PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 11 August 2009

(Extract from book 10)

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By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS

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Mr E. N. BAILLIEU

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Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

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TUESDAY, 11 AUGUST 2009

Tuesday, 11 August 2009

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

QUESTIONS WITHOUT NOTICE

Crime: government response

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's claim on 9 June that Victoria is 'the safest state in Australia', and I ask: given the record escalation of violent crime, which has seen assaults increase by 70 per cent and total violent crime by more than 40 per cent since Labor came to office, will the Premier now finally concede that this government has allowed violent crime to spiral out of control?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. The fact of the matter is that we put in place a whole series of strategies to tackle this issue in our community. In our first term in government we put in 1400 additional police, we are putting in 350 through this term and we announced more police, of course, at the weekend. This contrasts with the period of the former government, when 1000 police were taken out of the system.

Honourable members interjecting.

The SPEAKER — Order! The Premier will not debate the question, but the opposition will not shout the Premier down.

Mr BRUMBY — The reality is that since 2001, on all the published data, Victoria's aggregate crime rate has reduced by more than 25 per cent; we are the safest state in Australia. The government has made no secret of the fact that we have seen in our city, as we have seen in other cities around Australia and around the world, an increase in assaults and violent crime, particularly those fuelled by alcohol. We have put in place a whole series of measures — a whole raft of measures — to get on top of this problem. I believe the measures we have put in place, the measures we announced at the weekend plus the liquor control changes — all these things — are about producing a safer state in Victoria.

Crime: government response

Mr STENSHOLT (Burwood) — My question is for 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 any recent initiatives to combat violence and antisocial behaviour?

Honourable members interjecting.

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

Mr BRUMBY (Premier) — I thank the member for Burwood for his question. As I just indicated in part to the Leader of the Opposition, we have put in place a whole raft of measures to combat violence — and particularly alcohol-fuelled violence — in our state. These measures started last year when we put in place all the measures for the central business district. They included the banning notices for police, the extra police, Operation Razon and, at that stage, the doubling of liquor licence fees. All those things were designed to tackle the issue of violence in the central business district. The fact is we are making progress; we are getting positive results.

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members not to continue to try to shout down the Premier.

Mr BRUMBY — The measures that were announced and taken last year and earlier this year include the freeze on late-night liquor licences, tougher penalties for breaching licence conditions, powers to suspend licences and to ban troublemakers from entertainment precincts, increased penalties for unlawfully carrying weapons and the increased police presence. All these things have been about sending a message to the community and about making a difference.

I have made it clear, the Minister for Police and Emergency Services has made it clear and the Chief Commissioner of Police has made it clear that more needs to be done — and more is being done. That is what the weekend announcement was all about. I can only repeat: on top of the 1400 additional police and the further 350, we have now provided another 120 new budget-funded positions for Victoria Police. These are designed to tackle this issue of crime and alcohol-fuelled violence in our community.

In addition to that, on Sunday I announced four new measures to give police increased powers to tackle these problems. We do not take this issue of police powers lightly; we look carefully at all these measures, weighing up on balance the need to protect the community with the need for civil liberties. I believe we have arrived at a package of policies which is the right

package to protect the community. We have given police new powers to move people on where police believe there is a threat of violence. We have provided — —

Mr Wells interjected.

The SPEAKER — Order! I ask the member for Scoresby to stop interjecting in that manner. If the member has a question for the Premier, he knows to stand in his place at the appropriate time and I will call him.

Mr BRUMBY — We have provided new, tougher powers for police to randomly search people for knives and other weapons in designated areas. We have created a new offence of disorderly conduct, and we are giving police the ability to impose on-the-spot fines of $234 for either drunk and disorderly conduct or disorderly conduct.

Yesterday the Minister for Consumer Affairs announced a raft of new liquor licensing arrangements. They are risk based — Victoria is the first state in Australia to move to a risk-based system — and they will mean that those premises which serve alcohol and which pose the most risk to the community in terms of health and public safety will pay the most. I make no apology for putting in place these tough new measures, which are about protecting public safety.

Let me conclude: these things are about taking responsible action, they are about increased resources; they are about more powers; and they are about price signals through liquor licensing. All these things are designed to make a difference, to protect public safety and to send a message to the community. But of themselves they will not completely solve this problem. As I have said and as the chief commissioner has said, the whole community has a responsibility here. The responsibility to get on top of alcohol-fuelled violence is a responsibility for all of us — for government, for the Parliament, for law enforcement officers, for community groups, for families, for workplaces and for workmates.

An honourable member interjected.

Mr BRUMBY — The lowest crime rates in Australia; thank you for the interjection.

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern will cease interjecting in that way. I ask the Premier to resist the temptation to respond to interjections.

Mr BRUMBY — Speaker, just concluding, in that vein I quote the editorial of the *Sunday Herald Sun* of last Sunday:

> But police — —

Mr R. Smith interjected.

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

Mr Donnellan interjected.

The SPEAKER — Order! So too is the member for Narre Warren North.

Mr BRUMBY —

> But police and the government cannot win this fight alone.
>
> The sobering reality is that public drunkenness, drug use, vandalism and violence are cultural problems.
>
> Parents, residents, schools and sporting clubs must now act individually and jointly to combat a youth culture of binge drinking, drug taking and random, senseless violence that plagues our community.

The fact is that this is a job for all of us. It is a job for government, a job for the Parliament, a job for community, a job for families and a job for workmates. I believe we are making progress, and I firmly believe the measures we are taking, particularly in relation to knives, will nip this issue in the bud and ensure that Melbourne does not have the same sorts of problems that London and Los Angeles have. That is the right combination of packages and policies, and I thank the opposition for its strong support.

Police: convictions

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the government's claim released last year that 168 serving police officers have criminal convictions, a claim which has now been shown to be wildly inaccurate. I ask: is it not a fact that the minister knew all along that these figures were false, and that he has orchestrated, yet again, the use of dodgy statistics to mislead Victorians and this Parliament as part of a political campaign? Will the minister now apologise to members of Victoria Police and to the people of Victoria?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for the question. I did not say these things. There was, however, some commentary from police that was subsequently taken up by the Police

Association. My understanding is that the police put out quite a lengthy statement about this yesterday. They advised that a table was given to the *Herald Sun* last December showing that charges other than traffic offences had been proven against 168 police officers. I understand there has been some reconciliation now with the Office of Police Integrity, and in fact I understand the number is 193.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — I welcome to the chamber the Consul-General of Lebanon, Mr Henri Castoun.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Crime: government response

Ms RICHARDSON (Northcote) — My question is to the Minister for Police and Emergency Services. I refer the minister to Labor's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the work of Victoria Police and the Brumby Labor government to tackle crime and help make Victoria the safest state in Australia?

Mr K. Smith interjected.

The SPEAKER — Order! The length of time the member for Bass spends in question time is entirely up to him.

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Northcote for the question and for her ongoing rejection of the Liberal Party policy of reducing police numbers by 800.

Since we came to government we have put on over 1400 more police, with another 350 due this term and, as the Premier announced on the weekend, a further increase of 120 — —

Mr McIntosh interjected.

Mr CAMERON — I will go over those numbers again: 1400 more put on, 350 this term and another 120 which the Premier, the Chief Commissioner of Police and myself were able to announce on Sunday. This is in stark contrast to the policy of promising 1000 but actually reducing the number by 800.

The chief commissioner was able to release crime statistics at the weekend. What they show is that in the last financial year the rate of crime has reduced by 1.7 per cent in Victoria. I join with honourable members, particularly those on the Labor side of the house — that is, the side of the house that supports more police — to congratulate the hardworking men of Victoria Police for what they have been able to achieve.

Honourable members interjecting.

Mr CAMERON — Men and women.

The SPEAKER — Order! I ask all members for some cooperation. The minister should not have to yell into a microphone to be heard in this chamber.

Mr CAMERON — Since 2000–01 we have seen the rate of crime across this great state reduced by 25.5 per cent. That means that crime rates are now at their lowest point since the introduction of computerised recordings in 1993.

In addition I congratulate police on the tremendous work they have been able to do in improving the clearance rate. The clearance rate is now at the highest level on record, with more crimes being solved than ever before. Again on the Labor side — that is, on the side that believes in more police — we say congratulations to the hardworking men and women of Victoria Police.

This latest data comes on top of the Australian Bureau of Statistics data released earlier this year which shows that Victoria remains the safest state in Australia. Honourable members opposite continually reject the ABS data. They can object to it all they like, but that is what it demonstrates.

When we look at the overall crimes against the person last year — that is, all categories of offences against the person — we see a reduction of 0.2 per cent. While we have seen large reductions in some categories of crime against the person, such as rape and other non-sexual offences including robbery, we have also seen an increase in the rate of assaults of 5.4 per cent.

We saw a slight reduction in the number of knife attacks and a slight reduction in the number of robberies, but what is of great concern to police is that of the robberies that have taken place there has been an increase of over 9 per cent in the use of knives. That is part of the problem we are seeking to address, as the Premier set out in his response to the first question asked during question time today.

We believe further steps need to be taken. We introduced banning notices, and we know very well that, when there was a choice of supporting this Labor initiative or supporting drunken louts, that side of the house supported drunken louts.

Honourable members interjecting.

The SPEAKER — Order! The minister will not attack the opposition or I will sit him down.

Mr CAMERON — I was simply pointing out how people voted — —

The SPEAKER — Order! The minister will not debate the question or I will sit him down.

Mr CAMERON — These new initiatives are supported by police. They are positive initiatives. We congratulate the police on the tremendous work they are doing and the work they have been doing to further improve clearance rates.

Government: accountability

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to a recent speech by Mr Tony Fitzgerald, QC, who condemned the Queensland Labor government in the following terms:

> Secrecy was re-established by sham claims that voluminous documents were cabinet in confidence. Access can now be purchased, patronage is dispensed, mates and supporters are appointed and retired politicians exploit their connections to obtain success fees for deals between business and government.

I ask: is it not a fact that Mr Fitzgerald's commentary is an apt description of life in Victoria under the Brumby Labor government?

Mr BRUMBY (Premier) — This is the first time I have ever heard The Nationals quote Tony Fitzgerald!

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr BRUMBY — This is a serious issue. In the areas to which the Leader of The Nationals referred, if you look at the facts in relation to documents released under freedom of information under our government, you will see that the number of documents released and the number of requests agreed to far outnumber the number of documents released and requests agreed to in the 1990s. In fact there has been more than a doubling of the number of documents released. In relation to information provided on the Net on government contracts, government procurement and all of the related documents, the guidelines that have been put in place require far more accountability and result in the releasing of far more documents than have ever been released previously.

In relation to all the watchdogs that are in place in our state, the reality is that one of the first things we did upon coming to government was to enshrine in the constitution watchdogs such as the Auditor-General so that they could have the full protection of the constitution and the Parliament. Let us look at the arrangements that are in place in Victoria. If you look, for example, at the Ombudsman, you will see that his powers and resources have been significantly increased under our government.

The Ombudsman does similar work to the New South Wales Independent Commission Against Corruption, but his jurisdiction exceeds that of ICAC. The Ombudsman can investigate improper conduct as well as corrupt conduct, but the New South Wales ICAC can only investigate corrupt conduct. In our state police investigate criminal corruption. The Office of Police Integrity oversees any potential integrity or corruption issues in the police; for local government we have an inspector of municipal administration. Let us go to this seventh policy iteration of the opposition since the last election, which is that it now supports an ICAC. In Queensland — —

Mr McIntosh interjected.

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

Mr BRUMBY — In Queensland the coalition leader, the Liberal National Party leader up there, John-Paul Langbroek, comments now that he does not want an ICAC or a criminal justice commission there, because he says it is not enough. He says you now need a permanent royal commission overseeing the ICAC.

We have had seven successive policy positions from the opposition since the last election. The last train to arrive is the ICAC train, but now the opposition's colleagues from around Australia are saying, 'That is not enough; you need another permanent royal commission on top to oversee the ICAC'.

The fact is we have put in place a raft of reforms and changes that have made our government more open, more accountable and more transparent than at any time in the state's history.

Honourable members interjecting.

Mr BRUMBY — I have just been reminded:

> Matters involving allegations of serious criminal misconduct and corruption by public officers and local government will remain the responsibility of the state Ombudsman.

That was the Liberal Party policy at the last state election.

Honourable members interjecting.

The SPEAKER — Order! I suggest to members that there will be no more warnings for anyone in the house. The Premier will complete his answer and be heard in silence.

Mr BRUMBY — As I have said, the initiatives we have put in place have made this government more accountable and more transparent. Just on FOI, FOI requests have increased by more than 50 per cent since our government came to office. In 2008 there were more than 25 000 applications, a new FOI record, and less than 1 per cent of FOI decisions get appealed to the Victorian Civil and Administrative Tribunal.

Family violence: government initiatives

Ms KAIROUZ (Kororoit) — My question is for the Attorney-General. I refer the Attorney-General to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Attorney-General update the house on action being taken to combat family violence in Victoria and how the government is working with the commonwealth and other states to harmonise strategies?

Mr HULLS (Attorney-General) — As members of this house would know, violence against women and children is one of humanity's oldest crimes — and really one of its ultimate failures of courage, I have to say. The stats are worth repeating: violence remains the leading contributor to death, disability and illness in Victorian women aged between 15 and 44 years. Alarmingly, one in three Australian boys is reported to believe it is not a big deal to hit a girl. When a phenomenon is as far reaching as this, our response certainly has to be equivalent.

That is why the Brumby government has taken a whole-of-government approach in this area. We have provided unprecedented levels of funding to support services. We have introduced sweeping legislative change that facilitates the removal of perpetrators from the home and recognises the myriad forms that violence can take. We have funded an important community-awareness campaign that encourages communities to say quite simply, 'Enough'.

I am pleased to say that these reforms are beginning to resonate, with more victims now being prepared to speak up. New crime statistics have revealed that in 2008–09 there were 33 918 reported incidents of family violence attended by police. Of these, 8346 incidents of family violence resulted in charges being laid against one or more parties. This is a 7.1 per cent increase from the previous year, and I might say it reflects a very strong response by Victoria Police to tackling the scourge of family violence.

We will not stop with better services, tougher laws or raised awareness: the Brumby government is committed to doing everything it can to stamp out family violence, and that includes strategies for prevention. We will aim to utilise community education and engagement to change behaviours in this area. This is the linchpin of our partnership with Netball Victoria, where 'Enough' banners and signage are currently on display at state, regional and metropolitan competition venues and referral cards have been dispatched with all membership packs.

I am pleased to say that Netball Victoria is not the only organisation standing shoulder to shoulder with the government in its opposition to family violence. Thankfully, gone are the days when sporting organisations and clubs could turn a blind eye to violence against women; gone are the days when these issues were swept under the carpet. I commend sporting codes, particularly the Australian Football League, for not shying away from these important issues and for committing to community-based programs and initiatives which promote the development of respectful relationships and the rejection of violence against women.

Next week, with my ministerial colleague the Minister for Women's Affairs, I will be in Canberra to discuss the national plan to reduce violence against women and their children with the federal Minister for the Status of Women, Tanya Plibersek. I believe the Victorian government is well placed to provide strategic direction for reform at a national level given its current best practice initiatives.

I conclude on this note, Speaker: with the help of governments, sporting clubs, ambassadors, brave victims and the community, we are well on the way to sending the message loud and clear right across the country that Australians have had enough of family violence.

Public transport: lobbyist

Mr MULDER (Polwarth) — My question is to the Premier. Is it consistent with Brumby government standards that Mr Peter Marczenko, a senior adviser located in the office of the Minister for Roads and Ports, who was working in the same building with the same department responsible for the management of the train tender, suddenly departs his role in February and then immediately turns up at the Enhance Group, engaged as a lobbyist for the successful train franchise tenderer, MTM?

Mr BRUMBY (Premier) — I thank the honourable member for his question. I am not aware of the specifics. What I can say, Speaker, in relation to the metropolitan train and tram franchise arrangements is that the tender process was overseen by probity auditors throughout its entirety. The probity auditor was advised of any lobbyists who were being used during the tender process. In relation to any lobbyists, they did not meet with or talk to the minister, to ministerial advisers or departmental staff involved in the bid process about any issues relating to the refranchising arrangements during the process. In addition, the probity auditors have indicated that they have no probity concerns whatsoever with the metropolitan train and tram refinancing contracts.

Honourable members interjecting.

The SPEAKER — Order! The members for South Barwon and Pascoe Vale! The Minister for Energy and Resources will not interject across the table in that manner.

Mr Mulder — On a point of order, Speaker, the Premier is debating the question. The issue relates to the matter of government standards. Is it consistent with government standards?

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

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr Trezise interjected.

The SPEAKER — Order! The member for Geelong should not suggest to the Speaker which members the Chair should suspend.

Roads: government initiatives

Ms DUNCAN (Macedon) — My question is to the Minister for Roads and Ports. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house how the Brumby Labor government is improving road infrastructure and road safety in regional Victoria?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Macedon for her question and for her continuing support for infrastructure investment in regional Victoria, and particularly road investment. The Brumby government is taking action to invest in our road network and making our roads safer, generating thousands of jobs, making sure that we connect communities and ensuring that families get to spend more time with each other.

We have invested more than $2.8 billion in regional roads since 1999. We have completed 58 significant projects right across Victoria, with a total of $2 billion invested in regional Victoria. We are currently in the process of delivering 17 significant projects in regional Victoria worth at least $1.3 billion. Our investment in regional Victoria and regional roads is part of our plan to make Victorian roads safer, to better connect communities and to drive economic growth, because roads are great economic enablers.

Some people use the tragedy of the road toll to try to score cheap political points. They pluck out figures and seek to paint and distort what has been effectively a real story of achievement of the state. As a government we have seen significant investment in our road network. The road toll in regional Victoria has been decreasing. Victoria recorded its lowest country road toll ever in 2008. There were 37 fewer deaths in regional Victoria in 2008 compared to 2007, which was a 21 per cent decrease — a phenomenal result.

In 1999 we recorded a rate of 13.5 deaths per 100 000 on regional roads. This has reduced to 9.6 deaths per 100 000 on regional roads. We have been able to achieve this reduction essentially due to our investment in regional roads, and our investment will continue.

We have committed more than $102 million for regional roads in the 2009 state budget. We are investing $44.4 million in the Nagambie bypass and more than $18 million in upgrades to the Western Highway between Ballarat and the South Australian border. This is in addition to our ongoing investments

in the Geelong Ring Road, Princes Highway west and the Western Highway at Anthonys Cutting.

We are also investing $650 million over the next 10 years under our current Arrive Alive road safety strategy to bring that road toll down even further. Our aim is to reduce the road toll by 30 per cent over the 10-year period from the commencement of the strategy to its conclusion — and we are well on our way to achieving that.

We achieved our lowest ever road toll in 2008. In 1999 for all of Victoria we recorded a death rate of 8.19 per 100 000 head of population. Last year Victoria recorded 5.75 deaths per 100 000 head of population compared to 7.23 for the rest of Australia — a phenomenal result. It was our lowest result ever recorded in terms of deaths per 100 000 head of population since 1925.

As it stands, Victoria's road toll sits at five deaths fewer than at the same time last year. However, I wish to emphasise that we are only one error away from having further tragedy on our roads. That shows the great problem in seeking to gain advantage over tragedy and seeking to manipulate data for the purposes of political advantage. We recognise that one life lost on our roads is one too many. That is why we as a government are committed to making the necessary infrastructure investments and also to implementing the necessary road safety strategies, whether they be for safer roads, safer drivers or safer vehicles, as part of an integrated strategy. The Brumby government has a plan for road safety, and Victoria's regional road network is a key part of it. The opposition needs to stop scaremongering and tell Victorians what it stands for.

Students: youth allowance

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Skills and Workforce Participation. I refer to the finding of the parliamentary Education and Training Committee regarding the proposed changes to the youth allowance eligibility criteria that 'this change will have a disastrous effect on young people in rural and regional areas', and I ask: in light of this alarming finding, what representations has the minister now made to the federal government on behalf of Victorian young people in rural and regional areas to avoid this disastrous outcome?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the Leader of The Nationals for his question. You can just imagine the discussion in The Nationals party room about asking questions on this matter. This is the third occasion — —

The SPEAKER — Order! The minister will not reflect on discussions among members of The Nationals. The minister will confine herself to government business and not debate the question.

Ms ALLAN — This is the third occasion on which the Leader of The Nationals has stood in this Parliament and asked me a question on matters that are outside the responsibility of the Victorian Parliament. However, in terms of what the Leader of The Nationals has asked around the changes to the youth allowance, I will repeat some of the comments I made in this Parliament previously on this matter — that is, that the changes the federal government has made to the youth allowance are going to expand the number of young people who are going to be eligible, for the first time, for youth allowance support.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. The question was dedicated specifically to a particular finding of a recently tabled report of the education committee of this Parliament — a specific finding by that committee. That is the essence of the question; that is what it is dedicated to, and I ask that the minister answer the question I have asked her.

The SPEAKER — Order! I do not uphold the point of order. The minister is being relevant to the question as it was asked.

Ms ALLAN — I want to make sure that in responding to the question of the Leader of The Nationals I give, for the benefit of the house, the full information about the changes the federal government has made in this area, because there has been a shameful campaign of misinformation run in this place and it is important that young people who are making decisions — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Lowan that if he behaves in that manner, he will find himself outside the chamber.

Ms ALLAN — There is a lot of misinformation in this area, and it is important that young people are given the full facts, because I have been contacted by young people who have heard only one part of the story. When you sit down and talk to them and provide them with the full information, they say, 'I am now eligible for the youth allowance'. If you only read press releases from The Nationals, you would think otherwise.

The facts are that as a result of these changes an additional 103 000 young people are going to become

eligible under the parent income test. This is because the income threshold has been increased significantly. The federal government is bringing into the net for the very first time more young people who will be eligible for the youth allowance. The federal government has also lowered the independent age from 25 to 22 years, meaning that more young people will become eligible for the youth allowance. This is in dramatic contrast to the previous government's support, where the number of students receiving support under the youth allowance dropped from 42 per cent of the student population to 35 per cent. It is about opening up more access — —

The SPEAKER — Order! I believe the minister is now debating the question.

Ms ALLAN — It is about making sure that more young people than ever before are eligible for the youth allowance as a result of changes that have been made by the federal government. There has been a lot of misinformation about this. I have spoken about this matter directly with the Deputy Prime Minister, the minister responsible for this area, and with the Parliamentary Secretary for Infrastructure and Regional Development. They share my concerns about the misinformation that is being put out by The Nationals. They are working to make sure students have the right information, because we want to stand up for young people in this state, providing them with more access to university and to vocational education and training, which is in stark contrast to the man standing on his feet right now who closed schools when in government.

Mr Ryan — On a point of order, Speaker, the minister is clearly debating the question, and as to the matter she raises, she had better tell the Chair about the member for Ballarat East, because he was chairing the committee which made this finding.

The SPEAKER — Order! The Leader of The Nationals knows that is not the correct form of a point of order. The minister has completed her answer.

Buses: NightRider services

Dr HARKNESS (Frankston) — My question is to the Minister for Public Transport. 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 success of NightRider bus services in metropolitan Melbourne?

Ms KOSKY (Minister for Public Transport) — I thank the member for Frankston for his question. He has a very strong interest in the NightRider bus services. NightRider complements the other public transport systems we have operating right across Victoria. It operates from midnight until 4.00 a.m. on Saturday mornings and from midnight to 6.30 a.m. on Sunday mornings to and from the central business district. A record number of people are now using NightRider bus services because they are accessible, they are safe, they are efficient and they are very affordable.

Since we doubled these services to a 30-minute frequency and added three new routes to Doncaster, Healesville and Cranbourne, people have really hopped on board and are using the services in record numbers. We have had a 56 per cent increase in the number of trips over the last year. As I said, that is a 56 per cent increase since we doubled to the 30-minute frequency. Almost 4000 trips are made every weekend on the NightRider bus services. The number of people using the Frankston, Craigieburn, Eltham, Belgrave and St Albans services is phenomenal. There has been a 60 to 90 per cent increase in patronage over the last 12 months. Because we have made the investment and increased the frequency, record numbers of people are using the NightRider bus services.

For parents it is fantastic; it gives them peace of mind, because they know their son or daughter has a safe, affordable, late-night travel alternative to and from the city. If the NightRider bus service does not take them to their door, they can use the on-board phone to either phone a taxi or phone their parents to come and collect them. It is a fantastic service. For young people it is a very easy service. It is an inexpensive way for them to travel, and they can travel safely late at night on the weekends. All they need is a valid Metcard ticket, so it is very affordable.

All members of the house should tell their children about it, if they are old enough to go out on a Friday and Saturday night. It has been incredibly popular right around the metropolitan area. It demonstrates that when the investment in public transport is made, as this government has done, you really get the returns in terms of record numbers of people using the services. We have more services, more often, over longer hours.

It is not just the NightRider bus service that is going so well; we have increases in patronage across our entire bus network. We are getting on with the job with more improvements to buses to start in the coming months, helping to deliver the best public transport network in Australia.

PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to refer certain matters relating to security interests in personal property to the Parliament of the commonwealth for the purposes of section 51(xxxvii) of the constitution of the commonwealth.

Read first time.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Electricity Safety Amendment Act 2007, the Gas Industry Act 2001, the Gas Safety Act 1997, the Mineral Resources (Sustainable Development) Act 1990, the Resources Industry Legislation Amendment Act 2009, the Petroleum Act 1998, the Aboriginal Heritage Act 2006 and for other purposes.

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

Mr BATCHELOR (Minister for Energy and Resources) — This bill will make legislative amendments, primarily to the Mineral Resources (Sustainable Development) Act 1990, to support the implementation of the government's response to the mining warden's report into the Yallourn mine batter failure. It will also make some other amendments to ensure that there is an efficient and secure energy system and the reliable delivery of energy services, as well as a number of improvements to public safety, of infrastructure, protection of the environment and in relation to mining, quarrying and petroleum operations.

Motion agreed to.

Read first time.

GAMBLING REGULATION FURTHER AMENDMENT BILL

Introduction and first reading

Mr ROBINSON (Minister for Gaming) — I move:

That I have leave to bring in a bill for an act to make miscellaneous amendments to the Gambling Regulation Act 2003 and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation of the content of the bill.

Mr ROBINSON (Minister for Gaming) — The chief purpose of the bill is to make further provision for the transition of Victoria's gaming industry from an operator model to a venue-operated model.

Motion agreed to.

Read first time.

LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL

Introduction and first reading

Mr ROBINSON (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to amend the Liquor Control Reform Act 1998 in relation to licensing and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation as to the content of the bill.

Mr ROBINSON (Minister for Consumer Affairs) — This bill will give effect to the government's commitment to introduce a risk-based liquor licensing fee system.

Motion agreed to.

Read first time.

LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL

Introduction and first reading

Mr WYNNE (Minister for Local Government) — I move:

That I have leave to bring in a bill for an act to amend the Local Government Act 1989 and the City of Melbourne Act 2001 and for other purposes.

Mrs POWELL (Shepparton) — I ask the minister for a brief explanation.

Mr WYNNE (Minister for Local Government) — The bill is designed to update the penalties for breaches of offences in the Local Government Act 2009 to improve the operation of the act and consequential amendments to the City of Melbourne Act 2001. We are also amending the definition of 'applicable gifts' for hospitality purposes, for not-for-profit organisations where a mayor or councillor is attending in an official

capacity, some ministerial exemptions in relation to conflicts of interests around Murrindindi council and fire-related matters and also giving councils the ability to grant rebates and concessions for council rates for registered housing associations which are providing affordable housing.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144, notices of motion 18 to 21, 114 to 116 and 210 to 235 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Mrs POWELL having given notice of motion:

The SPEAKER — Order! I remind the members for Shepparton and Evelyn that offering congratulations to an individual is more appropriately done in a members statement.

Further notices of motion given.

Mrs Fyffe — On a point of order, Speaker, before I read this notice of motion, you mentioned that congratulations should not be offered through notices. I have submitted this notice, which offers congratulations to a group of volunteers at Yarra Glen. Can I read it?

The SPEAKER — Order! This is an issue of the management of the business of the house and the time that the house provides for notices of motion. Members statements are available for members who wish to offer congratulations. If this is a substantive motion that can be debated for 2 hours by all members of the house, then it is appropriate to be a notice of motion; otherwise, the matter should be raised in a members statement. I am not prepared to rule on something I have not seen, and in effect the standing orders do not allow me to absolutely refuse to hear something. I will leave it for the member for Evelyn to decide, but I once again suggest to the house that notices of motion will have to change. It is an issue that will have to be faced by the Standing Orders Committee.

Further notice of motion given.

PETITIONS

Following petitions presented to house:

Students: youth allowance

To the Legislative Assembly of Victoria:

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

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminates against students currently undertaking a 'gap' year; and contradicts 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 Dr SYKES (Benalla) (117 signatures) and Mr CRISP (Mildura) (73 signatures).

Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding, not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services.

By Dr SYKES (Benalla) (50 signatures).

Patient transport assistance scheme: rural access

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current level of reimbursement under the Victorian patient transport assistance scheme (VPTAS) and points out to the house that many rural patients are disadvantaged under the current scheme.

The petitioners therefore request that the Legislative Assembly of Victoria:

a. update and revise the VPTAS regulations from 100 kilometres to 50 kilometres one way to the most

appropriate town centre with medical/dental specialist treatment, not just the nearest available town centre;

b. increase the current 17-cent-per kilometre reimbursement rate and accommodation reimbursement rate of $35 plus GST to levels that are more reflective of the current travel and accommodation costs;

c. allow for the calculation of kilometres travelled to be based on the safest appropriate road route, not just the shortest distance alternative.

By Dr SYKES (Benalla) (17 signatures).

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

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

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

By Mr PERERA (Cranbourne) (23 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) (127 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (26 signatures).

Tabled.

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr CARLI (Brunswick) presented *Alert Digest* No. 9 of 2009 on:

Cemeteries and Crematoria Amendment Bill
Courts Legislation Amendment (Judicial Resolution Conference) Bill
Local Government Amendment (Conflicting Duties) Bill
Occupational Health and Safety Amendment (Employee Protection) Bill
Racing Legislation Amendment (Racing Integrity Assurance) Bill
Water Amendment (Non Water User Limit) Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 71 (*Gazette G31, 30 July 2009*)

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Melbourne Cricket Ground Trust — Report year ended 31 March 2009

Parliamentary Committees Act 2003 — Government response to the Education and Training Committee's Inquiry into Effective Strategies for Teacher Professional Learning

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

Ballarat — C134, C136

Bass Coast — C94, C102

Buloke — C21

Cardinia — C108

Casey — C83, C124

Gannawarra — C23, C27

Greater Dandenong — C80

Greater Geelong — C162

Latrobe — C51

Macedon Ranges — C46

Melbourne — C148, C149

Mitchell — C70

Monash — C57, C70, C100

Mornington — C89

Mount Alexander — C47

Moyne — C27, C37

Port Phillip — C69

Surf Coast — C45

Swan Hill — C37

Whitehorse — C93

Wyndham — C125

Yarriambiack — C13

Statutory Rule under the *Associations Incorporation Act 1981* — SR 85

Subordinate Legislation Act 1994:

Minister's exemption certificate in relation to Statutory Rule 85

Minister's infringements offence consultation certificate in relation to Statutory Rule 85.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

Primary Industries Legislation Amendment Act 2009 — Section 107 — 1 September 2009 *(Gazette G32, 6 August 2009)*

Transport Legislation General Amendments Act 2009 — Whole Act except Part 5 — 31 July 2009 *(Gazette S259, 28 July 2009).*

ROYAL ASSENT

Message read advising royal assent on 5 August to:

Crown Land Acts Amendment (Lease and Licence Terms) Bill
Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill
Food Amendment (Regulation Reform) Bill
Gambling Regulation Amendment Bill
Legislation Reform (Repeals No. 4) Bill
Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Cemeteries and Crematoria Amendment Bill
Racing Legislation Amendment (Racing Integrity Assurance) Bill.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 13 August 2009:

Casino Legislation Amendment Bill

Cemeteries and Crematoria Amendment Bill

Courts Legislation Amendment (Judicial Resolution Conference) Bill

Local Government Amendment (Conflicting Duties) Bill

Racing Legislation Amendment (Racing Integrity Assurance) Bill

Water Amendment (Non Water User Limit) Bill.

In moving this government business program for this parliamentary week, the government indicates that it has placed six items on the government business program that it would like to see considered and debated by 4.00 p.m. on Thursday. This is a credible and satisfactory workload for the Parliament this week.

Should debate on those bills finish early, I advise that we would go on with the debate on the statement of government intentions. We had intended to do that last week, but members were anxious to take up the debating opportunities provided through the government business program. If they are not in a similar mood this week, we have that debate on the notice paper and we can go to it. One way or the other members will have plenty of debating opportunities, and the choice is in their hands. I recommend the motion to the house.

Mr McINTOSH (Kew) — The opposition does not oppose the government business program. I am grateful that we have the annual statement of government intentions as a reserve chute, just in case we run out of business, which has been a problem for the government. To enable at least some fill-in of the government business program, on Tuesday of the last sitting week the Courts Legislation Amendment (Judicial Resolution Conference) Bill had to be introduced and read on the same day. At least on this sitting day we have two bills and, as the Leader of the House has correctly identified, there is always that reserve chute in case we run out of government legislation, because the government literally has no program. I have said on many occasions that perhaps this Parliament needs to move to the English model, in which the government business program is debated some two weeks prior to the relevant sitting week.

Honourable members interjecting.

Mr McINTOSH — I would do a very good job at that, too, unlike you — hopeless!

The SPEAKER — Order! The member for Kew will not reflect on the Chair in that manner.

Mr McINTOSH — We still remember Nunawading — do we not, Speaker — and the glorious days when you were running the ALP.

The SPEAKER — Order! The member for Kew will not address the Chair in that manner. The member for Kew is clearly debating the question before the house.

Mr McINTOSH — We all remember the glory days of the ALP when, under the tutelage of the Leader of the House, the Labor Party ran that extraordinary business in Nunawading. However, having said that, the opposition does not oppose the government business program. It just acknowledges that perhaps we should be debating the government business program two weeks before the relevant sitting week. However, as far as the government is concerned, it is probably quite good to not do that because this way it can lurch from one business program to the next.

Mr LUPTON (Prahran) — I make a few comments on this motion moved by the Leader of the House. The member for Kew got up and said that the opposition was not opposing this government business program, which I was delighted to hear. Often we do not hear that from the opposition at the start of a sitting week. Nonetheless, the opportunity was then taken to diverge from the government business program. I will not take the opportunity to do that. I will just stick to the government business program and say that the six pieces of legislation before the house this week make up a sensible and practical amount of legislation for us to be debating. The workload of the house for this week is appropriate in the circumstances. With those remarks supporting the motion moved by the Leader of the House, in the time-honoured fashion that harks back to the member for Kew's references to the British Parliament, I defer to the member for Lowan.

Mr DELAHUNTY (Lowan) — I also rise to say that The Nationals are not opposed to this government business program. However, it is disappointing that through poor planning by the Leader of the House we can only realistically debate two bills today, those being the Courts Legislation Amendment (Judicial Resolution Conference) Bill and the Casino Legislation Amendment Bill. We are not able to debate the others until tomorrow or later. However, there are three items under government business on the notice paper still to be dealt with, including the annual statement of government intentions, and we look forward to the resumption of that debate. There is a question mark over why the Macedonian Orthodox Church (Victoria) Property Trust Bill has not been brought on for debate. We cannot understand why debate has not resumed on it. The Attorney-General obviously has some reason. It would be good to be able to — —

Mr Batchelor — That is why you are on that side of the house.

Mr DELAHUNTY — Fair enough.

Mr Hulls — There are plenty of reasons.

Mr DELAHUNTY — There are plenty of reasons — that's good! One day we might see it brought on for debate. The other outstanding item is the Council's amendments to the Water Amendment (Critical Water Infrastructure Projects) Bill.

However, the Local Government Amendment (Conflicting Duties) Bill 2009 will be debated this week. It would be more realistic if it were called the

Labor Corruption Bill, but we will get onto that in the debate. As my colleague the member for Kew did for the Liberal Party, I advise that The Nationals will not be opposing the government business program.

Ms MUNT (Mordialloc) — I rise in support of the government business program. I support the comments of the Leader of the House and the member for Prahran. Six bills will be debated in this house this week. They are all important pieces of legislation that deserve considerable debate, particularly the Courts Legislation Amendment (Judicial Resolution Conference) Bill. As the member for Lowan pointed out, the Local Government Amendment (Conflicting Duties) Bill also deserves considerable debate. It would be nice to at some stage rise to support the government business program without having to listen to opposition contributions that border on the ridiculous. We have heard a couple of those today. We heard opposition members talking about Labor corruption and all sorts of other things when really this is serious legislation we have a duty to debate in a serious and considered manner without those sorts of ridiculous comments. I support the government business program for this sitting week.

Mr HODGETT (Kilsyth) — I rise to comment on the government business program for this sitting week. As has been stated, we on this side of the house are not opposing the program. There are six bills on the program to be debated by the 4.00 p.m. guillotine on Thursday, 13 August. I trust there will be ample time given to each and every one of those bills, because we on this side of the house will have a number of speakers on them, particularly the Casino Legislation Amendment Bill 2009, the Water Amendment (Non Water User Limit) Bill 2009 and the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009. A number of speakers also wish to make a contribution to the debate on the Local Government Amendment (Conflicting Duties) Bill 2009. We do not oppose the government business program but trust that ample time will be given to opposition members to make contributions in each and every one of the debates.

Motion agreed to.

MEMBERS STATEMENTS

John Harber Phillips

Mr HULLS (Attorney-General) — I rise to mark the contribution to Victorian public life of a former Chief Justice of the Supreme Court of Victoria, John Harber Phillips, AC, who sadly died on 7 August after a long illness. John Phillips was a true gentleman. He was a person of courtesy, charm and decency who viewed the law as a vocation rather than an occupation and who dedicated his life to its scrupulous administration. In a career of firsts, His Honour was the first Victorian barrister practising exclusively in the criminal law to be appointed Queen's Counsel. During this time he was known as a quiet yet devastating cross-examiner, and his career spanned the breadth of the nation's most significant trials, the most famous being the Chamberlain trial.

His Honour then went on to become Victoria's inaugural Director of Public Prosecutions, his integrity forging the way for similar offices to be established right around the nation. Upon his appointment to the helm of Victoria's Supreme Court he championed the establishment of the Victorian Institute of Forensic Medicine, the use of technology in the courts and case management initiatives. He encouraged pro bono practices and the appointment of women to the bench, all the while opening the court up to the community. His Honour's contribution was one of depth and breadth, and Victorian law is the better for it. His state funeral will be held on Friday. I offer my very sincere condolences to his family.

Land tax: Brighton sports club

Ms ASHER (Brighton) — I wish to draw to the attention of the house the disgraceful conduct of the Labor government in its attempt to bankrupt the Brighton bowling and sports club by insisting an inequitable land tax bill of $258 000 be paid virtually immediately. The club is a not-for-profit, tax-exempt club.

The background to this is that the club sold its Male Street property and invested the proceeds in a new club facility, in conjunction with another club, on land leased from the Bayside City Council. Under the arrangement the new club facility will be owned by the Bayside council after 30 years. The government has sent the club a land tax bill. The one-off 5 per cent land tax bill is applicable because the Male Street land has been sold. This is wrong. The club is a not-for-profit, tax-exempt club, and the proceeds from the sale have gone to a similar not-for-profit club. The exemption previously enjoyed by the club should be maintained by the club, because these are community facilities. The government should waive this tax. However, I am prepared to concede that legislative change may be needed as well, especially in an era when the amalgamation of sporting clubs is taking place right across Melbourne suburbs and country Victoria. If the government insists on this tax without allowing it to be

paid in instalments over a number of years, the 130-year-old club will be put into receivership. This is an outrageous cash grab.

Cranbourne Community Plan Committee: achievements

Mr BATCHELOR (Minister for Community Development) — Congratulations go to the Cranbourne Community Plan Committee for another wonderful achievement that will benefit the local community for decades to come. The committee is made up of Cranbourne residents and representatives of businesses, community groups, service organisations, the local council and government agencies and was funded initially by a $500 000 grant from the state Labor government. The committee investigates the needs and priorities of Cranbourne and then works hard to achieve them.

Last week I was pleased to join with the member for Cranbourne to turn the first sod at the site of a comprehensive community outdoor area. The area will have a village green, a regional playground, wetlands and a community multipurpose room in the new athletics pavilion at the Casey Fields complex. These new facilities are funded by an additional $400 000 grant from the state government. The committee worked with the Casey council to ensure that the development will provide the best outcomes for the local area. The committee successfully advocated for a broad range of active and passive recreation and leisure spaces as part of the regional sporting development.

It is clear to me that the best community development initiatives are those that are developed by the community for the community. The Cranbourne community plan is certainly one of those. The committee provides a fantastic working model for other communities to follow. I wish it all the best.

Drought: small business

Mr WELLER (Rodney) — I rise today to highlight the need for increased government support for small businesses operating in drought-affected areas of rural and regional Victoria. The present climatic conditions and extremely low milk prices are placing an enormous financial strain on operators in the non-farm small business sector, whose incomes are largely derived from the dairy industry. There is no question that the future prosperity and sustainability of our rural communities in Victoria is vital to the economic fortunes of this state. Our small businesses play a critically important role in the development of our rural and regional communities, and for that reason it is paramount that they be supported.

The indirect effects of the drought and low milk prices on small businesses in the transport, irrigation, manufacturing, processing and wholesale trade industries in drought-affected areas of country Victoria are so significant that many are looking for a way out. Non-farm small businesses in my electorate, and many others right across Victoria, are crying out for help. Given the enormous contribution these small businesses make to our regional communities and economic growth, it is time to stop ignoring their importance. It is time the government recognised the flow-on effects of the drought and low milk prices to the non-farm sector and took appropriate action to support small businesses.

The Brumby government must play a much greater role in assisting to lessen the impact of drought on small businesses to ensure they can continue to thrive and contribute to the economy of rural and regional Victoria well into the future.

Housing: Tullamarine

Ms BEATTIE (Yuroke) — On Sunday, 26 July, I had the pleasure of attending with the Prime Minister, the Honourable Kevin Rudd; the federal Minister for Housing, the Honourable Tanya Plibersek; and the state Minister for Housing at the opening of three new public housing units in Tullamarine. These units in Tullamarine are part of stage 1 of national building funding to stimulate housing activity and create employment opportunities. The units were funded from the $1.58 billion Nation Building package allocated to Victoria by the federal Labor government to stimulate housing activity, of which $99.2 million will be directed to the maintenance of social housing.

All residents of the new Tullamarine units welcomed us into their homes, which they had only just moved into. It was truly heart warming to hear each of the residents describe moving into these new units as like winning Tattslotto. It was life changing for them. The units are all lovely and give all the residents a place to call home — a home of which they can be truly proud.

I congratulate the federal and state Labor governments on their investment and wish these new residents a happy and prosperous time in their new homes.

Information and communications technology: Satyam Computer Services

Mr WELLS (Scoresby) — This statement condemns the Brumby government for failing to inform

Victorians, in particular the people of Geelong, over the future of the scandal-riddled Satyam IT project which was supposed to be located at Deakin University.

In April last year the Premier, standing alongside the now admitted fraudster, Satyam's founder and chairman Ramalinga Raju, boasted of attracting Satyam Computer Services to Geelong in a $75 million investment coup which was to have created 2000 jobs for Geelong and $175 million per annum in economic benefits to the state. Premier Brumby even went as far as describing the project as a great partnership.

However, it would now appear that this project is in complete tatters, and Victorians are still in the dark as to the future of the Geelong project some seven months after the chairman admitted in January this year to fraudulently overstating company profits to the tune of $1.25 billion. It should be noted that the chairman is currently being held in an Indian jail on a range of criminal charges including fraud, forgery, cheating, embezzlement and insider trading.

Victorian taxpayers money has already been spent on this project. However, we still do not know exactly how much due to the lack of transparency and the secretive manner in which the Brumby Labor government does deals in this state. Is it any wonder the Premier now does not want to know about the highly embarrassing project which was once held up as a shining beacon for Victoria's — —

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

Nigel Howard

Mrs MADDIGAN (Essendon) — I congratulate Nigel Howard, the Mooney Valley police inspector, on the great leadership he has shown in relation to the Kokoda program. About three years ago when there were some difficulties with young people in the south of Mooney Valley, Inspector Howard commenced the Kokoda program. In the first year he took some students from Debney Park Secondary College on the Kokoda Trail. This year the third trip has just been completed, and it included students from not only Debney Park Secondary College but also St Bernards College and Ave Maria College, which are two schools in Essendon.

This project has really caught the imagination of the local community. It is supported by a large range of organisations, mainly the Rotary Club of Williamstown, Essendon Lions Club, Rotary Club of North Melbourne, Altona RSL, Jetset in Moonee Ponds, Essendon Fields, Camelbak, WorkForce Plus, Hostplus, the Victorian multicultural association, Victoria Police Youth Foundation, Under Armour, AustralianSuper and Matthews Steer Chartered Accountants. This Saturday Matthews Steer Chartered Accountants is hosting a breakfast at Moonee Valley Racecourse to raise funds for the next trip, which is next year.

I have heard a number of students who have taken part in this program speak about finding it a great experience, especially those who were not born in Australia, because it gave them some understanding of Australia's role in the Second World War. Well done, Police Inspector Nigel Howard!

Public transport: Doncaster electorate

Ms WOOLDRIDGE (Doncaster) — Doncaster has limited access to public transport and has infrequent and overcrowded services which have restricted hours of availability. However, this Labor government steadfastly holds the view that buses are the only option for Doncaster's transport woes. There are no tram or rail links despite Doncaster being only 12 kilometres from the city.

Working with the community, we forced the government to bring forward the review of Manningham bus services which was originally due late last year; incredibly it has still not been released. In 2006 the Liberal Party recognised the need for better public transport and promised that in government it would extend the no. 48 tram to Doncaster Shoppingtown — a proposed move which received much local support. However, the Brumby government has consistently dismissed the idea without detailed scoping or costings. Manningham City Council has spent over $20 000 of ratepayers money investigating an extension of the tramline. It is an initiative that should fall squarely in the responsibility of the state government.

The initial feasibility study has not encouraged the council to proceed further. However, the recommendation is that the state government should fund the $80 000 next stage of traffic monitoring and micro-simulation to determine the viability of a tramline extension. With both residents and councils seeking better transport options, why does this government refuse to consider alternatives? Is it yet another example of this government's quick fix philosophy rather than choosing to invest in our future?

I ask the Minister for Public Transport to immediately release the review of Manningham bus services and to

fund further investigations into the feasibility of a tramline extension to Doncaster.

Hampton Park Auskick

Ms GRALEY (Narre Warren South) — I recently had the pleasure of visiting the wonderful people involved with Hampton Park Auskick at K. M. Reedy Reserve.

As a passionate Western Bulldogs Football Club supporter I am always keen to visit local footy clubs in my electorate. Many local kids have the opportunity to participate in sport in the city of Casey due to the hard work of volunteers. I particularly congratulate the coordinator, John Lewis, and his most supportive wife, Lyn, on running an outstanding program for the kids. I also acknowledge all the people who work behind the scenes. Congratulations to the coaches: Dan McManus, Danny Barratt, David Harrison, Luke Marshall and Simon Peachman. Well done, dads!

We are very lucky in Hampton Park to have many community organisations and small businesses that contribute greatly to our community. Many thanks go to McManus Electronics, First National Real Estate in Hampton Park, Bristol paint in Doveton, Pound Road quality meats, Road Worx and the Hampton Park community house. Of course we cannot forget the terrific canteen staff: Michelle McManus, Lyn Lewis, Sandra Barratt, Peta Boswell and Kylie Harrison. Proceeds of footy canteens keep footy going. All those chips and hotdogs subsidise programs and equipment. Well done, mums!

Auskick is where dreams are made and where dreams of playing Australian Football League begin. There was only one little boy who was wearing a Western Bulldogs jersey amid a field of Carlton, Collingwood and Hawthorn jumpers. The efforts of the coaches and helpers ensured that everyone was having a great time. Who knows? My own little Bulldog might one day end up being the next Brownlow medallist from Footscray, like Adam Cooney.

Police: Evelyn electorate

Mrs FYFFE (Evelyn) — So far 802 people have responded to my survey on law and order. Many have taken the time to write full details about their concerns. Many residents say they are living in fear, with elderly people being afraid to go out at night. They are frightened to catch a train. They are concerned about a lack of police presence on our streets. The growth in burglaries, car stealing, car break-ins, hooning, vandalism, graffiti and violent and threatening behaviour are frightening to decent law-abiding citizens.

Residents do not blame the police; they feel the police are undermined by a lack of resources and a justice system that lets offenders off with a slap on the wrist. They want sentencing to serve as a deterrent. Residents of the Yarra Valley want a government that is tough on crime and gives our police force enough money for resources and equipment. To have so many people of varying ages say they are afraid to go out after dark in Mooroolbark should make the minister hang his head in shame.

This government is completely out of touch with community expectations on law and order. Extra police in the city are not going to help in Mooroolbark. Further comments made were: ‘We suspected car theft in our street. Police were called. They didn’t respond until 4 hours later’; ‘I was told police could not send a patrol car because they were too busy following up more serious crimes’; ‘We have called the police around 48 times’; ‘I don’t feel safe using public transport’; ‘I called the police when I had someone in my backyard and was told police were attending Oakleigh South and Belgrave and had no-one in the area — too bad if the intruder had had a gun’; and, ‘I am a current serving member of the police force. Penalties imposed by the courts are a joke. More police are required to serve our community’.

Port Melbourne: naval memorial

Mr FOLEY (Albert Park) — I rise to support a proposal from the Naval Heritage Foundation of Australia for the placement of a permanent memorial to Port Melbourne’s proud role in our navy history. The proposal is for a statue entitled *Answering the Call* to be located on the Port Melbourne foreshore together with suitable interpretative material to recognise the port’s role as the birthplace and centre of our naval heritage and to commemorate the role of the many Australian naval men and women who serve their nation.

Port Melbourne was the first location for our naval services in colonial times, when in 1859 the naval reserve commenced training the Sandridge company of the Victorian Naval Brigade. From that time until 1992 Port Melbourne had a continuous link with our naval history, whether it was through the various naval cadet depots, the succession of naval drill halls, including the first dedicated Australian naval facility completed for the new Royal Australian Navy in 1912, or being the departure point of our First World War and Second World War naval and other armed services personnel who left from Port Melbourne’s piers, the location of

the visit of the Great White Fleet at the turn of the 20th century or the location of the naval facility HMAS *Lonsdale* until its closure in 1992.

This area of Port Melbourne has had a continuous and significant role in our naval history. That is why so many people and organisations have supported the efforts of Mr Mackenzie Gregory and the Naval Heritage Foundation of Australia in the pursuit of this community-driven project.

I wish the project speed and every success and look forward to the launch of this important remembrance of the individuals, the stories and the role that our navy has played in Port Melbourne.

Sunraysia Cancer Resources: funding

Mr CRISP (Mildura) — Sunraysia Cancer Resources (SCR) was established in January 2007 at 302 Deakin Avenue, Mildura, with seed funding from the Australian government. Its main role is to undertake the provision of information and educational programs to give one-on-one or group support to people diagnosed with cancer and their families.

In two years SCR has provided a one-stop shopfront for people living with a cancer diagnosis, recruited local cancer survivors who have volunteered to be trained by the Cancer Council of Victoria to provide support, provided public information sessions to educate the public and cancer sufferers, developed localised written information and provided a meeting place for the Sunraysia Cancer Support Group, the Men's Cancer Support Group, the carers support group and the Blood Cancer Support Group.

Sunraysia Cancer Resources now needs to find $60 000 to sustain its much-needed and successful resource centre. Between June 2008 and December 2008, 217 people accessed SCR support — 147 being patients and the balance being families and carers. Most of the patients are over 50.

The people of the Mildura electorate value the quality of this service, but it has an uncertain future. The state of Victoria should step up and provide the service, perhaps by having it co-locate with a government building to share rentals.

Merbein: centenary celebrations

Mr CRISP — Merbein centenary celebrations get under way on Friday, 14 August. They will climax with a street parade on 21 August and will conclude with an interdenominational church service — —

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

Gembrook community market

Ms LOBATO (Gembrook) — Gembrook market has been an outstanding success since its establishment more than three years ago when a group of community members came together to re-create the famous market that operated many years before that. Despite the success of the most recent market and its contribution to local tourism and the economy, the market was unfortunately and unnecessarily closed down in June.

I organised and facilitated a meeting of people wishing to continue the market. After a number of meetings and much hard work we are now ready to reopen the market on Sunday, 23 August. The Gembrook community market committee consists of president Walter Berger, secretary Judy-Ann Steed, vice-president Bob Farr, treasurer Christine Borg and committee members Peter Carson, Jan Carter, Mick Roseman and me. These members are to be congratulated on their commitment and dedication over the last several weeks, and I need to highlight Walter's hard work.

Also to be congratulated and thanked is the Cardinia Shire Council, which has fully supported the re-establishment in a variety of ways, including paying for the first year's insurance and the incorporation fee and providing a start-up grant of $2000.

Stallholders were terribly disappointed by the closure and have demonstrated their enthusiasm for the market with an unprecedented level of bookings. On Sunday, 23 August, locals will once again have the opportunity to purchase locally produced, ethical and environmentally sensitive items, while tourists will once again provide benefits to the local community at the same time as enjoying a weekend or day trip to gorgeous Gembrook.

Nurses: refresher courses

Mrs VICTORIA (Bayswater) — Recently a constituent of mine made contact about some issues she is having with returning to nursing. We are repeatedly told that there is an extreme shortage of nurses in Victoria, yet they face many obstacles in returning to work. This is because the refresher course they need to complete prior to returning to the private sector can cost $5500 up-front — a costly exercise if you have not been working for some time. Getting into the public sector refresher courses can also be difficult, and funding options at training institutions and scholarships are hard to get. If the government is serious about

getting nurses back to work, there are plenty of qualified nurses who are willing. This government needs to do more to help them do that.

Canterbury–Wantirna roads, Ringwood: traffic lights

Mrs VICTORIA — Several months ago a local teenager was clipped by a car when crossing the road at the intersection of Canterbury and Wantirna roads. Because there is no red traffic arrow for turning into Canterbury Road, drivers often quickly accelerate through gaps in the traffic, even though the pedestrian light is green. On this occasion the pedestrian was lucky to escape without being seriously injured; however, there have been many near misses. I call on VicRoads to improve the safety of this intersection by fully controlling the right-turn movements from Wantirna Road into Canterbury Road to ensure that the students who use the intersection every day can cross without fear of being run over.

Boronia West Primary School: National Tree Day

Mrs VICTORIA — A few weeks ago I was at Boronia West Primary School getting my hands dirty as we planted trees for National Tree Day. Planting a tree is an easy way to help the environment, and it encourages and inspires schoolchildren to care for our natural surroundings. Thanks to John Irwin, Brendan Campbell and Greg Bayne, who all helped out.

Fuel: contamination

Mr HERBERT (Eltham) — I wish to raise an important consumer rights issue that has affected hundreds of motorists across north-eastern Melbourne. I have been contacted by a constituent who unfortunately suffered the consequences of unsuspectingly filling up his tank with contaminated fuel. His car was one of several vehicles in the area to suffer engine damage as a result of this contaminated fuel.

It is important that drivers monitor the performance of their vehicles. If vehicles suddenly show signs of stalling, if white powder appears in the exhaust or if the exhaust gases are emitting an abnormal smell, they should stop driving the vehicle immediately. Those who suspect they have filled up with contaminated fuel should take their car to a mechanic to diagnose the problem, and if the problem has in fact been caused by contaminated fuel, motorists should immediately inform the service station where they purchased their last tank of fuel.

If it can be proved that the fuel has caused damage to the engine, owners should be reimbursed the cost of the repairs. It is important they keep their receipts, and it is important for their mechanic to collect a sample of the contaminated fuel and retain it until the matter is resolved.

I encourage people who have had the motors of their vehicles damaged through contaminated fuel and who are not satisfied with the result they are getting from their service stations and petrol suppliers to contact Consumer Affairs Victoria as soon as possible.

Ambulance services: staffing

Dr SYKES (Benalla) — Ambulance officers are a dedicated and hardworking group of professionals whose services we all want to be available but hope we do not ever have to use. In recent times several ambulance officers in north-eastern Victoria have raised with me their concerns about the extremely long hours they are working or on call. Just recently an ambulance officer's wife wrote to me saying that her husband was rostered to work 76 hours per fortnight with an additional 98 hours per fortnight on call, making a total of 174 hours per fortnight. In addition the officer works an average of 30 hours overtime per fortnight. Is it any wonder she is concerned about her husband's wellbeing and the impact on their family life?

I have also personally observed ambulance officers looking extremely tired at work. Failure to act on the current situation will put lives at risk. Obvious solutions to the situation include adequate staffing of all ambulance stations and a minimum of 10 hours rest between shifts. I call on the Minister for Health and the Brumby government to act immediately to ensure the wellbeing of our ambulance officers, to whose care the lives of our sick and injured are entrusted in their time of need.

St Vincent de Paul Society: Heidelberg centre

Mr LANGDON (Ivanhoe) — Yesterday I had the privilege of attending the official blessing of the Heidelberg Vinnies centre, located at shop 40, Bell Street mall. The blessing was well attended by over 60 people, including five of the original volunteers from St Vincent de Paul. The mayor of Banyule was also present, and the centre was blessed by Reverend Father Wayne Edwards of St Pius X parish, West Heidelberg.

The St Vincent de Paul Society, or Vinnies as it is more commonly known, has played an integral role in

Victoria for over 150 years, ministering to those who are disadvantaged and in need by providing material and spiritual aid through a myriad of services run by the extensive network of volunteers. The Vinnies centre in St Hellier Street, Heidelberg Heights, opened on 16 May 1983 and has done a great job in reaching the local community from that area. In the past year in the West Heidelberg area Vinnies has conducted 958 home visits, provided material welfare for 1414 adults and 1101 children — this equates to approximately $45 000 in assistance — and handed out more than $70 000 worth of goods free of charge to people in need.

The relocation to the Bell Street mall will enable Vinnies to expand the network because it is in the hub of West Heidelberg. On behalf of the people of my community I would like to congratulate the St Vincent de Paul Society for its great work and wish it the best in the new store in West Heidelberg.

Street violence: government response

Mr R. SMITH (Warrandyte) — I rise once again to condemn the Brumby government for its failure to adequately deal with the increasing violence on our streets. Victorians were shocked a few weeks ago to hear the Premier say there was nothing further that the government could do to protect them from the stabbings and bashings that have now become commonplace. This abrogation of responsibility was appalling, yet we did not know then how irresponsible the Premier could be.

As violence continued to rise and people became more and more scared to visit Melbourne's central business district (CBD) at night, what did the Premier do next? He removed 100 police from the major trouble spots in the CBD, after which we experienced further violence on our streets. Then, in the ultimate demonstration of spin, he announced that he would recruit 120 more police to tackle the problem. He takes away 100, and adds 120 — that is only 20 extra police. Of course these extra police will not be ready for deployment before April next year, so in the meantime there are 100 less police protecting Victorians on our streets.

What does our police minister say? I have looked through all the media stories. I have read quotes from Deputy Commissioner of Police, Kieran Walsh; the Police Association secretary, Greg Davies; the shadow Minister for Police and Emergency Services, the member for Kew; and a number of concerned Victorians, but the only reference to the minister I can find is in the *Herald Sun* on 9 August, and I quote: 'Police minister Bob Cameron refused to comment'. What does this man do?

Victorians are sick and tired of the parade of victims they see on their television screens and in their newspapers. The Premier and this lazy Labor government must wake up and provide more resources for police to tackle the epidemic of violence that is taking over our city.

Brad Johnson

Mr NOONAN (Williamstown) — I rise to congratulate local Williamstown resident and captain of the Western Bulldogs Football Club, Brad Johnson, who recently played his 342nd game, surpassing the great Chris Grant as the club's new games record-holder.

Recruited from the Western Jets to the Bulldogs as pick no. 11 in the 1993 Australian Football League (AFL) draft, Johnson has more than proved himself, not just as a legend of the game but as a great leader and role model both on and off the field. His long playing record is already highly decorated and includes an impressive list of achievements. Highlights include three club best and fairest awards as well as multiple runner-up awards; six-time all-Australian, including captaining the all-Australian side in 2006; picked in the Western Bulldogs team of the century; two-time best club person in 1996 and 1998; club captain since 2006; five-time leading club goal kicker and Australian International Rules representative on four occasions. In addition, Johnson is closing in on the club's goal kicking record and will soon claim another of Chris Grant's records, this time for the most finals games played.

Known as the Smiling Assassin because of his trademark smile, Johnson is very much a home-grown hero and champion of Melbourne's west. I thank him on behalf of the thousands of Western Bulldogs members, including me, for remaining loyal to the club and for giving us so many thrilling moments since he first pulled on the red, white and blue back in 1994. Football journalist Mike Sheahan put it best when he said, quite simply, 'Everyone loves Johnno'.

Tate Street and South Geelong primary schools: facilities

Mr TREZISE (Geelong) — Last Wednesday, 5 August, I had the pleasure of attending the opening by the Minister for Education of the refurbished facilities at both Tate Street and South Geelong primary schools. For the information of the Parliament, Tate Street Primary School is a school in the eastern suburbs of Geelong and has approximately 150 students. The school currently is ably led by acting principal Debra

Stavenuiter whilst principal Rob Cherry is on leave. The school council was represented by Sue Jensz, whilst the official party was hosted by school captains Julia Ahearne, Georgina Dabrowski, Jake Mahon and Toby McDonald. Our tour revealed a school absolutely transformed from when I first visited it in my parliamentary role in 1999.

From Tate Street we proceeded to South Geelong Primary School to open the school's refurbished library, art room, teachers workspace and new administration facilities. Student leaders Eloise Belli-Youston and Ben Keogh were terrific hosts, assisted by school principal Leanne Dowling and school council president John Quinane. Like Tate Street Primary School, South Geelong Primary School has been completely transformed since the 1990s when it was under threat of closure by the then Kennett government. As a former school council president of the school I found it personally satisfying to see the culmination of more than 10 years of work and to have present on the day the former principal, Joy Bromby, who started the ball rolling in the late 1990s.

Wednesday, 5 August, was a red-letter day for two great schools, Tate Street and South Geelong primary schools, and I look forward to working with them for many years to come.

Moorabbin Rams

Ms MUNT (Mordialloc) — Last Saturday I went to the opening of the Moorabbin Rams rugby facility behind Cheltenham Secondary College. It is a wonderful redevelopment of that facility by Kingston City Council. It is a multicultural club with lots of Pacific Islanders and New Zealanders. It was a real pleasure to see such a vibrant multicultural rugby club in my electorate.

RULINGS BY THE CHAIR

Planning Legislation Amendment Bill: referral to committee

The SPEAKER — Order! I would like to inform the house that I have considered the point of order raised by the member for Kew in our last sitting week with regard to the notice given by the Leader of the House that the Planning Legislation Amendment Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing it accordingly.

The member for Kew has argued that the motion cannot be competently debated as there is no such bill before either house. That is, once a bill has been defeated in the Legislative Council it ceases to be a bill and thus cannot be considered as falling within the definition of a disputed bill in section 65A of the Constitution Act 1975. The member for Kew also pointed out that the Planning Legislation Amendment Bill 2009 does not appear on the notice paper of either house, thus supporting his contention that the bill no longer exists. Let me deal first with this issue.

The fact that a bill is not listed on the notice paper does not in itself signify that the bill no longer exists. This is not uncommon when a bill has passed one house and is being transmitted to the other house. For example, the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009 passed the Legislative Council with amendments on 25 June 2009, but the message was not provided to the Legislative Assembly before the house rose on that day. As a consequence that bill did not appear on the notice paper of either house on the next sitting day.

I will now deal with the substantive matter raised in the point of order raised by the member for Kew. *Odgers' Australian Senate Practice*, 12th edition, page 262 states that:

> A bill can be revived at any stage and its consideration resumed by the Senate even if it has been negatived at any stage.

This would suggest to me that the rejection of the bill by an upper house may not necessarily be fatal to its progress. The Parliament Act 1911 of the Westminster Parliament also provides guidance on this matter in that procedures are established which are available to the House of Commons should the House of Lords reject a bill. Those procedures provide for the bill to be presented for royal assent notwithstanding its rejection by the House of Lords.

I now turn to our own Constitution Act and in particular section 65, which sets out the process whereby the failure of an annual appropriation bill to pass the Legislative Council does not lead to extinction of the bill. I draw the attention of members to subsections (4) and (5) which read:

> (4) Subsection (5) applies if an Annual Appropriation Bill is passed by the Assembly and within 1 month of its passing by the Assembly —
>
> (a) the Council rejects or fails to pass it; or
>
> (b) the Council returns it to the Assembly with a message suggesting any amendment to which the Assembly does not agree.

> (5) If this subsection applies, the Annual Appropriation Bill, with any amendments suggested by the Council and made by the Assembly, must be presented to the Governor for Her Majesty's Assent and becomes an Act of Parliament on the Royal Assent being signified notwithstanding that the Council has not passed the Bill.

Thus section 65(5) establishes a circumstance where a bill remains a bill notwithstanding that the council has not passed that bill. Having established that there is precedence for a bill to be revived in the Senate and that a bill may progress despite being rejected by the Legislative Council, I am not persuaded by the argument that the Planning Legislation Amendment Bill 2009 has ceased to be a bill. As I regard it as still being in existence, I therefore consider it as a bill to which the disputed bill provisions can apply.

PLANNING LEGISLATION AMENDMENT BILL

Referral to committee

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

> That the Planning Legislation Amendment Bill 2009 be referred to the Dispute Resolution — —

Mr McIntosh — On a point of order, Speaker, the notice of motion has no competency because of the provisions of the Constitution Act, but more importantly because in principle there is no dispute between the parties. There is not much that can be said in relation to this, nor does an examination of the second-reading debate shed light on this matter. The essence of this motion is to resolve a dispute.

In a previous point of order in relation to another matter that was being referred, the issue was that amendments had been made by the upper house and they needed to be tested in this house. But before the bill could be the subject of a formal ruling it was resolved by the government, breaching the understanding of all the parties to continue this point of order about these important matters. It called the bill on, put in the amendments and defeated that process. The bill then went to the upper house and the upper house did not insist upon those amendments.

The matter I raise at this stage is that there is still no dispute between the parties, notwithstanding the fact that this bill, which is the subject of the notice of motion, has been rejected by the upper house. As I said, the contributions of various members to the second-reading debate do not shed light on the matter. However, during the contributions of Mr Philip Davis, a member for Eastern Victoria Region in the Council, and Mr Lenders, the then Minister for Finance, on the debate about amendments to the Constitution (Parliamentary Reform) Bill 2003 which occurred on 27 March 2003, Mr Davis asked a question:

> Prior to when I was so delicately interrupted I was seeking clarification from the minister regarding the clause and whether the Premier can procure an early election for political advantage by use of a trumped-up bill.

Mr Lenders responded:

> The answer to the question is that the procedures in the bill are such that only under very, very strict circumstances can you actually have an early election. They are extraordinary under the proposals. The provisions are: when there is a lack of confidence motion of the government in the Legislative Assembly — and I cannot imagine many governments doing that — and after long deadlock procedures between the houses and only then when there is a genuine dispute between houses. The answer is no.

I note in relation to the bill which is the subject of this notice of motion, the Planning Legislation Amendment Bill 2009, which was first introduced by the Leader of the House on 2 April, that it was debated on 5 and 6 May, a number of members made contributions and it was voted on during the government business program guillotine on 7 May. The bill was then transmitted to the upper house where it was introduced, not by the Minister for Planning but by the Minister for Environment and Climate Change, on 7 May. It was debated on 11 June and was voted on and defeated in the upper house.

I note that only three government members contributed to the second-reading debate notwithstanding that some 10 or so members contributed. However, the most important thing — —

Mr Helper interjected.

Mr McIntosh — I am sorry, the Minister for Agriculture is — —

Mr Helper interjected.

The SPEAKER — Order! The Minister for Agriculture will not interject and the member for Kew will not respond to interjections!

Mr McIntosh — As I was saying, the Minister for Planning, the Honourable Justin Madden, did not respond in any way to the bill. It was then defeated; hence we are having this debate.

The most important thing is that the deadlock procedures have not been exhausted. I note even this year the Gambling Regulation Amendment Bill was

discussed and a number of concerns were raised. After protracted negotiations a resolution of those discussions was carried. The Duties Amendment Bill was the subject of ongoing and substantial discussions which were ultimately resolved. Although the Police Regulations Bill, a bill in which I have been involved, has not passed the upper house, it has been the subject of ongoing discussions over some nine months during which time it has been sitting on the notice paper of the upper house. Those discussions have been ongoing, and as recently as today, before Parliament resumed, I had further discussions with representatives of the government about that bill.

Accordingly it is my view that the deadlock procedures have not been exhausted in relation to the Planning Legislation Amendment Bill and nor have the criteria outlined by Mr Lenders on 27 March 2003 been met, which are that only after deadlock procedures have been followed, and after a long, long time and protracted discussion, would this house be seized to take the matter further.

Just one other matter before we continue. There is some issue in relation to the session. As members are aware, the provision provides for a failure to pass within the time frame of a session; I will not go through the specifics of that, but the most important thing is the usual adopted definition of a session. I quote from fact sheet 4 issued by the Legislative Assembly, which, under the subheading 'Parliamentary calendar', defines a session of Parliament:

> A session is a period of Parliament that starts on the first sitting day following a general election or prorogation and ends when the Legislative Assembly expires or is prorogued or dissolved.

One of the trigger points of this is the word 'session'. Perhaps the most important thing about this is that in section 65A of the Constitution Act a disputed bill is defined as**:**

> Disputed Bill means a Bill which has passed the Assembly and having been transmitted to and received by the Council not less than 2 months before the end of the session has not been passed by the Council within 2 months after the Bill is so transmitted, either without amendment or with such amendments only as may be agreed to by both the Assembly and the Council.

The issue is that the definition of a session is fairly broad. Are we talking about the whole four-year term of the Parliament? Section 41 requires the Parliament to have at least one session per calendar year. That is an issue because it does not necessarily fall within the definition of a session, even in the document put out by the Assembly, and accordingly causes some concern. My argument is that this bill has certainly not exhausted all those usual practices: those practices which the Treasurer, the Honourable John Lenders, alluded to in his contribution to the second-reading debate in the Legislative Council.

I will be the first to admit that it was not canvassed widely by any members of this Parliament, apart from those comments by the Honourable John Lenders. However, in my view a long and protracted process has resulted in a successful outcome — and those matters have not yet been exhausted. Accordingly it is my argument that there is no dispute that could amount to a bill being correctly before this house for referral to the Dispute Resolution Committee.

Mr BATCHELOR — On the new point of order raised by the member for Kew today, Speaker, I put it to you that it is both specious and does not constitute a point of order. On this particular point of order, the member for Kew based his argument around whether or not the procedures within Parliament and between the chambers have been sufficiently exhausted. He then went on to cite a number of other recent examples concerning the duration of the period of consideration of the bills he mentioned. The consideration of those bills took a number of twists and turns. Those bills were the subject of consideration, amendments and discussions, but subsequently were finally passed in one form or another.

The situation with the Planning Legislation Amendment Bill is completely different. The bill is the subject of the motion I am proposing to move because the upper house chose to exhaust the options for dealing with it by defeating it. Therefore, in the context of the constitutional provisions, the avenue that is now open to the government and to Parliament for concluding the matter is the avenue we are following now — that is, to take it to the Dispute Resolution Committee.

If the Parliament had wanted to, or indeed had been able to, use any of the devices the member for Kew referred to that have been applied to and made available in respect of other pieces of legislation, then the other house would have decided not to defeat it. The upper house would have decided to take advantage of those other avenues — that is, to amend it or to deal with it by way of discussions and negotiations with the government, but it chose not to do that. The upper house chose to exhaust the options that were available to the Parliament for dealing with the Planning Legislation Amendment Bill. The upper house having done that, there is no doubt that there is absolutely and unambiguously a dispute between the two chambers, the Assembly having passed the bill and the Council having defeated it. In those circumstances it is not

possible to consider amendments at this stage. There is no procedure available other than through the Dispute Resolution Committee. In fact the 2003 amendments to the constitution were put in place to deal with exactly the situation we are dealing with.

A bill that has been passed in the Assembly and defeated in the Council is a disputed bill, a fact of which there can be no doubt. It is clear and unambiguous. Because the bill was defeated in the upper house we do not have options available outside the use of the Dispute Resolution Committee. The committee is a procedure that was set up in the constitution to provide a pathway to help resolve matters. I would hope that by taking this bill before the Dispute Resolution Committee we would have within the constitutional framework that is set up by that committee the opportunity to take advantage of the very sorts of things which the member for Kew seeks to take advantage of but which have been denied to the Assembly by the actions of the upper house.

What are those options? They are the opportunity for representatives of the parties to talk across the table between themselves. This concerns not only the government and the opposition, because a member of the Greens party is also on the Dispute Resolution Committee. That committee is intended to perform a function described by its very name — that is, to try to help resolve disputes. You cannot help to resolve disputes if by specious points of order you try to prevent the bill being sent to the committee. The committee exists for the benefit of Parliament to try to help resolve disputes.

My point is that having been passed by the Assembly and defeated by the upper house, that constitutes a defeated bill, and we can go into all of the technical requirements in relation to that during the debate on my motion. But in terms of this point of order, the only avenue available to us is to reject this point of order and proceed to deal with the motion that I am attempting to move.

The member for Kew also raised issues about the subject of debate that took place in 2003. I put it to you, Speaker, that whilst it is interesting to understand the rationale and the setting in which those amendments were made, they are not relevant to the debate today for the reason I have previously outlined — that is, that the actions of the upper house in defeating this bill have exhausted those processes. We hope that through the passage of this motion and the consideration by the Dispute Resolution Committee process that is provided for in the Victorian constitution we might be able to reach an understanding and bring this matter back to both houses, as is provided for in the constitution. I ask you, Speaker, to rule this point of order out.

In terms of the point the member for Kew raised about the end of the session, I think that is quite clear: this parliamentary session will end on 27 November 2010. That has been predetermined by the formula set out in the Victorian constitution itself. There can be no argument as to when this parliamentary session ends. The only exception to that would be if in the interregnum the Governor were to prorogue the Parliament, and that point is acknowledged by the member for Kew. If the government of the day wishes to get the Governor to prorogue Parliament, there are mechanisms available for that to occur. It is provided for in the constitution, and in the context of this debate it merely has to bring that session of Parliament to an end and commence a new session of Parliament. All this talk about triggers and other matters are the consequence of deadlock bills; we are nowhere near that stage. What we are talking about are disputed bills, and I believe that if we follow the correct and intended path of the constitution, we will be able to resolve these matters without having the need for or the effect of creating a deadlock bill.

Dr Napthine — I rise to support the point of order made by the member for Kew. This is an important point of order because the Victorian constitution is a relatively new constitution and the rulings and decisions we make with respect to these points of order will set significant precedents for the interpretation of the Victorian constitution for decades to come. I think that is very important, and perhaps it is incumbent upon the government of the day to recognise that it will not always be in government. If it wants to pursue issues, use its numbers and use pressure to get outcomes and interpretations of the constitution that suit its political advantage on the day, then it may live to regret it in the days when it actually sits on the opposition benches in the future — and may that be in the very near future.

I think it is incumbent upon all of us to put aside our political hats and look at the best interests of the constitution of Victoria and the fair and reasonable administration of the constitution of Victoria. That is why we need to look at what the intent of the constitution is. The nub of the issue raised by the member for Kew is: should this motion be seen as a valid motion in terms of the existence of a dispute? If a dispute does not exist, then this is not a valid motion.

If we look at precedents in other jurisdictions such as the Australian government and other Westminster governments which have dispute resolution systems, deadlock bill systems or systems that can lead to

dissolutions of Parliament and early elections, we see there is an overwhelming principle. I will not go into the fine details of the various provinces in Canada or the various Australian government systems, but I could not find any instances where there was not a concept of bills bouncing back and forth between the houses over a prolonged period to create an opportunity for both houses to visit and revisit their decisions and perhaps modify their decisions before dispute mechanisms coming into place.

I put it to you, Speaker, that that was the very intent of the constitution here in Victoria and that what is being proposed here is a bastardisation of the intent of the Constitution (Parliamentary Reform) Bill as passed in 2003. If you look at the second-reading speech the then Premier gave on 27 February 2003, all he said with respect to dispute resolution was as follows:

> The bill also establishes a new dispute resolution mechanism that will provide both houses with greater opportunities to consider and debate a disputed bill.

Then you have to look further and ask, 'How can we determine what was the intent of the government of the day in terms of how a disputed bill becomes a disputed bill?'. If you look at the words used by the Leader of the Government in the upper house, Mr Lenders, on 27 March 2003, you will see that he talked about:

> … long deadlock procedures between the houses and only then when there is a genuine dispute between houses.

He also referred to:

> … very, very strict circumstances …

The government of the day says that to have a dispute you have to have 'long deadlock procedures between the houses and only then when there is a genuine dispute between the houses' and that it must be in 'very, very strict circumstances'. That is reinforced by the Premier's recent comments with respect to this particular legislation. In an article dated 13 June by Kate Lahey he is quoted as saying that the legislation would be reintroduced, unchanged, as soon as possible.

The Premier did not believe it was a dispute situation. He believed the bill had been defeated in the upper house and that the appropriate way forward was to reintroduce it and go through the procedures. His comments clearly show he believed the best way to go forward was to reintroduce the bill and that then if there was a prolonged process whereby the bill bounced backwards and forwards or where we got similar decisions reached in both houses, we may be in a situation where a motion to refer this to the Dispute Resolution Committee would be seen as valid.

Quite rightly the member for Kew pointed out that in the debate in both the lower house and the upper house there was a dearth of government speakers and that the minister responsible for the bill did not speak. Indeed four members of the upper house did not vote on the legislation. There is the prospect of reintroducing the bill and having it bounce backwards and forwards.

But the point I wish to make, Speaker, is that this is a very important and significant decision, because if you rule that this motion is valid and should proceed, then you are setting a precedent for any government of whatever flavour in the future in Victoria. All it would have to do to create a disputed bill situation would be to put a bill through this house, have it defeated in the upper house and then automatically have it taken to a dispute resolution process. Potentially it could lead to a deadlocked bill situation and an early election.

I put it to you, Speaker, that that was clearly not the intent of the government in 2003 when it inserted these provisions into the Constitution Act. It was clearly not what was expressed by the Leader of the Government in the upper house, and it is clearly not what was indicated by the Premier only a few weeks ago when he said the bill would be reintroduced.

What we have here is the government trying to play politics with this issue, and in doing so you, Speaker, are being put in a situation where you are being asked to make significant precedent rulings that will affect the operation of this Parliament for decades to come. I do not think that was what was intended when the amendments to the Constitution Act were passed by this house and by the other house. I suggest the government should withdraw the motion. If it does not, then you, Speaker, should agree with the point of order made by the member for Kew that this motion is premature, that there is no demonstrated dispute within the context of a situation which has not been tested more than once in either house, that there is no genuine evidence of a dispute and that therefore this motion is invalid.

Mr Cameron — On the point of order, Speaker, some comments have been made, and a suggestion has been made to you that the way you are meant to determine whether or not a bill is a disputed bill is to look behind what has occurred in this house and at whether or not there have been ongoing discussions. As members opposite have said, when this legislation went through the other house the Leader of the House in that place pointed out that there are strict provisions, and they are the provisions that are now contained in the Constitution Act whereby there has to be a genuine dispute and we need to go through the long deadlock

procedures. Those procedures involve a resolution in this house, a message being sent to another place, a meeting of the committee to try to resolve the matter, a report back to both houses and then action from both houses. Those are the long deadlock procedures.

I take you, Speaker, to section 65A of the Constitution Act and to the definition of a disputed bill, which sets out that it means:

> … a Bill which has passed the Assembly and having been transmitted to and received by the Council not less than 2 months before the end of the session has not been passed by the Council within 2 months after the bill is so transmitted, either without amendment or with such amendments only as may be agreed to by both the Assembly and the Council.

In particular, Speaker, I take you to the words, 'has not been passed by the Council within 2 months'. The Planning Legislation Amendment Bill 2009 was despatched from this house on 7 May. If you look at the words contained in the definition of a disputed bill, you will see they mean we should go to two months after that point — in other words to 7 July — and ask whether or not the houses have reached agreement about the bill. There had been no agreement on 7 July because it had already been rejected. The two-month rule has effectively been pre-empted because there was a rejection. There was a clear stand-off between the houses — there was a disagreement between the houses. Therefore it is a disputed bill and should ultimately go to the committee to see if it can resolve the situation.

Mr Clark — In supporting the member for Kew's point of order that the motion before the house is invalid I want to pick up on the line of argument put a moment or two ago by the Minister for Police and Emergency Services. Quite correctly he went to the definition of a disputed bill and pointed out there are a number of elements in that definition which need to be satisfied. The first is that it be a bill, and the Speaker has already ruled on that point. Regardless of what those of us in the house individually might think about that ruling, unless the house itself or a higher authority reaches an alternative conclusion, we have to abide by the Speaker's ruling on that aspect.

The minister also referred to some other aspects of the definition. In particular he referred to the specification that the bill:

> … has not been passed by the Council within 2 months after the Bill is so transmitted, either without amendment or with such amendments only as may be agreed to by both the Assembly and the Council.

I submit that that particular aspect of the definition needs to be construed, and is properly to be construed, in a way that supports the conclusion that the motion before the house is void. I put two considerations to the house in that respect. The first is to pick up on section 65(4) of the Constitution Act, to which the Speaker referred in her earlier ruling, which states in part:

> Subsection (5) applies if an Annual Appropriation Bill is passed by the Assembly and within 1 month of its passing by the Assembly —
>
> (a) the Council rejects or fails to pass it …

I contrast the words in section 65(4), 'rejects or fails to pass it', with the reference to 'has not been passed by the Council' in the definition of 'disputed bill'. Clearly in the subsection there is an express reference to the Council having rejected a bill, and in the definition there is no such reference.

I put it to the house, out of consistency of drafting, the absence of the word 'rejects' in relation to the definition of 'disputed bill' should be taken to mean that the draftsperson did not intend to cover rejection in one of the circumstances that constituted a disputed bill. I further submit that the additional words cited by the minister add considerable weight to that conclusion, because the definition of 'disputed bill' goes on to refer to:

> … a bill which … has not been passed … either without amendment or with such amendments only as may be agreed to by both the Assembly and the Council.

Those words talk about of passing without amendments or circumstances of passing with amendments only as may be agreed to by both the Assembly and the Council. If the definition of 'disputed bill' were intended to cover rejection, it is an awfully convoluted way to have drafted the definition. If the draftsperson had intended to cover rejection, why on earth did they not say so explicitly, avoiding the complications and the convoluted language of the reference to amendments and achieving consistency with the wording of section 65(4)(a). Those are strong considerations as to why the definition should be construed as not covering the circumstance of rejection.

Finally, let me say a few words about the reference to sessions, which was also raised by the member for Kew. Ordinarily one would take the reference to 'sessions' as being a reference to the period up to the dissolution or prorogation of the chamber. That is the sense in which the word is used in the standing orders. However, the difficulty that that encounters is in section 41 of Constitution Act, which states:

> There shall be a session of the Council and the Assembly once at least in every year so that a period of twelve calendar months shall not intervene between the last sitting of the

> Council and the Assembly in one session and the first sitting of the Council and the Assembly in the next session.

The point I make is that section 41 is not just talking about the houses having to sit every 12 months, because if it was intended for it to say that, it would have just said 'the houses shall sit at least once every year, and there shall not be more than 12 calendar months between sittings'. But it is very explicit in referring to different sessions of the Parliament occurring without a gap of more than 12 months between them. If 'session' has a particular meaning in section 41 of the Constitution Act, it should be, prima facie at least, construed as having the same meaning in the definition of 'disputed bill'.

That leaves us in a quandary, because it does not give a clear indication as to what 'session' means. However, it seems to me that the clearest way of reading section 41 is that 'session' there refers to what is often in common parlance referred to as 'a session' and what are otherwise referred to as 'sittings'. In other words, section 41 makes sensible meaning if it is talking about periods of sittings, as in the autumn and spring sittings that the Parliament has had in previous years, and saying that there shall not be more than 12 calendar months between sittings or sessions in that sense. If that is the case, the Speaker then needs to look at whether the bill that is the subject of the motion before the house was received by the Council not less than two months before the end of the session, as so defined, which would be what would otherwise be referred to as the autumn sittings. As I understand it, the bill was not received by the Council 'not less than two months' before the end of the autumn sittings. If that is the case, for that reason also it would not form a disputed bill.

I would submit that we may not need to get to that point if the Speaker accepts the previous point I made, that the absence of the word 'rejects' in the definition of 'disputed bill', in contrast with section 65(4)(a), should be taken to indicate that the definition of 'disputed bill' is not intended to cover bills that have been rejected by the Council.

The SPEAKER — Order! I call the member for Prahran. I point out that once I have heard the member for Prahran, I will have heard three members from either side.

Mr Lupton — I rise to oppose this point of order raised by the member for Kew. There cannot really be any more baseless point of order in relation to disputes between houses of Parliament and a dispute resolution process than to suggest, as the member for Kew has, that there is no dispute in this case. Clearly there is a dispute, and the dispute is whether the Parliament of Victoria will pass the Planning Legislation Amendment Bill in the form that it was passed by the Legislative Assembly.

The issue does not turn, however, on whether an individual person's opinion about what constitutes a dispute is satisfied in this case. The issue turns on whether the provisions of the Victorian constitution have been satisfied. Section 65A defines for all these purposes what is a disputed bill. Speaker, you have had section 65A read to you. I do not intend to read it out again. Once those matters in section 65A of the constitution are satisfied the matter is the subject of a dispute because there is a disputed bill, and the rest of the provisions of the dispute and deadlock process that are established in the constitution follow from that.

The member for Kew also referred to matters raised in the second-reading debate. It is trite to say, but it is nonetheless important to make the point that matters raised in second-reading debates and other extraneous material are aids to the courts in the first instance in the interpretation of legislation where there is ambiguity or uncertainty. Ordinarily these matters are, of course, interpreted by the courts as matters of statutory interpretation. Where there is ambiguity or uncertainty in legislative provisions, the courts go to extraneous material outside the words of the legislation, including second-reading debates and the like, in order to attempt to clarify them. In the first instance the words of the constitution need to be read and interpreted as they exist in the Constitution Act. Those other matters are only relevant, to the extent that they can be relevant, where there is ambiguity or uncertainty. There is clearly no ambiguity or uncertainty in this respect: there is a bill that constitutes a disputed bill because the provisions of section 65A and the definition of a disputed bill have been satisfied.

Likewise the constitution establishes a process for resolving disputes and deadlocks. That is the basic, fundamental law of the state of Victoria when there are disputes between the houses of Parliament. The question of whether or not there are other extraneous negotiations going on between political parties is an entirely irrelevant and immaterial point when we are concerned with how the constitution operates. The constitutional provision is the basic law of this state, and it is simply a matter of applying it regardless of whether or not any other discussions or negotiations between political parties, between members of Parliament in this house or the other place or between the two houses, may be going on. Certainly it would be quite improper for any unspecified and indeterminate actions that are not written down in the constitution to be in some way interpreted into it in order that the

dispute resolution process that is set out would not be able to be brought into play until some other kind of extraneous processes that are not mentioned in the constitution are gone through.

The Constitution Act sets out the time limits, the procedures and the process. The constitutional provision talks about a bill being transmitted to the Legislative Council after the Legislative Assembly has passed it. It sets the clock in motion in that way. The Legislative Council has a period of time in which it needs to act. If it fails to pass the legislation within that specified time, then the matter becomes a disputed bill and the rest of the provisions run.

I want to address just briefly a couple of secondary points. I say they are secondary points because in many ways they do not go to the substance of the issue. In relation to 'session', we need to interpret how that word is defined in the constitution in the context of the constitutional provisions in which it sits. The term 'session' is in fact not a term of art. It does not have one, single, solitary meaning, but it can mean numerous things in different situations. The term 'session' was put into section 65 of the constitution in the framework that was established when four-year, fixed-term parliaments and these dispute and deadlock provisions were put into the constitution. In that sense there is no constitutional framework around autumn sittings or sessions, spring sittings or sessions or anything of the like.

The 'session' that is contemplated by section 65 of the constitution is the session set out in and correctly spoken about by the member for Kew when he read fact sheet 4, which refers to a session being the time between the first time the Parliament meets after a general election and the Parliament being prorogued or dissolved by effluxion of time. As far as that is concerned, when the four-year fixed term expires the session then comes to an end. A session can also come to an end by prorogation, and it can also theoretically come to an end by the deadlock provisions that are established in the constitution coming into play.

Putting it into its historical context, there is reference in constitutional documents and other material to sessions being required every calendar year and similar types of wording because of the constitutional need to make sure that parliaments do not go for more than 12 months without meeting. It goes back to the time of Charles I of England and around the period of the English Civil War, when for many years at a time Parliament would not be called to meet by the reigning monarch. Ever since Parliament took control of its own affairs and destiny, constitutional provisions have maintained that there must be a limit between the times when the houses sit. That is why those provisions are in there, and they are relevant only in that historical way and not in the way that members opposite have raised them.

I need to refer briefly also to the appropriation bill because that also has been referred to by members opposite in speaking about wording differences that may apply in relation to different parts of the constitution. It is important to recognise that under the constitution appropriation bills are a distinct category of legislation because if they have been passed by the Legislative Assembly but after one month have not been passed by the Legislative Council, they can be presented directly for royal assent and become law. We do not have the same sort of process for dispute resolution meetings and ultimately the potential for joint sittings in relation to appropriation bills because in fact once that period of one month has run they need only the concurrence of the Legislative Assembly.

That leads to an important point about the way section 65A sits in the constitution. It is in fact the object of that section to provide absolute certainty about time — about when time starts to run and when time finishes — so that it is clear beyond any doubt that a dispute has occurred. In the case of an appropriation bill, that period is one month; in the case of matters that are not appropriation bills — all other forms of legislation — that period is two months. Once that period of two months has expired, if the Legislative Council has not addressed the bill, then it automatically becomes a disputed bill. If the Legislative Council has rejected the bill before the two months has run, then it becomes a disputed bill upon that rejection by the Legislative Council. There is constitutional certainty.

I reiterate that the point of order raised by the member for Kew is entirely baseless. The constitutional provisions before you, Speaker, are clear. I invite you to reject the point of order so that we can move on to deal substantively with the motion moved by the Leader of the House.

Mr Ryan — I rise to support the point of order which has been advanced by the member for Kew. I do not intend to canvas the various arguments that have been put by the members for Kew, Box Hill and South-West Coast. Rather, I draw attention to a particular aspect of this debate which I believe to be very pertinent — that is, the Interpretation of Legislation Act, particularly part 4, section 35(a) and (b).

Before going to those subsections specifically, I note that the closing commentary by the member for Prahran highlighted the fact that the Speaker is being asked to place an interpretation upon this legislation. This situation is not as clear as a bell, as the member would have it. So it is that the discussion and debate which is now before us has occupied us for some time.

Everyone concerned is worried about getting this right. We are discussing matters here of the most profound consequence. Implications arising from this debate have already been spoken about here today. The pivotal point is that while it is fine for the government to say there are four-year fixed terms and to make comments about the changes it has introduced around that, to then be advocating a course with the capacity to bring forward an election period is to break the compact made by this government with the people of Victoria when those legislative changes were made to our constitution. The path we are going down with this debate, which can take us into the notion of disputed bills and then deadlocked bills and the consequences arising from them, clearly runs contrary to the bald assertions given by government members that the legislation was originally changed so we would have four-year fixed terms. What they are embarking on here is an endeavour to circumvent that very outcome they had trumpeted to the people of Victoria.

In the course of assessing the arguments about these all-important points, it is vital that the Speaker has regard to the Interpretation of Legislation Act. Whilst the member for Prahran chose to characterise the application of the provisions of that legislation in a certain way, I invite the Speaker to consider the act itself as opposed to the matters which have been put, particularly section 35, which is headed 'Principles of and aids to interpretation' and which says:

> In the interpretation of a provision of an Act or subordinate instrument —
>
> (a) a construction that would promote the purpose or object underlying the Act …

I pause to say that if you have regard to just those words, the purpose and the obligation of the amendments introduced by this government all those years ago which impacted upon our constitution, you realise that the very foundation of our democratic structure in Victoria was to have four-year fixed terms of this Parliament. That was their fundamental object. The provision of this particular act ought be read in that context. I refer again to paragraph (a), which goes on to say:

> … underlying the Act or subordinate instrument (whether or not that purpose or object is expressly stated in the Act or subordinate instrument) —

then, importantly —

> shall be preferred to a construction that would not promote that purpose or object …

It cannot be clearer. The simple fact is the government set out to establish these four-year fixed terms. Only in the most extraordinary of circumstances was that not to apply, and those extraordinary circumstances do not apply. I will come to that point in just a moment.

As a first point, I invite the Speaker to interpret the government's amendments to our constitution as being intended to establish those fixed four-year terms. That is how the application of the Interpretation of Legislation Act should, as a priority, be used to interpret the matters now before the chamber. Section 35 goes on to say:

> (b) consideration may be given to any matter or document that is relevant including but not limited to —
>
> (i) all indications provided by the Act or subordinate instrument as printed by authority, including punctuation;
>
> (ii) reports of proceedings in any House of the Parliament;
>
> (iii) explanatory memoranda or other documents laid before or otherwise presented to any House of the Parliament …

If these provisions are taken in context with what was actually said by the Leader of the Government in the other place, it seems to me it is inevitable that the point of order made by the member for Kew should be upheld. Mr Lenders is reported as saying:

> The answer to the question is that the procedures in the bill are such that only under very, very strict circumstances can you actually have an early election. They are extraordinary under the proposals. The provisions are: when there is a lack of confidence motion of the government in the Legislative Assembly —

that, of course, is not the position we are in now —

> and I cannot imagine many governments doing that — and after long deadlock procedures between the houses and only then when there is a genuine dispute between houses. The answer is no.

The arguments have already been advanced as to the emphasis to be placed on the expressions used by Mr Lenders at the time. The Speaker is entitled, in coming to a conclusion about the comments made by Mr Lenders, to use the provisions of the Interpretation of Legislation Act to find that the normal, ordinary

meaning of the words 'long deadlock procedures' is exactly what they convey — that there should be long deadlock procedures between the houses and, furthermore, only then when there is a genuine dispute between the houses. We do not have those circumstances here. Accordingly I ask that you, Speaker, having regard to the provisions of the Interpretation of Legislation Act, uphold the point of order that has been raised by the member for Kew.

The SPEAKER — Order! I do not uphold the point of order raised by the member for Kew. I consider that the Planning Legislation Amendment Bill meets the definition within section 65A of the Constitution Act of 'Disputed Bill'. The deadlock provisions, to which many members have referred, cannot start unless we have a disputed bill. There is a lengthy disputed bill process to go through before we even get to a bill that can be considered a deadlocked bill. When I look at the provisions of the Interpretation of Legislation Act that the Leader of The Nationals has just addressed, I find it difficult to discount sections 65A, B, C, D, E, F and G as being not intended to be part of the constitution.

Mr BATCHELOR — I move:

> That the Planning Legislation Amendment Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.

Today we are seeking to reach agreement between the houses on a dispute which clearly exists. It does not necessarily mean that we will end up invoking the deadlock provisions of the constitution. It is important to understand that. We hope that by embarking on this course, hopefully by passing the motion that I have moved, we will be able to take advantage of the provisions set out in the constitution and through the Dispute Resolution Committee process achieve a better understanding and a better agreement between the houses and resolve the dispute — and doing that will prevent us from getting into the deadlock area.

It is important to recapitulate the process that we are talking about. We are talking about part 2, division 9A of the Constitution Act of 1975, known to the general public as the Victorian constitution. This part of the Victorian constitution sets out the process for resolving disputed bills and also the process for resolving deadlock bills. What we are seeking to do with this motion is to use the first part of that intended process to resolve this dispute between the two chambers.

The first step of the dispute resolution is the consideration of the disputed bill by the Dispute Resolution Committee, which I remind members is a joint house, multiparty committee appointed by the Parliament. It is set out that if a disputed bill is referred to the Dispute Resolution Committee, the committee has 30 days to consider the bill, in which time it will attempt to reach a dispute resolution.

If the Dispute Resolution Committee does reach a dispute resolution, then a copy must be tabled in each house of the Parliament. If either the Assembly or the Council fails to give effect to the dispute resolution within 30 days, or 10 sitting days, whichever is the longer, the bill then becomes a deadlocked bill. If the Dispute Resolution Committee cannot reach a dispute resolution within 30 days, the bill also then becomes a deadlocked bill under a different section of the Victorian constitution. If the bill eventually becomes a deadlocked bill, the Premier may advise the Governor to dissolve the Assembly, or the deadlocked bill is able to be reintroduced into the new Assembly after the subsequent election. That is the procedure. We are at the very beginning of it, and we hope that, through the good services of and the intentions behind the establishment of the Dispute Resolution Committee, we can resolve the matters of this disputed legislation.

It is important to understand what a disputed bill is. A bill is a disputed bill if it: one, has been passed by the Assembly; two, has been transmitted to and received by the Council at least two months before the end of the session; and three, is either not passed by the Council within two months of being transmitted or is passed by the Council only with amendments not agreed to by the Assembly. A bill satisfies these requirements if the Council rejects the bill; if the Council neither passes nor rejects the bill within two months; if the Council agrees to a reasoned amendment in relation to the bill; or if the Council passes the bill with amendments which the Assembly does not agree to.

On looking at these circumstances it is clear that where the Council has rejected the bill in question — the Planning Legislation Amendment Bill, which is the subject of this motion — it is clearly a disputed bill, and we seek to send it off to the Dispute Resolution Committee. How is a bill in these circumstances referred to the Dispute Resolution Committee? Disputed bills can only be referred to the committee by a resolution of the Assembly. That is what we are seeking to do today. In these circumstances the role of the Dispute Resolution Committee is to try to resolve the clear and obvious dispute that exists between the two houses.

The Dispute Resolution Committee consists of 12 members, 7 of whom are appointed by the Assembly

and 5 of whom are appointed by the Council. Once the bill has been referred to the committee, the committee has 30 days to consider the bill in private. If it gets agreement to a dispute resolution — that is defined in sections 65B and C — that can then be reported back to the Assembly and the Council. The dispute resolution can recommend that a disputed bill can be passed as transmitted by the Assembly to the Council without amendment, be passed with amendments as specified in the motion or not be passed at all. That is the process we are entering into. Once a disputed bill becomes a deadlocked bill then another section of the constitution applies and a different set of procedures and time lines come into effect. But that procedure only comes into effect if there is no agreement reached by the Dispute Resolution Committee or if either of the chambers fails to take notice of the agreement that is reached at the Dispute Resolution Committee.

We are talking here about the Planning Legislation Amendment Bill of 2009. I would like to go to the history of its passage through both chambers so we can unambiguously assert for the record that it is a disputed bill. This bill was introduced to the Legislative Assembly on 31 March 2009. It was second read on 2 April. It was passed in the Assembly on 7 May and transmitted to the Legislative Council on the same date. That message was received by the Council on the same day, 7 May 2009, and on 11 June 2009 the bill was defeated in the Council by two votes; the result was 19 to 17 votes. According to the definition contained in section 65 of the Victorian constitution, the Planning Legislation Amendment Bill became a disputed bill on 11 June 2009, the date of its defeat. To understand the definition members should refer to section 65 of the Victorian Constitution Act 1975, which states:

> Disputed Bill means a Bill which has passed the Assembly and having been transmitted to and received by the Council not less than 2 months before the end of the session has not been passed by the Council within 2 months after the Bill is so transmitted, either without amendment or with such amendments only as may be agreed to by both the Assembly and the Council.

It is quite clear in these circumstances that the Planning Legislation Amendment Bill 2009 is a disputed bill. It has met the definitional requirements. To reinforce that assertion, members should just look at these facts and ask the question: was it a bill that passed the Assembly? The answer is clearly yes. It was passed on 7 May. If members doubt that, they can read *Votes and Proceedings* no. 117. Was the bill transmitted to the Council? Again the answer is yes, and it was transmitted on 7 May. Similarly, members can read *Votes and Proceedings* no. 117 . Was it received by the Council? The answer again is yes; it was received on 7 May 2009. If members doubt that, they can go to *Minutes of the Proceedings* no. 117. Was the bill received by the Council not less than two months before the end of the session? The answer is yes; on 7 May it was received by the Council. As the next state election is fixed by the constitutional formula for 27 November 2010, the circumstances of this particular requirement clearly have been well and truly met. Was the bill not passed by the Council within two months? Again the answer is yes. The bill was defeated on 11 June 2009. If members doubt that, they can see *Minutes of the Proceedings* no. 123.

Accepting the above facts, which we do, the government is proposing this motion to have this bill sent to the Dispute Resolution Committee. The committee, as we all know, has already been established by the resolution of both the Assembly and the Council. On 18 April 2007 the Legislative Assembly elected its members to that Dispute Resolution Committee. Its members constituted myself; the Minister for Police and Emergency Services; the member for Box Hill; the Minister for Water; the member for Kew; the then cabinet secretary, who is now the Minister for Gaming; and the member for Swan Hill. The Minister for Gaming was replaced by the member for Prahran, the current cabinet secretary, on 2 May 2009 by way of a resolution in the Assembly. This followed the resignation of the Minister for Gaming from the Dispute Resolution Committee.

On 1 May 2009 the Council elected Mr Philip Davis, a member for Eastern Victoria Region; Mr Peter Hall, one of the other members for Eastern Victoria Region; Gavin Jennings, the Deputy Leader of the Government; John Lenders, the Leader of the Government; and Sue Pennicuik, a member for Southern Metropolitan Region. These five members are the Council's representatives on the Dispute Resolution Committee.

This committee has already met on two occasions. On 1 May it elected me as the chair and on 22 May it elected the member for Box Hill as the deputy chair. It also determined some of the procedural rules by which any future resolution from the Assembly would be considered. On this occasion the matter and the reasons for sending this disputed bill to the Dispute Resolution Committee are quite straightforward; they are quite clear and they are unambiguous. I expect that that sort of clarity will also be the case regarding future referrals. One hopes the process we are embarking upon will lead to a dispute resolution, an agreement, that both the Assembly and the Council can subsequently deal with. One hopes that in the future the Council will understand this process is available and give more consideration to

the way it deals with reasoned amendments, rejections and amendments.

Whilst this bill, the Planning Legislation Amendment Bill, was defeated in the Legislative Council, it is clear that that defeat was one of the triggers, but not the only trigger, determining a bill to be a disputed bill. I have already referred to those earlier triggers in my contribution.

The bill we are talking about is the Planning Legislation Amendment Bill. This bill has been designed to enable or bring about the introduction of a system of development assessment committees, or DACs as they are known in abbreviated language. These amendments will enable an area to be designated as a growth area in any part of Victoria. There are related amendments to the Local Government Act as well as some ancillary amendments to other acts, such as the Docklands Act, the Heritage Act and the Melbourne Convention and Exhibition Trust Act.

This proposal will amend the Planning and Environment Act to establish development assessment committees, which we believe will make planning decisions for designated areas and on matters of metropolitan significance, including the 26 principal activities centres. The bill will enable these decisions to be made, and it will alter provisions in the act. It will also define what a growth area is.

It is a simple and straightforward bill. Since its rejection support for it has been gathering; there is widespread support in the community. This leads me to think that the Dispute Resolution Committee is the ideal place to have this matter considered. Since the bill's defeat a considerable number of stakeholder bodies have been interested and keen to see it pass. Take, for example, the Civil Contractors Federation, the Victorian Civil Construction Industry Alliance, the Property Council of Australia, the Cement Concrete and Aggregates Australia, the Planning Institute of Australia, the Master Builders Association of Victoria, the Urban Development Institute of Australia, the Victorian Trades Hall Council — pick the odd one out there! There are other bodies such as the Traffic Management Industry Association of Victoria and the Association of Land Developer Engineers — and I understand the Real Estate Institute of Victoria has an interest in expressing an opinion on this. There is growing support.

It is clear that this planning amendment bill meets the definitional requirements of the constitution. It is clear also that the proceedings of the Parliament would be assisted by having this matter dealt with by the Dispute Resolution Committee. Notwithstanding the time frames that are required to be met by the Dispute Resolution Committee and the subsequent time frames for both chambers of the Victorian Parliament to deal with any resolution coming out of that, there is every likelihood that there will be agreement and that progress can be made by instituting this process, as was intended by the changes to the constitution in 2003. I suspect this will be a useful way of exploring agreement and providing a mechanism for achieving that. In that context I commend the motion to the house.

Mr CLARK (Box Hill) — This motion moved by the Leader of the House should be rejected both in terms of the process that has led to it and the content of the bill to which it relates. In respect of the process, as far as this house's procedure is concerned, we must abide by the rulings of the Speaker about this being a motion that is validly before the house. However, that does not prevent individual members from forming their own conclusions as to either the merits of those issues or what another higher authority may rule in relation to the constitution at some further point. It is open to the house also to reach a resolution on these matters.

For the reasons canvassed on the two points of order raised by the member for Kew, individual members of this house should conclude that this is not a disputed bill that should go before the Dispute Resolution Committee. The Speaker's ruling is, in effect, that the minister's parrot is not dead, it is simply resting. However, just because the minister has nailed it to the perch does not mean that it can either squawk or fly.

This bill was received by the Legislative Council late in the autumn sittings of Parliament at a time when if it the Legislative Council were to have complied with the two-month specification in the definition of 'disputed bill', it would have been heavily constrained by the winter recess which the government determined upon. The definition of 'disputed bill' in section 65A of the constitution requires that the bill has been received not two months before the end of a session, and that stands in contrast with sections 65(4)(a) and 65(4)(b), which are triggered simply if one month elapses, with no reference whatsoever to the end of a session.

That again indicates, and it is arguably reinforced by the words used by the Leader of the Government in the other place about protracted disputes, that the definition of 'disputed bill' should cover circumstances where the Legislative Council is given time while it is in session to adequately deal with a bill and not have the large part of its two months, if not the whole of it, taken up by a winter recess. The fact that on this occasion the bill was

rejected by the Council does not detract from the fact that the definition needs to be construed to protect against the possibility I referred to — that is, of the Council not being given reasonable time to consider the bill.

As has been raised previously, unlike section 65(4) the definition of 'disputed bill' does not refer to the Council rejecting the bill. That leads to the conclusion that the definition should be construed as not dealing with the situation of rejection. Likewise, the words at the end of the definition relate to the bill not being passed either without amendment or only with such amendments as may be agreed to by both the Assembly and the Council. It is worth making the point that section 65 of the constitution was substituted by bill no. 2 of 2003 whereby section 65A was inserted, so it not a question of different provisions being inserted at different times in the constitution's history.

Furthermore, as I have referred to previously, in relation to the use of the word 'session' section 41 of the constitution strongly supports the conclusion that the definition of 'disputed bill' has not been complied with.

These are all good reasons — despite the fact that we are bound by the Speaker's ruling for the time being — the house should conclude that the motion that has been moved by the minister is not properly grounded and should be defeated. There is a further consideration about process, and that is that, as far as I am aware, there has been absolutely no attempt by the government to achieve resolution on this issue through direct discussion with the opposition parties. Surely if the government were serious about trying to achieve a resolution of the issue, before triggering this complex and controversial constitutional mechanism it would have approached the opposition parties and attempted to do so by direct discussions rather than triggering this mechanism.

The manager of government business in this house, in his capacity as Minister for Energy and Resources, is no stranger to that process, because he and I engaged in some extended and ultimately successful discussions on ways of resolving issues connected with the solar feed-in tariff without any need whatsoever to trigger the mechanisms set out in the constitution. If the government seriously wants to have some talks about dealing with and resolving this bill and talking the issues over with the opposition, it should be following that path rather than invoking this constitutional trigger.

We should also look at issues relating to the content of this bill, which the minister is seeking to refer to the Dispute Resolution Committee. The minister outlined a number of its provisions. There are two crucial aspects which were highly controversial when the bill was last before this house and which remain highly controversial. The first of those is the establishment of what are referred to as 'development assessment committees', which will be able to take planning decisions out of the hands of local government in areas which have been designated as growth areas.

The second part of the bill gives the government the power to designate those areas which may be deemed growth areas. These are extraordinarily sweeping provisions. They are an abrogation of the status of local government. They mean that local government will be obliged to supply the secretariat for these development assessment committees, but the government will appoint a majority of the committee members. Local communities are being ridden roughshod over by the government and will be by those committees.

Goodness knows whether local councillors will even accept appointment to the committees given that they will be blamed for the decisions but will have little capacity to influence their outcomes, and all the while the ratepayers of a municipality will be required to continue to fund all the planning processes just as they ordinarily have — the difference being that instead of the outcome of the officers' consideration and the other processes being put before councillors, they will be put before the development assessment committee.

The minister had the nerve to tell the house that there is growing support for these provisions. I think it is much fairer and more accurate to say that there is ever-growing and vehement opposition to these provisions from the community. It took a while for the community to realise the enormity of what is being proposed by these provisions, and the government was attempting to go around a slice at a time and suggest it was really only applying to five initial development assessment committee areas — Camberwell, Doncaster, Geelong, Preston and Coburg. However, communities soon realised that this was just the first instalment and that once this mechanism was in place the government could establish development assessment committees for whatever areas it wished.

Right across my electorate — in relation to the municipality of Boroondara, which is directly affected, and the municipality of Whitehorse, which is in the firing line for the next slice by the government — as councils realised the import of this legislation their anger and opposition grew exponentially. There is every good reason why the government, instead of persevering with this legislation, should be listening to

the opposition that is being raised so vehemently by the community. The minister listed a number of bodies that he said supported the legislation. I can well understand those bodies wanting changes to Victoria's planning regime that lead to fair and more certain outcomes. Indeed, the whole state wants better planning legislation that gives clarity and certainty and that will give genuine win-win outcomes for residents and those who want to undertake developments.

But if those bodies believe that the mechanisms in the bill that the government wants to send to the Dispute Resolution Committee will give them those advantages, then unfortunately they are mistaken, because all this bill does is graft onto an existing, cumbersome and convoluted planning scheme a substitute decision-maker at one point in the process; if people have objections to the decisions made by the development assessment committees, then those decisions can be taken to the Victorian Civil and Administrative Tribunal just as appeals can be taken against council decisions at present.

If there are issues related to the process leading up to matters being put before councils, those issues will remain before matters are put before the development assessment committee. Unfortunately, if this ever became law, those who are hoping this bill will overcome the many flaws and delays that the current government has introduced into the planning system will be sadly disappointed.

A further aspect of this bill that the government wants to take to the Dispute Resolution Committee is raising the community's ire with good cause — that is, the fact that the growth areas that can be designated under this bill will then be exposed to the government's proposed growth areas infrastructure contribution. They will be hit with a massive flat tax per hectare, regardless of the value of the property involved. In some instances that will take away people's life savings, their invested superannuation lump sums, the projects and properties to which they have devoted years and years of sweat and toil. All that will be grabbed by the government as part of the growth areas infrastructure contribution regardless of whether their area is suitable for redevelopment and regardless of whether the person who purchases their land actually intends to develop it. Right across the state we have understandably seen protests, demonstrations and objections to this hidden and obnoxious flat tax that the government seeks to bring in and that this bill, which the government now wants to send to the Dispute Resolution Committee, is laying the groundwork for.

I invite members of the house and the government to think again about this proposed legislation instead of continuing to try to foist it on the community, trying to impose a new tax in the unjust, arbitrary and unfair way that it is doing and trying to mislead the community the way the Minister for Planning has been doing in telling protesting members of the public that they simply have to ask him and he will exclude their land from the growth area and from the charge. I invite the government, instead of doing all those things, to think that perhaps the Legislative Council did get it right and was reflecting the views of the community, exercising sound judgement and performing its role as a house of review by listening to the people and saying to the government, 'Look, you have got it wrong on this. Go back to square one and think again. Don't try to bludgeon this bill through the Dispute Resolution Committee, trigger this complex and controversial mechanism and embark on a course which may well end up being challenged as being unconstitutional. Don't go in that direction at all'.

Instead the government should accept that perhaps on this occasion it has got it wrong and that it ought to think again, that it ought to listen to the community, that it ought to listen to the wisdom of the Legislative Council and that it ought to abandon this foolhardy scheme as well as this arbitrary and unjust tax and go back to the drawing board to try to find better and more effective ways of improving Victoria's planning regime and achieving win-win outcomes both for residents and for those who want to undertake projects and contribute to jobs in this state. For all these reasons I believe the community would be far better served if this motion were to be defeated, if the government were to accept that the bill has been defeated and if we were to move on to look for better ways to improve planning in this state rather than abrogating the say of the community, undermining local government and laying the groundwork for an arbitrary and unfair new tax on Victorians.

Mr LUPTON (Prahran) — I rise to support the referral motion moved by the Leader of the House. The matter before us now, where we are considering whether or not the Planning Legislation Amendment Bill 2009 should be referred to the Dispute Resolution Committee of the Parliament, is an important process arising from constitutional and legislative reform in Victoria. The Constitution Act was amended in 2003 to allow dispute resolution processes to be brought in and utilised by the Parliament when disputes exist between the two chambers on legislation. The Dispute Resolution Committee process has not yet been utilised, but it has become apparent that this new constitutional procedure is important in attempting to get the best

legislative outcomes for Victoria and to pass legislation that has been introduced by the government and which is regarded as being important for the welfare of the people of the state, in this particular instance for the creation of jobs, opportunity and economic growth.

We need to deal with a couple of issues in relation to the referral. One is the constitutional provision around section 65A, in which a disputed bill is defined. Once there is a disputed bill that matter can be referred by this chamber to the Dispute Resolution Committee of the Parliament, and that is the matter that we are dealing with at the moment. Then there is a subsidiary matter which really concerns the nature of the bill itself. While it is not strictly relevant to the referral, it is nonetheless important for the house to have some understanding of the nature of the legislation and why it is we believe it should be referred to the Dispute Resolution Committee.

In speaking against this referral motion opposition members have, in a sense, raised points on both procedure and what they referred to as the substance or merit of the bill. On both counts the opposition's argument is fallacious, specious and not deserving of any support. I will outline briefly why this is the case. In relation to procedure, clearly we have a bill that meets the definition of a disputed bill in section 65A of the Constitution Act. The legislation we are dealing with, the Planning Legislation Amendment Bill, was passed by the Assembly on 7 May. It was transmitted to and received by the Legislative Council on the same day. The Council debated and rejected the bill on 11 June. The bill meets the definition of a disputed bill in section 65A because it was passed by the Assembly, it was transmitted to and received by the Legislative Council at least two months before the end of the session and was not passed by the Council within two months of being transmitted.

All of the relevant criteria set out in section 65A have been satisfied. That the bill has been passed by the Assembly is a fairly straightforward and simple argument; I do not think any issue can be taken with that provision at all. The fact that it was transmitted to and received by the Council is a matter of record. Being at least two months before the end of the session, the opposition raised a specious argument in relation to the word 'session'. I say simply in relation to the issue of the session that we have in our constitutional arrangements in the state of Victoria a session that runs from the first sitting of a Parliament after a general election until that Parliament is either prorogued, dissolved through the effluxion of time by its running for four years under the four-year fixed-term provisions or where the Parliament is dissolved at an earlier time by the Governor due to the deadlock provisions being utilised.

The way in which a session operates under these constitutional arrangements gives certainty to the provisions. It enables people to know where we are in the constitutional chronology, and any other interpretation of that notion of session would not be capable of being understood in any way. There is no established time for any other sittings or sessions of this chamber or the Parliament to take place under our constitutional arrangements. The sittings of the house are matters that are determined by the government and are put to the house from time to time. The way it is done is that towards the end of the calendar year the arrangements for the next year are announced. There is a requirement that the house meet at least once every calendar year, so there cannot be periods of time when the house does not meet between elections. Other than the way in which a parliamentary session can come to a conclusion by prorogation or dissolution, there are no other ways of determining when the end of the session may be. The argument put by the opposition about sessions every spring, autumn and the like, has no basis to it.

Likewise, the opposition continued to raise the argument that this dispute and deadlock process does not apply to the rejection of a bill. Nothing could be more outlandish than to suggest that a dispute and deadlock provision does not apply in the very circumstances where a deadlock provision is required, and that is where one house of the Parliament, the Legislative Council, does not pass or in some way fails to appropriately pass legislation that has been passed by the Legislative Assembly. That is the entire purpose of having dispute resolution and deadlock provisions in the constitution. Whetheror not there are other negotiations taking place between the parties, in parallel, outside of this process, has nothing to do with the matter. The constitutional provisions and arrangements do not require any other negotiations to be going on. Likewise, it is immaterial if they happen to be going on. The constitutional processes simply operate on their own basis.

In conclusion, we should not lose sight of the fact that this is an important piece of legislation for Victoria. While legislation and its particular merits in any given case are not relevant to the referral of a bill to the Dispute Resolution Committee, it is nonetheless important that the Parliament, and the house in this case, understands what it is that we are dealing with. That has been well set out by the Leader of the House in his contribution, but it is important to bear in mind that there is no constitutional stipulation about the

nature, merit or subject matter of a bill in coming to a conclusion about whether section 65A has been satisfied and whether the house should or should not refer a disputed bill to the Dispute Resolution Committee.

Apart from an appropriation bill, which has a separate process attached to it by the constitution, there is no stipulation in section 65 about the merits or otherwise of a particular bill. The fact that this bill is a meritorious bill and would lead to fairer and more certain outcomes in planning matters, which all members in this chamber would agree would be a good and positive outcome for Victoria, is not relevant to the question of whether or not it should be or can be referred to the Dispute Resolution Committee.

The bill satisfies the constitutional provisions contained in section 65A of the Constitution Act and for those reasons can and should be referred to the Dispute Resolution Committee.

Dr NAPTHINE (South-West Coast) — I rise to oppose the motion before the house. Like my colleague the member for Box Hill, I oppose it on the basis of process and on the content of the motion itself. With respect to the process, the comments made by the member for Box Hill were apt. While I, and members on this side of the house, will abide by rulings of the Chair, we reserve the right to disagree with those rulings. I believe the ruling from the Chair on this bill is wrong. This bill is dead; it is dead as a dodo; it is extinct. It is as dead as the dead parrot in the famous Monty Python sketch. It is beyond cardiopulmonary resuscitation. As the member for Prahran said in his contribution when he made a specific reference to the constitution, appropriation bills are dealt with specifically and differently to other bills in the constitution. Therefore I disagree with the Chair's use of the reference to the appropriation bill to try to resurrect this bill.

I also disagree with the fact the motion should not have been allowed on the basis there is no evidence of dispute. The bill has passed through the lower house, it has been defeated by the upper house and there has been no ongoing process. While the Chair has ruled, and we will abide by that ruling, it does not mean that we agree.

I say to members on the other side, in times to come — and I hope that will be after November 2010 — they will be on this side of the house and they will regret the position that has been taken by the Leader of the House, whether or not he is here, and by the member for Prahran, who certainly will not be here. Members will regret the position that has been taken, because when they are on this side of the house they will be arguing that just because a bill has been defeated by the upper house does not constitute in itself a dispute. Mark my words, they will be vehemently arguing up hill and down dale. However, this precedent has been created simply because the democratically elected upper house — and let us face it, the upper house we have in Victoria is a creation of the Labor Party which is now trying to ignore decisions made by that house — has made a sound decision to reject a piece of legislation and the Labor Party is trying to find some devious constitutional way to resurrect the legislation.

The government knows full well that the Dispute Resolution Committee is a Labor-dominated committee. There are six members from Labor, three Liberals, two members of The Nationals and one Greens member. At pages 75 and 76 the Constitution Act makes it clear that the chair, who is the Leader of the House, has both a deliberative and a casting vote. There is no doubt which way the Dispute Resolution Committee will decide on any issue, because Labor will caucus on it and the fix is in. In fact it should be referred to racing integrity services because the fix is in.

On a very serious matter I would argue quite strongly that this is contrary to the genuine intent of former Premier Steve Bracks and the Parliament when the Constitution (Parliamentary Reform) Bill was first passed. The Leader of the Government in the other place, Mr Lenders, made it very clear when debating the bill that the circumstances that would lead to a bill going to the Dispute Resolution Committee should be strict and extraordinary and that it would occur after a long deadlock process between the houses and where there was a genuine dispute.

As I said in my previous contribution, in every other Westminster system across the world where there are two houses of Parliament a dispute resolution situation relies on bills bouncing back and forth and each house having more than one examination of the issue before going to the dispute resolution process. This motion is premature and inappropriate, and it plays base politics.

With regard to the bill itself I believe it is circumventing the democratic process and the intent of the constitution and the Parliament by implementing a process in planning that will circumvent the democratic processes of councils and replace them with development assessment committees. The government is trying to override the democratic process of the Parliament — and override the decision of the Legislative Council — by implementing legislation that will override the decisions made by democratically

elected councils and replace them with decisions made by development assessment committees in Camberwell, Doncaster, Preston and Geelong. These are wide-sweeping decisions, and they are exactly contrary to what the Labor Party promised the people of Victoria when it went to the election in 2006.

I refer to a question in this chamber on 20 December 2006 when the Leader of the Opposition said:

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

The Premier answered:

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

On 18 July 2007 the Leader of the Opposition asked another question of the Premier on a similar matter. He said:

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

The Premier answered:

> I thank the Leader of the Opposition for his question. I assume the opposition leader is referring to the matters which are raised on the front page of the *Age* today in relation to a South Australian planning system which has an expert panel in place on some projects in place of councils. Obviously, like all governments, we examine things right around the country. It does not mean we adopt them though, and the government does not have a proposal …
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> …
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> … It does not mean we adopt those proposals. We are very proud of what we have done in planning. We are very proud of the fact that we have third-party rights. We are very proud that councils have a clear and unequivocal say in what is happening in planning.

The legislation that is the subject of the motion fundamentally contradicts all of what the former Premier said and all of the assurances he went to the people with prior to the 2006 election. He said he would not interfere with the planning powers of democratically elected councils. He said it twice in this house following specific questions. This legislation overrides those planning powers and takes them away from councils.

There is widespread opposition to this proposal. It is in the same category as the government's debunking of desalination plants prior to the 2006 election and the promise not to take water from the north to the south, and of course in 2002 it said there would be no tolls on the Scoresby freeway. The legislation also establishes procedures which will allow the government to introduce the dreaded growth areas infrastructure contribution tax which is an enormous tax on landowners in and around Melbourne and potentially in and around every regional centre in Victoria. It is another new tax. Again, the government said 'No new taxes', but this is a massive tax on the people of Victoria.

The motion should be rejected on the basis of its being premature in relation to the fact that there has been no genuine to and fro and no genuine dispute, and on the basis that the government is trying to resurrect a dead as a dodo bill. It should also be rejected because the bill that the government is trying to resurrect is a bad one. It is a bill which is contrary to what the government went to the people with in 2006. It is contrary to good governance, and it is contrary to our democratic processes and our planning processes and to third-party rights in planning. That is why on both the content and the process this motion should be rejected.

Mr CAMERON (Minister for Police and Emergency Services) — I rise to support the motion of the Leader of the House, and I do that for the very simple reason that when you have a dispute you should be able to talk about the problem. We have heard all this drivel from the opposition saying we have to go through some long process of bouncing between houses and backroom corridor meetings which could go on for months and months. But what opposition members are trying to say is that they do not even want to speak about it, and that is where we have a fundamental problem. They do not want to speak about it. There is a choice here. There is a choice about being for jobs or being against jobs. Unfortunately the Leader of the Opposition and the Liberal and National parties are not prepared to be pro-jobs.

The member for Box Hill tried to dismiss the many industry groups that the Leader of the House said supported the legislation. He said he believed those industry groups wanted this legislation because they believed the legislation would bring about a fairer and more certain outcome. Certainly the honourable member for Box Hill took dispute with the industry groups.

When there are so many groups out there in favour of this sort of legislation, why will the Liberal Party and The Nationals not discuss it? Why are they not prepared to go to a committee? Why do they not want to go to the committee and try to discuss these matters and try to bring about a resolution with the pro-jobs Brumby government? You really have to ask yourself: why do they choose not to have a discussion with a pro-jobs government?

Certainly the Brumby government has had to confront, as all governments around the world have had to confront, a very difficult economic environment as a result of the global financial crisis. We appreciate the dilemma of the house. We appreciate the importance of jobs and the importance of being pro-jobs. We want to make sure that we are looking after the interests of Victorian families, looking after the interests of the economy but at the same time having in place sensible arrangements. That is what we believe this legislation does.

The fact of the matter is that we are prepared to discuss those arrangements. Unfortunately the Liberal Party and The Nationals have declared they are not interested in discussing these matters; they have closed minds. The fact of the matter is that these people in another place, who think they can go about blocking legislation whenever they want, whenever it turns them on, have to be held to account. Let us put them before the committee and let them in a reasonable way try to explain to a pro-jobs government what their stance is. Let us work out what is their problem so that we can see if we can have a resolution — a pro-jobs, pro-community resolution. It is for those reasons that I support the motion moved by the Leader of the House.

Mrs POWELL (Shepparton) — I rise to oppose the motion moved by the Leader of the House. I do so because, as the shadow Minister for Local Government, I understand the issues surrounding the removal of planning rights of local government. We on this side of the house do not believe that this is a disputed bill. This bill was introduced, debated and voted on in the upper house, which is a democratically elected house. It is very similar to this house, where the people in the community have voted for members of Parliament to represent their interests. The upper house debated this bill, it voted on this bill and it opposed this bill. You cannot get any more democratic than that.

The upper house opposed this bill for a number of reasons. I can talk about some of those reasons. It is about this government trying to remove the powers of local government. It is about this government removing one of the basic and important issues that a local government deals with — that is, planning for its municipality and making sure the municipality grows in a way that the community would like to see it grow. But this government is saying, 'We do not like the answer that came out of the upper house, so we are going to dispute it'. The message from the upper house is very clear: it said it did not agree with the Planning Legislation Amendment Bill, and it threw it out.

What this bill tries to establish in effect is a number of DACs (development assessment committees) around Victoria. They were to start off in Preston, Coburg, Doncaster, Camberwell and Geelong. But those DACs would be further established in Melbourne wherever the government decided it wanted to make some recommendations about planning issues. The government is taking away responsibility from local government, and it is taking away the opportunity for the community to have its say in planning issues and to be able to dispute the issues that this government is bringing about. If the community wants to object to a planning issue it does not like, the government is saying, 'Let us remove that objection process. Let us make sure that we are the ones who can speak to the developers and make sure that development is where we would like it to be'.

It is even more insidious than that. It is not just around Melbourne; the government was planning on establishing DACs in any regional centre that it wanted to. This is the insidious nature of this legislation. This government says it is a disputed bill because it does not like the answer that the democratically elected upper house has given. The upper house said, 'We do not like this legislation. We believe local government is the planning authority for local issues'. It was not just the Liberal Party and The Nationals; the minor parties voted with us as well. The upper house threw this legislation out. This motion before the house, which says this legislation is a disputed bill because the government does not like the answer from the upper house, is a ridiculous reason for us to be here debating when we have other issues to debate. But we have to get this message across that the democratically elected upper house has made its decision.

Another issue is that this government is saying it was not removing planning processes from local government, which is an absolutely ridiculous thing to say. I have travelled around and spoken to — —

The DEPUTY SPEAKER — Order! While the lead speakers had some leeway with regard to the motion, I remind members that the motion we are debating is that the bill be referred to the Dispute

Resolution Committee for consideration. It is not an opportunity to try to debate again the Planning Legislation Amendment Bill. As I said, lead speakers have some leeway in terms of process and content. I note that both the Leader of the House and the member for Box Hill made some comments about the bill, but I think members should be careful not to debate the contents of the bill.

Mrs POWELL — I wanted to put on record the reason I believe it is not a disputed bill. The upper house has dealt with this legislation and has discussed all of those issues that I raised and that other speakers have raised as well.

At the end of the day we have to make sure that the vote of a house of Parliament is not disregarded just because the government does not like the vote. If this legislation goes to the Dispute Resolution Committee, it obviously is going to be something that will be used as a precedent, which is of historic importance. We need to make sure that we get it right, that we do not make decisions based on the government's lack of information and thinking that the upper house's response to this piece of legislation should not be allowed.

On the development assessment committees, the upper house made a decision to vote against the bill. The opposition moved the motion to vote against the bill. That should be respected by this house and this Parliament. We have two houses of Parliament, or a bicameral Parliament, in which a lower house debates a matter and it then goes to the upper house. That upper house has made its decision. We on this side of the house are saying we do not believe this is a disputed bill. We believe it is a bill that was genuinely passed by the upper house. All the issues that we are raising here now have been dealt with in the upper house. This government should respect that and move on. The bill should not go to the Dispute Resolution Committee because that would mean the government could send to the committee any bill that has been voted on by the upper house and that the government does not want the committee to have another look at.

Members on this side of the house believe the legislation has been dealt with and is certainly not disputed. The bill has been debated in the upper house, whose members have been democratically elected by the people to make decisions based on their communities. This government must now listen to and respect the decision of the upper house. Again, we on this side of the house say that it is not a disputed bill and ask the government to listen to what we are saying, which is that we oppose the motion moved by the Leader of the House.

Mr INGRAM (Gippsland East) — I rise to speak on the motion before the house. I have listened intently to the debate on the motion before the house, the lengthy contributions to the points of order that were debated in this place during the last two sitting weeks and the ruling by the Speaker. It is important that members reflect on the ruling. I have sought some advice on it and looked in some detail at the matter behind this. I believe the Speaker's ruling in the debate was absolutely correct.

I make the point also, in debating whether there should be a referral of this bill to the Dispute Resolution Committee, that it is quite clear that the wording of the constitution could have been clearer. If it had been clearer we probably would not have had this debate. Ultimately we are setting a precedent, so the house is making an important decision. It is also important that members look at the intent of the constitutional changes and the reform of the upper house. I have fairly detailed knowledge of this. On at least two occasions we in this chamber debated the upper house reform legislation. It was defeated in the first instance. The then government went to election with that in its policies, and we debated it again after the 2002 election.

I was also heavily involved in the establishment of the constitutional commission, as part of the Independents charter at the time. I was always passionate about reform of the upper house, to make sure that our house of review worked better than it did. To try to provide some background, there has been much debate about why we have this committee and what is a disputed bill. If members look at *A House for Our Future*, the report that was the backdrop for the constitutional changes, it makes very clear the intent of the three gentlemen who travelled around the state and received an enormous number of submissions. On a bicameral Parliament the report states:

> Further research and consultation have led the commission to the view that the Victorian upper house can be improved in ways that meet the concerns of its critics.
>
> In a bicameral Parliament, the review role is the most important feature of an upper house. But it is not an exclusive role. The upper house has other important functions.
>
> It is generally agreed that a house of review should be able to:
>
> > effectively scrutinise and report on government activities, policies and legislation, both direct and delegated;
> >
> > review and, where appropriate, amend legislation in the immediate and long-term interests of the community;

> …
>
> review and, where appropriate, disallow subordinate legislation;
>
> …
>
> require the government to justify or reconsider policies, programs or actions;
>
> provide checks against overbearing or arbitrary exercise of power, on the part of the government.

There are a number of other dot points. It states also:

> The upper house should exercise these functions critically, with freedom from party political constraints, while respecting the government mandate.

The report goes on further:

> But to simply confine the upper house to a review role would render it ineffective. An authoritarian government could ignore it. An upper house with no power to amend or initiate legislation would not attract the media coverage or community recognition necessary to assist public understanding of complex issues. The retention of the power to initiate and amend legislation was a conscious and important departure in Australia from the Westminster system developments in Great Britain and reflects the democratic legitimacy of an institution elected on a popular mandate. It should remain so.

The three gentlemen then went into a detailed discussion about the deadlock resolution. The report makes the comment that:

> The Victorian constitution does not provide a useful mechanism for deciding disputes concerning the passage of legislation between the Legislative Assembly and the Legislative Council. Although the Assembly is clearly the house where government is formed, the constitution provides no indication that this alone should assure passage of any bill, the budget excepted, through the Council.

The commissioners went on to explain the report by Meg Russell, *Reforming the House of Lords*. They considered a range of different measures and the ways that disputes are resolved in other bicameral systems of Parliament. In some parliaments the lower house is decisive — for example, in the United Kingdom the lower house overrules the House of Lords.

Another measure is the endless shuffle, about which the report states:

> As its name implies, under these systems neither house has supremacy over the other … The Victorian Parliament shares this approach with Italy …

That is, before the constitutional change we had the endless shuffle, with legislation going backwards and forwards. In some areas the upper house does not have the capacity to block legislation, and if that were so we would not have had the debate that we have been having over the last couple of sitting weeks. In some parliaments they add new members to the upper house to pass legislation.

The commission also looked at the double dissolution process, and the report states:

> For most of its parliamentary history, the Victorian upper house has had the power to send the lower house to an election, but avoid that fate itself.

A House for Our Future includes some discussion about the Australian federal process. Then there is a detailed discussion of the conclusions of the commission on what new constitutional reforms there should be in Victoria. I will quote from that section:

> There is widespread use in bicameral systems of joint negotiating committees established to facilitate the passage of legislation.

The comment is:

> It is clear that the solution to legislative deadlocks of adding extra members to the Council would not be an acceptable democratic solution in Victoria. The endless shuffle is what the current Victorian arrangement amounts to — —

that is, before the reforms —

> and lacks certainty as a dispute resolution system. The question of altering the constitutional settlement in the state by making the lower house more powerful in relation to the passage of legislation would be a major step. This was suggested to the commission in a number of submissions.
>
> …
>
> The commission favours the reintroduction of a mechanism that would assist resolution of deadlocks between the two houses. The method proposed is the revival of procedure similar to the committee of managers that existed in the past but has fallen into disuse.

That process was used historically in this house. The report states also:

> Such a Dispute Resolution Committee should be nominated — —

and it goes through the establishment of the committee.

Clearly that is what is before the house. It was the intention of the reforms to allow for a dispute resolution process to be conducted through a committee. It really does not matter what your view is of the legislation that has been debated; the process is set out. If there is a dispute between the two houses about legislation, there should be a procedure to progress that through to resolution. That committee may make a recommendation to both houses, and both houses may still come up with the situation where one supports the legislation and the other opposes it. Then there are

procedures for the government to take it to the next election, or there could be a dissolution and the legislation could go to the Governor. That would be unlikely because ultimately voters in the community take a dim view of having to go to the polls on what amounts to one piece of legislation. I think it is important that this house attempts to resolve such legislation. If we are still deadlocked, there are other processes we could opt for.

I voted against the legislation when it came before this chamber in the first instance, but, understanding the situation before the house, it is my view that the procedures are very clear and the ruling of the Speaker is very clear — this bill should be referred to the Dispute Resolution Committee in an attempt to get a resolution. If after that process the public and the upper house still oppose it, then there are other processes the Parliament could go through. This recognises the position of both houses, which are independently elected through different voting structures but are equally important in the legislative structure of Victoria. I will support the motion before the house.

Mr DELAHUNTY (Lowan) — I rise to speak in this very important debate about the referral of this matter to the Dispute Resolution Committee. I will just remark quickly on the comments made by the member for Gippsland East in relation to this being a precedent. It is truly the first precedent under these constitutional changes that were brought to Parliament by this government. But I also have to remind the member for Gippsland East that when you go through a disputed bill — this has been mentioned by many members on this side of the house — there are usually numerous debates in both houses, and after that process the bill goes to the Dispute Resolution Committee.

Mr Ingram — The member for Lowan did not listen to what I said.

Mr DELAHUNTY — I was listening to everything the member for Gippsland East said. The reality is that this was one of the government's election promises. The government made many promises, including one that the Labor government would stay the planning authority, one that it would not have a desalination plant, one that it would not take water from northern Victoria — —

The DEPUTY SPEAKER — Order! The member is to speak on the motion.

Mr DELAHUNTY — This is on the motion.

The DEPUTY SPEAKER — Order! I do not think the desalination plant has anything to do with this motion. The member for Lowan will speak on the motion.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Lowan, without assistance and on the motion.

Mr DELAHUNTY — I think you are doing a good job, Deputy Speaker. I do not need assistance from these people. This bill was debated in both houses. The reasons the opposition did not support it were, firstly, that we did not believe in it, and secondly, that it highlighted another promise this government was breaking. We highlighted many of those broken promises earlier. The reality is this government is the one that made the constitutional changes. It brought in the changes to the upper house.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! As I said before, the member for Lowan, without assistance.

Mr DELAHUNTY — No, I do not need any assistance. I went into the procedures office next door and I got some information which highlighted that between 2003 and 2006, when the government controlled both houses, not one bill was rejected by the upper house. While they had the majority in both houses, they did not make one change to proposed legislation.

I want to highlight that this government brought in this constitutional change. In 2007, 83 bills went through this house and 74 went through the upper house. In 2008, 90 bills went through this house and 85 went through the other house. You can see that the upper house is working as it is supposed to work — as a house of review. But the members of the government do not like what they have got from the upper house, and that is why they are spitting the dummy.

I mentioned other bills that were not supported by the upper house but were held over in the upper house for some months as negotiations went on. Whether it be in relation to the gambling legislation or in relation to the energy legislation, government members knew they had to negotiate with the parties in the upper house to get these bills through. They did that in a very democratic way, and they have got them through. The reality is that this bill was not put through that same process. Therefore it has come back very quickly, and the government is trying to refer it to the Dispute Resolution Committee. I do not think that is what was envisaged when the changes were made to the constitution.

Mr Ingram interjected.

Mr DELAHUNTY — The member for Gippsland East is yelling and screaming behind me, but I am sure he did not think this would be the way this process would work. He discussed this motion with the government. I saw him in lengthy discussions on the motion with the government, but I am not sure if he had the same type of discussions with the opposition in relation to it.

Again, I come back to the point that the changes made by the upper house were moved by this government. It has not liked what it had wanted.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Let us get through this debate without too much interjection.

Mr DELAHUNTY — The other thing I have to say is that if you read the terms of the Dispute Resolution Committee, you will see that it has to meet in private. It is stacked with a majority of Labor members, so we know what its decision will be. We mentioned that the discussions and negotiations that went on in the other house, whether they were about the gambling legislation or the energy legislation, were open to the community. Everyone knew what was going on behind the scenes. But if we refer this matter to this private committee, we will not see what goes on behind the scenes. That is another reason why we believe this is not a disputed bill.

I do not believe it has been through a proper process in the other house, and that is why we are not supporting this motion to refer the bill to the Dispute Resolution Committee. I highlight the fact that because the government has the numbers in this house, if this matter goes through the process it seems to be going through, it will not need the support of the member for Gippsland East.

The reality is that by doing that it will then push to bring in the new development committee and take away planning rights from local government. Not only that, it will also bring forward a new tax in the form of the growth areas tax that could be brought in not only for Camberwell, Doncaster, Geelong, Preston and Coburg but also for places like Mildura, Horsham in my area — —

The DEPUTY SPEAKER — Order! As I indicated previously, the lead speakers were given some leeway on the bill, but I ask the remaining speakers to speak on the motion.

Mr Clark — On a point of order, Deputy Speaker, I submit to you that a person speaking in this debate is entitled to put to the house any argument directed to moving the house to vote for or against the motion. Certainly it is not a recanvassing of the second-reading debate. The honourable member is putting forward a whole lot of reasons why this is a bad proposal and therefore why the house should not decide to send it to the Dispute Resolution Committee. As long as he is relevant to the question before the house, I submit he is entitled to put those arguments.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. I have been listening to the member for Lowan. I simply reminded him of the remarks I made before regarding the content of debate. I did not indicate that I was not listening to him.

Mr DELAHUNTY — This motion is about referring the Planning Legislation Amendment Bill 2009 to the Dispute Resolution Committee. The matters I was discussing — and I take your advice, Deputy Speaker — were dealing with those issues. I highlight that there are many changes proposed in the referring of this bill to the Dispute Resolution Committee. It needs to be reinforced that that was the reason why it was debated in this house and why it was rejected by a constitutional process in the upper house, which is made up of members of the Labor Party, the Liberal Party, The Nationals, the Greens and the Democratic Labor Party. The house was constructed by this government, but it does not like the decision and is therefore having a dummy spit and trying to refer it to the Dispute Resolution Committee, where it knows it has a majority of members and will be able to get it through. We are reasserting that this is another broken promise by this government, which is why the motion should be opposed in this house today.

Ms D'AMBROSIO (Mill Park) — I speak in support of the motion for clear and important reasons. The motion will allow a very important bill to receive the greater consideration that befits it, given that constitutionally this house has the right to refer a bill that is disputed to the Dispute Resolution Committee.

We need to remember that there are many processes available to this house for dealing with bills. We have processes which allow for house amendments and processes which allow for amendments by the opposition parties, or an Independent for that matter. Sometimes amendments are agreed to and at other times they are not. Sometimes bills are passed unamended and sometimes they are passed with amendments. In this case this bill is a disputed bill.

The constitution allows this house to refer a disputed bill to the Dispute Resolution Committee. I contend that the motion has not been moved lightly but due importance has been accorded to it by the government, given the current financial situation the economies of this state and this country and other economies internationally are faced with. For that reason — the gravity of the economic situation — the government, through this motion, is committed to doing the best it can to ensure the bill is endorsed.

The reasons that have been put by opposition members in terms of what democracy is in their minds do not sit squarely with what is constitutionally available to this house to undertake. We are in a position where the house can undertake to refer this bill to the Dispute Resolution Committee. I would contend that the opposition's arguments are a fig leaf and that it basically does not want to support a bill that is so important and vital to the economy of this state moving forward, as it is doing. I totally support the motion, and I hope it receives equal support from the opposition.

Mr McINTOSH (Kew) — I just want to make a couple of very brief points. Firstly, the reason we are doing this is that back on 13 June the Premier was reported in the *Age* as saying that after this bill was defeated in the upper house he would reintroduce it immediately and bludgeon it through this house as well as the upper house. The problem was that he ran foul of the same-question rule, so the government has adopted this course.

From the outset can I say that we all know the fix is already in in relation to this whole process. While the numbers on the Dispute Resolution Committee are balanced, in the sense that there are six all, it is the Leader of the House who has the casting vote. The committee meetings will be held in camera. We are then of course subject to the confidentiality of those meetings. I am a member of that committee. No doubt what will happen is it will be a six-all result. I might add that the Liberal Party, The Nationals, the Democratic Labor Party and The Greens are all opposed to this legislation on a matter of principle, and it will be those parties that will no doubt vote against this bill in the Dispute Resolution Committee.

However, the government has the numbers because it has the casting vote, and there will be no discussion and no attempt to resolve this matter. There will be none of the discussions that went on with the gambling legislation or the duties bill or that are ongoing with the police regulation bill. In that process the bill will be just bludgeoned through, and the government will use the exercise to introduce an undemocratic bill that will take away the rights of local communities to control their own planning decisions, something that has been the situation in the state of Victoria for nigh on 150 years. The fix will be in: members of the white-shoe brigade will donate large amounts of money to the ALP because the ALP is just doing its bidding. Accordingly the opposition will be opposing this motion.

Mr BATCHELOR (Minister for Community Development) — I have never heard such a preposterous, pathetic outburst in my life. Here we are seriously trying to deal with a constitutional issue, and the Liberal Party indicates that it has already determined its attitude on it. Irrespective of whatever arguments are put and whatever consideration and rational debate takes place, its members are going to vote against it.

Mr K. Smith interjected.

Mr BATCHELOR — That is a tragic position.

Mr K. Smith interjected.

The DEPUTY SPEAKER — Order! The member for Bass will not interject in that loud manner.

Mr BATCHELOR — That is a tragic position, and the speech of the member for Kew has signalled the death of the once great Liberal Party in this state — the Liberal Party that would have been responsive to a request from industry that would like to see the creation of jobs and the creation of economic activity. Liberal members say they are going to walk away from the provisions of the Victorian constitution, which are designed to try to resolve disputes between the houses, by going into that process with a predetermined and fixed outcome. That is a reprehensible approach. We would like to see a resolution to this issue. The upper house has rejected this bill. Unlike on all other occasions, when negotiations have taken place, on this bill it has rejected the sensible and rational approach of a dialogue.

We want to put the bill back into the constitutional framework. That opportunity will be provided to the Liberal Party. We hope its members reject the predetermined outcome as articulated by the member for Kew and enter into meaningful and real discussions. That is the process that will be available to them. I ask them to seriously consider in the time between when we pass this motion and when the first meeting of the Dispute Resolution Committee takes place the intemperate and irresponsible approach taken by the member for Kew and consider this serious matter that is about creating jobs, creating economic activity and creating certainty for development in Victoria. You

would have thought the Liberal Party would have supported that. I commend this motion to the house.

House divided on motion:

Ayes, 49

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

Noes, 32

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

Motion agreed to.

Mr McINTOSH (Kew) — I seek leave to give notice of a motion.

Leave refused.

Sitting suspended 6.32 p.m. until 8.02 p.m.

COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

JUSTICE LEGISLATION FURTHER AMENDMENT BILL

Statement of compatibility

Mr CAMERON (Minister for Police and Emergency Services) 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 Justice Legislation Further Amendment 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.

1. Overview of bill

The bill makes amendments to the following justice legislation:

the Corrections Act 1986 in relation to accident compensation for offenders and volunteers and other minor matters;

the Drugs, Poisons and Controlled Substances Act 1981 to provide for controls in relation to the supply of certain prescribed precursor chemicals and apparatus;

the Family Violence Protection Act 2008 and the Stalking Intervention Orders Act 2008 in relation to the police seizure and surrender of firearms;

the Firearms Act 1996 and Police Integrity Act 2008 in relation to its application to the director, police integrity and to the Office of Police Integrity;

the Police Integrity Act 2008 to improve the operation of that act;

the Police Integrity Act 2008 and Police Regulation Act 1958 in relation to drug and alcohol testing of members of the force;

the Road Safety Act 1986 in relation to detection devices; and

the Sex Offenders Registration Act 2004 to improve the operation of that act.

The bill also makes miscellaneous technical amendments to:

the Control of Weapons Act 1990 in relation to its application to the director, police integrity and to the Office of Police Integrity;

the Legal Aid Act 1978 in relation to the functions of Victoria Legal Aid;

the Liquor Control Reform Amendment (Enforcement) Act 2008 to correct minor matters;

the Major Crime Legislation Amendment Act 2009 to correct minor matters;

the Witness Protection Act 1991 to amend a time limit; and

the Working with Children Act 2005 to improve the operation of that act.

2. Human Rights Issues

Drugs, Poisons and Controlled Substances Act 1981

The amendments in part 3 of the bill provide for controls in relation to the supply and storage of certain prescribed precursor chemicals and equipment. These are chemicals and equipment that have a wide range of legitimate uses but can also be used to manufacture illicit drugs, and in large quantities. Because of the range of legitimate uses it is not possible to impose a comprehensive licensing regime, and there are significant difficulties for law enforcement agencies in detecting, investigating and prosecuting offences involving illicit use of such chemicals and equipment. The provisions of the bill impose some limits on the supply of these chemicals and equipment and provide for record keeping to assist in the detection, investigation and prosecution of offences.

Identification requirements and police inspection of records

Privacy (section 13(a)) — not limited

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Part 3 of the bill engages the right to privacy by: requiring receivers of precursor chemicals and equipment to provide certain personal information including their names and addresses (sections 80J, 80L, 80M); requiring the keeping of that information by suppliers (sections 80N, 800, 80P and 80Q); and authorising access to that information by law enforcement agencies (section 80R). The storage, use and disclosure of such information by suppliers is subject to the protections of the Privacy Act 1988 (commonwealth), specifically the National Privacy Principles which apply to organisations.

I consider that any interference with personal privacy is neither arbitrary nor unlawful. The personal details that are required to be provided do not amount to a significant interference with personal privacy and the limited interference is subject to the protection of the Privacy Act 1988 (commonwealth) and clearly necessary for the purposes of regulating the supply of precursor chemicals and apparatus and reducing the ability for them to be used for illicit purposes and assisting in the detection, investigation and prosecution of offences related to such illicit use. Accordingly this amendment is compatible with the charter.

Proposed section 80R empowers police to enter premises without a warrant, at any time when the premises are open for business, provided that they are wearing a uniform or show identification, and to inspect records.

It is questionable whether, in light of the provisions, any person could genuinely have an expectation of privacy in relation to the records or access to business premises during business hours in order to inspect such records. However, to the extent that there is any interference with privacy, I consider that it is neither unlawful nor arbitrary, because the provisions pursue the important purposes set out above and are proportionate to those purposes. Accordingly, I consider the provisions are compatible with the right to privacy in section 13 of the charter.

Family Violence Protection Act 2008 and Stalking Intervention Orders Act 2008

Seizure and surrender of firearms

Property (section 20) — not limited

Section 20 of the charter establishes a right not to be deprived of property other than in accordance with law.

Clause 10 of the bill engages section 20 because it amends section 88 of the Family Violence Protection Act 2008, which guards an individual's property rights by providing that 'the inclusion of a condition relating to personal property in a family violence intervention order does not affect any rights the protected person or respondent may have in relation to the ownership of the property.'

This amendment provides that the section 88 protection only relates to a condition about personal property made under section 86 of the act, clarifying that section 88 was intended to provide that a condition of an intervention order would not change the property rights as between the parties. The effect of the amendment is that section 88 will not apply in respect of orders or directions made by a court in relation to the retention, disposal, forfeiture or sale of firearms and associated articles.

This is consistent with section 20 and would not amount to a limitation on the right because even where a deprivation of property did result it would be in accordance with the law, by reason of the court order.

Clauses 11 and 12 of the bill amend sections 164 and 165 of the Family Violence Protection Act 2008 and clauses 49 and 50 of the bill amend sections 41 and 42 of the Stalking Intervention Orders Act 2008. These amendments relevantly enhance the protection of section 20 of the charter by providing for what will happen to firearms, ammunition, firearms authorities or weapons surrendered to Victoria Police in a search of premises pursuant to these acts. Those sections in each act clearly provide for the return of property or proceeds of sale to the person or lawful disposal in a manner that is consistent with the right to property in section 20 of the charter.

Police Integrity Act 2008 and Police Regulation Act 1958

Persons authorised to take blood samples

Right to privacy (section 13(a)) — not limited

Clauses 23 and 24 of the bill amend sections 30 and 31 of the Police Integrity Act 2008 relating to the testing of OPI personnel in certain circumstances, extending those who can take a blood sample for the purpose of testing for the presence of alcohol or a drug of dependence from solely a 'registered medical practitioner' to include 'an approved health professional'. Clauses 58 and 59 similarly amend division 4A of part IV of the Police Regulation Act 1958 (the testing of members for alcohol or drugs of dependence) for the same purpose. This amendment engages the right against medical treatment without consent (section 10(c)) and the right to privacy in section 13(a), which encompasses the right to physical integrity of the person, and extends to medical interventions such as blood tests.

The provision in section 85B of the Police Regulation Act 1958 for the testing of police members for alcohol or drugs of dependence was inserted by the Police Regulation Amendment Act 2007. Sections 30 to 37 of the Police Integrity Act 2008, regulate the testing of OPI officers following a critical incident that results in death or serious injury, where the director, police integrity (DPI) reasonably believes that an officer's ability to perform his or her duties is affected by alcohol or drugs, and where the DPI reasonably believes that an officer ought to be tested to manage the member's performance of his or her duties or to take disciplinary action against the member.

These provisions have been the subject of previous statements of compatibility, which outlined that the right to privacy are not limited because the circumstances in which testing is authorised is not unlawful or arbitrary and the confidentiality of test results is provided for. The statements of compatibility also considered that any limit on a person's right not to be subjected to medical treatment without full, free and informed consent was minimal, rationally connected to the purposes of the scheme, necessary, the least restrictive means to achieve its purpose and accordingly justified pursuant to section 7(2) of the charter.

In its charter reports on the provisions, the Scrutiny of Acts and Regulations Committee also considered that the provisions were a reasonable limit on the section 10(c) right against non-consensual medical treatment, according to the test in section 7(2) of the charter, and did not infringe the right to privacy.

The extension to allow approved health professionals, as a class of persons precisely defined in the Road Safety Act 1986, to take a blood sample for testing does not involve any further interference with the person's privacy or other rights than these existing provisions already provide for. Accordingly, I consider the amending provision is compatible with the human rights in the charter.

Power to seize documents and limiting the grounds of privilege in relation to search warrants

Right to a fair hearing (section 24(1)), protection from self-incrimination (section 25(2)(k) — not limited

Section 24(1) of the charter protects the right of a person to have a charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing and section 25(2)(k) protects the right of a person not to be compelled to testify against himself or herself or to confess guilt.

Clause 27 repeals section 89(2) of the Police Integrity Act 2008, which provides that the document seized from the office of a public authority cannot be used for the purposes of an investigation until the 7-day period for making an application to the Magistrates Court for the return of the item has expired or until any appeal in relation to the application has been finally determined. The purpose is to remove this delay from the investigation and make the provision consistent with section 74 of the Police Integrity Act which provides that no secrecy or restrictions on the disclosure of information obtained by or given to a public authority applies to the disclosure of information for the purposes of an examination or investigation.

The amendment allowing seized documents to be used immediately for an investigation does not limit the right in section 24(1) of the charter of a person to have a charge or proceeding decided after a fair hearing, because it does not remove the right of a person to make an application for the return of seized documents and nor does it limit the exclusionary discretion of the court at common law to exclude evidence obtained improperly, unlawfully or as a consequence of an impropriety or a contravention of the law under these provisions that would otherwise affect a person's ability to receive a fair trial (see the rule in *Bunning v. Cross* (1978) 141 CLR 54, now also reflected in section 138 of the Evidence Act 2008).

Clause 28 amends section 99(6) to remove the right to claim privilege against self-incrimination in relation to material seized under a search warrant.

The protection against self incrimination protected by the right to a fair hearing and specifically section 25(2)(k) of the charter does not extend to documents seized pursuant to a warrant. This is consistent with the approach taken by the European Court of Human Rights in *Heaney v. Ireland* (2001) 33 EHRR 264 and *Saunders v. United Kingdom* (1997) 23 EHRR 313 at paragraph 69, that the right not to incriminate oneself 'does not extend to the use in criminal proceedings of material which may be obtained from the accused through the use of compulsory powers but which has an existence independent of the will of the suspect such as, inter alia, documents acquired pursuant to a warrant …'.

Accordingly, I consider that these amendments are compatible with sections 24 and 25 of the charter.

Sex Offenders Registration Act 2004

Additional personal details to be provided

Right to privacy (section 13) — reasonable limit

Clause 42 inserts sections 14(1)(dd) and 14(1)(m) into the Sex Offenders Registration Act 2004 which require registrable offenders to provide additional personal details in their initial reports, including internet or other electronic communication service user names and passport details. It also amends section 17 of the Sex Offenders Registration Act to require registrable offenders to report changes to these details.

By extending access to personal information, this provision engages the right to privacy in section 13(a) of the charter, which provides that a person must not be subject to either unlawful or arbitrary interference with his or her privacy, family, home or correspondence. As such, section 13(a) requires that even an interference with personal information provided for by law must be in accordance with the provisions, aims and objectives of the charter and should be 'proportional to the end sought and be necessary in the circumstances of any given case.' (*Toonen v. Australia* 488/1992 (1994)).

The purpose sought to be achieved by the limitation relates to societal concerns of child and community safety that are pressing and substantial. The extension of the provision to collect a new range of personal information is necessary having regard to the expanded contact opportunities that are now afforded by the internet environment and other means of remote communication.

Police to provide information from the register to secretary

Right to privacy (section 13) — reasonable limit

Clause 47 alters who can access the Sex Offender Register by amending section 63(1A) of the Sex Offenders Registration Act 2004 to allow the chief commissioner to provide information from the register to the secretary of the name, date of birth and residential address/es of any registrable offender as stated in the register. This will allow the working with children unit to check the information from the register immediately so as to identify any registered sex offenders who have obtained an interim receipt under the Working with Children Act 2005, rather than the present provisions which do not provide for an arrangement between the secretary and the chief commissioner.

The interference with privacy is lawful because the collection of information by the secretary complies with the information privacy principles (IPPs) in the Information Privacy Act 2000, which regulate the collection, use and disclosure of personal information of this kind. Principle 1.1 provides that public sector organisations 'must not collect personal information unless the information is necessary for one or more of its functions or activities'.

The collection of information by the secretary in accordance with section 63(1B) is necessary for its functions in properly determining an application for a working-with-children check. This legitimate purpose enhances community protection particularly as it relates to the vulnerability of children as recognised in section 17(2) of the charter.

The interference with privacy is strictly circumscribed as only permissible for the purpose and administration of the Working with Children Act 2005 and it is necessary to achieve that purpose. The interference is not substantial, allowing the chief commissioner to notify the secretary of the name, date of birth and residential address of the relevant registrable offender, and it is proportionate to the end sought. For these reasons, the amendment does not allow for arbitrary incursions into the right to privacy in section 13(a) of the charter and I consider the amendment to be compatible with that right.

Application to juvenile offenders

Protection of children (section 17(1)) and rights of children in the criminal process (section 23(3)) — not limited

Clause 41 of the bill amends section 11 of the Sex Offenders Registration Act 2004 to extend the discretion of the court — on sentencing a person to offences committed as a child — to impose reporting obligations not only on persons sentenced for a class 1 or class 2 offence committed as a child, but also for a class 3 or 4 offence committed as a child. The amendment recognises that in certain cases, offenders who commit class 3 or 4 offences when they are under 18 years of age should be required to keep police informed of their personal details and whereabouts in accordance with the purpose of the act.

The amendment engages section 17 of the charter, pursuant to which 'every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child', and section 23(3), which provides that 'a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.' I do not consider that this amendment limits either of these rights because the reporting obligations are imposed at the discretion of the court and not automatically. The fact that a person is a child at the time of the offence and the need for a child to be treated in a way appropriate for his or her age would be considered by the court in the exercise of its discretion.

Clause 45 inserts a note below section 34(1) of the Sex Offenders Registration Act 2004 and inserts section 34(1A), clarifying that a reduced reporting period will only apply where the person was a child at the time of commission of each and every registrable offence for which they have been subsequently convicted. As such, where a person is convicted for a registrable offence which was committed as an adult and that person also has a prior relevant offence as a juvenile, any relevant juvenile pre-convictions are to be factored into calculations under section 34 as though they had been adult convictions.

Children under 18 years old are still treated as juvenile offenders and will still only be subject to the reduced reporting period (half that of an adult). Accordingly I consider that this provision is consistent with the right in section 23(3) of 'a child who has been convicted of an offence to be treated in a way that is appropriate for his or her age'.

Period within which registrable offenders must report to police

Right to liberty (s 21(3)) — not limited

Clauses 43 and 44 shorten the time limit within which the offender must report changes relating to whether he or she generally resides with a child or has unsupervised contact with a child. Because the offence of failing to comply with reporting obligations is a maximum of 5 years imprisonment a strict time limit within which to comply with, the provisions may engage the right in section 21(3) of the charter not to be deprived of liberty 'except on grounds, and in accordance with procedures, established by law'. However, the right is not limited because the offence provisions are not arbitrary in their application and they allow the court to consider whether a person had a reasonable excuse for failing to comply (section 46(2) of the act).

3. Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions do raise human rights issues, those limitations are reasonable and demonstrably justified in a free and democratic society.

Bob Cameron, MP
Minister for Police and Emergency Services
Minister for Corrections

Second reading

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

That this bill be now read a second time.

This omnibus bill will contribute to fulfilling the government's election commitments.

The amendments will improve community safety and in particular, the safety of children and victims of sex crimes as well as confidence in the criminal justice system by:

strengthening Victorian laws to make sex offenders more accountable to police, and in doing so, reducing the risks posed to the community by sex offenders;

improving information sharing arrangements between the Secretary of the Department of Justice and other law enforcement agencies when assessing persons who apply for a working-with-children check;

enhancing road safety initiatives especially relating to speed and driver behaviour;

establishing a regulatory scheme to control the sale and storage of precursor chemicals and equipment, in order to prevent the diversion of these goods from legitimate industry to production of illicit amphetamine-type stimulants (ATS) in clandestine laboratories;

clarifying the powers and improving operational capacity of the Office of Police Integrity;

enhancing the drug and alcohol testing regime applicable to both Victoria Police members and Office of Police Integrity staff by extending the classes of professionals who may take samples, from police members and OPI staff involved in critical incidents, for testing for the presence of alcohol or drugs;

clarifying the role of Victoria Legal Aid to deliver legal advice and representation for persons called to be examined by the director, police integrity on behalf of the Secretary of the Department of Justice; and

improving the appeal process for persons who the Chief Commissioner of Police intends to remove from the witness protection program.

I now turn to the each of the bill's components in more detail.

Part 2 of the bill amends the Corrections Act 1986

A. Functions of the secretary

The bill removes the obsolete section 7(2) of Corrections Act relating to the power of the Secretary of the Department of Justice to enter contracts for the provision of health services.

B. Accident compensation volunteers and offenders

The bill amends the Corrections Act 1986 to ensure that volunteers or offenders who are injured undertaking tasks or programs under the Corrections Act 1986 are still entitled to compensation in accordance with the Accident Compensation Act 1985 but are no longer considered to be employees of the Crown for this purpose.

Claims under this section will be managed by the Victorian WorkCover Authority and the amendment also allows that compensation for this purpose be reimbursed through consolidated revenue.

The amendment will negate the inflated effect that these claims have had on the department's WorkCover insurance premium. It will reduce the premium paid by the Department of Justice and bring the treatment of volunteers and offenders into line with similar areas across government. Importantly, this change will not affect existing entitlements of offenders and volunteers to compensation. The department has converted the existing departmental funding into a special appropriation, providing a budget bottom-line-neutral outcome. The 'offender claims' are estimated at less than $100 000 per annum.

It will also ensure that the departmental employment-related injury statistics will be employee related. Accident and injury details for volunteer and offender injuries will be maintained separately.

This amendment aligns closely with the provisions of other acts dealing with injury compensation for

volunteers and non-workers in other government agencies and replaces section 110 of the Corrections Act without reducing or increasing rights and eligibility to compensation.

The amendment does not negate or reduce the Department of Justice's responsibility or obligations to the health and safety of volunteers or offenders as required under Occupational Health and Safety Act 2004.

Part 3 of the bill amends the Drugs Poisons and Controlled Substances Act 1981

A. Sales and storage regime for precursor chemicals and scientific equipment.

Part 3 of the bill amends the Drugs, Poisons and Controlled Substances Act 1981 to establish a sales and storage regime for precursor chemicals and scientific equipment.

The aim of the regulatory regime is to reduce the supply of illicit synthetic drugs in the community by establishing controls on the supply of the precursor chemicals and scientific equipment used to manufacture them.

Collectively these illicit synthetic drugs are called amphetamine type stimulants (ATS). They include the forms of methamphetamine commonly known as 'speed' and 'ice'.

The government is committed to reducing the supply of ATS in Victoria. The production and use of ATS causes serious harms to drug users and the community. There is growing evidence about the ill effects associated with ATS use — such as dependence, cognitive impairment and violence — as well as a clear link between ATS and crime.

Precursor chemicals and equipment are widely used in a diverse range of industries such as agriculture, construction and the food sector, but can also be diverted for use in the manufacture of illicit ATS in clandestine laboratories.

The regime established by the bill will mandate sales and storage procedures for the supply of precursor chemicals and equipment to ensure the consistent application of these procedures by suppliers, and to provide greater deterrence to persons intending to purchase precursor goods for diversion to illicit drug production. The regime will protect the supply chain by only allowing transactions that can be recorded and traced through customer accounts, end-user declarations and transaction records.

The procedures are based on elements of the voluntary Code of Practice for Supply Diversion into Illicit Drug Manufacture, which is issued by the Plastics and Chemicals Industries Association and Science Industry Australia in consultation with Australian law enforcement agencies.

The amendments in the bill will require suppliers of prescribed chemicals and equipment to obtain end-user declarations from their customers. End-user declarations will be required for all sales of the higher risk category 1 chemicals and for cash sales of other categories of chemicals and equipment. Suppliers must restrict sales of category 1 chemicals to account customers and delay the supply of category 1 chemicals until 24 hours has elapsed after the sale. Suppliers will also be required to check each customer's proof of identity.

The bill establishes strict record-keeping and storage requirements to ensure transactions can be traced for law enforcement purposes. Suppliers must keep sales records and end-user declarations for periods of at least 5 years for category 1 chemicals or at least 2 years for other categories. Suppliers will also need to store category 1 chemicals so as to prevent access by anyone but the supplier or a person authorised by the supplier in writing. Records and declarations must be made available to police for inspection on request during business hours.

Non-compliance by suppliers will incur fines of up to 30 penalty units for an individual or 150 penalty units for a body corporate in relation to supply-related offences, or up to 20 penalty units for an individual or 100 penalty units for a body corporate in respect of record-keeping or storage offences.

The bill specifies that the regime does not apply to retail sales of retail products containing precursor chemicals. The regime is intended to apply to suppliers such as manufacturers, importers, distributors and wholesalers supplying precursor chemicals and equipment for use in industry.

The chemicals and equipment to be controlled under the regime will be categorised according to risk, as occurs under the voluntary code, and will be prescribed by regulation. This will enable the prescribed items to be updated when necessary to keep pace with developments in illicit drug production techniques.

Part 4 of the bill amends the Family Violence Protection Act 2008

A. Surrender and seizure of firearms

The bill also makes some minor changes to the Family Violence Protection Act 2008 and clarifies that whether a firearm, firearm authority or ammunition or weapon is surrendered or seized under that act or the Stalking Intervention Orders Act 2008 it will be retained, returned or disposed of in the same way.

Part 5 of the bill amends the Firearms Act 1996

A. Clarifying the application of the firearms regime to the operations of the Office of Police Integrity

The bill contains amendments to the Firearms Act 1996 to clarify the application of the firearms regime to the operations of the Office of Police Integrity (OPI). These amendments will facilitate the operations of the OPI to investigate police corruption whilst continuing to ensure that the community protections of the firearms regime apply. As the system of possession, storage and use of firearms in Victoria is overseen by the Chief Commissioner of Police the amendments take into account certain matters to ensure the independence of the Office of Police Integrity and not compromise the effectiveness of their investigations. The bill also contains some minor amendments to the Control of Weapons Act 1990 to facilitate the use by OPI of defensive equipment by ensuring appropriate identification requirements are met.

B. Various amendments

The bill will also:

allow a person authorised by the director, police integrity (the director) to acquire or dispose of firearms from licensed firearms dealers on behalf of the director. Not all staff authorised to possess, carry and use firearms or defensive equipment will also be authorised to acquire those firearms or defensive equipment. This role, that of armourer, will be given to one specific person. This person will also be exempt from the requirement to obtain a 'permit to acquire' from the Chief Commissioner of Police to acquire firearms;

provide that all firearms acquired on behalf of the director be registered in the director's name and recorded accordingly on the Victoria Police firearms register. The director will be required to notify the chief commissioner within seven days of acquiring or disposing of a firearm and to notify the chief commissioner within 24 hours of becoming aware that a firearm is lost, stolen or destroyed;

exempt the director from the requirement under the act to produce a firearm for inspection by a member of the Victoria Police;

allow authorised staff to possess, carry and use firearms in a populous place and on private property in a similar manner to police officers;

also exempt the director from the requirement to hold a firearms licence under the act in a similar manner as applies to authorised staff.

Part 6 of the bill amends the Police Integrity Act 2008

The bill will:

insert a new category of OPI staff, a 'senior investigator' who, if the director believes holds an appropriate level of skill, will be able to coercively question witnesses during an investigation but will not be permitted to conduct formal examinations under the act. Senior investigators will also be authorised to disclose information obtained in the course of an investigation to other law enforcement agencies and corresponding authorities, such as during a joint investigations or where an investigation reveals evidence of an offence committed in another state or territory;

repeal section 89(2) of the Police Integrity Act 2008. This will remove the requirement that the director wait until the expiration of the statutory time for making application for the return of a document or thing seized from a public authority, other than under a search warrant, (including the time for determination of an appeal against a decision not to return that material) before the document or thing may be used for the purposes of an investigation. This amendment is necessary to prevent the usefulness of such documents and things being destroyed or denigrated by the passage of time and complements section 74 of the Police Integrity Act 2008, which removes Crown privilege and provides that no right of secrecy attaches to the disclosure of information held by a public authority;

remove 'self-incrimination privilege' in relation to documents and other things seized under a search warrant. Removal of this form of privilege is consistent with the provisions relating to the conduct of examinations, where the privilege against self-incrimination has been specifically abrogated. 'Legal professional privilege', 'public interest immunity' and 'parliamentary privilege' will

continue to be able to be claimed. The purpose of a search warrant is to gather evidence relating to the commission of an offence or offences and allowing a privilege against self-incrimination in relation to documents and other things seized under a search warrant would likely render that warrant ineffective.

extend the classes of person who may take samples of blood from OPI staff involved in a 'critical incident' (such as a shooting or motor vehicle accident) whilst on duty for analysis for the presence of alcohol or drugs to include 'approved health professionals' as defined under the Road Safety Act 1986. This change will help ensure that such samples can be taken following a critical incident where a registered medical practitioner is not available, such as in rural areas.

provide that the director may only authorise a member of staff of OPI to possess, carry or use defensive equipment or firearms who has undergone an appropriate course of training and allows defensive equipment and firearms to be possessed, carried and used for defensive purposes.

require the director and authorised staff to comply with the storage requirements of the Firearms Act 1996.

make it clear that an authorisation to possess, carry and use defensive equipment and firearms is ongoing until revoked.

Part 7 of the bill amends the Sex Offenders Registration Act 2004

A. Exempting certain offenders from reporting obligations

The bill will amend Sex Offender Registration Act 2004 (SORA) to set up a process allowing the chief commissioner to apply to the Supreme Court for an order that exempts a registrable offender from their reporting obligations for a specified period of time. It is proposed that the chief commissioner could make this application in respect of any registrable offender, irrespective of the length of the reporting period that applies to that registrable offender, and that the application could be made at any time during that reporting period.

The criteria for the court to consider in determining an application by the chief commissioner would be those that apply where the court is determining an application for suspension by a registrable offender, set out in sections 40(2) and 40(3) of the SORA, as well as any evidence presented by the chief commissioner as to the risk that the registrable offender presents to the safety of the community.

That is, in determining an application by the chief commissioner to exempt a registrable offender from his or her reporting requirements the court would be required to be satisfied that the registrable offender does not pose a risk to the safety of one or more persons or of the community. In making its decision, the court would be required to take into account:

the seriousness of the registrable offender's registrable offences and corresponding registrable offences; and

the period of time since those offences were committed; and

the age of the registrable offender, the age of the victims of those offences and the difference in age between the registrable offender and the victims of those offences as at the time those offences were committed; and

the registrable offender's present age; and

the registrable offender's total criminal record; and

any other matter the court considers relevant, including any evidence presented by the chief commissioner as to the risk that the registrable offender presents to the safety of the community.

Where the court grants an application by the chief commissioner in respect of a registered offender whose reporting obligations are for a term less than the remainder of his or her life, the SORA should provide that the term of the reporting obligations continues to run whilst they are suspended.

The provisions of section 44 with respect to the circumstances in which a suspension order ceases to have effect should apply to an order made upon an application by the chief commissioner. In addition, the chief commissioner should be able to apply to the court for an order that the suspension cease, on the grounds that the circumstances upon which the exemption order was originally sought have materially changed.

B. Making registrants more accountable and increasing consistency in registration schemes across Australia

The bill will improve the operation of the SORA and its consistency with other acts across Australia. Earlier this year, a national working party formed by the Ministerial Council of Police Ministers settled a

number of operational policing improvements and legislative reform measures to improve consistency across these schemes. These operational improvements and the law reforms contained in this bill will ensure greater cooperation between Australian policing jurisdictions and in turn increase the convicted sex offenders' accountability to police and engender greater community safety.

The measures before the Assembly include shortening the period within which an offender must, upon becoming registered, make an initial report to police, from 28 to 7 days; requiring offenders to provide police with details of any passport/s they hold, internet, messaging and chat room user names.

The bill proposes that registrants must report unsupervised contact with children to police within 24 hours. This reform will increase registrants' accountability with respect to their unsupervised access to children. Currently, registrants have up to three days to report such events.

C. Imposing registration obligations on convicted persons

The bill will clarify that a court can place a child offender on the register in respect of a serious sexual offence against an adult if the court is satisfied the offender poses a risk to the safety of one or more members of the community.

The bill will also clarify that where a person has been found guilty of a registrable offence which was committed as an adult, and where that person has also been found guilty of prior relevant offences as a juvenile (whether these form part of the same presentment or not), the bill will clarify that for the purposes of calculating reporting periods:

(a) any relevant juvenile prior findings of guilt be taken into account under section 34 without consideration of age of the offender at the time of commission where the most recent conviction is for an offence committed as an adult; and

(b) that the juvenile prior findings of guilt do not attract any discount with respect to reporting period calculations in such cases.

D. Clarification of reporting requirements for juvenile offenders

The bill will clarify that a court may impose reporting obligations on a child under 18 years, in respect of the commission of class 3 or class 4 offences (i.e., sexual offences involving an adult as victim), provided that they otherwise meet the criteria under section 11. It will amend section 11 (2) of the SORA to make explicit that a court may order that a child comply with reporting obligations on sentencing for a class 1 or 2 offence, including an offence that is a class 3 or 4 offence.

E. Greater exchange of information with the working-with-children check unit

Whilst a working with children check application is processed, the interim receipt for an application endorsed by Australia Post entitles the holder to engage in child-related work for the purposes of the WWC act. The average time to process a working-with-children check application is four to six weeks.

The bill will amend the act to allow greater information exchange between Victoria Police, which administers the register of sex offenders, and the working-with-children check unit. This will facilitate swift identification of registered sex offenders who apply for a working-with-children check, rather than having to wait for the full four-to-six-week criminal record check to occur.

F. Internet and electronic communication identities

The SORA prescribes the personal details that a registrable offender must report initially to police. Among other matters, it requires the registrable offender to report their name, date of birth, and address or locations where they currently reside.

Having regard to the ever burgeoning contact opportunities that may be afforded by the internet environment or through other means of remote communication, the bill expands the list of personal details that must be provided by a registrable offender under section 14(1) to include:

internet user names,

instant messaging user names,

chat room user names, or

any other user name or identity used by the person through the internet or other electronic communication service.

G. Details of registrable offenders' passports

The bill amends the SORA to make registrable offenders advise police of any passports that they may possess. This will facilitate enforcement activities around reporting absences from the country and for the purposes of alerting customs that a registrable offender

is returning to Australia after leaving the country. This will increase sex offender's accountability and help law enforcement agencies to cooperate on initiatives to combat sex tourism.

H. Change to the time period necessary to establish that a registrable offender has unsupervised contact with a child

SORA prescribes the time periods within which various classes of registrable offenders must initially report their personal details to the Chief Commissioner of Police. Giving registrable offenders 14 and in some cases 28 days to report undermines Victoria Police's ability to expediently and effectively manage the risk posed by registrants to the community.

Through the national working group on sex offender/ANCOR legislation, the Victorian government has undertaken to pursue consistency between its legislation and other Australian sex offender registration schemes. Shortening the period within which an initial report is to be made to seven days will bring Victoria in line with a majority of Australian jurisdictions.

I. Clarification of how reporting periods are calculated

The SORA prescribes the length of a registrable offender's reporting period is determined by reference to sections 34 and 35 of the SORA. A registrable offender is required to comply with the reporting obligations for either 8 years, 15 years or for the remainder of their life, depending on whether the offender has previously been found guilty of one or more registrable offences. Section 35 lays out the reduced reporting periods that apply for juvenile registrable offenders.

Section 34(2) of SORA provides that a reference in subsection (1) to an offence extends to an offence committed before the commencement of that subsection. Accordingly the act is intended to apply to offences committed before the act commenced on 1 October 2004.

It is not uncommon for a person to be found guilty at the same presentment for offences committed both as an adult and as a juvenile. For example, a person may be found guilty of three class 1 offences, two of which were committed as a 16-year-old and the remaining class 1 offence committed as an 18-year-old adult.

Such cases have caused some courts difficulties when it comes to calculating reporting periods. This largely emanates from a lack of clarity around the application or intersection of section 35 with section 34.

The bill clarifies that where a person is found guilty of a registrable offence which was committed as an adult and that person has also been found guilty of prior relevant offences as a juvenile (whether or not the juvenile offences form part of the same presentment as the adult offences), for the purposes of calculating reporting periods:

(a) any relevant juvenile prior findings of guilt be taken into account under section 34 without consideration of age of the offender at the time of commission where the most recent finding of guilt is for an offence committed as an adult; and

(b) that the juvenile prior findings of guilt do not attract any discount with respect to reporting period calculations in such cases.

The corollary of this is that the moderating effects of section 35 apply when each offence/s which led to the seeking or making of the order were committed as a juvenile.

Part 8 of the bill amends the Stalking Intervention Orders Act 2008

A. Surrender and seizure of firearms

The bill also makes some minor changes to the Stalking Intervention Orders Act 2008 and clarifies that whether a firearm, firearm authority or ammunition or weapon is surrendered or seized under that act or the Family Violence Protection Act 2008, it will be retained, returned or disposed of in the same way.

Part 9 amends a number of acts

A. Control of Weapons Act 1990

The bill will amend the Control of Weapons Act 1990 to specify the types of identification an authorised member of staff of OPI must produce in order to be able to purchase defensive equipment (such as oleoresin capsicum spray and extendable batons) that is a 'prohibited weapon' or body armour which is also controlled by the act. The identification that will be required to be produced is the written authorisation to purchase such equipment and that person's OPI photographic identity card.

B. Legal Aid Act 1978

The bill will also amend the Legal Aid Act 1978 to facilitate Victoria Legal Aid administering funding for

legal representation for witnesses called before the director, police integrity, for examination and under other arrangements agreed to by the Attorney-General. The scheme for the legal representation of witnesses is already established under the Police Integrity Act 2008. The cost of such representation will come from specific allocations by the government and will not detract from the legal aid funding otherwise available.

C. Liquor Control Reform Amendment (Enforcement) Act 2009 and the Major Crime Legislation Amendment Act 2009

The bill also makes a small number of technical and consequential amendments to the Liquor Control Reform Amendment (Enforcement) Act 2009 and the Major Crime Legislation Amendment Act 2009 to support the effective operation of the provisions of these acts.

D. Police Regulation Act 1958

The bill will also extend the classes of person who may take samples of blood from Victoria Police members involved in a 'critical incident' (such as a shooting or motor vehicle accident) whilst on duty for analysis for the presence of alcohol or drugs to include 'approved health professionals' as defined under the Road Safety Act 1986. This change will help ensure that such samples can be taken following a critical incident where a registered medical practitioner is not available, such as in rural areas.

E. Road Safety Act 1986

As part of the government's efforts to improve public understanding of the Road Safety Act, recent amendments to that act were made in order to adopt new terms of 'road safety camera' and 'speed detector'. The bill makes the necessary transitional provisions to cater for this change in name.

F. Witness Protection Act 1991

The bill will also amend the Witness Protection Act 1991 to extend, from 3 days to 14 days, the time that the director has to consider an appeal by a person in the witness protection scheme against a decision by the Chief Commissioner of Police to remove that person from the scheme.

G. Working with Children Act 2005

The bill amends the Working with Children Act 2005 to allow for notifications by other commonwealth, state and territory law enforcement agencies in relation to charges or convictions. Under these circumstances the Secretary of the Department of Justice will be required to reassess a person's eligibility to have an assessment notice.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Tuesday, 25 August.

CASINO LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 11 June; motion of Mr ROBINSON (Minister for Gaming).

Mr O'BRIEN (Malvern) — I quote:

> The opposition opposes the bill for a range of reasons. The first is that there has been no social or economic impact study …
>
> …
>
> The opposition opposes very strongly and strenuously the expansion of the casino …
>
> …
>
> The Premier is more concerned about how long someone waits to get on to a gaming table at the casino than how long Victorians wait to get hospital beds, to get onto hospital trolleys or to get ambulances …
>
> …
>
> The casino is adversely affecting the economy. It is adversely affecting small businesses and retail traders.
>
> It is acting as a job displacer, not a job creator …
>
> …
>
> History will judge, when one looks back on this debate, how correct the opposition was in the position it took on the legislation.

I emphasise that these are not my words; they are the words of a leader of the opposition speaking on a bill to ratify a deal that increased the number of gaming tables at Crown Casino by 150, similar to that before the house this evening. These words were spoken on 23 November 1995 by the then Leader of the Opposition, John Mansfield Brumby, a man who is now Premier and who brings into this Parliament a bill to ratify a deal that increases the number of gaming tables at Crown Casino by 150.

At least the Premier was right about one thing when he spoke those words back in 1995 in the debate on the

Casino (Management Agreement) (Further Amendment) Bill: history will judge him. And the verdict of history is that the current Premier is a first-class, solid-gold, grade-A hypocrite. Now he comes to this place with a bill to rubber-stamp a deal to expand the casino by 150 gaming tables, a deal conceived in secret, negotiated in secret, announced under the cover of the federal budget and mired in deception of the Premier's own making. It is a deal the government has refused to come clean on; it has withheld information, withheld documents and answered questions dishonestly, and yet it comes to this place with a bill that essentially says, 'Trust us, this is good for Victorians'. Not in this lifetime! We know better than to trust this government, and we know better than to trust this Premier.

Let us look at this bill and what it does. Its purpose is to abolish the health benefit levy on casino electronic gaming machines from 1 July 2012 — that is the first purpose. The health benefit levy currently raises $4333.33 from every gaming machine in the state. Now the government says it is abolishing this levy from 1 July 2012 for hotels and clubs; that is fine, but there is no requirement for the government to abolish the health benefit levy in relation to the casino; it has chosen to do so.

It is absolute nonsense for government members to say, 'Our hands are tied. We had to do a deal with the casino; we have no choice'. The government has all the leverage in the world when it comes to doing a deal with the casino. The casino cannot move, expand or remove health benefit levies without the government's legislative approval. The government has the whip hand, yet what we have seen so far indicates that Victorians have been sold out by this sweetheart deal.

The second purpose of the bill is to ratify what is called the ninth deed of variation to the management agreement for the Melbourne casino. I quote from the explanatory memorandum:

> … to more closely align the rate of taxation that applies to gaming machine revenue in Victoria between the casino and other gaming venues through imposing additional taxes on the casino's gaming machines.

That is putting it more mildly than the Minister for Gaming did when he announced this deal on federal budget day in a desperate attempt to bury the news. In the minister's press release, dated 12 May 2009, he is quoted as saying:

> This reform will result in tax rates being virtually equal for Crown Casino and other gaming venues.

Let us have a look at what hotels and clubs will be paying from 1 July 2012, and then let us have a look at what the casino will be paying under this deal. If this deal goes ahead, the casino will be paying taxes on its electronic gaming machines at a rate of 29.13 per cent from 1 July 2012. Hotels will be paying 58.33 per cent on gaming machines making $12 500 a month.

Compare the 29.13 per cent the casino will be paid with the 58.33 per cent that hotels will be paying or the 50 per cent, on the same revenue, that clubs will be paying. The government says it is making tax rates virtually equal, but the casino will pay 29 per cent, clubs will pay 50 per cent and hotels will pay 58 per cent. If this is equal, it is some *Animal Farm* version of equal where some gaming operators are more equal than others. It seems to be the casino that is far more equal in Brumby's world than it is in the real world.

Let us knock that nonsense, that furphy, that dishonesty on the head. The minister said the deal makes tax rates virtually equal between Crown Casino and other gaming venues, but it does no such thing. Even looking at the deal in the most generous way possible, from the end of the tax increases in 2014 the casino will still only be paying 32.57 per cent on its electronic gaming machine revenue, whereas on revenue of $12 500 hotels will be paying 58 per cent and clubs will be paying 50 per cent. Even on slightly less revenue, hotels will be paying 50.83 per cent and clubs will be paying 42.5 per cent. The government has told a deliberate untruth with this claim.

What else does this deal do? It increases the thresholds at which the casino super tax is payable by a total of $75 million by 1 July 2013. The super tax is an additional tax on revenues over a particular level that the casino pays, so increasing the thresholds at which the casino is paying its super tax is cutting the tax that would otherwise be payable by the casino. We have increases in tax that retain the huge disparities between clubs and pubs and the casino, we have a tax break in the form of increased thresholds for superannuation tax and we have the abolition of the health benefit levy at $4333 annually on each one of Crown Casino's 2500 gaming machines.

What else do we have? This is something the government has been a bit shy to talk about. We also have an expansion of the casino. We have an agreement to increase the number of gaming tables at the casino from 350 to 500 — that is, 150 additional gaming tables, which is a 43 per cent increase in the number of tables. You might think that would be worth quite a bit to Crown Casino, and you would be right, but we do

not know how much because the government refuses to tell us.

The government comes into this place with a bill, expecting the Parliament to rubber-stamp it. It wants to give something that is of great economic value to Crown Casino but it will not tell us how much it thinks it is worth. An analogy is that somebody could offer to buy my car for $10 000, which might sound like a good price, but if the car is worth $50 000, then I am being ripped off. We do not know whether or not taxpayers are getting a good deal because the government refuses to state how much it believes this deal is worth to the casino.

Mr Weller — Is that open and accountable?

Mr O'BRIEN — It is not open and accountable at all. It is hiding in the shadows, and it is being embarrassed by a sweetheart deal, and not prepared to come clean with the Parliament or with the Victorian community. The government is not prepared to put its cards on the table — pun intended! — or tell us what this deal is worth.

When, at the start of my contribution, I quoted the then Leader of the Opposition who is now the Premier, I noted that one of the reasons why the then opposition opposed a bill similar to this was because there was no social or economic impact study. You would have thought that having railed against a previous bill for failing to have an economic or social impact study, the government would not be so hypocritical as to bring a bill into this house to expand gaming without a social or economic impact study. But no, once again government members are a bunch of hypocrites. They say, 'Do as I say, not as I do'. In opposition they thought this was a great idea; in government it does not matter any more.

There is no economic or social impact study on what this expansion of gambling is going to mean. You cannot increase the number of gaming tables at the casino by 43 per cent without imagining it is going to have an impact on the level of gambling and the level of problem gambling. Where in this package are the measures to address additional problem gambling? There are none. Not one dollar of the extra revenue the government claims it is going to receive as a result of the sweetheart deal is going to additional problem gambling services, and that is disgraceful.

I would like to see members opposite get up here and justify that. Is this why members opposite joined the Labor Party — so they can roll into Parliament and argue for a sweetheart deal with the casino to expand its gambling tables without one single dollar going to additional problem gambling services? Let us see them try.

I have made the point that the government has bowled this bill into the Parliament, expecting us to rubber-stamp it without a social or economic impact assessment and without telling the public what it believes this bill is worth to the casino. It is trying to keep everyone in the dark so we cannot make an informed decision. That is not good enough. We will not be bullied by the government.

Therefore, I move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until —
>
> (a) there has been a full social and economic impact study into the proposed expansion of the casino and the report on such study has been made available for consideration by the Parliament; and
>
> (b) the government's analysis of the likely financial benefits to the Melbourne casino of the ninth deed of variation and associated arrangements is made available for consideration by the Parliament:

I make the point that, unlike the hypocrites on the other side, we are not going to start ranting and railing and saying we are opposed in principle to any expansion of the casino under any circumstances; we do not say that. We say a case could be made for an expansion and that the government has done a deal which is in the interests of Victorian taxpayers and in the interests of Victorians more broadly, including problem gamblers. However, we also say the government has comprehensively failed to make that case because of its deceit, its deception and its dishonesty. The opposition will not consider this bill further until the government provides the material to let the opposition and the Victorian public make an informed assessment of this deal and allows itself to be held accountable to the Parliament and the people.

Having heard the words of their leader calling for an economic and social impact assessment, I cannot wait to hear members opposite arguing why it was so essential to have this sort of information in 1995 when the previous government was expanding the casino by 150 tables but apparently unnecessary today when the Labor Party wants to expand the casino by 150 tables. It will take some very twisted logic to conjure up an argument that makes government members sound in any way principled and consistent. I see the smiling face of the member for Bentleigh, and I am sure he is going to give it a red hot go.

As I said earlier, this deal was conceived and negotiated in secret; there was no consultation whatsoever. Was

the Responsible Gambling Ministerial Advisory Council consulted? That council is supposed to be the government's body set up to consider issues relating to gambling, and particularly relating to problem gambling. No, of course it was not consulted. It is like the introduction of TAB TV. It is like letting Intralot have a licence which permits it to sell lottery tickets via vending machines and SMS messages. RGMAC was not consulted on any one of these massive expansions of gambling, and the government continues that disrespect for the industry and for problem gambling bodies that serve on that council through its failure to consult.

We also know the government has said, 'We had commercial negotiators in here to do this deal. It was not the Premier or the Treasurer doing the deal, so that commercial negotiation was all done at arm's length'. It was funny, because apparently all those negotiations were not exactly great at the start. I have a letter dated 23 April from James D. Packer, executive chairman of Crown, to the Premier of Victoria. Amongst other things, he talks about the negotiations. He wrote:

> However I am personally very concerned with the course of action being suggested by Treasury's representatives if agreement cannot be reached, which is that your government will legislate to override our contractual arrangements. Clearly the ramifications of such actions would be far reaching.
>
> If you wish to discuss this matter with me by telephone, please have your office contact me through my assistant — —

and the letter gives various details.

Mr Hudson — Guess what? There was no contact.

Mr O'BRIEN — Come in spinner! The member for Bentleigh says, 'Guess what? There was no contact'.

Mr Hudson — It was all done by Treasury.

Mr O'BRIEN — Wrong, wrong, wrong! Mr Packer wrote to the Premier, and he wrote to the Treasurer as well. But guess what? There was contact, because Mr Packer telephoned both the Premier and the Treasurer and spoke to both of them. You have been kept in the dark, haven't you, Rob? That's terrible.

The ACTING SPEAKER (**Ms Munt**) — Order!

Mr O'BRIEN — It is terrible that a Premier would keep his own backbench in the dark like that.

The ACTING SPEAKER (**Ms Munt**) — Order! Through the Chair.

Mr O'BRIEN — Thank you, Acting Speaker. It is terrible that the member for Bentleigh has been kept in the dark by his own Premier and his own Treasurer. Of course they took James Packer's telephone call; of course they did. The member for Bentleigh is going over to the advisers box. Funnily enough, once these telephone calls had been made, the deal was concluded very quickly. Is it not funny that these parties can be at loggerheads to the extent that Mr Packer writes to the Premier and the Treasurer, saying, 'This is really terrible. I am worried about how these are proceeding', yet all it takes is a couple of phone calls to the Premier and the Treasurer, and all — —

An honourable member — But not to the member for Bentleigh!

Mr O'BRIEN — No, the member for Bentleigh misses out. He was out of the loop — again! — and suddenly the deal can be done. Is that not extraordinary? We on this side would never suggest improper political interference. We do not throw around those slurs the way the Deputy Premier, the Premier and other members of the government benches did under the previous government. They are very fast and loose with the slur, are they not? It is very interesting that all it took was two phone calls from James Packer — one to the Premier, one to the Treasurer — and all of a sudden the deal could be concluded very happily. Is that not extraordinary?

We have great concerns not only about the process of this deal but about whether it is in the interests of taxpayers. Another aspect of the deal that is very troubling is that it purports to lock in not just the current government but also future governments for 13 years to have no tax changes in Crown Casino's arrangements — no increased tax, no increased levies; no new taxes, no new levies. That is a pretty good deal for Crown Casino. Most people would like that sort of certainty. Certainly the Australian Hotels Association said that it would like that sort of certainty. It would love to have its tax rates locked in for 13 years. Clubs Victoria has said it would love to have that sort of certainty. It would also love to have its tax rates locked in for 13 years with a guarantee of no increases, but it does not get that. Perhaps someone just needs to phone the Treasurer and the Premier as well. Perhaps their negotiation skills are not quite as good as Mr Packer's.

The fact remains that this is a deal which is obviously good for James Packer; Mr Packer and his company are not in the business of signing up to deals which lose them money. But is this is in the interests of taxpayers? That is the lookout of this side of the house. We want to know whether taxpayers are getting a good deal out of

this arrangement to massively expand gambling at the casino. We want to know whether the community is getting a good deal out of this, including problem gamblers. Given that there is not one single dollar for extra problem gambling services out of all this, we are not convinced that this is a good deal.

The government will talk about the additional tax revenue it claims it will make out of this deal. The figures have been about as rubbery as most figures coming from the government. Initially the government claimed it had to announce this deal on federal budget day. There was no way it could announce the deal before federal budget day, because it had not been signed. We had the bizarre spectacle of the Minister for Gaming being rolled out to a press conference on federal budget day. He was out there denigrating Star City Casino in Sydney. He was describing it as a 'boiled lolly experience' and comparing it to 'the rolled gold, dark chocolate experience' of losing your money at Crown Casino in Melbourne. He is a minister of the Crown, but he sounded like the love child of James Packer and Freddo Frog. It was an extraordinary performance from a minister of the Crown. There he was, acting not as a minister but as a spruiker. He was out there promoting all this, but the funny thing is that even though this deal was signed on federal budget day, the revenue from the deal had been included in state budget papers a week earlier.

Mr R. Smith — How could that be?

Mr O'BRIEN — 'How can it be?', as the member for Warrandyte very presciently asks. How can it be that you do not conclude a deal but the money from that deal can be put into the state budget papers? How can that be? When the government wants to have the extra revenue in the budget papers to prop up its rapidly fading bottom line, it will include the revenue from the deal in the budget papers. But when the government is trying to cover it up, when it is trying to slide it out under the cover of the federal budget to minimise coverage of it, it says, 'We could not possibly confirm the deal until it had been signed on federal budget day'. Too clever by half! It has been caught out once again.

Initially the government stated in the budget papers it was roughly $100 million extra over the forward estimates — a not insignificant amount of money. I refer to an article from Michelle Draper of AAP on 18 May. It states:

> The added taxes on Crown's poker machines would provide another $60 million over a four-year period.

Estimates went from $100 million to $60 million. Then when the government realised it was starting to get into a bit of trouble on this deal — that there was a smell about it and that it had not persuaded the public, the opposition or even the press that this was a good deal for Victorians — it bowled out a press release on 23 July saying there would be a $132 million tax increase on Crown. The amount went from $100 million to $132 million in the space of a month without any justification and with the government just saying, 'We would like it to make more money, please'.

This is magic pudding economics from a government that does not know what it is on about. Why would we trust a government that does not know whether this is going to make $60 million or $100 million or $132 million? It is all over the shop.

That brings me to a point that is raised in the research brief on this bill prepared by the parliamentary library. I pay credit to the parliamentary library staffers; their work is always very good and well researched. They quote from the Australasian Gaming Council 2008 paper, in which there is a table that sets out gambling taxes as a proportion of total tax revenue in Australia in 2005–06. What that table shows is that Victoria and South Australia have the equal highest reliance on gambling as a source of tax revenue of all states in the country, with 13.4 per cent of total tax revenue in this state raised from gambling. This is a government addicted to gambling.

Mr Hudson interjected.

Mr O'BRIEN — It is absolutely addicted to the gambling dollar. It will go for the quick cash grab whether or not that is in the long-term interests of Victorian taxpayers and whether or not it is in the long-term interests of the Victorian community.

That is why we say we are not prepared at this stage to support this bill. The government needs to do what it has not done — that is, make the case that this is in the interests of Victorians. It needs to produce that full social and economic impact study, the one the Premier demanded in 1995 when he was the Leader of the Opposition. The government needs to do that now. It needs to produce its own analysis of what this deal is worth to Crown Casino, because we will not know if Victorians are getting a fair price for a very valuable asset until the government produces that information. If the government fails to produce that information, we can only ask: what does it have to hide?

Did the knees start to knock when the phone call came through? 'It's James Packer on the phone, Premier! It's James Packer on the phone, Treasurer!'

Mr Hudson interjected.

Mr O'BRIEN — The member for Bentleigh scoffs, but he did not even know about the phone calls. He had no idea there were phone calls, and he denied there were phone calls. The poor old member for Bentleigh! One day he might be in the loop, but obviously not today.

Why did this deal, which according to the correspondence from Mr Packer to the Premier and the Treasurer was obviously not progressing well on 23 April, go so well after those phone calls to the Premier and the Treasurer? We can only speculate.

We have grave concerns about this bill, because essentially it asks us to trust the government. I have made the point before that there is no basis, either on the government's track record or on the information it has provided to this Parliament or to the public, that would provide a reason why we should do any such thing.

I could go through some more of the now Premier's 1995 speech on the bill to increase gaming tables by 150, but since the Leader of The Nationals has said he will do that, I will not steal his thunder. But this is a serious issue.

Unlike the current Premier, who back in 1995 claimed that the casino was adversely affecting the economy, small business and retail traders and was acting as a job displacer, not a job creator, we do not believe the casino is inherently a bad thing. We think it is an important part of Victoria. We think it is something which offers many services to not only Victorians but also tourists. We are happy to consider on their merits suggestions for why the casino should be expanded, but we want to be sure that this will be a good deal for taxpayers and that it will not adversely impact problem gambling. I am interested to hear members opposite talk about expanding the number of gaming tables at the casino by 43 per cent and about how that cannot have an impact on problem gambling.

I refer to one other thing. Generally I am relatively supportive of the Victorian Commission for Gambling Regulation, but I note that in correspondence dated 5 May and addressed to the Treasurer, the chairman of the VCGR, Ian Dunn, talking about the proposed heads of agreement, said:

> The commission is influenced by the fact that the proposed changes do not involve any variation in the number of electronic gaming machines, bearing in mind that the playing of electronic gaming machines is acknowledged as the most likely initiator of problem gambling.

Tell that to Harry Kakavas. In my view that was a dereliction of duty on the part of the VCGR — to say that because there is no increase in electronic gaming machines any expansion of the rest of the casino will not have an impact on problem gambling is just a dereliction of duty.

The acid, the weight and the onus is on the government. It should provide the material and be open and up-front with us and the public, and we will consider this bill.

Mr HUDSON (Bentleigh) — The member for Malvern has really outdone himself today. He has moved a reasoned amendment to the bill that says the bill should not be considered because it expands the number of gaming tables at the casino. The bill does no such thing. The bill does not mention gaming tables; the bill has nothing to do with the expansion of gaming tables at the casino. The bill makes a change in the taxation regime for Crown Casino: the bill increases by 10 per cent the tax rate on Crown Casino. By opposing this bill opposition members are saying, 'We don't want to see the tax on Crown Casino increased. We don't want to see the revenue that would flow in for health services in this state' — $132 million over four years. This bill has nothing to do with the expansion of tables at the casino.

This follows absolutely the track record of the opposition's reaction to every move by this government to impose tax increases on gaming machine operators. Since 1999 the Bracks and Brumby governments have consistently increased the levies. In 1999 the gaming machine levy was $333. In 2005, this Labor government doubled the levy. Guess what? In a media release on 14 April 2005 the shadow Treasurer, the member for Box Hill, opposed that increase in the gaming machine levy.

Two years later, the state government increased the levy by $1300 to $4333 per machine, which boosted hospital funding by $39 million a year. What did the opposition do? At that point the then Treasurer, John Brumby, made it absolutely clear that the increase in the levy was designed to redirect to the public a fairer share of the abnormally large profits earnt by the industry. He said:

> The industry makes very high levels of profits because there is a cap on the number of machines.

And:

> This doesn't affect those who seek to gamble, it doesn't affect people who have the occasional bet, this comes straight off the bottom line of the gaming machine operators, so I can't think of a better use for it.

That has been Labor's position. We have always said these licences are a scarce and valuable resource; they

can generate considerable revenue for those who own and operate the licences. The state should make sure it gets its fair share of taxation from those licences. What did the opposition gaming spokesman, the member for Malvern, say in the *Age* of 17 April 2007 on the levy increase? He said:

> This could do considerable damage to the long-term value of gaming and wagering licences in Victoria.

He said it would damage the value of those licences. When the Gambling Regulation Amendment (Licensing) Bill to set up the new gaming framework was introduced in this Parliament earlier this year the member for Malvern was concerned that hotels and clubs were paying too much for their new gaming machine entitlements. That was the member's concern then — far from them being damaged, he thought they would pay too much. That has been the form of the member for Malvern. He has always been on the side of the operators, not on the side of the taxpayer. He was not backing the taxpayer in terms of these valuable licences.

This Labor government has consistently lifted the levy on gaming machines to ensure that the substantial income generated from gaming machines is shared by the taxpayers. In 1999 it was $333 a machine; by 2007 it was $4333 a machine. The opposition opposed every single one of those levy increases. Now it is at it again.

This provision increases the tax rate on the casino by over 10 per cent and — guess what? — the opposition will oppose the bill. It wants to give a tax windfall to Crown Casino. Now the member for Malvern claims that somehow the government has given a massive tax gift to Crown Casino — $132 million extra coming in to the state coffers, yet the opposition says the government is giving them a sweetheart deal.

In addition Crown Casino will pay a separate supertax which applies on a sliding scale from 1 per cent to 20 per cent of gross gaming revenue if that revenue is over $880 million. The member for Malvern says the government is increasing the threshold. I ask the member for Malvern to tell the house which tax rate does not have the threshold increased over time. Which income tax scales do not have the tax threshold increased over time? Of course they do, otherwise more tax will be paid, in effect, over time. No other venues have to pay that supertax. Crown Casino is clearly already operating above the threshold when it has to pay a supertax.

In talking about poker machines, there is not a single extra poker machine at Crown Casino as a result of this agreement. Not a single extra poker machine will go into Crown Casino. The cap on gaming machines at the casino, in every local government area and across the state, remains in place. Not only that but the government has capped the number of tables at Crown Casino at 400. The member for Malvern talked about Sun City, but there is no cap at Sun City on the number of tables.

The member for Malvern loves to see conspiracies. He was at it today in referring to the James Packer conspiracy. He said, 'Have a look at this'. The fact is that in these negotiations the state government was represented by a professional, commercial negotiator, Mr Bruno Warner, from Global Pacific Consulting Pty Ltd, supported by the Department of Treasury and Finance.

I do not know what the member for Malvern has had to do with the Department of Treasury and Finance. He has never been before the ERC (expenditure review committee) of cabinet, but I can tell the house that the Department of Treasury and Finance is pretty hard nosed when it comes to negotiation, not only on expenditure but over taxes. They are very hard nosed indeed.

The member for Malvern says, 'Let us have a look at the documents'. We have published the so-called secret documents — 13 are listed on the Department of Justice website, including the letter from James Packer that the member for Malvern quotes. It is worth going over that letter of 23 April to the Premier and the Treasurer, because James Packer also said this:

> I remain hopeful that Crown and the Victorian government can reach agreement along the lines set out in the attached paper. However I am personally very concerned with the course of action being suggested by Treasury's representatives if agreement cannot be reached, which is that your government will legislate to override our contractual arrangements.

That is right — Treasury was taking a very hard-nosed approach to those negotiations, a very tough approach, an approach — —

An honourable member interjected.

Mr HUDSON — Yes, and that is why they are paying an extra $132 million a year over four years. They are paying extra tax. That is the problem with the member for Malvern's argument — he suggests that we have done a soft deal in some way. The fact of the matter is this: the Premier and the Treasurer were not involved in these negotiations; they were undertaken and concluded by the Department of Treasury and Finance. The fact that it was able to negotiate a very hard deal, which resulted in an extra $132 million in

revenue over four years, gives the lie to the claim by the member for Malvern that somehow this is a sweetheart deal for Crown. The only sweetheart deal is the one those opposite are offering by opposing this legislation.

Mr RYAN (Leader of The Nationals) — I just love it when the government of the day deals with gambling. I am in the 'happy' position of having been here in those years when the present government was in opposition. I am in the happy position of having been the then government spokesman on gambling-related matters in this chamber. It is true that what goes around comes around, and tonight is a chance to do some telling as to that. I will come to that in just a moment. I want to say that wherever the government has plucked the member for Bentleigh from to come along tonight and say what he has just said, I think he should just scuttle away. This government has done a number on him.

I will take up just one issue in passing: the bald assertion by the member for Bentleigh, so confidently made, that this legislation has nothing to do with increases in the number of tables at the casino. Under the heading 'Table games', the second-reading speech uses the following terms:

> These tax changes are occurring as part of a negotiated outcome with the casino operator which includes an announced expansion and reconfiguration of approved table games. These changes will be subject to the normal approval processes of the independent regulator — the Victorian Commission for Gambling Regulation (VCGR).
>
> These table game changes — which are subject to independent, regulatory approval from the VCGR — are expected to involve —

now wait for it —

> an increase in the maximum number of table games (such as roulette and blackjack) from 350 to 400, including up to 200 automated terminals; and
>
> allowance for up to a further 100 poker tables.

How many extra tables is that? Some 50 tables for gaming, plus 100 tables for poker — that is 150 extra tables. I reckon the member for Bentleigh ought to just go away and leave this to someone who knows what they are talking about. So it is that I am very pleased to join this debate.

I am also pleased to join this debate in support of the very sensible reasoned amendment that has been moved by the member for Malvern. I am pleased to do so principally on this basis: the opposition is taking a very reasoned stand. We are not opposing this legislation on philosophical grounds; we are not like the Labor Party. Labor Party members are like Paul, of biblical proportions. Somewhere along the line they fell off the horse, hit their head badly and have got up and come to the conclusion that the casino is in fact a darn good thing for Victoria.

It has been a change of Paulian proportions, you realise, when you listen to Labor members. That is why I love the government doing gambling. We do not have any philosophical opposition to gambling, to gaming or to the casino, and that is a radical fundamental difference between this side of the house and that side of the house. We have always believed that the legislation that the former Labor government passed in 1991, which was the enabling legislation to establish the casino, was sensible. I have said so many times, and it is in *Hansard*. Members of the government have always opposed it philosophically, so for them to get around to the position they are now in is an utter and complete abrogation of what their beliefs supposedly have been over the course of the years.

The second thing to be said about this is that we are not engaged in the dreadful business of personal vilification in discussing this. I sat in here for years and had the misfortune to follow the then opposition spokesman on gambling and gaming matters, the now Attorney-General, who came in here every other day vilifying people like Ron Walker and Lloyd Williams, defaming and abusing them at every turn — conducting himself in an absolutely disgraceful manner, all with the protection of the Parliament.

We are not engaging in that. We understand that Mr Packer has substantial business interests in this. We understand and respect the interests that Mr Packer brings to the table — pardon the pun. In a sense we understand how a businessman of Mr Packer's ilk and station feels moved eventually to correspond with the government in the manner that he has. We understand all of that. However, the government has been hedging and edging and denying; it has had to be dragged kicking and screaming to eventually make admissions in the public arena that in fact there were exchanges going on between Mr Packer and Mr Brumby.

We as an opposition are not involved in the politics of personal vilification. It is something to remark upon in passing that one of the initial moves by former Premier Bracks upon the current government assuming power was to remove Mr Hulls from the role he had played as the shadow minister responsible for gaming. Mr Hulls was not appointed as the minister because Mr Bracks well understood that having defamed, abused and crucified Messrs Walker and Williams and anybody else who Mr Hulls thought appropriate so as to serve his miserable purposes, and having done it over a

number of years, the last thing the incoming government would do would be to appoint Mr Hulls to the role of the minister responsible for gaming.

Then we have the commentary from the now Premier going back to 1995. Honestly, it is nothing less than nauseating. It is very pertinent to the legislation before the house. On 23 November 1995 the then Leader of the Opposition, now Premier, made an impassioned contribution in this place, and I sat here and had to listen to it because that was then my lot in life. The then Leader of the Opposition, now the Premier, advanced 10 reasons as to why the then opposition was opposing the legislation that was before the house, which amongst other things dealt with a deed of variation to the casino agreement which set out why there would be more tables added to the casino.

Mr Hudson — On a point of order, Acting Speaker, I have been listening carefully to the Leader of The Nationals. Whilst there is latitude given in these debates, he has so far not referred to the bill. All he has been doing is referring to the 1990s, and it has very little to do with this bill.

The ACTING SPEAKER (Dr Sykes) — Order! There is no need to respond to that. As the member for Bentleigh has indicated, there is latitude. I have been quite well informed on the background to this bill, so the Leader of The Nationals should continue, keeping in mind the need to address the bill.

Mr RYAN — Thank you, Acting Speaker. One of the things that stands out from the commentary back in 1995 is that the first of the then Leader of the Opposition's 10 reasons was that he wanted an impact statement provided as to the effect of the amendment to the legislation. The reasoned amendment before the house, to which I am speaking, specifically calls for a similar action.

Secondly, he said it was a basic abrogation of the original casino agreement. Here we go again; we have the ninth deed of variation coming up now. Thirdly, he said it was advancing the interests of the casino as a monopoly. He is in there going his hardest and doing what he can to help. Fourthly, he said this was all to do with fraud and blackmail. That was the basis of his opposition back in 1995; now he is leading the charge.

The fifth point was that it was an abuse of the tender process. We could talk about that all night, because there never was any tender process in relation to all of this. As I have said already, we have had to drag out all the information that we do have. It has been provided by the government and the Premier, not because they have chosen to provide it but because it has been hauled out of them.

The sixth reason was, he said, that the government of the day had the wrong priorities in approving the deed of variation. Here he is advancing it. The seventh point was that there was an advancing casino culture. Do you mind! And here he has been on the phone to James Packer sealing the deal.

The eighth problem was that it was giving tax relief to high rollers. That was his complaint. It was not only a statement of ignorance — he has no idea what high rollers actually mean to the casino industry — but now he is providing tax relief.

What the then Leader of the Opposition said was the ninth problem was that what we were doing in 1995 would advance issues to do with problem gambling. That was his basic opposition. What we want to know now is: what is the government doing about problem gambling?

The tenth issue was that he was worried about the issue of mates. As I said before, we are not into personal vilification. This is not an issue of mates; this is an issue of the government being transparent in what it wants to do.

If the government provides what we are seeking in the reasoned amendment, we will have another look at this. Otherwise, the Premier has been hoisted well and truly on his own petard.

Ms D'AMBROSIO (Mill Park) — I am pleased to speak in support of the Casino Legislation Amendment Bill. I do so because the bill arises from announcements made in May this year by the government to introduce graduated increases in the tax rates that are payable on electronic gaming machines by Crown Melbourne Ltd. The tax rates will rise progressively from the current 22.25 per cent to 32.57 per cent in 2014–15. The object of these graduated increases is to bring the tax rates applicable to gaming machines located in the Crown Casino closer to alignment to those applicable to electronic gaming machines located in other venues across Victoria. These progressive increases will occur annually and evenly at increments of 1.72 percentage points. Revisions to the tax rates have been arrived at by agreement with Crown Melbourne Ltd, together with other provisions contained in this bill. The provisions have been reached through the application of the casino management agreement variations which were made allowable by the Casino (Management Agreement) Act 1993.

Whilst the government may have pursued variations in tax rates under existing legislation, and done so unilaterally, the tax variations made by mutual agreement provide greater certainty for the state through a lower level of sovereign risk than would otherwise exist through unilateral changes, for example. As part of the mutually agreed increases in tax rates on the electronic gaming machines. the health benefit levy will be removed from 1 July 2012. Adjustments will also be made to the super tax thresholds for casino taxes. The thresholds are currently determined by adjustments made through indexation of the consumer price index. From here on the thresholds will be adjusted according to the estimated increase in table game revenue resulting from the additional table games.

Further, the negotiated agreement allows for an expansion and reconfiguration of table games, subject of course to the standard approval processes of the independent Victorian Commission for Gambling Regulation.

The bill is part of a range of restructuring that has been undertaken by this government in the area of electronic gaming machines. Broadly, reforms in this area go back to 1999 when the Labor government came to office. We recognised that the tax rates applicable to electronic gaming machines at the time were not appropriate, and we set about increasing the tax rates through levies in 1999 and later in the mid-2000s. Those increases were very significant. They raised revenue for the government which was then targeted towards gaming-related issues in the community. Prior to that Crown Casino had been treated extremely favourably in terms of levies and tax arrangements in contrast to the way other electronic gaming machines were managed across Victoria.

In this debate it is very important not to lose sight of the vigour and commitment of this government to reform of tax receipts from electronic gaming machines and bringing a greater equilibrium in tax arrangements across the industry based not just on where electronic gaming machines are located but also on understanding the complexity of the issues that often arise around where gaming machines are located. For example, not only did we have the introduction of and significant increases in levies payable on electronic gaming machines but we have also seen regional caps introduced in key problem areas across Victoria, the removal of the duopoly in control of electronic gaming machines in our wider community and the devolving of ownership arrangements, which will take full effect in 2012.

We need to be very clear about the place of electronic gaming machines in our community and that the increases in the tax rates that have been introduced on electronic gaming machines located at Crown Casino bring them closer in line with the tax rates that apply to other electronic gaming machines across Victoria.

We have heard a lot about the so-called concerns of the opposition and its position with respect to this bill. Let us be clear about the substance of the opposition's concerns. They do not marry with the history of the opposition when in government in the whole area of gaming in Victoria. Let us be clear when we talk about the revenues raised from gaming in Victoria. During the 1990s we saw very starkly a lack of understanding of the linkages between gaming in Victoria and the spin-off problems and associated social problems that arose in certain pockets of the community as a result of increased gaming opportunities. In the 1990s the Community Support Fund lacked real probity as to how that money was spent in Victoria. We had a lot of instances of abuse of the money that was raised for the Community Support Fund from gaming taxes. Yachts were bought to race in international competitions, and there was major abuse of revenue raised from gaming in this state.

With the advent of a Labor government we had a clearer view of the social problems that arose from an increase in gaming in Victoria. We squarely recognised that. We set about not only introducing a range of initiatives and changes to the way tax rates and levies were applied to gaming in Victoria but also ameliorating the worst impacts of increased gaming on certain parts of the community. We also introduced greater probity regarding the revenue that was raised and spent through the Community Support Fund, returning quite a large portion of revenue raised by government from gaming directly back to the community through rigorous programs and guidelines. That means that a lot of the money that is returned to the community from revenue raised through gaming taxes and the like is going to target those very communities that lose money to gaming. That is a very important difference of which we should not lose sight.

This bill focuses on increasing the tax rate applicable to electronic gaming machines at Crown Casino. The opposition that is feigning concern for the community is the same opposition that during the 1990s treated Crown Casino extremely favourably without any standards of probity as to how moneys were raised from gaming and how they were to be returned to the community for social good. It is a bit rich for opposition members to try to give a lesson to those who have gone about restructuring the industry and ensuring

that revenues raised from gaming actually go back to the community through either improved health infrastructure or community support. This bill must be supported by the opposition; be it on its head or on its record — —

The ACTING SPEAKER (Dr Sykes) — Order! The member's time has expired.

Mr R. SMITH (Warrandyte) — I rise to speak on the Casino Legislation Amendment Bill 2009. Amongst other things, despite what the ill-informed member for Bentleigh thinks, the bill allows for the introduction of 150 extra gaming tables at Crown Casino. That is an increase of over 40 per cent, which is the biggest expansion since Crown Casino opened at Southbank all those years ago. This bill will also earn this gambling-revenue-obsessed government tens of millions of dollars in tax over the coming years.

I commend the member for Malvern for the work he has done in exposing the Premier's secret deal with Crown Casino to the Victorian public. The stories surrounding this bill are typical examples of how this government operates under a shroud of secrecy with little regard for those affected by the Premier's decisions and those of his inner circle, which, in case any member missed it, clearly does not include the Minister for Gaming.

Mr O'Brien — Or the member for Bentleigh.

Mr R. SMITH — Or the member for Bentleigh, as the member for Malvern points out. I was quite surprised to see that it was the Minister for Gaming who introduced this bill to the Parliament, because it was made very clear that it was wholly and solely the work of the Premier. I expected that he himself would be capping it all off by introducing the bill in Parliament. It must have been very embarrassing for the gaming minister that he was not included in either the discussions or the ultimate decision to introduce additional gaming tables at Crown Casino — an issue which could not more clearly be in his area of responsibility. But there would not be many members in this house who would be surprised at that, because after the appalling performance of the Minister for Gaming in introducing Intralot to Victoria's lottery agents there was no way the Premier was going to let him near this deal. We should expect to see him even further sidelined as time goes on.

This deal was dumped on the Victorian public under the cover of the federal budget because the government was hoping the story would disappear into the never-never and that it would not be answerable for this shady deal. The Premier came in and insisted that that was a mere coincidence, that the deal had only just been signed off on and that there was no way he could possibly have told Victorians any earlier than when he did. The Premier has form in this respect. He regularly treats members of the Victorian public as fools, but it is clear to all that in respect of the expected tax revenue due from these extra gaming tables, which were clearly present a week prior in the state budget, the Premier and the Treasurer knew this deal was going to be done. It was a done deal. The budget papers clearly show us that the government expected a financial windfall from this deal and that the government was so sure the deal was going to be done that it included it all in its budget. Those figures in the budget show us that it is just ludicrous for the Premier to come into this chamber to try to tell Victorians that the deal was not finalised until a week later.

I find it interesting that the government's Responsible Gambling Ministerial Advisory Council was never consulted on the expansion at Crown Casino, and the Reverend Tim Costello had something to say about that. He is reported in the *Herald Sun* of 14 May as saying:

> This is yet another secret and insidious deal that didn't even go through the minister's … gaming advisory panel.

He is also reported as saying:

> The state government exists to act in the interests of the community and instead it does a secret cosy deal that is not transparent.

He went on to say that he would welcome any move by this Parliament to block the deal. Without having the opportunity to scrutinise the sort of documentation and studies that should surround this bill, such as an economic and social impact assessment, as has been mentioned, the opposition agrees with that. Without seeing that documentation, it is very difficult to support the bill. For that reason I support the member for Malvern's reasoned amendment.

The Premier promised an open government. In the 2008 statement of government intentions he said that his government:

> … will give Victorians a better chance to be more informed and more involved in the public debate of our times — leading to broader and better debates of government policy, and broader and better outcomes for the community we serve.

I ask the Premier: how are Victorians supposed to be involved in a public debate after the fact? How can they be involved in public debate when deals are being made in secret? I would like to quote something else that the Premier wrote way back in the 1990s when he was opposition leader. In a little booklet entitled *Restoring Democracy* he wrote that the cornerstone of a healthy democracy is a government that is honest, accountable and engaged. He went on to say:

> Secrecy and special deals do more than discredit the governments that practise them. When public confidence is eroded, people feel disenfranchised, irrelevant and helpless.

This government is all about smoke and mirrors, back room deals and the silencing of its critics. The Premier should reread his booklet and see how the things he accused the former Liberal government of doing can now be viewed as a prophecy for this government's present conduct.

The hypocrisy goes on and on. In 1995 Mr Brumby, as opposition leader, said that Crown should have no more than 200 tables, and he issued a press release entitled 'Casino culture not the way forward for Victoria'. The current Deputy Premier said in 1997 that under no circumstances should the government grant any concessions to the casino or change any licence conditions.

No wonder this deal was done in secret because it contravenes every single thing the Premier said when he was opposition leader all those years ago. That is the kind of secrecy this government is about now; it is the culture of the ALP.

The Labor Party also came to the 2006 election with the statement — and I quote from its policy papers:

> Government must be accountable to be effective.

That statement has proven to be true, because this government is neither accountable nor effective, and the most recent moves by the government to release documents in an attempt to prove that the Crown deal was done at arm's length have had precisely the opposite effect. These documents show that the Premier and the Treasurer were intimately involved in the deal, and when Crown boss, James Packer, said, 'Jump', the Premier immediately said, 'How high?'.

This government has run Victoria's finances into the ground, and it sees gaming revenue as its financial lifeline. The reduction in funding for problem gambling is proof that it does not care about the problems that addictive gambling can cause. The Premier's only focus is the money he can reap from this process, regardless of the manner in which he does so. I firmly believe that this government needs to start practising what it preaches when it comes to being accountable and ensure that these kinds of questionable deals are conducted more appropriately in the future.

I repeat that I support the reasoned amendment moved by the member for Malvern.

Mr PERERA (Cranbourne) — I rise to speak in favour of the Casino Legislation Amendment Bill. All governments around the world, in developing or developed countries, have sought to secure their revenue following the impact of the global financial crisis. The Brumby government has spared Victorians the financial burden of revenue options pursued by other states such as increasing payroll tax, stamp duty and land tax or cutting expenditure by sacking public servants and embarking on large-scale public asset sales, the pet policy positions of the previous Liberal-National government.

I take pride in saying that the Victorian government has taken the opportunity to successfully negotiate an increase in the tax paid by Crown Casino. The ninth variation to the casino management agreement between the state government and Crown Melbourne Ltd triggered this amendment to the original Casino (Management Agreement) Act 1993.

Crown Casino benefited from gaming machine tax rates that are comparatively lower than those available in clubs and hotels due to a deal struck between the previous Liberal-National government and Crown. This allowed Crown to establish itself in the local, national and international gaming markets. The new arrangements in casino gaming machine taxes are more closely aligned with the current tax rate applying to hotel gaming machines.

An extra $132 million over four years will go towards essential government health services, thanks to an increase in taxes to be paid by Crown Casino as a result of the ninth variation. These changes mean that tax rates will rise progressively from the current 22.25 per cent to 32.57 per cent from 2014–15. These tax changes are part of a broad package of changes to the Crown Casino's licence arrangements, allowing the casino to further develop its business, maintain its position as a world-class tourist attraction and create more jobs for Victorians.

The temporary casino was opened in 1994 at the World Trade Centre on the north bank of the Yarra River. It moved to the new permanent complex at Southbank in 1997. Eighteen months after the temporary casino was first announced the Kennett government increased the 200 gaming tables to 350 tables. At that stage Crown Casino was not established as an internationally renowned entertainment centre; Victorians were just getting used to gaming tables and the casino entertainment centre. The international visitor numbers were nothing like they are today. It was a long time before Crown earnt its reputation as the best Australian casino. That was about the fifth set of changes made to the original casino plans within that short period of time. It was completely unnecessary at the time.

Crown Casino was given permission to open on Anzac Day, Good Friday and Christmas Day. No legislation in Australia permits similar businesses to open on those days. This is undeniable history, and this opposition is either shooting from the hip or engaging in completely hypocritical pretensions. The Liberal-Nationals should apologise or describe the article of faith that drove them to take such extreme measures when they were in government last time.

Mr O'Brien interjected.

Mr PERERA — You had your time.

Mr O'Brien interjected.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Cranbourne, without the well-intended assistance of the member for Malvern.

Mr PERERA — Today Crown Casino, which attracts on average 16 million visitors yearly, is renowned as the largest casino in Australia, employing more than 8000 people. Crown Casino is recognised worldwide as the nation's pre-eminent casino. This complex has become one of the central features of the Melbourne central business district. The Crown entertainment complex incorporates several nightclubs, a Village cinema complex, multiple restaurants, fast-food outlets, food courts and shops.

The Palladium at Crown is Melbourne's grandest ballroom, with a seating capacity of 1500. It has played host to some of Australia's premier functions. The casino's long-term success is the light in the sky to many other business in and around the Crown Casino complex. It has created thousands of jobs for hardworking Victorians who take pride in their work. Is that what the opposition wants to oppose?

The current cap of 350 tables was set in 1995, and since then the population of Melbourne has grown, as has the influx of international visitors to the casino. There will be a new cap of 400 tables at Crown. In contrast, the Star City Hotel and Casino, which is comparatively small beer, has a licence in New South Wales that allows for an unlimited number of gaming tables. Is it not complete hypocrisy and a cheap political stunt for the opposition to grieve about an increment of 50 tables, a l5 per cent increase in the now well-established entertainment centre, when it was only too pleased to support an increment in table numbers from 200 to 350, a 75 per cent increase, only 18 months after the introduction of gaming tables in a temporary casino still struggling to establish itself by running around offering incentives for community groups and clubs to visit the venue?

Why is the opposition opposed to the bill now? Is it because the opposition wants to now sail under false colours in order to mislead the electorate? Is it because Messrs Ron Walker and Lloyd Williams have no interest in the casino? Is it the order of the day for the opposition to oppose anything the government does, because it is still in the doldrums and needs the wisdom of Solomon to make political headway?

The opposition has a responsibility to explain logically and rationally its continuing reasons for chasing rainbows in this manner. Tax changes will allow Crown Casino to deal with the increase in gaming demand and ensure that it remains a world-class casino.

Poker should be classified under a separate gaming table category. Poker does not only involve gambling in the house; it is widely available outside the casino, including on TV and on household kitchen tables during family get-togethers. Therefore it is not helpful for the casino to have this type of game form part of its total gaming table allocation, particularly during poker tournaments which bring international visitors to this state. These changes will give the casino more flexibility and a capacity to develop its business so it can maintain its status as a world-class casino and entertainment facility.

With additional tables the casino will be able to host international poker tournaments and compete with venues in Las Vegas and Macau as the site for international poker events. Attracting these high-calibre international events to Melbourne will provide a significant boost for tourism and will build on the success of the Aussie Millions tournament. Crown Casino still has only eight-deck blackjack tables. It has a long way to become internationally competitive when international casinos, including ones in Las Vegas, allow punters the luxury of choosing to playing single, two, four, six or eight-deck blackjack.

Increasing the table numbers presents an opportunity to become internationally competitive. Increasing taxes is a good policy position to increase jobs and economic activity during the worst recession since the Great Depression. This is the politics of hope from this side of the house versus the politics of cynicism courtesy of those who warm the opposition benches. I am proud to stand here as part of the Brumby Labor government — a government strong enough in its belief to implement visionary common sense-driven policies which are in the best long-term interests of Victorians from all walks of life. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the Casino

Legislation Amendment Bill 2009. This bill proposes to amend two acts: firstly, the Casino Control Act 1991 by abolishing the health benefit levy from 1 July 2012. Secondly, the bill seeks to amend the Casino (Management Agreement) Act 1993 by ratifying the ninth deed of variation to the management agreement for the Melbourne casino. This bill seeks to instigate a progressive increase in the tax rate on the casino's 2500 gaming machines, which will see the casino's gaming machine tax rate rise from its current level of 22.25 per cent to 32.57 per cent in 2014–15.

As part of those proposed tax changes agreed to by Crown Casino, the health benefit levy will be abolished from 1 July 2012. That position is consistent with the fact that this levy will not be applied to other gaming venues under the proposed post-2012 tax arrangements. There will be adjustments to the supertax threshold for the casino taxes, which I will come back to shortly. Under this deal there is also a proposed increase in gaming opportunities. This provision will lead to an increase in the maximum number of table games such as roulette and blackjack, which will rise from 350 to 400 and include up to 200 automated terminals, as well as an allowance for up to a further 100 poker tables.

It was quite interesting to listen to the contribution from the member for Bentleigh, who obviously had not read the second-reading speech which refers extensively to this proposed increase in poker tables. The Leader of The Nationals quite rightly pointed out to the member for Bentleigh that this is a proposal under this legislation.

I want to make clear at this point that I strongly support the reasonable reasoned amendment moved by the member for Malvern, and I congratulate him on his very extensive contribution and what he has done on this legislation. Whilst the government states openly that it is raising the tax rate on EGMs (electronic gaming machines) at the casino, it is somewhat sheepish about the fact that Crown Casino has been granted the opportunity to establish an additional 150 gaming tables. Despite this progressive tax increase for Crown Casino, there still exists a significant disparity between the tax payable by hotels and clubs compared to tax payable by Crown Casino. If you look at the figures based upon the intended tax rates at 1 July 2012 for those gaming machines with an average monthly revenue between $2667 and $12 500, the tax rate for hotels is 50.83 per cent and for clubs it is 42.5 per cent, yet for Crown the tax rate at that stage will be 29.13 per cent. For those gaming machines with an average monthly revenue of $12 500 or more, at 1 July 2012 the hotel tax rate will be 58.33 per cent, the club tax rate will be 50 per cent and again the Crown tax rate will be 29.13 per cent. So as you can see, there is an extensive disparity between the tax rates.

Speakers on this side of the house have made significant contributions in relation to the hypocrisy of the Labor government, referring to the now Premier and then opposition leader and his opposition in 1995 when the government of the day intended to increase the number of gaming tables from 150 to 350. The now Premier and then opposition leader demanded that a social and economic impact assessment of that expansion be undertaken before that agreement could be considered by the Parliament. The member for Malvern quite rightly pointed out the hypocrisy of that statement, as that is what the opposition is seeking through the reasoned amendment moved by the member for Malvern.

The opposition has also made very clear the lack of consultation on this deal, and numerous media outlets have reported on the dealings between James Packer and the government of the day on how this deal was finalised and how it came to fruition. I think it is incumbent on us all as members of Parliament to ensure that we have an open and transparent government, that these types of deals are kept up to speed and that the public is informed of these types of deals. We simply do not know what the benefits are going to be for Crown through this deal, we do not know the impacts upon the Victorian public will be, and quite simply the opposition is asking for those details to be made transparent.

As other members on this side of the house have mentioned, there is the issue of problem gambling. No proper assessment of this has been undertaken. The additional 150 gaming tables that will be coming to Crown Casino are a huge concern, and the member for Malvern pointed out some of his concerns with the Victorian Commission for Gambling Regulation with respect to addressing the issue of problem gambling.

Certainly I must say that in my region we have a number of issues with problem gambling. In fact the latest figures suggest that in the city of Latrobe $48.6 million was lost on the pokies in the 2008–09 financial year. That is a $750 000 increase on the previous year's figures. It is of great concern to the opposition.

Interestingly, the library provided a good research brief with respect to this bill. Section 7 of the library brief refers to other jurisdictions. I think the member for Bentleigh during his contribution was trying to refer to Star City in Sydney but kept referring to Sun City, which I think might be in South Africa. I advise the

member for Bentleigh to do some more research on that. In section 7, 'Other Jurisdictions', the library brief refers to gambling taxes proportional to total tax revenue in Australia in 2005–06. It stipulates that Victoria's percentage of tax revenue is 13.4 per cent. When you compare that to other states — in New South Wales it is 9.6 per cent; in Queensland, 11.5 per cent; Western Australia, 2.8 per cent — you get some sense of the understanding of this government's reliance on its gaming tax revenue.

In closing, I fully endorse and support the member for Malvern's reasoned amendment. The government needs to be open and transparent with dealings of this magnitude. It is important to the Victorian public, and in my electorate people are demanding that this deal become public. It is an indictment of the government if it is not able to provide the Victorian community with details of this important deal.

I fully support and endorse the reasoned amendment and the contributions of opposition members on this legislation that is now before us. I hope the government sees the sense of the reasoned amendment moved by the member for Malvern, and I hope it endorses the amendment.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Police: Rowville station

Mr WELLS (Scoresby) — I raise a matter of concern for the Minister for Police and Emergency Services. The action I seek is for the Labor government to implement its 1999 election promise to make the Rowville police station a 24-hour police station.

It seems to be that when it comes to the outer east, the government will say one thing and then do something completely different. The member for Ferntree Gully and I have raised this important point on numerous occasions in the Parliament, but Labor has no interest in delivering this outstanding promise from 1999, and it is further proof that this government is dodgy and dishonest and is not to be trusted.

The reason I raise the matter tonight is because of an ugly incident that took place at Stud Park. It involved four young men aged 15 to 17 years. They were thugs. They harassed, pushed and shoved security guards at Stud Park. Police were called. The hardworking Rowville police went up there in a van, grabbed the four youths and took them back to the police station. The four youths were cautioned and told not to go back to the Stud Park shopping centre.

As soon as the four thugs left the Rowville police station, they went straight back to Stud Park shopping centre, where they harassed the security guards. The security guards then locked themselves in a real estate agent's office with the four youths waiting outside. About 10 women who worked for the real estate agent were scared stiff of what was going on. They rang the Rowville police station. There was no van available to address the situation. They called the Knox police station. Again, there was no van available. They then called the Ringwood police station. There was no van available. They had to get a van from Croydon, which had to travel all the way from Croydon down to Rowville. Such is the problem of the shortage of police at the Rowville police station.

This is one of many incidents that take place. The Rowville police officers are a fantastic, dedicated bunch, and we respect the work that they are doing. But we were promised a 24-hour police station by the Labor government, and it has not been delivered. As a matter of priority we would expect that this government should deliver on its promise and make sure that there is a 24-hour police station at Rowville.

Tertiary education and training: regional and rural Victoria

Mr TREZISE (Geelong) — I raise an issue tonight for the Minister for Skills and Workforce Participation, and may I say what a good minister she is. The issue I raise with the minister relates to the state government's response to the federal government's *Review of Australian Higher Education*, known as the Bradley report, and the opportunities arising from that report for Victoria's universities and vocational education and training sector.

The action I seek is for the minister to put in place a plan detailing how the state of Victoria can meet the targets set out in this important report. In calling for this action I also seek that the minister ensure we, as a state government, work with our federal counterparts to increase the number of tertiary students who reside in or come from regional and rural areas, including my electorate of Geelong and the wider Barwon south-west region.

In asking for this action I do so knowing that institutions within my electorate of Geelong, such as

Deakin University and the Gordon Institute of TAFE, provide a quality tertiary education to many rural and regional students each year. I am proud of the fact that we, as local members in Geelong and as members of the state government, work hand in hand with those two institutions to provide a quality education to thousands of Victorians. However, in saying that, it is recognised that the number of students in regional and rural Victoria who go on from a secondary education to tertiary studies falls below that of their metropolitan cohorts. For example, in the region of Barwon south-west, which also takes in the seat of Geelong, 75 per cent of secondary students apply for a university course compared with more than 81 per cent of metropolitan school leavers. Across the state the average is 77.7 per cent.

In asking for action by the minister I recognise that although 75 per cent in my region is a reasonable figure, more should and must be done to increase this figure. As government members recognise, a good tertiary education generates important outcomes and benefits not only for the individuals who are recipients of that education but also their wider community. A tertiary education, whether it be at university or at TAFE, opens the door of opportunity for not only a quality education — —

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

Schools: funding

Mr JASPER (Murray Valley) — I bring to the attention of the Minister for Education issues relating to the funding of schools across Victoria and in particular in my electorate of Murray Valley and as it relates to secondary schools. Under the federal government's program Building the Education Revolution funding has been provided to primary schools right across Australia, and I welcome the funding that has been provided to schools in my electorate. However, I believe there should be a review of the level of funding provided to some of the primary schools. The review should involve regional offices and people involved in the provision of facilities at head office in Melbourne to ensure we have the best approach to and can obtain the best possible result from the funding.

I seek that the minister investigate the lack of funding being provided to some secondary schools under this program. I refer in particular to my visits last week to the Rutherglen High School and the Yarrawonga Secondary College and the difficulties those schools are experiencing in obtaining funding. Both schools are operating in facilities that are ageing. In fact they are of what we would call a 1950s or 1960s-type construction — a light timber construction which was approved at that time. Both of those schools have applied for funding under federal government programs but there are restrictions on the number of schools that can be funded and the programs that can be applied for.

Most schools received an allocation of $150 000 under the National School Pride program, but Yarrawonga Secondary College and Rutherglen High School also applied for science and language programs, and they have both been unsuccessful. Out of 26 schools in the Hume region, only 9 schools received funding under that program.

Further, 10 schools in my electorate have applied for funding under another program relating to trade training. This is an excellent program with $14 million to be spent across schools, However, my information is that whilst they have applied for the funding, it appears there is little hope their applications will be approved.

The issue I raise for the minister's attention is that she make sure these secondary schools receive appropriate funding. They are the poor relations of the other schools in my electorate and indeed the primary schools. The minister must look at these schools as we go into the future. She must make sure that Yarrawonga Secondary College and Rutherglen High School receive funding to help them go forward with new buildings, particularly science, and also address the particular trade training program under which 10 schools across north-eastern Victoria are looking for funding.

Graffiti: removal

Ms MARSHALL (Forest Hill) — I rise tonight to raise a matter with the Minister for Police and Emergency Services. The action I seek is for the minister to ensure that the graffiti prevention and removal strategy continues so that graffiti vandals are made to pay their debt to the community by cleaning graffiti from public and council assets. I also ask that the Graffiti Prevention Act introduced by the Brumby government be reviewed so that its effectiveness is monitored and these tough new laws continue to act to deter the senseless destruction of property.

Graffiti is a stain on Forest Hill. I am contacted frequently by constituents who have been victims of graffiti or who are very community-minded people and report the senseless vandalism of our public places. The tide of graffiti in the leafy streets of Forest Hill seems unrelenting at times.

At the last mobile offices I conducted in Burwood East and Vermont, residents provided me with the details of a number of locations within these suburbs that have been affected by graffiti. Bus shelters, private fences and lovely homes have been marred by the work of graffiti vandals.

Action needs to be taken to make certain that innocent victims are never met with the cost of removing the work of these vandals. The Brumby government has delivered $4.5 million in this year's budget to extend the government's successful graffiti prevention and removal strategy. This strategy provides grants to local communities for graffiti removal projects and puts low-risk offenders to work cleaning up graffiti in neighbourhoods as payment for their crimes.

Local police have commented that graffiti vandals get a sense of satisfaction in seeing their work displayed and that removing the graffiti quickly decreases the chance of the area being tagged by other graffiti vandals. The graffiti removal program has allowed for the cheap and timely removal of graffiti that often tarnishes the beautiful pocket of the east that is Forest Hill. I am pleased to say that the Whitehorse City Council has been an eager participant in this program, and it should be commended for the prompt and thorough cleaning up of reported graffiti.

Across Victoria more than 50 000 square metres of graffiti has been removed by approximately 10 000 offenders who have clocked up more than 178 000 hours since the program was introduced in 2005. Forest Hill has definitely benefited from this. This needs to continue; therefore I call on the minister to commit to the longevity of this program, which has seen the streets of Forest Hill cleaned, enabling offenders to see firsthand the damage they create. Graffiti continues to be an issue in Forest Hill, and so I ask the minister to ensure that the Graffiti Prevention Act continues to adequately deter those who would participate in such careless, mindless and destructive behaviour.

Eastwood Primary School: upgrade

Mr HODGETT (Kilsyth) — I raise a matter of importance for the Minister for Education. The action I seek from the minister is that she visit Eastwood Primary School and Deaf Facility in my electorate of Kilsyth and meet with representatives of the school community to see firsthand the rapidly deteriorating state of the buildings that are in need of a complete upgrade and rebuild, and to hear and discuss the future needs of the school. Eastwood Primary School and Deaf Facility provides a dynamic learning environment which caters for families in the community of Ringwood East and families with children who are deaf or hearing impaired from the wider eastern metropolitan community.

Eastwood Primary School is an excellent school with strong leadership, committed teachers and staff and a dedicated school council. It is well supported by parents, the local community and the Eastwood Community Connections Organisation. At Eastwood everyone works together to make an excellent learning environment where everyone is encouraged to do their best. Every child is treated as unique at Eastwood where they provide learning programs which aim to cater for all the individual needs of the students. These individual needs include the needs of gifted students, children with particular talents, deaf and hearing-impaired students, students who require additional assistance, refugee students, students who speak languages other than English and students with disabilities and impairments.

Underlying Eastwood Primary School's commitment to children from a range of backgrounds, the school established the first state primary facility for deaf and hearing-impaired students, servicing Ringwood East and surrounding districts. Specialist teachers of the deaf based at Eastwood Primary School are offering high-quality learning experiences in a caring environment.

Last sitting week I condemned the Brumby government for overlooking Eastwood Primary School for building renewal in the Building Futures program despite the poor and rapidly deteriorating state of the school's buildings. This parliamentary sitting week I will present a petition to the house from the Eastwood Primary School community and surrounding area calling on the Brumby government to prioritise Eastwood Primary School for a complete upgrade and rebuild as a matter of urgency. The petition carries the hope of the local community that the Eastwood Primary School and Deaf Facility upgrade is funded in the 2010 state budget. I urge the Brumby government to prioritise Eastwood Primary School for a complete upgrade and rebuild as a matter of urgency. The students, teachers and school community deserve to learn in a physical environment that is safe, clean and fun.

The school was built in 1952 of a light timber construction which is now in an extremely poor state. The Minister for Education is invited to come out and visit Eastwood Primary School to see firsthand the merits of a building renewal project. The school's future planning committee has undertaken a lot of planning, and I can provide the minister with a copy of

the proposal for the rebuild. The project is appropriate, feasible, sustainable, comprehensive and accountable and will deliver improved educational outcomes.

I ask the minister to visit Eastwood Primary School and Deaf Facility and meet with representatives of the school community to discuss funding the upgrade and rebuild of the school buildings and to hear about and discuss the future needs of the school.

Racial and religious tolerance: Frankston flyer

Dr HARKNESS (Frankston) — I raise a matter for the attention of the Attorney-General regarding the distribution over the weekend of disgraceful and inflammatory racist material which is aimed at inciting violence and hatred in Frankston. The action I seek from the Attorney-General is that he bring this matter to the urgent attention of the Victorian Equal Opportunity and Human Rights Commission and the Victorian Multicultural Commission.

The extreme incendiary propaganda was found by unsuspecting residents on cars parked in their driveways last Saturday. It has also been affixed to a local primary school and to poles around Frankston. This shameful and politically motivated flyer falsely suggests that the state government intends building 386 high-rise housing commission flats in the centre of Frankston and will fill them with Africans. The extreme flyer falsely asserts a link between levels of violence and an increase in the African population. Further, it suggests that 'rape and violence' would be imported into Frankston. It maliciously talks about gang rapes, machete attacks and shops being constantly smashed up.

These extreme racist views do not reflect the opinions of the vast majority of Frankston people. This racist attack is not how my community feels about new Australians and is not representative of the views of Frankston people. This sad but dangerous flyer represents a very low point in Victorian politics. With no regard whatsoever for any truth or fact, it is simply race baiting at its worst. Not surprisingly, those responsible for preparing and distributing this appalling flyer are so gutless that they shamelessly refuse to identify themselves.

In the last sitting week the Minister for Housing very clearly outlined, at length, the details of and process for a proposal to construct approximately 70 units of social and affordable housing in the Frankston central activities district, but those who have opposed the project continue to dangerously mislead the Frankston community about the facts of the project.

Contrary to the racist flyer and the repeated suggestions by some Frankston councillors and the federal member for Dunkley, Bruce Billson, it has never been the case that 386 public housing flats were proposed for central Frankston; a fact repeated numerous times but ignored by Mr Billson as he continues to promulgate this misrepresentation. Whilst Mr Billson identifies himself in his public statements as a leader of a 'community campaign' on this issue, he has consistently misrepresented the facts and incited the sort of response we saw last weekend.

The DEPUTY SPEAKER — Order! The member should be aware that he cannot use any debate in the Parliament to make an imputation against any other member of Parliament. I caution the member for Frankston.

Dr HARKNESS — Despite many public assertions, there have never been plans to 'simply dump hundreds of homeless and disadvantaged people at our door'. It would appear that there are some people who are intent on attacking social housing projects.

In nearby areas, a local Liberal councillor and staff member to a member for South Eastern Metropolitan Region in the other place, Inga Peulich, has been a central figure in orchestrating an anti social housing campaign in Bentleigh.

Those opposed to social housing in the Liberal Party are more far reaching, but I would hope that all people would shy away from this sort of racist propaganda. And whilst undoubtedly the actions of some people in the local area may have led to this outrage, it is now imperative that Bruce Billson, Inga Peulich, as well as the outspoken — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Frankston should know that he cannot use any debate or any part of the proceedings of this Parliament to make imputations against any other member of Parliament.

Police: Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is for the minister to immediately allocate more police officers to police stations in the city of Knox. The Brumby government has failed to adequately resource the Victorian police force to meet the needs of a modern community. Despite the spin and rhetoric of this government there are not enough police on our streets

to provide the protection that the Knox community rightly deserves.

Just recently the government announced that it would deliver 120 new police for the operational response unit, supposedly to alleviate violence in hot spots around the city. This announcement, however, comes less than two weeks after it was reported and confirmed by Deputy Commissioner Kieran Walshe that Victoria Police was in fact removing many officers from their central business district duties because the area was over-policed.

All these announcements are providing cold comfort to the residents of the Ferntree Gully electorate who are still suffering from inadequate police resources. Across Knox there is a significant need for more police resources. The electorate of Ferntree Gully is serviced by the Knox, Boronia and Rowville police stations, and there are simply not enough police on the beat to ensure the safety and peace of mind of the community. Moreover, even the number of employees listed on the books does not accurately reflect the number of police on the beat. An officer on sick leave, workers compensation or maternity leave will still be counted as an employee, placing further strain on the remaining police officers and making it impossible for them to attend every incident.

According to the latest Victoria Police crime statistics released on 9 August, the incidence of many crimes in Knox has increased. These include rape, abduction, kidnapping, theft from a motor vehicle, and theft of a motor vehicle. Meanwhile a perusal of the local papers will demonstrate that residents are harassed by hoon drivers, vandalism and graffiti on a weekly basis. Safety at train stations continues to be a problem, and calls about a public nuisance rarely get a response from police in time to stop any damage. This is not the fault of the overly stretched police officers in Knox.

As the member for Scoresby has pointed out, residents in Rowville have suffered for years from yet another broken promise from the Labor government: 10 years since it was first promised, Rowville residents still find themselves without a 24-hour police station. This would be fine if only wrongdoers were happy to confine their illegal activities to opening hours, but of course they are not, and Rowville residents are in need of a police station that is operational for all hours, not just during daylight hours.

Police officers at Rowville, Boronia and Knox police stations are hardworking and valued members of our community who do their utmost to protect our community and property. However, there is only so much they can do while they continue to be underresourced. Residents in the Ferntree Gully electorate deserve to feel safe, whether it be in their home at midday or on a train station platform at 10 o'clock at night. Residents deserve to be able to rely on local police to heed their calls for help, no matter what time of the day or night it is. Until the Brumby government commits to increasing police resources throughout Knox, it will be failing. Again I call upon the Minister for Police and Emergency Services to take action and immediately provide additional police resources to police stations in Knox.

Transport: accessibility

Mr LANGUILLER (Derrimut) — I wish to raise a matter for the attention of the Minister for Community Development. I call on the minister to improve transport options for the most marginalised members of the Derrimut community and residents of the western and northern suburbs. Members in this house would be aware that there are a number of communities across Melbourne's north and west that are home to groups of older people, people with disabilities and people with mental health issues. These members of our community have very restricted and limited access to transport. They are often not able to use private transport and can only access public transport with special assistance. A lack of transport options not only prevents these people from accessing the medical and other services they require but also disconnects them socially from their own communities. I am aware that some good work has been done to the north of Derrimut by the northern transport connections project, and I applaud that.

I ask the Minister for Community Development to improve the options for the most marginalised members of the electorate that I represent. I, and the government, will continue to investigate and support transport options for people in my electorate who are disconnected and for others in the north and west.

I have a clear recollection from when I travelled around the state in my role as chair of the committee that developed the Disability Act 2006 that one of the important matters that people with disabilities — whether they were intellectual, physical or sensory — raised with me was access to transport, buildings and community centres. The issue of access to public transport is one of importance and significance, because public transport helps to break down barriers, provides connections to communities and facilitates in those people who might otherwise lack it a sense of belonging to the community and a sense of social engagement around culture, family and friendships.

I am proud of the track record of this government in relation to the services and support it has provided to people with disabilities in mental health and indeed — —

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

Fluorescent lamps: disposal

Dr NAPTHINE (South-West Coast) — The issue I wish to raise is for the Minister for Environment and Climate Change. The action I seek is for the minister to establish a network of readily accessible safe collection sites to facilitate the disposal and recycling of mercury-containing fluorescent globes across south-west Victoria.

I am advised by local citizens and councils that there are no recycling collection centres for these globes in the region. It is unsafe and environmentally irresponsible to continue to allow these mercury-containing globes to be put into landfill. Local people have been told by councils that they need to take their old mercury globes to a local lighting store, where they have to pay $1 to dispose of a fluorescent tube or 50 cents to dispose of an energy-efficient light globe — but that is only if they buy a replacement globe from the same store.

People are being encouraged to use compact fluorescent globes to save energy, but the government has failed to put in place a statewide network of safe collection sites where the spent globes can be disposed of and recycled. There are no collection points run by local councils in the south-west. The South West Regional Waste Management Group says it will not operate them because there is no state government funding to do so.

The used mercury-containing globes can be recycled to recover not only the mercury but also the glass, phosphor and aluminium contained in the lamps. The recovered mercury is commonly used in dental procedures in amalgam for fillings. I urge the minister to put in place a safe system for collecting and recycling these globes. The minister questioned whether there was such a system, and the South West Regional Waste Management Group said it had investigated a number of methods for recycling globes but had found, since the government had provided no funding, that it was uneconomical to do so. We do not have a safe system for the disposal of these globes. We all want to encourage people to use environmentally friendly globes — whether they be the larger fluorescent tubes or the smaller globes — —

Mr Batchelor — Compact fluorescents.

Dr NAPTHINE — Compact fluorescents, that is right. They contain mercury, which is a dangerous heavy metal, and they need to be disposed of safely so they can be properly recycled. If the government is encouraging people to use globes that contain mercury, it is incumbent upon it to have a network of readily available and accessible disposal systems where these globes can be disposed of, collected and recycled. The action I seek from the Minister for Environment and Climate Change is that he establish such a network in south-west Victoria, where there are currently are no such facilities.

Eltham North Soccer Club: female facilities

Mr HERBERT (Eltham) — The matter I wish to raise is for the Minister for Sport, Recreation and Youth Affairs. I ask the minister to take action to support the efforts of the Eltham North Soccer Club in its quest to grow the club and cater for more girls and women participating in soccer in the Eltham region.

I particularly ask the minister to have a look at assisting the club with the purchase of new uniforms for its girls teams and to look at its needs in terms of changing rooms and other facilities which are absolutely vital if you wish to turn what has been in many cases a male-dominated club into a genuinely mixed competition club that caters for the large numbers of young girls who are playing and who will seek to play soccer in the future.

The Eltham North Soccer Club is one of the great clubs in the Eltham area. It has a large membership and caters for more people each year. With better facilities it could cater for many more people as the growing popularity of soccer takes over the area. Undoubtedly it will expand with the fantastic new stadium we are building in Melbourne and with the introduction of a second A-grade soccer team, not to mention the impact the Victory A-league women's team has had in promoting soccer among young girls out in the suburbs and in the regions who are really taking to this sport in droves.

The government has done a lot in terms of the Eltham North Soccer Club. We support local clubs such as the one at Eltham North which has great local volunteers and fantastic parents — people who are dedicated to the sport, dedicated to the community and dedicated to the club.

Members will be aware that in recent years the club has been part of the WaterSmart sportsground project. We have committed to synthetic pitches and new practice

nets being put in with Nillumbik City Council. There are new lights and car parks. This is a club which is really taking off in Eltham North. It is one of the great soccer clubs. In fact I think it is the only soccer club in Nillumbik. But because of that success it has a few more infrastructure pressures. Success breeds success, and we need to continue to support the club. As I said, young girls are flocking to the club and seeking to play soccer. They need facilities. They need decent changing rooms and uniforms. The club needs a little bit of extra help to support them.

Responses

Mr BATCHELOR (Minister for Community Development) — I thank the member for Derrimut for his action request on behalf of marginalised and disadvantaged members of his electorate, and indeed those across Melbourne's west and north. The member is continually supporting community development initiatives in his area, and his advocacy to improve the lives of those in his area has been well recognised over a long period.

The member is correct in identifying the importance of transport options to connect members of the community. That is why significant community transport investments have been made through the community development portfolio. The biggest of these is the Transport Connections program. It is an $18.3 million program that helps communities across rural and regional Victoria and outer metropolitan areas to develop strategies to address the transport needs of their communities. The program is a cross-government initiative that includes the departments of transport, human services and education as well as the community development portfolio. The good-news stories from this investment just keep on coming.

Those opposite would be well aware of the success of the program in regional and rural Victoria. In fact just last week a member for Western Victoria Region in the other place, Jaala Pulford, launched a new Transport Connections project in Elmhurst, which I think is in the seat of the member for Lowan. Later this week the Minister for Agriculture and the Minister for Roads and Ports will launch new services in a number of communities. All these areas have special circumstances that require creative thinking and at times additional investment to connect otherwise disconnected people, otherwise disconnected groups and otherwise disconnected communities, as has been acknowledged by the member for Derrimut.

As the member for Derrimut said, a number of people in his electorate, and indeed across the north-west of Melbourne, are marginalised due to their age and due to physical and mental disabilities. These people are important to the Labor government, and because of that we have invested in community transport in the outer metropolitan area, as we have in rural and regional Victoria, through the Transport Connections initiative. It has supported improved transport community connections and facilities. We have also assisted through the community bus program, and I am currently reviewing a number of community bus applications.

We have received an impressive application for a community bus to operate in the north and west of Melbourne and directly target the disconnected constituents for whom the member for Derrimut has been advocating. Residents of local accommodation facilities for aged persons and people with mental disabilities are those we are trying to help. The application has been made by the Royal Melbourne Hospital Foundation, which is one of Victoria's largest public health-care providers and which in particular services the culturally and linguistically diverse communities which are very typical in the north and west of metropolitan Melbourne.

The proposed project seeks that a specialised service be provided by means of a booking system through which a community bus will be made available to the respective community organisations and facilities and their residents on a specified day of the week for an agreed time. The proposed bus will help facilitate equitable access and distribution of community resources to isolated and marginalised sections of the community in the north and west of Melbourne. The views of the member for Derrimut will certainly be taken into account when the final decision is made. I commend him for his interest in community transport.

Ms ALLAN (Minister for Regional and Rural Development) — The member for Geelong raised a matter for me regarding the future development of a tertiary education plan in Victoria. I know the member is a very strong supporter of education in the Geelong area and has been a particularly strong supporter of Deakin University and the Gordon Institute of TAFE. The member for Geelong knows well how Victoria is a leader in this area of delivery of higher education, and the Brumby government backs that up with considerable funding. We have provided considerable funding to Deakin University at its city and Waurn Ponds campuses. Indeed since 2000 the government has invested over $600 million in universities in this state.

However, we need to look to the future and to make sure we capitalise on opportunities that present themselves. That is why I recently announced the government's intention to develop a tertiary education plan for Victoria. This builds on the announcement by the commonwealth government that it will implement the recommendations of the Bradley review of Australian higher education, which has placed on the agenda a new era for higher education in this country. The commonwealth government has announced that it intends to introduce a new, demand-driven funding system from 2012, which will create an entitlement to university education for all eligible Australians. Essentially it mirrors the skills reform agenda that we have introduced already in Victoria, under which from 2011 the Victorian training guarantee will give all eligible Victorians access to a place at a vocational education and training provider.

When they are combined these two initiatives will mean that Victoria will be the only state in Australia that has guaranteed access to post-compulsory education. The Brumby government wants to make sure that our population and our businesses and industries are in as strong a position as possible to capitalise on these opportunities. That is why I have asked Professor Kwong Lee Dow to chair an expert panel that is going to oversee the development of the tertiary education plan. This panel also includes Jenny Dawson, Bronte Adams and David Phillips. I have set three early priorities for the panel around unmet demand, outer urban and regional provision and the architecture of a national regulatory authority. I am pleased that tomorrow the member for Geelong and I will be in the great regional centre of Geelong to chair the first of five round tables that will be engaging with our relevant stakeholders as part of the development of this plan.

Further round tables are going to be held in Melton, Churchill, Melbourne and Bendigo in coming weeks. I welcome the member for Geelong's interest in this area, his participation in the round table tomorrow and his commitment, which is shared by the Brumby government, to making sure that we continue to strive for Victoria to continue to be the state that is leading both the reform and delivery of post-compulsory education.

The members for Scoresby, Forest Hill and Ferntree Gully raised matters for the Minister for Police and Emergency Services, and they will be referred for his attention.

The members for Murray Valley and Kilsyth raised matters for the Minister for Education, and they will be referred for her attention.

The member for Frankston raised a rather serious matter for the Attorney-General. That will no doubt be taken up very swiftly by him.

The member for South-West Coast raised a matter for the Minister for Environment and Climate Change, and the member for Eltham raised a matter for the Minister for Sport, Recreation and Youth Affairs. Those matters will be referred for their attention and response.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.39 p.m.