PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 2 September 2009

(Extract from book 11)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY

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

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

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

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

WEDNESDAY, 2 SEPTEMBER 2009

Wednesday, 2 September 2009

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

The SPEAKER — Order! I inform members that there was an error in the production of the *Alert Digest* tabled yesterday. If members picked up a copy early yesterday morning, it may be missing some pages. The error occurred in the printing room. The tabled document was absolutely correct, but there has been an error with some copies. Members need to be aware that they could have an *Alert Digest* from which some pages are missing.

PETITIONS

Following petitions presented to house:

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) (70 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

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

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

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

By Dr SYKES (Benalla) (23 signatures) and Mr CRISP (Mildura) (77 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal by the federal government to change the youth allowance independence test and also to change the living away from home allowance.

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

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

By Mr JASPER (Murray Valley) (128 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) (13 signatures) and Mr CRISP (Mildura) (20 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 we would like to retain 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 Mrs SHARDEY (Caulfield) (18 signatures) and Mr WELLS (Scoresby) (29 signatures).

Buses: Bayswater North

To the Legislative Assembly of Victoria:

The petition of the residents of Bayswater North in the city of Maroondah draws the attention of the house to the review by the Department of Transport into bus routes in the city of Maroondah, Yarra Ranges and Knox. In particular bus route 690 (Boronia to Croydon) that services the Canterbury Gardens estate. The consultants have recommended that the Allambanan Drive–Stuart Street–Burdekin Avenue sections of route 690 be removed and that the bus be redirected down Colchester Road.

The petitioners therefore request that the Legislative Assembly of Victoria inform the Department of Transport and the consultants facilitating the review that the residents do not support the removal of the Allambanan Drive–Stuart Street–Burdekin Avenue sections of bus route 690.

By Mr HODGETT (Kilsyth) (19 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) (166 signatures).

Tabled.

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

Ordered that petition presented by honourable member for Caulfield be considered next day on motion of Mrs SHARDEY (Caulfield).

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

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

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

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr JASPER (Murray Valley).

DOCUMENTS

Tabled by Clerk:

Planning and Environment Act 1987 —

Amendment No. 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C85

Cardinia — C134

Mitchell — C73

Moyne — C38

Pyrenees — C21

Warrnambool — C60, C66 Part 1

Wyndham — C96

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule 89.

MEMBERS STATEMENTS

Ballarat Austin Radiation Oncology Centre: services

Mrs SHARDEY (Caulfield) — The issue I raise is on the unreasonable delay in cancer patients getting radiotherapy treatment at the Ballarat Austin Radiation Oncology Centre. The house will recall the Brumby Labor government's announcement in a December 2008 media release entitled '$150 million fight against cancer'. The question now has to be asked as to how honest the Minister for Health and the ALP government are in claiming:

> … the Brumby government was committed to providing the best possible cancer care, which treats people quickly, effectively and sensitively, to maximise the chances of cure.

These words are cold comfort for cancer patients awaiting treatment in western Victoria. The Ballarat Austin Radiation Oncology Centre is struggling to cope with a rising number of patients, ageing infrastructure and frequent breakdowns. This is causing unreasonable delays for patients and delaying their access to the appropriate level of radiotherapy treatment.

Reports from some patients indicate they are being forced to wait up to 10 weeks for treatment or are given the option of travelling to Melbourne or Geelong for treatment. When travel is involved it may mean treatment 5 days per week and up to 8 weeks away from home. In many cases such demands are unreasonable and totally unacceptable, particularly on patients who are already stressed or unwell due to their diagnosis and possible surgery or chemotherapy.

I call on the Premier and the Minister for Health to take immediate action and ensure that cancer services for rural Victoria are maintained.

Damien Hardwick

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — Congratulations to Damien Hardwick on being appointed the new coach of the Richmond Football Club. Damien is one of Upwey-Tecoma's favourite sons, having begun his junior football career in the 1980s at the Upwey-Tecoma Tigers, a terrific club in my electorate. Coached by his father, Hardwick played in the centre and across half back for much of his junior career before being recruited by the North Melbourne under-19s.

In 1994 he got his Australian Football League break with Essendon. Throughout his 207-game career Hardwick won many honours, including premierships with Essendon in 2000 and Port Adelaide in 2004, Essendon best and fairest in 1998 and member of the All-Australian team in 2000. He now faces his biggest challenge of all, in coaching Richmond, but with the famed toughness and determination he learnt at Upwey-Tecoma, he will certainly give it everything.

Tecoma Uniting Church

Mr MERLINO — Congratulations to the Tecoma Uniting Church which recently won the Clean Energy Council's award for excellence in the design and installation of a grid-connected system category. The church took out the award for its installation of solar panels, which was part of the church's commitment to the care of the local environment. Reverends Di and Mike Esbensen are already planning their next project, the installation of water tanks, and they deserve credit for their vision and dedication to the environmental health of our beautiful Dandenongs.

Veneto Club, Bulleen: synthetic soccer pitch

Mr MERLINO — I look forward to attending the Veneto Club in Bulleen this Saturday to officially open the club's new synthetic soccer pitch. The club has booming junior participation, and its original ground was severely impacted by the drought. The Brumby government was proud to contribute $300 000 towards the project, which has enabled the world game to be played in Bulleen day and night whatever the weather conditions. I look forward to going there.

Border anomalies: elimination

Mr JASPER (Murray Valley) — Border anomalies continue to be a major issue for those of us sitting on the border between Victoria and New South Wales. It is worth noting that the original Border Anomalies Committee was set up in 1979 and undertook valuable work during the 1980s, providing annual reports on progress. However, in the 1990s investigations into anomalies and rectification slowed down and there was a lack of regular annual reports.

I was surprised in 2004 when the then Premier, Steve Bracks, indicated to me that the committee would be abandoned, but following my representations, to his credit he agreed that work should continue. I cooperated with a senior staff member from the Premier's office, and this culminated in a meeting at Echuca in July 2006 between senior bureaucrats from both states. There were subsequent meetings in 2007 at Albury-Wodonga, and in 2008 at Mildura, and the 2009 meeting is to be held tomorrow at Albury-Wodonga.

Major progress has been made on critical issues for border residents. It is estimated there are still 1500 border anomalies. We continue to have anomalies in health, transport, legal affairs, business, boating laws and industry, to name just a few areas. Border anomalies can be rectified through mutual recognition, reciprocal rights and amendments to acts to achieve uniformity. The latest issues brought to my attention concern licensing arrangements for hire cars and delivery of education between the states. However, a continuing concern is the lack of finality in achieving reciprocal rights for fishing licences that were to be finalised earlier this year. It is critical that the two governments continue to work hard to eliminate anomalies for border residents across this part of the state.

Kilvington Girls Grammar School: *Kogosowski at Kilvington*

Ms BARKER (Oakleigh) — Congratulations to Kilvington Girls Grammar School in Ormond for organising an absolutely wonderful evening of entertainment held in the recently refurbished Dalton hall at the school. Titled *Kogosowski at Kilvington*, the evening was a Chopin recital featuring Alan Kogosowski, one of the foremost pianists of his generation, who has won wide acclaim in Europe and America. Alan is seen as one of the world's outstanding performers and authorities on Chopin's music. He is in Melbourne this year to present a series of concerts, with master classes at schools in Melbourne, the first being at Kilvington Girls Grammar.

His identification with Chopin began early in his life. He was invited by Ed Sullivan to appear on his TV show when he was only 13, where he performed the *Heroic* polonaise. He later studied with masters of Chopin's music in Paris, London and Warsaw. His 1984 recreation of the last concert given by Chopin himself, in London's Guildhall, where Chopin performed for the last time in 1848, was filmed for Australian and European television. When the same program was given in Chicago the mayor of that city proclaimed Alan Kogosowski Day in Chicago.

It was a brilliant evening at the school, beginning with items beautifully performed by the Kilvington senior school madrigal choir. We then spent a very enjoyable 2 hours with Alan, who not only enchanted us with his playing but also enlightened us on Chopin's work and life.

Kilvington Girls Grammar is a very good school in my electorate under the very capable and inspiring leadership of principal Jon Charlton. It offers its students a quality array of education opportunities, and I am confident they will continue into the future to reach their goals.

Bushfires: Greece

Mr KOTSIRAS (Bulleen) — Greece has seen some of the worst fires in the last few years, caused by record high temperatures, droughts and arsonists. In 2007 wildfires on the mainland killed 70 people and burnt 6 per cent of Greece's tree cover. Two weeks ago Greece was once again confronted by bushfires. Thousands of residents of Athens' northern outskirts evacuated their homes. The fire burnt some 21 000 hectares of pine forest, olive grove, bush and farmland, while 150 homes were damaged. Nearly 2000 firefighters and soldiers were engaged in fighting the blaze with hundreds of volunteers. Fires have been and will continue to be a serious threat in Greece given its terrain and chosen lifestyle.

On behalf of constituents who contacted my office concerned about family members in Greece, I extend my deepest sympathies to those who were affected by the bushfires in Greece and hope that Victoria and Greece work together and share individual experiences of survival and courage. A combined Greece-Victoria — and possibly California — exhibition during next year's Antipodes Festival would be valuable and informative. The exhibition could include photos, items that survived, stories and the transformation of the bush after the fire. The sharing of stories, tragedies and triumphs opens minds, educates the community and encourages debates that could lead to a greater understanding of the impact of bushfires on people's lives.

Veneto Club, Bulleen: synthetic soccer pitch

Mr KOTSIRAS — On another matter, I wish to congratulate the Veneto Club, its president and its committee for their hard work in securing much-needed funds for the upgrade of the club's soccer pitch. I will be at the club on Saturday to welcome the minister and to show him one of the best soccer clubs in Victoria.

Country Fire Authority: region 13 brigades

Mr HARDMAN (Seymour) — On Sunday I attended the Yarra area regional forum with the Minister for Police and Emergency Services. In attendance were CFA (Country Fire Authority) captains, group officers and other leaders from many brigades across region 13, including the St Andrews, Kinglake, Kinglake West, Toolangi, Dixons Creek, Yarra Glen, Christmas Hills, Healesville and Badger

Creek brigades. During the forum, Minister Cameron presented the state government's thankyou commemorative plaques. On that morning the recipients showed noticeable and genuine appreciation for the plaques and for the government's recognition of their efforts. I could not help noticing people expressing their great appreciation for the strong support of the CFA by the Premier, ministers and the government throughout the last few months, particularly during the royal commission proceedings.

Vincent Peters

Mr HARDMAN — Also on Sunday I attended an event held by Honouring Indigenous War Graves Incorporated at which Vincent Peters was honoured with a headstone. Vincent Peters fought for Australia during the Second World War and died of malaria in Burma. The occasion alerts us to the fact that at the time of the Second World War indigenous people were not recognised in the Australian constitution and therefore indigenous soldiers were not recognised. This is an issue of a wrong being righted. It was a very emotional commemoration.

Schools: ultranet

Mr DIXON (Nepean) — Another month goes by with another IT cost blow-out overseen by this government. The Brumby government cannot manage basic projects, and the Department of Education and Early Childhood Development is no exception, this time with the ultranet project.

The ultranet project tender has finally been let but not before cost overruns, blown out time lines and reduced capacity have been experienced. The original project specifications were so overdone that not one tender could meet them at or below the government's $60 million price tag. The project was detuned, and it became a shell of the original. Tenders were called again and four companies were short-listed, none of which was Australian. Out of the blue a company called CSG was selected, but it was not one of the short-listed companies. In the meantime, internet coaches have been sitting around in schools unable to do their work. To top it off, the Minister for Education has quietly let it slip that the cost of the project has blown out by almost 30 per cent from the original $60 million to $77.6 million.

Schools: Catholic sector

Mr DIXON — On another matter, figures in the most recent national report on schooling in Australia show a shocking disregard of Catholic education by the Brumby government, which is once again the lowest funder of Catholic education of any Australian state or territory. The Brumby government funding for every child in a Catholic school is $1457, which compares unfavourably with New South Wales, where funding is $2026 for each child, and with the national average funding for each child, which is $1889. The figures also show that under this government grants have slipped from 17 per cent to 15 per cent of Catholic school income. The Brumby government should once again follow coalition policy and promise to fund Catholic — —

ICA Casey College: student leadership

Ms GRALEY (Narre Warren South) — It was my pleasure to attend ICA Casey College in Narre Warren South on 4 August 2009 for its leaders badge presentation ceremony. Principal Geoff McLay and his team are building an impressive new school based on not only state-of-the-art facilities but also a strong foundation of values.

Congratulations to: college captains Jermaine Ekanayake and Matthew Laity; college vice-captains Isabella Williams and Matthew Pongrac; student representative council captain Sarah Head; Freeman House captains Rhea Ferrier and Fraser Hutchinson; Lawson House captains Courtney Witt and Kerem Boztay; Lyons House captains Jaide Collins and Jordan McLay; and Thomas House captains Ellen Lietzow and Caidan Fullwood. Congratulations also go to the subject captains: for music, Cooper Dodge-Bunn; for drama, Chloe Wright; for visual arts, Azra Garaca; and for ICT, Bradley Pulley.

These students are all young leaders with a great future who are serving their school and the local community. I know their parents are rightly very proud of their children. The ICA Casey College has a big focus on empowering its students, guiding them to develop good judgement and, importantly, to be aware of ethical and social justice issues — to take responsibility for their own actions and to care for others. These qualities were eloquently expressed by the student leaders when they took the following oath of office:

> I agree to uphold the three central values that underpin all interactions and activities at the college — safety, respect and learning.

I look forward to watching these young leaders guiding their new school to a very bright future by living up to the standards set out in their oath and leading by example. Best of luck to all at ICA Casey College.

Peninsula Link: construction

Mr BURGESS (Hastings) — The wonderful community of Baxter in my electorate has a long history of being ignored or mistreated by all three levels of government. For years this iconic community has been shuffled from council to council as no local government wanted to spend the time or money to help Baxter deal with its challenges.

More recently the Rudd and Brumby governments, through the Mornington Peninsula Shire Council, have tried to force inappropriate public housing onto the community, embedding disadvantage into an area that does not have anywhere near enough services and infrastructure for its existing needs let alone for a significantly expanded population. The latest attack on Baxter has come in the form of the Brumby Labor government's plan to run the Baxter leg of Peninsula Link as a 500-metre long overpass lined with unsightly noise barriers, 7 metres in height above Baxter-Tooradin Road and Frankston-Flinders Road rather than as an out-of-sight underpass.

As is often the case with resilient communities that are treated poorly for too long, Baxter is fighting back. The people of Baxter have formed the Baxter Residents and Traders Progressive Action Committee (BRATPAC). It is ably led by its inaugural chairman, Peter Baulch, of the Baxter post office. This is one representative body that means business. I ask that the Minister for Roads and Ports take a lead from the management of the Linking Melbourne Authority and meet with BRATPAC and revisit the flawed decision that will see the Baxter leg of Peninsula Link become an unsightly overpass through Baxter.

Police: Hastings

Mr BURGESS — I would like to congratulate my community on its tenacious and successful fight to stop the Brumby Labor government from closing the Hastings police station at night. Recently I received a call from regional command confirming that the closure would now not go ahead.

Rail: Stony Point line

Mr BURGESS (Hastings) — I would like also to congratulate my community for its long and successful fight to force the Minister for Public Transport to recognise the deadly nature of the Bungower Road and Mornington-Tyabb Road crossings and commit to installing boom barriers at each of the remaining inadequately protected level crossings on the Frankston–Stony Point line. It has been my privilege to have worked with my community to produce these wonderful outcomes.

St Kilda Football Club: Frankston training facility

Mr PERERA (Cranbourne) — It was a great pleasure to join the Premier and the Minister for Sport, Recreation and Youth Affairs to mark the start of construction of the St Kilda Football Club's new training facility at Belvedere Park Reserve, Frankston. This makes two Australian Football League clubs that are training in my electorate. The park will be transformed into a state-of-the-art facility for the Saints and the local community. It will be a great new sports hub for elite athletes. The development will feature an indoor hall for a range of local sports. Communities across my electorate will also be able to access the community facility. The new complex will provide a major new addition to the community.

This great project has been jointly funded with $3.45 million from the Brumby Labor government, $3.3 million from the Frankston City Council, $2.5 million from the Australian Football League and $1.43 million from the St Kilda Football Club.

Police: Carrum Downs station

Mr PERERA — It was also a great pleasure to join the Minister for Police and Emergency Services in turning the first sod on the construction of the Carrum Downs police station. This new station is a product of the community working together with the Brumby Labor government and Victoria Police to deliver better community services in our local area. I congratulate many local residents and representatives from local community groups who have worked hand in hand with me to deliver this station for the people of Carrum Downs, Langwarrin and its surroundings. The station is expected to be completed by August 2010.

Planning: Mildura

Mr CRISP (Mildura) — The Mildura Rural City Council has completed its position in respect of the Mildura older irrigated area study and amendment C58. On 29 May the Minister for Planning imposed amendment C58 on MRCC and in public debate assured those affected that once the MRCC had done the required work and submitted its proposal it would be dealt with promptly. The proposal is in the mail. The minister should honour his word. He should urgently convene a task force to consider the council's preferred option. The MRCC proposal very closely follows options previously discussed, and adheres to advice

from the Minister for Planning and the Minister for Agriculture on what would be acceptable. Letters sent to the mayor and council in April 2008 stated that options 3, 4 or B are consistent with state policy. This option conforms to those outlines.

Many families have been affected and dreams have been shattered by this planning debacle, and a considerable number of them have been to my office to ask for assistance. This proposal offers a way forward for families, and I call on the minister to act immediately on the proposed amendment.

Mildura Senior College: trade training centre

Mr CRISP — On another matter, the Mildura region trade training consortium Trade Training Centres in Schools program is an element of the federal government's education revolution. Trade training centres are being established to increase the proportion of students achieving year 12 or equivalent. The Mildura consortium includes 12 schools in the region and will be located at Mildura Senior College. It is supported by the institute of TAFE. The consortium has applied for funding and will need support from the Victorian government to be successful.

Alexander Evans

Mr HOWARD (Ballarat East) — Ballarat North MLA Alexander Thomas Evans died last Sunday in Creswick, aged 92. Tom served in this Parliament from 1960 until he retired in 1988. Born in Creswick in 1917, Tom Evans was educated at Smeaton State School and Ballarat High School before helping his family who ran the Smeaton shop. He later became a trainee manager at Woolworths.

As an active community member and keen sportsman, Tom became involved in the Mount Prospect tennis association, the Clunes Football League and many other sporting clubs. In 1952 he stood for council elections in Creswick, where he was elected and held the position for 10 years. He was elected as a Liberal MP to this house in 1960 and went on to win another 11 elections and remain the member for Ballarat North for 28 years. I note also that the last Labor candidate he beat over those years was a young Steve Bracks.

Tom was well respected as a local member and gained a reputation as something of a maverick, taking on Premier Bolte in his early days to get natural gas for Ballarat. He is also remembered for threatening to cross the floor of Parliament to vote with the opposition in the interests of his constituents. This threat killed off a plan to trial Saturday afternoon trading. It is fair to say that when Tom formed a view on an issue he could be very dogged in his approach to it.

I got to know Tom after his retirement. His passion for history and his interest in the Eureka uprising in particular brought us together — —

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

Electricity: infrastructure security

Mr CLARK (Box Hill) — Environmental extremists are planning a campaign of so-called civil disobedience against Hazelwood power station on 13 September. Their website openly seeks participants willing to put themselves in what it calls 'arrestable positions'. Based on previous incidents, this will involve extremists seeking to invade the power station and chain themselves to coal conveyor belts to try to cut off coal supplies and power production. Industry sources fear there may be simultaneous attacks on other Latrobe Valley power plants, which have the potential to cause major disruptions and even blackouts.

I have twice previously raised in this house the threat posed by environmental extremists and called for security improvements at power plants and substations, standard security measures and procedures, better communications and clear offences with tough penalties, but the government has failed to act.

On the latest public information, the Ministerial Council on Energy is still waiting on the Standing Committee of Attorneys-General to provide recommendations arising from its review of penalty regimes. The Minister for Energy and Resources must act urgently to do everything necessary to protect Victoria's generating plants and power supply from the threatened disruption on 13 September.

Electricity: smart meters

Mr CLARK — The minister must also act to resolve the problems his late, dumb and expensive electricity interval meters are causing for Victorians who are being forced to pay hundreds of dollars in higher power bills. Those who install solar panels suffer particular problems. Ms Judith Pratt of Upper Beaconsfield had solar panels fitted, only to find that if she connects them to her power supply she will lose her off-peak tariff and early payment discount and have her supply charge increased, leaving her $16 a quarter worse off than she would be without panels, because of the government's bungled rollout — —

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

Alphington Primary School: centenary

Ms RICHARDSON (Northcote) — Last year Alphington Primary School celebrated its centenary. As part of the celebrations, enthusiastic members of the school community, led by Michelle Fidler, set out to produce a written history. On Friday, 28 August, I joined with the school community to launch the book *100 Years of Learning*. Several people worked hard to bring the project to fruition. Michelle Fidler toiled painstakingly with old records and fading memories. Happily she received sterling assistance from Anne Crehan, Anne Rischitelli, Jane Edwards, Peter Williams, Karen Sims, Robyn Bradley, Karina Brook, Tia Mohamed and Bronwyn Munro, who all spent many hours interviewing former students. Bronwyn also researched and wrote the local history. One of the parents, Yunja Kirkpatrick, a fantastic graphics and layout artist, spent countless hours putting the book together piece by piece.

They continue a fine tradition of perseverance in the school community. Indeed, the school was established only after local parents continued to hassle and annoy the bureaucracy of the time, insisting that Alphington kids needed their own local school. With the forthcoming development of the Amcor site likely to add many new families to this pocket of Melbourne, the school has an exciting future. These new families will have a local school they can rely on to provide the best possible start in life for their children. As Priscilla Swiger wrote in the book, 'It has always been and always will be an institution with heart, a place of pride for students, teachers and parents, a community worth fighting for and a school worth celebrating'. With schools and parent communities like this, we can all look to the future with confidence.

Bass electorate: health services

Mr K. SMITH (Bass) — I want to raise an issue close to all our hearts and minds — that is, health facilities in rural Victoria, but particularly in my seat of Bass. As members would be aware, the uncaring, left-wing socialist Brumby government forced the desalination plant on the people of Bass Coast but has provided little else for the community. Nearly two years ago the leftie health minister promised to upgrade the Wonthaggi hospital to a subregional level but little has happened except the time-wasting review that was started nearly 12 months after the minister's now broken promises. Members should be aware that we have a population of nearly 30 000 residents, which swells to 50 000 people over the weekends. During special events up to 100 000 people can be on the Bass Coast, with a hospital which is not able to provide much more than basic services. I must say the staff members at the hospital do a wonderful job. The level of services available at the hospital is not their fault. It is due to the minister's lack of care and understanding for the Bass Coast region.

What is going to happen if there is a serious accident at the desalination plant? The injured will have to be either flown to Melbourne or raced there in ambulances. Unfortunately our hospitals do not have the facilities to provide the specialist services that would probably be needed.

Ambulance services: Grantville

Mr K. SMITH — On another matter, our ambulance service in the region does a great job, but it is overstretched. We need a new, fully-manned ambulance station at Grantville to service the waterline towns. The local community emergency response team does over 350 callouts per year. These volunteers should not have to be put under such pressure. Shame, Minister, shame!

Bushfires: Dysons Bus Service

Ms D'AMBROSIO (Mill Park) — I rise to inform the house of the continuing goodwill amongst members of my local community towards the rebuilding efforts in our bushfire-affected areas. The Dysons group of companies is a well-regarded family business based in my electorate that has provided bus services to the local community and the northern suburbs for many decades. It has shown a community spirit over many years which is exemplary.

On the occasion of Australia's greatest natural disaster, the Victorian bushfires in February this year, Dysons played a number of significant roles in the bushfire relief effort through the establishment of its in-house bushfire working group committee. This involved the active participation of its employees, some of whom were directly affected by the fires. One significant initiative was to raise funds for the establishment of a new children's playground for the Middle Kinglake Primary School. The company also undertook other projects of benefit to children in the broader Kinglake community.

Dysons set itself a target of raising $15 000, and in the true spirit of partnership invited Melbourne Bus Link and the Reservoir Bus Company to individually match this figure. Those three businesses achieved their goal,

and today the children of the Kinglake community are its beneficiaries.

I take much pride in the efforts of those three community-minded businesses that understand the value of giving back to the community. Dysons and the Reservoir Bus Company have also had a longstanding commitment to Australian jobs, investing significantly in Australian-made bus bodies.

Housing: Moorabbin

Mr THOMPSON (Sandringham) — I call upon the member for Bentleigh to show some leadership in relation to the proposed seven-storey development adjacent to the Kingston Arts Centre and the Moorabbin town hall. This area is a widely used community asset where car parking has been at a premium. The vision of the forefathers of the City of Moorabbin provided good leadership in facilitating the development of a certain amount of public open space for the purpose of car parking. This development will seriously encroach upon the utilisation of that space at a time when many people are commuting to the city via public transport and there is premium demand on accessible parking spaces in the district.

It is time the member for Bentleigh stepped up to the plate, stepped in and worked with the Minister for Planning to avert the fast-tracking of this development through amendment VC56. Now is the time for strong leadership by the member for Bentleigh.

Sandringham Bowling Club: centenary

Mr THOMPSON — I would also like to acknowledge the centenary of the Sandringham Bowls Club, which is one of the most dynamic local sporting organisations in the district and has been well served by committees that have applied vision and strong leadership to its development. Under the motto 'The Friendly Club', successive generations of lawn bowlers have faced the challenges confronting the Australian nation, including two world wars, the Great Depression and intermittent drought, and participated in the wider political, social and sporting life of the nation. The centenary launch last weekend was a great success.

City of Hobsons Bay: Community Chef kitchen

Mr NOONAN (Williamstown) — Last Thursday, 27 August, I joined the Minister for Local Government and the federal member for Gellibrand and Minister for Health and Ageing, the Honourable Nicola Roxon, at the turning of the first sod for the new Community Chef kitchen. This groundbreaking kitchen, to be built in my local government area of Hobsons Bay, will produce 1.5 million high-quality, nutritious meals every year for people receiving Meals on Wheels in their homes. The kitchen will pioneer new food production methods and improved occupational health and safety measures. It will incorporate design features that will reduce energy, water and chemical use, as well as carbon emissions. In addition to the significant social outcomes, this project will provide 80 jobs during the construction phase and once operational a further 75 permanent jobs for food industry workers. These are important jobs for the growing western suburbs of Melbourne.

Significantly this community kitchen project is a product of all three levels of government working shoulder to shoulder with each other. I want to particularly acknowledge the Minister for Senior Victorians for being the driving force behind our government's $6 million contribution to this project.

I place on record my thanks and congratulations to Community Chef chief executive, Hayden Raysmith; chair, Bill Jaboor; patron, Gabriel Gaté, and each of the participating local councils on this remarkable collaborative venture. I have been pleased to support this initiative, and I look forward to the opening of the kitchen in the coming months, as I am sure the numerous meal recipients from across Melbourne and Victoria do also.

Payroll tax: rates

Mr WELLS (Scoresby) — My statement condemns the Brumby Labor government for the ever-increasing number of Victorian small businesses caught up in the payroll tax net which is placing jobs at serious risk during the current economic downturn.

Answers to opposition questions on notice which have been recently received from the Treasurer reveal that an additional 1052 Victorian businesses were added to the payroll tax net in the 12-month period to 31 December 2008, with 29 232 employers now registered for payroll tax. At a time when the state government should be doing all it can to support and assist businesses to retain staff or employ extra workers, Labor is putting the screws on even more Victorian businesses to increase payroll tax revenue to pay for the government's record spending spree.

Victorian businesses are being hit yet again at a time when they can least afford it. This state Labor government has benefited enormously from record payroll tax revenues of more than $30 billion in total since 1999. Payroll taxes increased by 86 per cent from $2.2 billion in 1998–99 to a forecast $4.1 billion this

financial year, and they are expected to increase by a further 15 per cent to $4.7 billion by 2012–13.

The payroll tax net has grown under Labor and has become a major problem confronting Victorian business today. More Victorian businesses are being caught up in the payroll tax net each year due to the relatively low payroll tax threshold in Victoria of just $550 000 per annum.

Cardinia Combined Churches Caring

Ms LOBATO (Gembrook) — I wish to draw the attention of this house to the work constantly undertaken by the Cardinia Combined Churches Caring, known locally as the 4Cs. The 4Cs, located in Pakenham, is a charitable organisation assisting thousands of Cardinia residents in need of basic essentials such as food parcels when times become economically challenging. The 4Cs took time out last Friday to highlight their unrelenting commitment to the community to open their doors to local members of Parliament and councillors. I congratulate all 4Cs volunteers, and I congratulate the Cardinia shire on its support of the organisation.

Millwarra Primary School: funding

Ms LOBATO — I wish to congratulate Millwarra Primary School in Millgrove and Warburton East on its recent success in obtaining long overdue funding for capital upgrades through the Building Education Revolution program. Millwarra, despite its facilities, has long been an outstanding education and pastoral care provider in the Upper Yarra and is understandably elated and excited by the Building Education Revolution funding of $2.9 million. Congratulations to all the outstanding staff and the work of the school council at Millwarra, competently led by principal, Rod Barnard.

Gembrook community market

Ms LOBATO — I also wish to congratulate all members of the new Gembrook community market committee on the success of the reinstated Gembrook market on Sunday, 23 August. The weather provided a perfect backdrop for the market. The sun shone, people smiled, tourists came and the local economy was once again assisted. Congratulations and best wishes for continued success.

MATTER OF PUBLIC IMPORTANCE

Gippsland Lakes: future

The DEPUTY SPEAKER — Order! The Speaker has accepted a matter of public importance submitted by the member for Gippsland East:

> That this house recognises the vital importance of the Gippsland Lakes to the economic, social and environmental wellbeing of Victoria's east and calls on the government to guarantee all that can be done to protect and improve the environmental health, the management and the infrastructure needs of the Gippsland Lakes including appropriate actions, resources, support and management structure.

Mr INGRAM (Gippsland East) — For the majority of the last 150 years the Gippsland Lakes have been used and abused. They are Victoria's most important economic asset in the east of the state and the most important tourism and lifestyle asset, with major boating, sailing and fishing activities and people taking holidays on the lakes. People are now moving to live around the lakes.

The Gippsland Lakes make up the largest inland waterway in Australia. Like many other waterways in the state and the nation, the Gippsland Lakes have significant environmental challenges, stresses and ongoing threats. It is important to understand how the Gippsland Lakes have reached the state they are in, with over 150 years of use, change, resource use, extraction and mismanagement. I will outline some of the reasons for the decline in the health of the Gippsland Lakes, but they are well documented. They include: the combined impact of water and land use changes; changes in fire regimes; heavy industry in the Latrobe Valley; land clearing and forestry practices; vegetation removal, particularly riparian vegetation on our rivers and streams; water diversion and use; and major water diversion out of the catchment. The lakes have also felt the impact of feral animals, deer — particularly around the Gippsland Lakes coastal park — as well as goats and pigs.

Other changes include the sedimentation of nutrient and impacts from catchment change and the input of those nutrients into the Gippsland Lakes; a decline in catchment run-off and low flows — some of that is because of changed fire and land management and the increase in vegetation density in the inner catchments; intensive agriculture and irrigation drainage and salinity; the construction of a permanent entrance at the mouth of the Gippsland Lakes at Lakes Entrance; and large-scale mining. Questionable historical mining practices have had large-scale impacts on and inputs into the lake system. There has been wastewater discharge — some of this has been historic with Dutson

Downs originally discharging into the top end of the Gippsland Lakes — and there are still septic tanks and other forms of pollution. There has also been a large amount of boating use, overfishing and coastal development.

The impact and culmination of all these impacts has caused changes to the long-term health, condition and salinity of the lake system. Over recent decades the lakes have suffered severe algal blooms, which are just one of the symptoms of the decline of and the challenges facing the Gippsland Lakes. The major challenges include the increase in salinity over recent years, particularly in the western end of the lake system; declining fish stocks; and the loss of fringing vegetation around the Gippsland Lakes because of some of the salinity changes. We have also unfortunately seen a decline in the condition of the Ramsar-listed wetlands, and the rivers around the Gippsland Lakes are facing real stress.

The reason for submitting this matter of public importance is to discuss what has happened and where we should go with the lakes. I would like to think that this debate could be used as a constructive policy discussion on the important issue of the future health and management of the Gippsland Lakes. It is essential for the environmental health, along with the wellbeing and health of our communities, that we get the Gippsland Lakes management right.

The matter I have put forward is designed to outline my concerns and those of my community about the current state of the Gippsland Lakes; to outline what action is required; to generate debate and gain a commitment from both sides of politics to look into the issues that are causing the problems in the Gippsland Lakes; and to implement real, clear plans and structures to deliver those outcomes in order to look forward to a more positive future.

My constituents and those of the broader region would like to have the Gippsland Lakes placed on a par with waterways that attract national media attention such as the Murray-Darling Basin. The Gippsland Lakes are as important. I note the information that came with the Ramsar listing of the wetlands surrounding the Gippsland Lakes, and I will quote from that:

> The Gippsland Lakes together form the largest navigable inland waterway in Australia. These features create a distinctive regional landscape of wetlands and flat coastal plains which is of considerable environmental significance in terms of its landforms, vegetation and fauna. They include a number of sites of national and international importance.

The Ramsar listing of the wetlands surrounding the lakes notes that there are some incredibly important wetlands which are in serious decline because of salinity and other impacts. It is essential that the Gippsland Lakes receive ongoing commitment, support and ownership within government of the outcomes. I think that has declined over recent years.

I was instrumental in the establishment in 2001 of the Gippsland Lakes and catchment task force aimed at improving the condition and coordination of the plethora of organisations and authorities that have some role in the management of the Gippsland Lakes. The original meeting attracted a range of participants. At the time some of the agencies were very reluctant to come along; one organisation sent along probably one of its most junior people to show its lack of commitment and its disagreement with being asked to come along. A whole range of organisations have some part in the management of the impact of the Gippsland Lakes. Those organisations include local government, water authorities, rural water authorities, Parks Victoria and the Department of Sustainability and Environment (DSE).

The task force has done a good job, with the passionate commitment of people like Barry Hart as chair, and has provided direction and a firm scientific basis for the work and priorities of action. The task force has focused predominantly on nutrient reduction, particularly in the Macalister irrigation area, and on filling in the research gaps. This was its mandate when it was originally established, and the Gippsland Lakes future directions and actions plan of 2002 set out where the focus would be. The task force is currently working on the next plan to set the priorities for the next stage of works. One of the main focuses of the next stage is the reduction of nutrient from rain-fed dairy areas in the western catchments. Nutrients are an important but small part of the improvements necessary to fix the problems of the Gippsland Lakes.

Over recent years there have been calls for one organisation to manage all aspects of the Gippsland Lakes. In my view this would present as many challenges and difficulties as it would solve. However, we do need to examine the future structure of those organisations and the roles and responsibilities they have with the aim of simplifying the existing complex processes of duplication of organisations that currently manage the Gippsland Lakes in the environmental and planning aspects and the infrastructure. It is now time to review that duplicated structure of these regional stakeholder organisations and to introduce better solutions for the long term. I hope to use this debate to outline what I see is the way to do that. I will break the issues down into infrastructure and environmental planning and development. To get the best management

we need to simplify the link between the planning and environment areas and responsibilities.

On the infrastructure issue, Gippsland Ports manages a large part of the boating infrastructure on the Gippsland Lakes. Last week the government released *Port Futures — New Priorities and Directions for Victoria's Ports System* which implemented part of what I have been lobbying for for a while — that is, to have the area of ports in DSE shift to the Department of Infrastructure. That is only part of the step needed to be taken. We also need to expand that so that all boating infrastructure on the Gippsland Lakes is managed by one organisation. Currently we have the East Gippsland shire, DSE, Gippsland Ports and Parks Victoria partially managing marinas, moorings and boating infrastructure. It is difficult for people on the lakes to know who is responsible for each bit of infrastructure. Sometimes people have to go to more than one organisation to find out who is responsible for each bit of management. That should be done under one organisation.

Gippsland Ports currently manages $110 million of infrastructure; it is operating under the same organisational legal structure as a small town hall committee. A review of the operations of all the environmental management of the Gippsland Lakes, including the Gippsland Lakes and catchment task force, is needed with a view to reducing the duplication and complexity and ensuring better coordination and management of the Gippsland Lakes. This complexity and duplication is increasing the cost and taking money that really should be spent on fixing some of the problems rather than funding the bureaucracy.

We also need to have a major review of the planning and development issues and make sure we streamline and prioritise investment planning and link that to the environmental management so that there is not this duplication.

It has been disappointing that the last budget had no funding for the Gippsland Lakes and catchment task force, and also that the government did not outline any alternative. If the government does not support the ongoing management of the Gippsland Lakes outcomes by the task force, it needs to set up alternative structures or priorities. Adequate funding is essential to targeting investment in the areas, and we need to ensure that the investment is put into the areas to gain the greatest outcome for the environment and the community.

Protecting the environmental entitlements for the Gippsland Lakes is also essential. The government has already targeted the Thomson River environmental flows for Melbourne, and recently some statements about that have been reported in the press. The Thomson River and the Gippsland Lakes are already struggling, and to have more extraction from that catchment would further disadvantage the Gippsland Lakes. Melbourne Water is already looking at that. We have some major challenges to supplying water for Melbourne's future, but we need to ensure that we protect and enhance the Gippsland Lakes catchment and environmental flows.

There has been a number of calls for dams. Andrew Bolt and his pro-dam mates are constantly calling for a new dam on the Mitchell River to send water to Melbourne. The Gippsland Lakes are already struggling because of lack of fresh water flows. Any further construction or extraction of water from our catchment would have serious long-term impacts on the health of the Gippsland Lakes.

There are calls also for storages for local farmers. There are alternative solutions for that — either off-river storages or groundwater storage — and these should be the focus rather than the constant calls for another major storage on the Mitchell or other Gippsland rivers.

Organisations such as the Friends of the Gippsland Lakes (FOGL) do great work in our area. I have been involved in some of the revegetation activities on the Mitchell silt jetties, which are the second-largest formation of their type in the world. They are amazing features and will be enhanced by the revegetation. Members of FOGL have also been quite adamant that the impact of deer needs to be managed as part of the coastal park management plan, and it is very disappointing that the government will not deal with that issue.

One of the greatest emerging challenges is the increase in the salinity of the wetlands surrounding the Gippsland Lakes. These wetlands are Ramsar listed, and have been identified in a number of documents. I recently visited the HeartMorass and was very disappointed to see the impact of a combination of long-term irrigation and groundwater salinity with the increase in salinity of Lake Wellington and the recent floods which have caused inundation over some of the flood plain areas that were once productive agricultural areas.

It is essential for these farmers, who have lost productivity, that the matter is addressed. Most of these impacts are the result of government decisions over many decades. There are some real opportunities to take some of these areas out of production, revegetate them, and link the flood plain back to the wetlands. As

ongoing climate change, sea level rises and the decline of the fresh water inflows have an effect, these areas will become more and more saline. Unless we return these areas to wetlands, it could be very disappointing for farmers to try to farm there.

One of the other issues that must be addressed is the major impact on the Gippsland Lakes of failed public land and fire management in the upper catchment. In recent years we have had a number of catastrophic fires, and floods have occurred after them. The sedimentation and nutrient input from one of those large fire and flood events make the efforts being put into reducing nutrients in areas like the Macalister irrigation area pale into insignificance. We need to ensure we consider this as a whole-of-catchment improvement, and focusing on small bits of it will not actually solve the problems in the long term.

Our lakes are an incredibly important asset to our region. We must ensure that we leave them to future generations in at least as good, if not better, condition than we received them. That will occur only if governments make a full commitment in funding to support the actions that are required. Significant work can be done in improving the riparian vegetation and rehabilitation of the catchment rivers. A large amount of work also needs to be done to further reduce nutrients. We must ensure we protect the environmental flows and the allocations of these rivers. We must ensure that we manage the planning and development pressures around the Gippsland Lakes, because that is another major challenge.

There are also issues around some of the run-off. We still have towns around the Gippsland Lakes, such as Loch Sport, that are not connected to urban sewerage systems. I look forward to the ensuing debate, and to ensuring that we protect and enhance the Gippsland Lakes for the future.

Mr CRUTCHFIELD (South Barwon) — I rise to contribute to the debate on the matter of public importance. I, along with everyone in this house, recognise the importance of the Gippsland Lakes, both from an economic imperative and, as importantly, from an environmental and social one. Most people in this house would have had some experiences on the Gippsland Lakes. I am certainly one of those who have experienced them, either from a boat, fishing, or when birdwatching at Rotamah Island, whether when staying overnight in one of the towns, which we did as a government and caucus, or being there with family and friends.

It is a serious destination, for not just domestic tourists but also international tourists. Over the year to March 2009, we have had some 500 domestic day-trippers to the lakes district, which represented some 18 per cent of domestic daytrip visits to the whole of the Gippsland region. In terms of international overnight visitors, in the year ending March, some 31 400 visitors went to the Gippsland Lakes, and that represented 62 per cent of all international visitors for the whole of the Gippsland region.

Therefore from an economic point of view — both from a local perspective but importantly because it is an economic driver for the state — it is imperative that the area is protected. But, as the member for East Gippsland touched on, from an international perspective it is also environmentally significant. Given that the wetlands are Ramsar listed, it is incumbent on us all to leave them in a better condition than we have had them in previously.

Back in 2001, the Gippsland Lakes and catchment task force was put together. I acknowledge that the member for Gippsland East was a particular driver of that. The task force combines a number of disparate groups, as has been touched on. In fact scores of organisations have some sort of jurisdiction over the lakes, and that was concertinaed into a task force chaired by Professor Barry Hart, who is an emeritus professor in the Water Studies Centre at Monash University. I will not mention the names of all the other people involved, but I want to touch on the qualities and positions of these people. They are the chairs of all their organisations. They are not, as the member for East Gippsland alluded to, junior members now. They are the most senior members of their organisations, whether they be catchment management authorities, from the Office of Water in the Department of Sustainability and Environment, East Gippsland Water, councils in terms of the local government network, the coastal boards or the Environment Protection Authority.

It is a hard-hitting task force. It has some people on it who make decisions and over the past seven years it has been allocated some $20 million of state government money directed at improving particularly some of the nutrient run-off issues and consequent algal blooms in terms of the health of the lakes. It is not entirely concentrated on that but that certainly has been its main focus, with 75 per cent of the money having been spent on the ground for nutrient and sediment protection.

It has run an ‘Our lakes are precious’ campaign to raise awareness around the lakes. It has monitored nutrient levels, events such as floods and in-lake conditions. It has carried out research into best value activities. It has

leveraged a quantity of funding from state, federal and other regional sources.

There is a critical need for a management structure there, whether or not that be the catchment task force in the long term. That is an option that was reflected in the original report which suggested that in the future its responsibilities may be amalgamated with those of the two catchment management boards there. If that were to occur, a recognised revenue source would have to be clearly identified for use in the Gippsland Lakes on those specific issues.

Whilst no-one should be tied to the exact structure, it is important that we be outcome-focused, and certainly the chair and the other current task force members have done a particularly good job. Back in 2008 there was some publicity — which I do not think any Gippslander would have been too pleased about — which suggested the Gippsland Lakes were about to die, and pretty damn soon. The effects of that on the tourism industry for that year were unfortunate. I note members from all sides of the house worked hard at turning that rather erroneous perception around. On 21 September 2008 the chair, Professor Barry Hart, wrote an opinion piece for the *Age* saying essentially, if I can paraphrase it, that yes, the Gippsland Lakes were changing but they were far from dying. Yes, there are very serious issues, but the lakes are not dying and to suggest that is a little premature. I think I saw a couple of quotes from the member for Gippsland East on that particular issue as well.

It was pleasing to see that on 28 July, not that long ago, the chair put out a press release that was much more positive. I know it was taken up locally; I did not see it so much in the metropolitan media, unfortunately. It is headed 'Scientific evidence shows Gippsland Lakes on the mend'. The first part says:

> Substantial fish numbers and species, reduced algal concentrations and improvement to seagrass density and spread are key findings of a scientific snapshot of the Gippsland Lakes released today.

Whilst that is not suggesting at all that there are no issues in the Gippsland Lakes — far from it — it is saying that monitoring and work to understand the long-term effects on the lakes that have been caused by us continues.

I believe a number of members joined with the Minister for Regional and Rural Development at a Gippsland Look at Us Now campaign event. I know members from both sides were there. There was a conversation about the biggest threats to the Gippsland Lakes. Whilst there was a focus on the environmental issues that the member of the Gippsland East has touched on, there was also a conversation about dams. One of the members at that function was Philip Davis, a member for Eastern Victoria Region in the Legislative Council. He was a very welcome member at that forum because he was in a group of leaders of the Gippsland community not one of whom suggested that damming any of the major tributaries that flows into the Gippsland Lakes was a good thing. In fact the Mitchell River was the one that was focused upon.

Mr Davis has been very public about his opposition to damming particularly the Mitchell and any of the other major rivers that end in the Gippsland Lakes. He was very well received. If that is a reflection of the view of Gippslanders about opposition to a dam — or to dams, as is some people's view — then I encourage those who still promulgate the pro-dam view and say it publicly to be a bit more forceful and more open in terms of where they want to put a dam and when.

The dam debate has arisen again. Everyone should be familiar with the Sinclair Knight Merz study which found that building a dam on the Mitchell River would have disastrous consequences downstream, particularly for the Gippsland Lakes. That study referred to significant loss of native vegetation. For those who do not know the Mitchell — I have been on it and been to the international park there — it is a heritage river, one of the last unregulated rivers in Victoria and a wonderful river.

The Sinclair Knight Merz report made it very clear that the impacts or effects on local communities of a dam would be extraordinary. It also made the point that a new dam would impact significantly on small towns such as Tabberabbera and Dargo. A new dam on the Mitchell would involve an 80-metre-high dam wall and 120 kilometres of associated pipeline and tunnels, a water treatment plant and pump stations to transfer water to the Thomson Reservoir, and it would take some 8 to 10 years to deliver.

On the Environment and Natural Resources Committee inquiry into Melbourne's future water supply, I want to quote from one contributor, Professor John Langford, who suggested there was no rationale for a dam in the north and certainly not one in the west. I note a number of Liberal Party members believe there is an opportunity to dam the Gellibrand River, but that is another discussion.

Professor Langford went on to say of the Mitchell River:

> It does have a significant amount of water in it … But if you were going to get any of that, you would need a very

> substantial dam. It is one of the few free-flowing rivers in Victoria, and it flows into the Gippsland Lakes, so the environmental consequences of doing anything to that — and in our current circumstance, building a dam takes a while, a long pipeline, it is energy intensive to get it here, plus we have got to wait till the dam fills. So it really is not an alternative to the desalination plant, because if we are trying to fill a dam in a dry sequence, it is not going to work. So it is definitely not an alternative to the desalination plant, and personally I do not think it is worth considering. If you want Plug the Pipe, I'll tell you what, you would have an even bigger Plug the Pipe if that occurred.

He was alluding to the campaign that would be against it.

I would argue that the science on building more dams is quite clear: it should not be a policy that is pursued. Unfortunately that is not the policy of the people opposite. It has been 857 days since the Leader of The Nationals suggested that he wanted to build more dams. He still has not come out with a formal policy about where they will be, although I note that the water policy of The Nationals for the 2006 election is still on their website — or it was most recently. Most likely, prospective sites for new dams are on southern-flowing rivers, particularly rivers in Gippsland such as the Mitchell and the Macalister upstream of Glenmaggie.

Honourable members interjecting.

Mr CRUTCHFIELD — The interjections suggest that that is their 2006 policy position. I would be pleased to hear that they want to update their water policy position.

There are a number of other interesting developments. An article in the *Australian* of 1 August said:

> The most promising location for a dam is on the Mitchell River, but the heritage-listed river rises in a national park and damming it would spark the Victorian equivalent of the Franklin campaign. Several Coalition MPs have spoken out against damming the Mitchell even though Baillieu has said all locations remain under consideration.

On 23 October of that year we saw the Leader of the Opposition and the Leader of The Nationals at Eildon communicating their current policy about building a dam for Melbourne somewhere. You cannot help but identify the hypocrisy of that argument — building a dam in Gippsland, shipping Gippsland water to Melbourne — when some of them rail against the north-south pipeline, which is allegedly taking water savings from the Goulburn River and using them for Melbourne. The contradictions in that are absolutely obvious. Here they argue about building an environmentally destructive dam — or dams, as the member for Swan Hill has articulated. I think he would like to dam every flowing river in the whole of the state, including the Gellibrand in the Otways.

The DEPUTY SPEAKER — Order! The member should confine his remarks to the matter of public importance.

Mr CRUTCHFIELD — It is about the failed policy of building dams in the east and its consequence and critical effect on the Gippsland Lakes.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on this very important issue. I have lived in Sale for some 35 years. For much of my time practising law I worked in Bairnsdale, and I had a close association with many of those who lived and worked near and enjoyed the magnificence of the Gippsland Lakes. That association continues to this day. I share with the member for Gippsland East his basic concern to ensure that the health and welfare of the Gippsland Lakes is accommodated in years to come.

The extent of the Gippsland Lakes is beyond the understanding of many people. The lakes have a combined surface area of about 365 square kilometres. The system is about 70 kilometres long and 10 kilometres across at its widest point. It begins at Lake Wellington at the western end and runs through McLennan Strait into Lake Victoria, Lake King and eventually out through the entrance adjacent to Lakes Entrance and into Bass Strait.

The true story of the issues pertaining to the Gippsland Lakes is really to do with the broader catchment from about Warragul in the west running all the way through to East Gippsland up as far as Omeo, and the influences which are therefore brought to bear in that catchment, which incorporates and is focused into the Gippsland Lakes.

In the years that I have lived in Gippsland I have had the great pleasure to be associated with some of the finest minds involved with the developments that have occurred around the Gippsland Lakes. Murray Graham, who was the senior partner of the legal firm in which I worked, and Chas Heath, who worked with' and Heath for many years, were instrumental in developments such as the canals at Paynesville and the redevelopment of Bull's shipyard up at Metung. These initiatives have brought much change to how the communities of the Gippsland Lakes have come to live.

Engaged with all of that has been the growing understanding in the communities of the lakes district and through the catchment generally of the critical importance of environmental issues and the way in

which we accommodate the needs of the lakes in the years to come. There are seven rivers which flow into the lakes: the Latrobe, the Thomson, the Macalister, the Avon, the Mitchell, the Nicholson and the Tambo. I have seen those rivers in their different moods, as has the member for Gippsland East.

In 2007 there were two extraordinary flood events, extraordinary in the sense of the dimension of the water that came down through the lakes system. It was approximately the equivalent of the complete capacity of the Thomson Dam; about 1000 gigalitres of water came down the rivers into the Gippsland Lakes in those two events of June and November. I will remember forever standing on Bullock Island during the June event, toes literally hanging over the edge, as the water went past at about 30 kilometres per hour, out through Lakes Entrance into the ocean, staining the ocean for literally kilometres beyond the entrance itself. The enormity of that flow was truly something to behold.

What we now see in a contemporary world is a vast array of communities and enterprises which make up the lakes. Regrettably the lakes in all their glorious magnificence seem to live in a system under perpetual threat. The key to the point which has been made by the member for Gippsland East is the notion that we need to move away from having an apparent series of competing interests to ensuring that we manage them on the basis that they are complementary. We have to get away from the notion that they butt up against each other and therefore represent a threat and learn better to accommodate the reality: that we now have communities in this region which are dependent on the lakes and that in turn the lakes are dependent on those communities. In years to come we have to have a management structure which reflects that complementary capacity as opposed to the historical position, that we have different communities and activities in competition.

In that regard I refer particularly to the Macalister irrigation district where we have a huge dairying industry. About 450 dairying families contribute to the economy of Gippsland which is extraordinarily important to the way they lead their lives. Over the years we have learnt that issues to do with the development of that industry — reducing nutrient run-off, encouraging our farming communities to build reuse dams and the like — are now much better understood by those farming communities in the Macalister irrigation district. They make a magnificent contribution, and their understanding that they rely on some assistance from government, but most particularly on their own investment, is reflected in many ways in this concept to which I refer. There is an understanding now of the necessity for them to conduct their businesses in a way which is complementary to the needs of the lakes. I recite that as but one example.

Out on the Lindenow Flats, where horticulture has flourished over the years, there is something of the order of 1000 jobs directly related to what happens there. It is critical therefore that those horticultural enterprises be conducted in a way which pays due regard to the needs of the Gippsland Lakes. To the eternal credit of the people directly involved, that is happening.

The situation is the same for the tourism industry in all its forms. The member made reference to the work being undertaken by Gippsland Ports, the difficulties around funding initiatives and where the money is drawn from. These things are very important in terms of the future. It is about this notion of balanced development and making sure that we pay heed to the needs of today and tomorrow in the sense of the people who live in the region, whilst also respecting the fact that we have to make sure that the lakes system is not loved to death by those who are so dependent upon it for their future. It is a mix of all those issues.

The member for South Barwon brought up the issue of dams. He wants me to talk about dams. For whatever number of days it has been, in this place today I mention the word ‘dam’, so the member for South Barwon can start the count again. The issue here is overstated by government members as they try to be distracting and destructive about this. I hark back to the years when we were in government, and their tune has not changed.

Mr Crutchfield — Darren Chester is a good bloke.

Mr RYAN — The member mentions Darren Chester, the federal member for Gippsland, who has expressed a point of view against the construction of a dam on the Mitchell River, as have a member for Eastern Victoria Region in the Council, Philip Davis, and others. We understand and respect that, and in due course when the election is imminent, beyond the 400 or 500 days or whatever it is, we will have plenty more to say about it. I say to the member that when you have 1000 people working in this area who are basically dependent upon ensuring they have an available water supply, you cannot turn your back on it and say it does not matter. When you have people for whom it is not at all necessarily a question of more water but security of supply is the key issue, you cannot just turn your back on this. This is an issue utterly critical to the future of the region, and we believe from the coalition’s perspective that these issues can be managed in a

balanced manner which pays appropriate heed to the needs of the Gippsland Lakes whilst also ensuring the communities of the Gippsland region are able to flourish in time to come. You have to have regard to both. You cannot go out there trying to score cheap points about all this without having regard to what is needed.

As to the basic point raised by the member in his matter of public importance, I share the principal notion that to ensure the future of the region we have to have a means of management which has regard to the many competing influences that are involved. We have about 30 organisations presently engaged in it. The task force does a great job, but unfortunately the government has been found wanting with regard to funding the task force. This government has been very unkind in its funding cuts to the support it has provided to the task force over the years. We need a better management structure, I agree, and let us have regard to this crucial issue of making the future of the lakes complementary and not a competition.

Mr NARDELLA (Melton) — I rise to support and agree with the matter of public importance (MPI) before the house. The honourable member for Gippsland East is one of the most genuine and sincere MPs I have ever come across in my long political career, and the issue he raises is absolutely critical. His knowledge and commitment to his electorate are legendary. It is also a real commitment that ranges from the Snowy River to his local communities, as shown by this MPI and his support for the Gippsland Lakes region. He details three key things: infrastructure, the environmental health of the lakes district and the management of the Gippsland Lakes, and other members have talked about those things in their contributions.

The member has set a clear plan for the lakes. He talked about the duplication of services and responsibilities, the need for more funding, streamlining responsible authorities for the lakes, environmental flows and so forth. The honourable member for Gippsland East is passionate about his electorate and his region and is committed to protecting and upgrading the lakes district. The greatest danger, though, is the policies of those members opposite. The greatest danger for the protection of the Gippsland Lakes district, its tourism, its economy, its jobs and the activity within the area is the Liberal Party and The Nationals who sit opposite. It is essentially about the policy they took to the last election and will take to the next election of damming the Mitchell River and other tributaries.

Mr Philip Davis, a member for Eastern Victoria Region in the Council, is opposed to this. It has been made very clear that he is opposed to it, and so is Darren Chester, the federal member for Gippsland. But there are policies out there on websites and statements that have been released publicly which contradict those two honourable gentlemen. As exposed by my honourable friend the member for South Barwon, the policy about damming the Mitchell River is still there. It contradicts the report by Sinclair Knight Mertz that details the dangers of damming this free-flowing river in the Gippsland Lakes region and the effects on local communities of this disastrous policy of the Liberals and The Nationals.

Just 4 minutes ago, when the Leader of The Nationals finished his contribution, he had had a full 10 minutes in which to come out and say in this Parliament that it is not the policy of The Nationals and the Liberal Party to affect the Gippsland Lakes region by damming the Mitchell River. This policy will destroy the great lakes in the Gippsland region. It is a great shame, because there has been no contradiction from any of the members on the other side of the house. Not one of them is interjecting at the moment. Not one of them is going to the defence of the Leader of The Nationals, because they know the policy of The Nationals as shown on its website today is to destroy the Gippsland Lakes region, regardless of the rhetoric, regardless of the vacuous words of the Leader of The Nationals. Not one of them is interjecting, because they know the policy they are taking to the next election opposes what the honourable member for Gippsland East has put before the Parliament today, and that is about stopping the destruction of the Gippsland Lakes region.

Who else is saying this should occur? Sharman Stone, who was a parliamentary secretary in the Howard Liberal-National coalition government, supports damming the Mitchell River. Who else supports damning the Mitchell River? Let us go through them, because it is extremely important to detail the official policy. An article by Melissa Fyfe in the *Age* of 3 May reported Liberal Senator Julian McGauran, who used to be in The Nationals but ratted on them and went over to the Liberals, calling on the state government to dam Gippsland's Mitchell River to boost Melbourne's dwindling water supplies. That is proof of where the Liberal Party lies — it is sort of The Nationals. He came from The Nationals and that is where his heart is really at. At least he has a heart, unlike the Leader of the Opposition. That is the policy of the Liberal Party.

In the same article a spokesperson for the Leader of the Opposition said the coalition believed a new dam should be built. That is the policy of the coalition. That

is where this matter of public importance is absolutely critical in protecting the Gippsland Lakes region. To understand the policy of the Liberal Party from the words of the spokesperson — the person speaking on behalf of the Leader of the Opposition, the one without a ticker — —

An honourable member interjected.

Mr NARDELLA — That is right. Not too many inner city Liberals are coming out to support it. But the Leader of the Opposition said the coalition believed a new dam should be built. The Leader of The Nationals, who is the member for Gippsland South, said in Parliament on 7 February 2008 — so this was going to be the official policy of The Nationals:

> The construction of more dams in Victoria: of course we should examine that alternative.

The Leader of The Nationals said that in this house on 7 February 2008. He then went on to talk about the Thomson Dam and the Glenmaggie Weir and the need for water in Victoria, and concluded:

> … but there is scope to build new facilities there which will do justice to Victoria's needs …

Not only is it on the website of The Nationals, but its leader confirmed on 7 February 2008 — just last year — that there is further scope for more dams to be built in Victoria. Where should they be built? Where should The Nationals build dams to destroy the Gippsland Lakes? They would build them on the Mitchell River in Gippsland, which would destroy the livelihoods of townships, destroy jobs, destroy tourism and destroy the ecological values of the Gippsland Lakes region. That is the policy of The Nationals and the Liberal Party. That is where their heads are.

One thing that may occur over the next few weeks and months is that the policy may change with a change in the leadership of the opposition once somebody decides to challenge. The Leader of the Opposition's heart is not in the job; we all know that. This policy may change — —

Mr Weller — On a point of order, Acting Speaker, I ask you to bring the member back to the matter of public importance. I think he has strayed off it a bit.

The ACTING SPEAKER (**Mr K. Smith**) — Order! I call on the member to get back to the matter before the house.

Mr NARDELLA — Absolutely, Acting Speaker. This matter of public importance is about making sure we expose the dangers to the Gippsland Lakes. The danger is that until the Leader of the Opposition is replaced, because his heart is not in it — —

An honourable member interjected.

Mr NARDELLA — He has a heart, but his heart is not in it. Until he changes, the Gippsland Lakes are in danger.

Mr WALSH (Swan Hill) — It is always fascinating to follow the member for Melton particularly on a Wednesday morning. As I listened to the member I was reminded of that very old saying about the little boy who cried wolf. Every Wednesday we see the member for Melton get up and berate this and berate that and berate everything else. It has got to the stage where no-one believes him. He is just a blowhard and no-one takes any notice of him any more because every week he goes on and on and on. He rants and raves and comes up with all these conspiracy theories and theories about who is going to do what to whom in the opposition, and no-one believes it. He is just a blowhard who is like the little boy who cried wolf.

Turning to the matter of public importance (MPI) from the member for Gippsland East, I am very pleasantly surprised that he is still taking an active interest in the environment in his area. I think it is a very good MPI. The opposition shares the views of the member for Gippsland East about simplifying the management structures around the Gippsland Lakes and about protecting them.

If you go to the aims of the Gippsland Lakes and catchment task force, they are to reduce nutrient flows entering the lakes by 40 per cent over the next 20 years; to establish a balance between freshwater and salt water flows to improve the overall ecological health of the lakes and the catchment streams; to improve the capacity of the catchment community to understand and participate in actions and changes; and to maintain and enhance the biodiversity of the Gippsland Lakes hinterland and wetlands. I think everyone in this house would agree with that. Even the member for Melton would probably agree with that.

What I find interesting about the member for Melton when he gets up and bangs on every Wednesday is that he is a part of a government that has been in place now for 10 years, so the opportunity to do a lot of these things has been there for this government. It has had record income over 10 years. It has had unprecedented economic activity, which has given it huge tax revenue to do a lot of the things that should be done. What do we find has actually happened to the Gippsland task force? From 2002 to 2006 it was given $3.2 million a

year to do the work I just talked about. In 2006 the funding was cut from $3.2 million a year to $2 million a year. The members for Melton and South Barwon go on about how much they care about the Gippsland Lakes, but they are part of a government that has had record tax revenue but which has cut funding for the task force from $3.2 million a year to $2 million a year. But there is more. The funding ran out on 30 June, and as I understand it there is nothing in the budget for the Gippsland Lakes task force.

The people on the other side speak hollow words about what they stick up for, but they do not actually put in any money to do anything about it. I think they should hang their heads in shame about their supposed commitment to this particular issue. Effectively the Gippsland task force is struggling and cobbling together money from other sources to try to keep going instead of having base funding.

The other issue that I would like to point out, particularly to the member for Melton as he bangs on, is that in 2005 the Thomson River, which flows into the Gippsland Lakes, was given a 10 000-megalitre water entitlement. That water entitlement was called an environmental water quality reserve. It was there for the express purpose of managing issues such as algal blooms. At that time this government — which says it cares about the environment but does very little — said it would find an additional 8000 megalitres to put down there as well and that it would be provided by what is called system savings. Is it not fantastic? There is a hollow ring to this, though — something about savings and northern Victoria, but we will not go there at the moment.

There was this 10 000-megalitre water quality reserve to go down the Thomson River and end up in the Gippsland Lakes. What has happened to that water since it was allocated to the environment? Since 2007, when the Victorian water minister was given the discretionary power to qualify those rights, he has qualified that water every year. It actually does not go to the Gippsland Lakes; it comes to Melbourne. Again, we have hollow words from the other side about what government members believe the government is doing for the environment by giving it an allocation, when the minister has been given the power to take that water to Melbourne every year.

If you look at the condition of the lakes since the time when the minister started qualifying that particular amount of water, you see there have been algal blooms in them. The 10 000 megalitres may or may not have solved the problem of those algal blooms, but it would most definitely have helped, particularly since from January to May 2008 there were algal blooms in the lakes that were potentially harmful to human health. We have got this issue of algal blooms in the lake. There are a lot of reasons it has happened, but this government, on the other side of the house here, is qualifying the water right that was given to that river and those lakes to try to solve some of those issues; it is qualifying those particular rights and taking that water to Melbourne. There are very hollow words from the other side when it comes to supporting the member for Gippsland East's matter of public importance.

Another issue that has not been touched on much so far is that of bushfires and the damage that bushfires do to the catchment and the subsequent issues when you have rain after those bushfires. In 2006 big bushfires in Gippsland were followed by a major rain event and we saw floods, the issue of the debris from the fires being washed into the reservoirs and lakes, the issue of the nutrient that came down with that, the issue of landslides and the issues that arose in the upper catchment.

Again, we hear hollow words from the other side of the house when it comes to managing the catchment of the lakes. If you were going to manage the catchment of the lakes well, you would increase the controlled burns in the area to try to ensure that you did not have those sorts of megafires that we saw in 2006 in that particular area. If you go to the Environment and Natural Resources Committee report into the bushfires, it recommends that the area of controlled burns be increased so we do not have that situation. If you go back in history, you see that Bruce Esplin, the emergency services commissioner, was saying the same thing: there need to be more controlled burns. If you go right back to 1939, when we had the Stretton royal commission into bushfires, you will also find the Stretton royal commission said we should have better controlled burns to make sure we do not have those sorts of megafires. When it comes to looking after the Gippsland Lakes one of the things this government can do is make sure it manages the forest a lot better than it does currently, particularly around the issue of controlled burns so there are not as many bushfires.

The other issue I would briefly like to touch on is the issue of nutrient inflows. We went back to the aim of the Gippsland Lakes task force to reduce nutrient inflows by 40 per cent. I congratulate the dairy industry in the Macalister irrigation area for the great work it has been doing, in conjunction with government, to reduce the nutrient inflow off the dairy farms. But let us look at the Gippsland Lakes catchment as a total area. The vast majority of that land is public land. I do not believe that the departments are necessarily pulling their weight in

the same way as the private land-holders have been in managing that particular catchment there.

In summing up, I commend the member for Gippsland East for putting forward this MPI. I also commend him for his intention to use this as a constructive policy debate; I think he honoured that intent. Those on the other side of the house have not: those on the other side of the house just wanted to use it for cheap politics, not to get into the debate, because they have actually been in government for 10 years. They have had the money, they have had the time to do a lot of the things that the member for Gippsland East is talking about, but in reality they have cut the funding to the Gippsland Lakes task force — the task force that the member for Gippsland East talks about. Those on the other side of the house have had a bucket of money for 10 years and they have cut funding for doing the very things that the member for Gippsland East talks about.

Ms DUNCAN (Macedon) — It is always a pleasure to follow the member for Swan Hill, who is also a member of the Environment and Natural Resources Committee and should know better than to say some of the things that he says in this place. I rise in support of the matter of public importance introduced by the member and to support the sentiments in this MPI and support the work that has been done to protect the Gippsland Lakes and that continues to be done to protect the Gippsland Lakes, not only through the Gippsland Lakes and catchment task force but through a number of other programs that this government has put in place to support the lakes and the whole lakes region. That includes substantial funding for tourism and funding for substantial changes in coordination of planning to ensure that we continue to manage this whole area with a whole-of-catchment approach. I will not speak too much more on tourism because I know other speakers will raise all those issues and all the great work that this government has done in supporting the lakes by supporting tourism in that region.

There has been a lot said about the coalition's policy in regard to the Gippsland Lakes. We know there is a range of threats to the Gippsland Lakes but the most compelling threat would be the damming of the Mitchell River or any of its tributaries or any of the other rivers that feed the Gippsland Lakes. We have now had two members of The Nationals speak on this MPI, neither one ruling out the option of damming the Mitchell or other rivers feeding into the Gippsland Lakes. Between them they had 20 minutes to reject that policy — we know their website still lauds it — and neither contradicted that policy in the house this morning.

As recently as last year when the Environment and Natural Resources Committee (ENRC) tabled its report on augmenting Melbourne's water supply, coalition members of that committee responded by producing a minority report stating that they rejected the report's recommendation that no new dams be built in Victoria. It is as recently as that that the coalition rejected recommendations that no new dams be built, so we are still unsure what its policy is.

I guess if you want to understand the division within the coalition on the dams issue in particular but on water policy more generally, you only need to look at the fact — and I find this extraordinary — that it has two water spokespeople. It has an urban spokesperson and a rural spokesperson, so it is not incredible at all that it should have divisions in its water policy.

We hear increasingly across the world about the need for a whole-of-catchment response to our creeks, our rivers and our land management, but the coalition does not have to follow catchment lines — it only has to follow metropolitan Melbourne's local government areas to determine what one person says about water and what another says about water. For example, you do not hear the member for Brighton, the coalition's urban spokesperson for water, speak about building new dams when she is addressing people in the leafy suburbs of Melbourne. But when you hear the member for Swan Hill speaking on behalf of the coalition in regard to rural water, there is a different policy, and never the two shall meet. I can only imagine what their party room must be like and the divisions that must occur when they talk about water policy.

A lot has been said about the damage that might be done to the Gippsland Lakes if a dam were to be built. As has been mentioned before, Professor John Langford, in concluding his evidence on 27 October 2008 to the Environment and Natural Resources Committee's inquiry into Melbourne's future water supply and talking about the impact that building a dam on the Mitchell River would have on the Gippsland Lakes, said:

> If you want Plug the Pipe, I'll tell you what, you would have an even bigger Plug the Pipe if that occurred.

What he is referring to is the building of a dam on the Mitchell River or any dams that would divert more water out of the Gippsland Lakes. This is why the recommendation of the majority of the members of the ENRC was that there be no new dams built across Victoria, which, as I understand it, was the policy of the Kennett government as well. People might say that with a drought there is even more reason to build a dam, but in fact the opposite is true. If it was sound policy under

the previous Liberal government not to build dams across Victoria, it is even more valid coming up to possibly the 13th year of drought in Victoria.

There has been previous reference to the Sinclair Knight Merz report about the impacts that building a dam on the Mitchell River would have, but it is important to go through what that report actually said and the disastrous downstream impacts it highlighted would occur. These include a significant loss of native vegetation in the impoundment area.

The construction impacts of building a new dam would include sedimentation, erosion and pollution extending into the Mitchell River National Park. Lake King already suffers, as has been identified, from salinity problems, and building a new dam and reducing inflows would worsen those problems. Reduced flow through the Mitchell River Gorge may result in channel contraction over time. There would be a further reduction in downstream flows and additional water quality impacts, including thermal pollution, deoxygenation and anoxic nutrient forms and algal blooms, could significantly reduce the water quality in the downstream reaches of the river.

A dam would also reduce river connectivity, resulting in build-ups of sediment on parts of the river bed and preventing migration of fish reliant on movement within the system. The Mitchell River Gorge and Mitchell River flood plain are already stressed due to invasion by exotic species, loss of riparian habitat and sedimentation. All of these stresses would be exacerbated by building a new storage on the Mitchell River, not to mention the social impacts on the surrounding towns if it were built.

We heard again the member for Swan Hill refer to the floods that followed the 2006 fires, and I know there are many people who see the floods as evidence of the river's capacity to construct a new dam. We know that rivers in Victoria may flood from time to time, but it is not practical to build a dam on every river to harvest flood waters. While a flood at the right place at the right time can be a useful boost to water supplies, floods occur too infrequently to be a reliable basis on which to establish and secure a water supply. But we know that the coalition at the last election went to the people of Victoria with a promise to build the Arundel dam on the Maribyrnong River. This was a little pearler. I guess it was the coalition's urban water spokesperson who perhaps developed this policy, but had the Arundel dam been built, where the coalition promised 17 000 megalitres a year, we know that the total yield from 2006 to 2008 would have been 6.4 gigalitres of water and the dam would have cost in excess of $160 million to construct.

It is interesting to note that in our recent inquiry looking at augmenting Melbourne's water supply the coalition did not seek to have this project subjected to any further scrutiny. It took this to the last election and has now moved a mile away from it. It has not mentioned it again, and as I understand it did not even want it subjected to scrutiny through the inquiry.

We know where the opposition stands on water; we know what credibility its water policy has; and we know what it would do to the Gippsland Lakes were it to win the next election or future elections. We know also that while the Liberal Party says it wants to build new dams, it will not say where they will be. Chris Nixon, The Nationals's candidate for Gippsland East at the last election, supported a dam on the Mitchell River. While opposition members say one thing in Melbourne or in this chamber, when they are in rural areas they say something very different. The opposition selects candidates like Mr Nixon to represent The Nationals because they openly support the damning of the Mitchell River. This is the most serious threat to the Gippsland Lakes. We know there are many threats to the lakes, and they have been set out during this debate, but above all of those threats the damming of the Mitchell River would be the greatest.

Mr WELLS (Scoresby) — I join in this important matter of public importance about the Gippsland Lakes. The member for Gippsland East should be incredibly disappointed that not one minister will speak as part of this debate. We have heard from the Leader of The Nationals, the shadow Minister for Agriculture and the Deputy Leader of The Nationals, and now I am speaking as the shadow Treasurer. We are taking this motion very seriously.

It is important to note that the Labor Party has put forward the member for Macedon and the member for South Barwon, and you know it is really struggling when it brings out the member for Melton to speak about something in Gippsland — that is, the Gippsland Lakes. We could tell the government members did not have a clue what the matter was about. They read from their idiot sheets and stuck to the lines on some issues, so they were really struggling. I put on record my extreme disappointment that not one minister will speak on this important matter. I hope the member for Gippsland East takes note of that, especially given the way he has been well and truly shafted over his concerns with the Snowy River. I hope and pray the member for Gippsland East will not be shafted again over the Gippsland Lakes. Let us see what happens.

There is no doubt that the Gippsland Lakes are the jewel of Gippsland. One of the things I have always wanted to do is to kayak down the Mitchell River; to put the canoes in at Dargo, canoe to Wonnangatta and go straight through to Lake King. After six attempts unfortunately the furthest I have been able to get is Lindenow. We have had many wrecked kayaks and canoes because of the rapids at the Den of Nargun, Tabberabbera and those sorts of places. There is no doubt that the great Mitchell River is a fierce and unforgiving river.

Sailing from Sale to Metung is difficult. When the winds are slight you have to use the oars to get the boat to Lake Wellington. How fantastic it is to go to Metung and stay at makeshift campsites along the way; fishing with your dad and your brothers, dangling lines into the Mitchell River where it flows into Lake King and learning a few new swear words and enjoying the time with them. Once the silt jetties were the longest in the world, but now they are the second longest. The silt jetties in the Mississippi River have taken over as the longest in the world. It is disappointing to see the erosion that has occurred over the last 50 or 60 years.

Part of the magical experience is waterskiing off Paynesville at Birrells Point or sailing over to the Grange or Sperm Whale Head; sleeping on the yacht and having great campsites; putting up your tents on the lakeside at the Grange and walking over the massive sand dunes to Ninety Mile Beach. You can stand on the beach and look both ways and realise you are the only person on the beach. We would take my brother's speedboat from Paynesville to Lakes Entrance to buy the kids an ice cream or stop at the Metung pub for a fantastic counter meal, where we would read about the unfair land tax that the Brumby government is slugging the pub. It is a great icon of the Gippsland Lakes. It is incredibly disappointing to read at the bottom of the menu how much of the money you are paying for those meals is going towards the land tax bill.

My brother Dayle says he would not live anywhere else in the world for all the money in the world. He will stay in that area because of the great Gippsland Lakes. He is also disappointed with the amount of land tax the Metung pub pays. He is also disappointed when he reads the menu. I am sure the member for East Gippsland would have read the same menu with the lines along the bottom about the amount of land tax the pub has to pay. That is very disappointing. It would be terrible to see that pub being sold or turned into other land use because of land tax. As members here understand, the Metung Pub is right on the waterline of the Gippsland Lakes. It is an important tourist icon of the lakes.

The health and the management of the Gippsland Lakes system is vitally important to the economic and social structure of East Gippsland communities and it is a major tourist destination for many Victorians and visitors. It is Australia's largest inland waterway network and covers almost 400 square kilometres. As I mentioned, you are able to go from Sale to Lakes Entrance. The lakes are in some parts incredibly shallow and in other parts reasonably deep. The lakes extend to Lakes Entrance, which is Victoria's largest fishing port and the main centre of the lakes district. This incredible water system is fed by seven rivers.

The Gippsland Lakes and catchment task force, which is headed up by Professor Barry Hart, has five main aims to try to make the lakes better. Those five plans are: reducing nutrient levels entering the lakes by 40 per cent by 2022; balancing fresh water and salt water flows, which is very important during the drought season; maintaining wetland biodiversity; increasing community awareness and participation; and continued planning and evaluation of the program's effectiveness.

As we all know, and as the member for Swan Hill mentioned earlier, the blue-green algae is a massive problem. Tourists turn away in droves as soon as it comes in. A couple of years ago when we were up there we saw the blue-green algae moving in, and it was devastating. It becomes a major concern when news about it gets out on the radio and the TV. People from Melbourne think, 'No, we don't want to go up there. The kids can't swim in the Gippsland Lakes, so we are not going to be able to enjoy ourselves', and they stay away. That has a massive impact on tourism in the Gippsland Lakes area.

We want to simplify the bureaucracy involved in managing the Gippsland Lakes. There is frustration with the many different government agencies trying to manage different parts of it. It is difficult to coordinate the water-quality testing and the control of the jetties, the fishing and the beachside. We are calling on the government to make sure that it simplifies that process. When the blue-green algae comes in, when there are problems with jetties or problems with water quality in other parts, who is going to be held responsible? It is frustrating for the tourist operators and the boat operators, and it can be devastating for the area. We are calling on the government to simplify the management of the Gippsland Lakes. It is a great area. The lakes are a great tourist attraction, but they have to be well managed and well structured. We have to make sure that they remain a Victorian icon.

In conclusion, we need to protect the places where you are able to pull up in your speedboat and get out and

have a meal, the places where you take the kids to have a play in the park or where you can go out to the beach. The region needs to be well managed and the infrastructure needs to be well maintained. We hope the government takes seriously this matter brought forward by the member for Gippsland East. We also hope that in the process it will deal with the land tax issue which is affecting tourist operators.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on this debate. I thank the member for Gippsland East for bringing this issue to the attention of the house, as he does with issues not only affecting his bit of Gippsland but the whole of Gippsland. I know the member is passionate about his area. That is why the community continues to support him. It is very rare in politics to have independents elected, but that is a reality in this country and particularly in the state. For exactly these sorts of reasons, it is to his credit that he brings these sorts of matters to the attention of the house.

We heard members on the other side talk about what they say is the importance of the Gippsland Lakes, and some of the things they are saying are absolutely true. But the reality is that the opposition hates this sort of debate in the house. The opposition hates the member for Gippsland East bringing issues to the attention of the house that it, as an opposition, does not tackle. This matter of public importance is one of those issues.

We heard the shadow Treasurer speaking about his passion, and he has a great knowledge about the lakes. He obviously spends a lot of time there. However, I have been around the house long enough to know that a whole lot of things were not done for the lakes region when the opposition was in government. It can sit there in opposition now and cry crocodile tears about everything, or talk about how important things are, how important it is to the state and the economy. The reality is it is a debate it would rather not have had today. The opposition has to try to find reasons to attack the government to provide excuses for its inaction in periods of government.

Let us talk about some of those issues we saw when it was in government and which we have had to tackle. Algal blooms have been an issue in the Gippsland Lakes for a long time. Why? With development and the change in the waterways there has been a growth in farming, the amount of water going into the lakes has changed and the amount of nutrient going into the lakes has increased dramatically, leading to the algal blooms. What was the response of the opposition when it was in government? Did it create a proper strategy, like we did in our early days of government back in 2001? I refer to the Gippsland Lakes and catchment task force, whose job is to improve the quality of the lakes and amenities. Did the opposition try to do that? It did not. This government has been the one investing. More needs to be done for the area, as the member for Gippsland East has set out in his matter of public importance.

I envisage that this is an area of even greater importance than members have stated. It has not only greater environmental benefits to the state — if we take corrective measures as part of this task force strategy and invest in them — but also improving this pristine environment is going to be much more important to the growth of tourism in that region, an area where tourism is already so important.

The issues are basically set out in the matter of public importance. It is about the health of the lakes, and the need to invest in that. What did the task force say we have to do? It is obvious we have to continue to improve strategies and continue best practice in agriculture to reduce nutrient intake in the lake system. If we get more algal blooms, we will see that impact on our tourism industry. In 2007 domestic tourism was worth $220 million to the lake subdistrict alone. When we get those sorts of algal blooms the tourism industry is massively affected, because it is an industry dependent on short-term cash flow and it needs the dollars to survive.

We need to understand that that is a reality of tourism, so if we can help improve certainty about reducing the effects of algal bloom, that will help grow and improve the tourism industry and help give certainty to travellers, both within Victoria but also around Australia — because it is a growing destination — and overseas, so they have the confidence to plan ahead and invest, knowing that they will not have to worry about algal bloom as they have in the past.

We need also, as part of that strategy, to improve sewerage infrastructure in the region. We have seen a growth in that sewerage infrastructure investment, but obviously a lot more needs to be done to reduce that bit of the nutrient intake in the Gippsland Lakes and all the tributaries, which would help reduce erosion. That is the core strategy for improving the health of the Gippsland Lakes.

As a former tourism minister I have been passionate about this region of Gippsland and its ability in tourism, but also at the same time I have been frustrated by the region itself and sometimes the problem of politics being drawn in to confuse things. It has been difficult to reach the potential the region can achieve, but I think we are moving in an appropriate direction.

It is a huge region for daytrip visitors, with over half a million daytrip visitors a year just in the lakes subdistrict. Again, there were over half a million domestic overnight visitors and the lakes subdistrict took 62 per cent of all of that region's international overnight visitors, so there is so much more that can be done if we improve the health of that area, improve its environmental protection and improve the overall environment there, while also adding to the recreational and tourism assets around the lake that are so dependent on that protection.

We have seen some investments made by the government. When I was involved there was the port of Sale upgrade and improvements at the port of Bairnsdale, and further opportunities are available. These are the sorts of things that will improve the economy and environment of the lakes region, which the locals know so well and love so much. The improvements are dependent on all Victorians being supportive of this strategy, and that is exactly what this matter of public importance is about.

The biggest threat for the lakes — and I think the member for Macedon highlighted this when she talked about the inquiry by the Environment and Natural Resources Committee of this Parliament into Melbourne's future water supply — is the suggestion of another dam. That committee recommended that a dam was not needed, because it knew that, apart from the issue of such a dam being not worth the investment because of the significant decline in annual rainfall we have been seeing for a long period of time, it would kill off the lakes. When I spoke in this house on that committee's report, I said that the reason I do not support a dam is that it would kill the Gippsland Lakes.

If you are to have a viable dam, the most marginal dam option has to be a dam on the Mitchell River, and that is not something that the Victorian or Australian community is prepared to accept. I cannot believe that people want to have a dam debate without being honest enough to say that what they are really talking about is killing off the Mitchell River, which means killing off the lakes.

All of the problems raised by members on the other side of the house in suggesting what this government needs to do to improve the health of the lakes have been caused by the reduced amount of water going into the lakes and the agricultural build-up. The loss of water from changing the natural environment in that area — for understandable historic reasons — has made the area fragile, and the last thing we need now is to have a proposal sitting out there to create a dam, let alone have a dishonest campaign that does not say it will involve the Mitchell River.

We do know that the other side is divided on this issue. There are some supporters of a dam on the Mitchell among the opposition, and others are uncertain about it, but we know the spin doctors on the other side want to run a dam argument because they want to oppose other proposals being created by the government. However, as part of that spin, they want everyone to forget that it is really linked up to and associated with the Gippsland Lakes. That is my biggest concern.

I think the government has been doing well in this area. A lot more needs to be done, a lot more consensus needs to be built up in the region about the importance of the lakes, and I am glad that the member for Gippsland East has brought this debate to the attention of the house so that we could spend some time on the core issues. All of us owe a duty to do better for the Gippsland Lakes region, irrespective of politics, and the simplest, quickest and best thing to do in the short term is to say, 'No dam for the Mitchell'. That is the single biggest benefit.

There is no reason to talk about spending money to improve what is there now if there is a proposal out there that will damage all of that. The simplest thing to do is to say that that argument is out the window and we have a regeneration strategy for the Gippsland Lakes to help improve that environment, to help grow the economy in that region and to help grow the tourism potential, which is still significantly untapped in that region. That is why I am pleased to support the member for Gippsland East's matter of public importance, as I am sure other members in the house will as well.

Mr R. SMITH (Warrandyte) — I rise to speak on the matter of public importance raised by the member for Gippsland East, which states:

> That this house recognises the vital importance of Gippsland Lakes to the economic, social and environmental wellbeing of Victoria's east, and calls on the government to guarantee all that can be done to protect and improve the environmental health, the management and the infrastructure needs of the Gippsland Lakes, including appropriate actions, resources, support and management structure.

I would like to start with the most contentious issue relating to the Gippsland Lakes at the moment, and that is the government's plan to drain water from the Thomson River in order to boost Melbourne's water supplies. This proposed action is a major concern to locals, who are extremely worried about the environmental impact of this action. We are already seeing the result of decreased flows in recent years,

which have caused severe algal blooms. The government's moves to decrease flows even further could have a disastrous effect on the Gippsland Lakes. One can only imagine the detrimental effect this would have on the fishing and tourism industries.

On 24 August this year the *Age* reported on the state of the Thomson River, and I will quote from that article:

> An evaluation of Victorian stream conditions by the Department of Sustainability and Environment found that less than 30 per cent of the Thomson catchment was in good condition.
>
> The river was to receive 10 billion litres of extra environmental water in 2005, but it wasn't delivered by the government, compounding the impact of new extractions.
>
> Last week's stream flow and rainfall figures for the Thomson were both less than half the 30-year average.

Is it not interesting to read about the government once again reneging on a promise and a commitment? It is a theme we see over and over from the government across a whole range of issues, not the least of which is the promise not to pipe water from across the Great Dividing Range for Melbourne's needs — a promise that it stood by before the election but one that it of course broke after being elected, as it did many other promises.

In relation to the government's water policy, I recall the then Minister for Water calling desalination a 'hoax'. Shortly after that we saw the then Premier, Steve Bracks, flying around in a red helicopter telling us all what a great idea desalination was, so we really cannot trust what these guys say when they talk about supplying Melbourne's water.

This particular article went on to quote Environment Victoria's chief executive, Kelly O'Shanassy, as having said that:

> … the Thomson wouldn't need to be squeezed further if water efficiency measures had been implemented in Melbourne.
>
> 'Investigations done by government show that more water needs to go down the Thomson, not less' …

Ms O'Shanassy is absolutely correct — this government has completely failed to provide for Melbourne's water needs by failing to adequately harvest the water that falls in Melbourne's own catchment, and it is attempting to compensate for this failure at the expense of our rivers and at the expense of country people.

On the issue of flows, it is probably worth recalling that the member for Gippsland East handed government to the Labor Party in 1999 on the basis of a promise that flows to the Snowy River would be increased from 1 per cent to 28 per cent, with an interim target of 15 per cent for 2009 set at a later stage.

Here we are in 2009, and I would ask the member for Gippsland East how that promise is going. I would suggest that the 15 per cent target is a long way from the reality that is actually only 4 per cent. It could be argued that the member for Gippsland East kept his side of the bargain, but the government has a long way to go on its side.

A wide range of authorities are involved in the management of the Gippsland Lakes, including catchment management authorities, water authorities, state government departments and local government. In 2001 the Gippsland Lakes and catchment task force was established to bring those agencies together. I note that the member for Dandenong said that that was an achievement of the current government, and surely that is the case, but he forgot to mention that the Gippsland Lakes Management Council was established during the Kennett years. I would argue that, under the direction of the chair at the time, Philip Davis, a member for Eastern Victoria in the other place, that particular group certainly drove issues a lot more strongly than the current task force.

The Gippsland Lakes and catchment task force brings together this group of agencies in order to oversee the Gippsland Lakes future directions and action plan — a plan labelled as a vision for restoring the long-term health of the lakes system and addressing the issues of reducing nutrient levels entering the lakes, balancing freshwater and saltwater flows, maintaining wetlands biodiversity, increasing community awareness and participation, and continued planning and evaluation of the program's effectiveness.

While the task force structure may not be the most ideal, I would agree that the task force has experienced some good results. It has worked with local landowners and has achieved some reasonable outcomes, so it is surprising that state government funding to the task force has been cut. In 2006 it was cut from $3.2 million to $2 million, and now I understand there have been further cuts from $2 million to $750 000 with no certainty of funding beyond next year.

This lack of support would certainly not give the task force much confidence that the government is committed to its continued existence or that the government is actually committed to the Gippsland Lakes in any meaningful way at all, and I think the task force would find that attitude quite disappointing.

With this matter of public importance including the issue of economic wellbeing, it goes without saying that small business is an integral part of the area's wellbeing. The Brumby government has shown time and again its contempt for small business, not least in the government's massive and unjustified increases in land tax, with many small businesses across Victoria, including around the Gippsland Lakes, experiencing huge bills. The member for Scoresby alluded to the Metung Hotel, located on the shores of Bancroft Bay. That is an example of a business that was hit by a large tax bill and an example of this government's lack of commitment to supporting business around the Gippsland Lakes. The former owner of the hotel, John Ribbands, put the hotel on the market in 2004 after his land tax bill, which was $4000 in 2000, rose to $43 000 in 2004 and was set to almost double the following year.

The Australian Hotels Association made the comparison at the time that if the Metung pub raised its beer prices at the same rate that the then Treasurer and now Premier was raising land taxes, the hotel would be charging $50 for a pot of beer. Mr Ribbands was reported in an *Age* article of 19 Dec 2004 as saying, and I quote:

> It's all over as far as I am concerned. John Brumby and Steve Bracks have put me out of business. My dream is dead.

This government proved it did not care about Mr Ribband's dream; it only cared about the tax grab. If this government is serious about supporting the Gippsland Lakes, it needs to be serious about supporting the businesses around the lakes which add so much to the local economy and support the employment of local people.

The Gippsland Lakes area has had its fair share of natural disasters in recent years. The fires of 2006–07 devastated the local tourist industry, with many Melbourne residents gaining from the media the wrong impression — that the whole of Gippsland was on fire. It is worth noting that it was generally recognised at the time that the government's poor land management practices in the area exacerbated the extent and ferocity of the fires, circumstances which we again saw in February.

It is a credit to the people of the area that they got back on their feet, only to be knocked down again later in 2007 when the floods hit, again causing chaos to the local economy. Areas such as Maffra and Glenmaggie were hit particularly hard during those floods. The effects of the floods were brought home to me after Philip Davis, a member for Eastern Victoria Region in the other place, organised a sizeable group of Liberal MPs to go up to Newry and help with the clean-up after the floods. This was an activity done without any media or photo opportunities; we just wanted to get down there and help out. It was a very long day, and my colleagues and I spent it fixing fences, generally cleaning up rubbish and lending a hand to the people of Newry. That day certainly gave me a sense of the effort involved in getting things back to normal when these natural disasters occur. I was amazed at the damage that had been done by the floodwaters but equally amazed at the indomitable spirit of the locals.

Country people do just get on with the job, but they are not immune to the effects of these disasters, and I agree with this matter of public importance that the house should recognise the importance of the social wellbeing of the Gippsland Lakes and that the government should be the first to lend a helping hand when these disasters occur. The Gippsland Lakes area, with its importance to tourism, to the environment and to Victoria's economy, is an important part of not just Victoria's east but Victoria as a whole. A lot needs to be done to support the region, its people and its businesses, and the government needs to commit to filling the gaps that exist and to supporting measures to address the whole range of local concerns. The lakes are a part of Victoria which should be treasured, and I support the matter of public importance of the member for Gippsland East.

Mr LANGUILLER (Derrimut) — It gives me great pleasure to rise today in support of this matter of public importance submitted by the member for Gippsland East, which states:

> That this house recognises the vital importance of the Gippsland Lakes to the economic, social and environmental wellbeing of Victoria's east and calls on the government to guarantee all that can be done to protect and improve the environmental health, the management and the infrastructure needs of the Gippsland Lakes including appropriate actions, resources, support and management structure.

This is a very good motion, and one that is important to all of us. That is why, whilst I am not in the region — I, along with other members, represent the western suburbs — I rise today. I believe the member for Gippsland East is right: it is a matter for all of us in this house to protect the wellbeing of Victoria's east, and may I add the whole of Victoria. Today on this side we rise in support of the matter of public importance because on this side of the house we care about the Gippsland Lakes, we care about tourism, we care about jobs and we care about the environment. All of these matters are of importance to this government and to all of us — not just to the members from that region. Thus we support and commend the work the member has done.

I say very simply, following a very good contribution made by the member for Dandenong, that this is a simple issue. It is one where the Liberal Party and The Nationals should come clean. This was their great opportunity, and they missed that opportunity. They should have come clean, because the member for Dandenong was absolutely right. There were six words they needed to say, 'We will not dam the Mitchell'. That is all. From then on a whole range of benefits would have arisen. But the opposition missed that opportunity, and it did not say that it would not do that. I think the member for Gippsland East is right.

Our government took the action and formed a view that if we were to be serious and fair dinkum about this, we needed to set up the Gippsland Lakes and catchment task force. We did so because we believe that the fundamental long-term objective for the lakes is to reduce the nutrient input. A significant investment has taken place in relation to best practice in the agricultural sector to reduce nutrient run-off, invest in sewerage infrastructure to lessen town-based impacts and make continuous improvements to the management of stream sides to reduce erosion. I think that approach is absolutely correct.

The government recognises that there is an issue before it and it is doing something about it. We have set up the task force, and we are going about addressing the issues that needed to be addressed constructively with a good policy framework and a range of programs. We are absolutely making a commitment to finding a resolution and to dealing with the issue. To cite what we have done, $19.8 million has been allocated by the state government over the last seven years. Seventy-five per cent of that money has been spent on on-ground action to achieve nutrient and sediment reduction. Those were important measures that needed to be taken according to our scientistic and other experts, and our government responded through the establishment of the task force. In addition to that, there is the 'Lakes are precious' campaign, which engages the community in lakes awareness and action.

I must say at this point that from time to time I have visited the Gippsland Lakes. In fact I recollect in my early days in Australia — I came out in the 1970s — a friend of mine took me sailing there. That was my first experience of sailing, and it happened at the lakes. I will never forget that. It is one of the things that I did and did well. I certainly enjoyed it. I say again that this is a matter for everybody in this house and not just for the members who represent the region. The problem is that the opposition — the Liberals and The Nationals — cannot get its act together. What it should be doing is coming into this house proposing solutions and being absolutely clear about its policies and what it proposes to do.

I said earlier there is a whole range of benefits, particularly environmental, but other members also spoke about those issues and spoke well. I wish to mention that for the year ended March 2009 there were 500 000 domestic daytrip visitors — a 10 per cent increase compared to the same period in 2008 — and 517 000 domestic overnight visitors to the lakes region. There were also 31 459 international overnight visitors to the region. These are important industries that can and are being protected by the task force and the measures and strategies being put in place by this government in cooperation with advice from the member for Gippsland East.

I think it is also important to refer to the report by Sinclair Knight Merz which found that building a dam on the Mitchell River would have disastrous downstream effects and impacts. These effects would include significant loss of native vegetation in the impoundment area, while the construction impacts of building a new dam would include sedimentation, erosion and pollution extending into the Mitchell River National Park. Sinclair Knight Merz found that the building of a dam in that region would have a very negative impact on the whole region and environmentally to the lakes and the river.

There is a very important connection between the building of a dam and the destruction of jobs. On this side of the house we are committed to maintaining industries, making them sustainable and making sure that the tourism industry in the region understands that it has a future and that its operators can invest and safely. Let me be clear: if the opposition were to come into government and build a dam, jobs would be destroyed and the tourism industry would disappear from the region. Families would have to find jobs elsewhere. I think it is important to highlight that.

This was a missed opportunity by the opposition. The Liberal Party supports building new dams but it has not said where. This was its opportunity; it should have come out and been honest with its partners, The Nationals and the member for Gippsland East, and told Victorians that Gippsland is one of the places where it is considering building a dam. This means it expects Victorians to fork out twice to support two stages of water infrastructure projects. While the Liberal Party says it wants to build new dams, it will not say where these dams ought to be.

However, Chris Nixon, who was The Nationals candidate for Gippsland East in the last state election —

it is important to highlight that, because he stood for the very seat held by the good member for Gippsland East — supported building a dam on the Mitchell. The Nationals policy is one of building a dam. As I understand, Darren Chester, the federal member for Gippsland and former chief of staff to Peter Ryan, said in a March 2009 commentary that he supports the Gippsland Lakes and wants to improve the environmental framework that protects them. There is a contradiction there. On the one hand some of them say, 'Let's build a dam', and on the other hand some say they will not. It is important to be clear about this. It is an important matter of public importance. It matters to all of us. It matters environmentally, it matters in terms of jobs and employment and it matters in terms of social and economic impacts.

I reiterate that on this side of the house we say clearly and unequivocally that we will continue to work with the member for Gippsland East and the community. We will make sure that every measure is put in place to protect the Gippsland Lakes, to protect the Mitchell and to protect the industries that are associated with them. We clearly say we will not build a dam in the region. We will not destroy tourism. We will not destroy jobs. The opposition missed an opportunity; it should have come into this place and come clean and said that it will not build a dam.

Mr MORRIS (Mornington) — It is a great pleasure to join the discussion on this very important matter of public importance submitted by the member for Gippsland East. It has been instructive listening to the debate to hear the absolute dearth of positive contribution from government members. It has all been about what other people are alleged to think and alleged to have done, but there is absolutely no reference to their absolute lack of action for the last 10 years on this important natural asset.

The Gippsland Lakes are a vitally important part of the economic, social and environmental wellbeing of not only Victoria's east but I suggest the whole state. The Gippsland Lakes catchment is a very large piece of country that stretches from Warragul in the west to Lakes Entrance in the east and as far north as Omeo. It encompasses not only the lakes themselves and the flood plain along the coast but runs right up into the high country. It is an area of spectacular natural beauty, and it is also an area of great environmental sensitivity.

It is now almost universally understood that what you do in one part of a catchment almost inevitably has an impact in other parts of that catchment — in this case what you do upstream will have an impact on the lakes. If I might be permitted a personal anecdote, in 1976 as a very young man I had the opportunity and great pleasure of participating in the construction of a ski lodge at Mount Hotham. Every weekend from early January to the middle of July, when there was plenty of snow on the ground — indeed, every public holiday, Easter, every opportunity we got — we would head up the highway to cut the footings from the rock or stand up the frame or do any one of the many things you do as an unskilled person helping in that sort of construction.

A task that consumed the most time in the whole construction effort was setting, jackhammering out and establishing the septic tank and associated outfall. Blasting was used to create a pit for the septic tank. Perhaps it is an apocryphal story — I do not know; I was not there — but I am told that the resultant blast registered on the seismograph at Melbourne University. Whether that is true or not, that was the end of the blasting, and probably hundreds, if not thousands, of hours were spent on the end of a jackhammer by everyone involved. The septic system was eventually put in place and became operational, and all that was in accord with the regulations at the time.

What we were doing of course was constructing at the top of the catchment a facility to discharge nutrient which eventually found its way down into the Gippsland Lakes, and it was not until far too many years after that that a reticulated system was put into place. For many years all those lodges on that particular side of the Great Dividing Range were discharging nutrient into the Gippsland Lakes every day during ski season, and that is a scenario that was repeated across the country.

In the intervening period Victoria has experienced enormous population growth, and that growth requires considerable investment in infrastructure. I am not talking only about schools, hospitals, public transport and roads, in which the absence of investment has been conspicuous in the last 10 years, but also the need to invest in social and environmental infrastructure. Since the time when we were building the ski lodge at Hotham the environmental footprint of the Victorian population, because of an increase in numbers, has grown enormously.

The population continues to grow; some estimates put it at a very healthy and satisfactory rate and other estimates put it at an alarming rate. Without engaging in that particular discussion it is fair to say we need to ensure that it is managed in an environmentally sustainable manner. It has the potential to have a significant impact on our natural assets, like the lakes, and if we do not manage it properly and make the

necessary investment in environmental infrastructure and the sorts of organisations that the member for Gippsland East in particular has been talking about, we will do further damage to our natural assets.

There is no shortage of agencies involved in the management of the lakes. There was an estimate of some 32 different agencies led by the now unfunded Gippsland Lakes and catchment management task force, and there are many other key players as well: the Department of Sustainability and Environment, the West Gippsland Catchment Management Authority, the East Gippsland Catchment Management Authority, the Department of Primary Industries, the Environment Protection Authority, Melbourne Water, Parks Victoria, local councils and many others. I understand that in the last 12 months as many as 14 programs have been undertaken in an effort to improve water quality in the region. It is somewhat ironic that we have all this bureaucracy and red tape for spectacularly little result. Then at the end of it we have the situation of an organisation like the task force having to put out its begging bowl to try to continue the good work that has been undertaken.

For a number of years while I was on the Mornington Shire Council I was also a member of the Western Port regional planning committee, and I have referred to that in the house before. One of the critical roles that we became involved in was providing leadership for the environmental management of Western Port, a similarly fragile environment. Without that leadership we would never have got the reduction in nutrient levels and we would never have got the controls on the development that impinges on Western Port. That is the sort of leadership that has been taken away by the defunding of the task force, and if this trend continues, it has the potential to do significant long-term damage.

Development in East Gippsland is going to continue apace, I suspect. Tree change as a phenomenon is going to broaden as the population ages, and I do not have any doubt that as those pressures increase and as the pressures for development adjacent to the lakes increase it will have environmental consequences unless we think about it and deal with it. That is something that has been conspicuously absent from the approach of the government.

I believe this is an important matter not only for eastern Victoria but for the entire state. It says a lot about the priorities of this government that not one minister has been prepared to come into the chamber and defend the stewardship of the government in the last 10 years in this place.

Mr Batchelor — I will speak next, then.

Mr MORRIS — Good; that will be an improvement. Unfortunately the minister will not have much time left.

Instead the government sent in the B team, a B team which has comprehensively failed to come to grips with the very important issues raised by the member for East Gippsland. Instead the B team dwelt on what it, erroneously, claimed might be coalition policy. In taking that line, that lazy approach, it clearly demonstrated its contempt not only for the health of the Gippsland Lakes but for the people of eastern Victoria.

Dr SYKES (Benalla) — I wish to speak briefly on this issue and support the proposition that there is a need for improved management of the Gippsland Lakes in the context of the Brumby government's failure to adequately manage water for the environment and consumptive use across a wide range of areas. If we look at, for example, the Snowy River, which flows into the sea near the Gippsland Lakes, we see a classic example of the Brumby and previous Bracks government's failure to deliver on election promises and live up to a commitment to look after the environment. In the case of the Snowy the government was decommissioning Lake Mokoan to make those savings. I should say that is an absolute abortion of a project, and the government will be held to account for that with the Auditor-General currently investigating the matter.

The ACTING SPEAKER (**Mrs Fyffe**) — Order! The time for debating matters of public importance has expired.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 1)

Mr WELLS (Scoresby) — I rise to make a statement on the Public Accounts and Estimates Committee report on the 2009–10 budget estimates, part 1, volume 2. I am a member of PAEC, and in previous contributions I have raised the frustration of the opposition with regard to the lack of quality answers from any Brumby government minister at all. It was interesting to note that following questions from Labor members of the committee, government ministers went into an enormous amount of detail, but when it came to opposition questions, for some reason they avoided them or could not answer them, and we really struggled.

I want to come to an important point. The Premier gave assurances on the Neil Mitchell program that when the Minister for Planning, Justin Madden, appeared before the committee he would give all the answers that were required, but as I have stated previously, as soon as he came before the committee, Labor Party members tried to shut down opposition questions as best they could. I asked a question, as did a member for Eastern Metropolitan Region in the Council, Richard Dalla-Riva, and a member for South Eastern Metropolitan Region in the Council, Gordon Rich-Phillips, but it was becoming very clear that we were not going to get any straight answers from this particular minister.

It became a complete and utter shambles. The concern we had was that when we were questioning the Minister for Planning in regard to the actions of Hakki Suleyman, the minister said over and again that the first time he became aware of any inappropriate action by his own electorate officer was when the Ombudsman's report came out. We could not possibly believe that. This was a person who was responsible for branch stacking and for running a building at which the Maribyrnong North Turkish branch of ALP operated.

Whenever we asked a question it was quite obvious that we were not going to get any answers. I point to a particular set of questions asked by the member for Benalla. He said:

> Minister, in relation to the Sunshine pool planning issue, the Ombudsman documents how a member of your staff inappropriately sought to intimidate members of the committee concerned with this planning issue. When did you first become aware of this issue, and did you direct Mr Suleyman to act on this issue?

I would have thought that every single Labor MP would be disgusted by this claim and would be following up on it. I would have thought that they would have been absolutely disgusted that an electorate officer would go and intimidate certain community members over a planning issue regarding the Sunshine pool. It seems that Labor Party members do not particularly care about such matters if they concern one of their own.

This was allowed to go on for years, so the member for Benalla asked the Minister for Planning when he first became aware of the issue. The minister replied:

> In terms of information that was reported in the Ombudsman's report, the extent of that became knowledge to me in the Ombudsman's report.

He knew absolutely nothing of what Hakki Suleyman was doing! That is just bizarre. A person had been working for the council for many years and yet the minister knew nothing about what this person had been doing. No matter what planning issue had arisen in his portfolio or in his electorate office, the Minister for Planning had absolutely no idea what was going on — and he said he did not know anything until he saw the Ombudsman's report. To make things worse, the minister expected the opposition to believe him. The hearing became so bad that we had to shut it down and ask the chair to direct the minister to answer questions. It became so bad and so embarrassing that we needed the chair to direct the Minister for Planning to start answering questions. What did the Labor members do? They voted en bloc to protect the minister. That is the only thing they can do — —

The ACTING SPEAKER (**Mrs Fyffe**) — The member's time has expired

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Mr HERBERT (Eltham) — I would like to discuss the excellent report of the Education and Training Committee entitled *Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education*. I am very pleased to be a member of that committee. The report was widely consulted on right across Victoria and across the various institutions, shire councils and a broad cross-section of communities that have an interest in higher education provision, including business. The results are plain to see in this report.

I congratulate members of the committee for their genuine cross-party cooperation in delivering a report which represents good news for country and regional Victorians and good news for higher education provision in this state. In particular I acknowledge the chair, the member for Ballarat East, and the deputy chair, the member for Bulleen. They did a sterling job in managing a range of expectations of members of the committee and members of the community by steering the debate around to issues that are of absolute substance in looking at improvements to the provision of higher education.

I acknowledge the hard work of committee staff, in particular research officer Caitlin Whiteman, who did the bulk of the research for the committee, and Jennifer Jackson, the other research officer. The work of the committee was difficult due to the competing interests that were presented to the committee and also because the committee addressed a topic that has substantial

policy challenges and major funding implications. I think they did a pretty good job. What we have come up with is a range of recommendations which, if implemented, will go a long way to redressing regional and rural disadvantage. In this regard the members of the committee were unanimous in their desire to achieve something lasting.

If the government adopts the recommendations made in this report — or most of them — we will see improvements to what is already a very sophisticated system of higher education coverage in this state. I should say that there has been a little bit of controversy about some aspects of this report. It was unfortunate that we were a little rushed in the final deliberation stage of the committee's hearings. Perhaps in retrospect we could have been a little more careful in some of the descriptors that were used in some parts of that report. However, that has been covered previously in this chamber.

I further congratulate the federal education minister, Ms Julia Gillard, for addressing concerns about changes to the youth allowance. These are changes that would have had a detrimental impact on students who are currently taking a gap year to work and to meet the old income requirements of the youth allowance. The minister has listened to concerns of students in those circumstances and to other people and has acted promptly and in a very appropriate way to address those concerns for students who began their gap year before the changes to the youth allowance were announced. I commend her for that. I think it is a tribute to her capacity to listen and to act on community needs and her desire to see genuine long-term reforms for the good of young people in higher education that she has acted in such a positive and prompt manner.

The report is detailed, and I am sure many people will read it. Whenever you look at a topic like this there is a range of complex issues which you have to come to grips with. Before I go into some of those issues I just want to acknowledge that some might think we were looking at deficiencies in the system, but the truth is that Victoria's best higher education provision and coverage are among the best in the country. We have coverage in most of rural Victoria. We are lucky that we are a small state compared to many others; that is the truth of it. But we are also lucky that we have excellent universities providing excellent courses and an excellent education for young people. In that regard we should acknowledge the hard work of the vice-chancellors, the academic staff and the other staff of our universities who have a genuine commitment to providing higher education to people where and when it is needed.

Having said that, there are issues about commercial reality and there are issues about how you can provide coverage of course content. There are issues about quality of provision in rural and regional areas, and there are issues about the tyranny of distance for many rural people. I think the committee looked at those issues and came up with some very good results.

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Dr SYKES (Benalla) — I wish to comment on the inquiry into geographical differences in the rate in which Victorian students participate in higher education. I commence by congratulating the committee and its staff on the excellent report. In particular I congratulate The Nationals member for Eastern Victoria in the other place, Peter Hall, for initiating this inquiry.

The inquiry confirmed what people in country Victoria already know — young country people are missing out on tertiary education opportunities because of the high cost of going away to study. If we want reinforcement of that, we need only look at the chair's foreword to the report. Paragraph 3 states:

> Time and again, the committee heard about the difficulties faced by young school leavers in rural and regional areas who are contemplating leaving home to study. This exciting time in young people's lives inevitably brings a multitude of challenges, as they farewell family and friends and branch out into new environments. However, an even greater concern for many of these young people and their families is the high cost of university study, particularly the cost of living away from home. The committee heard that these concerns are responsible for a disproportionately high university deferment rate among rural and regional students, many of whom may never go on to pursue their studies.

Paragraph 4 states:

> Student income support is therefore a major contributing factor in university participation. While the committee welcomes recent national reforms to enable more students from low-income families to access youth allowance, it is concerned that the specific circumstances of rural and regional young people still have not been adequately addressed. Already, many such students defer their studies to meet eligibility criteria for income support and this route to financial independence is set to become even more difficult under the new system. In the committee's view, all young people who must relocate to undertake their studies should be eligible to receive student income support.

This is an unambiguous statement on the impact of costs on the uptake of tertiary education by country young people. It therefore beggars belief that the Deputy Prime Minister, Julia Gillard, would introduce

tougher, broadbrush eligibility criteria for the independent youth allowance. For many young country people the independent youth allowance has been their passport from social disadvantage to an opportunity to achieve their potential and in return to contribute to the wellbeing and prosperity of their rural communities. What further beggars belief is the failure of the Brumby government to stand up for country young people and persuade the federal minister, Julia Gillard, to introduce more targeted and less damaging measures to reduce the apparent abuse of the youth allowance by some people.

What beggars even further belief is the denial by the Minister for Skills and Workforce Participation, who is also the Minister for Regional and Rural Development, of the seriousness of the situation. Further, her repeated attempts to mislead the public of Victoria by quoting average state student education performance rather than acknowledging the significant gap between country students and their metropolitan counterparts is disgraceful. For example, the minister proudly quotes the state average for year 12 completion rates at 89 per cent, but she conveniently forgets to acknowledge country student year 12 completion rates of about 62 per cent. If we look at the uptake of tertiary education, the metropolitan rate is about 55 per cent compared to the country rate of 33 per cent and falling. That is an appalling situation.

I call on the Brumby government to live up to its claims that it governs for all Victorians. I call on the government to stand up for country young people and to help them bridge the ever-widening social disadvantage gap between country and city, and I call on the government to immediately lobby Julia Gillard to abandon her proposals for students to have to work for 30 hours a week for 18 months over a two-year period to qualify for the independent youth allowance.

In closing, I say that the denial by the Brumby government was continued yet again by the member for Eltham when he had the audacity to say that the federal government had addressed the concerns of this inquiry and that everything was hunky-dory for country young people. I say to the member for Eltham and to all members of the Labor Party: come beyond the tram tracks. Come out and see the social disadvantage in country Victoria. Come out and appreciate that an education is a way out of social disadvantage. For this government and the federal government to stand in the way of that is absolutely disgraceful.

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 1)

Ms GRALEY (Narre Warren South) — I rise today to make a brief contribution on the Public Accounts and Estimates Committee's (PAEC) report on the 2009–10 budget estimates part 1, volume 2. In particular I would like to comment on the issue of family violence. Unlike some of the members opposite, I was very pleased to hear the Minister for Women's Affairs answering questions about the subject with a great deal of honesty and frankness. I am very pleased to see the PAEC is dealing with this issue.

I will begin by quoting the minister when she appeared before the committee. When asked a question by the chair, she replied:

> Family violence and women's safety remain a very high priority for me as Minister For Women's Affairs.

Hear, hear!

> The incidence of family violence is still absolutely unacceptably high. We have been very effective in terms of initiatives such as the police code of practice, which was introduced in 2004 and which has meant that police have responded to family violence in a new way. That has seen a really huge increase in a number of measures, such as intervention orders, which have gone up something like over 150 per cent since the code of practice came into effect.

Family violence is a serious issue in our community. Every week in our state hundreds of victims go to the police or the courts in response to violence at home and we know there are victims we do not hear from because they do not contact police. As a community it is important that we talk about this issue so people have the confidence and the support to go out and report these incidents to police.

Most violence against women occurs in the home or in a private setting. The perpetrator is usually a partner or ex-partner. Unfortunately this week we have seen a very sad case in Narre Warren, where a man has been charged with the murder of his wife. Members of my community have contacted me about this issue and are very upset about it.

According to findings from an Australian Bureau of Statistics survey, one in three women have experienced physical violence since the age of 15. These are absolutely daunting statistics. What is even more alarming is the link between family violence and homicide. Forty-three per cent of homicides in Victoria in 2005–06 were related to family violence. This is a disturbing statistic. No woman or child should be subjected to violence of any level. It goes without saying that making sure it does not happen is a big task.

Family violence is not exclusive to any one local area, even though I am particularly concerned about it in my electorate. As I have said in the house before, the city of Casey has a disturbingly high incidence of reported family violence. Casey had approximately 2000 incidents in both 2006–07 and 2007–08. There are not many local government areas with rates that exceed this number. From my reading of the PAEC report I have been really encouraged by the minister's comments about the government keeping a close watch on this issue.

I would like to reassure the community, especially the people in my electorate, and especially this week, that the Brumby Labor government is taking action to protect women and children from the scourge of family violence. As the Minister for Women's Affairs told the committee, the government is continuing to roll out the Enough campaign, which complements other reforms which have been made recently, including the Family Violence Protection Act which was passed last year. The act is all about maximising safety for children and adults who have experienced family violence. One of the main things the act does is empower the police to issue family violence safety notices. These notices can have the same conditions as an intervention order and can last until an application for an intervention order is before the court. It is in this way that the act protects the affected family member.

Our government is also taking action locally in my electorate. I recently had a family violence round table, which was attended by police, council staff, counsellors and community service groups. We are determined to work together to reduce the incidence of family violence in the city of Casey. A new women's crisis facility is also planned for the southern metropolitan area. While this facility is not exclusively for Narre Warren South, when one considers the family violence statistics in Casey, it is likely that residents of my electorate will be making use of this facility.

As the Minister for Women's Affairs said to PAEC, the Brumby Labor government is also focusing on prevention. I am pleased to see the programs that are being rolled out, especially in schools and especially taking up the role of sporting heroes to put that message across. It is obvious from the PAEC report that the government is acting to support — —

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

Electoral Matters Committee: voter participation and informal voting

Mr MORRIS (Mornington) — This afternoon I want to address the recent report of the Electoral Matters Committee's inquiry into voter participation and informal voting. The coalition of course is represented on the committee by the member for Malvern as Deputy Chair, the member for Sandringham and Mr Philip Davis, a member for Eastern Victoria Region in the other place.

It is somewhat ironic that the subject of this report is perhaps arcane except to those of us who are participants in the electoral process and our associates, our party members and some academics, but the opportunity to participate in the selection of our parliamentary representatives, to participate in the selection of law-makers and indirectly in the selection of the government is one of the most important and precious privileges that any civilised society has.

Yet we all know that in Australia there is what could at best be called widespread disengagement. Many people vote only because they believe they are forced to. They do not want to pay the fine for not voting. I suspect that far more actually claim that that is why they vote than is the case, but still a significant number simply attend and mark their ballot paper because they feel compelled to do so. Perhaps that is because the rights enjoyed by Australians today have not been won through insurrection or armed revolt — with the exception of Eureka — but had it been necessary for Australians to go through that process, I do not believe we would have shirked the challenge.

We value our freedoms and democracy, but we are fortunately the inheritors and beneficiaries of the democratic traditions established by our forebears. They have of course evolved from that point and taken on a particularly Australian tinge in their application to the way we operate today, but they are in large part the democratic traditions that we inherited.

If history proves anything, though, it is that we must be vigilant. Today is the 70th anniversary of the outbreak of World War II with the German invasion of Poland, an invasion by a formerly democratic nation that probably marked the final overtaking of that democracy by the fascist state. We need to retain our vigilance; we need to ensure that we retain the integrity of our electoral system.

Mr Tully, the Victorian electoral commissioner, reminded us in his evidence before the committee that we all have a role to play, whether it is as members of

Parliament, of political parties or educational institutions, the media or the electoral commission. To that list I would certainly add the citizens of Victoria, particularly those who are engaged — and we all need to ensure that those who are not engaged are encouraged to become engaged and to participate, because in doing so we get a better result for all.

Without going into too much detail, it is interesting to note that the turnout for elections in the Victorian Parliament does not seem to have changed much between the 1970s, when there was a turnout of 93.3 per cent, and 2006, when there was a turnout of 92.73 per cent. Similarly, the turnout results for the House of Representatives in the federal Parliament was 95.4 per cent in 1974 and 94.8 per cent in 2007.

I want to touch on two points that were made in the minority report — that is, the opposition expressed to direct or automatic involvement of a citizen by their being enrolled without their knowledge. That is fundamentally undemocratic. Similarly, on the proposal to consider the so-called ticket voting, by which a voter puts a figure 1 in a box and then preferences flow from there automatically, it is presumptive of the Parliament or the government to consider that they can guess what a citizen intended when marking their ballot paper. I reject both those concepts.

I commend the Electoral Matters Committee, particularly the coalition members on their minority report, and I look forward to the government's response.

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Mr HOWARD (Ballarat East) — I wish to speak on the inquiry by the Education and Training Committee (ETC) into geographical differences in the rate in which Victorian students participate in higher education. As chair of the committee, I was pleased to speak on this report after it was first presented to the house in July, but I wish to draw attention to some issues in the report that I did not have the opportunity to address at that time.

The report clearly identifies much variation in the levels of participation in higher education across the state, as the statistics presented in chapter 2 of the report show. The committee supported the recommendations in the Bradley review that was undertaken at the behest of the federal government last year at the same time as the ETC was deliberating on its inquiry. That review recommended that more students should undertake higher education. It further indicated that special attention needs to be given to ensuring that underrepresented groups participate more. In our inquiry committee members were advised that to address this issue action needs to be taken at a number of levels. In schools we clearly need to work at raising the aspirations of students and their families so that they realise that higher education can be of great value to them and that there are good reasons why they can and should participate. In addressing this issue, we believe that universities have a role in working even more directly with schools, particularly disadvantaged schools, in developing those links to overcome some of the barriers.

The committee also recommended that universities review their selection processes to provide alternatives to the ENTER (equivalent national tertiary entrance rank) system. We saw that special entry access schemes have been developed by most universities to improve equity in ENTER-based selection, but we believe more needs to be done in that area. We also believe that more enabling programs should be developed to ensure that students who may not necessarily have the skills to complete a university degree are given support so that they can access higher education and succeed. We recognise that there are pathways from the VET (vocational education and training) sector into higher education. Again we recommended that the Victorian government work with the higher education sector and require it to increase its articulation and recognition of credit transfers to enable students to undertake higher education.

Committee members recognise that accessibility is an issue, and we are pleased that many universities provide good on-campus services for students who study in the regions. We recognise that the financial support provided by the federal government needs to recognise costs appropriately. We also recognise that there are opportunities for using technology, whether that be in the form of online opportunities or other activities that would enable students to appreciate education that is provided from Melbourne. However, that sort of provision needs to be balanced.

Clearly, financial considerations form a major bar in preventing many rural students and students from poorer families from participating in higher education. I was pleased that the member for Benalla quoted from my foreword to the committee's report in regard to this matter. Committee members were pleased to recognise the point raised in the Bradley review that currently many students who are living at home in families earning more than $80 000 a year are gaining access to

the youth allowance and that perhaps supporting those more affluent students is not the best use of taxpayers money.

Reading from one part of the report, the committee recognised that the federal government has made changes. The report goes on:

> The committee welcomes the … announcements as basic measures to improve the level of financial support available to many higher education students.

The report states also:

> The committee acknowledges that means testing of income support is an appropriate mechanism — —

The ACTING SPEAKER (**Mrs Fyffe**) — The time for making statements on parliamentary committee reports has expired.

PARLIAMENTARY COMMITTEES

References

Mr BATCHELOR (Minister for Community Development) — I wish to move the notice of motion standing in my name that creates two references to parliamentary committees. The first reference is for the Drugs and Crime Prevention Committee and the second is for the Environment and Natural Resources Committee.

The work of committees in this Parliament is an important part of the democratic process. In this Parliament we have a long and established record of doing very good committee work. The process that has been adopted by this government is to by and large have references referred by the government via the Parliament, although there are other avenues available to do that. In accordance with the traditions, customs and practice of the Parliament, I move:

> That, under s 33 of the Parliamentary Committees Act 2003, the following matters be referred to the joint investigatory committees specified:
>
> (1) To the Drugs and Crime Prevention Committee — for inquiry, consideration and report no later than 31 August 2010 into the impact of drug-related offending on female prisoner numbers, and the committee should:
>
> (a) examine the impact of drug-related crime on the female prisoner population;
>
> (b) review the demographic profiles of women in custody for drug offences and the types of drug offences;
>
> (c) examine underlying causal factors which may influence drug-related offending and repeat offending that result in women entering custody; and
>
> (d) recommend strategies to reduce drug-related offending and repeat offending by women, including strategies to address underlying causal factors.
>
> (2) To the Environment and Natural Resources Committee — for inquiry, consideration and report no later than 31 August 2010 into soil sequestration in Victoria, and the committee should:
>
> (a) explore possible benefits to the agricultural industry;
>
> (b) explore possible environmental benefits;
>
> (c) consider methodologies for measurement of the effects of carbon sequestration, including any potential issues associated with the measurement of benefits;
>
> (d) identify the costs;
>
> (e) identify any possible harms or detriments;
>
> (f) identify linkages with the proposed carbon pollution reduction scheme and other relevant federal government policies;
>
> (g) identify linkages with existing Victorian government policies; and
>
> (h) explore options for the Victorian government to support the benefits (if any) of soil sequestration.

Recent practice in the other place has been to initiate some references outside the process of government. That is the decision that has been made in the other place. The government will continue to follow the normal, right and proper way of making references available, and that is what this motion seeks to do. It will be up to the committees themselves to determine their priorities and their workload but the government will continue to use this process in the Legislative Assembly to provide references to all the parliamentary committees that have been established.

Mr McINTOSH (Kew) — The opposition will not oppose this motion. The first part of the motion relates to the impact of drug-related offending on female prisoner numbers and the second matter relates to sequestration. They are both significant issues and deserve the consideration of both these committees. However, the opposition raises a couple of matters in relation to the reference to the Drugs and Crime Prevention Committee.

Currently the Drugs and Crime Prevention Committee has two references. The first was provided by the government in this place and the second came from the Legislative Council. I understand that the reference

from the Legislative Council was ultimately moved by the government. Apparently there was an initial attempt by the opposition to refer a matter to the committee, but by dint of numbers and negotiation the government was able to secure its reference. The two existing references to the committee, one in relation to violent crime and police numbers and the other regarding sex slaves, are effectively government references and this referral will be the third reference to the committee.

I note that in the space of one month the Drugs and Crime Prevention Committee has received three references. The first was initiated by an upper house motion in relation to violent crime and police numbers, and then in quick succession the government has referred matters in relation to sex slaves and this inquiry about the impact of drug-related offending on female prisoner numbers.

Concern has been expressed by some of my colleagues on the Drugs and Crime Prevention Committee that at present they have two substantial references with reporting dates of August and September of next year. Essentially all three of these references to this committee will operate at the same time, which will mean a considerable drain on the resources of the committee. It has been raised that the budget for this financial year has already been allocated to the two current references, so the government is essentially topping up the total resources of the committee. I hope if a request is made by the committee for further resources, those resources will be provided expeditiously by the government to enable the committee to continue its good work.

The sequestration reference to the Environment and Natural Resources Committee is a significant matter that must be looked at by the committee, and there is no quibble from the opposition about that. That is the reason the opposition is not opposing this motion. I note that this reference is similar to two inquiries and committee reports over the last five or six years, and hopefully it will add to the body of knowledge that the committee has already produced in relation to this matter and will be of benefit to the people of Victoria.

I again indicate that the government should support the proper resourcing of the Drugs and Crime Prevention Committee with its three significant and important references if the committee requests further assistance. With those few words, the opposition will not oppose the motion.

Motion agreed to.

VICTORIAN RENEWABLE ENERGY AMENDMENT BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) 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 Victorian Renewable Energy Amendment Bill 2009.

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

Overview of bill

The bill will amend the Victorian Renewable Energy Act 2006 (the act) to support the transition of the Victorian renewable energy target (VRET) scheme to the expanded commonwealth renewable energy target (RET) scheme. The bill supports the Council of Australian Governments (COAG) agreement of 30 April 2009 to the expansion of the commonwealth RET scheme to increase the generation of electricity from renewable sources in Australia to 20 per cent of Australia's total electricity generation by 2020.

The bill provides for the end of certificate creation under the VRET scheme, removal of the liability on energy retailers to acquire certificates under the VRET scheme and, together with amendments to the commonwealth scheme, recognition of VRET certificates under the expanded RET scheme and recognition by the expanded RET scheme of VRET scheme accredited power stations.

Human rights issues

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

Clauses 6, 7, 8 and 9 of the bill provide cut-off dates in relation to the creation of tradeable certificates under the VRET scheme. While these clauses relate to the timing in which property rights (i.e. certificates) may be created for renewable electricity generation under the act, the clauses operate to limit a statutory entitlement to create a property right that only exists by virtue of the act and do nothing to deprive or interfere with a person's right to freely deal with, transfer or otherwise dispose of that property after a certificate is validly created. Furthermore, on and after these cut-off dates, the bill will not affect a person's ability to create certificates under the commonwealth's expanded RET scheme.

Accordingly, the bill does not limit the right protected by section 20 of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities to the extent that some

provisions do engage a consideration of human rights issues, these provisions do not limit human rights.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

The bill will facilitate the transition of the Victorian renewable energy target (VRET) scheme to the commonwealth's expanded renewable energy target (RET) scheme. As agreed at the Council of Australian Governments (COAG) meeting on 30 April 2009, the expansion of the commonwealth's renewable energy target scheme will seek to increase renewable electricity generation in Australia to 20 per cent of the total electricity generation capacity in Australia by 2020.

The VRET scheme has provided the necessary incentive for substantial investment in renewable energy generators in Victoria since it was announced in 2006. We have seen the development of a new hydro power station at Bogong and new wind farms at Waubra and Portland. The commonwealth's expanded RET scheme will provide the incentive for more investment in renewable energy generation in Victoria to 2020 than would have occurred under the VRET scheme.

The bill supports the expansion of the commonwealth scheme by removing the entitlement to create Victorian renewable energy certificates from 1 February 2010 and removing the obligations on VRET participants to surrender renewable energy certificates to meet their VRET scheme target for the year 2010 and onwards. This will enable entitlements and liabilities under the expanded commonwealth scheme to apply instead.

The bill will provide a cut-off date for applications by new power stations to become accredited under VRET and relax restrictions applying to VRET accredited power stations and registered persons so that they may participate in the RET scheme from 2010. More particularly, the bill will enable accredited power stations and registered persons to create certificates under the commonwealth scheme from 1 February 2010.

The provisions in the bill will operate closely with transitional provisions under the amendments to the commonwealth's Renewable Energy (Electricity) Act 2000 which were passed by the commonwealth Parliament on 20 August 2009. Transitional arrangements under the commonwealth's expanded RET scheme will enable renewable energy certificates under the Victorian scheme to be exchanged for certificates under the expanded commonwealth scheme and deem VRET scheme participants to be participants under the expanded RET scheme.

Victoria is committed to encouraging investment and development in renewable energy generation. This is an exciting time for the renewable energy sector and the government will seek to ensure that Victoria continues to be the premier location for renewable energy investment in Australia.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 16 September.

VALUATION OF LAND AMENDMENT BILL

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Valuation of Land Amendment bill 2009.

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

Overview of bill

The bill seeks to:

enhance the quality, consistency and efficiency of valuations in Victoria by amending the Valuation of Land Act 1960 to allow councils the option of transferring their responsibility for completing rating authority valuations to the valuer-general, and making the valuer-general the custodian of statewide valuation data; and

progress a number of desirable changes to the Valuation of Land Act 1960 whilst recognising the negative comment received on some aspects raised in the *Discussion Paper — The Future Direction of Rating Authority Valuations in Victoria*.

Human rights issues

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

This section identifies and discusses the human rights protected by the charter that are relevant to the bill.

Valuation of Land Act 1960

Section 13: privacy and reputation

A person has the right —

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

Under the existing act, the valuer-general receives general valuations for audit purposes in a variety of formats. The valuer-general either verifies the general valuations as generally true and correct (GTC) or requests councils to resubmit all or part of their general valuations. Although the valuer-general receives the data, he or she is unable to distribute it, as ownership of general valuation data currently remains with each of the 79 individual councils. The act currently gives no provision to the valuer-general enabling him or her to use general valuation data, or to release it to the wider community.

Individual council ownership of their respective general valuation data makes modelling at a statewide level, for public policy purposes, difficult as analysts are currently required to obtain data from each of the 79 councils. Amending the act to make the valuer-general the custodian of statewide general valuation data will provide a single source for accessing statewide data, for both public policy and community purposes.

Clause 10 proposes to amend the act so that the valuer-general will become the custodian of a single statewide record of general valuations for Victoria. This record will be the source of verified valuations to be used by local and state government, and other rating authorities, for rating and taxing purposes. This record will also be made available to the wider community as the official source of verified general valuations.

Data disseminated to the wider community from the valuer-general will be de-identified data, thereby satisfying concerns regarding privacy. Data will only be searchable by land description (eg. address). Searches based on an individual (eg. a person's name) will not be permitted under the proposed changes. Information on tenancy rents will not be available to the public.

These changes effectively establish a new public register but do not affect the exceptions in, or override the provisions of, the Information Privacy Act 2000, as the accessible information only relates to land and not personal information as defined under that act. The value of a house or property does not constitute personal information under the Information Privacy Act 2000 as it does not relate to the identity of an individual, it relates to a property.

Valuation searches by the public will be performed in a similar manner to searching the land titles register — that is, searches can only be based on a land identifier (eg. address or lot/plan reference). Public searches based on a person's name will not be permissible.

Public access to property valuation information will not affect the exemptions relating to disclosure of personal information in Freedom of Information legislation and legislation protecting confidential information. Under section 33 of the Freedom of Information Act 1982, information relating to the personal affairs of any person includes information —

(a) that identifies any person or discloses their address or location; or

(b) from which any person's identity, address or location can reasonably be determined.

Public searching of property valuation information will not affect personal privacy or a person's right to reputation. Public searching of valuations is currently available in other Australian jurisdictions.

These changes do not limit or restrict the scope of the rights under section 13 of the charter.

Section 24: fair hearing

(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

(2) Despite subsection (1), a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by a law other than this charter.

(3) All judgements or decisions made by a court or tribunal in a criminal or civil proceeding must be made public unless the best interests of a child otherwise requires or a law other than this charter otherwise permits.

Councils that transfer their responsibility for general valuations to the valuer-general will also transfer their responsibility to manage the objections and appeals process. The act presently places responsibility for processing objections with councils.

Clause 23 proposes to amend the act so that when councils transfer their responsibility for general valuations to the valuer-general, the valuer-general then becomes responsible for the objections process for that particular municipality.

A dedicated section of the valuer-general Victoria will oversee the contracting out of municipal valuations for those municipal districts falling under the responsibility of the valuer-general, in much the same way as most councils currently contract out the work. The same dedicated section will also administer objections and appeals in relation to those valuations for which it is responsible.

The valuer-general will ensure objectors' right to a fair hearing will be upheld when he/she is the responsible authority for a municipal district. The valuer-general currently

manages in-house and outsourced valuations in accordance with the ISO 9001:2000 Quality Management System (certificate no. 10022) for all government valuations.

All valuer-general valuation processes are subject to external audits biannually. In addition, annual audits are conducted on the valuer-general's panel of valuers.

The same rigorous system will be applied to municipal valuations for which the valuer-general is responsible. Councils simply need valuations for the purpose of charging rates, they have no compulsion to ensure those valuations are in fact correct. The valuer-general is the industry expert on valuation standards and practices and therefore has an authoritative role in ensuring valuation standards are adhered to. The proposed changes therefore act to strengthen rate and taxpayers right to a fair hearing when objecting to a valuation. Existing appeal mechanisms will also remain unchanged.

These changes do not limit or restrict the scope of the rights under section 24 of the charter.

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

Section 7(2) is not applicable as all the human rights relevant to the bill are not limited but are in fact protected and enhanced by the proposed changes.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human right issue, nor does it limit, restrict or interfere with a human right.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

I am pleased to introduce this bill which contributes to the ongoing enhancement of Victoria's municipal valuation system.

The Valuation of Land Act 1960 establishes the process for the administration of land valuations including those used for rating and taxing across Victoria. The valuer-general is responsible for certification of municipal valuations, which form the basis of local government revenue collection of approximately $2.5 billion annually.

Victoria has a world class valuation system which provides for fair and equitable distribution of rates for property owners.

This bill represents the culmination of an extensive review and consultation process led by the Department of Sustainability and Environment (DSE) and the valuer-general. Stakeholder views were canvassed through release of a discussion paper in December 2008. The government has listened to stakeholders' views, and this bill reflects those views.

Before I discuss the bill in more detail, I would like to make it clear that this bill does not change any underlying valuation methodologies, nor will it amend the land tax rate or the land tax thresholds.

The background

Property valuation is the analysis of property transactions to determine their comparable value. Valuers gather and evaluate a range of information to determine the market value of a property.

Valuations are used for many purposes including setting limits for the sale and purchase of properties, setting rental levels, determining compensation following the compulsory acquisition of property, asset accounting and management, lending and associated financial dealings, property settlements, property rating and taxation systems, and property portfolio analysis.

The valuer-general is the state's independent authority on property valuations. The valuer-general oversees all significant government property valuations and council rating authority valuations.

Rating authority valuations in Victoria are legislated under the provisions of the Valuation of Land Act 1960 and are the ministerial responsibility of the Minister for Environment and Climate Change.

Rating authority valuations underpin the annual collection of approximately $2.5 billion of municipal rates and approximately $1.2 billion of state government land tax revenue. Since the proclamation of the Valuation of Land Act 1960, municipalities have undertaken rating valuations on behalf of all rating authorities, including the State Revenue Office and water authorities. Valuation data is also used by the Victorian and commonwealth grants commissions.

The cost of each biennial valuation is approximately $39 million, which is shared equally between the municipalities and the State Revenue Office.

Councils in Victoria are responsible for revaluing properties in their municipalities every two years. Up-to-date council valuations across the state are critical to ensure equity in rating and other tax determinations.

Most councils employ contract valuers to perform revaluations and provide supplementary valuations.

Valuers contracted by councils complete the revaluation process in accordance with valuer-general's statewide valuation best practice specifications, which are updated for each revaluation.

The valuer-general oversees the revaluation process, monitoring the progress of all revaluations, providing advice to councils on valuation methodologies and ensuring that council valuers apply uniform standards across the state.

The valuer-general also certifies all council revaluations to ensure they have been completed according to the required standards as well as preparing land tax valuations for property in non-local government areas and for non-rateable properties owned by public utilities.

The problems and solutions

The amendments contained in the Valuation of Land Amendment Bill 2009 will provide:

councils with the option of transferring their responsibilities for rating authority valuations to the valuer-general;

the creation of a single statewide valuation database;

more advanced valuations techniques and web-based systems; and

cost benefits.

Opt in option for councils

The changes to the Valuation of Land Act 1960 follow the release in December 2008 of a *Discussion Paper — The Future Direction of Rating Authority Valuations in Victoria*.

The discussion paper proposed centralising the process for completing rating authority valuations, moving responsibility from councils to the valuer-general. The discussion paper did not propose any change to the underlying valuation methodologies nor did it propose any amendment to the land tax rate or the land tax threshold.

Although several councils from across the state supported full centralisation of the valuation process, there was strong opposition to the proposal from others. The bill progresses a number of improvements to the Valuation of Land Act 1960 whilst recognising the negative comment received on some aspects raised in the discussion paper.

Some councils, for example councils that are struggling financially or councils in remote rural areas, often experience difficulty in attracting valuers to carry out the council's revaluation obligations at a competitive rate. The government initially proposed that the act be amended so that the responsibility for revaluing rateable and taxable properties every two years became the valuer-general's responsibility.

The government has listened to the concerns of councils and has amended the proposal so that councils do not have to transfer their valuation responsibilities to the valuer-general. Councils will have the flexibility to opt in and opt out prior to each revaluation cycle as they wish.

Statewide valuation database

Rating authority valuations are crucial to councils' and the State Revenue Office's ability to strike rates and land tax. However, today the full value of this data is not being realised. Demand for valuation data for wide-ranging purposes cannot be easily met at present as each council currently owns, manages and maintains their respective valuations database. This means that statewide valuation information is currently owned by 79 separate organisations.

The State Revenue Office only collects site value information. Valuations provided to the valuer-general are provided for audit purposes only. The valuer-general does not own this data and therefore is currently unable to meet the requests of organisations seeking valuations data for analysis needs. Organisations, including state and federal government agencies, have an expectation that the Victorian valuer-general is the keeper of valuations in Victoria, and is able to provide valuation information upon request, as counterparts in other jurisdictions are able to do. This is not the case in Victoria.

It is ridiculous that in Victoria, if an organisation, such as a global fast food or service station retailer, wants to access valuations on all of its properties, it must contact all the municipalities in which the company operates. This is an administrative nightmare. The current system does not promote confidence in business activity in Victoria, in situations where valuations are required to make informed decisions.

The bill will also allow the public to access valuation information from the valuer-general. The public currently has access to such information, however they must know which municipality the property is located in and contact that council for the valuation or valuations they are interested in. If a prospective

purchaser is researching properties along a municipal boundary, they are likely to have to contact both councils to access the information they require. The valuer-general intends to make valuation information available in a similar manner to other land-related products and information.

The bill provides that the valuer-general must ensure that any part of the valuation record that is made publicly available must be made available in accordance with the information privacy principles contained in the Information Privacy Act 2000. Information available by search will pertain to a property. Searches based on an individual will not be permissible.

The amendments in the Valuation of Land Amendment Bill will ensure that a statewide valuation database, managed by the valuer-general as the custodian of the data, will give councils access to up-to-date quality data.

The statewide database will be the conduit for valuation data used by the State Revenue Office. This will remove the inefficiencies of duplicated data and inconsistent data formats. It will also ensure the State Revenue Office receives valuation data certified by the valuer-general.

The valuation database will provide a single source for accessing authoritative property valuation data for both public policy and community benefit. Councils will still retain the right to use their own data.

Cost benefits

The bill provides councils with the opportunity to achieve cost benefits. Councils that opt to transfer their responsibility for revaluations to the valuer-general will no longer need to purchase, create or maintain their own valuation system.

Councils that opt in will no longer be liable for the cost of defending valuations at the Victorian Civil and Administrative Tribunal or the courts.

There will be less administrative red tape and there will be free access to a web-based valuation system hosted by the valuer-general.

Wider community access to valuation data will provide significant value at a whole-of-government and community level.

Advanced valuation techniques and web-based systems

The bill changes the way valuations are delivered. The changes allow a single web-based valuation system to be introduced and made available to all councils. This will facilitate a consistent and uniform valuation process across the state.

All councils will use the web interface to submit their valuation data to the valuer-general. Councils can also choose to use the system as a tool to develop their valuations if they wish.

Supplementary valuations

Supplementary valuations can be undertaken at any time during the two-year revaluation cycle. Supplementary valuations are completed when there is significant change to a property, or group of properties, between revaluations. These valuations pick up changes such as new buildings, refurbishment or significant renovations, new subdivisions, demolitions, fire damage and changed planning scheme provisions. Supplementary valuations are important to councils to ensure an up-to-date valuation database is maintained. The bill specifies changes to the Valuation of Land Act 1960 that protect councils' control of the timing of supplementary valuations.

The bill does not change the payment structure for valuations — the cost will still be shared equally between the municipalities and the State Revenue Office.

The government is confident that, as the benefits are realised, more councils will opt to transfer their valuation responsibilities to the valuer-general, further enhancing the quality and efficiency of valuations in Victoria.

In summary this bill will:

provide councils with greater flexibility in delivery of rating authority valuations by enabling a transfer of this responsibility to the valuer-general;

enable the creation of a single statewide valuation database;

enable more advanced valuation techniques and web-based systems; and

deliver cost benefits.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Wednesday, 16 September.

Sitting suspended 1.07 p.m. until 2.04 p.m.

ABSENCE OF MINISTER

Mr Ryan — On a point of order, Speaker, I note the absence of the Minister for Water and I wonder as to the arrangements in his absence.

The SPEAKER — Order! My apologies. The Minister for Water, who is also Minister for Finance, WorkCover and the Transport Accident Commission and the Minister for Tourism and Major Events, is absent again today. Any questions directed to him will be answered by the Minister for Agriculture.

Mr Ryan — On a further point of order, Speaker, and I say this with the greatest respect to the house and to yourself, I understand that the minister is conducting a press conference not far away at 2.00 p.m. It seems to me, with the greatest respect, that the minister's proper place is here. Given that thankfully he has been able to be recovered, his first duty is to this chamber, and with respect to all concerned, he ought be here. I raise the issue for the consideration of the house, and if the Premier is able to enlighten us as to why the minister is not here, then so be it.

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

QUESTIONS WITHOUT NOTICE

Minister for Finance, WorkCover and the Transport Accident Commission: rescue

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the very welcome and quite remarkable rescue of the Minister for Water, who is also the Minister for Finance, WorkCover and the Transport Accident Commission, and who was lost in the high country for two days, and I ask: will the Premier advise the house of the circumstances and discussions which reportedly led to the application of high-tech equipment on board a special plane, whether that capacity has been previously applied in Victoria and, most importantly, whether it will be available for future rescues and other emergencies?

Mr BRUMBY (Premier) — I am not able to comment, obviously, on what are operational matters, but I can advise the Leader of The Nationals of a media release issued on 2 September by the Australian Federal Police headed 'AFP assistance to Victoria Police operation'. It has just five paragraphs. It states:

> The AFP can confirm the provision of some support to the Victoria Police to assist in the search for Mr Tim Holding.
>
> The AFP routinely lease aircraft to support operational activity across the country and provided fixed wing support in this matter.
>
> This capability has been utilised previously in a search capacity.
>
> When certain operational assets are engaged, the AFP is constrained in the public comments they can make in relation to their use and deployment.
>
> No further comment will be made in relation to the deployment of any operational assets of the AFP.

Economy: performance

Mr NARDELLA (Melton) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on any recent data that demonstrates the strength of the Victorian economy?

Mr BRUMBY (Premier) — I thank the honourable member for Melton for his question and for his strong and passionate belief in a strong, growing, dynamic Victorian economy.

Today the ABS (Australian Bureau of Statistics) released its national accounts figures for Australia. I am pleased to say, after looking through the quarterly growth figures across Australia, that the percentage change in domestic final demand for the last quarter was: in New South Wales, 0.5 per cent; in Queensland, negative 0.1 per cent; in South Australia, 1.3 per cent; in Western Australia, 1.6 per cent; and in Tasmania, 2.2 per cent. The average for Australia was 0.8 per cent, but Victoria was the strongest of all — at 3 per cent. If you look at the annual figures — I know we have had the doomsayers talk down the Victorian economy — not only is the June quarter figure by far the strongest in Australia but the through-year growth figures show Victoria at 1.5 per cent and Australia at 0.7 per cent.

As I look at all those negative faces opposite, I think back to our budget in May — our jobs-building budget of $11.5 billion — and I think of the strong support that enjoyed across the Victorian community, except from among those opposite. The fact of the matter is that these figures confirm that our strategy and plan have been right and are right. We are not waiting; we are building. We are getting on with the job.

Yesterday Standard and Poor's completed its review of the Victorian economy and the Victorian budget position. I will just go back to budget time in May, when certain members of this house said the budget put the state's economic and financial strength at risk. Yesterday Standard and Poor's put that fear to bed, not just reaffirming Victoria's AAA credit rating but also saying:

> The government's strong financial management provides ongoing financial stability. Victoria's good governance — including its strong fiscal strategy and good financial transparency — is a credit strength.

I am happy to take Standard and Poor's word for it rather than listen to those opposite, who oppose everything and stand for nothing.

Yesterday the ABS released the July building approval figures. For 15 months in a row Victoria has been leading Australia in new residential approvals, and for the year that ended in July we again led Australia in total building approvals. Last week the ABS released data on private new capital expenditure for the three months to June. It showed that over the year, Victoria outstripped the national average, being up 13.4 per cent compared to 4.4 per cent nationwide.

Those results were — to quote the front page of the *Age* — 'astonishing'. Under the headline 'Victorian boom leads recovery' an article said:

> Victoria is at the centre of an investment surge so big that it has confounded all forecasts and provided the strongest indication yet that Australia is on the verge of a sustained economic recovery.

Last week the ABS released data on construction activity for the June quarter. It showed total construction activity in Victoria increased by 3.4 per cent. Work done in Victoria was at a record high. Engineering construction increased by 9.5 per cent compared to 5.7 per cent nationwide.

I would have to say those are pretty good results — they are good results for our state. They came about because of a concerted, clear plan and strategy. They came about despite the opposition of members opposite, who every time we have made decisions about investment in the budget, investment in capital works or the attraction of new industry to our state — at every step along the way — have engaged in obstructionism, negativism and opposition.

On Monday morning I was down at Toyota with the Minister for Industry and Trade as we pushed the button to start production on the new hybrid Camry. There are only five places in the world where the hybrid vehicles are being produced for Toyota, and Melbourne is now one of them courtesy of the leadership of our government and our partnership with Toyota and the federal government.

In the last few weeks we have also been able to welcome Costco to Melbourne. Five years ago Costco was going to Sydney. We spoke to Costco and got it to come to Melbourne; Docklands is the right location for Costco. It has been a huge investment, providing 230 new jobs.

I was with the Minister for Innovation last week at Sigma in Dandenong, where a huge new investment there is leading to 100 new Victorian jobs. Two weeks ago I was in Castlemaine with the members for Bendigo East and Bendigo West to announce a $3 million grant to drive a $150 million expansion by George Weston Foods, previously Castle Bacon, generating 480 new jobs for our state.

All of this is about a major vote of confidence in our economy. All of this is about driving jobs, investment and confidence. For these things to occur requires confidence in the economy and strong leadership to make the tough decisions. All of these things come about because of hard work, the right policies, confidence and the right leadership. They do not come about because of an opposition that opposes everything and stands for nothing.

Honourable members interjecting.

The SPEAKER — Order! Government members will show some respect to other members in the chamber.

Police: Bendigo

Dr NAPTHINE (South-West Coast) — My question is to the Minister for Police and Emergency Services. I refer to the recent terrifying experience of Carol Harris of Bendigo, who at 3.00 a.m. rang 000 in fear for her life. Carol was hiding at the rear of her home whilst violent, drunken thugs ripped the gate from its hinges and smashed in the front door of her house. She was told that no police were available to attend and that she should go to the front door, turn on the light and hopefully this would frighten the thugs away. Subsequently, Carol was advised by police that she would have to get used to this level of violence because she lived in the main street of Bendigo.

I ask: is it not a fact that there is something very wrong in Victoria when grandmothers like Carol and other residents must hide in their homes, living in fear for their lives?

Mr CAMERON (Minister for Police and Emergency Services) — There is one party in this state which totally condemns violence — that is, the Labor Party. Labor is the party that totally rejects the policy of slashing police by 800 and the party that believes in providing record resources across this great state. The opposition knows where the police are, because it had an FOI request as to where the police were. It was told where they were, and it was told they were operational police out on the front line.

The SPEAKER — Order! The minister is clearly debating. I ask him to come back to addressing the question.

Mr CAMERON — We absolutely reject violence, and that is why the government has provided record resources to police. That is why I certainly say that police in the Bendigo region do a fantastic job, and I congratulate them on the large reduction in aggravated burglaries in the last year. I have to say also that as a government we wanted to put in place entertainment precincts, and we have done that in Bendigo. That is something that was opposed by the opposition.

As a government we are taking steps. That has involved more police. It will also involve the new regime we intend to put into place later this year around penalty notices for drunks and an offence of disorderly. There will also be a new regime in terms of a search for weapons. I have to tell you, Speaker, that there is only one party supporting those measures in this house, and that is Labor. We have heard nothing from the opposition. It is not prepared to address the social issues which confront us as a state.

Bushfires: preparedness

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Police and Emergency Services. Can the minister advise the house what actions the Brumby government is taking to work together with our fire agencies, local government and the broader community to prepare Victorians for the next fire season?

Mr Hodgett interjected.

The SPEAKER — Order! I ask the member for Kilsyth to cease interjecting in that manner.

Mr Hodgett interjected.

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

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Barwon South for his question, particularly given that so much of the Barwon South electorate is bushfire prone. We face the potential of this being a horror fire season. We all have a role to play in preparing for this fire season, and that is what the community expects. What it does not want is attacks on the fire services and the undermining of the morale that is so important given the short time frame we have to work with. Everybody is working together, and that is important because the fire season is not far away and we all need to pitch in. That involves the government; it involves the fire services in this great state, which are funded to record levels; it involves local government; and it also involves the community.

When we look at the government and the record-funded fire agencies, we see the work that is happening as they gear up for this fire season and realise the importance of the fire agencies working with local government on township protection plans and the works that go with them. We see that the spring fuel reduction works and the burning program are going to be so important this spring. We see the seasonal firefighters at DSE (Department of Sustainability and Environment) being brought on early, and we see the new system for information flow to the public as being critical. There is also a new education and awareness program, and a lot more community meetings have to occur. We see local government working on its municipal emergency management and fire prevention plans and working through the arrangements for establishing relief centres in areas if they should, unfortunately, be needed.

With the community, the government is doing away with red tape with the new 10/30 arrangements so that people can prepare their homes — and we want them to prepare their homes and neighbourhoods. We want them to be thinking through their own individual household fire plans. They will be able to be assisted by an online information system but also through the community meetings that will take place. We have all these groups working together with one simple aim — that is, to ensure that the state is prepared as well as possible for this fire season.

Unfortunately there is one group that is only out to score cheap political points, undermining the morale of fire services and the public in the face of the coming fire season. It is the same group which earlier in the year praised everyone in emergency services for their efforts but which is now trying to score cheap political points. It opposes everything and stands for nothing.

Honourable members interjecting.

Mr CAMERON — They self-identify — it is those opposite. We all have to work together because of what could be a horror fire season. I urge all honourable members to get behind the fire services for what could be a very difficult season.

Police: Bendigo

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to recent articles in the *Bendigo Weekly* which refer to the residents of Napier Street, Bendigo, living in fear of drunken violence, with some residents creating special rooms in their houses to protect themselves from home invasion and families sleeping in the same room on weekends 'in fear of what is to come', and I ask: given that an article states that the minister has 'washed his hands' of responsibility for protecting residents from violent attacks, will the minister now emerge from hiding and take responsibility for protecting families from increasing violent attacks not only in Bendigo but right across Victoria?

Mr CAMERON (Minister for Police and Emergency Services) — I totally reject the concept being pushed by the opposition today that the government should be dictating operational matters to police. I totally reject that.

Honourable members interjecting.

The SPEAKER — Order! I suggest to members of the opposition that that is no way to conduct themselves at question time. No minister in this chamber will be forced to shout over that level of interjection.

Mr CAMERON — What we do and have done as a government is provide record resources to Victoria Police. We have promised more police, and we have delivered. We totally reject the policy of those opposite to promise 1000 police and reduce police numbers by 800. We believe policing decisions should be made professionally by professional policing people, and that is why we thoroughly support the chief commissioner and police command in the allocation of resources in the way they do it locally.

I congratulate the Bendigo police on the way they work with the community and on the substantial reduction we have seen in the last year around aggravated burglaries. Can I also say that when we have community surveys about people's perceptions of safety, they show those perceptions are very high in Bendigo. Again I congratulate the Bendigo police on the work they do in crime detection and working with the community to bring about those results.

But we all have choices. There is a choice to support more police, and that is what we do — but those opposite do not. When it comes to introducing laws around entertainment precincts, we on this side of the house had a choice to do it, and we did it. That is something we never saw from those opposite. In fact they voted against it, because it is only Labor that is prepared to stand up for community safety. Around the nightclubs in Bendigo what we put in place was 2.00 a.m. trading hours.

There was one local member out there supporting police very strongly, and that was me, but there was another local member at the — —

Honourable members interjecting.

The SPEAKER — Order! The minister!

Mr CAMERON — For the information of the member for Lowan, the entertainment precinct in the Bendigo central business district is in my electorate. At the other end is a member for Northern Victoria Region in the other place, Damian Drum, who was opposed to it. We totally reject the policy of those opposite, because when they have a choice for community safety or not community safety they have a proven record of being against it.

Energy: low-emission technology

Mr FOLEY (Albert Park) — My question is to the Minister for Energy and Resources. I refer to the government's commitment to make Victoria the best place to live, work and raise a family and ask the minister to update the house on how the Brumby government is doing the heavy lifting to provide energy for Victoria's future and what sources are available for this.

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Albert Park for his question. Victoria is moving towards a low-emission electricity future. At this time it is essential that the government provide a clear signal to industry and a clear signal to communities that we need to work together — industry, communities and government — to make sure this transition is a smooth one. During the transitional period towards this low-emission, low-carbon future, we need not only to make sure that it is smooth but to keep the lights on.

Mr Hodgett interjected.

The SPEAKER — Order! The member for Kilsyth has been warned. I ask for his cooperation for question time to continue smoothly.

Mr BATCHELOR — The Brumby government is committed to facilitating investment in Victoria in more sustainable energy supplies. We want to do it through renewables, we want to do it through gas-fired generation and we want to do it through investment in cleaning up our coal. It is important to remember that we have a long history of trying to achieve these objectives. After all, we were the first state to legislate for a real mandatory renewable energy target — VRET (Victorian renewable energy target).

Recently we saw the federal Parliament pass legislation for an expanded federal scheme. Here in Victoria we have been leading the way, and we have seen the Rudd government supporting that renewable energy objective. We have even seen the opposition voting for renewal energy at the national level, in stark contrast to when we introduced VRET here into the Victorian Parliament and the opposition opposed it.

However, our energy plan includes more than just renewables. It includes a whole range of initiatives but one thing it does not include is a nuclear industry here in Victoria. We believe that nuclear energy is not the answer to climate change in Victoria. It would create a new set of problems — —

Mr Ryan interjected.

Mr BATCHELOR — The Leader of The Nationals interjects and says it is not an imminent — —

The SPEAKER — Order! The minister will not respond to interjections — and I ask the Leader of The Nationals not to interject across the table.

Mr BATCHELOR — We are not supporting the introduction of nuclear power here but, as we have heard from the Leader of The Nationals, not everybody has such a clear policy on these issues. I would like to refer to some recent quotes. Someone has been saying:

> One of the agendas we must start looking at is nuclear power. We must be serious about it.

Others have said:

> … it's completely unrealistic for Australia to be contemplating it …

One of the quotes comes from The Nationals and the other from the Liberal Party. What we need to know is which parts of the Victorian Parliament are supporting Senators Joyce and Minchin in their support of nuclear energy here — —

The SPEAKER — Order! I ask the minister not to debate the question in that manner.

Mr BATCHELOR — What we need to know is whether the community here supports a strong government, the Victorian government, setting the right to secure a low-emission future that is nuclear free. We are encouraging renewable energy. We are funding energy technology innovation, and we are providing a very clear signal that nuclear power is off the agenda. Unlike those opposite, there is no confusion in our stand. We are encouraging renewable energy.

Honourable members interjecting.

Mr BATCHELOR — I am glad you are listening, because you are the ones who are encouraging nuclear energy.

The SPEAKER — Order! I think the point has been made. The minister, to conclude his answer.

Mr BATCHELOR — Our policy is to make sure the economic future of Victoria is secure by having a smooth transition to a low-carbon future.

Bushfires: fuel reduction

Mr INGRAM (Gippsland East) — My question without notice is to the Premier. The 2003 Esplin report states:

> DSE and Parks Victoria recognise that the current levels of burning, from whatever source, are inadequate …

The Department of Sustainability and Environment also provided similar evidence to the ENRC (Environment and Natural Resources Committee) inquiry into the levels of prescribed burning needed to protect human life and property and the ecological need of the public land estate, which is the basis of the recommendation of the 385 000-hectare prescribed burning target. I ask: will the government wait until the final report of the bushfires royal commission before it takes action to increase the prescribed burning levels in the state?

Mr BRUMBY (Premier) — As I understand it in terms of our policy strategy which we released in 2008, *Living with Fire*, our objective as a government is to see an increased fuel reduction burning effort across the state. I did ask for information from my department just recently about the level of fuel reduction burning that has occurred in our state over the last decade or so, and I think it might be useful for the Parliament and

instructive for the local member to just run through those numbers.

In 2008–09 there were 154 000 hectares burnt; in 2007–08, 156 000; and in 2006–07, 138 000 — so in the last three years we have seen more than 450 000 hectares of land which has been burnt for fuel reduction. The hectares burnt in 2005–06 totalled 49 000; in 2004–05, 127 000; in 2003–04, 90 000; in 2002–03, 49 000; in 2001–02, 81 000; in 2000–01, 65 000; in 1999–2000, 105 000; in 1998–99, 104 000; in 1997–98, 40 000; in 1996–97, 131 000; and in 1995–96, 72 000. I do not have data for earlier than that.

I think that shows that if you look over the last 15 years, you see that the three highest levels of fuel reduction burning which have occurred in our state have been these last three years. As I have said to the Parliament previously, if you look over the last 12 years, you will see we have gone through 12 years of extremely dry climatic conditions and the number of days on which fuel reduction can be successfully undertaken has become smaller and smaller.

Indeed it is important that members read the royal commission report into the 1939 bushfires, which of course were caused by fuel reduction burning which got out of control. There is a debate in New South Wales at the moment about the bushfires that are raging there and whether they have been caused by fuel reduction burning which got out of control. You have got to time it right or you put public safety at risk. The number of days on which it has been possible to do this burning has got smaller and smaller. In terms of the recommendations of the parliamentary committee, my recollection is that the government supported in principle all of those recommendations and that our target is to do as much as possible.

I will make a second point: the quantity of burn which is achieved is important but so too is the quality. When I was in Bendigo earlier this year after the 7 February fires that burnt over 70 houses in that city I found that the thing that had been most important in stopping that fire from spreading through Eaglehawk and Long Gully was a fuel reduction burn which had been undertaken by the Department of Sustainability and Environment (DSE) a year or two years before. It was only a small burn, just some hectares in size. It was not popular with householders at the time; in fact many of them vigorously opposed it. But DSE made the strategic decision to undertake that burn, and that decision was strategically important in stopping the spread of that fire on 7 February.

This is not a debate about resources. This is a debate about what is physically, safely and technologically possible within a window of opportunity that has grown smaller and smaller because of the extremes of climate change. Our target this year obviously is to do as much again as we can. As I said, this year we have achieved the best three years of, I think, the last 15 or 20 years. We committed in December last year an additional $10 million per year to work with the community to develop and implement large-scale fuel reduction burning. On top of this we will spend an additional $21 million over the next four years to conduct additional planned burning as well as fire management planning and community engagement.

As I think the member is aware, we have also said in the run-up to this year's fire season that there will be significant roadside burning. That is to make roads safer and to provide safe thoroughfares through and from many towns in our state. Members will see as strong an effort as possible but subject always to the best advice as to when it is or is not safe to burn, because the last thing we would want would be a repeat of the fires of 1939, which were caused by fuel reduction burning.

Racing: regional and rural Victoria

Mr HERBERT (Eltham) — My question is to the Minister for Racing. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house how the Brumby government is doing the heavy lifting to support country racing?

Mr HULLS (Minister for Racing) — I thank the member for his question. The Brumby government certainly knows that country communities are passionate about racing. To be passionate about racing, just like politics, you have got to have your heart in it. Unlike some, the Brumby government's heart certainly is in country racing, which is why we are taking action to support and promote it. I am pleased to say that since the last sitting week I have been visiting clubs and tracks right around the state announcing a range of projects under the $86 million Regional Racing Infrastructure Fund (RRIF).

In Geelong, along with the members for Bellarine, Geelong and Lara, I announced some $380 000 for stormwater harvesting and $150 000 for an upgrade of the sand jog track at Geelong. Stawell and Ararat received some $390 000 for new jockey and administration buildings and also a new set of starting gates.

As the members for Ballarat West and Ballarat East would know, the greyhound racing club will be making improvements to its track with $116 000 and will receive a further $68 000 for starter boxes. The Ballarat Turf Club will be designing an uphill synthetic training track with the help of some $36 000 and importantly will receive $300 000 to drought proof its track. The Bendigo Jockey Club will benefit from upgraded facilities for race day officials with $175 000 in funding and an additional $40 000 to investigate stormwater and dam projects.

We are pleased to announce that harness racing is returning to Hamilton thanks to the collective vision of the government, the Grampians Shire Council, Harness Racing Victoria and the Hamilton Harness Racing Club, with $1 million in funding. As the members for Tarneit and Lara would know, thanks to the RRIF, Werribee will have $1.4 million for a brand-new international horse centre to house those elite international gallopers that come to Melbourne to try to win our cup. This is a great program.

Some of us will remember the Skyhooks song *Million Dollar Riff*. We have done better than that; we have our own $86 million RRIF — or riff! And just like the song, our $86 million RRIF is going round and round with a solid gold sound. Whilst there might be those who want to talk country racing down, who do not really have their hearts in the job, who would rather be elsewhere and who have never publicly supported this $86 million infrastructure fund, we are getting on with the heavy lifting of supporting regional and country racing right across the state.

Government: advertising

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the 2008 Nielsen report, Australia's top advertisers report, which discloses that the Victorian government's annual spending on advertising has leapt to $100 million compared to the spending by the commonwealth government, which spent $115 million nationally, and I ask: given that the Brumby government is now one of Australia's largest advertisers, using taxpayers money to spend more on advertising than Village Cinemas, McDonald's, Ford, Holden, Myer, ANZ or Qantas, will the Premier now admit that a huge proportion of this advertising is nothing but self-promotion and political spin?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I do know that more than $120 million was spent on advertising WorkChoices, which the Leader of the Opposition supports — $120 million of taxpayers funds supporting a political ideology, supported by the Leader of the Opposition. I also know that at the last election one political party promised Victorians more than 25 new advertising campaigns. Guess what party that was? It was the Liberal Party.

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

Mr BRUMBY — Most of the money, the overwhelming majority of funds which show up as expenditure by the Victorian government, is directed at saving lives. That is the vast bulk of it. I make no apologies for what is increased advertising. Members have all seen the WorkSafe and the WorkCover ads. We now have by a long way the lowest level of industrial accidents and industrial deaths in the history of the state — and that is about saving lives.

We launched just a few weeks ago some new TAC (Transport Accident Commission) advertising campaigns which are about people using illegal drugs. I launched those advertisements just a few weeks ago with the Minister for Roads and Ports.

Ms Asher interjected.

Mr BRUMBY — You said there is spin.

Honourable members interjecting.

Mr BRUMBY — I am disappointed with the comments by the member for Brighton.

The SPEAKER — Order! The Premier should not respond to interjections, and the Deputy Leader of the Opposition should not interject across the table.

Mr BRUMBY — The road toll in 2001 — —

Honourable members interjecting.

Mr BRUMBY — I am not testy about saving lives. The road toll in 2001 was 444; last year it was 303. We want to push it down below 300, so through the TAC we are spending more money than ever before to push down the road toll and ensure that Victorians are fully aware of the risks of driving if they use illicit drugs.

I have said that we are going to be spending more money this year on fire safety. I have said there is going to be an $11.5 million campaign. I expect that $2 million or $3 million of that will be spent on fire safety, on warning Victorians about the imminent dangers of the forthcoming bushfire season. That is about saving lives.

I know we will be spending more money. We have just launched a multimedia campaign with our culturally and linguistically diverse communities about water safety During the last three years in a row members of a number of families whose knowledge of water and water safety and knowledge of the English language is not good tragically drowned in our bays, oceans or rivers. We are spending money in those areas.

These are the areas where we spend the vast majority of government funds. In relation to any other elements of government spending and the claims that have been made by the opposition, if members read the Auditor-General's guidelines, they will see that those funds are being expended in a way which is consistent with his guidelines.

Health: government initiatives

Mr SCOTT (Preston) — My question is to the Minister for Health. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the Brumby government is doing the heavy lifting to produce better health services for Victorian families?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Preston for his question and for his interest in the best possible health care for his local community. I have often noted, and it has been noted right across the community, that this government has very proudly increased resources for every single hospital in every single year of its term in office. Often it is easy to talk about large amounts of money and the percentage increase, but the real story and the real value of these investments is what they mean for patients on the ground — what they mean for patients at a local level in health services across our great state.

The government has more than doubled recurrent funding and invested more than $5 billion in additional capital works. Since the last sitting week I have been delighted to visit a number of health services to celebrate investments in their local communities that are all about providing patients with the best care close to home, close to family and close to friends — the world's best health care provided by our dedicated health workforce. These have been both large and small investments, but all have been important for local communities.

I visited the Frankston Hospital to open a $367 000 negative pressure room — a very important piece of infrastructure in the emergency department, particularly in recent times when we have seen the spread of swine flu and other infectious diseases. That small investment comes as part of record investment at the Frankston Hospital to fund a $45 million redevelopment of that important health service for people on the Mornington Peninsula. The redevelopment includes more beds, an improved intensive care unit and an improved high dependency unit. It is a very substantial rebuild of that hospital to meet the growing demand in that local community.

I was also pleased to visit the Dandenong Hospital to break ground — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Bass and the member for Ferntree Gully to cease interjecting in that manner.

Mr ANDREWS — As I was saying, I was pleased to turn the first sod in the $25 million development of a brand new emergency department at the Dandenong Hospital. It is a very busy hospital. It has shared in $153 million worth of support from this government. The emergency department is the most recent example, but in the order of 47 600 residents present to that emergency department each year for the care they need. The new emergency department will see treatment spaces go from 35 to 55 — a much bigger, brighter, more efficient and more effective emergency department. This is only possible because Southern Health has the support of this government to do that important work.

I was also pleased to visit the Monash Medical Centre in Clayton, which is very close to my own local community.

Mr K. Smith — Looking after yourself; what about our people?

Mr ANDREWS — I would have thought a pregnancy assessment unit for women at vulnerable times in their pregnancies was all about looking after them. I am sure the member for Bass actually welcomes that initiative and would not want to criticise it.

I was delighted to go there to inspect plans and inspect the works that have been tendered. It is a $4.8 million investment in a pregnancy assessment unit as part of our maternity boost funding in the 2008 state budget. It is a fantastic initiative and a new model of care that is only made possible by the investment and the priorities of this government.

Finally, I was delighted to visit the Northern Hospital to officially open the new short-stay unit attached to the emergency department. This is Victoria's second-busiest emergency department. It is a health service that is doing a fantastic job. We are absolutely delighted to provide practical support for that short-stay unit to open. It is, again, a new model of care to improve patient flow, to improve outcomes for patients at the Northern Hospital in Epping.

The great shame is that despite the practical nature and the clear and obvious benefits of each and every one of these investments, not everyone supports them. Sadly not everyone supports these investments. Indeed not everyone supports the work of our dedicated doctors and nurses at each of these health services. Sadly I could regale the house with quote after quote and media article after media article in which some who hold themselves out as informed commentators do nothing but bag, carp and complain — —

Dr Napthine — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to providing information relevant to the government rather than debating the question.

Mr Eren interjected.

The SPEAKER — Order! The member for Lara is warned. I uphold the point of order. I ask the minister to conclude his answer.

Mr ANDREWS — The government is delighted to have a clear and coherent plan: a plan that is supported by the Victorian community, a plan that sees the government give to every single health service at every opportunity the practical support that it needs. Others do not have a plan; they have no plan other than a retirement plan.

LAND LEGISLATION AMENDMENT BILL

Statement of compatibility

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

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

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

Overview of bill

The bill seeks to:

modernise and improve the operation of the Transfer of Land Act 1958, the Subdivision Act 1988, the Surveying Act 2004 and the Geographic Place Names Act 1998, to repeal redundant or outdated provisions. These changes are relatively minor and technical in nature but are necessary to improve the operation of these acts.

propose amendments to the Transfer of Land Act 1958 that are consistent with the objectives of justice statement 2 which states that a review will 'identify and implement the reforms needed to update' relevant property law in the following broad areas:

definitional changes;

improvements to customer service;

clarity for users;

operational consistency;

clarify aspects of the Transfer of Land Act 1958 in order to resolve issues that have been a problem for both customers and the registrar of titles over a number of years.

clarify the Subdivision Act 1988 consistent with the objectives of justice statement 2.

enhance the operation of the Surveying Act 2004 which was implemented on 1 January 2005 following a major review and rewrite of the Surveyors Act 1978.

provide the minister with greater flexibility when appointing a registrar of geographic names by proposing a minor amendment to the Geographic Place Names Act 1998.

makes miscellaneous amendments to the Forests Act 1958 to reflect the role of the minister in granting licences and permits under that act.

Human rights issues

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

This section identifies and discusses (by act), the human rights protected by the charter that are relevant to the bill.

Transfer of Land Act 1958

Section 8: recognition and equality before the law

(1) Every person has a right to recognition as a person before the law.

(2) Every person has a right to enjoy his or her human rights without discrimination.

(3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

(4) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

Clause 59 of the bill proposes to amend section 106(a) of the Transfer of Land Act 1958. This clause is relevant to section 8 of the charter as it allows the registrar to lodge a caveat to protect the interests of persons suffering certain disabilities or to prevent inappropriate dealings resulting from error or fraud.

The language used in the subsection is outdated; there is no express provision for the removal of these caveats or definition of the circumstances in which a caveat may be removed. There are also no clear definitions of what dealings, if any, may be recorded on a folio affected by a caveat.

Three disabilities are identified in section 106(a). One such disability is described as 'unsoundness of mind'. This phrase has been modernised. This terminology will be further reviewed in light of any findings made in the current Victorian Law Reform Commission (VLRC) review of guardianship law and practices.

The section is also silent on removal of these caveats. The registrar should have the express power to remove these caveats. The subsection should provide for removal of a caveat where the registrar is satisfied that it is no longer required for the purpose for which it was recorded. The registrar has always removed these caveats where appropriate. The purpose of the amendment is to clarify that the registrar has, and always had, these powers to avoid any potential dispute in relation to past actions by the registrar in removing such caveats.

The section should also define what recording can be made on a folio affected by such a caveat. This power is required to ensure that a caveat is not a complete block to any activity with a folio, but rather, it serves to limit registration to only those dealings that are compatible with the purpose for which the caveat was recorded. The registrar should be authorised to record any dealing which he is satisfied is for the benefit of or not adverse to the interest of the person under disability and which he is satisfied is not the result of error or fraud and is not otherwise improper.

Clause 59 of the bill reflects changes to the effect outlined above. These measures will strengthen the existing powers in the act that assist persons who are disadvantaged and who otherwise may not receive equal recognition and equality before the law.

These changes do not limit or restrict the scope of the rights under section 8 of the charter.

Section 13: privacy and reputation

A person has the right —

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

Section 106(a) of the Transfer of Land Act 1958 provides that the registrar may lodge a caveat on behalf of any person under the disability of minority, unsoundness of mind or absence from Victoria and is to be amended by clause 256 of this bill. Section 30(1) provides that where the registrar records as registered proprietor a minor or a person under any other disability the registrar shall state the age of such minor or the nature of the disability.

The registrar does not at present record the age of the minor or the nature of the disability. As the register may be searched by the public it is not consistent with privacy standards to record this information. The interests of relevant parties can be protected under the powers in section 106(a) which enable the registrar to lodge a caveat to ensure protection of interests. Section 30(1) is therefore obsolete. Clause 18 repeals section 30(1).

These changes do not limit or restrict the scope of the rights under section 13 of the charter. The changes in fact act to strengthen compliance of the Transfer of Land Act 1958 with modern information privacy principles.

Section 20: Property rights

A person must not be deprived of his or her property other than in accordance with law.

Section 62(1) of the Transfer of Land Act 1958 states that where the registrar is satisfied that the applicant has acquired a title by possession he may make an order vesting the land in the applicant for an estate in fee simple or other estate or interest acquired by the applicant free from all encumbrances which have been determined or extinguished by possession and free from any easement recorded as an encumbrance which has been proved to the satisfaction of the Registrar to have been abandoned by reason of non-user for a period of not less than thirty years.

'Encumbrance' is defined in section 4 as 'in respect of any land includes any estate interest mortgage charge right claim or demand which is or may be had made or set up in to upon or in respect of the land'. It is unclear whether caveats, restrictive covenants, statutory charges, and section 173 agreements fall within the definition of 'encumbrance' for the purpose of section 62. The registrar's vesting order pursuant to section 62(1) only frees the land from those encumbrances which are extinguished or determined by possession.

Clause 36 of the bill amends section 62 so that a vesting order has the effect of extinguishing a wide range of encumbrances that have been determined by possession. As this wide definition may not be appropriate for all uses of the word 'encumbrance' throughout the act, the bill proposes that the definition should appear in section 62, and not by altering the section 4 definition.

Clause 36 inserts a definition of 'encumbrance' for use in section 62 of the Transfer of Land Act 1958. This provision is similar to sections 12 and 32A of the Subdivision Act 1988. In those provisions 'encumbrance' includes any estate, interest, mortgage, charge, right, claim, demand, caveat, lease, sublease, restrictive covenant, statutory charge and agreement under section 173 of the Planning and Environment Act 1987.

The removal of encumbrances from a person's property has the potential to inadvertently impact on another person's rights in regard to their particular interest in that land. Rather than altering these powers, the proposed changes simply act to remove the arbitrary nature of this section and bring clarity to the type of encumbrances that may be extinguished under

62(1) of the act by providing a clear definition of these encumbrances. The net effect of the proposed changes would be greater certainty of what property rights remain following acquisition of title by possession.

These changes do not limit or restrict the scope of the rights under section 20 of the charter.

Section 24: fair hearing

> *(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.*
>
> *(2) Despite subsection (1), a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by a law other than this charter.*
>
> *(3) All judgements or decisions made by a court or tribunal in a criminal or civil proceeding must be made public unless the best interests of a child otherwise requires or a law other than this charter otherwise permits.*

Section 4 of the Transfer of Land Act 1958 defines 'court' to mean 'the Supreme Court and, in relation to land the value of which does not exceed the jurisdictional limit of the County Court, the Supreme Court or the County Court'. The act variously refers to 'Court' and 'court'. Title case 'Court' is expressly defined in section 4; lower case 'court' takes its ordinary meaning by reference to the section in which it appears — it is not limited to the definition in section 4. This definition does not include the Magistrates Court, which has jurisdiction for land to the value of $100 000.

Moreover, section 103(a) provides that the registrar must give effect to a judgement, decree or order of the court. The definition in section 4 therefore limits the orders that the registrar may give effect to, being those made by the Supreme and County courts. Similarly, section 89A(3)(b) requires that a caveator must notify the registrar that proceedings are on foot in a court of competent jurisdiction to substantiate their claim. However, section 89A(7)(a) refers only to giving effect to an order of the court. The registrar should be able to have regard to an order of any court provided it was made in the proper exercise of its jurisdiction.

Clause 3 of the bill expands the definition in section 4 of the Transfer of Land Act 1958 to a court of competent jurisdiction and amend references to 'Court' and 'court of competent jurisdiction' to 'court'.

Clause 65 of the bill amends section 116 to specify that an applicant may only summon the registrar to show cause in the Supreme Court or the County Court after seeking and receiving written reasons outlining the grounds of the registrar's refusal of an application. This acknowledges that the registrar of titles is subject to the supervision of the Supreme Court or the County Court.

Consequential amendments throughout the act where there are references to a court of competent jurisdiction (as this is how 'court' will now be defined) are also made in the bill.

These changes do not limit or restrict the scope of the rights under section 24 of the charter.

Subdivision Act 1988

Section 20: property rights

> *A person must not be deprived of his or her property other than in accordance with law.*

Clause 101 of the bill clarifies section 32AI to confirm that existing common property may not be increased or decreased without unanimous resolution of the owners corporation as per section 32B(3), and that new common property can only be created when a new owners corporation (limited to common property) is created in respect of that new common property. This will prevent development which will impose responsibilities on the unlimited owners corporation without its consent, in keeping with the original intention of the provisions. It will strengthen an owners corporation member's right to have a say in the development of common property that they have a right to access and use.

This change does not limit or restrict the scope of the rights under section 20 of the charter.

Surveying Act 2004

Section 13: privacy and reputation

A person has the right —

> *(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and*
>
> *(b) not to have his or her reputation unlawfully attacked.*

Pursuant to section 19(1) of the act, the Surveyors Registration Board of Victoria must investigate any complaint it receives, provided the complaint concerns the professional conduct of a licensed surveyor. It is appropriate that the board have the power to refuse to investigate a complaint where it determines that the complaint is frivolous, vexatious, misconceived or lacking in substance.

By way of example, under the Health Professions Registration Act 2005 a relevant board may, pursuant to section 45(1)(b), refuse to investigate a complaint in such circumstances.

Clause 81 amends section 19 to provide that the board may refuse to investigate a complaint where it determines that the complaint is frivolous, vexatious, misconceived or lacking in substance. This change will strengthen a surveyor's right to protection of reputation in instances where they are subject to complaints that are frivolous, vexatious, misconceived or lacking in substance.

This change does not limit or restrict the scope of the rights under section 13 of the charter.

Section 24: fair hearing

> *(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent,*

independent and impartial court or tribunal after a fair and public hearing.

(2) Despite subsection (1), a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by a law other than this charter.

(3) All judgements or decisions made by a court or tribunal in a criminal or civil proceeding must be made public unless the best interests of a child otherwise requires or a law other than this charter otherwise permits.

Minimising the burden yet maintaining the right to a fair hearing

There may be occasions where a surveyor, the subject of a complaint, admits to unprofessional conduct in the course of the preliminary investigation. Pursuant to the act, the Surveyors Registration Board of Victoria is still required to go through the panel hearing process prior to determining that a particular sanction ought to be applied.

It may be that, having admitted to unprofessional conduct, the board and the relevant surveyor can agree on the appropriate sanction. However, currently the act does not permit a settled resolution to a complaint received under section 19 of the act without a panel hearing. Holding a panel hearing in these circumstances is an unnecessary use of board resources and requires the surveyor to invest time, and possibly extra costs.

Section 59(2) of the Health Professions Registration Act 2005 allows settlement of a complaint after the completion of an investigation. For example, the responsible board can enter into an agreement with the practitioner to undertake further education.

Clauses 82 and 83 of the bill enable the board to settle a complaint without a hearing, subject to the agreement of the surveyor who is being investigated.

Notification to surveyor of determination of a hearing

Where a formal hearing is conducted in response to a complaint, section 31(2) requires the board to notify a complainant of the findings and determinations of the formal hearing and the reasons for those findings and determinations within 28 days after they are made. There is no equivalent notification requirement in respect of the licensed surveyor the subject of the hearing. The board currently notifies the surveyor, however, for the benefit of surveyors the subject of a complaint, and to increase transparency of the process, an equivalent provision should require that the surveyor in question is notified of the findings and determinations of the hearing and the reasons for them.

Clause 84 of the bill proposes to insert a provision requiring the board to notify the surveyor the subject of a formal hearing of the finding and determinations of the hearing and the reasons for those findings and determinations.

These changes to the Surveying Act 2004 do not limit or restrict the scope of the rights under section 24 but act to improve the efficiency, fairness and transparency of the investigation and/or hearing process.

Geographic Place Names Act 1998

No issues arise on the face of the bill in regard to the proposed changes to the Geographic Place Names Act 1998.

Forests Act 1958

No issues arise on the face of the bill in regard to the proposed changes to the Forests Act 1958.

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

Not applicable as all the human rights relevant to the bill are not limited but are in fact protected and enhanced by the proposed changes.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human right issues, nor does it limit, restrict or interfere with any human rights.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

I am pleased to introduce this bill. Victoria has a world-class system of land administration and the amendments in this bill will further enhance and strengthen the system.

Land administration processes impact upon the majority of Victorians at some time. The purchase of a home is often the largest purchase that many of us will make in a lifetime. The volume of transactions that passes through Land Victoria, or as many people still refer to it, the titles office, is quite significant. Each year Land Victoria registers approximately 700 000 land transactions. This represents an average of $60 billion of private property transacted annually. In addition, there are approximately two million title searches provided and 8000 plans of subdivision registered each year.

It is critical that we have an efficient land administration and registration system to support the volume of transactions occurring each year. This bill will assist in the delivery of further enhancements to the land administration system.

The Land Legislation Amendment Bill 2009 amends the Transfer of Land Act 1958, the Subdivision Act 1988, the Surveying Act 2004 and the Geographic Place Names Act 1998 to modernise and improve the operation of these acts, and to repeal redundant or

outdated provisions. The amendments are consistent with the objectives of justice statement 2 which states that a review will 'identify and implement the reforms needed to update' relevant property law. Stage 1 of the review will commence shortly and will focus on updating and modernising the Property Law Act 1958 and the law of easements and covenants. Stage 2 will focus on the Transfer of Land Act 1958.

I turn now to the changes contained in the bill in more detail.

Transfer of Land Act 1958

The Transfer of Land Act 1958 (TLA) prescribes a system of land registration in Victoria. Parts of the act are outdated, redundant or just too complicated. The bill aims to remedy a number of matters via a range of minor amendments.

The bill amends the definition of 'Court' to 'court of competent jurisdiction'. This will allow the registrar of titles to give effect to orders made by the Magistrates Court in relation to land valued within its jurisdictional limit. This is a sensible arrangement. It is also consistent with justice statement 1 which advocates the resolution of matters at the lowest level. These amendments also have the potential to reduce litigation costs for applicants as it is cheaper to lodge matters in the Magistrates Court. This definitional amendment is also broad enough to capture the wide range of courts that may be considered 'to be of competent jurisdiction' in other sections of the act, such as federal courts.

The TLA does not currently apply consistent time periods for all transactional matters. Time periods in the TLA currently vary from 14 days to 35 days. This is confusing and unclear for users. The bill will improve clarity by amending all time periods to 30 days.

The bill proposes several amendments that will improve the accuracy of the titles register. The registrar will be provided with the discretion to consolidate parcels of land where a vesting order is made in adverse possession cases. This will improve the accuracy of the map base and reduce 'orphan' titles of small pieces of land that are often forgotten about and not transferred with larger adjoining parcels in subsequent transactions. The registrar will also be able to update addresses for service of notices on application without requiring production of a certificate of title where the registrar is satisfied about the identity of the applicant. This will significantly reduce the cost to proprietors when updating addresses, as it will avoid mortgagee charges for making the title available for this purpose. This amendment will help ensure that the registrar of titles maintains an up-to-date record of addresses for service of notices.

The bill provides a simplified method of updating the register where a successor-at-law is established. For example, a recent review of the land titles relating to the City of Kingston revealed 43 variants of proprietor name for Kingston and its five former councils in the title register. The insertion of section 59A will permit the registrar to update the register with the name of a successor-at-law where a request is made by the successor.

The bill also clarifies the underlying intention of the act where it has become obscured over time. For example, the bill will confirm that the bar to relodging a caveat in section 91(4) only applies to caveats removed by an order of a court, and not to those withdrawn by the caveator as part of the normal conveyancing process.

A number of redundant provisions and concepts will be repealed by the bill. An address for service of notices will no longer be required to be an address in Victoria. In these days of frequent interstate and international travel the limitations associated with being out of the state that were present at the act's creation (namely, leaving the state to avoid any obligations) are no longer an issue. Absence from Victoria will no longer be grounds for a registrar's caveat under section 106. Likewise, search certificates and stay orders, which are a carryover from colonial days and do not contemplate modern methods of instantaneous communication, will be repealed. These provisions are rarely used and are not consistent with the Torrens system of title by registration.

The bill repeals section 48 and table A of the seventh schedule, which prescribe general conditions of sale. In 2008 the Estate Agents (Contracts) Regulations 1997 were reviewed, creating a new standard contract of sale of real estate. In developing the new contract, the principle that contracting parties should have all the terms and conditions of the agreement before them when the contract is created was applied. The new contract replaces the table A conditions altogether. However, many of the conditions of sale contained in the standard contract have been derived from table A and modernised for contemporary usage. The new contract has been adopted as the industry standard, so the outdated conditions in table A are now redundant.

Subdivision Act 1988

The amendments to the Subdivision Act 1988 are largely technical and clarifying in nature. The proposed

changes also support the objectives of justice statement 2.

The bill will provide the registrar with a discretionary power to refuse to accept a plan of subdivision for lodgement if the street addressing information is not provided. Councils are currently required to provide street numbering information to the registrar within 30 days of certification of the plan of subdivision in a form prescribed by regulations. That information is then provided to various agencies and entered into the state's map base, VicMap Property. In some instances the information is not provided. As a result, emergency services are not receiving complete street address information in a timely manner, which in turn may affect the timely dispatch of emergency services. Title searching also becomes more complex and often requires expert professional advice. The most effective way to ensure that street addresses are provided is to require that they are provided at the time of registration of a plan of subdivision.

The bill also confirms that existing common property may not be increased or decreased without the unanimous resolution of the appropriate owners corporation. The bill clarifies that new common property can only be created when a new owners corporation (limited to common property) is created for new common property. This will prevent developments which impose responsibilities on an owners corporation without its consent. This amendment is consistent with the original intent of the provisions.

The bill provides for a more streamlined process for a total consolidation of land affected by an owners corporation where all the land being consolidated is owned by the same person.

Surveying Act 2004

The changes to the Surveying Act 2004 are minor but necessary to provide the Surveyors Registration Board of Victoria (the board) with flexibility when licensing surveyors. The act was implemented on 1 January 2005 following a major review and rewrite of the Surveyors Act 1978. Following implementation of the act, a number of minor amendments have been identified.

The act implemented annual licensing for surveyors, replacing the lifetime licensing regime that was in place under the Surveyors Act 1978. Whilst the introduction of annual licensing has been well accepted by the profession, there have been some concerns amongst non-practising and retired surveyors. This group is currently required to pay the same registration fee as practising surveyors. They, reasonably, argue that they should be able to pay a lesser registration fee as they are not practising. Many of this group of surveyors are keen to remain licensed in order to retain the nominals 'LS' after their name as it denotes their professional qualification. The bill will enable the creation of different classes of surveyors for which differing fees may be prescribed.

The bill enables the board to prescribe training in 'professional skills'. The act currently expressly permits the board to require licensed surveyors to undertake further professional education and training (FPET) in cadastral surveying only. However, the work of a surveyor is not limited to cadastral surveying, and the board will have authority to require training in other areas. The board believes that training is also required in areas such as planning and development and risk management. The discretion provided by the new provisions will allow the board to amend their training requirements over time in order to keep pace with modern surveying and business practices.

The bill also covers minor administrative matters such as notifying surveyors of the outcome of hearings and the ability to settle a complaint by agreement with the surveyor without proceeding to a hearing, and clarifies the functions of the board and the surveyor-general in relation to investigating offences.

Geographic Place Names Act 1998

The bill also makes a single amendment to the Geographic Place Names Act 1998, extending the maximum term of appointment of the registrar of geographic names from three years to five years.

Forests Act 1958

The bill makes miscellaneous amendments to the Forests Act 1958 to clarify the role of the minister in granting permits and licences under section 52(1) of that act. Consequential amendments are proposed to sections 52(2), (3) and (5) of the Forests Act 1958 to reflect the role of the minister in granting licences and permits. These amendments will improve the efficiency in managing Victoria's forests.

In conclusion, the Land Legislation Amendment Bill 2009 makes a wide variety of amendments to the Transfer of Land Act 1958, the Subdivision Act 1988, the Surveying Act 2004, the Geographic Place Names Act 1998 and the Forests Act 1958 that will result in improvements to customer service, provide additional clarity for users, ensure operational consistency and modernise these acts.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Wednesday, 16 September.

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL

Statement of compatibility

Ms PIKE (Minister for Education) 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 (Charter), I make this statement of compatibility with respect to the Education and Training Reform Amendment (School Age) Bill 2009 (bill).

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

Overview of bill

The bill will amend the Education and Training Reform Act 2006 to increase the minimum school leaving age from 16 years to 17 years. The bill will also clarify the current exceptions to the mandatory requirements in the act regarding school attendance.

Human rights issues

The bill has been assessed against the charter.

Compulsory school age

Clauses 4 and 5 of the bill increase the minimum school leaving age from 16 years to 17 years.

This engages a number of rights in the charter, namely the right to freedom of thought, conscience, religion and belief in s 14, and the right to freedom of expression in s 15. Compulsory schooling compels a person to attend school, which may limit their right to freedom of belief or thought in choosing not to attend school. It is also arguable that compulsory schooling may also limit an individual's right to receive and impart information and ideas of all kinds, by compelling that individual to receive information of a certain kind through compulsory schooling.

However, other jurisdictions have overwhelmingly upheld the right to education, which includes the right to compulsory education. Article 26(1) of the Universal Declaration of Human Rights provides that everyone has the right to education, and that elementary education shall be compulsory. The principle of compulsory education is affirmed by several human rights treaties, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 and 29 of the Convention on the Rights of the Child. In interpreting this right, the Committee on the Rights of the Child has considered it essential that no child leaves school without being equipped to face the challenges he or she can expect to be confronted in life. All states are obliged to make primary education compulsory, and no upper age limit has been fixed when marking the end of compulsory education. Thus, it is open to the state to decide when formal education no longer becomes compulsory after primary school (in *Konrad & Ors v. Germany Decision* (2006) ECHR Application No. 35504/03 at 8, the European Court of Human Rights stated that states enjoy a 'margin of appreciation in setting up and interpreting the rules of their education system').

While there is no right to education contained in the Victorian charter, given the international approach, it is unlikely that compulsory education would be interpreted as unreasonably limiting a person's right to other freedoms set out in the charter, such as the right to freedom of thought, conscience, religion and belief or right to freedom of expression. Furthermore, compulsory education enhances a number of fundamental rights contained in the charter, such as the recognition and protection of children as vulnerable members of society under s 17, through guaranteeing that nobody can withhold their child from going to school. Compulsory education also enhances the right to equality before the law under s 8 by guaranteeing equal education and the right to education before the law.

The right to education does not allow the state or family to coerce a child to follow a specific type of education or grant the state a monopoly over education, and it maintains the right of the child to choose between government and non-government schooling. The definition of education is also interpreted broadly and extends to cover not only formal education but a broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents, abilities and to live a full satisfying life within society.

Clause 6 recognises this and provides that s 2.1.3(c) of the act will be amended to provide that it is a reasonable excuse to fail to comply with the requirement that children of compulsory school age attend school if the child is participating in education or training, or employment, or both, in accordance with an order made by the minister for the purposes of this paragraph. It is proposed that the ministerial order will provide further detail regarding the required hours and other matters relating to the child's participation in approved education, training, employment or a combination of these activities. It is envisaged that this will include that the child has completed year 10 and is engaged in full-time employment, or has completed year 10 and is involved in full time approved education or training. It is also proposed that 'completed year 10 of schooling' will be defined broadly to include registered home-schooling, the completion of a nationally recognised vocational education and training course as equivalent to certificate I level or above and the completion of education in any special, similar or other circumstances approved by the secretary. The power in the act to grant specific or general exemptions from attendance at school, including for students who have completed year 12, will be retained. These exemptions prevent the requirement that compulsory school age children attend school from being applied in a blanket fashion and allow flexibility for the needs of children in specific circumstances to be taken into account.

Section 1.2.1 of the Education and Training Reform Act 2006 expresses the commitment of the legislation to the principles of freedom of religion, freedom of speech and association, and equal rights for all before the law. Subsection (d) recognises the right of parents to choose an appropriate

education for their child. Accordingly I consider this bill to be compatible with the rights set out in the charter.

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, these provisions do not limit human rights.

Bronwyn Pike, MP
Minister for Education

Second reading

Ms PIKE (Minister for Education) — I move:

That this bill be now read a second time.

The Victorian government is committed to ensuring that the legislative framework surrounding education and training in Victoria is reflective of the ever-changing needs and priorities of the community as a whole. By introducing the Education and Training Reform Amendment (School Age) Bill 2009, the period for which young Victorians engage in education, training or work will echo the expectations of Victorian families and ensure that all young people in our state will be encouraged to maintain meaningful involvement with the community by gaining knowledge, skills and experience.

All Australian states and territories have entered into the national partnership on youth attainment and transitions with the commonwealth government. Under this partnership, Victoria has agreed to a requirement that all young people complete year 10 or its equivalent, and that young people participate full time in education, training or employment, or a combination of these activities, until they have turned 17 years of age. The Victorian government has introduced the Education and Training Reform Amendment (School Age) Bill 2009 to enact this agreement.

The importance of attaining education and training which will enable a young person to achieve their aims and participate fully in society is well known. Young people without qualifications or experience will generally have lower career prospects in the long term, and earn less over the course of their careers. The Victorian government is committed to enabling every young person to find a pathway which suits their interests, aims and abilities.

In Victoria there are a range of education and training options available to students in the senior secondary years of schooling. Schools can further broaden the options available to their students through partnerships with other schools, TAFE institutes and other providers of vocational education and training and adult community education. In Victoria we are moving strongly towards our goal of engaging more young people in school education. As at December 2008, 88.7 per cent of young Victorians aged from 20 to 24 years had completed year 12 or equivalent, which means Victoria is on target to achieve 90 per cent completion by 2010. Victoria's success can be attributed to the range of programs and initiatives that have been implemented to support young people achieve successful transitions from school to further education or work. These include expanded pathways and improved delivery for young people through increased funding for Vocational Education and Training in Schools, the funding for which was boosted to $17.3 million in 2009. VET in Schools enrolments totalled more than 51 500 in 2008 across government and non-government schools. VET in Schools is a key part of the Victorian government's strategy to increase student retention, improve year 12 or equivalent completion and address skill shortages.

Funding has also been increased to $12 million per year for coordination of the Victorian certificate of applied learning (VCAL). The VCAL is a secondary certificate like the Victorian certificate of education, which gives students practical, work-related experience, as well as literacy and numeracy skills and the opportunity to build personal skills that are important for life and work. The VCAL has proved to be an outstanding success in providing another pathway for many young people and improving year 12 or equivalent completion rates. Enrolments in VCAL have increased steadily since its introduction in 2002. Currently over 16 000 young Victorians are enrolled in VCAL, which is an increase of over 4000 since 2006.

The Victorian government has implemented a number of initiatives based on partnerships and networks to provide support for young people, such as the local learning and employment networks (LLENs) and the regional youth commitment strategy. Additional career and transition support for young people is also available through a wide range of resources for careers coordinators in schools, including learning and teaching resources, careers assessments and career development and pathways. The managed individual pathways program continues to provide all young people attending government schools with individual pathway plans from at least 15 years of age.

Honourable members will no doubt recall that for those students who choose not to continue their school education, the Victorian government has ensured that young Victorians can take advantage of vocational courses in TAFE institutions, apprenticeships and

traineeships. In addition, flexibility is provided for in the Education and Training Reform Act through numerous other pathways including distance education and home-schooling. The government is committed to providing a variety of options for all young Victorians to ensure that every child has the opportunity to be engaged with society through education, training or work.

The proposed amendments contained in this bill will raise the minimum school leaving age to 17 years. However, this does not mean that young people engaged in education, training or employment will be required to return to, or remain at, school. The act currently lists several situations in which a child of compulsory school age has a 'reasonable excuse' for not attending school or being registered for home-schooling. These 'reasonable excuses' include illness, absence for religious events or where a child is undertaking distance education. These provisions will remain unchanged. The power to grant specific or general exemptions from the compulsory school age attendance requirement will be retained.

The national partnership agreed by all states and territories has created the framework under which states and territories will establish their school age requirements. The Victorian government has determined that the most appropriate way to meet its commitment under the national partnership is to:

amend the Education and Training Reform Act 2006 to change the school leaving age from 16 to 17 years;

make it clear that young people can meet the requirements of the act by undertaking a combination of education and/or training at non-school locations and/or engaging in employment, and that children who have already left school will not be required to return to a school location;

use subordinate legislation (in the form of a new ministerial order) under the Education and Training Reform Act 2006 to address the mandatory national partnership requirement relating to the completion of 'year 10', including clearly and broadly defining what completion of 'year 10' means; and

use the ministerial order to specify the required hours and other matters relating to the child's participation in approved education, training and/or employment, and other exemptions to compulsory school attendance, including the completion of year 12.

The bill provides clarification of the exemptions that exist under section 2.1.3(c) of the act. That subsection has been amended to provide greater certainty about the type and volume of education and training a child is required to undertake to be exempted from attending school. This means that a child engaged in an education program provided by a registered education and training organisation is only exempted from the requirement to attend school if the education, training or employment that a child is undertaking complies with the ministerial order. The ministerial order will ensure that a child of compulsory school age will only be excused from attending school if the education, training or employment he or she undertakes complies with the terms of the national partnership.

While the legislation establishes the framework for young people's involvement in education and training, it is the myriad of support mechanisms that will assist young people to find the pathway that best suits their needs. For this reason the act is structured in such a way to allow children to pursue a combination of education and training opportunities. The 'reasonable excuses' for certain children not to attend school specified in the act are critical because they prevent the compulsory school attendance requirement from being applied in a blanket fashion and allow flexibility for the needs of children in specific circumstances to be taken into account.

The effect of the bill is to ensure that young people will engage in education and training until at least 17 years of age. Most 16-year-olds in Victoria already participate in education and training, so this change will not affect them. This amendment will encourage those students who are not involved in education, training or employment to re-engage with the community by gaining knowledge, skills or work experience. Based on 2007 ABS figures (survey of education and work) the Department of Education and Early Childhood Development estimates that approximately 1400 young Victorians may re-enter the education and training sectors or seek employment as a result of this amendment.

The government is not compelling children to re-enrol in schools but is funding a wide variety of learning and training environments and providing support to give every child every opportunity to prosper. By agreeing to implement the national partnership, Victoria will receive $135 million of commonwealth funding over the four-year period of the partnership. This funding will be used to support young people's school engagement, attainment and transitions into further education, training and employment.

This bill is undoubtedly an important instrument in ensuring that all Victorian children are actively engaged with the community. It means that children in this state will undertake education and training for longer and will be further encouraged to utilise the broad variety of high-quality, school and non-school-based education and training initiatives funded by the Victorian government. And aligned with the Brumby government's Respect strategy, schools play an important role in teaching our young people to value themselves, their families and their communities. These children are provided with every opportunity to thrive and by passing this bill we will ensure that all children have the opportunity and encouragement to take advantage of the quality education and training that leads to Victorian children achieving their potential as students and citizens.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until Wednesday, 16 September.

GAMBLING REGULATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from 1 September; motion of Mr ROBINSON (Minister for Gaming).

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Gambling Regulation Further Amendment Bill, because this bill builds on the reforms this government has introduced in the regulation of gaming. In the course of this debate the opposition will probably be critical of each and every measure we are introducing. However, we are the government that has introduced measures to tackle the problems associated with problem gambling, whether it has been the cap on electronic gaming machines of 10 machines per 1000 adults in any local government area, the elimination of 24-hour gaming venues outside the casino, the banning of gaming machine advertising or the requirement to remove ATMs from venues. These are all things that have been introduced by this government and are part of that record, and we are very proud of that record.

This bill deals with a number of issues that have become problems in the approval of premises by the Victorian Commission for Gambling Regulation (VCGR). We have a strong record as a government in ensuring that local councils have a real say in the determination of new gaming machines and new venues. For any new venue, extension of a venue or additional machine within a venue, every operator has to get a planning permit from its local council. That has been a good measure and a protection to ensure that these machines are placed in the most appropriate locations.

It is true that at times the obtaining of approvals for premises from both councils and the Victorian Commission for Gambling Regulation can be slow and expensive. What this bill does is include amendments to limit the time in which councils can lodge submissions and the period the VCGR has to determine applications by venues. At the moment there are no requirements at all for the VCGR to determine an application within a particular period of time. There is absolutely no upper limit on how long the process can take. Understandably, that creates uncertainty and delay for venue operators. In practice what that can mean is that it can take between 9 and 12 months before a decision is made by the Victorian Commission for Gambling Regulation. Under the provisions of this bill specified time limits will be inserted, and that will mean the minimum time that can be taken will be 97 days and the maximum period of time will be 150 days. That seems to me to be a reasonable time limit for the application process.

In addition, the government has introduced amendments that will allow small increases in gaming machine numbers of no more than 10 per cent to be determined by the VCGR on the papers without conducting a public hearing. However, that can only be done with the local council's agreement.

I know that some issues have been raised about this by the member for Malvern. He says that is all very fine, but what if a council has no interest in making representations on behalf of its local community? What if a council does not get involved in the process? The problem with that argument is there is no council that I am aware of that would not get involved in that process. Every single council now, as a result of having to consider planning permits for gaming venues, has had to develop a gaming policy for its municipality. Councils have had to consider these issues. They have had to consider where they would like to see venues located. They have had to consider what sort of density of gaming machines they would like to see in their municipalities, and they have had to consider what sort of responsible gaming measures they would like to see taken in their municipalities by venue operators.

In response to the member for Malvern, I doubt there is a single local government entity in this state that would

not be concerned with the question of the impact of gaming on its community. I am sure they all would have a policy on new applications for gaming machines in their area. I would say to the member for Malvern that if we do not use local government as a proxy for the public interest in these communities, then what can we use as a proxy for the public interest? Local councils are elected to represent their communities. The Minister for Local Government, who is at the table, would agree there is no better vehicle for ensuring that the interests of local communities are protected in this matter than by having local government play that role.

The second thing that was raised by the member for Malvern is that the VCGR has to make a decision on an application within 60 days or it is deemed not to have made a decision. It seems to me that if we do not have time limits in place, if we do not have a situation where there is a time imperative for the VCGR to make that decision, then we will have the problem of time drift. It seems to me to be totally appropriate that you have those kinds of time limits in place and you ensure that there are appropriate time limits.

The question has also been raised that if the VCGR determines the application on the papers, and if in fact there has been no submission by the local council, or if there has been an agreement by the venue operator and the local council that that decision can be made without a public hearing, then will the appropriate factors still be considered? Of course they will be, because the VCGR has a statutory obligation under the legislation to ensure that it takes into account the appropriate social and economic factors in determining the licence application that is before it. The fact the council may not have made a submission, the fact there may have been agreement between the venue operator and the council and therefore there is not a public hearing does not preclude consideration of factors, nor should it. It places an additional onus and responsibility on the council and the VCGR to make sure that they are considering the social and economic impacts of that licence application on that particular community.

This government has also recognised there are significant social and economic impacts on particular communities, and that is why we have put in place a universal protection for all local government areas, but particularly for disadvantaged communities, by providing an upper limit on the number of gaming machines that can be located in any local government area. Whilst that is a policy that is derided by the opposition, it has not only slowed the rate of expenditure on gaming machines in those communities but it has also ensured that there have not been further concentrations of machines in any local government area.

I also want to talk briefly about the state buyback scheme, because the state government has limited to 27 500 the total number of gaming machines that can be in Victoria outside of the casino. As I mentioned, the government has introduced regional caps for every local government area. This bill provides for the buyback of gaming machine entitlements where there is a change in the level of the caps that requires the number of machines to be reduced in any local government area in the future. That is appropriate, because those venue operators will have purchased machines and they will have purchased them in a market. They will have invested considerable money and resources in the purchase of those licences. If there is a change of government policy in the future which requires the number of machines in any local government area to be reduced, then there is a sovereign risk there; they will have invested money in good faith, but in fact those gaming machine entitlements might have to be bought back.

This legislation ensures that will be done on fair and just terms, because the first stage of any buyback will involve an offer to the venue to buy back entitlements with an offer period and price to be paid for the entitlements. That price will be driven by the market price for those machines. In fact what you will have is a situation where the venue operator is getting a fair price. If the take-up of the offer is not enough to reduce the number of machines to the required amount, then the commission has the power to direct particular operators to reduce their holdings in accordance with the act. That is fair and reasonable and it will be market driven. I commend the bill to the house.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Gambling Regulation Further Amendment Bill. This legislation is not opposed by the coalition, although in the course of his excellent contribution, the member for Malvern did raise a number of issues on which we would seek a response from the government.

Having now listened to the member for Bentleigh, he has dealt in part with some of the matters raised by the member for Malvern, but on two areas I just want to be clear that we are all on the same page about the concerns he has expressed.

Firstly, insofar as the issue of councils and their involvement is concerned, the member for Malvern certainly was not suggesting in any way that there would be any derogation of involvement of councils.

That was not his point. His point was with regard to the fact that given there are now time frames being inserted in the legislation it is very important that the people who are stakeholders in the whole discussion about this issue of machines are notified in a timely manner by the council to enable them to have a perspective to contribute to the council with regard to what is proposed. That was his essential point. The concern he is expressing is a qualified concern, if you like. It is not to do with the process itself but rather the need to be certain that the councils which will now be subject to this new provision have a process in place to enable them to properly inform the various stakeholders who may have an interest.

That seems to me to be a very worthy point not only in its own right but also having regard to the Court of Appeal decision regarding *Macedon Ranges Shire Council v. Romsey Hotel Pty Ltd*. As the member for Malvern has outlined in his contribution, this very issue arose in the course of that consideration by the appeal court. It has been brought to the attention of the member for Malvern by the RSL, an organisation for which all in this chamber have enormous respect. The court made the point in that case that in instances such as those that are now under consideration it is imperative that the councils involved take an active part in canvassing community views and ensuring that the views that the councils in turn reflect are representative of what has been put to them by those communities that are represented in those local government areas. In essence therefore that was the point being made by the member for Malvern.

Similarly on the second issue of the involvement of the Victorian Commission for Gambling Regulation, not for one moment was the member for Malvern suggesting that there was a problem about the actual process. Rather he was again highlighting the fact that with time frames and with a deeming provision now in place pursuant to the terms of this bill it is all the more important that the VCGR have before it informed information to enable it to make a decision. It would be most unfortunate for the industry at large and for the people concerned if we were to lapse to the point where decisions were being refused because of the deeming provisions. Rather what we want to see is that informed decisions are being made by the VCGR, and that was the nub of the point being made by the member for Malvern. I might say once more that he was reflecting concerns which had been put to him by the RSL, because as I understand it the RSL has obtained advice that this is a critical issue having regard to the content of the legislation now being debated.

As to those two matters, I reiterate the concerns which have been expressed by the member for Malvern. They have been answered in part by the member for Bentleigh, but they stand nevertheless as concerns in the minds of those of us in the coalition.

More broadly on the issue of the legislation which is going to move the gaming industry through to 2012, there are in the pages of this bill a number of provisions. I do not attempt for the purposes of my contribution today to make reference to the other elements of the legislation, because this 113-page tome will now be added to one of the biggest pieces of legislation which has ever gone through this Parliament, and with 10 minutes available it is simply not practical to do so. I simply make the observation that there are other provisions in part 3 dealing with wagering and betting-related amendments, lotteries-related amendments, Club Keno-related amendments, keno-related amendments, community and charitable gaming-related amendments and then a swag of administration and enforcement-related amendments. It is legislation of many parts which concludes with a general catch-all grab bag of other amendments, savings and transitionals.

The key issue arising out of all of this is that this is another refinement of the legislation which has been gradually introduced through the Parliament to move the use of gaming machines through to 2012. It will be a new era of venue-operated facilities. In the bill which was debated only a few weeks ago there are very important provisions which are in part touched upon in the course of this bill. Those are particularly to do with the provisions regarding one entity controlling more than 35 per cent and the restrictions on such control within the hotel electronic gaming machine (EGM) entitlements and further restrictions on any club controlling more than 420 electronic gaming machine entitlements.

Might I say the industry generally, within both hotels and clubs, is to be commended for the way in which we have seen the maturing of the industry since its inception when the Labor Party introduced the initial legislation back in the early 1990s. As we all recall, this was in the days of the famous gambling-led recovery as referred to by the then Premier, Mrs Kirner. The industry has matured enormously since that time, and going through to 2012 we are going to see the next stage of its development when we move to the venue-operated facilities where they will be able to own their machines and operate them accordingly. Therefore this provision which places the restriction on any one entity controlling more than 35 per cent of hotel electronic gaming machines should be viewed in light

of the way the industry has grown. There is no doubt that in many ways those who initially introduced legislation and those of us who were in the successor government through the 1990s and saw the industry further developed have seen aspects of the whole industry shaped in a way that was not originally contemplated.

I must say while I have the opportunity to do so — and I make this comment in the context of the 420 machine restriction for clubs — that I do not know that it was contemplated that football clubs at Australian Football League level would ever grow to have the control in the club sector that is now the case as we look around Melbourne in particular. I cannot help but muse, as we consider this next element of the legislation in the chain of events giving rise to what the future will be, as to how we will view that involvement to the extent that we have it nowadays. The restriction therefore to 420 machines is very important, and I look forward to seeing how the industry continues to develop over the course of the coming years.

The member for Bentleigh made reference to initiatives that have been introduced by the current government with regard to problem gambling. If you view those in a vacuum and take them in isolation, they look fine, but the practical reality is that the government continues to receive an absolutely enormous amount of money from the sector, particularly from the EGMs, in the order of $1 billion in round figures. When one compares that with what was said in times gone by, it is quite remarkable to have the government in this place advocating various elements of the industry in relation to EGMs when one harks back to times which have gone before.

Be that as it may, it is to the great credit of those involved in this sector of the industry that they conduct themselves as responsibly as they do, that the venues from which they operate are invariably clean and safe and that within the hotels and clubs they make a very valuable contribution to the life and times of Victorians. They not only provide employment; they provide the sort of venue which is very safe for those who wish to spend some decent time in the company of friends. I commend the industry in its many facets for what it does.

Debate adjourned on motion of Ms GRALEY (Narre Warren South).

Debate adjourned until later this day.

LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL

Second reading

Debate resumed from 12 August; motion of Mr ROBINSON (Minister for Consumer Affairs)).

Opposition amendments circulated by Mr O'BRIEN (Malvern) pursuant to standing orders.

Mr O'BRIEN (Malvern) — The purposes of the Liquor Control Reform Amendment (Licensing) Bill 2009 are to amend the Liquor Control Reform Act, to strengthen the objects of the act relating to harm minimisation, to create new licence categories, to provide for a risk-based fee structure for licence and BYO permit fees, and to make other amendments to improve the operation of the act.

The opposition does not oppose these purposes. We will not be opposing the passage of this bill. However, let us be clear what this bill will not do. This bill will not deliver one extra police officer on our streets. It will not deliver one extra tram, train, bus or taxi into entertainment precincts to get people in and out safely. This bill does nothing to deal with the drug problem, which has a massive impact on the violence we are seeing on our streets. The government appears to be trying to link all violence on our streets to alcohol and that is absolute nonsense. If you speak to any police officer on the street, they will tell you that certain types of drugs — particularly methamphetamine, which is also known as 'ice' — are very much involved in encouraging some of the disgraceful violent behaviour we are seeing far too often on our streets.

There is nothing in this bill to encourage more responsible behaviour by individuals. It is essentially aimed at licensees. There are two sides to that equation: it takes one person to serve a drink and another to order it and drink it. This bill does nothing to encourage or require better behaviour from individual patrons. The government's failures in these areas are stark. The dangers of many Melbourne and regional entertainment precincts at nightfall are clear evidence of this.

In relation to the bill before the house, we support the principle of a risk-based fee structure for licensing and permit fees. Irresponsible licensees, cowboys who will serve anything to anyone at any time, should be targeted with not only increased licence fees, but they should be removed from the industry.

However, let me also state quite clearly that the coalition does not support the liquor licence fee

regulations that are now being proposed by the Brumby government. Those proposed regulations do not set fees according to any proper assessment of risk. Lest there be any doubt, the opposition will not oppose this bill. We believe the licensing fee regulations being proposed by the government are poorly designed. They are unfair. They will damage thousands of responsible businesses and cost jobs across the length and breadth of this state. For that reason the opposition seeks to amend this bill to provide that the liquor licensing regulations proposed by the Brumby government should be disallowable by either house of this Parliament. I have already moved the amendments circulated in my name, which do just that.

Before turning to those amendments concerning the regulations, I would like to deal with the other main provisions of the bill. Clause 4 of the bill deals with inserting and amending a number of definitions in the principal act, including a definition of late-night trading hours, which is after 1.00 a.m. There has been no discussion by the government about how it reached the time of 1.00 a.m. I note that the government's ill-fated temporary 2.00 a.m. lockout in the Melbourne central business district was, as its name suggests, a 2.00 a.m. lockout, but 1.00 a.m. would seem to be a not unreasonable place to draw a line for the purposes of what constitutes late-night trading hours.

Clause 5 inserts a new object into the principal act, and that should be encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community. Again the opposition would agree with the insertion of this object into the act, but where is the action in the act that is directed at the responsibility of individuals? This is all about targeting licensees, who have obviously got a very important role to play in the responsible service and consumption of alcohol, but where is the action this government is taking to encourage individuals to do more? I acknowledge the government has run a few advertisements on television, but I do not think advertisements on television are going to change the culture. It is more deep seated than that. I think we need to see far more effort being applied by this government in terms of schooling and of other areas where we can actually bring about the cultural shift that we need to see to encourage people to take a more responsible approach to their own use of alcohol.

Clause 6 deals with the new licence categories that this bill creates. That is a late-night licence, a major event licence, and a restaurant and cafe licence. I will come to those in turn.

Clause 9 deals with packaged liquor licences and it limits new packaged liquor licences to 1.00 a.m. at the discretion of the director of liquor licensing. We understand that there are some licences currently in existence that operate later than that. In the briefing I was advised that for two or three years now the government has not issued any post-midnight packaged liquor licences. The existing licences that are post-midnight appear to be grandfathered. No new post-midnight packaged liquor licences will be issued, which would seem to be a sensible move. We are all in favour of convenience shopping, but if you cannot arrange to get your bottle of wine or your sixpack of light beer by midnight, you are probably not trying very hard.

Clause 11 deals with late-night licences and institutes three categories of those: general late-night licences, on-premises late-night licences and packaged late-night licences. The government advises that its existing late-night licences will automatically transition to the new category — that is, those licences that operate after 1.00 a.m. will automatically become late-night licences under the new provisions in the bill.

A freeze is being maintained on any new late-night licences in the cities of Melbourne, Yarra, Port Phillip and Stonnington. As a member of Parliament representing part of the city of Stonnington I can say that many local residents will certainly be very glad to hear that. The cumulative effect of new licences, particularly late-night licences, can have a very significant impact. They can create a hub for particular types of antisocial behaviour, and it is quite proper that there be powers in place in the relevant legislation to be able to control those sorts of hubs from forming organically, as it were.

Clause 12 deals with limited licences including temporary licences. Acting Speaker, I am sure you would know that if you were to hire a church hall for your election night function you would have to apply for a temporary limited licence so that you could properly authorise the service of alcohol there. There are also renewable limited licences that entities such as florists and bed and breakfast businesses might use. For example, a florist that might offer a package of a bunch of flowers with a box of chocolates and a bottle of champagne would have to have a renewable limited licence for that. The humble florist is one category of business that will be very badly hit by what is proposed in the new regulations in terms of fees. Essentially, florists are facing a huge increase in their fees when I do not think anybody in this chamber could stand up and honestly say that florists are contributing to

alcohol-related violence. That is one example of where these proposed new fees are very poorly targeted.

Clause 13 creates a new major events licence and sets up criteria for major events. It appears to be aimed at events such as, for example, major music concerts — the Big Day Out, to name one. The effect of a major events licence is that it gives the director of liquor licensing an opportunity to exercise a bit more control and to impose more appropriate conditions on an event of such a size which might cause major disruption. There are a number of consequential provisions and amendments to the principal act.

I skip now to clause 27, which provides for information in relation to fees to be collected from licensees. That provision empowers an authorised person — that is, a person authorised by the Secretary of the Department of Justice — to request from a licensee or permittee information about the conduct of the licensed premises or premises to which the permit applies. That person can do it for either or both of the following purposes:

(a) to assist in determining the relevant fee in relation to the licence or permit;

(b) to assist in identifying and measuring the factors that contribute to the risk of alcohol-related harms.

We do not object to giving the department, through an authorised person, the power to seek information of this sort from licensees. We hope that power will be used sensibly. We do not want to see licensees, who are often small business people, struggling further with red tape by having to fill out sheets and sheets of forms on a regular basis, and we think it is important that any legislative or regulatory power is soundly based on evidence. What the government is saying with this clause is that it does not currently have all the information it needs to be able to properly determine the best way to set fees. It is quite explicit. The information may be acquired from licensees to assist in determining the relevant fee in relation to the licence or permit.

This is all about information gathering. The question I pose is: why was this process not undertaken before the new proposed regulations were created? These proposed regulations are based on incomplete and less-than-accurate data, and yet they will have a massive impact on tens of thousands of Victorian businesses. The government is admitting it does not have all the information it needs to make sound evidence-based decisions about setting licence fees, but it has gone ahead and made regulations which do just that anyway. It is a classic case of putting the cart before the horse. What a responsible government should do is say, 'We will get all the relevant information first and, having got that information, we will then be able to set a series of fees which appropriately target riskier licensees'.

As I said at the outset, we are not just very keen to see the cowboys slugged with fees but we want to see them out of the industry. We want to see them gone, but we do not want to see responsible licensees forced to pay a very heavy price. In particular, why should they have to pay a price for conduct for which they are not responsible or to which they are not making any significant contribution?

That brings me to clause 29, which amends the regulation-making power in the principal act and provides that the liquor licensing fees may vary according to time, including but not limited to:

(i) fees that vary according to the trading hours for which a licensee is authorised to supply liquor; and

(ii) fees that vary according to the period of time for which a licence is granted or renewed.

Further, it lists a number of different criteria which can be used to try to determine the appropriate level of fees. It says the fees may be based on any or all of the following factors:

(a) the nature and scale of the activities being carried out at the licensed premises;

(b) the type of venue;

(c) the number of patrons;

(d) any activities carried out … that reduce the risk of alcohol-related harm …

(e) the previous conduct of a licensee or permittee …

(f) the previous history of a licensee or permittee in complying with this Act …

(g) any other factors consistent with the objects of this Act.

There appear to be a number of different criteria which can be used in trying to set a risk-based determination of fees for different types of licences. Again, this is a principle we support. We think it is sensible, and that it is why it is so disappointing that given what the government has proposed so far it is going to do nothing of the sort. When one looks at the regulatory impact statement on the liquor control reform regulations which are proposed to be made under these very amendments, we see that far from being something which is based on a proper assessment of the risk of different forms of licensees, it takes a broadbrush approach.

What sort of risk-based regime would classify a 5-star hotel like the Park Hyatt, a country pub, a tabletop dancing venue and a King Street nightclub in the same way? That is exactly what these proposed regulations do. These venues have all got general licences, they have all got the ability to trade until a certain hour, they have all got certain capacities, and if those capacities line up and the trading hours line up, the King Street nightclub, the tabletop dancing venue, the Park Hyatt and the country pub will all be paying exactly the same liquor licensing fee.

Anybody who thinks that is a proper, risk-based assessment of the likelihood of these venues contributing to violence and infringements has got rocks in their head. It is nothing of the sort. That is why the coalition has proposed its amendments, because the path the government is threatening to go down with these proposed fees is a terrible one, and we cannot stand for it. We support the principle of risk-based assessment, but the government is not doing it. It is classing venues which are clearly different and clearly distinct as the same; it is treating them the same.

I will go through some of the anomalies that this treatment throws up in a minute. First of all, let us talk about the recent history of liquor licensing fees. There was a lot of concern within the industry when late last year, 2008, the government announced it was going to be significantly increasingly liquor licensing fees for the 2009 year. I will refer to the Department of Justice's October 2008 *Regulatory Impact Statement — Review of Liquor Licensing Fees*, which says in relation to the level of fees in place in 2008:

> The current level of fees does not adequately recover all of the government agency costs of regulating the industry. Specifically, the proposed fees incorporate all existing fees (which would generate around $10.25 million over the 12 month life of the regulations) in addition to an amount equivalent to costs that are currently under-recovered (approximately $4.76 million). The latter component is allocated across fee types according to the estimated regulatory effort associated with each licence type.

What the government is saying there is that it was receiving $10.25 million for liquor licensing fees, but the full recovery of costs would involve an extra $4.76 million, so the total of costs to be recovered should have been $15.02 million. In looking at these proposed fees for the 2009 year the regulatory impact statement (RIS) says, at page 9:

> The regulated fees —

that is, the proposed fees —

> will recover the costs associated with the liquor licensing framework …

The government said, 'We have made $10 million a year, but that is not enough. If you look at the costs associated with the liquor licensing framework, they are really $15 million, and that is our justification for these fees, which will apply from 2009 and which will increase by quite significant amounts across the board'.

Let us look at some examples. A club-restricted renewal went up by 181.2 per cent, an on-premises renewal went up by 84.7 per cent and a general licence renewal went up by 84.7 per cent, so we are not talking about insignificant increases here. However, the government has said that that will recover the costs associated with the liquor licensing framework — that is, the fees that were paid this year, which raised $15.02 million according to the RIS.

Having undertaken a regulatory impact statement and determined there was an under-recovery of the costs associated with liquor licensing and that it needed to make an extra $5 million, you would have thought the government had done its work; it had decided $15 million was the amount it needed to make out of liquor licensing fees to recover its costs. But then the government decided it wanted to look at a risk-based assessment regime. Again, that is fine; we endorse the principle of that, but where is it said that a risk-based regime involves a massive increase in fees? One does not follow the other.

The government has said the cost of liquor licensing is $15 million; it did it in the 2008 RIS. Then it says it wants to move to a risk-based regime. That is fine, but how on earth can you justify an extra $20 million of new fees for simply moving to a risk-based regime? The government is deliberately conflating a desire to grab cash out of the industry, to grab cash out of liquor licensees, with the move to a risk-based regime. One can be justified. Hitting those who do not do the right thing and rewarding those who do the right thing can be justified. A massive cash grab like this less than 12 months after the government has already undertaken a review of its costs cannot be justified, in our opinion.

In the 2009 RIS for the proposed 2010 regulations the government has come to the view that in fact it needs to make $35.8 million each year to recover its costs. The government believes that its costs of regulating liquor licensing have gone from $15 million one year to $35 million the next year. I would love to think there was $20 million worth of extra police on our streets, but I know that is not the case. I would love to think there was $20 million worth of education programs, better public transport, cultural change, action to tackle drugs in the clubs and on the streets, but I know that is not happening either. Where did this figure come from?

How can the government say its costs have jumped from $15 million in 2008 to $35 million in 2009? Is it any wonder many people in the industry think that this is just a cash grab on the part of government?

What the government has done is try to throw in everything bar the kitchen sink as being related to liquor licensing. Even the cost of training police officers about liquor licensing laws is apparently to be separated and recovered as a cost by the government from liquor licensees. I am wondering where that principle is going to stop. Are we going to see murderers charged a fee because the police have had to be instructed that it is against the law to murder? Will we see the police enforce that law as well? Where is it going to stop? If we accept the principle that telling the police what the law is that they are supposed to enforce is a cost that should be directly attributable to that industry, we are going to see a massive increase in fees right across the board.

Clearly this is just an out-and-out cash grab by the government. It had done its work the year before and had said that $15 million was the cost of recovering the fees to regulate liquor licensing. It then decided it wanted to grab some more money, so it said, 'Let's throw everything in bar the kitchen sink and make the cost $35 million so that we can justify recovering that extra amount of money from licensees'.

An honourable member interjected.

Mr O'BRIEN — It was also in the 2008 RIS, though, Minister.

That brings us to how these new fees work. The government has decided to set up a level of base fees for different types of licences. The first thing to notice about this is that it appears that the $710 is the general fee which would apply to clubs, late-night general and on-premise licences and others. Licence categories that get — and I use the term loosely — a discount of $355 include restaurants and cafes, vignerons and BYO permit holders. Let us compare the discounts, because at the moment vignerons, for example, are paying $232, so even a so-called discount means they will be paying far more next year if these regulations go ahead — $355 compared to the $232.70 they are paying at the moment. Everyone cops it in the neck under these proposed regulations. The only question is: how far do you cop it? Is it so bad that you are going to go out of business, or will you have to slash your profits and maybe put off staff? That is really the question the government has left businesses to face.

Certain licence categories have a base fee of $355 and for certain other categories it is $710. It is interesting to note that the fee for a packaged liquor licence is $1420. I know that some who are involved in the debate on alcohol-related issues say that packaged liquor is a particularly big problem because it can lead to people drinking at home before they go out elsewhere. However, the first thing to note about this decision to double the base fee for packaged liquor licences is that it does not differentiate between a massive Dan Murphy's outlet, which is essentially like a supermarket, and a little mum-and-dad delicatessen that might sell a sixpack of beer or a couple of bottles of wine.

When you are talking about risk-based assessments and setting licensing fees on that, how on earth can you justify charging a massive Dan Murphy's outlet the same base fee as a little mum-and-dad mixed grocer? It is absolutely ridiculous, and it shows that notwithstanding the principle of risk-based assessment enunciated in the bill, what the government proposes under these regulations is nothing of the sort. It will actually discriminate against a lot of small businesses and a lot of businesses in regional and country Victoria. That is just one example. Why should Dan Murphy's be paying no more than the little mum-and-dad mixed grocers across the road?

Added to the different levels of base fees for liquor licences are the risk factors, and these include operating hours. A venue which is open between 11.01 p.m. and 1.00 a.m. would have an extra $1420 added to its fee; a venue which is open up to 3.00 a.m. would have an extra $2840 added to its fee, and a venue open after 3.00 a.m. would pay an extra $5680. There is also another risk factor of compliance history. If a venue has had one or two infringements, or if a prosecution has been successful against a venue for certain types of liquor-related offences, such as serving an intoxicated person or having a minor on the premises, an extra $2840 would be added to its fee. If it has had three or more infringements or successful prosecutions in the previous 12 months, an extra $5680 will be added to the fee.

On top of this there is a venue capacity multiplier. This basically means the maximum number of patrons that a venue is licensed to have will lead to a multiplication of the preceding figure. Between 0 and 100 patrons it is a loading of 1, so there is no change; between 101 and 300 it goes up to 1.5; between 301 and 500 patrons it goes up to 2. The multiplier goes up to a factor of 4 for over 1101 patrons.

It is pretty easy to see where anomalies can arise. For example, a lot of country pubs often service very large footprints; they do not have the same density of hotels we have in metropolitan Melbourne. The one pub might have a fairly large capacity on its licence because it might potentially have to serve a number of different towns, but that does not mean that that capacity is going to be utilised. In fact there would be some hotels where the only time they might get close to capacity would be when the annual show is on and they get some extra people coming in. That does not matter, because the King Street nightclub, which is full to the brim every single Thursday, Friday and Saturday night and has the same capacity as the country pub, which is only filled to capacity once a year, will be paying the same fees under the government's proposed regulations.

Let us have a look at another real-life example. Under the government's proposal the fee at the Royal Mail Hotel in Yea — and it is a shame that the local member is not in the chamber — will increase from $1954 to $10 650, an increase of 433 per cent. If the government thinks this is about risk-based assessments for venues that are contributing towards violence and misuse of alcohol, it has yet to make the case. The Royal Mail Hotel in Dunkeld, which is rated Australia's best regional restaurant recently by *Australian Gourmet Traveller* magazine, will see its licence fee increased from $1955 to $3195, while non-hotel restaurants will have their fees reduced to $355.

These are massive fee increases — $20 million worth of fee increases across licensed venues in Victoria. What does the government say about this? At page 41 of the regulatory impact statement it states:

> The proposed risk-based renewal fees are not considered a burden on businesses …

This government does not believe $20 million of extra licensing fees poses a burden for business! It shows how absolutely out of touch it is. These people do not know how to run a business and have never run a business. The government thinks it can increase licensing fees by $20 million and that is not a burden on business. It is a nonsense. That is why the opposition will not oppose the bill but will move an amendment so the proposed regulations are disallowed, as they should be if the government continues down this rotten path.

Mr LUPTON (Prahran) — I am pleased to support the Liquor Control Reform Amendment (Licensing) Bill. I will give some background about the nature of the licensing industry in Victoria, the issues that the community as a whole has been facing with alcohol misuse and abuse in recent times and the government's determination to deal effectively with these issues, while supporting the important and vibrant elements of our economic activity, our night-time economy, particularly our restaurants and cafes, and the benefits they can bring to a community.

A number of initiatives have been undertaken by the government over a period of years that has placed us well to continue to deal with these emerging issues. I go back to the inner city entertainment precincts task force, which I chaired and which led to a number of recommendations that were adopted by the government. One important initiative involved giving local government the ability to better deal with the cumulative impact of licensed premises and the number of applications for licensed premises in their areas and to control those in a better fashion, as well as a range of closed-circuit television initiatives and the like.

Following on from those types of initiatives the government introduced banning notices to be issued by police in designated areas, and the Prahran area that I represent has been one of those. That has been a successful tool used by police to deal with antisocial behaviour. We have seen increased resources going into graffiti prevention and early removal — another feature that is important in making sure that our community is presented in the right way and which has an important bearing on more general behaviour around licensed premises.

It is clear that the issue of alcohol abuse and misuse is one that has affected the whole of the Western world in recent times. It is not something that we are tackling here in Melbourne or Victoria alone. The other capital cities and major cities in Australia are dealing with these issues, as they are in the United Kingdom, Europe and North America. Clearly a multifaceted approach to dealing with these issues is required. This involves actions that deal with prevention as well as deterrence; it involves police presence and appropriate police powers. It involves appropriate licensing laws, education and support for safe community initiatives. It involves cultural change in getting people to take responsibility for themselves and their friends. It involves greater respect for oneself, one's neighbours and one's community. It involves all of us in the community taking a stand and saying, 'Enough is enough' when it comes to violence and antisocial behaviour.

It is clear that people who have the privilege of running licensed venues in Victoria have a very important responsibility and part to play in dealing with these issues. Licensed venues in our state are an important part of our economy. They make considerable amounts of money through the privilege of having a liquor

licence, but it is clear there is an association between alcohol use and violence in the community, and to the extent that licensed venues are involved in that process they have a responsibility to play a positive role, including paying fees that are commensurate with their responsibility and the cost the community incurs as a result of alcohol misuse and abuse.

The government has gone through a process of a two-stage review of the licensing laws and licensing fee regime. Last year the government indicated that it would operate a full-cost recovery regime based on the historic cost of administering the licensing system. That historic system of administering licensing fees was very narrow. It enabled the fees to rise from around $10 million to $15 million a year in order to recover the narrowly defined cost of administering the system, based on historical factors. The government said at the time it would move to a second stage of licensing restructuring. This involves moving to a risk-based licensing fee system which takes into account broader and more contemporary concepts of what it costs to administer the licensing system and the effects of the licensing system — the costs that flow through to the community in a variety of ways as a result of licensing and alcohol.

This bill is dealing with the second stage of the restructuring process which takes into account a broader range of factors based on a risk analysis. As a result, the fees to be raised from the licensed venue industry in the state will amount to around $35 million under the scheme. The extra revenue gained as a result of that will be channelled into making our community safer, which is clearly what our community expects of us and what our community expects of the licensed venue industry and the part it should play in making our state a safer place.

There will be three new licence categories: one after 1.00 a.m., another for restaurants and cafes and a third for major events. It is a much simpler, more coherent and more understandable system of licensing and it is based on the risk analysis that it is after 1.00 a.m. when most of the alcohol-related harm and antisocial behaviour occurs. After 1.00 a.m., also related to patron numbers, is when most of the troubles occur. The licensing regime will operate so that a premises that has a licence to operate after 1.00 a.m. and has large patron numbers will pay more than a premises that does not open after 1.00 a.m.

It is important to understand that in distinction from the late-night, after-1.00 a.m. licence category, restaurants and cafes will pay a very modest amount in their fees. Some of them will have their fees reduced; others will have a very small increase. The reason is that we want to make sure that we support our vibrant restaurant, cafe and small wine bar sectors of the industry. They are very important and they are not associated with the risk of harm in the same way that late-opening venues and large patron number venues are.

In the past the great anomaly in our system was that restaurants and cafes were often charged the same amount for their licences as hotels and nightclubs. It was a disincentive to the development and growth of that important and vibrant sector of the industry — the small establishments, the restaurants, cafes and small wine bars. That is the sort of thing we want to support and this new risk-based licensing fee system will do that.

It is important also to recognise that we are linking this new fee system to greater and more appropriate police powers, such as powers to search for weapons and to move groups of people out of areas where trouble is threatening, and with changes to the law in relation to being drunk and disorderly. If somebody is arrested for being drunk they will not just spend 4 hours in a cell, they will get an on-the-spot fine of a few hundred dollars, which will be an important deterrent and an important incentive for people to take more responsibility for themselves and their friends.

I commend this legislation to the house. I believe it will go a long way towards making Victoria a safer and better place.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on this very important item of legislation. The coalition does not oppose this legislation. We have said throughout that the principle purportedly underpinning this bill is something we support. We believe it is a fair thing that in a straight-up commercial sense in today's world if you are an entity or a business producing a risk or a problem for society and you are operating under some form of licensing arrangement in which the state has a controlling influence, then it is only fair that you should have to pay the cost of your risk to the community. We think that is a fair thing.

We also believe issues relating to violence in the streets are absolutely and utterly unacceptable. We do not believe, as this government is now changing its tune to say, that these are issues born of international processes. All too often we are hearing that all we are seeing in Melbourne and in our major regional centres is a reflection of a global trend. Somehow or other the government is seeking to take refuge in the fact that, as the government would have it, what is happening in our

streets is nothing different from what is occurring in other parts of the world.

That is a principle which we absolutely and utterly reject. We believe it is important that every appropriate step can and should be taken within the state of Victoria to protect our streets and to enable citizens to walk freely in them without the threat of violence. We have seen a massive growth in the events of violence in Victoria over the 10-year term of this government and it is an utterly unacceptable position from our point of view. It is why, on the one hand, we have said throughout that we support the notion that those who are the creators of the problem should have to pay. Those who are operating premises where there is demonstrably a nexus between that premises — what it is doing and what is happening there and the violence which erupts around that premises — should have to pay. That is a fair thing and it is why as a general principle we do not oppose this bill.

On the other hand, I strongly support the amendment which has been circulated by the member for Malvern because it goes to the core of the position which the coalition puts on all this.

I might say the second-reading speech begins with a bald statement, and I quote from it:

> The Brumby Labor government gave a commitment to introduce a new risk-based liquor licensing system as part of broader reform to reduce alcohol-fuelled violence in Victoria. This bill delivers on that promise by creating the power to make regulations to implement a risk-based fee system.

The simple fact is this bill does not do what that statement purports to convey. It does not create a risk-based system. Rather it creates a system which marginalises and discriminates against those enterprises which operate in an appropriate way and within the law. I might say this is particularly the case in rural and regional Victoria. It is ironic that we are now having this debate immediately after we have debated amendments to the gaming legislation where all concerned have been at pains to emphasise the great contribution our hotels and clubs make to life in a contemporary Victoria.

Here we have legislation which strikes at the very capacity of those same facilities to do just that. We have a government populated by people who have absolutely no idea of how to run a business or what it is like to be actually involved in business and who are attempting through this legislation to introduce impecunious legislation which is simply unfair to the people operating in the private sector. That is why we seek to make the amendment circulated by the member for Malvern.

The structure of these new arrangements is around a base fee, a risk-factor fee and venue capacity. But the truth is that the actual dimensions of the problems we are facing have precious little to do with those three issues taken in isolation, simply because they bear no relation to what is actually happening in each of the venues which will now have to pay these fees. The net result is that we will see the ridiculous outcomes that have been highlighted by the member for Malvern.

At one end of the scale we will see those enterprises which are completely innocent of being the creator of any problem in the nature of that which the bill purports to resolve. At the other end of the scale we will have enterprises which are in fact primarily responsible for the problems that are trying to be cured paying a fee which is inappropriate in the sense of not properly reflecting the amount of risk those people are causing. It is fundamentally inequitable and basically wrong. Apart from anything else, it will crucify the operation of small business, particularly in the hotel sector and to a lesser extent perhaps in relation to the clubs. That will happen not only there but right across the whole area where service is provided to people and liquor is involved, whether it be a restaurant or otherwise — whatever it might be.

Now enterprises will be faced with having to pay on a basis that is simply inequitable and unfair. It is not related to the way those enterprises have conducted themselves. Worse still, those who have done the right and proper thing, who have invested in being able to run their businesses properly, have spent money making sure that the clients who come to their establishments are looked after properly and are safe, so that they can come and go in safety, will be discriminated against because they will be lumped in with the rest of the pack.

The Australian Hotels Association (AHA) has made a very strong case in relation to this point. It has circulated material, and I am sure that material has gone to all members of the Parliament. I ask members of the government in particular to have regard to the information which has been distributed by Brian Kearney in his role with the AHA and on behalf of the hotel industry.

I address those issues in the hotel sector only. Apart from the hotel sector, there are so many other aspects of enterprise caught up in this that I believe the government needs to review carefully what it is wanting to do or we will get an outcome which is

fundamentally unfair, particularly to those doing the right thing.

I can quote some instances. I will leave it to others who wish to illustrate their own examples of what happens in their own areas but in front of me I have papers showing a fee that in 2008 was $578, in 2009 is $957 and will now increase to $2130. This is in a small country town with a population of 150 people. It is the local pub — no infringements, no problems.

There is another one, also from north-eastern Victoria. The fee was $578 in 2008, $957 in 2009 and will be $4260 in 2010. It has had one lousy infringement, and that was for an under-age person in possession of alcohol in the hotel car park, and now it finds its licence fee will go from $578 to $4260. No-one got king-hit on the doorstep of this place; this pub operates its business properly and responsibly in a small town and this is what it is facing.

Another venue faced fees of $578 in 2008, $957 in 2009, increasing again to $4260 in a town of 130 people. This venue provides magnificent catering and facilities for its local population. And one needs to throw into all of this the great contribution these various enterprises make when providing free services to their communities. On the day of the Royal Children's Hospital appeal, where does the big money come from to give the support to the kids in need of it? It comes out of these country pubs. When the bushfires are on and people need somewhere to go in their own desperate circumstances, where do they go? The local pub, where they will be looked after — more often than not at no charge to those who have suffered as a result of those sorts of events.

This government will crucify these establishments in the name of a goal which we strongly support — the diminution of violence in our streets is something that we as a coalition strongly support — but if you are going to have a risk-based process to enable funds to be purportedly raised to finance the police to be involved in resolving this violence, at least make it fair and equitable, and this legislation is neither. I strongly support the amendment foreshadowed by the member for Malvern.

Debate adjourned on motion of Mr FOLEY (Albert Park).

Debate adjourned until later this day.

JUSTICE LEGISLATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from 11 August; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr McINTOSH (Kew) — The opposition does not oppose the bill. It is an omnibus bill that amends some 15 acts, and I will deal with those acts in a moment. I am very pleased with the briefing that the opposition received from the departmental officers. A number of queries were raised during the course of that briefing, and the government was able to provide a detailed response to each and every one of those queries, together with relevant documentation. It is a significant benefit to the opposition when the government is prepared to illuminate those issues raised during a briefing and at other times to enable a proper debate about a bill to proceed.

This is an omnibus bill amending some 15 acts. They are all disjointed and perhaps unrelated, but they are important and significant amendments, notwithstanding the fact that some of them are minor, and we are happy to proceed on the basis of trust — that they are necessary and important amendments and they do amend the legislation in a way the government has adumbrated through the second-reading speech, through the explanatory memorandum, through the bill and, most importantly, during the departmental briefing.

The first amendment I deal with is the amendment to the Corrections Act. This seems to be an amendment that will provide the government with a capacity to reduce its financial burden. It essentially provides that the Secretary of the Department of Justice can now administer the provision of health services to prisoners, and indeed it cuts out the middle man, being the Department of Human Services. Hopefully that will be a cost-saving measure without any diminution of those health services provided to prisoners.

It also provides, effectively under the accident compensation scheme, that volunteers and prisoners are not employees. They preserve the compensation entitlements that they would be entitled to under the accident compensation scheme as if they were employees, but they are effectively deemed not to be employees. WorkCover will still administer the scheme but any compensation would be a specific allocation of funds from consolidated revenue. The essence of this measure is that it will reduce the Department of

Justice's departmental WorkCover premiums, and certainly from our observations of the legislation and through the briefing from the department, it would appear that, given the fact that volunteers and prisoners are still compensated under that scheme, there can be no loss and it merely reduces the WorkCover premiums of the department.

Volunteers, of course — and this is a clarification that was sought from the department — does include self-employed people. For example, if there were volunteers who were members of the Victorian bar who were self-employed, they would still be entitled to the compensation based upon past employment or income at the time of any injury. Indeed prisoners would be treated in exactly the same way, although I note that the claims by prisoners have probably reached, according to the minister's second-reading speech, no more than $100 000 in any financial year.

The bill also amends the Drugs, Poisons and Controlled Substances Act, and this is certainly one of the most significant amendments in the bill. It now mandates a voluntary code of practice, which is entitled A Code of Practice for Supply Diversion into Illicit Drug Manufacture, which was first instigated in 1994 and amended in 2008. That voluntary code of practice had been introduced by the chemical industry to ensure the proper sale, storage and record keeping in relation to the distribution of 112 precursor chemicals and equipment.

Every member in this house would be well and truly eager to ensure any mechanism that would prevent those 112 precursor chemicals from being used and diverted for the manufacture of illegal substances such as amphetamines. That would certainly something warrant the support of all sides of the chamber. As I said, the bill will mandate by way of legislation a code of practice that is already in existence. I note we were informed that New South Wales has gone a different route — regulation — whereas the government in Victoria has decided to do it by legislation. That clearly can be debated and exposed to public scrutiny in this place.

I note also that the government has chosen to go down this path in the absence of a national agreement in relation to the supply and diversion of illicit drugs that could possibly be used for amphetamine manufacture. Apparently that national agreement has been sought for some six years and still has not yet been achieved. Accordingly the government has decided, perhaps in the absence of that national agreement, to implement the existing code by way of legislation. As I said, any step by the government that would reduce the capacity for these precursors chemicals to be used for the illicit manufacture of amphetamines is certainly something supported by the opposition coalition.

No concerns have been raised by the industry itself, although the bill touches and concerns the agriculture, construction and food industries, according to the minister's second-reading speech. As I said, it would appear there is an existing practice, and the bill is just ensuring that is legitimised. It provides a very strong signal from this place that we are fair dinkum when it comes to controlling the abuse of illicit drugs and in this case their manufacture for supply to an illegal market.

The bill also amends the Family Violence Protection Act to ensure that in the surrendering of firearms under that act, where an intervention has been made, the person subject of an intervention order and surrendering firearms will be treated in the same way as when firearms are being seized or forfeited. It clears up an anomaly in that regard. Whether the firearm has been surrendered, seized or forfeited, the treatment in relation to the return, retention or disposal of that firearm will be exactly the same. Similar changes are being made to the Stalking Intervention Orders Act, and the opposition is also content with that amendment.

Amendments to the Firearms Act have been sought by the director, police integrity (DPI). The opposition has always supported the operation of the Office of Police Integrity (OPI), and the wishes of the director, police integrity. I will come to specific amendments to the Police Integrity Act later.

The amendments to the Firearms Act are to ensure the independence of the OPI. Given that the chief commissioner is the principal person responsible for the regulation of firearms in this state, there is a discrepancy in relation to the notion that the OPI must be independent from the police force. That independence will be preserved by giving to the OPI the ability to authorise the use of firearms and giving officers of the OPI the ability to use firearms.

The bill also ensures strict compliance with the firearms regime provided for by the chief commissioner, although the regime will be regulated by the director rather than the chief commissioner. The same regime will apply; all this bill does is facilitate the use of firearms by OPI staff. There is also an amendment of the Police Integrity Act that will similarly enable the authorisation of the use of defensive equipment — for example, bulletproof vests or otherwise — by the OPI.

The amendments to the Police Integrity Act enable the director, police integrity, to delegate to a senior investigator — where the position of senior investigator is new — the ability to coercively question witnesses for the disclosure of information to other law enforcement agencies. Again we are informed this amendment was sought by the director, police integrity, to facilitate the ability to obtain information at an early stage rather than going through the formal hearing. A senior investigator would not be able to conduct a formal hearing; that would have to be done by the director or the director's delegate. This will certainly facilitate progress of investigations by the director into officers who are corrupt or otherwise.

The bill also removes self-incrimination as a basis for a claim of privilege. At the moment there is a specific preservation of the privilege based on self-incrimination where a search warrant drafted by the OPI is being exercised. As we know, the director has the ability to coercively examine — that is, the right to use self-incrimination as a basis of privilege is abrogated in formal hearings, as it presumably is in relation to initial investigations by a senior investigator. Admittedly it would appear there was an incongruity in the sense that you could be asked questions, either by a senior investigator or at a formal hearing, where the right against self-incrimination had been specifically abrogated. That was something that both sides of the house agreed with, given our concern about police corruption.

There was an anomaly where if a search warrant for the production of documents was issued by the director, then that right against self-incrimination was specifically preserved, along with parliamentary privilege or legal professional privilege. This bill removes from that category the right against self-incrimination. As I said, there was an anomaly there that you could be coercively examined and you did not have the right to claim privilege on the basis of self-incrimination, but you could claim privilege if you had to produce documents which were the subject of a search warrant. I understand that meant in many cases that the DPI had to in effect get a police officer to issue that search warrant to get around that particular matter. This bill clarifies that by giving the DPI the power to provide a search warrant for the production of documents and by removing the right against self-incrimination, bringing it in line with the whole scheme of the act. While it is a draconian amendment, we are certainly aware of the reasons for it, and that has been adumbrated on a number of occasions on both sides of the house and has the support of the opposition.

As I said, the bill makes amendments in relation to the possession of defensive equipment or firearms. It also expands the definitions of persons able to take blood samples for drug and alcohol testing after critical incidents. That would be, for example, where there is a police shooting, a car accident, where someone is injured or a complaint is made. We know there is a drug testing regime in place and that regime has to be conducted by the sampling of blood taken by a medical practitioner. A concern has been raised about an incident occurring in a remote part of Victoria where it is not practicable to get a medical practitioner. What the bill is doing is expanding the range of people who can take that blood sample for analysis to include a category 1 nurse, and I note that would also include the director of the Victorian Institute of Forensic Medicine. The bill brings the legislation in line with the Road Safety Act.

The bill also amends the Police Regulation Act by making a similar change to the drug testing regime for police officers. The bill merely expands the category of people who are able to take that blood sample from a medical practitioner to include a category 1 nurse and the director of the Victorian Institute of Forensic Medicine. It is again a facilitative change and the opposition has no concerns with it, given the fact that it is a regime that is already in operation under the Road Safety Act. The definition of health professional is referred back to the definition in the Road Safety Act.

There are just a couple of things I want to raise in relation to the Sex Offenders Registration Act. The chief commissioner can now apply to the Supreme Court for an order suspending the reporting obligations of a registered sex offender. The department required that change because many sex offenders are now becoming reasonably old and infirm, and if somebody was perhaps bedridden or even in hospital, it is absurd to expect that they should have to report to police or otherwise comply with the very strict notification regime. There was no mechanism to change that. The bill now allows that order to be made by the Chief Commissioner of Police, presumably on compassionate and humane grounds. Where a person is old, infirm and bedridden and perhaps in a hospital, it seems absurd that they are going to have to continue their strict reporting regime to the nth degree. The bill enables the chief commissioner to make an application to reduce that reporting regime where there is clearly no risk. The act provides a specific number of bases on which the chief commissioner can apply to the Supreme Court for that change.

Importantly, as we move into the modern world and concerns increase about what is being displayed on the

internet or otherwise, there is an increase in the reporting regime to now include internet passwords and membership of particular member sites and an obligation for registered sex offenders to report those. Importantly, again to try to get an increasing national regime, there are amendments that will try to make reporting regimes more consistent across all the different Australian jurisdictions. Obviously in this modern age that is something the opposition would support.

Amendments to the Control of Weapons Act specify the types of authorisations that have to be provided by, in this case, OPI officers, in the purchase, sale or disposal of defensive equipment. That creates another level supporting the independence of the OPI. Rather than falling under the regime of the chief commissioner and preserving that independence, guidance is essentially given to the regulatory powers of the director. Again that is supported by the opposition.

Interestingly enough, there are amendments to the Legal Aid Act that will enable Victoria Legal Aid to provide funding for a person who is appearing as a witness before the OPI for examination and who is entitled to be legally represented. It is important to note that during the recent public hearings we saw senior counsel and senior members of the Victorian Bar being briefed by various people appearing before the OPI. I am just a bit concerned that this mechanism will perhaps lower the quality of representation that a person appearing before the OPI will be able to obtain as proper representation would be facilitated by Victoria Legal Aid. I note there will be a specific budgetary item that will be provided over and above legal aid funding to enable this sort of representation to be made before the OPI, and one would hope that people are entitled to have senior counsel representing them at these sorts of coercive hearings.

The reason I say that is the important proposition that when you are being coercively examined, when you do not have the right to claim privilege on the basis of self-incrimination — as we have said, the opposition supports the powers that have been granted to the OPI — when you have that draconian exercise of power, I would have thought it was in our community's interest to ensure that the person who is appearing without that right or privilege against self-incrimination should be properly represented by senior counsel. I hope it does not pan out that we get second best or it becomes a question of the government penny-pinching and not providing an appropriate level of senior representation.

As I said, there is no indication at this stage, but the opposition will be watching to ensure that the government adheres to the principles that if you have your right against the privilege of self-incrimination taken away, then clearly the compensation is that you should be properly represented by senior counsel at those hearings. From what I have observed at those public hearings, the representation was made by very senior and experienced counsel at the Victorian Bar. Nothing less would be satisfactory in that regard.

There are a number of amendments to both the Liquor Control Reform Amendment (Enforcement) Act and the Major Crime Legislation Amendment Act to correct a number of almost indecipherable typographical errors, but we again take the government on trust in that regard. It would appear, certainly at first blush, that they are corrections of numbering, and those anomalies were not picked up at the time the bills proceeded through both houses. This corrects those anomalies.

There are minor amendments to the Road Safety Act, with new definitions of 'road safety camera' and 'speed detector', apparently making their purpose clearer in the legislation than in the convoluted definitions that are in existence. I have spoken to my colleague the member for Polwarth, the shadow minister for Public Transport, and he thinks this is a relatively smart move to at least make a bit clearer exactly what is being provided for in that legislation.

There are also amendments to the Witness Protection Act. The OPI will now get 14 days rather than the current 3 days to appeal against the chief commissioner's decision to terminate a person's participation in the witness protection program. An investigation in relation to corrupt police might involve significant association with organised criminals, and there could be significant danger.

The witness protection program is something that works not only for the benefit of Victoria Police but for the Victorian public. If the chief commissioner is thinking of terminating a person's participation in the witness protection program, the OPI is being given a reasonable and responsible time of 14 days to appeal; clearly 3 days was too short. We are told this was sought by the Director of Public Prosecutions, and I do not see any harm in that. It would facilitate the OPI being able to make application to the Supreme Court and enable it to mount a case against that sort of removal.

We know witness protection is revoked where there has been a breach of an agreement or where something happens that renders the witness unable to or perhaps

incapable of giving evidence, and under the legislation the chief commissioner is given the ability to terminate that protection. The amendment enables the OPI to make the appropriate application at the appropriate time.

There are amendments to the Working with Children Act that will enable the Secretary of the Department of Justice to reassess a person's eligibility for an assessment notice after consultation with interstate law enforcement agencies. Drawing upon information that may exist interstate or elsewhere is a significant benefit in relation to that regime.

The opposition is troubled by what appears to be a reasonably convoluted and lengthy application process for working-with-children checks. These days even simple applications can take up to six weeks, although they can be expedited in special circumstances. When you apply to, for example, coach a footy team of young children you have to wait six weeks to get permission to do so. That convoluted process is something the opposition is concerned about, but most importantly it would appear that this is a worthwhile step, because clearly if something is known about someone, there should be a reassessment, and the opposition is content with that.

As I said, the aim of this legislation is clarification, to tidy up or, in the case of the Drugs, Poisons and Controlled Substances Act, to introduce by way of legislation a voluntary scheme that is currently in practice in the absence of a national agreement. In the case of the Police Integrity Act, the opposition is supportive of the amendments sought by the director, police integrity and of the work of the OPI. As I said, we have had a full briefing. The department has been very generous with its time in answering each and every one of the significant issues that were raised at the briefing, and the opposition will not oppose this legislation.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Justice Legislation Further Amendment Bill 2009. I am pleased that the opposition has indicated it will be supporting this bill. At the outset I would like to commend the Department of Justice staff. Bills like this, which are essentially very broad housekeeping bills amending a number of acts, are quite a task for them, and I commend them for their work.

The bill aims to improve community safety by making convicted sex offenders more accountable to police. It also aims to tackle the social and economic harms engendered by the improper sale and use of chemicals in the production of illicit drugs and will strengthen the processes associated with working-with-children checks through better information exchange between agencies which are conducting those checks. The bill aims to enhance confidence in the criminal justice system and Victoria Police by augmenting the legislative authority of the Office of Police Integrity. The final aim is to improve road safety through amendments to the Road Safety Act.

The list of acts that will be amended by this bill includes the Corrections Act, the Drugs, Poisons and Controlled Substances Act, the Family Violence Protection Act, the Stalking Intervention Orders Act, the Firearms Act, the Police Integrity Act in a number of ways, the Police Regulation Act, the Road Safety Act and the Sex Offenders Registration Act.

The context of the bill is consistent with the government's agenda to improve community safety by making registered sex offenders more accountable to police by strengthening the processes associated with working-with-children checks through better information exchange between the agencies conducting those checks, and I am sure every parent in this place would welcome that. The bill is consistent with government commitments to provide the Office of Police Integrity with the legal, financial and operational resources needed to tackle police malpractice and corruption, and that has been a consistent theme and objective of this government.

There is also an aim to improve road safety through amendments to the Road Safety Act, and this is in line with government initiatives aimed at cutting the Victorian road toll. We are very proud that the toll keeps coming down each year, but this is not something about which we will rest on our laurels.

The amendments to the Family Violence Protection Act and the Stalking Intervention Orders Act reflect the government's longstanding commitment to addressing the problems of family violence and stalking. The bill is also consistent with the government's commitment to reduce the supply and use of illicit amphetamine-type substances in the community, which is something else that is of great concern. We look forward to this becoming part of a national agreement, but in Victoria we have decided to move ahead with this bill.

As I have said, the Justice Legislation Further Amendment Bill is a very extensive housekeeping bill amending a number of acts across the portfolio, and I commend it to the house.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Justice Legislation Further Amendment Bill 2009. The Nationals in coalition are not opposing this bill; however, as the member for Kew said, we are taking a little on trust. I also support the very detailed analysis of the bill that the member for Kew has given.

The purpose of the bill is to amend 15 acts, and I am going to run very quickly through some of those provisions and talk to a number of them. It amends the Corrections Act to provide for the Secretary of the Department of Justice to administer contracts for the provision of health services to prisoners and to reduce departmental WorkCover premiums by deeming volunteers and prisoners not to be employees, but they will still be compensated under the act. I am very pleased to hear that this includes self-employed volunteers. Volunteering in these areas is a worthy community service, and I am pleased to see some of these areas being tidied up.

The bill also amends the Drugs, Poisons and Controlled Substances Act to mandate the existing voluntary industry code of practice to control the sale and storage of 112 precursor chemicals and equipment to prevent diversion from otherwise legitimate industry toward the manufacture of methamphetamine, which is also known as 'speed' and 'ice'. It is of concern to all of us, and it surprises me, how easily these products are made from chemicals which have very legitimate uses across our community, and how easy it is to set up a laboratory. Country areas have not been immune from people involved in these illegal activities. They set up laboratories in remote places and produce something that I think we all know is incredibly dangerous. There would not be a parent who is not concerned about methamphetamine, which by all information is an incredibly addictive and enormously destructive drug. We are very pleased to support the amendment.

For country people this aspect of the bill is not all that different from the codes of practice and legislative requirements for chemicals involved with farming and which can be used to make explosives for terrorism purposes. If you have these substances you have to keep them secure and keep records about them. I very much hope that the new penalties, which are quite substantial, will assist us in dealing with the people who are one step back from the manufacturing and distribution of these terrible drugs to those who supply them and make a profit from them.

The amendments to the Firearms Act were sought by the director, police integrity (DPI) to ensure compliance with the strict firearms regime under the act while preserving the independence of the Office of Police Integrity to control the carrying, purchasing or disposal of OPI firearms, vests et cetera.

The amendments to the Police Integrity Act enable the DPI to delegate to a new role, that of a senior investigator, who will be able to coercively question a witness to gain information and to pass on that information to other enforcement agencies. They also remove the ground of self-incrimination, which is a regrettable sign of the times in which we live.

I welcome the extension of the classes of persons in the Police Regulation Act to include 'approved health professionals' as defined in the Road Safety Act, which is important particularly in country areas. If an event has occurred involving police on duty — a shooting or a car accident — or there is a complaint about police while on duty and a doctor is not available in a country area, then another generally available health professional, including a division 1 nurse, will be allowed to be involved in taking samples of blood from Victoria Police members. It means the matter can be cleared up and not become a running issue. The quicker those issues are dealt with the fewer problems we will have.

The changes to the Sex Offenders Registration Act are concerning to parents. There must be a balance between wishing to protect our children from those in the community who, in my view, are the lowest of the low and having variations on compassionate and humane grounds. Those bases have been well laid out.

The bill makes amendments to the Control of Weapons Act to specify types of identification and authorisation so that OPI officers can purchase defensive equipment. It is another unfortunate sign of the times.

The issue dealt with in the Legal Aid Act has been well explained by the recent events relating to the OPI.

The new definitions in the Road Safety Act of 'road safety camera' and 'speed detector' are a welcome clarification. At this point I want to repeat something that I have been saying for a long time — that is, if you fix country roads, you will save country lives. That is something we in The Nationals feel very strongly about. There has been a lot of talk about the various revenues that flow from these devices and how much of that comes back to roads. No doubt safety cameras or speed detectors save lives, but some of the money raised through them could also save lives by being used on country roads.

The amendment to the Witness Protection Act extends from 3 to 14 days the time allowed for the DPI to

consider an appeal against a chief commissioner's decision to terminate witness protection, and that is just common sense. In this modern day and age we can do many things, and three days pass very quickly.

The bill inserts a new provision in the Working with Children Act to enable consultation with interstate law enforcement and to allow the Secretary of the Department of Justice to reassess material. That is welcome particularly for those of us who live in country border communities where there is a great deal of cross-border activity. This is very important but we do not want it to delay the issuing of a working-with-children permit for employment or community service. I have a number of cases in my office where employment has been held up by delays. We are told a check is currently taking six weeks. Unfortunately, I have a number which for various reasons have gone on for longer than that. Whatever we do with this, if we are going to include that cross-border element, and we must, we must also make sure that the procedures in the process can move quickly. For example, we cannot have people in New South Wales queuing for six weeks after they have waited for six weeks in Victoria because then there is a 12-week wait.

I have one particular case on my desk of someone who wishes to be involved in driving a bus for disabled children to our Christie Centre. She has been a carer and a worker in that industry for some time. She now has her bus driver licence, but her working-with-children check needs to be reviewed and it has been on the desk for a long time. It is causing complications with employment. I have written a letter and a solution is in the offing, but we cannot have those sorts of cases, where employment or good community service is jeopardised. People want to work as volunteers with children in our community. That is the backbone of country life, so we need the system to work effectively and for people not to be delayed by this approach to doing cross-border checks.

The amendments made by this omnibus bill clarify or tidy up existing legislation. We have to take the government on trust with many of the changes. Some amendments are rather more substantive than others, with the one being made to the Drugs, Poison and Controlled Substances Act being by far the most important to me. Once again, I reiterate that The Nationals are not opposing the bill.

Debate adjourned on motion of Mrs MADDIGAN (Essendon).

Debate adjourned until later this day.

PERSONAL EXPLANATION

Minister for Mental Health

Ms NEVILLE (Minister for Mental Health) — I wish to make a personal explanation. In response to a question on notice tabled in the Legislative Assembly, and also one in the other place, I stated that Victoria has 802 drug treatment beds. That answer was based on advice from my department. My department has now informed me that its advice to me was incorrect. I understand the incorrect advice from my department arose from an incorrect classification of beds made before the 1999 election. The error was discovered as a result of the creation of the new mental health and drugs division in my department through a process being undertaken to consolidate mental health and drug information sources. The correct number of beds is 792. I regret the error, and I will arrange for revised answers to be issued.

MAJOR TRANSPORT PROJECTS FACILITATION BILL

Second reading

Debate resumed from 13 August; motion of Mr PALLAS (Minister for Roads and Ports).

Mr MULDER (Polwarth) — I rise to head up debate for the opposition in relation to the Major Projects Facilitation Bill. Although hefty in size, the bill basically attempts to achieve two outcomes in relation to major transport projects. The first is to concertina the time line for the approvals required for a major transport project. We all understand that quite often the approvals process can be lengthy, quite detailed and can cause enormous delays to major projects, particularly transport projects, in Victoria.

The second aim of the bill is to restrict judicial review of the approvals process until such time as the planning minister gives notice of a decision in the *Government Gazette*, at which time an objector will have 21 days to lodge their application with the courts — the courts will be advised to deal with the matter hastily, given that the project would be one of state importance. This issue of course is the one that causes the opposition the most concern.

We understand what the government is hoping to achieve with these provisions, but there is concern out there in the community that people's rights will be impacted under these provisions — that their ability to object during the process of approval is being removed

from them. I understand those concerns, and the opposition certainly understands those concerns; however, we are in the position of having some difficult projects in front of us. We have massive problems in terms of traffic congestion out there in the community, and the delivery of some very large public transport projects is becoming urgent.

The bill looks at two planning processes for handling these projects — one being an impact management plan, and the other, for the other project type, a comprehensive management plan. The impact management plan (IMP) will be used in situations where the reserves and the approvals are in place. Quite often these projects have been on the drawing board for many years. I suppose a project such as the Princes Highway West road duplication, heading into my electorate, which is hopefully almost on its way, would be picked up under the IMP process.

Under the comprehensive management plan the approvals have to be sought and you still have to go down the normal process of panel hearings, preliminary hearings, full hearings, submissions and publication of submissions — the whole box and dice that goes with this particular process.

The planning minister will have the call on which of these processes is to be followed, and that of course will depend on whether the reserves and approvals are in place. It is basically a call by the planning minister which will take us down one or the other of the two processes. That is basically what the bill is attempting to achieve. As I say, there are some concerns in relation to the judicial review provisions within the bill, and I will touch on those a little bit later.

This bill, you would have to say, has a fair bit to do with the government's so-called transport plan — the plan that outlines a whole host of major projects throughout the state.

Mr Burgess — Which one?

Mr MULDER — Yes, you could ask that: which one? I think it is about the fifth transport plan we have had from this government since it came to power.

But certainly projects have been identified, such as the city rail tunnel, with an indicative cost of about $6 billion, and the west link freeway proposal, with an estimated cost of about $2.8 billion. It is one thing to have supportive legislation here in the Parliament, but the issue of where the money is going to come from for these projects remains. The government has made great political mileage out of the last plan it has had out there and the significant advertising program running with it. We have the bill now before the house to support a number of these projects, but certainly the underlying issue is always going to be how on earth the government of the day intends to fund these projects.

We know very well — it was announced in the last couple of days — that the contracts have finally been signed with the new operators of the train and tram networks in Melbourne. Those operators will be looking for improved infrastructure in Victoria to support their businesses. Connex, which is still operating — its contract will finish at the end of November — has had its international reputation trashed by the government because it did not get the support it was asking for from the government in terms of infrastructure investment.

As I said, it is one thing to have the bill before the house. It is another thing to ensure that the government supports the operators that are going to put their names on the line once again in Victoria. I would hope they are going to get some genuine support from the government and not what other operators have had in the past.

The announcements that have been made with the signing of these contracts, one relating to $65 million of additional maintenance funding to be delivered in the first year — —

Mr Hudson — On a point of order, Acting Speaker, I know that lead speakers are given a lot of latitude, but there is nothing in this bill about the train or tram franchises. This is about major transport infrastructure projects, and I think the member should be brought back to the bill.

The ACTING SPEAKER (**Mr Ingram**) — Order! On the point of order, the member for Polwarth was speaking on major transport, and whilst he was covering a fairly wide area, as lead speaker he is given reasonable latitude. I believe he was consistent with the spirit of the bill.

Mr MULDER — As I was pointing out, the $65 million that goes with the contracts for the maintenance to support our major transport projects here in Victoria has been announced just before an election year. There was nothing prior to that. You would have thought the government of the day, if it was supportive of public transport, supportive of these projects and supportive of the companies that are going to run our rail networks in Victoria, would have provided that level of support well before an election year.

Announcements have also been made about the upgrade of the air-conditioning systems on 93 of the Comeng trains. It is interesting to note that it was only a matter of months ago when we were told this was not possible. What we would have liked to have seen, and we would like to hear from the minister about this in his summing up, is the time line for the delivery of this particular project. We would also like to know whether there are going to be any major disruptions to the metropolitan train network as we move forward and some of this money is invested, keeping in mind the government's claims that it is going to start to deliver on its commitment to public transport in Victoria, because up to this point in time there has been an extremely poor and very slow reaction.

In relation to the Major Transport Projects Facilitation Bill, we know the government is out there; it has been asking the community about what the government should and should not do in relation to major transport projects in the state. In fact the government is conducting a survey at the moment asking Victorians about Labor's transport plan. It is using a Paris-headquartered and Sydney-based company, My View, which is part of Ipsos Research South Australia. As I said, the survey is asking Victorians if the government should communicate information about the transport plan to all Victorians or just Melburnians, just public transport and road users, or only those in the affected local areas. The survey does not give people the alternative of saying the advertising the government is running is all a waste of money.

We have the French on the job again, out there doing a survey for and on behalf of the government, probably on behalf of the minister at the table, the Minister for Roads and Ports, to see whether or not after 10 years they can get some decent feedback on what should be happening in Victoria in relation to public transport. One of the questions the survey puts is:

> On a scale of 0 to 10 … how much do you agree with the following statement:
>
> I am willing to put up with greater congestion and longer travel times during periods of … construction because I know that Victoria will have a better … transport and road system in the future?

At the same time the new operator, which has just been appointed, is saying it is going to cut cancellations by 24 per cent. On the one hand the survey is suggesting there is going to be massive disruption; on the other hand we have the new operator saying it is going to turn things around. A little bit of clarification on this matter is needed from the minister at the table.

One of the concerns we have about the bill is that it gives extraordinary power to the government in that there will be no judicial review during the process of approvals being sought. That is pretty potent in terms of its possible impact on communities. The opposition was also particularly concerned with the actions of the minister who was given the passage of this bill. We looked back at his attitude towards people's rights and being fair in his treatment of communities in the past. I looked at the minister's application of the changes to clearways. He went against his own legislation and slammed clearways down the throats of communities without any consultation at all. We get a little bit nervous when we are giving this sort of power to the Labor government, particularly when the Minister for Roads and Ports, who is at the table, has carriage of the bill.

Then there was the issue of high-productivity freight vehicles. Just prior to Christmas the government and the minister attempted, via VicRoads, to force local governments to open up their entire road networks to high-productivity freight vehicles without any form of consultation. Given that this bill will remove the right of judicial review during the approval process, we feel a little nervous about the actions of the minister, given his history and the way he has dealt with a lot of these issues in the past. If in any way, shape or form some empathy had been shown towards smaller businesses along a lot of the strip shopping centres that are about to have their businesses turned inside out and upside down or councils and smaller communities that are about to be forced to have their road networks opened up without consultation, we would feel a little more comfortable about the power that has been given to the government of the day.

We feel a little uncomfortable about it but, as I said, we have to go along with it. We said we would go along with it; we said that we are not going to oppose the bill. The bill will pass without amendment. The opposition has done some significant consultation and soul-searching in relation to the bill, because enormous powers are being given to the government.

I raise the issue of shortening the time line for the processes in the approvals regime. The bill provides for a large number of approvals that will have to be sought and gained by the government regarding these major transport projects. Schedule 1 at page 167 outlines the various approvals that need to be sought. They include the Coastal Management Act, the Conservation, Forests and Lands Act, the Environment Protection Act, the Flora and Fauna Guarantee Act, the Forests Act, the Heritage Act, the National Parks Act, the Planning and Environment Act, the Road Management Act, the

Water Act and the Wildlife Act. Under these acts various permits issued by varying authorities have to be sought. This is a long and drawn-out process, and the opposition understands why this bill is before the house. This is an attempt to concertina those processes, get them through quickly and make sure projects can proceed.

During the briefing the opposition posed the following question: if the government is going to concertina a particular process that has taken a certain amount of time in the past, how will it achieve this on the ground? Will there be more resources? There was no indication at the briefing that that would be the case. Will there be more consultants working and would it cost more because of that? There did not seem to be any indication that this will be the case. Will the lights be burning day and night at the offices of the Minister for Public Transport and the Minister for Roads and Ports? The opposition does not know how this will be achieved. If I had a builder who said to me, 'I will build your home and it will take six months', but someone else comes along and says, 'I will build you one in two months', the first thing I would ask about is the quality of the work, because there is obviously an issue there, and then I would ask if it will cost more. It does not seem to me there is any indication how the government will get through this process.

Why has it taken the minister 10 years to understand or realise there is a problem with the time being taken for these projects? All of a sudden after 10 years of going nowhere we have travel times stretching out, longer delays on our freeways, people crammed into our trains and not enough rolling stock. After 10 years the light went on in the office of the Minister for Roads and Ports and he said, 'I know what I will do. I will cram up the process and get it done a bit quicker'. The government has been very slow to act. The Minister for Roads and Ports was the chief of staff of the former Premier, and even when he was advising the former Premier the light did not go on. I find it extraordinary that it has taken 10 years for someone to say, 'Let's work a bit faster, so we can get through the process'.

The time lines given for the various processes and projects usually have some rationale to them — some science, reasoning, documents or data that suggest they can be achieved. I ask the minister to explain how these time lines will be achieved. The bill contains some details about the working days. It should take 25 days for a proponent to provide scoping directions to the planning minister; 20 days for the planning minister to make a determination on receiving a CIS (comprehensive impact statement); preliminary committee hearings must be conducted 20 days after an exhibition period; 20 days after the exhibition period the proponent must be briefed on issues to be addressed; 10 days for proponents to prepare revisions for the committee and the secretary and 10 days for submissions on changes to the CIS as a result of the submission on changes to the committee and proponents. There are 10 days notice of the minister's intention to publish a CIS to the committee; there are 30 days for the Environment Protection Authority to advise the planning minister whether or not to grant a works approval and if conditions are required; and lastly, there are 10 working days to dob in any laggers to the Premier. That is actually in the bill. Whoever is dragging the chain has 10 days to clean up their act or they will be dobbed in to the Premier. That is a laggers clause that the minister has inserted in the bill.

Mr Pallas interjected.

Mr MULDER — The minister may call it a whistleblower's clause, but I think it is a laggers clause. It is a duck-for-cover clause or a put-the-book-down-the-back-of-your-trousers clause. It is one of the two. That was what we did many years ago, but that is what will be happening in the minister's department with anyone who dares to be involved in this. It is a demote clause, a prove-it-or-else clause! This has an element of bullying to it when you look through the process. It is cramping up the process and anyone who does not do that job will be belted around the ears. I suppose at some point you must ask yourself whether it is intimidation, bullying or harassment, and where does good governance come into the process.

I raise the question again in relation to the time frames. This bill deals not just with major transport projects in Melbourne but with road or transport projects that are major projects in terms of their significance to regional areas. We may have the situation where we have a very small project in regional Victoria, a small intersection or a regional road requiring approval under the Road Management Act — significant though it may be for that part of Victoria — with the exact same time frame as a project such as the railway tunnel between Footscray and Caulfield, the regional rail link, and a host of other projects that are identified in the government's major project plan for transport, yet they all seem to fit into one box. That seems extraordinary to me.

Mr Pallas interjected.

Mr MULDER — That is the case. There would have to be if you are looking at environment effect statements and some of the other approvals that are required where a project involves running through

perhaps four or five municipalities and a lot of private properties have to be acquired as result. No-one can tell me that the same time frame would apply to a small project in a regional part of the state as would apply to some of the very large projects.

As I said, right throughout the introduction of this bill — through the briefings and discussions we have had on this matter — there has not been any real explanation as to how these time lines were arrived at, whether they are going to result in a falling away of the quality of work, whether they are going to result in a narrowing of some terms of reference or what. How do you cram a square peg into a round hole? That is one of the great concerns I have with the bill.

I understand the government is very keen to get this bill through the house and out there so it can start to implement some of these provisions and lay down the foundations for some of these projects. But I ask the following questions. How will this work when it hits the street? How will it work when it hits the offices in the minister's department? How will it work when the committees and the panels are all set up and established? How are they going to deal with these time lines? Once again the minister may be able to give us some indication in his summing up.

I turn now to the issue of objectors having 21 days to lodge their objections with a court once notice has been given in the *Government Gazette.* As was pointed out previously, the courts will be advised of the importance of the projects and asked to deal with the matters in a very timely manner. Naturally it is not possible to say to a court, 'We want this dealt with within 21 days or 30 days or 25 days'. We would probably like to be able to, but the courts will no doubt take the appropriate time to deal with issues depending on the complexities of the matters and the number of objections that are lodged with the courts in relation to these projects. It will be in the court of public opinion that the government is judged, having been given the power to do away with judicial review during the approvals process. Do we feel uncomfortable? Sure, we feel a bit uncomfortable about this, but in the end you have to make a judgement call.

As I said earlier in my contribution, there are some significant problems in the community that have been caused by the government of the day. It has been caught asleep at the wheel in relation to the delivery of a number of its major projects. The government has its back to the wall. The community, which relies on public transport services and freeways that flow, has its back to the wall. The transport industry has its back to the wall. This is all as a result of the delays, the lack of action and the lack of vision displayed by the government of the day.

The upshot of all of this is that we have this bill before the house and a minister and a government in panic mode. They have come to the opposition saying, 'We need a hand with this. We have to get this through'. We understand the situation they are in. It is disappointing that we have these provisions. It is disappointing that we have to remove people's rights to judicial review. If these projects had been on the table a long time ago, if the planning work had been carried out, if the vision had been there, if some of these projects had appeared in any of the other four transport plans this government has rolled out over the last 10 years and the approval processes had started then, and if the reserves had been put in place and the government were simply sitting there with projects identified and ready to start, we would not be in the position that we find ourselves in today in this place.

That is the disappointing aspect of the bill. As I said, you make judgement calls on these issues. Our judgement is that we will not oppose the bill. We could not come out and support the bill due to the issues and concerns I have raised throughout my contribution. I have no doubt that other speakers who follow me in this debate will raise similar concerns in relation to the loss of judicial review and the time frames that appear to have been plucked out of the air. They will ask whether some work has been done behind the scenes and how these time frames have been arrived at. I think we will all be asking the same questions, because it appears to me that the government is trying to apply the same time lines for building a one-bedroom flat to building a multistorey building.

These are the issues. We will end up with a sham process, with untidy and incomplete work and with people's rights being trampled on in order to rush this bill through and as a follow-on from the government being given the powers that it has asked for from this place to support some of the projects that are out there. This is just the start. The next issue is going to be the court of public opinion. How has the government handled our concerns? Are our rights going to be trampled on? Where is the money coming from to deliver the projects that this bill seeks to support?

We are a long way from seeing some of these processes unravel in front of us. I say to the Minister for Roads and Ports, who is at the table, that he has passage of the bill. Most of the power within this bill will sit with the Minister for Planning. They are extraordinary powers. He should not abuse them. He should understand that people are going to give up their rights through this

process. We know — and we have seen it before — that where approvals drag out from months into years there is court action and objections are lodged at each single point of the approval process.

We understand what the government wants to achieve. All I am saying is it should tread carefully. We are not going to put our fingerprints all over this and say, 'We believe the government of the day is going to handle people's rights in the manner in which we think they should be handled'. The government should adhere to the spirit of the bill and also to the fact that this side of the house has chosen in this particular case to make a judgement call. We need the projects. On that particular note I wish the bill a speedy passage.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Major Transport Projects Facilitation Bill, because this is a bill that will assist the state to make a $38 billion investment in our transport network over the next 12 years. This is an unprecedented investment and one that is sorely needed. It is an investment that will be facilitated by the provisions of this bill. This bill will ensure that those major transport projects are delivered in an efficient and timely way. It does not apply to all projects. I was confused by the member for Polwarth when he spoke about one-bedroom flats and multistorey buildings as if the process applies to both in the same way, when of course it does not. This process applies to projects which typically take more than a year, which require multiple statutory approvals, which are complex and which have been designated as major projects.

In clause 13 of the bill — and I do not know whether the member for Polwarth has read this — a transport project must be assessed as being 'of economic, social or environmental significance to the state or a region of the state' for it to be designated a major project. We are not talking about a road widening here. We are not talking about something that might require the approval of a local council. We are talking about a major project that would require the kind of statutory approvals that might occur under the Planning and Environment Act or in relation to, for example, an environment effects statement. I think that needs to be understood from the outset.

Under this bill the Premier is required to release guidelines on what constitutes a major transport project. Given section 13 of the bill, I would imagine that it will include major projects like the regional rail link. I understand that the member for Polwarth has trouble getting his head around what a major project could be, and that is very simple to understand because when one goes back over the opposition's transport policy at the last election one finds there were no major projects as part of it. Absolutely none.

What the member for Polwarth is doing here is continuing his form in relation to these kinds of projects. Earlier in the year he was on the Jon Faine program on ABC radio. He was being questioned about the commitments in the Victorian transport plan, and he was asked questions about whether or not he supported the metropolitan rail tunnel. He ducked and weaved on that one; he equivocated completely. He absolutely ducked the question about whether the opposition supports that $6 billion-plus project. That project will go from Footscray, under the city, all the way to Domain and then on to Caulfield, and by anyone's definition it is a major project. But the member for Polwarth suggested that we need a back-to-basics approach. When he was asked what that back-to-basics approach was, he said, 'Well, perhaps we need to accelerate sleeper replacement and perhaps we need to put in some better signalling', but he was not going to commit to that major project; so I can understand why the member for Polwarth has trouble seeing that this legislation is needed.

The bill will reduce the time it takes to assess, approve and deliver these major projects. It will require agencies and ministers to make decisions that facilitate these major projects within prescribed time limits. The bill does this by imposing strict time limits on decision-makers, and it will make one department — the Department of Planning and Community Development — responsible for ensuring that those processes and decisions are coordinated and meet agreed time lines. That is critical to the delivery of these projects.

It will require the planning minister to give public notice of key decisions and to make decisions within statutory time frames. The member for Polwarth decried the fact that there are certain prescribed times in the legislation within which the minister must respond. I would have thought that was something to be applauded. I would have thought that was something this Parliament would support, that having the minister held to account for making decisions within certain periods of time was something that all members in this place would support. In addition, the minister will also be required to publish the reasons for decisions and to notify the Premier if the deadline for a decision has not been met.

The member for Scoresby scoffs and laughs. Let us go back and have a look at how long it has taken in the past to get major transport projects from the point at

which they are agreed to through to the approval process for major transport projects.

Mr Thompson interjected.

Mr HUDSON — The member for Sandringham is talking about public housing. He is right off the planet. Between 1996 and 2000 it took, on average, 26 months for major transport projects to move from exhibition to approval. That is more than two years. Between 2001 and 2006 that time reduced only very slightly to 25 months. Clearly something has to be done, and that is what the minister is doing. The minister has introduced a bill which will ensure, under this legislative framework, that the time frame is brought down to no more than 12 months.

In other words, the time required to take these projects from exhibition to approval will be cut in half. I would have thought that that would be something the opposition would support. In fact I think the opposition does support it, because it has not moved any amendments, but still supports it, somewhat begrudgingly. It is not quite behind this bill even though it will reduce uncertainty, delay and the possibility of unacceptable blow-outs in the cost of projects caused by those delays.

If there are blow-outs in projects, opposition members are the first people out there screaming about the fact that the projects have cost more than they should have, yet here we have a bill that will help cut the costs — —

Mr Wells — Some $6 billion of cost overrun!

Mr HUDSON — My goodness! As if the member for Scoresby has any credibility in relation to mathematics! Currently the risk premium on transport projects is large and can be increased by delays, and in fact if one looks at a typical project — for example, the regional rail link — one sees that delays add a risk premium of just 1 per cent to that $4.3 billion project, but that means delays could increase the cost of that project by $43 million. That is not an insignificant amount. It is far more than the opposition allocated in total for capital projects in its public transport commitments at the last election, so it is actually quite a lot of money, and it is money that we want to ensure is not wasted because of the delays that could be introduced into a project like the regional rail link.

This bill also introduces greater transparency into the decision-making process. Currently there are some regulatory processes with no statutory deadlines and low levels of public accountability. For example, in some processes there is no obligation at all on the decision-maker to give notice to those affected by the project, and often the first time that residents and people in the community find out about a project is when that process is well under way. That obviously creates anxiety, it creates aggravation and delays as people seek to halt the process so they can have some input.

It is critical that affected parties do have the right to be heard and have a say about major developments, which they will under the bill because there is greater transparency. Not only that, they have important appeal rights at the point where it really counts — that is, when the planning minister is making the final decision in relation to the approval of the project. They will be able to exercise their rights, and the provision of transport projects will be sped up by this bill.

Mr WELLER (Rodney) — It is always a pleasure to speak after the member for Bentleigh. While he is theatrical, he lacks substance, and I will give 10 minutes of substance. The name of the bill is the Major Transport Projects Facilitation Bill. Its purpose is to streamline and reduce the time lines for approval mechanisms for transport projects. Why is there a need for the bill? Obviously in the last 10 years we have not seen many substantial projects; but we have seen bungling, and that is why we need the bill.

The public transport myki smartcard is $856 million over budget and three years behind its proposed March 2007 statewide introduction. The Epping to South Morang rail line was first promised by Labor in 1999. Construction is yet to commence, and while it now includes some other works, the cost has risen from Labor's 1999 claim of $12 million to $562 million. The list goes on: the M1-Monash-CityLink-West Gate upgrade is $363 million over budget, with constant changes to speed limits over lengthy periods — a major irritant to motorists.

The small Cranbourne to Cranbourne East rail extension was first promised by Labor in 1999 — that was last century, if I might make an observation — and it is yet to be funded. They have not even got down to it yet. While all this has been happening — and this is why we need this bill — patronage on the country train network has grown by some 79 per cent over the last 10 years, while the number of monthly metropolitan train services has grown by only about 10 per cent. Consequently, we have an increase in overcrowding and an inevitable result of people being dissatisfied.

In my own electorate there is a project that should fit into the definition of major transport project in this bill. The bill provides that a major transport project may be declared by the Governor in Council on the

recommendation by the Premier after the Premier has assessed the project as being of state or regional economic, social or environmental significance. A second crossing of the Murray River at Echuca would fit that billing: it is of regional economic and social importance. We have heard talk for 10 years on that issue. The community quite clearly says that the western option is the right one, yet we have a government and a minister forcing the community to take another option, the central western option, against the wishes of most of the community.

Let us work through the bill and look at some of the clauses that are taking away the rights of people to make a contribution to decision-making processes. Clause 31 stipulates that comments or submissions may be invited by a notice published in a newspaper circulating generally throughout Victoria and on the department's internet site and that submissions must be made within 15 business days after the date of the notice. As we have weekly papers in many regional areas, often people might have only 10 business days from when they received notice to put in a substantial objection or submission, which may not be enough time for them to do so.

It goes on. Clause 95 provides that the planning minister may designate a project area. In my view this could be quite controversial, because whether the project is a road project or something else the planning minister may designate an area much larger than is required for the project and may put overlays over farming land or other people's businesses which may restrict what they can do. While we are not opposing the bill, we point out that the minister needs to be very mindful of the problems he could cause for other people.

Clause 126 allows the minister to compulsorily acquire not just land but native title land. The explanatory memorandum states the clause:

> … provides that the project minister may, by order published in the *Government Gazette*, determine that the compulsory acquisition of native title rights and interests is necessary for the purposes of an approved project.

If the minister at the table, the Minister for Roads and Ports, gets this right, he will be able to fix the issue of the second crossing over the Murray River at Echuca. The western option is viable, and I encourage the minister to use this provision when the bill is enacted to solve the problem of where the second crossing at Echuca should be.

Clause 124 provides for land to be transferred to compensation claimants in full or part settlement of their claim for compensation. Where a project authority compulsorily acquires part of a parcel of land owned by a person, the project authority may require that person to take land — not money — that adjoins the part of that parcel that was not acquired and that is owned by the project authority or is surplus land. However, that land may not be land which the person who is being compensated requires. It may not be suitable for their needs. To insist that they take land is wrong. They should be given the option of land or cash in compensation, because, as I said, the land may not be suitable for the purposes of their business.

Clause 189(2) relates to situations where there is surplus land that will be sold off with no easements. Clause 189(2)(b) provides that:

> … all rights, easements and privileges existing or claimed in the land either in the public or by any body or person … cease.

The problem I see with that is that if we are closing surplus roads which the minister decides are no longer needed, and Telstra has an easement and a line running down that road, Telstra will still require an easement, privilege or whatever to run that line down there. As another case, the Wimmera–Mallee pipeline will have easements and rights where it crosses a road. If relevant land were to be handed back to landowners, we would still want those easements for relevant purposes. I once had a right to take water from under a railway line. If that land had been sold to my neighbour, I would still have wanted to have the right to take that water.

Clause 189(2) needs to be clarified such that existing easements would continue as they do under freehold title. I currently own land in northern Victoria that has Goulburn-Murray Water, or state government, easements on it, allowing Goulburn-Murray Water to run water channels on that land for water supply. There are also easements for drainage channels. If I choose to sell that land to another person, those easements carry on. When we go selling off surplus land we need to make sure that we protect people with such rights.

Clause 153 provides the project authority with the right to enter into possession of property, unless the property is used as a principal place of residence or business. The question I would ask is: what is a principal place of business for a farm? If we look at the north–south pipeline experience, we remember that the front 20-metre easement is not regarded as a principal place of business; it can be taken. This provision needs to be clarified so that we do not have standover tactics and bullying of farmers on their land as a result of this bill. The provision as to what is the principal place of business for a farm needs to be clarified so we do not

have farmers businesses being compromised by this bill — as we saw during the construction of the north–south pipeline between the Goulburn River and the Sugarloaf Reservoir.

Mr HERBERT (Eltham) — It is a pleasure to speak on this bill. Normally I am a bit reticent to speak on bills which seek to fast-track planning issues, but in this case, with $38 billion worth of investment over the next 12 years on crucial public transport infrastructure, it makes absolute sense, and that is undoubtedly why the opposition is fully supporting this bill.

The bill seeks to facilitate major public transport projects in a timely fashion, and that is what we need. We cannot do much about the rapidly increasing numbers of people who are flocking to our public transport system, in part because of the investment we have made in it, but we can make these improvements to meet that need a lot quicker and in a more timely and appropriate manner. In doing that, this bill provides for a one-stop shop for planning approvals and a range of other legislative decisions to be granted by one decision-maker — that is, the planning minister. In fact, in the past there may have been something like 15 separate regulatory approval processes that you had to go through to get an approval. Now you will be doing it in a one-stop shop.

The bill also sets out statutory time lines, which are pretty important, and streamlines project delivery powers relating to land acquisition, managing interface with utility providers and securing the project area during construction. These are great things, and they are needed because the Victorian transport plan is about to rapidly transform the face of transport provision in this state. In terms of public transport, one of the more notable things that will be included in that plan is an extra 38 new trains that are currently on order for the Melbourne metropolitan train network. The first of these will arrive on the system later this year. These brand-new trains will provide extra capacity for more than 30 000 passengers in peak times.

In terms of the major projects we have heard other members talk about, the plan also includes the construction of the Melbourne metro tunnel between Dynon Road in the west and the Domain on St Kilda Road, which will also provide further connections to Caulfield. This is one of the more, if not the most, ambitious public transport projects that a government has undertaken in this state for decades, and it will greatly increase the capacity of our rail lines to meet future demands.

In my electorate of Eltham, the government has committed some $50 million to upgrade the Hurstbridge line, including the construction of five new stabling facilities at Eltham station and the modernisation of signalling equipment along the line. This funding came through the Epping and South Morang rail project, and it is by far the biggest major public transport project that the Eltham electorate has ever seen.

I will talk about the stabling project because it is a major project for the Eltham electorate; it basically moves the Hurstbridge line into the 21st century so that the people of Eltham can have a more efficient and frequent public transport system. Unfortunately in recent times the Hurstbridge line had a whole range of antiquated systems and bottlenecks that made the service slow and unreliable. We had bottlenecks right along the line, including problems at Eltham. We have moved through those projects: we have reversed the direction of the city loop in peak hour, we have put a $52 million bridge at Westgarth over Merri Creek to enable trains to pass there and we are putting $6 million towards automatic signalling.

Currently that automatic signalling ends at Greensborough. From there on in, a 100-year old system operates. Basically the original manual safe-working system from Greensborough to Hurstbridge isolates Eltham and other stations along that line from the central computer system. They drop off the central map. As I said, the line was put in in 1900, which is when this equipment was put in. That is all about to change with this $50 million project which will, when completed, provide all-new equipment, all-new electronics, all-new engineering, link us back to the central control system and provide an extra two stabling yards for trains to be used in early peak hour services along the line. They will be housed overnight there. The transformation has been 100 years in the making, and there is no doubt that the people of Eltham want to see that now; they want to see improvements right now.

It is unfortunate that some would seek to delay this great project, while others seem confused about it. Specifically I see that a member for Eastern Metropolitan Region in the Council, Jan Kronberg, seems totally wrong and has made a number of assertions in the other place about the project which I think need to be clarified. The $50 million project increases existing train stabling from 3 to 5, not the 5 to 12 which was fancifully referred to in a speech on 12 August in the other chamber.

The five trains will be housed in roughly the same location as the existing three train stables, not a completely new facility, supposedly topped, according to Mrs Kronberg, 'by a crown of razor wire atop high steel fencing and floodlit 365 days a year'. They will be housed in the same railway location that has stabled trains for 100 years and not in the 'vibrant, scenic and environmentally sensitive Eltham activities precinct'. If members of Parliament are going to make these sorts of fanciful statements that are clearly incorrect, they should go out there, have a walk around and have a look at the railway land and what they are talking about before setting hares running in the chamber, trying to confuse people about this sort of thing. This is the sort of activity that really delays the implementation of these sorts of projects.

I do not want to say much more about it, because many members are more expert than I am in terms of this bill, but I will say that this is a very important bill. It is one that the government is relying on to help speed up the massive rebuilding and modernisation of this state's transport infrastructure to meet future needs. It is not just about people using the services now. It is not just about meeting the needs of people who are demanding better road transport and public transport now. It is about meeting the needs of a city of 6 million people in the future, about having modern reliable systems in place and dragging our public transport system right into the 21st century so that we will be the envy of not only other cities and states in Australia but the envy of many countries in the Asian region and many other places around the world. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — It is with a sense of irony that I rise to speak on the Major Transport Projects Facilitation Bill. This bill is about facilitating major transport projects. We have had 10 years of Labor government but we have not facilitated much so far, so I hope this bill brings on some major projects and that we actually get some rubber to hit the road and get some action. The other ironic aspect is the fact that it has been brought forward by a Labor government; because the Labor Party railed against the grand prix in Albert Park and suggested that the Kennett government was denying people their appeal rights. This bill tramples left, right and centre over everybody's rights.

Indeed the Scrutiny of Acts and Regulations Committee said that:

> No appeal or review lies in respect to certain decisions …
>
> The bill prevents appeals being brought or reviews of decisions from occurring in relation to decisions made under parts 1, 2, 3 and 4 of the act …
>
> Clause 265 declares that it is the intention of section 263 to alter or vary section 85 of the Constitution Act 1975. Section 263 provides that no appeal shall lie against certain decisions made under parts 1 to 4 of the act.

That is really quite interesting coming from a Labor government, but let us get into the issue itself.

What this government is good at is producing reports. Just recently we have had the Victorian transport plan, the truck optimisation plan, the freight futures plan, and just recently the port futures strategy and the port of Hastings strategy, and that is just in the last few months. If we go back 10 years, we have had plan after plan after plan for very little delivery.

The ACTING SPEAKER (**Mr Stensholt**) — Order! The member for South-West Coast knows he should not be using props. I urge him to show restraint.

Dr NAPTHINE — Let us look at what the government has promised. Back in 2001 in *Growing Victoria Together* it said that by 2010:

> The proportion of freight transported to ports by rail will increase from 10 per cent to 30 per cent …

By 2010. What do we find in budget paper 3 of 2008–09? It says at page 377:

> The proportion of freight transported to and from ports by rail will increase from 10 per cent to 30 per cent by 2010.

However, it says further:

> Rail's share of freight transported to and from Victoria's commercial ports declined from 16 per cent in 2005–06 to 15 per cent in 2006–07.

We are actually going backwards. That is what the plan delivers. We set a target, but we go backwards. Guess what! When the minister was asked about it at the Public Accounts and Estimates Committee hearing he said:

> As the metropolitan freight task is predicted to grow significantly, the 30 per cent target will be difficult to achieve …

Further he says in the *Freight Futures* document — another plan:

> However, the government agrees with the Eddington report that the 30/2010 target cannot be met and needs to be re-evaluated.

That has been dumped. The government has had 10 years, and it cannot deliver. Now we have a piece of

legislation that talks about facilitating major projects. The Freight Futures plan also refers to the need for freight terminals sited in key industrial areas to the north, west and south-east of Melbourne. What happened? We had a rail shuttle service. The Melbourne Port@L strategy said we needed rail shuttle services. We had one operating, and what happened to it? It closed down, because this government closed it down. Why did it close down? The *Transport Industry News* said about Melbourne achieving 30 per cent by 2010:

> But they've got Buckley's of achieving that if the imminent demise of CRT's pioneering port rail shuttle is anything to go by.

It says further:

> The company had difficulty getting rail 'paths' to the port and it took an hour's travel time for the 22-kilometre trip plus another 2 hours if the train was to go to Patrick or P & O.

It took 2 hours to take a rail shuttle train bringing containers to and from the port of Melbourne — 2 hours from Altona! Then the government closed it down, putting an extra 5000 to 6000 trucks into inner suburbs like Yarraville and onto the West Gate Bridge. That is what it has done. This is part of the government's so-called plan. Now we see more plans about getting goods in and out of the port of Melbourne.

The ACTING SPEAKER (**Mr Stensholt**) — Order! I ask the member to speak on the bill.

Dr NAPTHINE — That is what this is about. It is exactly on this bill. We are seeing plan after plan after plan, but no delivery. I do not think this bill is going to facilitate any of this delivery. There is the proposed link through Hyde Street and the tunnel from Dynon Road to the Sunshine Road–Geelong Road intersection, but — —

Mr Nardella — A great project.

Dr NAPTHINE — They are great projects, as the member for Melton says, but they are subject to funding. There is no money for these projects, and I do not believe this bill will deliver $1 for those projects. What we will see is more and more trucks on the roads, more environmental damage to inner city areas and no development.

This government has a track record of not keeping its promises. Let us have a look at rail standardisation, promised in 2001 by the then Treasurer who is now the Premier. He said they would standardise the rail freight links in western Victoria and across Victoria, and the first line started would be the Mildura line. Eight years later not 1 millimetre of that track has been converted to standard gauge. In 2002 the government promised connecting rail links to the Lascelles wharf at the port of Geelong. Seven years later not 1 millimetre of that track is connected to Lascelles wharf at the port of Geelong. The minister sits here. He has failed. He failed as a chief of staff and he is failing as Minister for Roads and Ports on those issues.

In the transport plan the minister announces he is going to put super monster trucks on the roads in south-west Victoria. These trucks will carry two 40-foot containers, whereas the current B-doubles have one 20-foot container and one 40-foot container. As part of the transport plan, in April this year, with his colleague from South Australia, the minister launched the green triangle freight action plan. They said they were going to implement the green triangle freight action plan and as part of that introduce these super monster trucks onto the roads in south-west Victoria and south-east South Australia.

Guess what! Since then we have had a federal budget and a state budget but not $1 to start one project to make the roads safer in south-west Victoria for these monster trucks. There have been no projects to widen roads, no projects to improve the arterial roads which are crumbling under the current workload and weather conditions in south-west Victoria where it is wet. All we get is an 80-page plan and super monster trucks. The minister has said that on 11 September he is going to be down there announcing the guidelines for the operation of these monster trucks in south-west Victoria. They will increase the dangers and the risks on our roads — and there is not $1 for his green triangle freight action plan.

Mr Pallas interjected.

Dr NAPTHINE — The minister says, 'You wait'. We are waiting. We have been waiting for years and years while the government has not provided adequate road funding for south-west Victoria. The Woolsthorpe-Heywood Road is an absolute disgrace, the Warrnambool-Caramut Road is an absolute danger, the Hopkins Highway is appalling and arterial roads are falling into disrepair.

The ACTING SPEAKER (**Mr Stensholt**) — Order! I remind the member for South-West Coast that it is unparliamentary to thump the table.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise to make a contribution in support of the Major Transport Projects Facilitation Bill. In summing

up the merits of this bill the minister in his second-reading speech clearly stated that this is a bill for the times. One might argue that every bill brought into this place is a bill for the times, but on this occasion the minister could not have got it more right, and I congratulate him on bringing this bill into the house. He is widely regarded as the best roads and ports minister in the country.

The bill is being introduced when patronage levels on all forms of public transport continue to surge. In raw numbers we have seen a 70 per cent growth in patronage in the last decade. We are also experiencing strong population growth, which is adding pressure to our road network. This strong population growth is also driving up demand for goods and services and will continue to do so for many decades. This increase in demand for goods and services will add significantly to our freight task, generating jobs and future investment in an often underrated segment of the Victorian economy.

Against this very positive backdrop of growth the government released its Victorian transport plan in December last year. It was developed after expert advice, substantial work by Sir Rod Eddington and his team and unprecedented public involvement and consultation. The clear objective of the $38 billion plan is to ensure that Victorians can have access to the best transport network in Australia. In simple terms the Victorian transport plan will deliver to our transport network more services more often and in more places.

Significantly, the transport plan will also deliver an enormous economic stimulus to our state, creating 10 000 jobs per year or more than 100 000 jobs over the next 12 years. That is why the passage of this bill is so important.

The objective of this bill is to accelerate the time frame for planning the delivery of the larger and more complex projects within that transport plan. At present the delivery of some of these major projects would be subject to up to 15 different processes before approval could be granted. Clearly this time lag can lead to duplication, uncertainty and delay. It is estimated that by consolidating the assessment and approval processes, as this bill proposes, up to 15 months could be saved in the planning phase. The costs associated with delays on major transport projects, or on any major project for that matter, can be very significant.

The member for Bentleigh referred to a figure, but I know that in the second-reading speech the minister said tens of millions of dollars can be added to particular projects through these delays. These reforms will take place while still providing a transparent decision-making process which will maintain opportunities for public consultation and preserve existing environmental, heritage and planning standards.

In my contribution I want to talk about the people of the west, because this transport plan is very important for the people of the western suburbs of Melbourne. In his report released in 2008, Sir Rod Eddington focused particularly on the people of the west and more specifically on improving the opportunities for people in Melbourne's growing western suburbs. It is well documented just how fast the west of Melbourne — that is, the western corridor of Melbourne — is growing. In fact on current trends the west is expected to significantly increase its share of the metropolitan population from 16 per cent in 2005 to 26 per cent in 2031. The resident population of the region will grow by 38 per cent from 616 000 people in 2005 to over 850 000 people by 2031.

This 'planned expansion', as Sir Rod Eddington put it, is essentially about rebalancing our city. In talking about that rebalancing he made it very clear that the transport network in the west will need to improve significantly to keep pace with the growth and change of the region. Failure to do so for the people in the west will create a divide and will limit investment, business and employment opportunities. It is for those clear reasons that I formed a very strong view that the delivery of a Victorian transport plan and the components of it are very much a once-in-a-generation opportunity for Melbourne's west. It is clear, as Sir Rod put it and as the government reiterated, that doing nothing is simply not an option.

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

Mr NOONAN — Before the break I was referring to population growth figures in the western region of Melbourne. Of course population growth will also impact on consumption levels, which in turn will deliver an expanded freight task. We know the port of Melbourne is already Australia's leading container port. But international container trade is projected to increase fivefold, from 1.4 million containers per year in 2005 to an estimated 7 million by 2035. These are exciting numbers for the Victorian freight logistics industry, but they also present some challenges for the industry. One of the challenges will be to maintain the efficient movement of freight from the port to its ultimate destination.

The Victorian transport plan identified a need to improve the efficient movement of freight to and from

the port of Melbourne by improving road and rail infrastructure in and around the port's precincts. Obviously this view has been supported by the many freight industry stakeholders, including amongst others the Victorian Transport Association and the Transport Workers Union.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Beattie**) — Order! The member for Eltham and the Minister for Police and Emergency Services!

Mr NOONAN — It has also been reinforced by the government's own recently released Freight Futures and Port Futures strategy documents, which are two very well-written documents that plot a pathway forward. They will build on the government's investment in substantial projects which assist the efficient movement of freight such as the Dynon port rail link project, the channel deepening project and the M1 project.

Having said that, truck movements are a challenge for those who reside in the inner west. Ultimately those heavy vehicles have a destination in and around the port precinct. They are impacting on the community amenity for residents of suburbs such as Yarraville, Seddon, Kingsville and Footscray. Of course this was a focus of Sir Rod Eddington's report to government. I was very pleased to support his recommendation for a truck action plan, which in its first stage will see the construction of a new link between the port and, essentially, the West Gate Freeway in the form of some new on and off ramps onto the freeway from the Hyde Street area.

At present there are about 20 000 truck movements through the inner west, and construction of the new on and off ramps from Hyde Street to the West Gate Freeway is projected to divert up to 70 per cent of the trucks away from streets such as Francis Street and Somerville Road. Over the course of the year this will equate to approximately 1.2 million fewer truck movements on those inner western roads. With those sorts of numbers members can probably understand why I am very supportive of any process that might accelerate the planning and delivery of the first $380 million stage of the truck action plan. It is also important for the freight industry to be able to move that freight efficiently, particularly when it operates on a just-in-time delivery method. The industry cannot afford to miss allocated time slots for the delivery of freight.

Stage 2 of the truck action plan proposes a new $2.5 billion road tunnel between the port of Melbourne and Geelong Road. Importantly this will also serve as an alternative east–west transport and freight route to the West Gate Bridge, which currently carries 160 000 vehicles per day. Those numbers are projected to increase to 235 000 vehicles by about 2036. Clearly a second major river crossing is needed, and it would do much to improve access to the city for western suburbs residents while improving cross-city travel for all Melburnians.

Finally, I think it is worth touching on the importance of the regional rail link, which is the centrepiece of the Victorian transport plan. It is a project which is estimated to cost $4.3 billion, of which the commonwealth will contribute a massive $3.2 billion. This is a great demonstration of the state and federal governments working together shoulder to shoulder to deliver vital infrastructure, in particular for the people in the western corridor of Melbourne.

The project will for the first time separate our regional and metropolitan trains along the western corridor and improve reliability for the Geelong, Ballarat and Bendigo services while freeing up capacity on the Werribee, Craigieburn and Sunbury lines. Importantly that project will increase the capacity by up to 9000 extra passengers every hour.

In conclusion, it is of paramount importance that the government take action to deliver these sorts of projects in a timely, efficient and cost-effective manner. It is therefore with great pleasure that I support the bill before the house.

Mr CRISP (Mildura) — I rise to talk on the Major Transport Projects Facilitation Bill 2009. The Nationals in coalition are not opposing this bill. The purpose of the bill is to establish a streamlined approach to the delivery of critical transport infrastructure projects. The main provisions of the bill, which are fairly extensive — it is a fairly large bill — are to reduce the aggregate time frame for gaining approvals for major projects and to provide two processes for dealing with major project plans: an impact management plan where services and approvals are in place and a comprehensive impact statement where approvals and reserves are not in place. The bill places strict time lines on authorities for the completion of approvals and restricts judicial review during the course of the approvals, only allowing judicial review at the completion of the approval process. There are land-swap provisions, and objections will be able to be lodged with the courts up to 21 days from notice of the making of a decision being published in the

Government Gazette. The bill also provides that the courts are to be advised that these matters are of state importance and that they should deal with the issues raised expeditiously.

Essentially this is a planning bill. It is interesting that it has appeared under the transport banner; it is a planning bill. Some of the areas of concern we have with it are with the inability of affected parties to object during the approval process, which will be seen as the removal of legal rights, and the lack of indication as to how the bureaucracy will be able to deliver within the stipulated time frames. That is pretty much the lay of it.

There are a number of clauses which will be significant to country people — in particular clause 31, which provides 15 days for people to comment and put submissions into a comprehensive impact statement. Fifteen days is not a very long period at all, particularly for country people. If it occurs during harvest or cropping or even illness, there will not be much time for people to have their say.

Clause 95 deals with the declaration of project areas. In the case of a controversial project the minister can just declare a project area. The bill also provides that the designation must be consistent with the applicable planning scheme and that the minister can alter a local government planning scheme. In fact the minister has done this. Mildura suffered planning amendment C58 at the planning minister's whim recently. All he needs are the words and the space in the *Government Gazette* and he can change the planning scheme to fit a transport project in and take all objections away entirely.

Clause 96 allows a project area to be expanded. We are concerned that projects will begin with a beachhead and will then expand — you pick the easiest place to get the approvals and then you expand. That, too, I think raises some concerns for country people.

Clauses 126, 127 and 128 all deal with native title and provide that the government can compulsorily acquire native title rights. I find this an interesting legal precedent which I think we need to be concerned about. I could suggest facetiously that a means of transport of water — that is, a riverbed — could be used as a precedent to take away native title rights to a riverbed. The question about government responsibility in taking native title rights is: having acquired them, does the government own them or are they extinguished? Interesting legal precedents are being set on this issue.

Subdivision 5 of division 4 of the bill deals with compensation. Clause 146(3) indicates that the value of land must not be taken into account when determining a loss sustained or expenses incurred by a council. There are implications here for local government, and I am sure my colleague the shadow Minister for Local Government, the member for Shepparton, will deal with these issues in more detail.

Clause 159 allows the government to get tough in pushing its intentions through. It provides for the powers of the sheriff, which really is pushing things to the limit.

The member for Rodney has raised some real concerns in relation to clause 189(2) over residual services — such as Telstra services or perhaps a private water supply line — being left behind on a piece of land. The rights of individuals need to be considered.

When it comes to major transport projects there are a couple of things I want to talk about in the Mildura region. Of course our rail line has been a much talked about project. In particular this government has recently and finally invested in upgrading the rail line; however, standardisation remains a key requirement of that rail corridor to the north.

Mr Walsh — When was it promised?

Mr CRISP — The interjection was, 'When was it promised?', and it was promised a very long time ago.

The ACTING SPEAKER (**Ms Beattie**) — Order! The member shall not take up interjections.

Mr CRISP — The federal government put $20 million on the table for rail standardisation. This was absorbed by the Victorian government into upgrading that rail line on the promise that at some stage in the future it would standardise it. To its credit, the rail crossings have been dual gauged; however, we see no plan for standardising the rest of the track. This is holding back northern Victoria considerably. There is a proposal to link Mildura, through south-western New South Wales, to the Indian Pacific rail line. That would be a standard gauge connection. It sits in Canberra awaiting funding, but without a standard gauge link to the south that wonderful proposal, which could do so much for northern Victoria, sits in the queue. A commitment by this government to a rail standardisation timetable is urgently required.

There are also other rail projects under way. The Ouyen–Murrayville rail line is being upgraded, and this is an important part of the connection. For those who do not know, the line just beyond Murrayville at Pinnaroo meets the standard gauge network in South Australia. Another very good reason for standardising is to allow

a connection to occur at Murrayville-Pinaroo and provide an alternative standard gauge route from Melbourne to Western Australia, which is something that is needed when maintenance is required on the main Melbourne–Adelaide track or in cases of derailment.

Another major transport project that is vital to Mildura's future is the riverfront redevelopment. There has been some activity there with the removal of some rail infrastructure and the integration of rail infrastructure with the community's need to connect the city with the riverfront. This is important, and a master plan has been developed by the Mildura Rural City Council. Some work has been done, but considerably more work needs to be done to allow that project to continue while maintaining our transport links.

I cannot talk about a major rail project without mentioning passenger rail services to Mildura. The government has promised year after year that Mildura will have its passenger train back. That promise has not been fulfilled. The people of Mildura are very disappointed. The rail track has been upgraded, and it is now time for the reinstatement of the passenger service to Mildura. The people of Mildura await the delivery of that promise made by both the Bracks and the Brumby governments. Everybody has made promises, but Mildura still awaits the delivery of that project. Potential passenger numbers are as good as those for rail lines to other places that have been reinstated over time.

I return to the issue of standardisation, because I do not see that as being mutually exclusive from the debate about passenger rail. Funding for the standardisation of the Mildura line has been provided by the federal government to the Victorian government. The Victorian government needs to facilitate that project now and complete the work that should have been done as the rail line was upgraded. It is not a big exercise. The federal government put the money in Victoria's bank account for the project, and it should be delivered. With those comments I conclude by saying that The Nationals are not opposing this legislation.

Mr NARDELLA (Melton) — What absolute gall the member for Mildura has to stand up in this house and talk about the reopening of the rail line as a major project for Mildura when it was his government that in the 1990s — 1993 and 1994 — shut down that passenger rail line. He comes in here with all the gall in the world, with more front than Myer, to say that we should reinstate it immediately. That is just outrageous. He forgets his government's history — I know he was living in New South Wales at the time — of shutting down the rail line to Mildura.

This bill is about facilitating major projects, which is not what the Liberals and The Nationals do; they constantly shut things down. Their major project is about shutting down, closing and selling off major assets which are owned by the people of Victoria. What did they do? They closed 326 schools, they sold off the Gas and Fuel Corporation, they sold off the State Electricity Commission of Victoria and they sold off — and The Nationals love this one — the vet labs. What did these champions of rural Victoria do? The major project they facilitated during their term of government was to shut down the vet labs. They shut down police stations, six country rail lines — —

Mr Cameron interjected.

Mr NARDELLA — I was going to come to that, Minister. They closed six country rail lines, including Mildura, Bairnsdale, Ararat and Cohuna, and yet they come in here and want to talk about major projects.

People on the other side of the house have no idea what a major project is, because their major project is about helping their mates line their pockets when they are doing their filthy deals. They did a few major projects. They put the tunnels in and a toll road. The Acting Speaker would remember that they put a toll on an existing road: the Tullamarine Freeway. Where that all comes together on the West Gate Bridge, what did they do? They botched it. They botched their major project. We now have to spend over $1 billion to fix up their botched project — the Bolte Bridge, Montague Street and the West Gate Freeway.

Members of the opposition have the gall to come in here and say that this government has not done anything. What is EastLink, for goodness sake? What is the food bowl modernisation project — a $2 billion project? They come in here and say we have done nothing whatsoever for the Victorian people. You only need to go out to our schools to see a major project occurring in every one of our major schools.

Mr Mulder — On a point of order, Acting Speaker, I think it is about time the member was brought back to the debate. The government's stealing water from north-eastern Victoria has nothing to do with major transport projects.

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

Mr NARDELLA — That is how these people operate; they want to shut us down. Fancy saying that

the $2 billion food bowl modernisation project, which covers an area that has been losing 800 gigalitres of water a year, is not a major project. The knowledge that we are upgrading that system to save 425 gigalitres of water every year is abhorrent to the Liberal Party.

Mr Crisp — On a point of order, Acting Speaker, we are discussing a transport bill, not a water bill. I ask you to bring the member back to the bill.

The ACTING SPEAKER (**Ms Beattie**) — Order! The bill is the Major Transport Projects Facilitation Bill, and I am listening carefully. The member for Melton, on the bill.

Mr NARDELLA — This bill is about major projects, and I have just gone through a lot of the major projects it will facilitate, such as the regional rail express in the western suburbs. This legislation will facilitate those projects, unlike what happened when the Liberals and The Nationals were in government. The only major projects they facilitated were those helping the real estate agents to flog off Victorian assets.

Mrs POWELL (Shepparton) — I am pleased to speak on the Major Transport Projects Facilitation Bill 2009 and to indicate that the coalition will not oppose the bill. I am pleased to make my presentation after the member for Melton, because I want to correct a few of the comments he made. He said that the food bowl modernisation project is losing 800 gigalitres of water each year. That is simply not true, and I want to put that on the record. It is closer to 300 gigalitres of water. The member should make sure he is correct when he talks about major projects.

The member for Melton criticised the member for Mildura for talking about a major project and the Mildura rail line. He said that the Kennett government had removed that line. In 1999 the then Bracks government was voted in with the support of three Independents by promising it would bring back the Mildura rail line. Is it back on now? No, it is not. The member for Melton has now left the chamber after speaking for 5 minutes on this bill. The member does not want to hear the truth.

The truth is that this bill is supposed to facilitate the development and construction of major transport infrastructure projects. It is further spin from this government. The government has not done enough to fix projects — —

Mr Crutchfield interjected.

Mrs POWELL — The member for South Barwon is asking me to oppose it. I do not think his government would want him to oppose the bill. The opposition is not opposing the bill, although it does have some concerns about it. The bill proposes a fully coordinated assessment and approval process for all regulatory requirements needed to enable the undertaking of major transport projects. The bill is actually sidelining local government. Local government has a huge part to play in making sure projects across Victoria are done in a manner that is in the best interests of the community and all Victorians. It ensures that the voice of the community is not lost. When we deal with major projects we cannot treat the community with contempt, as this government continues to do. We need to make sure the checks and balances are in place to allow the community to have a voice and to make sure that if a road is built, it is not to the detriment of a hospital or school or something that is going on in the municipality.

The government says the bill will help to accelerate major transport projects. In many cases it is not the fault of local government or developers that projects are not being completed in a timely manner. Often it is the fault of ministers. The Minister for Planning often has applications for developments on his desk and they do not move any further. I have spoken to councils that tell me often they will be asking for the acceleration of the development of a major project in their area only to find it is sitting on the desk of the minister. This bill will not make any difference. All it will do is put in another layer of bureaucracy.

The government says that a one-stop shop will assist in the assessment of approvals. Removing local councils from the equation is removing the voice of the community. It stops the community from objecting to a project, whether it be a major project of state significance or of local significance. It is important we do not allow the government to trample over people's rights in major projects. The government has to listen to the concerns of the community in developing major projects.

Earlier this year the house debated and passed the Transport Legislation Miscellaneous Amendments Bill. This is another bill where the government tried to remove local council involvement by stealth. It inserted a new section 42A(3) into the Road Management Act which states:

> If a road or part of a road is a municipal road, there must also be consultation with the Minister for Local Government and the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified road.

Local government was not happy with that legislation. It has been removed from any consultation or any decision making. The member for Polwarth moved an amendment to that bill to provide that consultation must also include the local council if municipal roads are included in specified routes. We have to make sure that the government — in trying to hurry things through it often makes mistakes — listens to the people involved, such as the people whose homes will be involved with major projects, whether it be through the acquisition of land or trying to get compensation. We must ensure that we respect the community.

A number of issues were raised in relation to the statement of compatibility with the Charter of Human Rights and Responsibilities. The government says that no rights are being contravened and that the bill is compatible with the charter. We hear that all the time. Even if a human right could be seen to be contravened, the government finds a way of saying that it is not contravened. The Charter of Human Rights and Responsibilities refers to the right to privacy. Section 13 of the charter establishes the right of a person not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This bill provides for the authority to enter into possession of project land. The minister says a number of safeguards are provided in the bill, but the statement of compatibility says:

> … that the project authority must diligently endeavour to obtain agreement with the person in occupation of project land as to the terms on which the project authority will enter into possession of the land.

The statement goes on to say:

> … the principal place of residence, the authority must not enter into possession within 3 months of the land becoming project land and unless the project authority has given 7 days notice in writing of its intention to enter into possession.

A number of people have been talking about major projects, but one of the major projects is the north–south pipeline, which is a huge major project. It affects a lot of people in my area because the water is supposedly going to be sourced north of the Great Dividing Range. In saying it will look after the rights of landowners the government should tell that to those people who live along the north–south pipeline route. The government says it will do one thing but honouring that commitment is another thing.

The rights of the people along the pipeline route and the rights of the native forest are important. Trees were bulldozed to make way for a pipeline that was not needed. I say again that the safeguards of this bill will not help the farmers and the people who have their homes along the pipeline route. Again I say shame on the government for trampling on the rights of those people. The government has continued to ride roughshod over those people; it has turned their lives into a nightmare. I urge the government to make sure that it does not only adhere to the provisions of this bill but it also takes into consideration the rights of people when it is making any decision on major projects.

The bill makes provision for a project authority to compulsorily acquire land for any purpose connected with an approved project. Where land is compulsorily acquired the project authority may require the landowner to accept adjoining land as part compensation for their land. That land should be of equal use to the landowner. Guidelines should be put in place that permit the landowner to say they do not agree to being given a portion of land or land in compensation and that ensure that any land they are offered is of value or there is some alternative.

As the shadow Minister for Aboriginal Affairs I would like to very briefly touch on Aboriginal cultural rights, which were also touched on in the human rights charter. The human rights charter says that it understands Aboriginal persons hold distinct cultural rights and must not be denied the right to maintain their distinctive spiritual, material and economic relationship with the land and the waters where they have a connection under traditional laws and customs. Clause 75 of the bill requires a project proponent to give the Minister for Planning copies of every cultural heritage management plan approved for the area under the Aboriginal Heritage Act 2006 or to notify the Minister for Planning if a decision to refuse a cultural heritage management plan has been made.

The problem with that requirement is that problems have been experienced with registered Aboriginal parties, or RAPs, which are expected to do these plans and inspect those areas. As yet not all areas have RAPs. In fact a number of areas and a number of councils have spoken to me about the delay for developers and councils because they are not able to get these plans put in motion. Again this is not a delay caused by a developer or by a council; it is a delay caused by this government in not establishing RAPs in all of those areas and not ensuring that there are enough Aboriginal inspectors to inspect these areas. Many delays are experienced in the private sector by developers and councils, but this bill does not address the issue.

If the government by way of this bill is to truly make sure that projects are expedited, it needs to move away from giving red tape to councils and developers and get on with the job of governing.

Ms D'AMBROSIO (Mill Park) — I have but a short time to make my contribution, but I am very pleased to join the debate on the Major Transport Projects Facilitation Bill. This bill allows for a more streamlined approach to major transport projects that are deemed to be of state significance. Through a consolidated one-stop process it brings into alignment the various standards which apply at the moment to the normal assessment and approval processes. It does not in any way diminish or dilute any of the standards that apply in the normal course of events to the assessment and approval of major transport projects.

It is very important to ensure that we are able to deliver strategic transport projects. They provide great certainty to business and, in doing so, provide greater certainty about the ongoing viability and sustainability of Victoria's economy. It is clear that Victoria is in a very strong position vis-a-vis the rest of the country. Our economy is strong; many of our economic indicators point to Victoria leading the way in terms of planning approval rates, for example. The government has provided many years of improved business conditions in order to grow private investment and confidence in our state. For that reason we are in very solid position. Government investment in major infrastructure projects in the key areas of health, schools, roads and public transport is providing a sturdy buffer during the current global financial crisis. We are weathering the storm relatively well considering those external forces.

This bill is part of a response to make sure that we stay on track. In some of the worst economic times it will help us to maintain the strength of the Victorian economy and business confidence to ensure continuing private investment. Fundamentally it is about jobs, jobs, jobs. This bill will provide useful legislative mechanisms to help keep Victoria's economy ticking over as part of this focus on jobs and jobs creation for our community. That is what it is about.

Our government is palpably committed to maintaining the confidence of the private sector in Victoria's economy. We are also committed to maintaining the public's confidence in our planning processes. That is why, for example, consultation and public hearings are a significant part of the assessment process that will be employed under this bill. Judicial review of any planning decision is maintained under the provisions of the bill.

The current system is not focused on delivering a concurrent multitrack process for assessment. This is what we are addressing. Different stages of an assessment process can often have different time lines. This bill will maintain all the necessary assessment and approval standards but will run these levels concurrently, thereby saving time and cost. Again it is about injecting confidence in a very speedy fashion.

While existing legislation can bring some of these elements of assessment processes together, approval processes are outside the scope of existing legislation. This bill will not skimp on standards. It is about greater efficiency in the delivery of significant transport projects in uncertain economic times.

It is anticipated that projects that are declared to be of state significance will be able to be approved within a time frame of about 9 months to 12 months from the public exhibition of the project plan, whereas in the period 2001–06, for example, transport projects took an average of 24 months for approval from the point of public exhibition under normal conditions. We can see that the government is delivering on two fronts, which will maintain public confidence.

The government has announced a $38 million Victorian transport plan, and it is taking the necessary legislative steps to ensure that it is able to streamline and facilitate the delivery of these significant projects in an uncertain economic environment. I am heartened to hear that the opposition is supporting this bill. By supporting this bill the opposition is supporting and endorsing the government's Victorian transport plan, worth $38 billion.

Debate adjourned on motion of Mr DELAHUNTY (Lowan),

Debate adjourned until later this day.

GAMBLING REGULATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr ROBINSON (Minister for Gaming).

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Gambling Regulation Further Amendment Bill 2009. I intend to make a short contribution tonight since I understand there are a number of members who wish to speak and we are intending to go on the adjournment by 10.00 p.m. I will concentrate on two areas of the bill which seek to protect persons and reduce the harm caused by problem gambling. The first of those areas is referred to in clauses 59 and 60 where the bill repeals the provisions of the Gambling Regulation Act which allow unrestricted gaming machines in specific areas. These

unrestricted machines could be operated without player protection features including banning large denomination note acceptors, auto play facilities, unlimited spin rates and bet limits. This will prevent these specific areas being permitted in any gaming area outside the casino.

The second area relates to the payment of winnings of more than $1000 in bingo games. There have been previous limitations enforcing those wins to be paid as a cheque. This replaces the current limit of $3000 on payments and bingo prizes in cash. Both those actions build on a strong record by the government of introducing legislation to protect persons from the harm caused by gambling. Gambling is an important part of our society, and as a society we determine to regulate rather than ban gambling and to ensure that persons who participate in gambling do so in a regulated and managed framework.

However, there are certain persons in our society — and the research I have seen suggests somewhere under 1 per cent of persons — who are what are referred to as 'problem gamblers'. In a psychological sense, the American *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition*, better known as DSM-IV, which is the standard psychological tool, defines pathological gambling. To be diagnosed, a person must have at least three of the following symptoms:

> Preoccupation. The subject has frequent thoughts about gambling experiences, whether past, future or fantasy.
>
> Tolerance. As with drug tolerance, the subject requires larger or more frequent wagers to experience the same 'rush'.
>
> Withdrawal. Restlessness or irritability associated with attempts to cease or reduce gambling.
>
> Escape. The subject gambles to improve mood or escape problems.
>
> Chasing. The subject tries to win back gambling losses with more gambling.
>
> Lying. The subject tries to hide the extent of his or her gambling by lying to family, friends or therapists.
>
> Loss of control. The person has unsuccessfully attempted to reduce gambling.
>
> Illegal acts. The person has broken the law in order to obtain gambling money or recover gambling losses …
>
> Risked significant relationship. The person gambles despite risking or losing a relationship, job or other significant opportunity.
>
> Bailout. The person turns to family, friends or another third party for financial assistance as a result of gambling.

As members of the house would know, significant issues arise because of gambling and it often impacts on not just the person concerned but also their family. Often marriages and families break up because of gambling problems.

This bill adds to the suite of options being brought in to minimise the harm caused by gambling. I personally am not a prohibitionist and am happy to support the bill. I think gambling should be regulated and attempts should be made to minimise results, particularly as gambling enters into an area where in terms of behavioural economics persons are unable to rationally judge their actions and make decisions which are in their own interests.

Other previous decisions to protect individuals include things like banning smoking in gaming machine areas, banning and limiting automatic teller machine access and electronic funds transfer, restricting gaming signage and many other actions.

I intend to make only a short contribution tonight. I think this is an excellent piece of legislation, and I am particularly pleased that it adds to the suite of legislative reform this government has brought in to protect problem gamblers and those affected by gambling problems. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the bill. As shadow Minister for Racing I want to concentrate on part 3 of the bill, which covers wagering and betting-related amendments. In particular I want to focus on clause 81, which inserts into the Gambling Regulation Act the following provision:

> The Treasurer must cause a review to be made of the tax rate set out in section 4.6.3(1A) and must cause a copy of the report to be laid before each House of Parliament on or before 31 December 2012.

Well may you ask why that would be such an important clause. It is an important clause because it is absolutely fundamental to the future funding and the viability of racing in Victoria.

To put that in context, page 12 of an Ernst and Young report titled *Business Case for Funding Requirements — Victorian Racing Industry* says with respect to the importance of the Victorian racing industry (VRI):

> The VRI comprises the thoroughbred, harness and greyhound racing industries. Together, they contribute over $2 billion to the state of Victoria, employ over 74 000 Victorians and over $125 million in state government wagering taxes in 2006–07.

The taxes will be $152 million in 2011–12.

The background is that in April 2008 the Brumby Labor government announced that it would withdraw a significant funding stream from the Victorian racing industry. That funding stream for the Victorian racing industry comes, by a longstanding arrangement, from Tabcorp, through its electronic gaming machines. Fundamental to the Victorian racing industry is that it receives $320 million to $330 million a year, of which, by this funding arrangement, $80 million, or about 25 per cent, comes from Tabcorp through its electronic gaming machines.

In April 2008 the government announced changes to the poker machine, or electronic gaming machine, industry and said that that funding stream would not be forthcoming for the Victorian racing industry. On 10 April 2008, in answer to a question from the member for Yuroke, the then Minister for Racing said:

> The changes which have been announced will not disadvantage the racing industry. The government has committed to developing funding arrangements which are 'no less favourable' to the racing industry in this state.

Then what happened is that the government and the minister, with the Victorian racing industry, agreed that Ernst and Young, a reputable accounting firm, would develop a study to determine what 'no less favourable' would mean, including what it would mean in terms of the funding required for the racing industry to replace the money taken by these changes to electronic gaming machines.

Ernst and Young produced its report on 1 August 2008. It is interesting to note that that report was supposed to be confidential but that through a stuff-up in the probity arrangements the report had to be made public. It exposed the fact that the Brumby Labor government was intending to short-change the racing industry with respect to its arrangements. People in the racing industry of course were concerned about that short-changing of their funding arrangements and insisted on this clause 81 being inserted and this review being conducted before the end of 2012 to ensure that a no less favourable outcome would be delivered to the Victorian racing industry.

Let us look at what Ernst and Young said in its *Business Case for Funding Requirements — Victorian Racing Industry* about a 'no less favourable' outcome, which was promised by the Minister for Racing and the Premier of the day. On page 63 it said:

> By removing the gaming component of the VRI's return from the licence-holder, the state government has to fund a 'transition' gap of between $104 million in 2012–13 and $171 million in 2023–24 … to enable the VRI to achieve a return 'no less favourable' than current funding arrangements. This gap totals approximately $1622 million over 2012–13 to 2023–24.

It further says on page 68:

> The 'viable and growing' funding requirement is well in excess of the 'no less favourable' funding …

It further says on page 17:

> In the absence of funds necessary for a 'viable and growing' industry, there is a real risk that the VRI will no longer lead the nation in terms of returns to participants, participation and wagering levels. The VRI may also not be able to support the operations of owners, trainers, jockeys, drivers, breeders and race clubs, which would jeopardise jobs in regional (and metropolitan) Victoria.

And on page 62 it says:

> This could result in rationalisation of the VRI, with the closure of a significant number of tracks and clubs …

Ernst and Young has made it very clear that if you did not get that sort of funding to not only a no less favourable level but to a viable and growing level, there would be significant closures.

Indeed, the Victorian racing industry, in its submission to the Victorian government, says:

> Potential impacts of not achieving viable and growing funding include racetrack closures; disinvestment in Victoria by owners, trainers, breeders; economic and employment impacts, particularly in regional Victoria; increased risks and a reduced attractiveness of the wagering licence.

It says that you need $1.622 billion over the term of the licence to be no worse off — just for that simple change of taking away the gaming machine revenue.

And what of the government's response? It was issued on 3 November, the day before the Melbourne Cup. Any racing announcement the day before the Melbourne Cup has to be treated a little suspiciously because you are obviously trying to bury bad news. What the government said was that it would reduce its share of the taxation rate and hand that money over to the Victorian racing industry to compensate for taking away the gaming machine revenue.

The Minister for Gaming said on 3 November:

> We estimate this will provide over $1 billion over the licence period and ensure the ongoing success of Victoria's internationally renowned racing industry.

The government was saying it would give the industry $1 billion over the licence period, but Ernst and Young and the racing industry say the industry needs $1.622 billion to be no worse off, let alone to be viable and growing. This government was trying to

short-change the Victorian racing industry by over $600 million. It gets worse; that is just in recurrent funding. That Ernst and Young report also says:

> … the VRI has identified $105.9 million of regional projects earmarked to be co-funded by the VRI and government …
>
> The VRI seeks a government contribution of $64.3 million over the next four years for these regional projects which will in turn leverage a further $41.6 million of VRI funding …

It was also of note that the government made no provision in the budget for the racing industry development program, so what did the government do? When it was told it had to provide $64.3 million to make sure the capital requirements of the racing industry were met under these arrangements, it announced it would provide $45 million. It short-changed the industry $622 million in recurrent funding and $19 million in capital funding.

We had the Minister for Racing in question time today skiting about the money the government has allocated to various racetracks, when he is covering up the fact that the government had no money in the racing industry development program — it deliberately abolished that in terms of funding — and short-changed the industry by $19 million, according to the Ernst and Young report.

What we have had is a clear exposé by the Victorian racing industry of the fact that the government was trying to short-change its industries by $622 million in recurrent funding over the term of the new licence and $19 million of capital funding in the short term. It is the racing industry being robbed blind by the minister and by the Brumby Labor government. On top of that we now know we have a massive increase in corporate bookmakers taking money out of Victoria, with no involvement of the racing minister with respect to protecting the Victorian licence and funds for the Victorian racing industry and the Victorian government.

In conclusion let me say, as somebody who is passionate about racing and about the future of racing in this state, that what we need from this minister is leadership at a national level to get a national agreement about the future funding of racing so that all participants, the corporate bookmakers, the betting exchanges and the totalisators — wherever they operate in Australia and whichever jurisdiction they are in — make a fair and reasonable contribution back to racing in Victoria, New South Wales and every other state and territory. We want a national approach.

Debate adjourned on motion of Mr CAMERON (Minister for Police and Emergency Services).

Debate adjourned until later this day.

CEMETERIES AND CREMATORIA AMENDMENT BILL

Second reading

Debate resumed from 1 September; motion of Mr ANDREWS (Minister for Health).

Mr BROOKS (Bundoora) — It is a pleasure to be able to make a contribution on this very important Cemeteries and Crematoria Amendment Bill 2009. At the outset I would like to acknowledge the contribution of the more than 3000 volunteers — —

An honourable member interjected.

Mr BROOKS — It is a very grave debate on this serious issue! I acknowledge the 3000 volunteer cemetery trust members across Victoria who provide a very important service and important facilities for people at a very difficult time in their lives when they are often farewelling loved ones. There are 522 public cemetery trusts across Victoria, which gives you an indication of the vast number of cemeteries. As members would know, some of the cemeteries are very small, often in rural areas but sometimes in suburban areas too.

I was very proud to be able to serve on the Banyule Cemeteries Trust when I was on the Banyule City Council. The membership of that trust consisted of councillors at the time, and that role gave me a very clear understanding of the challenges, particularly the financial challenges, faced by small cemetery trusts throughout Victoria. The Banyule Cemeteries Trust covered the Warringal cemetery, which was established in 1855, and the smaller Greensborough cemetery, which was established in 1863. It also had responsibility for a small area known as the Hawdon Street cemetery, which is now a memorial park, because it has not been used for some time.

When I first got onto that trust there was a process in place that had been started by the former councillors who were trust members in 1996. It involved the extension of the cemetery into open space or road reserve. The reason for that extension was to enable the cemetery to gain more income by opening up more plots. That caused a lot of controversy in the local community. Local residents certainly did not want to lose any of that open space, and it was a very difficult issue for the local community. However, it needed to be proceeded with so the cemetery could provide for its financial security and to ensure it was maintained

properly and that public liability insurance was covered into the future.

I support this bill mainly because it will improve the governance of cemetery trusts across Victoria. That is an issue that has been highlighted in previous reports of the Auditor-General and the State Services Authority. It creates two classes of cemetery trusts: generally the larger cemetery trusts and the class B trusts set out in the bill, which are generally smaller cemetery trusts across Victoria. That also provides a level of funding from those class A trusts through the government to the class B trusts. As I have just pointed out, that is very important for some of those smaller trusts. That will certainly help to make sure that those cemetery trusts are able to provide the services local communities expect of them.

I was a bit bemused to listen to the contribution of the member for Caulfield on this bill last night.

Mr Noonan — And confused.

Mr BROOKS — Bemused and confused, as I am reminded by the member for Williamstown.

The interesting part was that it seemed that the member for Caulfield was criticising the government for not adopting the State Services Authority's preferred recommendation, the first recommendation, which was one single authority. If I am correctly understanding her comments last night, that is in stark contrast to the comments that have been made by her colleagues, particularly those in rural areas. The *East Gippsland News* on 12 August reported a member for Eastern Victoria Region in the other place, Mr Philip Davis, as saying:

> The legislation will enable Gippsland cemetery trusts to continue their traditional role in serving their communities in a voluntary capacity.

It further quotes him as saying:

> This is welcome given the volunteer trusts do not have ready access to sources of funding.

The member for Benalla issued a media release on 26 September 2007. At the bottom of that media release it states:

> Dr Sykes concluded, 'I am pleased to see common sense prevail and country cemetery trusts will retain their connection with volunteers, and churches. This is great news for country cemetery trusts and will facilitate a feeling of greater ownership of our heritage'.

In fact I think there was a whole raft of press releases issued by The Nationals in which its members supported the government's initiatives, so it was quite strange to hear the member for Caulfield in here last night seemingly questioning the government's position on this particular issue. In fact what is even stranger is her press release dated 13 August, less than three weeks ago, which is unfortunately titled in a very sensationalist way, 'Brumby to tax the dead'. She is quoted as saying:

> This new Brumby death tax will hit bereaved families at their worst time.

Further on in the press release she says the Brumby government will 'tax the dead as well'. That sort of sensationalist and cheap attempt at publicity really does not have any place in Victorian public policy debate.

Dr Napthine — It's true!

Mr BROOKS — I will pick up the comment from the member opposite who says that it is true. The next obvious point is that the member for Caulfield and members opposite are supporting the bill. If they feel so strongly that this is a death tax, why are they voting for it? Why have they not moved amendments to this bill? That is an interesting question. I will conclude my comments by saying that I think the member for Caulfield does not seem to have a clear grasp of her policy area at the moment; maybe she is concentrating on other matters.

Finally, I think the lead speaker for the government yesterday highlighted a letter that has been sent to members of Parliament from the Cemeteries and Crematoria Association of Victoria which indicates its clear support for this bill. On that note I will conclude my comments.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Cemeteries and Crematoria Amendment Bill 2009. The purpose of this bill is to make amendments to the Cemeteries and Crematoria Act 2003 and enable a series of changes to be made to Victoria's cemetery sector to improve the governance and accountability of cemetery trusts, focusing especially on the large entities that report to Parliament under the Financial Management Act 1994.

The changes introduced under this bill primarily affect the 10 reporting trusts in the metropolitan area, of which the Lilydale Cemeteries Trust is one. The Lilydale Cemeteries Trust employs 25 people, has an annual turnover of around $3.5 million and covers territory from Burwood to Healesville.

I would like to recognise the ongoing contribution the Lilydale Cemeteries Trust has made to the Yarra

Ranges community. The work that it has done in the efficient and smooth running of all the cemeteries under its control has been exemplary. At a time when people are feeling very emotional and are going through the loss of a loved one, to have a cemetery that is well run helps and is terribly important. I commend everyone who has served in the past on the Lilydale Cemeteries Trust and who is currently a member, from the chief executive officer to all of the staff. Like many people in my community, I have attended several funerals, burials and cremations at the cemeteries, and I appreciate most sincerely the work they have done.

The impetus for the changes under the bill was derived from a series of complaints about the management of Cheltenham cemetery which led to a special investigation at that cemetery. The results of the investigation were reported in Parliament in May 2005. The Auditor-General then received a request from the Secretary of the Department of Human Services to undertake a review of the state's larger cemeteries. This audit identified a number of significant issues. In larger cemetery trusts, trust members oversee big businesses and are ultimately responsible for the management of significant assets. It was found that the oversight functions performed by trust members in these cemeteries were largely ineffective because many trust members and members of cemetery committees lacked the appropriate knowledge, skills and efficiency to effectively undertake their function; trust members in some cemeteries reviewed had not developed a clear strategic direction; and some of the cemeteries had not clearly defined the roles and responsibilities of trust members. The need for the overhaul of the sector was seemingly reinforced in 2006 when it was reported that the Fawkner cemetery trust faced the sack over allegations that senior executives embezzled more than $1 million of public money to buy a house and other personal items.

The implications of this bill are that bigger trusts are being regulated whether or not they had organisational issues similar to those at Cheltenham and Fawkner. To some extent this process may have tainted the reputation of the trusts that have always worked in the best interests of members and clients.

The Auditor-General's report suggested, in line with the submissions received from some interested parties, that the government should divide the governance into a minimum of three regions — north-west, east and south. The government ignored that advice and instead chose to divide the regions into south and north-west-east. The benefits of doing so are expected to be the integration of business systems, better purchasing power and reduction in costs. The decision was based purely on economic factors, with the regions being divided into equal areas based on their total yearly turnover. However, the government has ignored the fact that different cemeteries charge different amounts for services which may impact on their perceived prosperity. Moreover, the divisions do not adequately represent or respect the unique characteristics of the distinct regions. Topography, demography and population size are very important considerations in the funeral business. Religious and cultural beliefs also play a significant role in families deciding where to bury or cremate their loved ones.

I feel it would have made more sense for the southern and eastern regions to be treated as one area and the northern and western regions to be treated as another. The northern and western regions represent large population growth corridors where cultural beliefs favour elaborate mausoleum burials. This means that they are likely to raise more revenue in coming years, which would outstrip the revenue to be raised by the southern trust, which will be treated as a stand-alone region. By grouping the southern and eastern trusts together the government would be able to overcome the imbalance in revenue in the future which is vital given that economic factors were the main consideration for the division of the four regions.

One of the recommendations of the Auditor-General in the *Review of Major Public Cemeteries* in 2006 recognised the need to review the tenure appointments for trust members in the larger cemeteries to attract the right kind of people. It was therefore suggested that members be remunerated. At the bill briefing it was explained that regional trust members would be paid around $5000 and metropolitan trust members would be paid around $8000 annually. With six to nine members to be appointed to a trust, a metropolitan trust will need to find $72 000. Considering that serving on a trust is currently done on a voluntary basis, this is a considerable payroll that needs to be funded by clients.

In the government's media release from 3 July 2008, entitled 'Government acts to strengthen major cemetery trusts', there is absolutely no mention of the fact that a new tax is being created. Trusts will be required to pay a 3 per cent levy which is expected to take in about $2 million annually. For the individual this equates to around an additional $250 for a simple burial. For a more elaborate mausoleum burial it goes up to around $1500. However, all that is known about this levy is that it will be paid back into consolidated revenue. What guarantees do the cemetery trusts have that every dollar they have contributed will be returned to them by way of training initiatives or methods to improve records management and not used to fund other

government programs? As far as I am aware, decisions are still to be made about the distribution of these funds collected from the levy. There should be accountabilities built into the bill to ensure that the money is not misdirected or misused.

Footnote 26 on page 18 of the State Services Authority report indicates that funding for small grants to class B cemeteries decreased by $32 000, from $252 000 in the 2005–06 financial year down to $220 000 in the 2006–07 financial year. Is this an indication of what this government really has in mind for class B trusts — to collect the levy and reduce the financial support? This is contrary to all the recommendations to government.

Given it will not be compulsory for a class A or class B trust to have members enrol for training, there is the potential for a reasonably large amount of the money generated by the levy to be left in the government's bank account and not used for cemeteries. I am also concerned about the proposed leadership role of trusts. It is suggested that class A trusts will be encouraged to provide advice to class B trusts. However, what measures are in place to ensure that this happens? There will no longer be life members of cemetery trusts.

On a purely technical note, it appears that under part 2, in new clause 18N(1)(d) on page 25 of the bill, the word 'trust' has been left off after the word 'cemetery'. It currently reads:

> any other matters agreed to by the Minister and the Class A cemetery from time to time.

In part 2 of the bill on page 31, clause 5 of new schedule 1A deals with remuneration for members of class A cemetery trusts and refers to the Governor in Council setting the level of remuneration. Clause 3(2) talks about the minister fixing the remuneration for class A regional cemetery trusts, so there seems to be an inconsistency with this.

I also note the political decision not to use the term 'amalgamation' in reference to the merging of the trusts. Instead the sanitised term 'restructure' has been employed in an attempt to deflect attention from the fact that an amalgamation would imply that there would be duplication of certain roles which would necessitate the retrenchment of staff.

In support of the Lilydale Cemeteries Trust, I would like to see the government base the regional divisions on a broader understanding of population data rather than on an overly simplistic breakdown of earnings. I am advised by the Lilydale Cemeteries Trust that it believes the best division would be southern and eastern regions and northern and western regions. As I understand it, this model represents a better understanding of the economic and demographic future of the current trusts.

I sincerely hope these changes work and that people will get the service they are getting now from the Lilydale Cemeteries Trust, where we have well-ordered grounds and everything is perfect for people who need that support at difficult times in their lives.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise to speak in support of the Cemeteries and Crematoria Amendment Bill. From the outset I want to refer to a very well-worded and succinct letter, which has been referenced in this debate, from the Cemeteries and Crematoria Association of Victoria. I will not re-read all of it. It is signed by Darryl Thomas, the president of the association, and states:

> The primary purpose of the amendment bill is to improve the governance and accountability of cemetery trusts and to improve the administration of the Cemeteries and Crematoria Act 2003.

He does not stop there. In terms of this tax-on-the-dead argument, here we have in very clear terms the urging of the sector when it says the association:

> … supports the minister's undertaking that the money provided through the levy will be reinvested into the cemetery sector for further education, provision of equipment and general improvements to cemeteries and the industry into the future.

Here is the sector, with an informed view I might add, saying very clearly that it supports the minister's undertaking and the bill. The sector is also saying this bill offers a very strong view about the future for this particularly important sector, and that is worth referencing because of some of the comments we have had on the bill.

The bill clearly comes as a result of some significant failings among certain cemetery trusts in Victoria. These failings were identified by both the State Services Authority and the Victorian Auditor-General in two separate reports. Serious problems were highlighted back in 2004 when two trustees of the Cheltenham and Regional Cemeteries Trust approached the Department of Human Services with concerns about the expenditure of trust funds and a host of other related matters. DHS subsequently referred certain activities and transactions to the office of the Auditor-General.

Following an examination of the Cheltenham trust the Auditor-General concluded that it was operating in a manner that was excessive and neither fair nor transparent and thus unacceptable for an agency in the

public sector. He outlined a range of inappropriate practices which included kickbacks, misappropriation of funds and inappropriate business practices. Following that report the Auditor-General undertook a further review of the governance policies and processes of the state's 13 other major trusts. The Auditor-General's resultant report, titled *Review of Major Public Cemeteries*, was in general critical of the operation and performance of the trusts under review. The Auditor-General found that the cemetery industry had evolved with little direction or regulation by the state and noted deficiencies in particular in trust governance frameworks, financial management and tendering arrangements. Clearly the Auditor-General was recommending change.

This is a very big sector. There are 529 public cemeteries administered by 524 separate cemetery trusts. All these cemeteries, with the exception of about 50 private religious cemeteries and crematoria, are publicly owned and operated, and 490 cemeteries operate in rural and regional Victoria. They account for about 90 per cent of the state's cemeteries. There are 48 cemeteries operating in the metropolitan region of Melbourne. The vast majority of Victorian cemeteries are small operations. In most cases they require the managing trusts to oversee the maintenance of the cemetery, including the facilities and grounds. Small and medium trusts are generally well managed, and as such this bill does not particularly target the way they operate.

It is the larger cemeteries in the metropolitan region that have essentially turned into significant businesses that are often in competition with one another. The largest of these are complex organisations with major investments and annual incomes in the millions of dollars. In 2005 the combined annual income of the 48 metropolitan cemeteries totalled around $80 million, which is not an insignificant amount of money. The 14 largest cemeteries accounted for $73 million of the total revenue, or about 90 per cent. In addition, these 14 large cemeteries had net assets totalling $388 million and annual expenditure in the order of $51 million. It is those larger cemeteries that are really targeted by this bill.

Having said that, the amendments put forward in this bill seek to do two things. Firstly, they seek to create a stronger regulatory framework to manage the industry, and secondly they seek to provide greater support to trusts of small and medium cemeteries. To do this the bill seeks to create two classes of cemetery trust, known quite simply as class A and class B trusts. Class B trusts will account for almost all cemeteries in the state whilst the class A trusts will incorporate some of the larger cemeteries.

The new trusts that I want to talk about, particularly in the Melbourne metropolitan area, will come under the Greater Metropolitan Cemetery Trust and the Southern Metropolitan Cemetery Trust. Collectively they will absorb 10 major metropolitan cemetery trusts as they exist at the moment. A third class A trust will be created in Mildura with the amalgamation of two cemeteries there. The bill will also convert the existing Geelong, Bendigo and Ballarat trusts into stand-alone class A trusts.

The class A trusts will comprise between six and nine paid trustees who will be selected on the basis of their skill and expertise and appointed by the Governor in Council. Payment will be made to these trustees in accordance with government guidelines for the remuneration of members of public bodies.

As discussed, there will be a 3 per cent levy on the gross profits of the major trusts. This funding may also be used for the purpose of maintenance of smaller cemeteries throughout the state. Class A trusts will also be required to prepare and submit annual and strategic plans to the secretary of DHS.

In preparing for this bill last week I took the opportunity to speak to the current chair of the Altona Memorial Park cemetery trust, John Patterson. John first became a trustee back in September 1968, possibly making him Victoria's, if not Australia's, longest continuously serving cemetery trustee. John is held in the highest regard in my local community. He is a decent and giving man who also understands the issues associated with this bill. John has advised me that this bill has been the topic of some discussion at board level and that the board is very welcoming of this change.

He is cautionary about the composition of the new boards. In his view they should take into account community expectations and, where appropriate, reflect local aspirations and include local representations. I very much respect John's view on this particular point.

Transition is not new for the Altona Memorial Park. In fact the park has experienced changes in its governance in the past, and especially in recent history. It was only in 1996 that the Altona Cemetery Trust and the Williamstown Cemetery Trust were merged to become the Altona Memorial Park. These days the park has more than 35 employees and an annual turnover exceeding $6 million. Last financial year the park conducted 2400 funerals, including 1500 cremations and 760 burials. The park is well managed under the

watchful eye of Robert Day. He is very much focused on probity and corporate governance, and in many respects his management of the Altona Memorial Park underlies many of the principles of this particular bill.

It is clear that the Auditor-General's *Review of Major Public Cemeteries* has helped shape the operations and future direction of the Altona Memorial Park. The members of the board of trustees are certainly to be commended on their leadership in this area. I congratulate the trustees for determining that a book should be written about the Williamstown cemetery. It is one of the oldest cemeteries in the state. I recently obtained a copy of that book entitled *Buried by the Sea*, which was first published in 1990. It is a very informative read. It tells much about our area's local history.

The location of the original cemetery was down on Gellibrand's Point, which was first established in 1842. The history documented in the book talks of it being a graveyard for sailors, bay pilots, ships' captains and other men of the sea, and their families who were left ashore. After the original cemetery was ruled to be of an insanitary nature, the new cemetery was established on Champion Road in Williamstown North in 1858. You can appreciate, with that level of history, that today the cemetery is not only a resting place for people of our town, bound up with individual and collective symbolism and meaning, but also a symbol of community and it is very much a repository of local history. *Buried by the Sea* is very much a testament to people like John Patterson and the other trustees that have made the Williamstown cemetery what it is today.

This is an important bill. It is one that I am very keen to support. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on this important bill, the Cemeteries and Crematoria Amendment Bill 2009. I will provide some background to my presentation. In a previous life I was The Nationals' spokesperson for health. Between 2004 and 2005 the Labor government tried to change dramatically the running of voluntary cemeteries in country Victoria. This came about when the state trustees authority came forward with four models. This was going to collapse all the work that was done by volunteers in running their local cemeteries. There was a major uproar across Victoria at that time. I am pleased to say that, working with the then parliamentary secretary, we were able to push the then Minister for Health to change her decision. She had been planning on following one of the recommendations of the state trustees authority to collapse all the great work of those volunteers across Victoria.

As we know — it has been said by the member who spoke before me — there are some 520-odd public cemeteries right across Victoria. Most or all of these cemeteries are currently governed by volunteers. All have the same statutory governance framework, regardless of their size or the scale of their operations.

This bill will develop two classes of cemetery: class A and class B. I want to particularly focus on the country cemeteries. What was being planned by the previous Minister for Health was to ditch all these people — excuse the pun — and to remove these volunteers from the running of their local cemeteries. That would remove all of the existing local knowledge and remove all of the history that these people had built up over time. The volunteers go to enormous effort supporting the families within their communities in the very difficult time of arranging the burial of family or friends. As we know, cemeteries are also a depository for the history of a region. Whether you go down to places just south of Casterton, like the town of Sandford — —

Mr Andrews interjected.

Mr DELAHUNTY — Or Drik Drik, but Sandford particularly. I was visiting Sandford with my wife one day, and we found the burial sites of the Henty brothers, the first permanent settlers in Victoria. My wife loves visiting cemeteries, looking at some of these historical sites.

A couple of years ago we had a big windstorm that did enormous damage to the Lake Bolac cemetery. It removed all the trees around the cemetery and with a bit of support from this government, after a lot of work by the good local member and the member for Ripon at that time, we were able to get some support to help those people. At the time the minister said, 'They have got their own funds'. They were having between five and seven interments a year at Lake Bolac. We got some assistance from the Deputy Premier at that time to provide some support to the Lake Bolac cemetery.

I return to this bill, which amends the Cemeteries and Crematoria Act 2003 to further provide for the management and constitution of cemetery trusts. As I mentioned, the main provisions are to create two classes of cemetery trusts, class A and class B. The class A cemetery trusts will have enhanced functions and accountabilities set out in the bill. The class B cemetery trusts, which represent smaller cemeteries, remain essentially unchanged. We welcome that, and

that is why we on this side of the house are not opposing the bill.

The class A trusts will also have to establish community advisory committees. I know the departmental secretary will have the role of providing guidance on how that will be done, and also the membership. There are still unanswered questions. What geographic area will the class A trusts cover? Irrespective of whether it is the whole of Melbourne, there are many unanswered questions in the legislation, and we are waiting for the details.

We know there will be three regional class A trusts at Bendigo, Ballarat and Geelong. A new one will also be established by combining the Mildura and the Murray Pines public cemeteries. They will be transferred from the Mildura Rural City Council to a new class A trust. What advisory committee will be involved there? Will it cover across the border to the Wentworth shire in New South Wales? Will it go across into South Australia, because there is no doubt that the cemetery covers a large area of the region? We are waiting to see some of the detail.

Mr Andrews interjected.

Mr DELAHUNTY — Yes, but these committees deal with burying people from New South Wales. Are they going to be involved with the advisory committee? We would love to know that.

Dr Napthine interjected.

Mr DELAHUNTY — That is true. Again, there are some border anomalies, which the member for Murray Valley likes to talk about. He is not here tonight, but we know the reason. I am sure the member for Murray Valley will make it out to be a border anomaly.

I want to talk a bit about the Mildura and Murray Pines public cemeteries. For a couple of years I was involved with the area in my role as a chairman of commissioners. When I arrived there the Mildura cemetery was nearly full. Some work had been done to establish the new Murray Pines cemetery, although it was minimal. Establishing a new cemetery involves an amazing planning process. We had to go through the consultation phase, which was a lengthy and arduous process, but thankfully we got there.

I also want to talk about the annual levy. T-a-x is how the Labor government spells the word 'levy'. We have a fire services levy, which is really a fire services tax. We are calling this an annual levy on class A cemeteries. It will be between 3 per cent and 5 per cent of gross earnings, and will be payable into consolidated revenue. It will not go to anything else. We want to see the details, because in reality we understand it will go into consolidated revenue. This is really a new death tax.

Mr Andrews interjected.

Mr DELAHUNTY — The legislation says it goes into consolidated revenue. Proposed new section 18Q(5), which is to be inserted into the Cemeteries and Crematoria Act by clause 21, states:

> The minister must ensure that all amounts paid as levy are paid into the Consolidated Fund.

That is a major concern. As a lot of people have said, it is a death tax, which is unfortunate.

Some of the work to be done by the class A trusts includes supporting class B cemetery trusts. I will be interested to see how that will work in country Victoria. The minister knows there is a good funeral director in Hamilton called Greed and Sons. I have been to forums run by a young lady who works with the company. The forums advised a lot of the smaller cemetery trusts around Hamilton about the operation of the bill and how they can work together and support each other with equipment like microphones and that sort of thing. Good work is done by a lot of the major funeral directors to support the country cemetery trusts in western Victoria. I will be interested to see how the class A trusts will support the class B trusts. How far will they go? Will it be 100 kilometres or 200 kilometres? They will have to go a long way, because the closest class A trust in western Victoria is about 3 hours drive from where we live. I will be very interested to hear the minister's advice about that.

The minister has talked about the so-called levy — or tax — and where it is going to go. We know it will go into consolidated revenue because that is what it says in the act. We are interested to know whether he is going to set up another advisory committee to manage the money, or will it be managed by the minister or by his department?

I have asked some questions as part of my contribution, but overall I congratulate the volunteers in the many cemeteries in the Lowan electorate for the enormous amount of good work they do. All the funeral directors in my area are good. I know that because I am closely related to some of them. They do a lot of good work helping people through very difficult times. With those words on behalf of the Lowan electorate, I say again that I am not opposed to this legislation.

Ms BEATTIE (Yuroke) — I rise to support the Cemeteries and Crematoria Amendment Bill 2009. The bill arose from a request by the Secretary of the Department of Human Services to the Auditor-General's office to undertake a review of cemetery trusts. A report came to the Parliament under the Financial Management Act 1994, and the final report was tabled in the Parliament in July 2006. That report identified a number of inappropriate practices, if you like. Recommendations were made by the Auditor-General on how the governance and administration of the cemetery trusts could be improved, and there we have the genesis of the bill.

Currently, there are 522 public cemetery trusts in Victoria supported by more than 3000 volunteers. Members on this side of the house thank each and every one of those volunteers who have worked on those trusts. We value their contribution. It has been a great contribution to the state's cemetery sector for over 150 years, and this government is committed to continuing that great tradition.

I want to refute a couple of points made by the member for Evelyn. She thought there should be a third metropolitan trust for the eastern region. She said the region has very little in common with the western and northern areas because of the mausoleum-type structures in those cemeteries. I completely refute that. To establish an eastern region trust would not be in the best interests of the sector as it would result in the creation of another small trust, if you like, in comparison to the other new trust, and it would not have the capacity to meet the challenges outlined in the SSA (State Services Authority) report and the Auditor-General's report. We would be creating the very thing that we are trying to correct. That is a nonsense, in my view.

To say that people in the western and northern areas like mausoleum-type cemeteries shows a general lack of knowledge of those areas. If one were to go out to, say, the Fawkner cemetery, one would see it is a very mixed cemetery. There are quite simple graves, there are lawn graves, and yes, certain sections do have large mausoleum-type graves. To make the rash generalisation that people in the western and northern areas like great mausoleums is just a nonsense. I would be doing people in those areas a disservice if I did not refute that, because they reflect every portion of the population. There are cultural, religious and family aspects involved in the type of funeral people want and choose.

Mr Noonan — It sounds like something Robert Doyle would say.

Ms BEATTIE — Indeed. But it is rude to take up interjections.

The 2007 State Services Authority report into the cemetery sector proposed the amalgamation of all 522 public cemetery trusts into a single cemetery authority, but the government is firmly of the view that the small to medium trusts are well-run entities which perform an important and necessary service for their local communities. As such, the bill does not propose to remove volunteers from administering the vast majority of Victoria's cemeteries, and this government does not plan to drastically reduce the number of trusts. It is a policy that is supported across the sector and it is supported by the Cemeteries and Crematoria Association of Victoria and many serving trust members.

I would like to refer to the details of the bill. It creates two classes of cemetery trust. They are described as class A and class B cemetery trusts. The overwhelming majority of trusts will be class B trusts. These trusts will continue to be governed by volunteers and their statutory framework will remain essentially unchanged. The major changes proposed by this bill relate to the 14 large cemetery trusts which currently report to Parliament under the Financial Management Act. It was these 14 major trusts which were the subject of the 2006 Auditor-General's review and which have the greatest need for an improved regulatory and governance framework.

Cemeteries and crematoria are not a subject we often turn our attention to, but often when we do turn our attention to them it is in times of great distress and need. That is why we have to have a strong regulatory framework governing them, so that they have good corporate practices and good governance practices and people are not taken advantage of in their time of need. The Greater Metropolitan Cemetery Trust will comprise the current Fawkner Crematorium and Memorial Park, which I referred to earlier, one which the member for Williamstown talked about, the Altona Memorial Park, the Keilor Cemetery Trust, Preston Cemetery Trust, Wyndham Cemeteries Trust, Anderson's Creek Cemetery Trust, Lilydale Cemeteries Trust and the Templestowe Cemetery Trust. Of course the Southern Metropolitan Cemetery Trust will comprise the current Cheltenham and Regional Cemeteries Trust and the Necropolis at Springvale.

Time prevents me from going into many more details, but in addition the existing Ballarat, Bendigo and Geelong cemetery trusts will be converted to class A trusts and a new class A trust will administer

those cemeteries currently administered by the Mildura Rural City Council.

I would like to thank a couple of people, if I may. I would like to congratulate the current Minister for Health. I know he worked tirelessly when he was Parliamentary Secretary for Health with the cemetery and crematoria sector to get this bill through and that he consulted widely — not just with the main cemeteries but with smaller sectors of the industry. I am sure the member for Williamstown will know the very active Labor graves trust. I know the former parliamentary secretary, now Minister for Health, worked with Trades Hall and with the Labor graves trust to seek its views, so he worked with really small but very important entities.

Dr Napthine interjected.

Ms BEATTIE — I ask members to disregard the inane interjections of the member for South-West Coast and to view cemeteries, if you like, as part of our history. When you go to a cemetery, as the member for Lowan pointed out, you can see family history. If you go to smaller cemeteries in smaller towns, you can often see the history of the town laid out there. You will see graves with whole families in them as a result of epidemics which went through those towns in previous years.

Cemeteries and crematoria are part of the history of the state and should be treated with respect. I know the government has done that. I know the former parliamentary secretary and current Minister for Health did consider all those things and travelled widely, and that is why this bill comes to the house with the support of all the sectors. That is why the Liberal Party and The Nationals, for all their bleating, must support it — because it has the support of everybody in the sector.

With those few remarks I commend the bill to the house. I know this bill will take us forward into the future so that there is proper governance and a proper regulatory framework around cemeteries and crematoria. I commend the bill to the house.

Mr MORRIS (Mornington) — It is a pleasure to make some comments on the Cemeteries and Crematoria Amendment Bill in what has been, appropriately, a very civilised debate so far.

Essentially this bill is about structure; it is about the constitution and the management of cemetery trusts; it is about improved practices for the major metropolitan facilities, the smaller local facilities and the bigger trusts in both the metropolitan area and rural and regional Victoria. The proposed structure essentially updates the old model, with many of the features that have been familiar to generations retained in the new model. Trusts, of course, are still called trusts, although, as we have heard, they are being divided into class A and class B trusts. I have to say that I am not sure the new metropolitan trust in particular is anything like the trusts of yesteryear. It is certainly a very different sort of trust to the one I served on — the Mornington Cemetery Trust. But it is recognition, and it is entirely reasonable recognition, that these are substantial operations. There is a perhaps almost unique expectation in the community about cemeteries and cemetery trusts that they will remain in perpetuity.

Consideration of the bill follows two substantial reports on the sector. These are the Auditor-General's *Review of Major Public Cemeteries*, presented in July 2006, and the State Services Authority's *Review of Cemetery Trusts — Final Report*, presented in June 2007. The Auditor-General's report recognised the enormous diversity in scale of the operations of cemetery trusts. As has been mentioned already, there were 14 trusts covered in that report. Of course these were trusts subject to the Financial Management Act, and I understand that 14 trusts are still subject to that act. In other words, the trusts are required to prepare their financial statements and have them audited by the Auditor-General. That contrasts with more than 500 trusts that are not subject to those requirements.

The recommendations in the Auditor-General's report dealt largely with financial management issues. As the executive summary tells us, the audit disclosed that many of the cemeteries that were reviewed did not have established processes, business planning or risk management. There was a lack of proper mechanisms to review what the Auditor-General referred to as 'organisational achievements against planned results' — anyone who has been in business would talk about actual and budget. The report dealt with whether they had effective information and reporting systems, proper internal audit functions — all very important parts of these large organisations — codes of practice and so on. It pointed out that there were also issues about pricing, issues about the shortfall in maintenance funding that might be required. It found that there were issues about governance, reimbursement of expenses for volunteers, appropriate staff remuneration, appropriate processes for the procurement of goods and services and so on. It is also fair to say that the report was largely compiled prior to the commencement of the current act. That disclaimer needs to be made.

The serious outcome of all of this was the further review that was recommended by the Auditor-General's department. It suggested that the

State Services Authority or another relevant authority have a look at the appointment and tenure arrangements for trust members. That report came out in 2007, and it flagged four options. Model 1 was to have a single authority, reducing the 522 trusts to one. Model 2 was to reduce the number of trusts to eight. Model 3 was a modified status quo which involved some governance changes and tweaking around the edges, but not much overall change. Model 4 was the status quo. None of those options bear any resemblance to what is before us in this bill.

I agree that the minister has a right — some would say he has a duty — to present to the Parliament a structure which best serves the state and the interests of Victorians; I do not argue with that for a minute. But he certainly should not blindly accept the advice of a body, however qualified. But I do note, and perhaps the minister might pick this up if there is an opportunity when he is summing up the debate, that there has been no real explanation to the house of the reasoning behind the decision not to go with one of those four models. I think there was some explanation in the press release that came out but nothing has been said in the Parliament, and that might be useful.

The actual structure of the trusts that have been created has been commented on by others, and I will not run through all of the details again. The class A trusts will be the Greater Metropolitan Cemetery Trust, which will be composed of eight already substantial trusts; the Southern Metropolitan Cemetery Trust, which will comprise the Cheltenham trust and the Necropolis; and the existing Ballarat, Bendigo and Geelong facilities, plus the new Mildura Cemetery Trust.

The issue that has been raised again and again is the enormous Greater Metropolitan Cemetery Trust. I understand that the decision has been made on economic grounds that that concerns the size that is required. But it seems to me that rather than having one trust covering cemeteries stretching from Werribee across to Yarra Glen and Healesville, it could perhaps be divided up into Wyndham, Altona, Fawkner, Preston and Keilor cemeteries on one side and Andersons Creek, Lilydale and Templestowe cemeteries on the other side. I hasten to say I have forebears in both groups. It is understandable if it cannot be done economically, but we are creating a structure that essentially has no direct link geographically to the communities it serves, unlike Ballarat, Bendigo, Geelong, Mildura and even the southern metropolitan area.

The State Services Authority identified the need for a sustainable source of funds, as did the Auditor-General. They did not identify the need for a levy. Proposed new section 18Q makes it clear that this is not a levy about improving the circumstances of trusts. It has been perhaps uncharitably described as a grab for money or a death tax. I do not particularly want to go down that track, but I make the point that the Cemeteries and Crematoria Association of Victoria letter said that the minister had given an undertaking that all the funds would be spent. I appreciate the undertaking, but if it is good enough for the minister to give an undertaking, it should be put into the legislation. That is the problem with the structure proposed. There is no guarantee; there is no hypothecation, and any budget decision could take that revenue stream away.

In conclusion, as the member for Caulfield has already indicated, the opposition will not oppose the bill. It is an outcome for the community that is a big improvement on what is currently in place. Unfortunately it is not the substantial improvement it could have been. I have genuine concerns about the scale of the proposed large metropolitan trusts and the lack of a genuine link between them and the communities they are intended to serve.

Ms RICHARDSON (Northcote) — It is my pleasure to rise to speak in support of the Cemeteries and Crematoria Amendment Bill 2009. This bill seeks to make amendments to the Cemeteries and Crematoria Act 2003 and ensure that the Victorian cemetery sector will meet the expectations of the Victorian community now and well into the future.

The bill proposes a range of changes. The first is to differentiate between small and large cemetery trusts. The class A cemetery trusts will primarily be the large cemetery trusts that report to Parliament under the Financial Management Act. The purpose behind this amendment is to ensure that class A trusts assume a governance role rather than a management role. Other trusts in Victoria will be grouped in class B trusts. There will be no changes to the current structures or operations of the small and medium metropolitan trusts within class B. They will continue to be governed by volunteers across the state. The majority of trusts fall into the class B trust category.

The bill also establishes three new class A cemetery trusts. There will be two new metropolitan cemetery trusts and a new Mildura Cemetery Trust. These trusts will be made up of remunerated members and chair persons who will be appointed by the government. The two metropolitan cemetery trusts will be the Greater Metropolitan Cemetery Trust, which will comprise the Fawkner Crematorium and Memorial Park, Altona Memorial Park, Keilor Cemetery Trust, Preston

Cemetery Trust, Wyndham Cemeteries Trust, Anderson's Creek Cemetery Trust, Lilydale Cemeteries Trust and Templestowe Cemetery Trust.

The second new metropolitan trust will be the Southern Metropolitan Cemetery Trust, comprising the current Cheltenham and Regional Cemeteries Trust and the Necropolis.

The bill also seeks to enhance the governance and administration of the sector. Among these changes the bill introduces an annual levy to the class A cemetery trusts, and it fixes the initial levy rate at 3 per cent of the gross annual earnings of the class A trusts. This levy will be used for practical ongoing measures to support cemetery trusts in carrying out their roles, and it will improve the cemeteries administration on the ground. For example, governance training will be provided to members of trusts across the state, which will be an improvement on the current set of arrangements, and there will also be major records management rolled out across the trusts to improve their systems. This will enable the trust to identify problems and ensure that the records are kept in order for years to come.

The levy will provide a sustainable source of funds for the small cemetery trusts across the state. This will be particularly advantageous for trusts in rural areas. There will also be the development of a standard plain English set of documents to be used by trusts in selling their products and services and the improvement in their data systems.

The opposition has made some disappointing comments in respect of the new levy. For opposition members to come into this place and describe this new levy, a levy that is clearly designed to support the work of trust members, as a death tax does them no credit whatsoever. Opposition members issued press releases. I refer to a press release from the member for Caulfield, who is reported to have said on 13 August:

> This new Brumby death tax will hit bereaved families at their worst time.
>
> There is something very wrong when John Brumby is no longer content to tax the living but is now determined to tax the dead as well.

To describe this levy in this way, to try to scare the community in this way and to play politics in this way leaves us in no doubt as to why the wider community regard the opposition as poorly as they do. The member for Caulfield should immediately apologise, and I think she may have done so already. She should resign from shadow cabinet immediately for issuing such a ludicrous series of statements.

However, tonight in the house we have seen the member for Lowan wander down the hypocrite's road. He came into this place and dealt with the bill by talking about it being the death tax, and yet in a press release posted on The Nationals website he praised the bill at length. He talked about how the amendments would be of enormous benefit to rural trusts and that the changes being made were to the benefit of all the local communities. But the member for Lowan comes in here and talks about the levy that will be there to support those trusts in the rural and regional community as a death tax, and then he announces that he will be supporting the bill. Nonetheless, he has flip-flopped all along the way until he reached the ludicrous position of the press release that is posted on The Nationals website for all to see.

I note that in respect of the levy, the Cemeteries and Crematoria Association of Victoria (CCAV) speaks of the levy in the following way:

> The CCAV supports the minister's undertaking that the money provided through the levy will be reinvested into the cemetery sector for further education, provision of equipment and general improvements to cemeteries and the industry into the future.

That is what the industry says about the levy and the changes that are being made under this bill. Obviously we should pay far more heed to that than to anything said by members opposite about the bill before the house.

These changes stem from a report prepared by the Auditor-General and the State Services Authority on the sustainability of Victoria's cemetery sector. It also followed the government's recognition that it was no longer appropriate to rely on volunteers to govern what is a large, multimillion-dollar public cemeteries operation.

These reforms will strengthen the expertise and accountability of cemetery trusts, and in doing so will meet the community's expectations about the trusts and their operations. The cemetery trusts will continue to serve the diverse cultural and religious needs of their communities and will be required to establish community advisory committees to ensure that the community's expectations and needs are being met.

I take this opportunity to commend the work of all trust members. There are more than 3000 members across the state whose work to date has been commendable. I take this opportunity also to say that they do the work that they do in the fashion that they do without looking for thanks on behalf of the community and on behalf of

all of us. They are to be warmly commended by each and every one of us.

I understand the bill is supported by both sides of the house. It is to be commended for the way it has been put together. Hopefully it will have a speedy passage through both chambers of the Parliament.

Dr NAPTHINE (South-West Coast) — It has been said that there are only two certainties in life, and they are death and taxes. This bill delivers on both. This bill delivers a tax on death in the state of Victoria, and that money has to be — —

The ACTING SPEAKER (**Mr Nardella**) — Order! The time has come for me to interrupt the business of the house. The member for South-West Coast will have the call on this bill when it is next before the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (**Mr Nardella**) — Order! The question is:

That the house do now adjourn.

Rosebud: foreshore

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Environment and Climate Change regarding the Rosebud foreshore. I am asking the minister to come down to Rosebud to inspect the disaster on the foreshore on what was once a beautiful place. I have written to the minister seeking his response and his action on this very important issue for the people of Rosebud.

The foreshore at Rosebud has been washed away at the rate of 1 metre per week over the last few months and a lot of it has just disappeared into Port Phillip Bay. The erosion has left a sharp 1 to 2-metre drop straight onto rocks and rubble below, and the rocks and rubble that have been exposed by the tide action have left the beach ugly and in a very dangerous state. In addition, the rocks have been moved along the beach towards McCrae. Probably the best feature on the Mornington Peninsula has now been ruined by the erosion of the Rosebud foreshore, which is travelling east with the tides.

The beautiful boardwalk east of the pier is now in danger of being washed away. The incredible wave action which has occurred recently has washed into the foreshore itself and the foreshore vegetation is dying due to the salt water intrusion.

Repairs had been made to the head of the Rosebud pier, but they have been washed away too. The wave action has come in and washed the rocks away. Some overhanging rocks remain, but they are held up only by mortar and represent a danger to young children who might climb onto those rocks. Metres of previously buried drainage pipes have now been exposed and are open to further damage by wave action and vandalism.

Inland from the beach a huge number of overgrown pest plants and bushes and many dead and vandalised trees are just lying on the foreshore, right up against the houses. They pose a real fire threat.

The once beautiful Rosebud foreshore is an absolute disgrace; it is a mess and it is no longer the attractive place that it once was. I ask the minister to come down to see it. He will be surprised at the degeneration of the foreshore, especially over the last few months.

Clyde Road-Centre Road, Berwick: traffic lights

Ms GRALEY (Narre Warren South) — I rise tonight on behalf of the people of the Narre Warren South electorate to raise a matter for the Minister for Roads and Ports. The action I seek from the minister is consideration of safety treatment at the Clyde Road and Centre Road intersection in Berwick. This area is one of the fastest growing in Victoria with numerous schools in the vicinity. Traffic on Clyde Road has significantly increased in recent years, particularly since the opening of the Hallam bypass and the incredible housing growth along both sides of the road. Clyde Road is a major road in the local area and duplication has made it a very good road to use.

I have been contacted by many residents about traffic congestion, delays and dangerous driving practices associated with long waits at the intersection of Clyde Road and Centre Road. With the volume of traffic travelling through the intersection of Clyde Road and Centre Road, residents are concerned about the possibility of crashes due to the lack of traffic signals. Residents have witnessed many near accidents and believe that vehicles and pedestrians are at constant risk of being involved in an accident. There have already been several casualty crashes and at least one has resulted in serious injury in very unfortunate circumstances.

Many residents believe the safety of this intersection could be improved with the introduction of traffic

signals. Turning arrows would further enhance the flow of traffic and provide for less risky conditions.
Mr Bruce Docker of Berwick has been in regular contact with me about the problems associated with the Clyde Road–Centre Road intersection. Mr Docker himself recommends that traffic lights be installed at the intersection of Clyde Road and Centre Road. These lights, according to Mr Docker, could then be coordinated with the pedestrian lights on Clyde Road, which are located to the south of the intersection. It is Mr Docker's view that if these lights were installed, traffic would flow better in that part of Berwick, especially taking into account the fact that there are three schools within 500 metres of these intersections, resulting in a greater volume of traffic flowing through Clyde Road and Centre Road.

I really appreciate Mr Docker's input and advocacy on this issue. I am a regular user of this intersection, and I can vouch for the long waits associated with trying to turn from Centre Road into Clyde Road. Our government has done a terrific job of duplicating Clyde Road, and lots of cars are using it every day. Some extra safety treatments would add considerably to the traffic comfort and livability of local community members, especially the mums and dads who are taking their kids to school. I therefore call on the Minister for Roads and Ports to request VicRoads to investigate installing traffic signals at this intersection.

Buses: shire of Southern Grampians

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Public Transport. The action I seek on behalf of the people of my electorate is for her to assist in making changes to help people in western Victoria to use public and private buses to meet their transport needs.

The example I want to use relates to matters that have been raised with me by Cr Albert Calvano of the Southern Grampians shire at Hamilton, who has contacted me regarding the timetables of the V/Line or Trotters bus services, which operate from Mount Gambier to Ballarat. The other line is the Premier Stateliner bus service, which operates the road coach services from Adelaide to Mount Gambier.

The problem is that Premier Stateliner services, and there are two of them — one goes via the coast and the other goes inland — leave Adelaide and arrive at Mount Gambier at 2.30 p.m. Therefore if people are wanting to come from Adelaide to Hamilton, they catch the bus, get to Mount Gambier at 2.30 p.m., but 5 minutes earlier the V/Line service has left Mount Gambier to go to Ballarat.

I have written to the Minister for Transport in South Australia, the Honourable Patrick Conlon, and asked if he could move one of those bus services forward 20 or 25 minutes to enable people to travel from Adelaide through Mount Gambier into Victoria. This would assist people represented by Cr Albert Calvano in coming across from South Australia into Victoria.

I have also been contacted by people in Kaniva on the Western Highway, roughly halfway between Adelaide and Melbourne. The V/Line bus services come from Nhill down to Melbourne, but unfortunately people from Kaniva, which is another 20 minutes west of Nhill, have to drive in and catch the bus very early in the morning. What they want to be able to do is use some of the private bus services that come through Kaniva from Adelaide to Melbourne.

During the inquiry by the Rural and Regional Committee into rural and regional tourism a recommendation was made that the state government allow these private operators to pick up and put down passengers travelling on routes between Melbourne and other capital cities. Therefore again I call on the minister to assist in moving forward some of the changes concerning transport services, particularly bus services, that were proposed by the Rural and Regional Committee and support these people in Kaniva.

Again I reinforce that transport is a big issue in country Victoria, particularly in western Victoria — the largest electorate in the state — and many of these people rely on public and private bus services to get around. The key problem is the bus services from Adelaide, through Mount Gambier to Hamilton. Those people would be assisted greatly if the minister could, as I did, lobby the South Australian minister to make changes to suit them.

Schools: illuminated speed signs

Mr TREZISE (Geelong) — I also wish to raise a matter with the Minister for Roads and Ports, and may I say that he has done a very good job since he has been in the portfolio, especially in the area of road safety.

The issue I raise relates to the ongoing rollout of the electronic speed zone signs at school crossings. As this house is well aware, and you are well aware, Acting Speaker, it was this government that took the initiative of introducing speed restriction zones around our schools — both primary and secondary — from the beginning of the school year in 2004. The member for Lowan claims it was Nationals policy, but I can assure him it was not. It actually came out of recommendations made by the Victorian parliamentary Road Safety Committee, so I give credit where credit is

due. It is an initiative that was welcomed by school communities across Victoria, and it has made our school crossings the safest in Australia.

The action I seek is for the minister to ensure that the flashing electronic speed zone signs are erected or progressively rolled out to as many schools as possible that do not have such signage at the present time. It was this state government that introduced the restriction zones around schools in 2004. Originally the electronic signs were installed on crossings that were on major roads and that were on the roads that had 100-kilometre-an-hour speed restrictions on them. Since that time VicRoads has progressively rolled out these signs on a systematic basis, taking into account the nature of the road, the speed limit and the number of cars that traverse the school crossing on any particular day.

In recent months I have met with a number of parents in the Geelong area of my electorate who have organised themselves and are seeking to have as many as possible of these signs erected across the Geelong region. I commend them for their work because as a parent myself, and as a person who has been a school council president over many years, I understand the priorities of parents and their concerns about their children using the crossings. Although school crossings in Victoria are very safe, we should not rest on our laurels because there is always the potential for catastrophe to occur, and as a government we recognise that fact, as does the minister, and I know he is committed, as is VicRoads, to rolling out the electronic speed signs.

Electricity: smart meters

Mr MORRIS (Mornington) — The matter I raise this evening is for the Minister for Energy and Resources, and the action I seek is that the rollout of the new electricity interval meters — often referred to as smart meters — does not result in any Victorian consumers losing access to an off-peak tariff.

Members will be aware that the rollout of meters is now under way, and I understand it is intended to be completed by 2013. The crux of the problem seems to be that while some of the new meters will have two separate elements and therefore the capacity to track two different tariffs — measure peak and off-peak usage, for instance — it would appear that not all will be in that position.

I am told SP AusNet, Powercor and possibly Citipower will be installing the two-element meters in situations where existing customers have an off-peak requirement, while Jemena and United Energy, on the other hand, are not planning to make that facility available. There are, of course, additional issues where a customer has solar panels on their roof and may want to feed excess power back into the grid, and that is even more complicated if there is off-peak power.

In making this request to the minister I want to make it clear that I am not under the misapprehension that the minister is in fact the regulator. I recognise that the minister is not the regulator; I am simply asking him to have a look at the possible consequences of the rollout of these meters.

In doing so I am drawing on the experience of a constituent who in 2006 had a meter installed that supposedly registered both peak and off-peak usage. His supplier at the time billed him for peak and off-peak. A year later he changed suppliers and was then told, 'No, this meter cannot in fact deliver peak and off-peak'.

Without canvassing the merits of that claim — because this is probably not the appropriate forum to deal with that particular consumer issue — as part of the process the constituent has dealt with the Energy and Water Ombudsman (Victoria), who wrote to him this year and suggested:

> … another method of seeking systemic change to the issues you have raised —

that is, the peak and off-peak, would be to contact his local member of Parliament and the minister.

Brunswick Secondary College: enrolments

Mr CARLI (Brunswick) — I raise a matter for the attention of the Minister for Education. The Minister for Education is very familiar with the Brunswick Secondary College, because before 2002 the school was in her electorate. It has been apparent for quite some time now that Brunswick Secondary College, with its enrolment capped at 850 students, is not able to respond to the current boom in education in the Brunswick-Coburg area. In Brunswick there has been a massive increase in the numbers of kids going to primary schools; in fact over the past five years there have been 190 extra enrolments in five primary schools in Brunswick.

The school community is seeking to raise the enrolment ceiling to 1000 students, which would involve investment in buildings, facilities, teachers and support staff. I am asking the Minister for Education to invite Brunswick Secondary College into the Building Futures program so that we can begin the planning

work for new building and new investment to raise the enrolment ceiling from 850 to 1000 students.

This is important and especially significant this year when there has been an increase in the choices in what is offered in the curriculum at Brunswick Secondary College. VET (vocational education and training) has been introduced this year, and next year there will be a VCAL (Victorian certificate of applied learning) program, so the school is looking at providing more opportunities in curriculum. It has a very strong Victorian certificate of education program, and obviously VET and VCAL will now be added to it. There is a strong drive in the local community and the school to see the expansion in enrolment numbers.

The school is doing extremely well, as is public education generally in Brunswick at the moment. The school has children from Brunswick, Coburg and Pascoe Vale, and it is very important that those areas be serviced and that their students be provided with a college that meets their needs. This would be a very important addition to education in the northern suburbs of Melbourne. As I have indicated, Brunswick college is doing extremely well. A decade ago it had many difficulties, but today it has hit its ceiling, as it is full, with 850 children. It can clearly expand — it has the land and opportunities to expand to 1000 students.

I therefore call on the minister to begin the process and to invite the school into the Building Futures program so that we can begin the planning work and realise what will be a really important improvement to public education in the Brunswick-Coburg area.

Mildura Base Hospital: funding

Mr CRISP (Mildura) — I raise a matter for the Minister for Health. The action I seek is the immediate funding of the accident and emergency project at the Mildura Base Hospital and a commitment to a planned and staged redevelopment of the hospital according to the master plan.

The Mildura Base Hospital was constructed in 1999 to service a population that has shown strong growth since that time. This growth is causing problems for the accident and emergency section. In particular there is evening crowding, and by 10.00 p.m. most nights the cubicles have been divided into two, the waiting rooms are jamming up with people and there are generally long waits and difficulties.

The maternity section is also an issue at the Mildura Base Hospital. There has been a rising birth rate in Victoria, and that has been reflected in Mildura. When the hospital was built, the Mildura Private Hospital also undertook maternity services, but that service was withdrawn, thus adding nearly 1000 births a year to the Mildura Base Hospital's maternity section, which is designed to deal with far fewer births than that.

The post-operative recovery area is also in need of some work. Both day surgery and conventional surgery throughputs have improved over time and the post-operative area is becoming congested. Aged-care bed blocking is another matter and an issue we have with the commonwealth government. However, the capacity of the hospital, particularly during winter, is constrained in terms of elective surgery due to difficulties in placing people in long-term care.

The Mildura Base Hospital is a public-private partnership which will revert back to the government at the end of the contract. In a few years time the site will be the government's responsibility. If the government plans to keep the current facility, investment is required now to meet the current demand and to ensure the government takes possession of a fit-for-purpose building at the end of the current contract. If the government does not wish to take over the current building, then now is the time to start planning for a new hospital. There are many in the community who hold strong views both for and against the current location. The health minister can no longer do nothing. If the government wishes to inherit and operate the current site, which is now inappropriate for the workload, action must be taken to extend the accident and emergency section as a matter of urgency and also to extend the maternity and post-operative recovery sections.

A master plan has been prepared. It includes work by architects, staff and partner consultations. The capital required to start the process is quite small, with $3 million to $4 million needed to make the building fit for purpose. Why has the Mildura Base Hospital master plan being sidelined, with the result that the public suffers? I call on the minister to make this small capital investment to make a big difference to Mildura and get the accident and emergency project and the master plan under way immediately.

Energy: compressed natural gas

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Environment and Climate Change, and the action I seek is that he meet with Mr Kevin Black of OES CNG, which has made a commitment to a major investment to kick-start the CNG (compressed natural gas) industry, especially here in Victoria. It is convinced that CNG will play a major

role in Australia's fuel future — for all the environmental, economic and energy security reasons we have been promoting.

I first met Mr Black when he gave evidence at the Economic Development and Infrastructure Committee inquiry into mandatory ethanol and biofuels targets in Victoria. He has been involved in making representations to government since 1995, and his frustration level is heading towards stratospheric. Invariably his representations have either disappeared into the black hole of the bureaucracy or somebody has commissioned another study that eventually goes nowhere. The former Howard federal government, as part of its deal with the Australian Democrats for support of the GST package, allocated $100 million for CNG, and it took less than three years to divert it all to ethanol, which was the fuel of choice of The Nationals.

The only positive support Mr Black has received at a federal government level has been minimal, but he has received support from the Victorian parliamentary Economic Development and Infrastructure Committee for which he is very appreciative. He also had positive responses when he gave evidence to parliamentary committees in Tasmania and Western Australia, but I understand their recommendations disappeared into black holes in their respective governments.

Mr Black points out that no small business can achieve a major culture change alone. OES CNG does not have vast resources at its own disposal. In recent years governments of all persuasions have poured millions of dollars into all the other fuels, including some of the more esoteric, as he puts it, blue sky technologies that have little or no potential benefits in our lifetimes. Compressed natural gas and liquefied natural gas are what he describes as here-and-now technology that offers up to 80 per cent reductions in emissions, 75 per cent reductions in operator fuel costs, huge energy security and balance of trade advantages, and the opportunity to develop new industries where Victoria, as the automotive hub of Australia, could benefit economically.

He needs to break through the dreaded cycle of polite hearings and too-hard baskets, and I am sure Minister Jennings would be the minister who would be able to do just that for him. I suggest the minister meet with him and also refer to pages 175 and 176 of the Economic Development and Infrastructure Committee's report.

Thompsons Road, Bulleen: bus stop

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Minister for Roads and Ports, and the action I seek is for the minister to agree to a meeting with a group of residents in Bulleen who are having their wellbeing, health and safety put at risk by the construction of a bus stop outside their home. It seems that the Department of Transport and VicRoads, without any public consultation, have decided to build a new bus stop in a different location to where it is at the present moment.

The first time the residents found out about this new bus stop was via a letter in the mail advising them that the decision has been made and they have to live with it. Unfortunately the position chosen is the wrong place to build a bus stop for a number of reasons. It is directly opposite a T-intersection, and it will cause difficulties for the owners entering and exiting their properties — their vision will be hampered. Cars travelling along Thompsons Road towards the city often make U-turns at the front of the properties to enter the medical clinic on the opposite side. Property values will decrease at no fault of the residents, noise levels will increase with buses braking and accelerating, and there has been no community consultation.

One of the residents wrote to VicRoads, and the response he received from the Department of Transport was an insult to him and very naive. I wish to quote from the letter that he received:

> It is noted that the bus stop … will extend over the driveway.

Here is the Department of Transport confirming that the bus will stop on his driveway. How is this person able to exit and enter his own property? I find it absolutely amazing that the Department of Transport can approve this without consulting with the residents. The letter goes on:

> The incidences of fights and vandalism are rare in this area.
>
> …
>
> Thompsons Road is a major arterial road that carries thousands of vehicles a day. It is unlikely that the increasing in smog and noise can be directly contributed to the proposed new bus stop.

I would have thought that the Department of Transport, with its expertise and knowledge, would realise that what it is saying here does not make sense. It is going to be a problem for the residents. It is going to be dangerous for the elderly couple who live in the property to enter and exit their own home. I am disappointed that the Department of Transport has not

had the time to consult with the residents to explain what is happening.

I ask the minister to start the consultation process and agree to a meeting with the residents in the hope that the Department of Transport will see that it has made a mistake and ensure that the bus stop is not constructed outside these two properties. Where the bus stop is at the present moment is not impacting on any resident, and I think it is the appropriate place to have the bus stop. I urge the minister to agree to a meeting with the residents.

South Melbourne District Sports Club: funding

Mr FOLEY (Albert Park) — The matter I seek to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. The specific action I seek from him is that he ensure his department supports the application by the South Melbourne District Sports Club for capital assistance in the redevelopment of the Clarke Shields Pavilion that the club currently operates from.

The South Melbourne District Sports Club, through the City of Port Phillip, has submitted to the minister's department an application for major capital assistance in the expansion of its now well and truly too-small clubrooms and headquarters. The South Melbourne District Sports Club is one of the most successful and community-engaged sports clubs operating in my electoral district. It will celebrate its centenary in 2012, and it would be only fitting that the assistance it seeks from the minister be delivered in a way so as to ensure that milestone is marked by the successful redevelopment of its clubrooms and facilities.

For most of the past century the club operated as the South Melbourne District Football Club with a long and proud tradition. Over the past decade the club has progressively reinvented itself through bringing into being not only its 200 senior footballers playing in the Victorian Amateur Football Association but also, more importantly, more than 1000 local families are now involved in junior football, Auskick, in2CRICKET, junior cricket, little athletics and senior athletics programs. As a result the club now operates as a model of what a community-based sporting club can do when it operates around the principles of inclusiveness and promoting healthy activity and lifestyles, focusing on participation in community engagement and building healthy citizens for the future.

The club's next stage of development would be greatly facilitated by support from the minister's department in building participation, particularly amongst girls and women, through expansion of its facilities and clubrooms to allow not only dedicated women's changing rooms but also greater storage, administration support and a general refreshment of this important community facility.

The club, through the leadership shown by the likes of Noel Jones, Kerry Boulton, Maureen McGee and Terry McGee, with funding so far committed by the Australian Football League, the City of Port Phillip, Parks Victoria and its own significant fundraising capacities, would be greatly assisted in implementing not only its plans for community engagement but also the government's plans for a healthier and more active inclusive community through community-based sport if this application were approved. I look forward to the minister's consideration of this request, and perhaps more importantly I look forward to him coming down to join us at the South Melbourne District Sports Club to make such an announcement.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Albert Park raised an application by the City of Port Phillip for a major redevelopment of the South Melbourne District Sports Club. I was happy to meet with representatives of the club and the member for Albert Park today to discuss this project. The member for Albert Park has been a strong advocate for the club and this particular project over quite some time.

The South Melbourne District Sports Club is a great club. It has a membership of around 1200 adults and juniors; think of all the mums and dads and friends who are involved in some way with this club. This is obviously one of the most significant local sporting clubs in the member's electorate, going from senior and junior footy to Auskick, junior athletics, cricket and Milo cricket for the kids.

My responsibility as sports minister in this state is two-pronged. One prong is to increase the participation rate by meeting demand and promoting a more healthy and active community. The second prong is about creating pathways — pathways for talented juniors so they can develop their skills and perhaps go on to elite sport. This project is a significant part of that. It seeks to extend the current changing rooms from one to four, including junior and women's facilities, and provide for a new social area, toilets and kitchen. As the member for Albert Park outlined, particularly when it comes to juniors and female participation, there is great scope for an increase in participation with this project.

The other impressive thing with this particular project is the sources of funding that have been secured: $100 000 from the City of Port Phillip, $250 000 from Parks Victoria and $50 000 from the Australian Football League. There is also a great level of commitment, both financially and in kind, from the club itself. This is very much a great project in a very competitive round for our majors and minors.

It is also an exciting time for Albert Park. We are moving the Victorian Institute of Sport (VIS) and athletics to Lakeside Oval, which is having a major redevelopment and will create two world-class sporting precincts: the Olympic Parks Trust and the State Sports Centres Trust. All the aquatic Olympic sports will be at the Melbourne Sports and Aquatic Centre, and track and field and VIS will be at Lakeside Oval.

Just as important as the pathways for elite athletes and those elite facilities is some fantastic redevelopment in Albert Park itself. There will be synthetic pitches which will increase participation and bring juniors and females from the South Melbourne Football Club. We are going to build some grass pitches in the new pavilion as well. Overall there will be a major improvement in community sport and recreation in Albert Park. I can assure the member for Albert Park that this is a strong application and one that my department has been involved in for some time, and it will be given very strong consideration in this current round of majors.

All other matters raised by members will be raised with the relevant ministers for their responses and action.

The ACTING SPEAKER (**Mr Nardella**) — The house stands adjourned.

House adjourned 10.34 p.m.