, had a visit in which a letter from the Earth Liberation Front was left at his house. A number of comments were made on this in the papers. For example, an article in the *Herald Sun* of 15 June under the heading 'Power boss in terror threat' reported that the police were investigating a radical green group. The *Australian* had an article headed 'Ecoterrorists threaten power plant boss'. There was also an editorial in the *Herald Sun*, which said:

The threatening letter left for Hazelwood CEO Graeme York at his home is a dangerous escalation of the global warming debate.

A number of things were said in that particular letter, including:

You are causing irreversible environmental destruction which will go on to harm not only those living on the planet today, but your children's children too.

We hold you personally accountable for this assault against our earth.

Those comments were made by this particular group, which it seems is actually outlawed in the USA, where the Federal Bureau of Investigation describes the group as America's top domestic terrorist threat. It is very much a hardline front and has been responsible for more than 1200 acts of terrorism in the United States, causing damage worth more than US\$100 million, which at that stage was the equivalent of A\$125 million — although the dollar has appreciated since 16 June, thanks to the very good economic management by the Labor Party here in Australia.

The acts that have been done by members of the front have included firebombing housing developments, torching car yards and attacking forestry research centres. The front is not proscribed in Australia, but the group certainly raises concern.

In May we also saw seven members of Greenpeace arrested after they chained themselves to a coal digger at Hazelwood. In September last year activists from the Real Action on Climate Change protest group shut down power generation at the Loy Yang power station

for 5 hours. In September this year a number of people at a quite large protest were arrested for entering power generation premises in the Latrobe Valley.

Members might say, 'Protest is fine', but it is not fine if it actually interferes with electricity generation or causes damage to infrastructure. I certainly support the right to protest. I have been in a few protests myself over the years, and I am very happy to support the right of people to protest on a range of issues. However, I do not support people breaking the law by way of entry or by damaging property.

Members might say about what happened in September, when the activists from Real Action on Climate Change shut down power generation at Loy Yang, saying, 'That was a bit of a giggle'. They might say that putting up a sign and stopping things for a few hours is okay. Members must remember that when power generation was shut down for 4 hours during the bushfires a couple of years ago, it caused \$500 million worth of damage to our economy. We are not talking about something trivial; we are talking about the possibility of quite substantial damage to our economy in Victoria in terms of the integrity of our power supply.

I am concerned also, as I am sure others are, about the background of some of the more radical environmental groups. I am happy to support action on the environment. I have been doing so for some 20 or more years, and indeed I organised some of the earliest studies on climate change impact. I am really surprised that after 20-odd years of these studies people like Senator Minchin are not convinced that we humans have had an impact on the climate. It is a matter of us dealing with that, adapting to it and making sure that we try to mitigate and manage these things.

Some people take a very strong philosophical view. I note that in the *Australian* of 22 June there was an article headed 'Beware the greenies who think people are parasites' by Brendan O'Neill. He wrote about the view of members of the Earth Liberation Front which was developed out of the philosophical stance of John Gray, former professor of European thought at the London School of Economics, who said that humanity was a plague on the planet.

That echoes the thoughts of James Lovelock, who came up with the concept of Gaia — that is, that the earth is an entity in its own right and that in some ways humans behave like a pathogenic organism, like the cells of a tumour or neoplasm. It is not only they who have been talking about this. Even Kurt Vonnegut — I am sure some members would have read his novels — there is

some truth in what has been said in that regard. Shortly before his death he said:

I think the earth's immune system is trying to get rid of us. And it's high time it did.

Some environmental activists, which is not a bad word, or extremists, which is a bad word, have even said that AIDS is a great thing. Earth First said that the benefits of AIDS:

... to the environment are staggering: just as the plague contributed to the demise of feudalism, AIDS had the potential to end industrialism.

I am sure we do not want to go that far. This bill is aimed at stopping these environmental extremists who might seek to disrupt and possibly cause a lot of economic damage to our electricity system. I support the bill.

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

Mrs VICTORIA (Bayswater) — I rise to speak on the Electricity Industry Amendment (Critical Infrastructure) Bill 2009. I will start by outlining the purpose of the bill, which is to provide for higher penalties for knowingly being on critical electricity infrastructure without authority and for interfering with critical facilities.

The main provisions of the bill are to increase penalties, which in most cases will be doubled. The bill provides for a penalty of up to 120 penalty units or one year's jail for knowingly being on critical electricity infrastructure without authority. As I said, there will be a doubling of fines. It is good to see the government is finally listening to the public outcry that sentencing on many offences is far too lenient. Magistrates still have the opportunity to hand out casual slaps on the wrist if they so choose. Penalty units are not actually prescribed in the bill, but are applied under the Sentencing Act 1991.

The bill also provides a penalty of up to 240 penalty units or two year's jail for interference with critical equipment, plant or vehicles where the person is not authorised and is reckless as to whether his or her actions may disrupt the generation, transmission or distribution of electricity.

The bill also defines what is meant by 'critical electricity infrastructure' and 'critical generation facility'. This will help in the clarification of handing out those penalties. It covers generators with a capacity of at least 1000 kilovolts as well as associated coalmines and water storage facilities; and also substations, terminal stations and switch yards.

The introduction of this legislation comes about after the ugly scenes that occurred at Hazelwood power station. There was an awful lot of premeditated lawbreaking at the time. Most Australians would support clean power supplies, but there is no point in shutting down what we have until viable alternatives are in place.

I support the right of people to protest and to have their say, but any protest needs to be peaceful and law abiding; it needs to be within the law and not be the deliberate destruction of property and the shutting down of critical infrastructure.

Plant invasions not only threaten the safety of people and power supplies but are also extremely selfish. We need to think long and hard about what these people are doing, because there is absolutely no need to drag all Victorians into their protest. They should really think about using democracy as it was intended.

The consequences can potentially be vast. Not only are we talking about heating and cooling for everybody, from the babies to elderly, but also people who are on power-driven medical appliances could be affected. It also affects so many in industry, whether it is retailers or the people who have automated supply systems in their businesses. Everything comes to a grinding halt if one of these power supplies is disrupted.

The only hesitation I have is the phrase 'critical infrastructure' in this bill. It is a little bit misleading to say that critical infrastructure is as low as 1000 kilovolts, because that is basically the size of most commercial generators.

The offences now carry stronger penalties, but they are not indictable offences. Police can arrest offenders only if they actually see them committing the offence. They can judge them on summons at a later date, but a lot of protesters disguise how they are perceived obviously to hamper identification, so it makes it very difficult.

We have 59 water storage facilities, 4 coalmines, 46 power stations and gas turbine power stations. We have a thermal power station, 11 gas reciprocating power stations and hydro-electric power stations. These all need to be protected.

I think this bill deserves our support. It is certainly a step in the right direction, but it probably needed to be a little bit more prescriptive in what the penalties could be. I support the bill.

Ms DUNCAN (Macedon) — I rise in support of the Electricity Industry Amendment (Critical Infrastructure) Bill 2009. In my brief contribution I

would like to comment on some of the criticisms from the opposition about the definition of 'critical infrastructure'.

The size limit on the generators has been chosen to be small enough to cover all generators that are likely to be providing power to the electricity supply network, which includes both fossil fuel and renewable electricity generators such as wind generators. In response to the opposition, we consider any electricity supply that is providing power to the grid as important; I am not sure what the alternative to that would be. I commend the bill to the house.

Mr INGRAM (Gippsland East) — I rise to speak on the Electricity Industry Amendment (Critical Infrastructure) Bill. I support the legislation. We have heard about a number of incidents, which have been adequately outlined by previous speakers, including some of the activities by protesters in Gippsland, particularly in the Latrobe Valley, against the power industry. I do not think I need to speak a lot on those issues save to say that I think it is important that we protect these industries and facilities, and the people who work in them, to make sure that they are not exposed to what I describe as ecoterrorists.

They are ecoterrorists. We have seen a large amount of similar activity in the timber industry in far east Gippsland, which is extremely damaging and impacts on people's livelihoods. Whilst from the outside it appears — and the media plays it up — as a legitimate protest, the protest activity on the ground in those areas is very similar to some of the recent protests in the Latrobe Valley. It is extremely confronting and clearly puts the people working in those institutions at risk and at times puts some of the protesters at risk. In my view this is something that, as a society, we cannot condone.

We have seen legislation implemented in an attempt to address the issue in the timber industry, in particular in some of the forest coupes, by establishing protection areas and designated areas around where timber harvesting is occurring. One would hope that the legislation we are debating here offers better protection than that for workers in those industries, because the legislation as implemented does not protect workers in these other industries.

My view is that legitimate protest and legitimate dissent is totally acceptable and at times needed in our society. We need people who push the boundaries and challenge the norms of our society, people who challenge the activities of governments, but that has to be done in a non-violent manner which does not put at risk individuals, businesses or people going about their

livelihoods. Unfortunately too often, in Gippsland in particular, that has not been the case.

I support the legislation, but I call on the government to make sure that similar protection is given to other important industries that are subject to very similar ecoterrorism activities and illegitimate protests where people are put under enormous strain. I encourage members in this place to look at the videos of some of the protesters against the power industry who are operating in the Latrobe Valley. I am sure we will see them in the next few months.

There is another bill going through this Parliament which I am sure will attract a similar protest in our region. To see some of the videos that have been taken of those protesters makes one think about how they would like their children or siblings, should they be working in those industries, to be subjected to that type of activity. It is totally against what we consider to be acceptable public behaviour. It puts the people who work in the Department of Sustainability and Environment, VicForests and other industries at significant risk.

We have seen a lot of debate about the power industry. Whilst it may be acceptable in this place to have that debate and put forward legislation like this, it seems unacceptable that we do not provide the same protection to other industries that suffer the same protest activities. With those words, I support the bill but ask the government to look at further protection for workers in other industries.

Dr SYKES (Benalla) — I rise to speak briefly on the Electricity Industry Amendment (Critical Infrastructure) Bill, the purpose of which is to provide higher penalties for knowingly being on critical electricity infrastructure without authority and for interfering with critical facilities. Like all of the other speakers in the house, I support this bill.

That said, like the majority of the members in this house, I also strongly support the right of people to protest. That is part of the privilege of living in a democracy. I know that I have found the need to protest on a number of occasions in the seven years that I have been the member for Benalla because of various decisions taken by this government that have not been well accepted by the community I represent.

The privilege of the right of people to protest did not come freely or easily to Victoria or Australia. It came at a big cost, and the cost is something that we are going to recognise tomorrow on Remembrance Day when we will stop at the 11th hour on the 11th day of the 11th

month to acknowledge the price people paid to have a democracy in the best country in the world and in that democracy to have the right — or the privilege, I should say — to protest.

The second issue I want to comment on briefly is that of consistent enforcement of legislation. I think the member for Gippsland East raised the situation where, in his view, there are issues running with the forest protests that concern him. I think he was making a plea for consistency in enforcement, and I make the same plea — that is, with this legislation and with other related issues dealing with the same sort of thing we need to stand firm when people cross the line from being involved in a peaceful, public demonstration protesting about an issue to becoming violent, becoming like vandals and going against the basic democratic principles.

I think we need to reflect on another example where many people feel that we were not consistent — that is, with the G20 protesters a number of years ago. Their behaviour was outrageous, yet the penalties they incurred were relatively modest, to say the least. On the other hand, in my area and throughout much of Victoria we have had people protesting against the north–south pipeline. Interestingly those issues still continue; I believe there are more to come before the courts of law in the next few weeks.

That is an example of where, as I understand it — and the legal process will flesh this out — people were protesting peacefully, yet they were arrested. We will see how the process plays out and whether they incur a penalty that is consistent with the actions they took or whether the penalty, if by chance they are found guilty, is out of whack with the penalties or the lack of penalties inflicted on people who have clearly violated the right or the privilege of peaceful protesting.

Given those couple of commentaries about recognising that the ability to protest is a privilege of a democracy which has been won through a lot of sacrifice, and about the need for consistent enforcement of legislation as intended by the Parliament of the day when it passed it, it is encouraging that there is wide support for this legislation in the Parliament. I look forward to the bill proceeding and it being enforced consistently across the board.

Mr BATCHELOR (Minister for Energy and Resources) — I conclude this debate by firstly thanking all members who have spoken during the second-reading debate. Interestingly, there were 14, which is a large number of members to contribute to a second-reading debate. Members from all of the

political parties and the Independent in this chamber all spoke in support of this. That is a very heartening response and indicates the seriousness with which the Legislative Assembly takes this issue. We would expect that same sort of seriousness to be taken in the upper house, and we will await that with interest.

In particular I want to thank the members for Malvern, Seymour, Morwell, Bundoora, Box Hill, Preston, Evelyn, Ballarat East, Mildura, Burwood, Bayswater, Macedon, Gippsland East and Benalla. As I said, all of those 14 members have been supportive of this legislation and I want to thank each and every one of them. As they are parliamentary representatives from all parts of the state, they represent the voice of people from the length and breadth of Victoria. People from the other end of the state, where this has not been primarily a problem, and right through to the locality where it is, have been supportive of the bill.

This bill makes amendments to the Electricity Industry Act. It will provide a real and effective deterrent to unauthorised intrusions and interference with equipment and critical electricity infrastructure sites. This is really important, because we need to send a clear and loud message to those who seek to take that one-too-many step in making a political point and go beyond the bounds of what is reasonable and safe, putting at risk their own lives and the lives of electricity workers and those people who would be sent in to look after or to rescue them.

The action of invading and interfering with critical electricity infrastructure also poses a risk to the power supply. Why should people around the state who are in need of life support, who are using public transport or who are at school or a host of locations, including people who are working in heavy and dangerous industries, who are dependent on receiving reliable and predictable sources of power, have their health, welfare and livelihoods subject to the disruption that might come?

As member after member of Parliament who has already spoken on this bill has clearly indicated, this is not intended to stop protesting. I made that very clear in the second-reading speech, and I will make it clear in my summation. In our democratic society people have a right to make a political point and we will defend their right to make it, and the members who have spoken in this chamber tonight have said that time after time. But equally, people who are protesting and making a political point do not have the right to take that into the realms of where making that political statement is dangerous to their own safety and the safety of other people or where it puts critical electricity at risk. It is for

those reasons that we have decided to make these amendments to the Electricity Industry Act to protect our critical electricity infrastructure and to provide some degree of certainty to those who are dependent upon it.

We also want the magistrates and those others who will subsequently enforce this legislation to hear a clear message coming from the chamber today, not just from the second-reading speech, which is in a legal sense the voice of the Parliament describing the purposes of a bill to propose changes to legislation, but the voices of all those who have contributed. They send a loud and unified message that if there is this sort of disruption to electrical assets, as has occurred in recent times, not only here in Victoria but in other states around Australia, the Parliament of Victoria would expect the full force of the law to be applied, subject to the discretion of the court in each of those cases. With those few words I thank those people who have given their support. We wish the bill a speedy passage through the upper house so the legislation can be put in place as quickly as possible.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

STATE TAXATION ACTS FURTHER AMENDMENT BILL

Second reading

Debate resumed from 15 October; motion of Mr BATCHELOR (Minister for Community Development).

Mr WELLS (Scoresby) — I rise to lead the opposition's position on the State Taxation Acts Further Amendment Bill 2009. From the outset I say that the opposition will not be opposing this bill. I would like to take this opportunity to thank the Treasurer's office for organising the briefing we had; it was another good briefing from the SRO (State Revenue Office) and the Department of Treasury and Finance.

But I have to make this point. This will be another embarrassment for the Treasurer. Let me explain why. The Duties Amendment Bill came in earlier this year,

and because of a lack of consultation or lack of clarity there was the ongoing issue about, for example, retirement villages; they would have been hit with a duties tax had the bill been allowed to come into the house and be debated the way the Treasurer originally wanted. That would have caused an enormous amount of heartache for people in retirement villages. The Treasurer wanted stamp duty to be paid in 14 days rather than in 90 days, as it is now.

Now there is confusion over the State Taxation Acts Further Amendment Bill, in particular in relation to the amount purchasers can pay and still qualify for the first home owner grant. There is confusion between what the state Treasurer is saying and what the federal Minister for Housing, Tanya Plibersek, is saying. Let me briefly explain before I go into more detail.

We were briefed on Friday, 30 October, by the State Revenue Office and the Department of Treasury and Finance. They made it very clear that the cap was going to be \$750 000 — that is, that young people and other first home buyers could go out into the marketplace and purchase a house valued at up to \$750 000 and still receive the first home owner grant. However, when we opened up the papers on the Sunday and read, for example, the *Sunday Age*, we saw that the federal minister had announced that the cap in Victoria would be \$600 000. So if you are a young person or a first home buyer wanting to purchase a house and you were looking around that weekend, the following weekend and the weekend after, you would have had absolutely no idea who to believe — whether to believe what you read in the *Sunday Age*, that the cap would be \$600 000, or what the Treasurer told you, that it would be \$750 000. It is interesting to note that the Treasurer has handled this by saying that the opposition needs to read the legislation. The fact is that we have read the legislation, and we are saying the cap is \$750 000, but his advice to Tanya Plibersek, the federal minister, was that it was \$600 000.

Let me go through the bill and then come back to some of these issues. The purpose of the bill is, firstly, to amend the First Home Owner Grant Act 2000 to raise the previously enacted \$600 000 cap, to apply from 1 January 2010, on the value of first home purchases eligible for the first home owner grant to \$750 000.

Secondly, the bill amends the Land Tax Act 2005 to clarify the land tax exemption on Crown land. It further clarifies provisions in relation to land held on trusts and limits the availability of principal place of residence (PPR) concessions where there is a substantial business taking place at that property. The bill clarifies who is liable for land tax when transfers of land occur without

valuable consideration and are unregistered. It clarifies that a refund is available where unoccupied land is subsequently used for a principal place of residence and no other PPR exemption has been claimed. The onus is placed on landowners to notify the State Revenue Office of any errors or omissions in the assessment of land tax.

Thirdly, the purpose of the bill is to amend the Payroll Tax Act 2007 to clarify when and where wages are taxable in relation to persons who live in one state or territory or who work in one or more other jurisdictions.

Fourthly, the bill repeals the Taxation (Reciprocal Powers) Act and amends the Taxation Administration Act 1997 to modernise the law in relation to reciprocal enforcement of tax laws across jurisdictions. It will introduce penalties for failing to notify land tax holdings or disposals, including those under trust, or for failing to notify errors or omissions. It will allow for the disclosure of information obtained under the administration of tax law for the purposes of administering the First Home Owner Grant Act 2000 and the Unclaimed Money Act 2008, and it will allow for the commissioner of state revenue to serve legal recovery notices by post.

The first main provision is the first home owner property value cap. The value of the transaction eligible for the first home owners grant is to be capped at \$750 000 from 1 January 2010. That is the day after the federal boost payments finish. This cap has been increased from the government's originally announced and enacted \$600 000 cap due to an intergovernmental agreement that the cap be no less than 1.4 times the median house price.

An important concession by the government, following the opposition raising concerns in June when the original \$600 000 cap was first debated, is that farming properties bought by those eligible for the first home owner grant will be exempted from the cap. I pay special tribute to the members for Benalla and Swan Hill for their due diligence in bringing this to my attention and following it through, because it is an important amendment that will make sure people in country Victoria are not disadvantaged if they are going to build on a farm.

The second main provision is the amendment to the Land Tax Act. The bill clarifies the provisions relating to the land tax exemption on Crown land. It overcomes a loophole which has allowed lessees of Crown land via an intermediary statutory authority to avoid the payment of land tax.

The clarification of the liability of a lessee of Crown land to pay land tax was brought to a head in the 2008 Supreme Court ruling in *TT-Line Company Pty Ltd v. Commissioner of State Revenue*. That particular case involved land leased by the TT-Line at Station Pier. It argued successfully that it should not have to pay land tax because it did not have a contract with the Crown. It was actually a contract with an intermediary which was in this case a committee of management. Changing the relevant wording from 'lease from the Crown' to 'lease of Crown land' is required to clarify the original intent of the legislation that all lessees of Crown land, other than retailers, are not eligible to claim an exemption and are therefore liable for land tax. The state opposition supports that; we do not have any problems with it, because that was the original intent of the legislation.

The next main provision relates to land held on trust. It separates assessments for implied or constructive trusts where trustees hold different land for different owners. That is an administrative and equitable improvement for trustees in which land held on trust and other land held individually for owners will not be grouped together for assessment and therefore not subject to the surcharge on trust land, which is currently the case. That makes it fairer when people are trying to organise their property and their personal affairs, especially when they are dealing with personal property as well as trustees. The failure of the trustee to notify the commissioner of state revenue of trust land is deemed to be a tax default and will be subject to a penalty.

The next provision concerns the limits on the availability of the principal place of residence concessions. The PPR concession for land tax does not apply where substantial business activity is taking place on the property. We have seen houses turned into mechanics businesses, sewing places and other business interests. The intent was that people would live there, but as time progressed the business became larger, overtook that use of the land and became a business rather than a principal place of residence.

In terms of the liability for land tax when transfers of land occur without valuable consideration, the commissioner of state revenue will now have the discretion to determine that a person who has disposed of land without valuable consideration and has not registered such a transfer is not the owner of the land if he or she is satisfied that the disposal is not for the purpose of evading land tax and that the disposal had occurred prior to 31 December in the year prior to the tax year. An example of that is a farmer who wants to give part of his or her land to a son or daughter by way of a gift.

Refunds are now available for PPR exemptions on previously unoccupied land. An amendment clarifies that a refund is available for the relevant preceding years where unoccupied land is subsequently used as the principal place of residence and no other PPR exemption has previously been claimed.

The onus is now on landowners to notify any errors or omissions in the assessment of land tax. This has not been the case up until this amendment. What will now happen is that the onus will be on landowners to inform the State Revenue Office of any errors or omissions in the assessment of land tax. Failure to do so will be deemed a tax default and penalties will apply.

The bill also amends the Payroll Tax Act 2007. There is an ongoing issue as to where the liability for payroll tax applies when a particular person may live in Wodonga, but work in Wodonga and Albury and maybe in one other state. It makes it very difficult to try to assess the land tax payable by those sorts of workers. This amendment in the bill will make uniform amendments for all jurisdictions as part of a continuing program of harmonisation of payroll tax provisions across the country. It is designed to reduce administrative burdens on multijurisdictional employers. The amendments relate to the problem of employers determining payroll tax liability for employees who work in many jurisdictions, identifying which jurisdiction tax must be paid where the employee operates in more than one jurisdiction in a month, and the jurisdiction in which the highest proportion of wages is paid or payable is considered to be the jurisdiction in which the payroll tax is payable.

The last change in the bill is the repeal of the Taxation (Reciprocal Powers) Act 1987 and the amendment therefore to the Taxation Administration Act 1997. The amendments to the Taxation Administration Act are designed to modernise and provide for best practice in allowing other states to enter and conduct investigations into non-compliance with their tax laws whilst providing reciprocal arrangements for Victoria to do likewise in other jurisdictions — for example, the Victorian State Revenue Office may wish to go into a New South Wales company to investigate non-compliance. That will now be allowable, and likewise New South Wales will be able to investigate a Victorian company, obviously if there is relevance, when it comes to non-compliance with payroll tax or other taxes.

The amendments also allow the commissioner of state revenue to use information obtained under the administration of a tax law for the purposes of administering the First Home Owner Grant Act 2000

and the Unclaimed Money Act 2008; and additionally it allows the commissioner of state revenue to serve legal recovery notices by post, as was the stated intent under the previous legislation, the Land Tax Act 1958, but was not explicitly stated when the Taxation Administration Act 1997 was drafted.

Let me get back to the point I raised initially — that is, the confusion over the tax or the cap on the first home owner grant. As I mentioned initially, the opposition parties were briefed on Friday, 30 October, and were told the cap for the first home owner grant would be \$750 000. I now refer to an article by Josh Gordon in the *Sunday Age* of 1 November, which says clearly under the heading ‘First-home grants to be capped’:

Federal housing minister Tanya Plibersek yesterday announced that states would have the right from the start of the year to refuse to pay the grant to people buying or building more expensive houses.

In Victoria, the price cap will be set by the state government at \$600 000. It will be the least generous threshold in the country: in NSW and Western Australia the price cap is \$750 000 and in Queensland, \$1 million.

The federal minister was saying it would be \$600 000, and we were told two days prior to that that it would be \$750 000. However, this is what the article reports the Victorian Treasurer saying:

State Treasurer John Lenders said the change was long overdue. ‘There is no rational reason to give taxpayer assistance to millionaire first home buyers so they can rope in a mansion in Toorak or Brighton’, he said.

‘The Victorian government has called for these caps since 2001 because they should be targeted to those home buyers who wouldn’t be able to buy a house without a bit of help.’

That simply does not make sense. If he is complaining about increasing the cap because we should not allow taxpayers to assist millionaire first home buyers to rope in mansions in Toorak or Brighton, then why did he increase the cap from \$600 000 to \$750 000, and why did he not tell his federal colleague? It just does not make any sense.

Then we come to the report in the *Australian Financial Review* of 2 November, the next day. Under the heading ‘Grant ceiling ineffective — housing industry’, the article reports:

The federal government’s move to put a cap on the value of properties for which the first home buyers grant can be used may have little impact on aspiring homeowners, the property industry said today.

The \$7000 grant for first time buyers will cut out for properties valued at more than \$1 million in Queensland; \$750 000 in NSW, Western Australia and the Northern Territory; and —

it confirms once again —

\$600 000 in Victoria.

We started to ring the alarm bells. I am pleased to say that on Monday, 9 November, the *Australian Financial Review* started to raise the concerns of the industries and people in the electorates. Under the headline ‘First home buyers cap sows confusion’, it states:

Conflicting statements from the Victorian and federal governments about eligibility for first home buyer grants have left potential purchasers confused about their access to thousands of dollars of assistance.

Late last month housing minister Tanya Plibersek announced the federal government would move to allow the states to set a cap on the value of houses that buyers could purchase and still be eligible for the \$7000 payment.

The first home buyer grant is funded by the commonwealth but administered by the states. Victoria in particular has lobbied to have a cap set on the value of properties buyers accessing the grants can purchase.

At a press conference on the day the cap was announced Ms Plibersek said in widely reported remarks that Victoria had decided to implement a cap of \$600 000.

Victorian Treasurer John Lenders welcomed her comments, saying it was not appropriate to provide ‘taxpayer assistance to millionaire first home buyers so they can rope in a mansion in Toorak or Brighton’.

The \$600 000 figure was flagged in Victoria’s May budget as its target, but under legislation before state Parliament, introduced last month, the Victorian government is seeking a cap of \$750 000.

It increased the eligible price to stay within the bounds of a federal-state agreement which links the cap to movements in house prices.

Then it goes on to explain the confusion that it has caused. The Real Estate Institute of Victoria has also made comments about the confusion that has occurred because of the inability of John Lenders, the Treasurer of this state, and the federal housing minister to get their stories right. How could you possibly get that wrong? I do not understand how you could possibly get it wrong. How could you announce a cap of \$750 000 and brief the opposition to that effect a couple of days beforehand, and then when it is time to do a press conference, suddenly start talking about a \$600 000 cap? It simply does not make any sense.

I went to get the transcript of what the federal housing minister actually said. This is from the press conference that she gave. It is my understanding that she did a doorstep interview at the Sydney Home Buyer Show on Saturday, 31 October 2009, with the Real Estate Institute of Australia’s national president, David Airey, on the topics of the first home owner boost, the cap on

the first home owner grant, interest rates and the property market — and for some reason they also threw in Halloween when they were interviewing her.

However, when they were talking about what was going to happen, this is what the minister said, as recorded in the press conference transcript:

We have said, however, that the first home owner boost is a time-limited measure and of course, the extra money comes to an end on 31 December this year. At that time, the Australian government will also allow the states to set a price cap on the homes that are able to be bought with the first home buyers grant.

That is what she said. She went on:

The states and territories are setting their own price cap — they'll have the power to set the cap at the level they think is most sensible. That ranges from \$1 million in Queensland to \$600 000 in Victoria ...

Members should make no mistake, that is what the federal minister said. It is an embarrassment for the Treasurer, John Lenders, and we cannot wait to see the way he handles this bill in the upper house.

Let us talk for a moment about what first home owners actually get. They get certain amounts of money from the government to assist them in buying their first home. That grant has been incredibly popular. It has not only helped first home buyers but has also helped the building trades to move along as many new houses as possible. The fact remains that the median price for a house in this state is \$480 000. If you were in New South Wales, you would pay \$17 090 in stamp duty on that \$480 000 house. If you lived in Queensland, you would pay \$8050. In Western Australia you would pay \$16 815. In South Australia you would pay \$20 330. In Tasmania you would pay \$16 750. But if you were in Victoria, you would pay the highest level of stamp duty paid anywhere in this nation, at \$20 770. Not only would you have to find the money and the loans to get \$480 000 for a median-priced house, you would then have to find an extra \$20 770. That is very difficult to swallow.

The government's claims that it is being generous by handing out first home owner grants are really a con. The amount of money being given is not enough to pay even the stamp duty that the government is collecting. The government is giving with one hand, but it is taking a lot more with the other. Let us look at the amount of stamp duty this state Labor government has collected. In 1999–2000 it collected \$1.294 billion. In the year before, the last year of the previous coalition government, the government collected \$1.006 billion. From then the Labor government became addicted to stamp duty. The estimate for 2009–10 is \$3.194 billion.

The figure has more than tripled, and I will bet the government has significantly underestimated that figure.

Earlier I paid tribute to the members for Benalla and Swan Hill for picking up the issue of young people who are buying or building their first home. This is what I said on 2 June 2009, when we were leading the debate on this bill:

We have a number of concerns, mainly in relation to the application of the proposed cap of \$600 000 for the first home owner grant and the first home bonus, particularly in relation to buying or purchasing farm properties with existing houses.

The concern relates to the fairness of including the value of farmland in the cap. Some would argue that this skews benefits to metropolitan first home buyers. If the farm's value or the purchase price of the farmland were greater than \$600 000, then there would be no grant or bonus to be paid.

To me that seemed extremely unfair. I went on to say:

A further concern relates to the application of the cap when building on existing residential land. It is our understanding that for newly constructed homes with land, the cap only applies to the total property value. However, if somebody already owns existing vacant land and wishes to build a new home, then the cap would apply to the construction value irrespective of the value of the land.

We were seeking further clarification at that time, but we still believe that would be the case if these amendments were passed. However, we acknowledge there is now an exemption for farmland. I think that is a very wise move, and I thank the two members who pushed that issue so strongly.

The other point I would like to make is in regard to the TT-Line case of 27 November 2008. As I said, the opposition does not have a problem with this particular amendment. The intent is that if you are conducting business and leasing Crown land from a committee of management rather than directly from the Crown, that should not give you the right to seek exemption from land tax. In the Supreme Court judgement of 27 November 2008 in *TT-Line Company Pty Ltd v. Commissioner of State Revenue* the issue was:

Crown land leased to taxpayer by Port of Melbourne Corporation as committee of management under Port Services Act of 1975 — whether taxpayer was a person entitled to land 'under a lease from the Crown' and as such the 'owner' thereof under section 10(b) of the Land Tax Act 2005 — whether the land, being the property of the Crown, was exempt land, or was taxable land in that it was held by a person entitled to the land 'under a lease from the Crown' within the meaning of section 79(2)(a) of the Land Tax Act 2005.

In the judgement Justice Mandie said:

This proceeding involves three appeals to the court based on objections by the appellant against land tax assessments by the respondent ('the commissioner') for the years 2006, 2007

and 2008. The appeals involve a question of law and there is no dispute as to the facts.

That was straightforward; it was just a matter of what happened with regard to the committee of management and its role. Justice Mandie continued:

The assessments relate to land in Port Melbourne which is the property of the Crown in right of the state of Victoria ... which is leased to the appellant by the Port of Melbourne Corporation ... The land forms part of a larger area of land that is defined as the 'Station Pier land' ... The appellant operates the *Spirit of Tasmania* cargo/passenger ferry service between Melbourne and Devonport and operates a ferry terminal at Station Pier.

...

The appellant's contention in its objections to the assessments was that the land was exempt land, within the meaning of section 79 of the Land Tax Act, because it was land the property of the Crown in right of Victoria and the lease under which the appellant was entitled to the land was not 'a lease from the Crown'. At trial, the appellant advanced the parallel contention that it was not 'the owner' of the land because it was not, within the meaning of section 10(b) of the Land Tax Act, 'a person entitled to land under a lease from the Crown'.

That is why this amendment has been made — that is, to make sure that that loophole has been closed.

We still have concerns about the confusion between the state Treasurer and the federal housing minister.

Ms RICHARDSON (Northcote) — I am pleased to rise to speak on the State Taxation Acts Further Amendment Bill 2009 and to follow the Liberal shadow Treasurer and member for Scoresby, with the shabby performance we got from him tonight. His concerns about the cap on the first home owner grant do not stack up. The only mass confusion that exists in the real world is in his head. Listening to him speak tonight, it brought to mind that when the Leader of the Opposition was putting together how he wanted to revamp his shadow — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Northcote, on the bill.

Ms RICHARDSON — When the Leader of the Opposition listens to the shadow Treasurer's discussions and debate on this issue or any other issue of concern to Victorians, he might be tempted to make some broader changes than those he announced earlier this week.

I turn to what the member for Scoresby said about this mass confusion, as he likes to call it, in a press release earlier this month. He claimed that somehow the cap has caused people to be led astray or led up the garden path, whereas the fact of the matter is quite simple: this

bill, if passed, will introduce a cap of \$750 000 on the value of properties that are eligible for the first home owner grant from 1 January 2010.

A cap was announced as part of the 2009–10 budget in order to better target the first home owner grant and provide assistance to those who need it most. The \$600 000 cap that was announced in the budget has been increased to \$750 000 in light of the increased median home price in Victoria.

In the agreement that was struck between the commonwealth and states and territories, the commonwealth said the cap could be expressed as 1.4 times the median house price. At the time of the budget this would have meant a cap of \$600 000, but since then that figure has increased; by the time the legislation has passed this figure is expected to have increased to \$720 000, so the state government has introduced a \$750 000 cap so as to be crystal clear about who will be eligible for the first home owner grant.

There is clearly no confusion in respect of this. A simple reading of the bill would have sufficed. The member for Scoresby mentioned that he attended a briefing. At the briefing this was all outlined and made perfectly clear for the member for Scoresby, but this did not stop him from issuing a press release earlier this month that claimed the sky is falling in.

Even if by 1 January 2010 there is still mass confusion, as the member for Scoresby predicted in his press release, he surely would have stopped, thought about it for a minute and realised that the confusion would only apply to those who are eligible for the first home owners grant and are purchasing a property valued at something in between \$600 000 and \$700 000. We are talking about a very small category of people, even if the member for Scoresby were accurate in his claim.

These people — and I emphasise that this would be a very small number indeed — would presumably take the advice of their real estate agent, their bank or even the State Revenue Office (SRO). They would certainly apply common sense, unlike the member for Scoresby, and they would not take any heed of Liberal Party press releases like the one he put out. Victorians are getting wise to what the member for Scoresby and the Liberal Party are prepared to put out in respect of what they did in Geelong — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member, on the bill.

Ms RICHARDSON — There is a clear contrast between how this government deals with addressing the

concerns of Victorians and how the Liberal Party regards the first home owner grant; and what needs to be done in respect of the implementation of that grant.

The bill also ensures that farms that are principal places of residence purchased by first home owners eligible for the first home owner grant are excluded from the cap. This is in recognition of the fact that the value of primary production land may unfairly place the value of the entire property over the cap. Therefore, under the bill farms will be excluded from the cap.

The bill also amends the Land Tax Act 2005 to require landowners to notify the SRO of errors in their land tax assessment. This cuts both ways in the sense that you do not want to be hit by a hefty bill after years of making consecutive errors. You want to get it right, you want to get up to date, and you want to be in line with the taxation laws as they currently exist.

At present land tax payers are not required to notify the SRO of instances where they have been undercharged. It is more than likely that where people are overcharged they are quick to make the necessary changes, but now we will ensure that where they have been undercharged, they will be required to notify the SRO. The notification requirement is limited to errors and omissions which are already known to the taxpayer.

The bill also amends the trust provisions in the Land Tax Act to ensure that the failure of a trustee to notify the SRO of trust land constitutes a tax default.

Further, the bill prevents the use of the principal place of residence concessions for trust land where that land is used for substantial business activity — in other words, where it has been converted at some point to a business. The bill also amends the exemption for Crown land to clarify that lessees and licensees of Crown land who acquire their interest from a statutory authority, rather than directly from the Crown, do not inadvertently benefit from the Crown land exemption. It also excludes retail leases from the amendment, thereby ensuring retail tenants leasing Crown land cannot be assessed for land tax.

The bill also amends the payroll tax provisions to align Victoria with other states and territories in Australia to clarify where payroll tax must be paid. Under these proposed amendments, in instances where employees work in more than one state or territory every month the principal place of residence of the employee will be the basis of the calculation; or the employer's principal place of residence if the employee does not live in Australia.

The bill also amends the Taxation Administration Act to allow jurisdictions to share information for the purposes of administering the taxation laws. This is an important change, and it is all part of the Victorian government's efforts to reduce red tape and to bring our taxation laws up to date.

These reforms proposed under the amendments are very important reforms indeed. I am saddened that the member for Scoresby is continuing in his campaign to spread, as he describes it, mass confusion among first home buyers about these important changes. It is very clear to me in looking at any statements from the member for Scoresby on this issue that the only mass confusion that exists is in his head. Attempts by him to go out into the media and into the public and present something other than what is actually the case is quite a disgrace.

Mr Burgess — On a point of order, Speaker, the member seems to be confused about what the bill is about, she seems to be concentrating solely on the member for Scoresby and does not appear to be addressing the bill at all. I would respectfully request that the Chair ask the member to return to the bill.

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

Ms RICHARDSON — That was pretty easy, was it not, Acting Speaker? The bill is a very good bill. It will make important changes to tax administration in this state. I commend the bill to the house, and I hope that the member for Scoresby ceases his campaign to spread mass confusion about this very important piece of legislation.

Dr SYKES (Benalla) — I rise to contribute to the State Taxation Acts Further Amendment Bill 2009. I wish to indicate that, along with my Liberal Party colleague the member for Scoresby, I will not be opposing this bill. I would like to commend the member for Scoresby on his excellent overview of the bill and his identification of the issues and the confusion that exists out there.

The member for Northcote has already left the chamber, but for those who have chosen to remain I draw to the attention of the house the *Australian Financial Review* edition of Monday, 9 November 2009. On page 6, in large print, appears the headline 'First-home cap sows confusion'. I do not think the writer of the article, Mathew Dunckley, is a paid-up member of the Liberal Party, but his first paragraph says:

Conflicting statements from the Victorian and federal governments about eligibility for first-home buyer grants

have left potential purchasers confused about their access to thousands of dollars of assistance.

Confusion reigns — and it is lovely to see that the member for Northcote has returned to the house.

If I can now move on to another issue that the member for Scoresby highlighted — that is, when the related State Taxation Acts Amendment Bill was debated on 2 June 2009 we identified some issues about the application of the first home buyer's grant to farm property. As the member for Scoresby has recognised, we commend the government for having corrected that anomaly, which would have discriminated against first home buyers buying farming property, with them not being eligible for the grant in many cases. That is a step in the right direction for which we commend the government.

But I should then say that unfortunately, as is often the case with this government, the job has not been done completely because the government appears not to understand the issues out there in the real business world.

As the member for Scoresby has identified, we appear to still have an anomaly regarding when you buy a property and land and have a cap of \$750 000 — if we accept the lack of confusion that the member for Northcote has made apparent to us. If you buy property and land, then the cap is \$750 000; but if you were to have bare land and then build a house on it, the cap would be \$750 000 on the house that you were constructing.

That is an anomaly that needs to be addressed if we are going to have equitable disbursement of these public funds to assist first home buyers. I call on the minister in summing up to clarify whether we on this side of the house are confused on this issue alone or whether we are identifying an anomaly that the government needs to address.

Mr Weller — As we did last time.

Dr SYKES — As we did last time. I move on to another aspect of the bill which relates to the amendment to the payroll tax, and, again, the member for Scoresby has discussed this. The key issue is that this is an approach to clarify who is responsible for the payment of payroll tax in the case of itinerant workers. That is a significant issue from a rural Australia perspective, where itinerant or seasonal workers are an important part of the workforce. We rely on them to come and help pick the apples, pears, tomatoes and other vegetables and fruits that are grown in the northern Victorian irrigation area and then sent to

Melbourne to feed the people of Melbourne and the rest of Victoria and also exported to generate export income. On the one hand we have the government making it easier for employers, and we thank the government for making it simpler. On the other hand there are still some issues with the government making it a fraction tougher in the north by its failure to adequately provide appropriate drought response measures and the continuation of the north-south pipeline. If we look at the — —

Mr Stensholt — Is Bill on the bill?

The ACTING SPEAKER (Ms Munt) — Order! The member for Burwood has to be in his seat.

Dr SYKES — Would you like me to return to the bill?

Mr Stensholt — That would be great.

The ACTING SPEAKER (Ms Munt) — Order! Through the Chair! If members wish to make comments, they should return to their own seats.

Dr SYKES — For the benefit of the interjectors, through the Chair, yes, I do call upon the Premier to plug the pipe!

I will move on. Another issue of interest to people in rural Victoria — the ones out there in small businesses who are working hard to generate the food and fibre for the benefit of all Victorians — is the issue of the removal of the exemption of the principal place of residence for concessions on land tax if there is a significant business activity being undertaken on that premises. We need to look at the application of this aspect of the bill to see whether equity is being achieved or whether it is being inappropriately implemented and genuine cases are not benefiting from the exemption that was originally intended.

The other aspect of the bill which I would like to touch on briefly is the removal of the exemption in relation to leases on Crown land. The member for Scoresby spoke on the particular legal challenge that underpins the origins of this bill. It will be interesting to see how this plays out as it applies to the many leasehold arrangements that we have in the alpine resorts. There are ongoing issues for lessees who are concerned about increasing costs and not getting adequate return for the fees they pay to the government through the various lease charges and other charges. It will be interesting to see whether the legislation as implemented achieves the intention of being an equitable outcome or whether it creates more anomalies.

Finally, as the member for Scoresby also mentioned, it seems that the government's general approach to the process of taxation and stamp duty is to stumble from one good idea to the next. It seems to be driven by the greed for more money and to not be concerned about the equitable distribution of the income that is coming to the government. Just by way of example, we have had the issue of the massive increases to the fire services levy. Country people are paying through the nose for the fire services levy and then they jump on the truck and fight the fires principally on Crown land. Then on top of that we have stamp duty. As analysed by Peter Hunt in the *Weekly Times*, the government is making a profit out of the levy, the duties and the GST being imposed on those responsible people who take out insurance. The government is pocketing from that rather than contributing on top of it to the cost of our emergency services.

The challenge for this government is to collect the taxes equitably. The other side of the equation is to spend our taxes wisely. I do not believe the government passes the test on either of those two challenges. What has been proposed with this bill is arguably a step forward, and we welcome that progression. But, as identified, there is at least one anomaly that we seek to have clarified. I hope the minister in summing up can rectify our confusion or take on board the fact that the anomaly that we have identified needs correction and we will perhaps see an amendment while the bill is between the houses.

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak on the State Taxation Acts Further Amendment Bill 2009, which is a bill for an act to amend the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007 and the Taxation Administration Act 1997 and makes consequential amendments to other acts to repeal the Taxation (Reciprocal Powers) Act 1987 and for other purposes.

As has been stated previously, this is a bill to amend the First Home Owner Grant Act to impose a cap on the value of certain transactions that will be eligible for the first home owner grant. Obviously, as members would be aware from discussions that have taken place, this is a bill which will impose a cap of \$750 000 on the value of a home which can qualify for the first home owners grant from 1 January 2010. I understand opposition members seem to be a little confused by this matter. It is a fairly straightforward matter.

There was an intergovernmental agreement, which I understand was mentioned during question time in the Legislative Council, where the commonwealth

government stated that a state or territory can impose a cap in the order of 1.4 times the median price of housing in that state. At the time of the budget that was approximately \$600 000, which was just above the level of 1.4 times the median price. However, there has been a subsequent increase in median house prices, and that figure is estimated to be approximately \$700 000 to \$720 000 by the time the legislation gets through the Parliament. Therefore the government decided to increase that cap to \$750 000.

I would think there should be no confusion about this matter whatsoever. Some people find basing an equation on a variable, which shifts the value over time, to be confusing, but it is actually a fairly simple concept. I understand this is confusing for a number of members here, but it is actually a fairly simple mathematical concept. In effect the cap is a variable based on an agreement between the state and federal governments, which must be greater than 1.4 times the median price of housing. The median price has increased in Victoria during that period of time and therefore the figure is higher. It is not exactly rocket science. I hope that provides some clarification.

I noted that the member for Benalla threw in every hobbyhorse issue except Lake Mokoan. I draw to his attention the fact that first home buyers in regional areas are eligible for the first home owner regional bonus, if they are constructing new homes. Of course that would apply to persons all over Victoria, whether they are near that particular lake or not, as long as they were outside the metropolitan area. This is a sensible piece of legislation.

As has been stated by other members, the farming properties bought by those eligible for the first home owner grant will be excluded from this cap. This is a sensible action from this government considering the dual role that land in primary production can play of producing both an income and also providing a home. I am a bit surprised by the confusion, although knowing my good colleagues from the Public Accounts and Estimates Committee perhaps I should not be. As I said earlier, it is a fairly simple process whereby there is a variable that has changed and that forms the basis of an equation within an agreement between the state and federal governments.

Personally, I think that applying caps to the provision of concessions and payments is a sensible measure and one that underpins equity, which was again mentioned by the member for Benalla. Equity is an important concept whereby in some other societies such concessions are paid universally, but in Australia we had a great shift. I note the particular role that Peter

Walsh played as federal finance minister during the 1980s in shifting the tax system in Australia to provide concessions on a much more means-tested basis. That has been a great shift which has provided more equity. In Australia we have a very targeted system of welfare across the board both at a state and federal level. That is a strength of Australian society, where tax dollars go further because they are targeted at persons in need rather than applied universally as in the social insurance models that exist, say, in many continental European nations. That is actually a strength. Capping a payment like the first home owner grant is a sensible move. This is an excellent bill. I will conclude my comments because there are a few other members who wish to speak tonight in the limited time available. I commend the bill to the house.

Ms ASHER (Brighton) — As has already been indicated by the member for Scoresby, the coalition does not oppose the State Taxation Acts Further Amendment Bill 2009. My suspicions are always automatically aroused when a tax bill is brought before this chamber by the Labor Party because the Labor Party has been responsible for 25 new and extended taxes in the 10 years it has been in office. There is the 5 per cent environmental levy on water authorities, the long-term parking tax, payroll tax on apprentices and trainees — previously that was an exemption, but the Labor Party removed that exemption and substituted it with something else, so employers are still paying payroll tax on something that previously they did not — and of course there is the indexation of fines, fees and charges.

To put this bill in context, the Labor Party has a very strong record of increasing taxes, charges and fees, and introducing new ones. The taxes that are covered in this bill are changes to payroll tax and land tax, where we have seen significant collection increases across the board in the last 10 years, and there is real concern regarding the Labor Party's attitude to land tax. It is a source of great regret to me that whilst amendments have been made to the Land Tax Act, the government has done nothing about the inequitable increases and the removal of the cap that previously was in place on that particular tax, which is impacting most adversely on investors, self-funded retirees and the like.

The bill makes some changes to the first home owner grant and raises the cap from \$600 000 to \$750 000. A number of the preceding speakers for the government referred to alleged and concocted confusion, maintaining that there is confusion amongst members of the coalition. That is a nonsense because all coalition speakers have referred to a range of evidence, including the *Australian Financial Review* article of 9 November

2009 which refers to confusion. For the member for Northcote and others to argue that there is confusion on this side of the house is a furphy because in fact it is confusion that has been reported by the *Australian Financial Review*, a well-respected newspaper, referring to conflicting statements from the Victorian and federal governments.

While I am talking on the issue of the cap, I also make reference to the Treasurer's obsession with the cost of housing in Brighton. He seems to be permanently obsessed by it, and I encourage him, given that he is an upper house member covering Brighton, to actually come to the electorate. I have only seen him in the electorate once and I would be delighted to accompany him and indeed brief him on issues concerning land tax because many of my constituents would like to speak to him about that. Many of my constituents would also like to speak to him about stamp duty, as it is levied so inequitably in the electorate. If the Treasurer wishes to be obsessed, my invitation to him is to come with me and I will teach him a little bit about the impact of his taxation on the electorate of Brighton.

This bill also gives an exemption to farming properties in relation to the first home owner grant. Again, I remember very clearly, a number of people on this side of the house have advocated for an exemption for farms. Finally, the government has acceded to that very legitimate and reasonable request.

The bill will also make some changes to payroll tax. These changes are reasonable. The changes will occur where wages of people who perhaps, for example, live in one state and work in another are taxable. The minister's second-reading speech describes these people as itinerant workers. The second-reading speech refers to a harmonisation of the administration of taxation and indeed the government goes out of its way to praise itself on this point in its speech.

We on this side of the house would like to see some harmonisation, for example, in relation to payroll tax, on the issue of threshold, where Victoria is way behind other states in its application of that which impacts adversely on small businesses that in many instances are unwilling to employ people once the threshold for payroll tax cuts in. Whilst the government has referred to harmonisation of the taxation administration — obviously we are conscious of the various rates amongst the states — we would like to see some reform in relation to the payroll tax threshold. Although it is a small measure, this will on the face of it make some administrative moves easier for employers, and that is something we support.

In relation to land tax, as I said earlier, the no. 1 issue is the rate of land tax and the fact that the government has removed the cap. This bill does nothing to address that area of very significant concern about the government's action having an adverse impact on investment decisions in the state of Victoria. The bill instead looks at a number of other issues in relation to land tax. For example, it clarifies an exemption for Crown land. Currently there is an exemption, but if the land is leased it does not cover the lessee. The bill makes it clear that the lessees of Crown land cannot get an exemption. Again, the shadow Treasurer has indicated our overall support for that direction in the bill. I note that retail leases are not affected, and that is an important component of the bill.

The bill also asks land tax payers to assume additional responsibilities. Over the years I have had many complaints about the fact that land tax is not self-assessed and that if people wish not to be completely truthful about what the land is being used for on 31 December, which is the date for land tax assessments, sometimes people can get away with things. The bill requires land tax payers to inform the State Revenue Office of errors or omissions in any land tax assessments and again applies penalties for avoidance in that area. There are some people who will think that is a good thing. I note though that this is something we have not complained about in the past because if tax is to apply, it has to apply equitably. The fundamental problem with land tax is that it is not equitable, and in terms of this bill the government is just fiddling at the edges.

The bill also addresses land transferred without so-called valuable consideration, and it makes some changes to the administration of land tax on trusts. For example, in relation to the principal place of residence, at the moment if you operate a business from a principal place of residence, depending on the size of the business, the area occupied and a whole range of considerations which are spelt out very clearly in section 62 of the Land Tax Act, there are exemptions from or some liability for tax, depending on the amount transacted in the principal place of residence. The bill extends the system to trusts, and that is a reasonable move by the government. The bill also looks at the tax treatment of land tax on land held in trust by an individual and also on land held individually. The bill provides for them not to be grouped together, so the aggregation will not occur, and a land tax payer may not have a surcharge across land tax on holdings held both by a trust and in an individual name. Again, we consider that to be a move in the right direction.

Some other administrative changes are made to land tax. Fundamentally our point is that there are significant problems in the operation of land tax and payroll tax in this state. Land tax is way too high and is inequitable, and the fact that the government has removed the cap makes it even worse. There are significant problems with payroll tax, particularly in relation to the threshold, which is having an impact on small business. This bill does absolutely nothing to address those fundamental problems.

Ms BEATTIE (Yuroke) — Although I am sorely tempted to respond to the member for Brighton's advocacy for the first home owner grants for \$1 million purchases, I shall not do so. I move:

That the debate be adjourned.

Motion agreed to.

Debate adjourned until next day.

FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL

Second reading

Debate resumed from 15 October; motion of Mr HULLS (Attorney-General).

Mr R. SMITH (Warrandyte) — I rise to speak on the Fair Work (Commonwealth Powers) Amendment Bill 2009. This bill was introduced to reflect the proposed amendments to the commonwealth's Fair Work Act 2009 and to deal with other technical matters. The bill also updates references to federal workplace relations laws, industrial instruments and the federal workplace relations tribunal in the Country Fire Authority Act as well as making other consequential amendments to a number of other acts, which I will come to later.

The Fair Work (Commonwealth Powers) Bill was introduced in June, with the government explaining that the referral of powers was necessary in order for employers who were not constitutional corporations and their employees to be captured under the Fair Work Act 2009 of the commonwealth for transition into the new workplace relations regime. This referral was to be an extension of the referral made in the Kennett years, as that previous referral covered only those employees who were employed by constitutional corporations. This new referral covers an additional 30 per cent of the workforce, which includes small businesses, partnerships, community and public sector organisations and the Victorian public service. The

exceptions to this referral will be similar to those made under the previous Kennett government and will include members of Parliament, the judiciary, members of administrative tribunals, ministerial officers and senior executives in the public sector.

It was decided previously and is maintained that Victoria will not refer matters in relation to public employees and directions given to public sector employees under state laws dealing with essential services and emergency services. Referrals dealing with law enforcement officers will similarly be maintained in Victoria. Excluding these roles is intended to maintain the integrity of state laws in dealing with these matters.

When the initial Fair Work (Commonwealth Powers) Bill was introduced, the government explained that a degree of haste was necessary in introducing the bill due to the fact that had the referral not been made, then from 1 July this year those employers and employees in small business, the public sector and other organisations such as that would not be in the position to make enterprise agreements. Further to that, provisions regarding the relationships between employers and unions as well as problems arising from discriminating treatment would not apply. In addition, from 1 January next year the new federal award system and some national employment standards would not apply. The government made the point that this would mean that eventually 30 per cent of persons in the workforce could be in the position where they would have no award safety net and no minimum wage protections. At the time the opposition accommodated that request and was very cooperative in allowing a speedy introduction of and debate on the initial legislation.

It was acknowledged during the second-reading debate of that initial bill that amendments would be likely to be made as other states finalised their arrangements with the commonwealth, and in light of the terms of referrals of powers agreed to by both South Australia and Tasmania we have the bill before us now. This bill will assist in the full implementation of the commonwealth Fair Work Act.

The main provisions of this bill amend the terms of the Victorian referral as a result of the South Australian and Tasmanian referrals, as I said. Clause 3 of the bill makes it clear that certain phrases used in the referrals amendment reference are to have the same meaning as in the commonwealth's Fair Work Act, specifically the definition of the phrases 'referred subject matters' and 'state subject matters'. Clause 3 goes further to repeal the definition of 'essential services' and adds a new definition of 'fundamental workplace relations

principles'. It is the definition of 'fundamental workplace relations principles' that I take some issue with and want to focus on for a moment.

The fundamental workplace principle reads that commonwealth legislation adopts the provision that continues to provide for collective bargaining at the enterprise level with no provision for individual statutory agreements.

During the departmental briefing it was said that the only relevance of this principle is to define when a state may withdraw referral powers on only three months notice rather than six months as provided for in clause 8 of the bill. However, when reading clause 4 of the bill, which inserts new section 3A into the Fair Work (Commonwealth Powers) Act, it appears that the connotations of that definition are somewhat broader than what the department offered. This section states in new section 3A:

- (a) that the Commonwealth Fair Work Act should provide for, and continue to provide for ...

...

- (iii) collective bargaining at the enterprise level with no provision for individual statutory agreements.

There seems to be an anomaly here, with the purging of individual statutory agreements being, as defined in the bill, a fundamental workplace relations principle.

An Australian workplace agreement, as defined on the former federal government website workplace.gov.au, says an Australian workplace agreement is:

... a new form of agreement ... to provide more effective choice and flexibility for employers and employees in reaching agreements.

I think we could safely assume that most of those opposite would characterise an Australian workplace agreement as an individual statutory agreement as defined in the bill. Yet under the Rudd government we have what is known as an 'individual flexibility arrangement', the characteristics of which can be found on the Australian government's Fair Work ombudsman's website. An individual flexibility arrangement, it says, delivers benefits to both employers and employees. It can lead to greater job satisfaction and can help attract and retain skilled and valuable staff. The website also makes the point that flexibility in the workplace may also improve productivity and efficiency by helping maintain a motivated workforce with a reduced staff turnover and absenteeism.

I quote further:

These instruments —

being modern awards and enterprise agreements —

are collective in nature and apply to many employees. Therefore they may not take into account the specific circumstances of individual employees and their employer.

However, every modern award and enterprise agreement must include a flexibility term ...

A flexibility term allows an employer and an individual employee to agree on an arrangement which varies the effect of the modern award or enterprise agreement in order to meet the genuine needs of the employer and that individual employee.

These flexibility terms can cover a range of work conditions, including working hours, overtime rates, penalty rates, allowances and leave loading.

This characterisation of individual flexibility arrangements would seem somewhat at odds with the bill's fundamental workplace relations principle that there should be no provision whatsoever for individual statutory agreements. We have two agreements — an Australian workplace agreement and an individual flexibility arrangement — both offering choice and flexibility, taking in the genuine needs of the employer and the employee outside of the modern awards and enterprise agreement structure, and yet we are being told one is an individual statutory agreement and one is not.

Labor claims that individual flexibility arrangements are nowhere near individual statutory agreements, but I think it could be reasonably argued that under the Fair Work ombudsman's characterisation, if they are not the same thing, then they are certainly in the same ballpark. In the absence of a definition of the term 'individual statutory agreement', I would hope and look for some degree of comfort from government members during this debate that individual flexibility arrangements do not contravene the provision set down in clause 4 of the bill.

A further anomaly also seems apparent when we look at subsection (a)(ii) of new section 3A, which states that employees should have the right to choose whether or not to participate in collective activities. Yet subsection (a)(iii), which excludes the provision for individual statutory agreements, seemingly leaves employees little choice but to participate in a collective activity.

When reading through the definition of fundamental workplace relations principles, I see reference to a strong, simple and enforceable safety net of minimum

employment standards. I see reference to fairness, choice and representation at work. I see reference to fair and effective remedies available through an independent umpire, and I see reference to protection from unfair dismissal, which I will return to later. What I struggle with, however, when reading through the fundamental workplace relations principles is the absence of the right to work free of union thuggery and standover tactics. Surely a fundamental workplace relations principle should be that a workplace should be free of the harassment and intimidation of the type that we saw, for example, during the recent industrial dispute surrounding the work on the West Gate Bridge.

This chain of events illustrated the Labor-backed unions at their absolute worst. I would like to quote from an article in the *Australian* of 4 April to illustrate just what can happen when the unions feel they have some sort of unfettered power. The article says:

Major projects face significant delays and cost blow-outs because of a marked rise in violence and intimidation on Victorian construction sites, the building industry watchdog has warned.

Australian Building and Construction Commission head John Lloyd's warning came as details emerged about five building workers arrested and charged this week after allegedly pursuing two employees by car and motorbike for more than 30 kilometres through Melbourne's suburbs.

Sources told the *Weekend Australian* that one of the workers had allegedly been wearing a balaclava during the pursuit. It is understood some of the workers were seen putting their hands into the shape of a gun and pointing at the men.

It is believed the two men were targeted because they had been seen speaking to inspectors from the ABCC, which is investigating industrial activity on the West Gate Bridge strengthening project.

In addition to these acts a VicRoads supervisor had his tyres slashed, the electricity to his house cut off and a brick hurled through his window with a note tied around it saying, amongst other things, 'We will be watching you'. That this sort of intimidation could go on at someone's home is appalling, and yet this government, as well as the Rudd government, embraces the idea that union officials should be able to walk into an employer's place of business and pull out all manner of personal details from non-union employee files, including their home addresses.

What was even more concerning was the manner in which the Minister for Industrial Relations, during a Public Accounts and Estimates Committee hearing this year, completely washed his hands of any responsibility for the matter. Under questioning the Minister for Industrial Relations said he had no responsibility for the industrial dispute that was going on down there. If you

read the transcript, you see that under questioning by the member for Scoresby and the member for Benalla, as well as by Mr Rich-Phillips, a member for South Eastern Metropolitan Region in the other place, the minister ducked, weaved and did everything possible to avoid a direct question of what it was that he actually did to help regain some control over the dispute and bring this particular dispute to an end. If you read the transcript, you can see the minister quoted statistics and he dredged up issues from 10 or 15 years ago, but ultimately he completely washed his hands of any responsibility. I just do not know what it is that he does, and it is a question we seem to be asking ourselves a lot in this place: what is it that these Labor ministers actually do?

It is very clear from these issues that the unions are back in charge. Ken Phillips, the executive director of the Independent Contractors of Australia, said in the *Melbourne Leader* of 22 April:

It's back to the bad old days where you've got straight-out workplace bullying rolling into outright criminality in some instances.

Mr Lloyd of the ABCC supported those sentiments in comments he made in the *Herald Sun* of 23 September when he said:

If these trends took hold, the relative industrial peace and efficiency of the industry would be at risk.

Surely, with growing evidence of union standover tactics, a fundamental workplace relations principle should include the right to be free of harassment and intimidation in the workplace regardless of your political and industrial relations views, and that right should extend to your home.

There is also major concern regarding the effect that this sort of behaviour has on the cost of doing business in Victoria. The article that I mentioned earlier from the *Australian* of 4 April goes on to say:

Mr Lloyd said the Westgate project and the Royal Children's Hospital development were among several major projects that had seen 'a marked increase in coercion, intimidation, threats and violence' in recent months.

'The deteriorating conduct raises the prospect of significant delays and cost overruns'.

A *Herald Sun* article of 27 September had a similar story to tell:

Victoria's building industry is the worst in the nation for bullying, illegal strikes, delays, close-downs and cost blow-outs.

A *Sunday Herald Sun* investigation also found the number of days lost to industrial action in the building industry has soared nationally since Kevin Rudd was elected.

This same article lists the projects that have been allegedly hit by unlawful strikes: the Royal Children's Hospital, the Austin Hospital, the M1 upgrade, the Arts Centre, the Morwell police station and Law Courts complex, and of course the West Gate Bridge — a whole host of state government projects that have been affected, with all of the associated costs that go with those sorts of actions, yet the government has remained largely silent on the issue.

The article goes on to report that of the 254 investigations throughout Australia made by the Australian Building and Construction Commissioner, 125 of them — almost half — have been in Victoria. The unions know that the federal and state Labor governments are beholden to them; they know that they will be allowed to engage in and get away with whatever behaviour they choose. With the sort of intimidating behaviour we see from some unions and with the high cost this often illegal action brings, it is very worrying that we are hearing suggestions that this government appears to be directing jobs to the Victorian Trades Hall, as was the case during the tender process on the desalination plant.

The *Age* of 7 June reports:

... sources close to the tender process have told the *Sunday Age* several ministerial staffers 'across a number of portfolios' were involved in negotiations that would see the CFMEU get preferential treatment on the desalination plant.

These sorts of suggestions send exactly the wrong message to those who are seeking to invest in Victoria. We can all remember the bad old days when the unions ran the state and when construction in Victoria had a 30 per cent cost premium on top of the cost of doing business elsewhere. I think Victorians would be absolutely appalled to think that we are going back to those days. But with events unfolding as they are, the Construction, Forestry, Mining and Energy Union cry of 'We are back in town' certainly indicates that is the way we are going.

A further issue with this bill, on giving unions increased powers, is that a union now can approach an employer with a request to speak to employees. The employer then has an obligation to inform his staff about their current awards, tell them the union has made contact and if any of the employees want to meet with the union, then the employer has to provide an appropriate venue for a meeting to take place. This means that the union can effectively use this basis as a platform for recruitment.

I have no problem with a union getting out there to recruit members. If a union has something to offer employees that will attract membership, then good luck to it. But no other organisation in this country has their recruiting strategy enshrined in legislation.

It is this sort of manipulation of legislation by Labor governments to suit the unions that is absolutely poisonous to small business owners. This sort of action is seen as an invasion of the employer-employee relationship, and for small and medium businesses, that could be the difference between what was a harmonious relationship and one that can become destructive over time. The ultimate impact of that is on the viability of the business, which has a direct flow-on to people's livelihoods and to the economy. That is where the relationship between Labor governments and the unions becomes unhealthy to the economy.

I would like to go back to the issue of unfair dismissal as mentioned in clause 4, which inserts new section 3A. Proposed subsection 3A(a)(v) deals with the removal of the exemption from unfair dismissal claims that small businesses previously had. Small businesses are loath to pursue unfair dismissal cases. It ties them up and it costs them in time and money; generally they cannot afford either of those things. Because of that, in the past go-away money was often offered to rid the small-business owner of a problem so he could get back to the task of running his business.

By exempting small business from these laws, we found there was an increase in the willingness of small business owners to employ. They were much more content in the knowledge that if there was a problem with the workplace behaviour of a particular employee, subsequent dismissal would not materially impact the business or take up a lot of time. That willingness to employ will almost certainly change, going forward. I would just like to quote from an email I recently received from a small business owner in relation to this:

Previously I was exempt —

and he means from unfair dismissal arrangements —

so there was no risk of trouble. However, now there is a 12-month period after which we are potentially at risk from vexatious claims (read: go-away money). Consequently we now review each employee as we approach the 12-month anniversary of employment and decide what the possible level of risk is. We have decided to terminate one staff member this month because we deem the risk too high. This is actually the reverse consequence of the intention of the change. However, in a small business the disruption from an OHS claim or an employment arrangements argument is enormous.

Let me be clear: there are people out there who are unfairly dismissed because of unscrupulous employers, and they need our support and our protection. There are others, however, who have blackmailed businesses in the past into paying them go-away money due to vexatious claims that have been an enormous source of distress and anxiety for small business owners. The fact of the matter is that small business owners simply cannot afford the hassle associated with vexatious claims, and they will do their best to find a way to dispense with them. This is what happens with those who try to impose an ideology without any reference to the real world.

It is very telling that this philosophy is embraced by a government that fields only one member of cabinet who has had experience in running a business; it is a testament to the fact that they have neither knowledge of how a small business operates nor sympathy for someone who takes on the risks associated with starting and running their own business.

If we go to clauses 5 and 6 we see that they provide for some technical changes. Clause 7 repeals section 7(3) of the Fair Work (Commonwealth Powers) Act as a consequence of the new provisions in clause 8. Clause 8 provides for the termination of a reference not sooner than six months after the proclamation of the initial reference.

In the instance of an amendment referral, such as the one we are debating here, should the Governor in Council deem that a proposed or introduced amendment to the Fair Work Act of the commonwealth is inherently at odds with the fundamental workplace relations provisions that I mentioned earlier, then the amending reference can be terminated as soon as only three months after the initial proclamation. The circumstances surrounding this termination must be presented to both houses of Parliament by way of a report.

This is an interesting proposition because this means that the Parliament will have absolutely no say in these matters, going forward. The Parliament can debate a referral and an amendment to that referral, such as we are doing now, but if the state government of the day decides in its cabinet room that due to a shift in the commonwealth's view or there is a view that the commonwealth's policy is no longer deemed to be in harmony with the fundamental workplace relations principles, it no longer wants the amendment in place and wishes to terminate the amendment, then that decision will take place behind the closed doors of government. The Parliament will not have the right to debate that termination at all.

The Parliament will see a report detailing the issues and the processes surrounding the decision; that will be presented to Parliament, but it will be after the fact. The government will not allow members of this Parliament to voice their concerns, and it will not allow members of the community who are affected by the termination to have their voices heard through Parliament either. This Labor government often seems to be very keen to strip powers, including powers of oversight, from this Parliament. I certainly would have some concerns about how much power this Parliament allows the government to have.

In the final part of the bill, clause 9 in part 3 provides for the consequential amendments and reference updates to federal workplace relations laws, industrial instruments, the federal workplace relations tribunal and the Country Fire Authority Act 1958.

Clauses 10 to 20 update a number of references and definitions in the Disability Act 2006, the Duties Act 2000 and the Equal Opportunity Act 1995, just to name a few of the acts that are affected. In those clauses the bill also updates references to federal legislation in the Fundraising Act 1998 and the Working with Children Act 2005.

In closing I have to say that I find it somewhat ironic that we debated the Fair Work (Commonwealth Powers) Bill previously in this Parliament and that right now we are debating this amending bill. I find it ironic that this Labor government is enthusiastically passing these powers off to the federal government, when only a short time ago it was equally as enthusiastic in criticising the former industrial relations system and the so-called misuse of power being wielded by the former federal coalition government. We challenged the government at the time that if it was so unhappy with the way the federal government was dealing with things, it should have terminated the referral and actually dealt with those issues in Victoria. But that was a challenge the government declined to take up at the time.

While the Labor Party supported the referral of powers in the 1990s, we have to remember during this debate that it was the Kennett government that spearheaded those reforms. As the member for Malvern so eloquently said during his contribution to debate on the Fair Work (Commonwealth Powers) Bill in June this year, the fact is that the Labor Party had not the wit, courage or policy ability to embrace and enact the reforms itself. I agree with the sentiments of many of the coalition speakers who spoke on that previous bill. It is a bit rich for the Labor Party to come in here and champion itself as the reforming party on these issues

when it was the Liberal-Nationals coalition government that led these groundbreaking reforms back in the 1990s. Government members should be mindful of that fact as they contribute to this debate tonight.

The coalition has some very real concerns about the direction in which the federal government is taking industrial relations. We disagree with the notion that employers must enter into mandatory good faith negotiations with unions even if unions have only a minimal coverage of that employer's employees. We believe the direction the federal government is taking will hurt employment opportunities in this country due to the removal of unfair dismissal protections from small businesses, and we believe the sort of union activity we have seen of late will be detrimental to investment and productivity in Australia, with our concerns being particularly for Victoria. However, the coalition has long supported a national industrial relations system. As I said before, the Liberal-Nationals coalition referred the majority of Victoria's industrial relations powers to the commonwealth in 1996. It is because of that that we will not be opposing the bill.

Ms THOMSON (Footscray) — I rise to support the Fair Work (Commonwealth Powers) Amendment Bill. It took me a while to realise that the opposition would not in fact be opposing the bill. One could not necessarily tell by the — —

Dr Sykes — It is called suspense. It is like a thriller; you have to wait to the end of it.

Ms THOMSON — I can assure the house that there was nothing thrilling about it. All it did was reinforce the fact that the opposition has not learnt anything since the 2007 election result and the fact that communities in Victoria and across the country want to see balance in industrial relations legislation. They want to see a balance between employers' rights and employees' rights, they want to allow for collective bargaining, they want to see more basic rights in the award systems available for workers in this state and this country, and they expect this to be a fair regime. They certainly thought the Howard so-called WorkChoices system — or what I call WorkNoChoices — offered no real options and opportunities for workers in lowly paid jobs. As a matter of fact, all of us on this side can remember that over 240 000 Victorians were without the protections of an award when the previous Liberal Premier, Jeff Kennett, handed over the powers to the commonwealth. He did not care about them one iota. He was prepared to leave them out in the cold.

I also want to stipulate that a lot of small businesses have welcomed these basic awards and entitlements

being increased for workers because this creates an opportunity to understand what other businesses that they compete with have to offer as a basis on which to negotiate with employees. I must admit that I am sick and tired of hearing the union bashing that we continually hear from opposition members: on and on and on they go. There is no-one on this side who continually goes out and bashes employers or employer organisations. As a matter of fact we respect the organisations that represent business; we actually work with them. But we also realise that you have to work with the other side of this environment — that is, the trade unions. It is about balance. As I said by interjection earlier in debate, the Berlin Wall came down 20 years ago today, so can we please move on from this notion of class warfare which seems to perpetuate the contributions we hear from members opposite.

It was pleasing to hear that the opposition actually supports a unitarist system of industrial relations, as we on this side of the house do, but we want a fair one. We believe employers right across the country should have a streamlined system. We believe in streamlining that regulation and making it easier to understand the industrial relations laws under which we operate. That legislation is before us today because Tasmania and Queensland have now decided to be part of that federal system operated by the commonwealth government. That is a great move forward and will help to make the regulation of industrial relations much easier for those employers operating across state borders. It also makes it fairer for employees right across the country.

Under former Prime Minister John Howard the previous federal government abused the intent of having one industrial relations system and took away the very rights that workers and employees should be entitled to have. What has made this society a great one in the past is that we have understood that if our economy is to work properly, it must be a partnership. Employers can learn as much about their business from employees as they can from other employers. Many employers will say that they could not run their businesses without the input of their employees, not just their labour but their ideas and concepts.

The DEPUTY SPEAKER — Order! It is time for me to interrupt the business of the house. The member for Footscray will have the call when the bill is next before the chamber.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Ferntree Gully–Henderson roads, Knoxfield: traffic management

Mr WELLS (Scoresby) — I raise a matter of concern with the Minister for Roads and Ports. The action that I seek is that he fix the unworkable intersection at Ferntree Gully Road and Henderson Road in Knoxfield, which is in the electorate of Scoresby. A number of constituents and a number of road users have contacted me, but a significant number of people who are in business on that industrial estate have also contacted me about the intersection not being workable. I ask the Minister for Roads and Ports to contact VicRoads as a matter of priority to try to get some action to get the intersection fixed. The problem is that there is insufficient entry and exit turn space at the intersection for large commercial vehicles. The intersection was appropriate 15 or 20 years ago, but more and more businesses and industry have come into that Knoxfield estate and the trucks are getting longer and wider, and that is causing problems.

There are three problems. As I mentioned, the basic problem is one of insufficient entry and exit turn space for large commercial vehicles. It is also my understanding, from consultation with business constituents and the visual inspections I have undertaken there, that the intersection is now too narrow with the insufficient entry and exit turn space for the large commercial vehicles which are now coming in and out of industrial estates, particularly semitrailers and B-doubles.

The second problem is that the signal frequency does not allow the lights to remain on long enough for the trucks to have time to enter the intersection safely. That happens to vehicles going both in and out of this Ferntree Gully and Henderson roads intersection.

The third problem is that the right-turn lane into Henderson Road from Ferntree Gully Road is not sufficiently long to cater for one vehicle let alone multiple semitrailers or B-doubles and is therefore creating an enormous road hazard. It means that cars are banked up down Ferntree Gully Road whilst they are waiting for a truck to turn into the estate.

I respectfully call on the minister to address this problem. The road needs to be widened further east on land that is available before further buildings are constructed. I look forward to the minister making an

announcement and contacting me as a matter of priority.

Bushfires: building materials

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Planning. The action I seek is for him to do all in his power to direct the Building Commission to work expeditiously with the building industry to have Australian standard building materials available for bushfire-affected households so that people can rebuild their homes as soon as possible.

The member for Seymour is in the chamber. He and I have been working with a number of constituents we represent who are currently having difficulty rebuilding their homes due to, in some circumstances, the small number of products that have so far been accredited to meet the new building attack levels. In particular roofing and windows are proving difficult to source.

Following the magnitude of the Black Saturday fires and the tragedy that resulted, I and others in this place want to be assured that all support is provided to householders to enable them to build safer houses than existed before. However, this support needs to be balanced with the need for those families to get on with their lives and be back in their homes. Members will recall the tragic fires in Canberra earlier this decade. Following those fires a significant amount of work was done at the national level by the CSIRO and the Bushfire Cooperative Research Centre to develop some new national standards. I am aware that industry was prepared for those standards to come into effect next year. Unfortunately, due to the terrible events of last summer, these standards had to be brought forward a year. This has made things difficult because a number of manufacturers are still scrambling to get that accreditation. I would like to congratulate a company that has managed to do that. Firefly Passive Fire Protection in Somerville developed its roofing product with BlueScope Steel. The product passed the tests on 28 September and is now available. However, there is a need to have more than one product on the market.

I have raised with the Minister for Consumer Affairs — and the member for Seymour has been concerned about this too — that there have been unscrupulous operators and that people in the community are concerned about company claims and promotions of non-approved products being marketed as life savers. That is certainly not the solution to getting people back into their homes in a safe manner. People in bushfire-affected areas want certainty that the products they are using do what they say they will do and have been endorsed by the right regulatory authority.

I understand the Building Commission is working with window shutter and screen manufacturers to ensure products are ready for residents in bushfire attack level FZ areas to receive occupancy permits. I urge the planning minister to do all he can to assist in this.

Hume Freeway: roadside vegetation

Dr SYKES (Benalla) — My issue is for the Minister for Roads and Ports. My request is that he immediately review the VicRoads decision to only slash a 3-metre-wide strip either side of the Hume Freeway rather than to slash the whole roadside reserve, as has been done in the past. If the finding is, as local land-holders expect, that the VicRoads policy change is increasing the risk of wildfire spreading from the Hume Freeway, then the minister should instruct VicRoads to slash the whole roadside reserve immediately and to provide adequate funding to do the work.

By way of background, the Hume Freeway is a major thoroughfare through north-east Victoria. Tens of thousands of vehicles travel on it each week. Over the years many spot fires have started on the side of the freeway. Fortunately most have been put out quickly because of the prompt response of the local Country Fire Authority brigades. Their job has been made easier by VicRoads slashing the whole roadside reserve. Therefore it seems inconceivable that VicRoads could cut back on its roadside slashing program as we head towards what the government keeps telling us is going to be a summer of extreme fire risk.

I and many other land-holders whose properties adjoining the freeway feel angry and let down by the Brumby government, which told us to prepare for the worst and then cut back on its longstanding fire reduction activity.

I call upon the Minister for Roads and Ports to immediately review the situation and to make public his findings of an increased fire risk spreading from the Hume Freeway, which appears to be a result of cost-cutting measures. This action is consistent with the Brumby government's failure to implement over 25 significant recommendations from previous fire inquiries. This action is consistent with the Brumby government's failure to reduce fuel loads on other parcels of Crown land. Instead of it doing the work, it is stating that adjoining neighbours should seek permission to clear those fuel loads. This action by VicRoads is consistent with the Brumby government calling on local communities and individual property owners to reduce fire risk ahead of the forecasted extreme fire risk season but then not providing

high-risk communities with funding support or additional resources.

In summary, inaction by the Brumby government has left Victoria dangerously unprepared for the forthcoming extreme fire-risk season. I call upon the Minister for Roads and Ports to do his bit to address this totally unsatisfactory situation.

Yea Tennis Club: community support grant

Mr HARDMAN (Seymour) — I wish to raise a matter for the Minister for Community Development. I call on the minister to support a Victorian community support grant application that has been made by the Yea Tennis Club to construct a multipurpose community facility. For years I have publicly supported the redevelopment of the current run down and tired clubhouse of the Yea Tennis Club. It is a very small building.

The project has been developed through consultation with Yea Tennis Club members and the wider Yea community over the past five years. Plans and project objectives have been circulated via newsletters, surveys and posters providing current and potential user groups in the broader community with the opportunity to contribute their ideas towards the development of the project. The project will deliver a multipurpose facility which will include a multipurpose space, kitchen, toilet, office space and storeroom facilities.

Strong support for this project is evident in and around the Yea community, with many groups including the Yea Lions Club, the Yea Camera Club, Tennis Victoria, and the Sacred Heart and Yea primary schools all getting behind this vital community project.

As the member for Seymour I am proud to support this grant application. I call on the minister to help redevelop this facility so that the Yea community will have a sustainable multipurpose facility that will provide a safe, comfortable and functional facility for the whole community to enjoy.

The Yea Tennis Club has already been successful in securing \$300 000 funding through the Sugarloaf Pipeline Alliance regional benefits grants program. This program has already delivered nearly \$5 million towards important community projects along the pipeline corridor to compensate communities for the disruption caused during the construction period. The tennis clubrooms are located on the Yea Recreation Reserve, which is also shared by the Yea Tigers Football Netball Club, the Yea Tigers Cricket Club and, importantly, the Yea Show.

By providing this investment to the Yea Tennis Club we will be able to provide a facility that all user groups can enjoy. The facility will be sustainable with solar hot water, solar power panels and rainwater tanks which will help capture water for the red porous tennis courts there, including the extra court. It will provide lighting so the community will be able to grow its club, have more junior tennis club competitions and also more night-time competitions.

Again, I ask that the minister look favourably on this worthy application for a facility that will benefit the Yea community, which has felt the effects of drought and the recent bushfires which hit many of the surrounding communities.

Legal services commissioner: complaints

Mr CLARK (Box Hill) — I raise with the Attorney-General the repeated failures of the office of the legal services commissioner (LSC) in investigating complaints against legal practitioners. I ask the Attorney-General to take all necessary action within his responsibility so that Victorians can once again have complaints about legal practitioners resolved in a speedy, fair and effective manner.

I raise by way of example a complaint made to the LSC in March 2008 about the conduct of a solicitor in the performance of his duties in relation to a will of which he was also a co-executor. The complainant, Mr Wayne Faulkner, is assisting his 86-year-old mother-in-law to try to have resolved and receive the proceeds of the modest estate of her deceased husband. They consider that the solicitor's actions and inactions were in large part due to various conflicts of interest in his capacity as a solicitor.

Mr Faulkner was told by the LSC on 14 April 2008 that the LSC would investigate the matter. However, by March 2009 the LSC still had not made a decision on the complaint, and Mr Faulkner then complained to the Ombudsman about the LSC's inaction. Within days of his complaining to the Ombudsman the LSC terminated the investigation of the complaint by claiming, after over a year of investigation, that she had no jurisdiction to investigate the matter at all, thus leaving Mr Faulkner angry, frustrated and with no resolution of his case.

Unfortunately this is not an isolated incident. In 2008–09 the Ombudsman received 95 complaints about the performance of the legal services commissioner, prompting him to launch an own-motion investigation. In his 2008–09 annual report the Ombudsman states:

There were recurring themes in the complaints which pointed to a systematic failure by the legal services commissioner to adequately undertake its statutory role.

For example, complainants alleged that:

complaints were inadequately investigated ...

there were significant delays ...

documentation practices were poor ...

investigations lacked procedural fairness.

The Ombudsman reports that his investigation identified:

a lack of understanding by staff of the legal services commissioner's statutory powers and a restricted skill set to conduct investigations ... Case files lacked:

investigation plans;

thorough and professional approaches to gathering evidence;

follow-up on serious allegations;

substantiating documents such as practitioners' files;

timely conclusions;

verification of practitioners' responses;

reasons for decisions.

One of the issues highlighted by the Ombudsman is the inability of the LSC to reopen a case where there has been a merits error during the handling of a complaint, such as deficiencies in an investigation or an error in a decision other than an error at law.

It was deficiencies in investigation that prompted Mr Faulkner to write to the Attorney-General in February this year. However, the only response he received was a letter from the Department of Justice dated 29 May saying it was not appropriate for the Attorney-General to provide legal advice.

Now that the Ombudsman's damning exposure of the Attorney-General's complaints handling regime has confirmed the sorts of shortcomings that Mr Faulkner and many other ordinary citizens have been trying for years to get the Attorney-General to do something about, the Attorney-General needs to take urgent action at last. He must not use talk about national regulation as an excuse to allow an appallingly unjust situation to continue.

Warburton Advancement League: funding

Ms LOBATO (Gembrook) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action that I seek is for the minister

to support a funding request made by the Warburton Advancement League. The league has been progressing and enhancing Warburton for the past 50 years, having established many successful tourism and infrastructure projects.

I first met the Warburton Advancement League when some of its members visited my mobile office six years ago seeking funds for a tourism initiative they had proposed called Up and Running. We were successful in attracting funds for the start up of this event, and I am pleased to report that this event is still as popular as it was when it began six years ago.

Members of the Warburton Advancement League are also instrumental in the maintenance and upgrading of the banks of the Yarra River in their capacity as volunteers. Tourists and locals should be very proud of the tireless efforts of mainly the more senior and mature members for ensuring that the attractiveness of this area remains and is enhanced.

The project that the league has recently proposed and requires funding for is the Warburton bike fest to be held on 1 and 2 May 2010. The bike fest will be a full weekend of bike-related activities: downhill, mountain bike, road race to the dam or Donna Buang; penny-farthing races, bike polo, chariot bike races and social rides along the recently developed O'Shannassy Aqueduct trail.

The Warburton Advancement League, like the rest of the Upper Yarra organisations and traders, felt the ramifications from the bushfires of the last summer season. As we know, wildfire came to within a couple of kilometres of Warburton and subsequently businesses were affected by forced closure due to owner relocation, by tourists avoiding the area and by locals relocating and therefore not shopping locally.

The Warburton Advancement League sought to redress this local economic downturn by adding to the list another reason to visit wonderful Warburton. Since the fires a new website is up and running where you can source information about every aspect of Warburton and its surrounds. I would encourage all members and their constituents to access www.warburtoninfo.com to find their desired accommodation, cafes, wineries, forest walks or a venue to hold their wedding within an absolutely stunning environment.

I wish to take this opportunity to congratulate the Warburton Advancement League, long-term local advocates for yet another initiative to benefit the town of Warburton and the entire Upper Yarra. I have every confidence that the planned bike fest will be a huge

success and acknowledge the cost involved in establishing such an event. I therefore request that the Minister for Sport, Recreation and Youth Affairs support this event financially and also consider opening and/or participating in this event on 1 and 2 May next year. I will be sure to remind members of this place to register to join in the Warburton bike fest next year.

Ambulance services: Grantville

Mr K. SMITH (Bass) — Tonight I wish to raise an issue for the attention of the Minister for Health, and it relates to the provision of a fully manned, 24-hour ambulance station in Grantville. I have raised this issue on a number of occasions because of the need to provide protection to the people living in Grantville, in the waterline towns of Pioneer Bay, Corinella, Coronet Bay, Temby Point, Jam Jerrup and in the hills area east of Grantville, including the Gurdies. These are towns that continue to grow and are all adjacent to the busy Bass Highway.

Four years ago the community was so concerned at the time taken for ambulances to arrive when needed that it established its own community emergency response team (CERT) in Grantville. Members of the community were trained to a level where they could be a first response unit that could go to an emergency call and stabilise a patient until an ambulance arrived — up to 12 minutes later — from either Wonthaggi or Cowes on Phillip Island, which is normally a 20 to 25-minute run when they have lights and sirens.

This group of dedicated people is now handling in excess of 350 callouts per year, and this is more than many small towns with a fully manned ambulance service. They are placed under enormous personal stress in catering to their local community. But the government seems unconcerned by this impost on the lives of these people who do this 24 hours a day, 7 days a week.

The Bass Highway is getting busier, with major events like the Moto GP or the super bikes or the V8 super cars being held on the island. More and more people are coming down for long weekends. Next year of course we will have the desalination plant in full construction mode, which will put more big vehicles on the roads and more people into the area.

Three years ago the opposition leader and I announced the financing of a new 24-hour, fully manned ambulance station in Grantville, as we saw the need then. It was three years ago that there was a need for this ambulance station. Yet this government has done

nothing about the crisis which is happening on its watch.

The Bass Coast Shire Council has recognised the need for this emergency service unit to be placed at Grantville and has written to Ambulance Victoria and to the minister. The local community has formed a committee to fight for this service. The local CERT recognises that it cannot keep up with such a rapidly escalating demand for the service that it has to provide, and it now has people dropping away, which is putting enormous pressure on those who are left. Of course ambulance officers are also under pressure, as they have to race with lights and sirens to emergencies in the areas that I have mentioned.

How much longer do these people have to wait for a service that should have been made available to them years ago? I know the minister and the chief executive of Ambulance Victoria are aware of this problem, but why do they not do more than say they recognise there is a need? I ask the minister to come down and talk to the people — or at least read the letters sent to him by concerned residents — and commit to financing and starting to build the 24-hour station.

Consumer affairs: Quantum Change Seminars

Mr SCOTT (Preston) — The matter I raise is for the attention of the Minister for Consumer Affairs. The action I seek is for the minister to investigate businesses which claim to guarantee a cure for smoking addiction through the use of hypnotherapy. Pamphlets advertising a program to help you ‘Quit cigarettes in 60 minutes — guaranteed’ have been circulated widely in my electorate. The pamphlets claim to use advanced hypnosis and neurolinguistic programming to enable the client to quit cigarettes in just 60 minutes with an ‘astonishing’ success rate of 95.6 per cent. A lifetime guarantee is offered; however, the only contact given is a mobile phone number.

A representative of the Australian Hypnotherapists Association told my staff they were aware of campaigns of this sort and had significant concerns about them. HBA and Medibank Private said they do not pay benefits for hypnotherapy unless the practitioner is registered with them as a provider. This would normally only be a registered psychiatrist or psychologist. I do not believe the business operating in my electorate is run by a registered psychiatrist or psychologist.

Quit Victoria does not recommend to their clients these so-called miracle cures for smoking. A reputable hypnotherapist told my staff that while he believes

hypnotherapy can be effective in helping people to give up smoking, he would not offer a guaranteed cure. Normally hypnotherapy would be an adjunct to other strategies, and it would take a course of sessions to be effective.

A member of my staff spoke to the person behind the local campaign. This person said they paid \$6000 to a Sydney organisation called Quantum Change Seminars, which is also known as QC Seminars, which provided them with the training and business model to run the local 'quit smoking' campaign. They have no formal psychological training. QC Seminars promotes a number of business schemes on the internet, mostly involving the use of neurolinguistic programming.

I ask the minister to investigate so-called guaranteed smoking cures such as this, and in particular to ask his department to investigate the business practices of QC Seminars.

Bushfires: native vegetation clearance

Mr TILLEY (Benambra) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change. The matter I wish to raise concerns the collection of dead, dry bushfire fuel along roadsides in Victoria. The action I seek from him is to initiate a program for the 2009–10 bushfire season which will permit local residents to collect dead, dry bushfire fuel from roadsides.

This Labor government has failed Victorians on bushfire preparedness. When reflecting on Labor's commitment to bushfire safety one thing that comes to mind is that the word 'hypocrisy' must not appear in any dictionary in Treasury Place. There must be something wrong in Victoria when Labor members can stand in this place, hold their hands on their hearts, cry crocodile tears and claim that everything that can be done is being done to ensure community safety this summer.

Labor members have been caught red-handed in failing to prepare for the coming bushfire season. Whether it is in the form of their failure to implement 25 key bushfire recommendations over the past decade or, despite the solemn promises of the Premier and others, their delay and failure to fully implement the recommendations of the 2009 Victorian Bushfires Royal Commission, through its total disregard for the threat posed by overwhelming fuel loads throughout rural and regional Victoria the government has failed every Victorian. Spin has replaced bushfire safety preparedness in Treasury Place, and that is why I ask for this program of roadside fuel collection tonight.

In early September the Minister for Environment and Climate Change announced an amendment commonly referred to as the 10/30 right. As part of that amendment the government said local residents would be able to collect fire fuel from roadsides without a permit up to two weeks before a controlled burn. As Victorians know, summer is almost upon us and it is coupled with one of the warmest starts to November on record. Given these conditions, the ability to conduct the burns necessary to reduce overwhelming bushfire fuel loads in Victoria is severely diminished.

Reports today indicate that a planned burn breached control lines in the Point Nepean National Park, with 600 hectares having been burnt near Mallacoota and 4000 hectares expected to burn at Dock Inlet before the week is out. Labor has failed to properly manage the land in the cooler months, and now we all face an uncertain summer. In light of Labor's land management failure, I ask the minister to initiate a program in the same spirit as the 10/30 announcement, which will allow local residents to collect firewood from roadsides throughout the course of the fire season. This would be a common-sense program; it would help to mitigate the effects of Labor's land management failures and to mitigate the fire risk to Victorians. I urge the minister to act.

Environment Protection Authority: litter report line

Ms MARSHALL (Forest Hill) — I wish to raise in the house tonight a matter for the Minister for Environment and Climate Change. The action I seek is for the minister to investigate the current processes that the Environment Protection Authority (EPA) has in place to administer the litter report line to ensure its integrity.

The commitment to preventing littering is part of this government's vision for making Victoria the best place to live, work and raise a family. The approach the government has taken to litter prevention and reduction is built around information and education, cooperation between key organisations and enforcement carried out through the Environment Protection Act 1970.

This legislation is unique to Victoria as it allows for the reporting of littering from cars to the EPA. The EPA recognises that rubbish thrown from motor vehicles is a major source of litter. Litter from motor vehicles builds up on our streets, blocks our gutters and finds its way into our creeks, rivers and onto our beaches. A major part of the enforcement strategy to prevent and deter this method of littering is the litter report line. The litter report line is a conduit through which the people of

Forest Hill and, more generally, the people of Victoria can take action to keep the streets cleaner and safer.

This system allows any member of the public to report someone they witness littering from a motor vehicle. Between 2002 and 2007 the EPA saw the number of fines issued for littering increase by 155 per cent, up from 8142 fines in the 2001–02 year. This result demonstrates that the people of Victoria have an attitude of zero tolerance towards littering and are reporting people who do the wrong thing.

The great public spaces in the electorate of Forest Hill and the people who utilise them are the beneficiaries of such action taken to help to deter littering. The actions taken by the EPA in issuing fines must be monitored and continually evaluated to ensure that the integrity of this important program is not blemished. The integrity of the EPA's process for issuing fines based on information collected through the litter report line was recently raised by one of my constituents whose son had been issued a fine for littering from a motor vehicle. In this instance the details provided of the place and time of the offence clearly indicated that he could not possibly have committed the offence. From the perspective of my constituent there appeared to be little or no investigation into the offence prior to the fine being issued.

EPA Victoria does provide avenues through which the fine can be remitted in case of error, but as prudently pointed out by my constituent, this is an additional burden for someone who has been mistakenly identified. It is therefore imperative the minister ensure that prior to the issuing of infringement notices validation steps are performed by the EPA to make sure the integrity of reports received by the litter report line and the litter program as a whole — that they are true and correct. I call on the minister to ensure that is the case.

Responses

Mr BATCHELOR (Minister for Community Development) — I thank the member for Seymour for caring about the Yea community. As we all know, he works incredibly hard to ensure that people in his electorate have facilities that will strengthen their community. The proposed project by the Yea Tennis Club is another fantastic example of the coordinated approach to planning and delivering community infrastructure that is currently being taken throughout Victoria.

I have to acknowledge that the application put forward by the Yea Tennis Club is an impressive one and that

this submission has been actively supported by the member for Seymour. I am advised that the Yea Tennis Club has a long and distinguished history, one that the whole community can be and is proud of. The club building was donated to the community some 60 years ago. As was the case with many buildings at that time, it was not designed to be a clubhouse. Despite having the charm that comes with its age, it is no longer suitable to meet the needs of a modern community.

Having visited the Yea community on a number of occasions, I know the Yea Tennis Club is located in close proximity to the town centre. I understand that the advantage of its location will help make it an ideal hub for services and activities for the whole Yea community. The member for Seymour has informed me that there is a strong need in the community for a facility that can provide for a variety of groups and events, as well as providing a comfortable and functional space with the appropriate amenities that allow for a range of uses, such as IT infrastructure and the provision of education and training. The nearby bushfires in February also highlighted the need for a community facility that is flexible, which would enable it to be used in a time of crisis in addition to being an important community asset for day-to-day social, recreational and learning activities.

The Brumby government is working with communities to make sure that local people get the services and facilities they need to make their community activities desirable and to make their communities livable, affordable and sustainable. I am advised that the Yea Tennis Club will establish a committee that will be responsible for the successful completion of the project and that as a result the ongoing governance of the centre will remain in the hands of the community.

In my view the community development that will come from this project will be significant. As all members of this place would know, community facilities are more than just buildings. Because they provide for the co-location of services and programs under the one roof, they bring people together and help to make strong communities. That is what I am interested in; that is what the government is interested in; and clearly that is what the member for Seymour is interested in. I understand the hub will provide access for people with a disability, for families with small children in prams and for older people who have mobility difficulties.

I thank the member for Seymour for his advocacy of this project. I will consider this advocacy when I review this grant application in the near future.

Mr HELPER (Minister for Agriculture) — The member for Scoresby raised a matter with the Minister for Roads and Ports regarding the intersection of Ferntree Gully Road and Henderson Road near the Knoxfield industrial estate and some traffic management issues that he wished the minister to address.

The member for Yan Yean raised a matter for the Minister for Planning and requested that he work with the Building Commission regarding the availability of Australian Standards building products, particularly standards relating to fire attack. This is of particular importance to members of her constituency who are rebuilding after Victoria's fires. She highlighted some unscrupulous operators who are promoting products below standards.

The member for Benalla raised a matter for the Minister for Roads and Ports regarding slashing on the side of the Hume Freeway and particularly raised concerns about the fire safety of the slashing practices of VicRoads.

The member for Box Hill raised a matter for the Attorney-General regarding the legal services commissioner's ability to adequately investigate complaints, particularly regarding a complaint by a Mr Faulkner, whom I presume is one of the member's constituents.

The member for Gembrook raised a matter for the Minister for Sport, Recreation and Youth Affairs regarding the Warburton Advancement League and requested that the minister consider favourably a funding request in support of the Warburton bike fest being organised by the Warburton Advancement League. She also requested that the minister open the bike fest.

The member for Bass raised a matter for the Minister for Health asking that he provide support for a staffed 24-hour ambulance station at Grantville.

The member for Preston raised a matter for the Minister for Consumer Affairs regarding the use of hypnotherapy to cure smoking, and in particular Quantum Change Seminars. Claims that were unlikely to be substantiated were being made in his electorate regarding the success of such hypnotherapy treatment of smoking addiction, and he asked the minister to investigate those exaggerated claims.

The member for Benambra raised a matter for the Minister for Environment and Climate Change regarding the collection of dry materials from roadsides to reduce fuel loads during this fire season.

The member for Forest Hill raised a matter for the Minister for Environment and Climate Change regarding litter control, particularly the control of materials thrown from cars. She asked that the minister take action to ensure that the Environment Protection Authority's litter report line thoroughly investigates and validates complaints to the line before fines are issued.

I will take up those matters with the respective ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.36 p.m.

