PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 25 November 2009

(Extract from book 15)

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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
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Minister for Environment and Climate Change and Minister for Innovation	The Hon. G. W. Jennings, MLC
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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

CONTENTS

WEDNESDAY, 25 NOVEMBER 2009

CONTENTS

Wednesday, 25 November 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that, under standing order 144, notices of motion 66 to 71, 145 to 148, 191 and 238 to 241 will be removed from the notice paper on the next sitting day. A member who requires the notice in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

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) (160 signatures).

Liquor: licences

To the Legislative Assembly of Victoria:

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

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

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

By Dr SYKES (Benalla) (349 signatures) and Mr DELAHUNTY (Lowan) (31 signatures).

Housing: Doncaster

To the Legislative Assembly of Victoria:

The petition of the residents of Manningham and environs draws to the attention of the house the lack of community consultation undertaken by the Victorian government in relation to the proposed social housing development on Tram Road, Doncaster.

The petitioners therefore request that the Legislative Assembly postpone the commencement of the development pending a thorough consultation period with the community, with the continuation of the development to be dependent on the wishes of the community.

By Ms WOOLDRIDGE (Doncaster) (134 signatures).

Trams: Vermont South line

To the Legislative Assembly of Victoria:

The petition of residents and businesses in the eastern suburbs of Melbourne draws to the attention of the house the importance of extending the Route 75 tram from Vermont South to Knox — as a public transport initiative with significant social, environmental and economic benefits.

The petitioners therefore request that the Legislative Assembly of Victoria recognise this project as a public transport priority and asks the government to fund the extension of the route 75 tram service to Knox as a part of the 2010-11 state budget and subsequent budgets.

By Ms MARSHALL (Forest Hill) (70 signatures).

Kings–Taylors roads, Delahey: traffic lights

To the Honourable Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the ratepayers of Brimbank City Council asks that the Minister for Roads and Ports, the Hon. Tim Pallas, VicRoads and Brimbank City Council, take immediate action and install traffic lights on the corner of Kings and Taylors roads, Delahey. Currently, there are no proper measures to control the safe crossing of pedestrians and traffic congestion.

And your petitioners, as in duty bound, will ever pray.

By Mr SEITZ (Keilor) (20 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (45 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 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 proposal and call on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

By Mr CRISP (Mildura) (24 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) (25 signatures).

Rail: Eaglehawk station

To the Honourable the Speaker and members of the Legislative Assembly assembled in Parliament:

This petition of certain citizens of the state of Victoria draws the attention of the Legislative Assembly to the inadequate number of rail passenger services currently available to residents in the community of Eaglehawk and adjoining suburbs.

The petitioners therefore request that the government provide an increase in the number of regular daily services from the Eaglehawk railway station and provide improved parking facilities at the Eaglehawk railway station, with the provision of important safety features including CCTV cameras.

By Mr MULDER (Polwarth) (139 signatures).

Essendon Airport: future

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria draws to the attention of the house the intention of the Victorian Labor government to close Essendon Airport.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to abandon its misconceived policy which is a threat to the location and operations of the Victorian Air Ambulance, the Police Airwing, fire fighting aircraft and other essential public and private enterprises as well as causing the closure of an important facility for rural and regional Victorians commuting to Melbourne.

By Dr NAPTHINE (South-West Coast) (154 signatures).

Housing: Ringwood development

To the honourable Speaker and Members of the Legislative Assembly in Parliament assembled:

The petition of the community of the city of Maroondah draws the attention of the house to the lack of consultation undertaken by the Victorian government in relation to the public and social housing development proposed for Larissa Avenue, Ringwood.

The petitioners therefore request that the government postpone the commencement of the development pending a thorough consultation period with the community, with the continuation of the development to be dependent on the wishes of that community.

By Mr R. SMITH (Warrandyte) (46 signatures).

Tabled.

ROAD SAFETY COMMITTEE

Process of development, adoption and implementation of Australian design rules

Mr EREN (Lara) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General's reports on:

Maintaining the Integrity and Confidentiality of Personal Information — Ordered to be printed

Managing Offenders on Community Corrections Orders — Ordered to be printed

Vehicle Fleet Management — Ordered to be printed

Water Entities: Results of the 2008–09 Audits — Ordered to be printed

Professional Standards Act 2003:

Notice of revocation of the Engineers Australia (Victoria) Scheme (*Gazette G 47, 19 November 2009)* Engineers Australia (Victoria) Scheme under section 14 (*Gazette G 47, 19 November 2009).*

CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr ROBINSON (Minister for Consumer Affairs) introduced a bill for an act to amend the Conveyancers Act 2006, the Estate Agents Act 1980, the Fair Trading Act 1999, the Owners Corporations Act 2006, the Prostitution Control Act 1994, the Sale of Land Act 1962 and the Trade Measurement (Administration) Act 1995, to repeal the Collusive Practices Act 1965, the Fuel Prices Regulation Act 1981, the Marketable Securities Act 1970, the Petroleum Retail Selling Sites Act 1981, the Petroleum Products (Terminal Gate Pricing) Act 2000, the Private Agents Act 1966, the Trade Measurement Act 1995, the Trade Measurement (Administration) Act 1995 and the Utility Meters (Metrological Controls) Act 2002, to repeal provisions of the Landlord and Tenant Act 1958 and to re-enact a provision in the Property Law Act 1958, repeal certain provisions of, and make consequential amendments to, various other acts and for other purposes.

Read first time.

MEMBERS STATEMENTS

Schools: English Online Interview program

Mr DIXON (Nepean) — Government primary schools have recently completed the English online assessment tool, which involves individual grades — prep, years 1 and 2 students — working through an online assessment program one-on-one with their classroom teacher. As good as this assessment tool might be, the Brumby government has once again fouled up implementation of the program in a number of ways.

The assessment requires a classroom teacher to spend up to 40 minutes with each child. With an average class of 21 children, the classroom teacher requires 14 hours of release time, equivalent to 3 days per class. In a school with, say, three classes each of grades prep, 1 and 2, a principal has to provide relief teachers for 27 days. That would cost a school over $6000, which is money that it certainly does not budget for and for which the government certainly does not provide.

To add further insult to schools, the out-of-touch and unrealistic minister demanded that schools bring forward the testing to October. To prove and confirm her incompetence, many schools are finding the results useless as many children are being placed one, two and sometimes three levels above or below where their teachers know they are really placed. This has caused immense confusion at a time when teachers are starting to compile data to write children's reports. The Minister for Education must take responsibility for this debacle, apologise to teachers, reimburse schools and ensure that next year's English online assessment is reliable, timely and funded.

White Ribbon Day

Ms MORAND (Minister for Women's Affairs) — Today is White Ribbon Day, and together with the Minister for Police and Emergency Services, I attended the Victoria Police White Ribbon Day breakfast and launch of the Victoria Police violence against women and children strategy. The event was held at the police academy in Glen Waverley and was attended by hundreds of people who support the need to end violence against women.

I would like to acknowledge the strong partnership Victoria Police has with the Australian Football League. There was a strong presence there this morning from AFL executives and AFL players. Andrew Demetriou gave an outstanding speech committing the AFL to continuing the good work it is doing through the Respect and Responsibility program. He has shown great leadership and personal commitment to challenge behaviour that is disrespectful of women.

The Chief Commissioner of Police, Simon Overland, spoke, and he continues to show outstanding leadership and commitment to reducing violence against women. Assistant Commissioner Sandra Nicholson also spoke with great understanding and commitment. Also attending were the Chief Magistrate, Ian Gray, and the Deputy Chief Magistrate, Felicity Broughton, and many other partners. The morning also saw new White Ribbon Day ambassadors in the Victoria Police acknowledged. Greg Champion sang a new song that he had written supporting change and stopping violence against women, which was terrific.

I commend the new Victoria Police strategy 'Living free from violence — upholding the right', and I look forward to a time when we have eliminated violence against women and children in our community. I thank all members in the house who are supporting White Ribbon Day today.

Electricity: smart meters

Mrs POWELL (Shepparton) — I have received a letter from Mr Stan Watt, the president of the Goulburn Valley branch of the Association of Independent Retirees, which sets out the association's concerns about the imminent introduction of smart meters to record electricity usage. Its concern is for senior members of the community, those receiving hospital-in-the-home care and seniors with a disability living at home.

Many seniors who are at home during the day — and who during summer use more electricity because of the need for fans or air conditioners, and who during winter use heaters — will obviously use more electricity than people who leave home to go to work. When smart meters are installed people at home during peak hours are at risk of paying higher electricity prices, usually without the capacity to pay. I do not believe the government has taken consumer interests into account or the impact on our seniors, the housebound or the unemployed.

In his report *Towards a 'Smart Grid'* the Victorian Auditor-General highlighted deficiencies in the rollout of smart meters. He warned that the cost-benefit analysis was flawed and therefore the economic benefits, consumer impacts and project risks were uncertain; that because the delays had blown out consumers would pay more for little benefit; that it was possible the benefit for industry would unfairly outweigh any consumer benefit; and also that there had been significant inadequacies in the advice and recommendations provided to government on the rollout of smart meters.

Given these major concerns, I ask the government to consider the true benefits and cost to Victorians before introducing this new technology.

Vada Cafe, Frankston

Dr HARKNESS (Frankston) — Recently, a local Frankston cafe was recognised as one of the top 100 coffee spots in Melbourne by the Melbourne Coffee Review, and this in the cafe's first year of operation. Vada Cafe is described as creating a great cafe experience in support of a great concern for the poor. It is not just a business which serves great coffee and provides excellent customer service. The cafe is the product of a vision by Pastor Rick Paynter of Gateway Family Church. It serves fairtrade coffee produced in Papua New Guinea, sells artwork produced by local PNG artists, and all profits from the cafe go to the Gateway Children's Fund to support child development projects amongst some of the poorest settlements in PNG.

Congratulations to Pastor Rick Paynter for his vision for establishing a cafe with a purpose for the poor; Pastor Frank Gere as cafe manager, the staff of Vada Café and the entire Gateway Family Church community in Frankston for making a real difference in addressing children living in extreme poverty in PNG. Vada Cafe is a worthy recipient of being named as one of the top 100 coffee spots in Melbourne.

Youth Assist

Dr HARKNESS — Victoria Police has partnered with Mission Australia to develop and run the innovative early intervention Youth Assist program in Frankston. The program offers a holistic case management service to young people who are identified as youth at risk and who come to the attention of operational police as first offenders. It targets vulnerable youth between the ages of 8 and 17 who have been referred by police, schools, parents, doctors or other partner agencies. They usually spend between 3 and 12 months in the program.

The outcomes of the program are fantastic. The rate of diversions from the criminal justice system increased from 4 per cent to 14.8 per cent. Out of 188 program graduates only 6 — 3 per cent — have reoffended.

On 29 October this program was recognised by the Australian Institute of Criminology, winning national recognition at the 2009 Australian crime and violence prevention awards.

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

Bushfires: city of Manningham

Mr KOTSIRAS (Bulleen) — I once again call upon this media-driven Labor government to take immediate steps to ensure that Manningham is fire ready for the summer period. I have had numerous residents contact my office fearful and concerned that the current conditions of our various parks are a disgrace and a fire hazard.

The areas of Yarra Flats, Banksia Park, Birrarrung Park and Westerfolds Park are very dry and the grass needs to be cut now. One particular caller to Parks Victoria was advised that because of budget cuts they can only cut the grass 15 times a year. This is a disgrace and is putting people's lives in danger and at risk.

I have contacted Parks Victoria on numerous occasions urging immediate action, but unfortunately nothing substantial has been done. In relation to Yarra Flats I received a letter from Stuart Ord, regional manager, Parks Victoria, who agrees that something needs to be done. In fact Mr Ord said, and I quote:

> The area of concern for your constituent has again been inspected and I can confirm that works including selected dead tree removal and additional fuel break slashing are being programmed for the coming months.

However, residents in Ilma Court have seen very little improvement. One particular resident, Connie, is anxious and angry that despite promises by this government to do something nothing has been done.

In relation to Birrarrung Park I received a response from Mr Philip Ross, the chief ranger, who also agrees that something needs to be done. I quote:

> Recent favourable weather has resulted in rapid growth throughout the park. Our mowing/slashing program will rectify this.

Guess what? I am still waiting! I once again call upon this Labor government to put in sufficient resources to limit the fire risk — —

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

Sri Lanka: business opportunities

Mr PERERA (Cranbourne) — I take this opportunity to inform the house about the present situation in Sri Lanka after I spent some time over there recently. Now it is almost as safe to visit as it is to visit Victoria for a holiday or business. I strongly recommend that the Department of Foreign Affairs and Trade reassess the situation and lift the travel warnings.

Sri Lanka is becoming a very lucrative place for foreign investment. Sri Lanka's relationship with India is at an unprecedented high level. Sri Lanka has established zero-tariff bilateral trade agreements with India and Pakistan for Sri Lankan products. This also extends to all products which have a 35 per cent or more value-added component within Sri Lanka.

It is my understanding that Sri Lanka is the only country on the planet with which India has such favourable trading conditions. It may well be that people of the Indian subcontinent can relate to each other better than they can with the rest of the world since they have inherited a common culture and value system. Sri Lanka is now one of the best places for businesses to locate to gain access to the markets of the subcontinent, including one of the world's fastest growing economies, India.

Sri Lankan organisations are expanding quickly in areas of business-knowledge process outsourcing. Sri Lanka has a huge number of well-qualified cost and management accountants, second only to the UK, the place where these qualifications can be obtained. Therefore a lot of accounting work has been outsourced to Sri Lanka.

In the last month the Sri Lankan IT company MillenniumIT was bought by the London Stock Exchange for £30 million to internally source IT operations which had been outsourced to an Indian company before. The Sri Lankan board of investment — —

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

Liquor: licences

Mrs FYFFE (Evelyn) — Due to the director of liquor licensing changing her mind on the application of Ms Willie Bouma of Farm Gate Wines, after providing the wrong advice in the first place, Ms Bouma has been forced to fork out a further $550

for a general liquor licence on top of the $550 already spent on a packaged liquor licence and $550 spent on a limited renewal liquor licence.

Ms Bouma's application has passed police checks, she has given the required legal notice and she has had no previous complaints against her business. Why then is it taking so long for her licence to be issued? Is the director of liquor licensing deliberately waiting so that more money can be extracted when it is time to issue the renewals for the new year when the fees increase?

Bushfires: recovery

Mrs FYFFE — Bushfire victims remain frustrated, disappointed and disillusioned with the Victorian Bushfire Reconstruction and Recovery Authority's model for recovery. It is based on command and control, where decision making is not independent of government. Local people are best placed to coordinate and decide what needs to be done and when. Government and key agencies have a vital role, but locals must be given the same.

Electricity: smart meters

Mrs FYFFE — The Auditor-General's report on smart meters highlights the inept and appalling mismanagement of this issue by the government and will result in struggling young families on a single wage having to cut back even more. It means one more meatless meal each week, one less Christmas present for the children — and that is what these 'myki' smart meters will mean to hardworking Victorians.

Plastic bags: Lancefield

Ms DUNCAN (Macedon) — Last week I had the pleasure of being part of a campaign launch to make Lancefield a plastic bag-free town. Lancefield is the first town in the Macedon Ranges to go plastic bag free, and I pay tribute to those involved in the promotion of this campaign, including local businesses, the Calder Regional Waste Management Group, Quikey Line Australia, the Macedon Ranges Shire Council, the Lancefield neighbourhood house, especially Vivien Philpott, and the Lancefield Business and Tourism Association.

As part of the launch, plastic bag-free kits will be distributed throughout the town to each household. They include a very attractive reusable Lancefield bag, a reusable Lancefield Community Supermarket bag and a key-ring tag that entitles residents to exclusive specials and a chance to win $50 shopping vouchers.

We all know plastic bags are a huge environmental problem, with over 4 billion plastic bags used by Australians each year, half of which end up as landfill while others cause injury to wildlife, particularly birds and marine life. Not using plastic bags is a simple way we can make a difference and protect our natural environment. Despite a voluntary phase-out in 2002 we continue to use billions of plastic bags a year. In addition to being manufactured from non-renewable fossil fuels, plastic bags degrade very slowly. Estimates of how long it takes a plastic bag to decompose range anywhere from a few years to a few hundred years, and they can break down into smaller, more toxic constituents which can contaminate soils and waterways. According to a report published in 2002, 47 per cent of the litter that escapes landfills is windborne plastic, much of it plastic bags. It has been suggested that one of the factors that contributed to the Bangladesh floods — —

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

General practitioners: King Valley

Dr SYKES (Benalla) — I wish to draw to the attention of the Parliament the grave concerns held by the people in the King Valley about the possible cessation of the once-per-week visiting general practitioner service. The service provided by Dr Chris Lourensz at Whitfield and Dr Clements at Moyhu has been supported by the Ovens and King Community Health Service, which has recently reviewed the costs of supporting the GP service and identified a shortfall between the GPs' contribution to the costs and the actual costs. At this stage the Ovens and King Community Health Service and the visiting GPs have not been able to reach agreement on meeting these costs, and the community health service has now informed the GPs and the local communities in writing that they will cease financially supporting the visiting GP service from 31 December 2009.

News of this decision sent a shock wave through the local community, 50 members of whom attended a meeting at Cheshunt last week to formulate an action plan. I participated in that meeting and heard many good reasons for the continuation of the GP service, particularly for people living in Whitfield and further up the valleys. A local action committee has been formed and is working with the Ovens and King Community Health Service and the GPs to retain their services.

I have alerted the Minister for Health to this issue, and I ask that he immediately investigate the issue and ensure

the continuation of this much-appreciated service. The minister has advised me that his parliamentary secretary is following up this matter. It is absolutely critical that we retain these health services in the King Valley.

Clayton Community Festival

Mr LIM (Clayton) — I rise to congratulate all the people involved in the organisation of next year's Clayton Community Festival which is to be held on 14 February 2010. Over the years the Clayton Community Festival has been an iconic community event that successfully brings together local residents from different ethnic and cultural backgrounds in a joyful festive celebration. Participants include the local traders association, schools, local business enterprises, private companies, banks, police, city councillors, charity groups and many more. This annual event has entrenched itself as an important date in the Clayton local calendar which celebrates our diversity, fosters community spirit and showcases Clayton as a great place to live, work and raise a family.

This year the festival will take place along the Clayton Road shopping strip with three stages of carnival-style entertainment and a diverse range of food and beverage stalls. Popular acts, such as demonstrations by Freestyle Football Australia, that attracted great crowds, especially children and their parents, in the past year have been booked. A Chinese lion dance will be performed and many local groups will add to this year's multicultural theme, Living as One, which coincides with the Chinese New Year celebration which happens to be on the same day. Local newspapers and community-based radio stations will be covering the event. In light of last year's 20 000-strong crowd that flocked to Clayton Road — —

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

Jewish Taskforce against Family Violence

Mrs SHARDEY (Caulfield) — Today we give recognition to the fight against family violence. In particular I would like to recognise the work of a group in my electorate, the Jewish Taskforce Against Family Violence. This is a group I have personally been very happy to support over many years. The group has been active in the community for the past 13 years. It organises and facilitates for the wider Jewish community education and awareness programs about family violence through community forums, newspaper articles and speakers addressing specific groups. The task force is a voluntary organisation comprised of professional women who come together to address the issue of family violence in the community. It offers support, appropriate information and referrals to members of the Jewish community who find themselves in vulnerable circumstances as a result of family violence. It recognises that family violence exists in every community and every culture.

The task force has worked closely with the rabbinate, Jewish Care and mainstream service providers, including the police. It has devoted many programs to school-age children, promoting the recognition of healthy relationships to ensure that young people maintain respectful relationships which in turn lead to the creation of safe, happy homes in the future. Recently the Jewish task force support line was launched. It is a safe and confidential service which allows vulnerable members of the community to reach out anonymously for help without fear of repercussions. I commend the work of this group.

Wills: legislative amendments

Ms D'AMBROSIO (Mill Park) — I rise to inform the house of the benefits that are now being derived by families in my electorate as a consequence of the passing of the amending Wills Amendment Bill in 2007. In 2006 I was approached by a local family who were the carers of a severely disabled son. I wrote to the Attorney-General and was pleased to note that he shared my concerns about the limitations of the statutory Wills Act at the time. I was very pleased to see the introduction of amendments to that act. The point of those amendments was that at the time there was uncertainty regarding the operation of the law, especially with respect to people who had never made a will and had become incapacitated and could not describe what their intentions were. The amendments to the Wills Act provided for a court to grant leave to apply for an order authorising a statutory will to be made on behalf of a person who did not have testamentary capacity. The amendments went to the notion of what the person involved would have intended their will to reflect. I am pleased to say that a recent court appearance and hearing has resulted in a positive outcome for the family involved.

Bushfires: shire of Baw Baw

Mr BLACKWOOD (Narracan) — Following the bushfires in Baw Baw shire this year, roadside trees were inspected by qualified arborists. Many were removed and others were assessed as being able to regenerate. It is now readily apparent that many of these trees will not recover and in time will fall over roads,

property fences and structures. Initial fire damage to the trees has weakened their root structures and recent heavy rain has made the problem much worse. This is an unexpected and unforeseen collateral effect of the bushfire damage to our community. Farmers and others have been progressively repairing fences and restocking their properties, only to see the residual effects further damage their financial and emotional recovery.

This is proving to have an unexpected and unreasonable impact on the Baw Baw community. The Shire of Baw Baw is receiving numerous requests for assistance and is attending to what have been identified as the highest priorities but it is limited by available resources. It is estimated that 70 kilometres of road reserve are affected, with up to five trees per kilometre — that is, 350 trees at an average cost of $1500 per tree. Making these areas safe will cost in excess of $525 000. Another 330 kilometres of firebreak roads and 1144 kilometres of non-firebreak roads need attention. The total cost will be over $2 million.

I call on the Premier to provide a special round of funding assistance for the Baw Baw shire, as fire recovery and fire preparation go hand in hand and both are of vital concern and importance to our community.

White Ribbon Day

Mr HOWARD (Ballarat East) — Today, as we have heard, is White Ribbon Day, declared by the United Nations as the International Day for the Elimination of Violence Against Women. As a community I believe we already know that acts of violence against others are never acceptable ways to express our views or vent frustrations. However, we also know that far too many acts of violence continue to be perpetrated on women, especially in domestic situations.

Today is about men standing up and saying to other men that there is no circumstance in which it is acceptable to hit a woman or be violent in any way towards a woman. I believe we have developed improved supports for women who are victims of violence and that women are becoming more empowered to seek support. Our police are better trained to step into and intervene in domestic violence situations and our legal system has improved to respond more appropriately to reinforce the message that violence against women is never acceptable. There are also anger management programs and other programs offered to help men who have violent behaviours to change.

White Ribbon Day aims to ensure that men and the broader community take a role that they can play in supporting and amplifying this message. By working together we can and must ensure that violent acts against women can and must end. Healthy domestic relationships must be based on mutual respect, and in all circumstances women should be seen as equal partners, not partners to be oppressed.

Pedestrian crossings: disabled access

Mr HODGETT (Kilsyth) — I rise to draw to the government's attention a problem affecting thousands of people with a disability, a problem that can be fixed and should be fixed by the Brumby government.

Young Samantha, known as Sam, came and met me at a community listening post last Sunday afternoon in Kilsyth in the inclement weather. Sam is in a motorised wheelchair and described the problem to me. Sam cannot reach the buttons on the traffic lights poles at intersections, so cannot use pedestrian crossings to cross the road; the poles are located too far from the sealed pavement area. For Sam to reach the buttons, she would be required to leave the footpath, which involves some significant risk. Some of the areas described would require Sam or any other person in a motorised wheelchair to leave the paved area and go onto uneven terrain — slippery, wet, sunken, rough areas where the chair can roll and topple over, slip or get stuck.

I call for the government to undertake an urgent audit of the number of such poles located at unfair, unsafe distances from paved footpath areas. Young Sam informs me she encounters this problem at 50 per cent of the poles she comes across.

As a result of this situation, Sam cannot get to her doctor's rooms on her own; she requires the assistance of another person to reach and press the buttons. Sam's mother is also affected by this problem as she uses a motorised scooter to move around the neighbourhood.

The Premier must take responsibility for this issue and fix it. A simple solution would be to pave an additional area closer to the poles, allowing people using motorised wheelchairs and scooters to get close enough to the poles in a safe way to actually reach and press the button to cross the road. I call on the government to address this problem immediately, so that Sam and other people using motorised wheelchairs and scooters can enjoy their independence and the quality of life they deserve by being able to move around their local neighbourhood with ease.

Bushfires: community reference groups

Ms LOBATO (Gembrook) — Over the past couple of weeks I have established two community bushfire reference groups to identify local requirements in bushfire preparation and response in the event of fire. The Cardinia Hills community bushfire reference group is considering matters of concern in the townships of Upper Beaconsfield, Emerald, Gembrook and Cockatoo, and the Upper Yarra community bushfire reference group is looking after areas of concern to the townships from Woori Yallock to Reefton in the Upper Yarra.

Issues raised by these groups to date have included establishing registers of the vulnerable and initiating a buddy system along with neighbourhood safer places, among others. I am grateful for the participation of the large and broad-ranging membership including local emergency services and community organisations along with regional Country Fire Authority and local councils.

Gembrook community centre

Ms LOBATO — I was very pleased to officially open the Gembrook community centre last Saturday, together with the local councillors. Congratulations to the Gembrook community centre committee of management for the enormous amount of volunteer work undertaken to receive funding and to have much-needed renovations take place. The state government contributed $110 000 through the community support fund, and the federal government, through its stimulus funding, contributed $220 000.

The community should be very proud of its new and improved community facility which will serve the needs of the multitude of user groups as well as be the venue for the numerous functions that are regularly held. Congratulations to the Gembrook community and many thanks to Minister Batchelor and Minister Albanese.

Bushfires: preparedness

Mr TILLEY (Benambra) — One of the major concerns of my constituents is that Labor simply does not understand, has not fully prepared for and is not being completely honest about the threat of bushfire that the north-east communities face.

Of the 52 towns announced earlier this year to receive bushfire preparedness funding, not one — I repeat, not one of them — was in the north-east. This is in spite of the fact that north-east Victoria has faced three major complex fires in the past decade, this despite the fact Labor has sat by and let state and national parks deteriorate into a terrible condition and has left residents to the mercy of unacceptably high fuel loads, which despite the little November rain we have received, are tinderbox dry and a fatal risk.

It came as a surprise, however, to learn the other day that the Department of Education and Early Childhood Development listed on its bushfire at-risk register no less than 30 local Benambra schools, kindergartens and child-care facilities which will be forced to close on code red, or catastrophic-declared, days the department has determined to be at high risk of fire danger.

It seems that the education department declares the north-east to be at high risk of fire danger, but other departments like the Department of Premier and Cabinet, Department of Justice and Department of Sustainability and Environment do not. The inconsistency of the government's approach to the north-east can only indicate Labor is out of control — —

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

Lift the Lid

Mr HERBERT (Eltham) — I rise to congratulate a great local resident, Ms Michelle Wright of Eltham. Ms Wright is a recent recipient of the Victorian Volunteer Small Grants scheme, having established Lift the Lid, a not-for-profit community group which aims to raise awareness in the community of global sanitation issues.

Around the world today an estimated 2.5 billion people do not have access to safe, hygienic toilet facilities. This means they lack protection against preventable diseases that claim the lives of thousands of people daily, primarily children. Unfortunately, unlike many other humanitarian pursuits, talk of toilets and sanitation often makes people feel uncomfortable. This perpetuates the problem of access to suitable facilities in undeveloped countries. Lift the Lid aims to address this problem by creating greater awareness about sanitation issues. The $3050 state grant will be used to recruit new young volunteers to work with primary and secondary schools and local communities. The grant will make possible education workshops and volunteer kits, which aim to inspire young people to lift the lid on global sanitation issues.

I cannot think of a group or person who better embodies the ethos, 'Think global, act local'. The

determined work of Michelle Wright continues a strong tradition of volunteerism in the Eltham district. This volunteerism is motivated by a passion to redress social injustice and, above all, help those in need. I wish Michelle and her team well in their pursuits.

Rail: Rowville link

Mr WAKELING (Ferntree Gully) — I once again draw the attention of the house to the Labor government's failure to deliver on its 1999 election commitment to conduct the Rowville rail feasibility study. Recent comments by a local Labor government member have confirmed that the Labor government has officially walked away from this commitment. When we think about the Scoresby tollway, the 24-hour Rowville police station, the Lysterfield Road traffic lights and the tram to Knox, it is quite clear that this Labor government cannot be trusted to deliver on its election commitments.

Bushfires: native vegetation clearance

Mr WAKELING — I would like to highlight to the house the confusion the Brumby government is creating in the electorate of Ferntree Gully. On the one hand, the government has excluded Knox residents from the 10/30 right, which is afforded residents in neighbouring areas to help them better prepare for the upcoming bushfire season. On the other hand, the Premier has recently written to many residents in Ferntree Gully and Rowville informing them that they live in one of 52 areas determined to be at high risk of a potential bushfire. This has caused great confusion for many residents who reside in the suburban areas within the city of Knox, which is a significant distance from the Dandenong Ranges National Park. It is important that the Premier clarifies which areas of Knox are at risk of a potential fire and ensure that the 10/30 right is afforded to those residents at potential risk.

Boronia Bowls Club

Mr WAKELING — I would like to congratulate Boronia Bowls Club on successfully winning the annual Sir George Knox Bowls Tournament, held at Parliament House on Monday, 23 November. I thank all the clubs that participated and helped to make the day such a great success.

Women: sexual exploitation

Mr SCOTT (Preston) — On a day when we seek to highlight and take action on violence against women it is opportune to highlight a despicable criminal industry across the world which is largely based on violence and the coercion of women. Human trafficking, particularly sexual slavery, is one of the most despicable crimes perpetrated in the world today. Criminal gangs operating in countries like Russia, Hong Kong, Japan, Colombia and some countries in Eastern Europe traffic people across borders, and sadly, this is a crime which is not unknown in Australia. Victims are often tricked and taken from their families with the promise of work, and instead they are sold into slavery and forced to work in brothels against their will, often under threats of violence and other action.

I urge everyone, including members, to take action against this despicable industry, which is a blight not only on our society but on all societies worldwide.

Keilor electorate: infrastructure

Mr SEITZ (Keilor) — On behalf of the people of St Albans and the Keilor electorate, I rise to congratulate the Minister for Roads and Ports on his recent announcement of the proposed undergrounding of the train line at the St Albans level crossing and constructing the Kings Road and Calder Highway overpass, which is now under consultation by VicRoads.

STATEMENTS ON REPORTS

Environment and Natural Resources Committee: Melbourne's future water supply

Ms ASHER (Brighton) — I rise to make some comments on the Environment and Natural Resources Committee's report, dated June 2009, entitled *Inquiry into Melbourne's Future Water Supply*. I refer in particular to chapter 4 on stormwater and rainwater harvesting, its storage and use. I point out key findings 4.1, 4.2, 4.3 and 4.4 of the committee's report for the government's consideration.

Based on scientific evidence the committee found that between 400 and 550 gigalitres of stormwater runs off Melbourne's urban catchment annually. It states:

> This is a similar or greater volume than the total annual mains water use of the city.

Not surprisingly, the committee has found there are ample opportunities for government to use stormwater and rainwater, which is not an avenue the government has chosen to use so far in its water policy.

The committee refers to harvesting of stormwater having a number of benefits, including:

> … reducing the impact of excess stormwater on waterways and flood attenuation.

The committee has pointed to environmental benefits of the use of stormwater. The committee took evidence from a range of people which indicates that this is a prime deficiency in the government's water policy. I refer to evidence put forward by Mr Andrew Allan and from Professor Tony Wong from Monash University, who are both doing excellent work in this area. I very strongly urge the government to do more work in this area to enable Melbourne to get off water restrictions.

Road Safety Committee: process of development, adoption and implementation of Australian design rules

Mr EREN (Lara) — As chairman of the Road Safety Committee and on behalf of the committee I was pleased today to table the report on the inquiry into the processes of development, adoption and implementation of Australian design rules.

Firstly, I thank my parliamentary colleagues on the Road Safety Committee for their genuine commitment and bipartisan approach in preparing this report, which is a continuation of a proud tradition of this very important committee. The committee comprises from this house the members for Benambra, Geelong, Ivanhoe, Polwarth and Rodney, and from the upper house Mr Shaun Leane, a member for Eastern Metropolitan Region, and the deputy chairman, David Koch, a member for Western Victoria Region.

I thank and acknowledge the dedicated staff of the committee for their hard work in preparing this report: namely, the executive officer Alexandra Douglas; the research officer Nathan Bunt; and office manager Kate Woodland.

At the outset I say that like previous reports handed down by the Road Safety Committee, the recommendations contained in the report have the sole aim of reducing fatalities and injuries on our roads and lessening the heartache and terrible personal burden of road trauma. As chairman I say in the foreword to the report that the vehicles we once drove compared to what we drive now have come a long way. Our expectations in what we drive have also changed. We now want our driving to be a pleasure and to be safe, not just get us from point A to point B.

Thanks to consumer demand, tough-love legislation and innovative people in the industry, vehicle design and technology have produced a quantum leap in the safety of motor vehicles on our roads today compared to those of less than two decades ago.

Unfortunately, this was not due to Australian design rules — our national regulations — which are meant to govern the safety of new vehicles sold in this country. These improvements have happened because of other factors. The fact is that the current system has delayed or prevented the introduction of a number of new safety features and technologies in this country. As a consequence there has been a widening in the gap between the safety of new vehicles sold in Australia compared with leading European jurisdictions. The fact that current Australian design rules are equivalent to an Australian new car assessment program, known as ANCAP, rating of only 1.3 stars exacerbates the problem and is very concerning to the committee.

As a result of this problem there is the risk of significant market penetration by relatively unsafe vehicles from emerging manufacturers under the current Australian design rules. This is illustrated by the 1 star rating recently given to the Proton Jumbuck and the 2 star rating given to the Great Wall SA220 and V240. It is very disappointing that the Australian design rules have failed to prevent the entry of these vehicles into the Australian market. Under these circumstances, the federal government should immediately reconsider its policy of making incentives/rebates available for vehicles with such low safety ratings.

The current Australian design rules system also exacerbates a social inequity that should be rectified. It is well known that many of our more vulnerable drivers, including the young, the elderly and those of limited means, are more likely to drive less expensive vehicles, which, given the minimal nature of the Australian design rules, are likely to be significantly less safe in the event of a crash. As I said in the chair's foreword, safety should not be compromised on the basis of socioeconomic circumstances.

The Road Safety Committee has made a number of recommendations that I believe will significantly raise the bar represented by the current Australian design rule standards and will create consultative arrangements to ensure that the standards are more responsive to technological advances in the future. I was pleased to present this report on the Australian design rules, and again I thank all those involved.

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 2)

Mr WELLS (Scoresby) — I rise to contribute to the debate on the Public Accounts and Estimates Committee's report on the 2009–10 budget estimates (part 2), which was presented to Parliament last month. The point I would like to make is that opposition

members had no choice but to write two minority reports that form part of this report, because it was the view of the opposition members — the Liberals and Nationals members — that the ALP government members were doing whatever it took to shut down parts of this report.

When it came to the north–south pipeline there were great concerns about what the government was trying to do to keep as much information as possible from the public and from Parliament. We wanted to add a key finding under paragraph 4.3. This is what it would have said:

> The committee notes the substantial public concern regarding the basis for claimed savings for the food bowl modernisation project and that as at the time of printing this report, the government has not made public the business case for the project in spite of a recommendation by the Auditor-General (in April 2008) to publish the detailed analysis underpinning the estimates of water savings and costs for the food bowl modernisation project.
>
> The committee recommends that the Auditor-General's recommendations be actioned immediately.

Despite all the squawking that takes place on the other side and despite government members being such strong supporters of the Auditor-General, when the Auditor-General brings down a recommendation the first thing they do is vote against it. They are a bunch of hypocrites, and they went to enormous lengths to hide the information that should have been published in this report.

Outer Suburban/Interface Services and Development Committee: impact of state government decision to change urban growth boundary

Mr SEITZ (Keilor) — I rise to speak on the inquiry by the Outer Suburban/Interface Services and Development Committee into the impact of the state government's decision to change the urban growth boundary. First of all I would like to thank my committee members who put in the extra time. It was a very short time frame for doing this study and report — —

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby is warned. The Chair will not be ignored, nor will the conversation across the chamber continue.

Mr SEITZ — I would like to thank from this house the members for Yan Yean, Kilsyth and Melton, and from the upper house Nazih Elasmar and Matthew Guy, members for Northern Metropolitan Region, and Colleen Hartland, a member for Western Metropolitan Region, for contributing to this report. When we started out on the decision-making process it became somewhat controversial. As a committee we came together and made five unanimous recommendations. Two recommendations were made by the Liberal Party in a minority report. That in itself shows how well the committee system is working, even in difficult situations where there is a difference of opinion and political campaigns are run during the process of the hearings.

Some 41 people presented to the committee over a period of two days. The committee received 104 submissions which represented people from all the areas that are affected by the government's proposal to extend the growth boundaries to provide land for residential development. It is an accepted fact that the growth of Melbourne has to continue and that land has to be rezoned for residential development to keep land prices reasonable and affordable for new homebuyers who move into the area and wish to establish their own homes.

The issue is somewhat emotional and started out with the big debate being whether the growth areas infrastructure contribution (GAIC) tax should be paid at the sale of the property by the seller or the purchaser of the property. During the inquiry, the minister made an announcement that has clarified the situation by saying the developer would have to pay the GAIC tax on the property when they purchase it. That has created some confusion in people's minds because most people who presented still believed that they, as the people who owned the land and who would be selling it, would have to pay the GAIC tax. The submissions highlighted that, and that is in the body of the report.

The recommendations made by the committee as a whole are absolutely sensible and anticipate that the GAIC tax is a way forward in financing the infrastructure that is needed in the yet-to-be-built suburbs that will emerge in the new area. As the member for an electorate in the interface area, particularly with Caroline Springs and Rockbank and all the big expansions there, I welcome the money that will be raised through that tax and the infrastructure that will be built. The future member who replaces me will not have to worry about and battle to have primary schools, libraries and the rest of the community facilities built 10 years after the people have moved in; rather they will be there when people settle in the area.

I commend the Minister for Planning for introducing this new tax. The legislation that we will see here shortly is an important step forward. I urge all members

of Parliament to support this progress because, whether we like it or not, people will be moving to Melbourne and will still want to live on residential suburban blocks in spite of the brownfield sites that we are using and filling up with units and high-rise developments.

People should be able to have a life choice and live the same way that I and my forebears have — on a quarter-acre block in a residential area where they can raise a family. Of course we all know Victoria, and particularly, as I said, around Melbourne, is the place to do that. We saw only last night that Ballarat has also had a big population boom and there is planning for expansion there. I commend the report to the house.

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

Mr DELAHUNTY (Lowan) — I want to make a few comments on the Education and Training Committee's report entitled *Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education*. This inquiry had a Labor Party chairman, and I read from his foreword:

> There is no doubting the importance of geographical differences in higher education participation …

The foreword goes on to say:

> Young people in some metropolitan and interface areas also face significant challenges getting to university, especially those from low socioeconomic status backgrounds.

As the shadow minister for youth affairs, I believe there is no doubt that economic barriers are a major impediment to our young people going on to higher education. In fact, only 70 per cent of country students apply to go to university, compared to 90 per cent of their city counterparts. The deferral rate is where there is enormous difference: 10 per cent of city students defer, while 33 per cent of country students defer.

Education is vital to the continuing development of our country youth, and particularly the development of our state and Australia. Students and families are distraught at developments in the last couple of days in the federal Parliament, where we have seen the federal government reject the coalition's amendment to the youth allowance scheme legislation. The federal government has completely sold out rural and regional students. Meanwhile, in the state of Victoria the ministers responsible for youth affairs, skills, workforce participation and education have stood by and let this happen. They should be ashamed.

We have had 9000 young people sign a petition calling on the Victorian government to oppose the federal government's youth allowance changes, which are an impediment to their getting a higher education. I call on the government to take note.

Drugs and Crime Prevention Committee: strategies to prevent high-volume offending and recidivism by young people

Mrs MADDIGAN (Essendon) — I would like to comment on the inquiry into strategies to prevent high-volume offending by young people, a report presented to the Parliament in July by the Drugs and Crime Prevention Committee, and I look forward to seeing the government response shortly.

There are a couple of really significant points in this report that relate particularly to dealing with children who exhibit problematic behaviour at a really early age. I have spoken previously in relation to this report on the importance of keeping children at school or in some form of education or training. Members of the committee did not meet one young person in the juvenile justice system who had not in some way dropped out of school, and I am pleased with the changes the Minister for Education has made in relation to the suspension of students from school.

Today I want to talk particularly about the recommendations in chapter 7 of the report, which deals with children and the parents of children of a much younger age. The committee made four recommendations relating to parenting and welfare. Some of the evidence the committee gathered, particularly regarding a situation in New Zealand, pointed to the benefit of working with children when they are very young. A professor at Otago University in New Zealand has done research that points to the fact that children with behavioural problems can be identified as early as grade 1 or even prep, and New Zealand has a very extensive program for identifying at a very young age children in the school and kindergarten systems who appear to have behavioural problems and for providing a range of services to assist those children, and quite frequently their families, to try to overcome whatever problems there are and try to prevent the children from presenting with greater behavioural problems as they get older, which often results in those children entering the juvenile justice system.

One of the other areas — and I acknowledge New Zealand authorities, who seem to have done a significant amount of work in this area — is the importance of parenting programs for new parents. The

committee has recommended that the Department of Human Services should expand existing infant welfare services to deliver for disadvantaged new parents outreach programs that provide regular and ongoing support from the prenatal period through to the first year of life. This service should be based on delivery models, such as the nurse-family partnership, that have been evaluated and demonstrated to be effective. The committee received evidence of a number of systems throughout the world. A very advanced system used in America involves a social worker or a worker in the field of social work living with a family for six months to assist the family in overcoming a range of problems its members might have.

Certainly some of the problems that have been identified relate to parenting skills and helping families operate in a manner which is less stressful and where problems are solved without resort to physical violence. Some of the programs put into place have dealt strongly with relationships within families and working with families to help them operate in a way which results in less stress being put on children so that children are less likely to leave home and there is less ongoing conflict.

Another issue identified in the report is the large number of children who end up in the juvenile justice system who have either intellectual disabilities or mental illnesses. This is an area that in the past has not been identified as well as it could have been, so the committee looks forward to that area being looked at as well. Recommendation 8 states:

> The committee recommends that strategies and programs to enhance parenting and family support should:
>
> > consider the broader risk and protective factors that impact upon child and family development;
> >
> > focus on the developmental and behavioural needs of children;
> >
> > focus on building on the protective factors operating for a young person and reducing the risk factors they are experiencing through their life transitions;
> >
> > be early and non-stigmatic and as far as possible kept out of the justice system;
> >
> > promote a sense of connectedness —
>
> with the broader community —
>
> > be long term and holistic and cut across multiple domains in a young person's life (e.g. families, schools, communities).

Indeed some of those recommendations have been seen to work very effectively in places about which the committee received evidence, some of which are in Victoria. We look forward to these recommendations being adopted by the government.

CLIMATE CHANGE: CARBON POLLUTION REDUCTION SCHEME

Mr BRUMBY (Premier) — I move:

> That this house accepts the overwhelming scientific consensus that human activity is causing global warming and urges effective action to reduce greenhouse gas emissions and mitigate the effects of climate change and specifically this house calls for:
>
> (1) the federal Senate to pass the carbon pollution reduction scheme (CPRS) legislation as soon as possible.
>
> (2) the international leaders gathering in Copenhagen to prepare an effective, binding international agreement to reduce greenhouse gas emissions.
>
> (3) A combined effort by Australian governments, communities and businesses to successfully implement the CPRS and make a smooth transition to a low-carbon future.

The motion before the house deals with one of the greatest challenges facing Victoria, Australia and the global community, and that is the issue of climate change. The Victorian government is committed to meeting the climate change challenge and committed to driving down greenhouse gas emissions. Our aim is to secure our future energy supply, and in doing so to ensure that our strong and dynamic economy, our great quality of life and our unique natural environment are preserved for future generations. I think it is fair to say that the coming weeks are critical.

Australia's carbon pollution reduction scheme legislation is on the table in the Senate with only days left for it to pass this year. In a fortnight world leaders will gather in Copenhagen to discuss a new global agreement for climate change, and Victoria will be represented by the Minister for Environment and Climate Change, Gavin Jennings. Climate change is a huge challenge for the state but also a great opportunity. Perhaps nowhere is this more obvious than when we consider energy. Globally the unprecedented sums being invested in clean energy generation have outstripped investment in traditional fossil fuel generation technology for the first time. Globally renewable energy from wind, solar and hydro is growing at more than 16 per cent per annum. The United States has commenced a 10-year, $150 billion program of renewable energy investment. Low-emission gas contributed 69 per cent of the growth in power generated in Organisation for Economic Cooperation and Development countries in 2007. The

G8 nations are committed to developing 20 large-scale carbon capture and storage demonstration projects by 2010.

In our own state we have added 434 megawatts of renewable energy to our supply in just the last three years. We are planning a great deal more, and I want to position Victoria as the most attractive location for investment in low emission technology. If we succeed, renewable energy production could more than double every five years for the foreseeable future, creating more investment and more jobs, particularly in regional Victoria.

Before I talk about the opportunities for Victoria and transitioning to a low-carbon economy, I want to talk about climate change itself. The weight of scientific evidence is overwhelming. Increased concentration of greenhouse gases due to human activity will produce significant global warming. Victoria is already warmer and drier as a result of climate change. We are also seeing increasing numbers of extreme weather events: drought, heatwaves, storms, high winds and floods, and as we were so tragically reminded just nine months ago, we live in one of the most bushfire-prone environments of the world. Members would have seen a report in today's press detailing how this spring the hottest average maximum temperatures in the history of record keeping have been recorded across eastern Australia.

If we are to limit the impact of climate change, we need to change the way we live and work, the way we produce and use energy, the way we plan our cities and protect our environment. That is why Victoria has called for a long-term national emission reduction target of 80 per cent by 2050 as part of a strong international agreement in Copenhagen in December.

Victoria's leadership on climate change is well established. We were among the first to call for the introduction of a national emission trading scheme as part of a global solution. We have consistently said that to be effective the commonwealth CPRS needs to deliver on three goals: firstly, to reduce Victoria's carbon footprint; secondly, to secure our energy supply for the future; and thirdly, to increase jobs and investment. The government supports the overall direction of the arrangements announced yesterday by the federal government, and we urge all parties to agree to a final package that achieves these goals. This legislation needs to be passed quickly to give certainty to business and the community. The Senate should pass these bills before Copenhagen.

The expanded national renewable energy target is also crucial to our plans for transitioning to a low-carbon economy. More support from the federal government will be needed for new transmission infrastructure to encourage and accommodate this increased renewable generation. This is critical because while our electricity generation becomes increasingly decentralised, users will still expect a reliable supply. To achieve this balance will require national planning, plus immediate and ongoing investment to provide the transmission network that we need for the future. Just as it took the inspired leadership of Sir John Monash to see and exploit the potential of the Latrobe Valley to power Victoria's growth in the information age, we need a visionary approach to redesign that system for the information age.

The global economies that will succeed in the coming decades will be those that can combine increases in their productivity with reductions in emissions. Victoria has all of the intellectual and natural resources that it needs to be a global leader in this endeavour. Victoria's transition to a low-carbon economy is already well under way. Over the past five years we have formed constructive partnerships with communities and businesses across our state to drive emissions down. We have the right policy settings to encourage innovation and investment in Victoria. We have put the right regulatory framework in place to keep the lights on and control costs to households and business, and we have been outspoken advocates for real change — for example, it was Victoria that led the debate on an emission trading scheme, hosting the Garnaut review and committing to support a national scheme. We were the first state to introduce a mandatory renewable energy target. When the former Howard government introduced a national renewable energy target of just 2 per cent, we added our own target of 10 per cent by 2016 to lead Australia and drive new investment — a target, by the way, that was opposed by the Liberals and The Nationals and by the Leader of the Opposition.

That Victorian target has supported something like $2 billion in investment and secured thousands of new jobs, but as I said, that legislation was opposed by the opposition, which committed itself to abolishing that scheme if it won government. In addition, we were also the first state to set a mandatory energy efficiency target for electricity retailers; a mandatory energy efficiency program for the biggest corporate users — that is, the Environment Protection Authority's industry greenhouse program; and the 5-star standard for new homes, which has been recently extended to all major renovations, with the states through the Council of Australian Governments now committed to moving to a national 6-star scheme.

Similarly, a global shift towards large-scale investment in fuel-efficient cars has already begun, and our investment in the manufacture of the Toyota hybrid Camry reflects our support for low-carbon transport options. I am pleased to say that the first of those new hybrid Camrys will come off the production line in December this year.

Fully electric vehicles are another area of great promise, and I want Victoria to be a leader. We will shortly commence a multimillion-dollar trial to investigate barriers to the introduction of electric vehicles. One of those barriers is battery technology, which could unlock not only the potential of electric vehicles but also of renewable energy. Finding cost-effective means of storage will be critical to allowing renewable energy to compete with conventional generation.

Our $38 billion Victorian transport plan adds more railway lines, more new services, and more bicycle and walking paths than at any time in our history since Federation. We are also promoting change through our government's major projects and purchasing policies. For example, the Wonthaggi desalination plant will be powered by 100 per cent renewable energy, and the government is on track to achieving its goal of purchasing 25 per cent accredited green power for use in government departments.

We will also help drive change by assisting communities to make sustainable choices. A good example is our premium solar feed-in tariff, which encourages families to invest in clean solar energy on their rooftops. The growth in domestic photovoltaic energy has been extraordinary, from just 1.5 megawatts from solar panels on Victorian homes in 2007 to more than 14 megawatts today, with new installations growing at a rate of more than 1 megawatt per month. Our regional solar hot water program has also been a stunning success, with the state assisting more than 16 220 households to slash tens of thousands of tonnes of CO_2 emissions each year and to cut $245 from the average yearly electricity bill.

The potential for new industries and new jobs is massive, and our government will continue to work in partnership with communities and businesses across Victoria. For example, through our Renewable Energy Support Fund we invested in the Tatura biogas plant, and we invested $2 million from the biofuels infrastructure grants in a storage facility to help support biofuel producers in Barnawartha. All this confirms that the move towards a more diverse and cleaner energy mix is well under way, but that there is still significant change to come in future decades.

The inescapable consequence of the CPRS is that conventional coal-fired electricity generators will become less competitive while gas-fired and renewable generators will become more economic to build. Under the CPRS operators of existing coal plants will have a powerful financial incentive to take steps to substantially reduce their emissions. However, the latest projections are that the proportion of our electricity from coal will drop from 94 per cent today to around 76 per cent in 2020. It is therefore likely that in the next decade at least one of Victoria's coal-fired electricity power stations will close. Today I commit that my government will not support the building of any new coal-fired power stations which are based on conventional technologies. Any new coal-fired plants will need to produce significantly lower emissions and be ready to adopt carbon capture and storage (CCS) technology.

For our state, establishing the viability of carbon capture and storage is critical. As Professor Garnaut has said, if CCS is viable:

> It could make Gippsland the centre of a major national industry, a high-tech industry of carbon sequestration …

In that regard, our government has issued geological exploration permits. We have committed $3.3 million to a pre-feasibility study of a large-scale CCS network and carbon storage hub, and we will continue to work with the commonwealth on this critical technology. I make the point that CCS is not about just coal. If the technology is proved viable and effective, CCS can help to reduce carbon emissions globally in industries such as steel and cement production. When we think of countries around the world, like China in particular, that in the next 20 years will build more new infrastructure than Europe has built in the last 200 years, we realise that that will mean huge quantities of cement and huge quantities of steel. Many commentators would say that that technology will be utilised more in these industries and indeed by energy generation by 2030–40. Our role in this state, working in partnership with industry and the federal government, is the key to assessing the viability of this technology and unleashing what could be significant new investment and jobs and also significant reductions in carbon emissions across the world.

Let me turn to gas and renewables. Gas-fired generation will play a large part in Victoria's energy future. However, we must use natural gas more efficiently. We need to promote the use of co-generation of heat and power at large industrial sites and to explore emerging technologies such as gas-fuelled ceramic fuel cells. We also need to reduce the barriers to new investment in

gas. I am pleased to say that already we are seeing significant new gas investments in our state, including stage 1 of Origin Energy's 500-megawatt gas-fired power station at Mortlake, which has a capacity for 1000 megawatts; the 550-megawatt Santos Shaw River project; and, of course, the development of the Kipper gas field in Gippsland, which holds enough energy to supply a city the size of Geelong for 60 years. The Latrobe Valley could well see new opportunities for gas investment as well as the application of clean coal technologies.

Perhaps in many ways the most exciting opportunities are in the various emerging renewable technologies. Last year, Ernst and Young identified Victoria as the state with the most active support for renewable energy and the best transmission grid infrastructure. We have bolstered that with the commissioning of detailed mapping of the best wind and solar locations in our state. Last week with the Minister for Energy and Resources I had the pleasure of opening the $230 million Bogong hydro power station. This project has created around 200 new jobs and it will add 140 megawatts of peak power capacity. It is the largest new hydro plant built in Australia for some decades. Importantly, this project also would not have proceeded without our Victorian renewable energy target. Looking to the future, our government remains absolutely committed to the growth of large-scale solar generation. We have approved $150 million to support development of two large-scale solar power stations.

Whether it is the solar resource in the north of the state or the wave energy on our coasts or the wind in the west, renewable energy is already creating great opportunities for regional communities. Over time the carbon price will also increase the competitiveness of emerging technologies such as biomass, waste energy, geothermal and tidal sources, and our government wants to encourage them all. Earlier this month in Bendigo I called on regional communities to nominate themselves as hubs for investment in renewable energy. I reiterate that if a regional community has both a suitable renewable resource and the backing of local people then I will champion their proposal. I want Victoria to be the most attractive location for renewable energy investments in Australia, and developing community-supported hubs is an important part of achieving that goal.

This is the critical time, as the commonwealth decides on the location for investment of funds such as its Renewable Energy Demonstration program and its $1.6 billion Solar Flagships program. Evidence that Victoria is well placed can be seen in the recent announcements of significant federal support for the 19-megawatt Ocean Links tidal power project at Portland, and of course any proposed geothermal project at Geelong, which our government will strongly support.

Changes to our energy mix will not necessarily be easy, but one thing is certain: a strong move towards renewable and low-emissions energy will be good for the Victorian economy, it will be good for Victorian jobs and it will be good for the environment. In particular, farmers and rural communities will need government assistance to address the challenges of adjusting to a carbon price. We need to engage with the community to explain the impacts of climate change policies on energy supply and their impacts on local communities.

For the Latrobe Valley, the changes to the power industry will need careful management to ensure that new jobs replace old jobs. The commonwealth government has the primary role in financing the necessary structural adjustment for regional communities arising from the introduction of the CPRS. We will work with the commonwealth to ensure that any affected regions, such as Gippsland, receive their fair share.

Having said that, we believe Gippsland has a positive future. New opportunities exist in areas such as the new value-added products derived from our substantial coal resource, including fertilisers, diesel and synthetic gas products. However, we will allow the use of our brown coal resource only in a way which is consistent with our overall objectives. For example, the export of brown coal products will be subject to an assessment of their overall impact and contribution towards achieving a low-carbon global economy.

Transforming our economy is a huge challenge, and many people are still uncertain and even fearful about this change. However, there are also people right across Victoria who are taking action on climate change in their own communities. The Mount Alexander Sustainability Group's mains power project is a groundbreaking partnership with the major local employers to cut their emissions by 30 per cent by 2010 through the installation of co-generation units or the purchasing of renewable energy. The Daylesford and Hepburn communities are pioneering a community-owned wind farm, which will generate 4 megawatts of power — enough to power 80 per cent of homes in the local area. We will provide expert advice and information to help communities develop networks, to share their ideas and to establish partnerships.

I am pleased to announce today that our government will approve funding of $23 million to support the introduction of a new Climate Communities program to assist communities in these areas.

Climate Communities grants — —

An honourable member — Where does this money come from — out of the transport budget?

Mr BRUMBY — You cut transport; we don't.

Honourable members interjecting.

Mr BRUMBY — Here the opposition is opposing initiatives we take to tackle climate change.

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Women's Affairs, and I warn the member for Polwarth.

Mr BRUMBY — That funding will be available. Climate Communities grants of up to $50 000 will be available for projects in the following categories. Firstly, projects aimed at community abatement: projects whose aim is to generate emissions reductions that are in addition to the CPRS cap. Secondly, community resilience: projects that seek to assist communities to understand and adjust to the impact of the CPRS. Thirdly, community innovation: demonstrating how new ideas and new technology can improve our sustainability.

We will also report regularly on the community's progress on cutting emissions, both to acknowledge its efforts but also to encourage the community to continually strive for more.

One of the things that I believe we do better in our state than any other state in Australia is partnerships: partnerships between government and communities, partnerships between government and the private sector and partnerships between government and non-government organisations. There are so many people in our communities, as I have mentioned — whether in Hepburn, Bendigo, Ballarat or here in Melbourne, there are tens of thousands of people — who want to work in partnership with their community and with government to make a difference and who want to act locally to make a difference globally.

I believe that our Climate Communities program will support those people, support those communities, support those local initiatives, establish Victoria as a leader and make a real difference in how we tackle climate change in our state. I am proud to lead a government that is serious about tackling climate change and which understands that the community can and must be a part of that effort.

In conclusion, earlier this year the government released a green paper on climate change as the next step in responding to this critical issue. Since then we have been consulting widely about the best strategies for Victoria. Over the coming months we will release a series of statements that will set Victoria's climate change strategy for the next 10 years. Firstly, the white paper on land and biodiversity, which will improve the resilience of our ecosystems through better management of Crown and private land; secondly, our Jobs for the Future Economy plan, highlighting immediate opportunities and a series of initiatives to exploit these new jobs in the new climate change economy; thirdly, Victoria's Energy Future, with more details on the process of transforming our energy sector. Finally, we will complete our white paper on climate change and introduce a climate change bill to give effect to the policies announced.

Victoria stands ready to play its part in the global commitment on climate change. I urge the house to adopt this motion as a clear signal of bipartisan support for the overwhelming scientific consensus that human activity is causing global warming and commit to effective action to reduce greenhouse gas emissions and mitigate the effects of climate change.

This motion sets out the key steps in that commitment. Firstly, the Senate must now pass CPRS legislation as soon as possible. Secondly, international leaders gathering in Copenhagen must prepare an effective, binding international agreement to reduce greenhouse gas emissions. Thirdly, there must be a combined effort by Australian governments, communities and businesses to successfully implement the CPRS and make a smooth transition to a low-carbon future.

As I said at the start, climate change is one of the greatest challenges that Victoria and the rest of the global community have faced. This morning I opened the Halogen Foundation's National Young Leaders Day at the Melbourne Convention and Exhibition Centre, our new convention centre. That convention centre is a great example: it is not only the biggest convention centre in Australia and a great asset in terms of encouraging jobs and investment but it is also the greenest convention centre at this stage anywhere in the world. It shows the leadership that we have in this space. It shows that you can have a strong economy and a strong policy to tackle climate change and protect our environment. There is no doubt in my mind that

Victoria is up to the task and that Victoria can be a leader in this regard.

Our responsibility as a government and as a Parliament is to move beyond the steps and leadership we have taken in recent years. Whether it was the Victorian renewable energy target, the black balloons campaign, what we have done with our water-saving campaign, the Target 155 campaign, or whether it is what we have done in encouraging investment in new solar and wind energy across the state, these things show that our state can be a leader in this regard.

Our responsibility now is to move beyond those initial steps of recent years and act boldly in the future to protect our state, protect our nation, protect our planet and secure our future.

Mr BAILLIEU (Leader of the Opposition) — I am pleased to speak on this motion. I note in doing so that the motion itself is an expression of support rather than a detailed conclusion about the construction of an emissions trading scheme (ETS) or a carbon pollution reduction scheme (CPRS), and this motion deals with the business of the federal Parliament rather than direct state government business.

I note in particular that the motion refers to the CPRS. However, it seems the CPRS that was presented to the House of Representatives some weeks ago is set to be significantly modified. Those modifications have, we understand, been agreed by both the federal government and the federal opposition. But those amendments have not yet been finalised or presented to the Parliament. The detail of the modified CPRS and its impact remains to be explained to the people of Australia.

I note also that the motion calls on the federal Senate to pass the CPRS as soon as possible. 'As soon as possible' clearly anticipates the time frame surrounding those negotiations and the finalisation of the modifications. Hence the motion before the house invites it in effect to support the principle of the passage of an ETS or CPRS at some time in the very near future. And that we do, as we have done in the past.

I share the view that our climate is changing. I also share the view that human activity contributes to that change, and I accept the science that demonstrates we can and should do something about it. I also note that both sides of politics have for some time been committed to an ETS. Indeed the federal coalition under former Prime Minister John Howard first proposed an ETS before the 2007 federal election. That commitment is now evolving into a more detailed scheme under the label of the carbon pollution reduction scheme. The issue for the federal government to resolve is what effect the scheme will have on emissions, the place that scheme has in any scheme to be adopted internationally and to ensure that Australia is not, in that process, adversely positioned.

The issue for Victorians to address and the state government to explain is what impact the CPRS will have on our state, our industry, our economy, our competitive advantages, the prices of commodities, utilities and services and on Victorian families, and to ensure there is appropriate mitigation.

The need for action on climate change has been set out by the Intergovernmental Panel on Climate Change, including in recent updates. That conclusion is based on a substantial body of work by climate and other scientists. That science is widely accepted. I do note in that regard a survey published earlier this year in the respected journal *Eos*. In a 2008 survey of more than 3000 scientists, including a broad mix of geochemists, geophysicists, oceanographers, hydrogeologists and climate scientists, 90 per cent of whom held PhDs, more than 90 per cent agreed mean global temperatures had risen since the 1800s, and more than 80 per cent agreed that human activity had contributed to that rise. It is a compelling or, as the motion suggests, 'overwhelming' reminder. As legislators we must acknowledge that and take steps to respond. Action must be taken.

Carbon transition is one of the biggest issues that will face Victorian businesses and families over coming years, but I have no doubt that we will in a few years be living in a carbon-managed economy. We will have reduced our personal and industrial carbon footprints. I also have no doubt that in the very same way we have adapted to significant structural and legislative change in the past, there will come a time when it will simply be the norm. As I said previously, it will not be scary or a threat but just the way it is done. But we are not there yet, and in the meantime the adjustments will be huge, and there will be a vital role for industry to assist in minimising the cost.

There will be other crucial roles for government as well, which must include supporting research and development of relevant technologies, setting product standards, education, acting responsibly as emission creators and helping those hardest hit by the costs of climate change.

The challenges for Victoria are particularly acute given our high dependence on cheap and abundant but dirty brown coal and given the level of energy-dependent

industry which Victoria has developed. Victoria must seek to insulate vulnerable groups and industries against the impact of higher energy prices that may flow from the change. That is an approach we support.

The long-term future of coal, not only in Victoria but around the world, depends on the successful development of carbon capture and storage or other clean coal technology. That is why we have supported the substantial commitments of both governments to research and development of such technologies.

That is why we went to the last election with a $670 million renewable energy fund pledge which would have followed the five-year $103 million fund set up by this Labor government. I have been especially interested to observe the development of solar concentrator technology but particularly disappointed that the Solar Systems project, which emerged out of my own electorate, has now fallen over.

In May 2007 the then Premier presented a similar but significantly different motion to this house. In that debate we acknowledged the science and sought then to support the principle of an ETS, but we also expressed our concern then at the type of ETS being advocated at that time by the then Premier and our concern about the impact that proposal could have on the Victorian economy. Given that the Prime Minister has now dramatically adjusted the targets from those advocated by the then Premier, our concerns at that time have been vindicated, and it is clear that the Victorian government was then more interested in the politics of the moment than the substance.

The broad intention of the CPRS now proposed is to reduce emissions by at least 5 per cent by 2020 in comparison to year 2000 levels. This target, we are told, could be adjusted up to 15 per cent depending on actions taken across the world. It is a modest target. It is an achievable target.

In the weeks ahead the nations of the world will gather in Denmark in pursuit of an international agreement on carbon emissions. It now seems that an agreement is unlikely in Copenhagen. The inevitability of that outcome is acknowledged in point (2) of this motion, which merely seeks the preparation of an agreement. Further talks will no doubt ensue, but at some stage some sort of agreement will be reached. How soon, what effect and what impact it will have remain unknown.

Ultimately Australia's CPRS must be seen in that context. Reduction of Australian emissions, onshore or exported, will be minute on the world scale, but the economic impact in Australia is potentially huge. The federal government must therefore be prepared to adjust further Australia's CPRS to relate to any international agreement and to ensure that Australia is not locked into a unilateral position that significantly disadvantages Australian industries in world markets.

It is our view that a CPRS legislated in Australia must and will most probably change significantly and frequently as the international debate continues. That should be acknowledged and supported. We acknowledge the environmental imperatives. However, a realistic and common-sense timetable for implementation is now just as important for Australians. And that timetable will take into account the need to connect Australia's scheme to the rest of the world.

Victorians would be aware that this state government supports the introduction of a scheme to reduce emissions. They would, however, have little knowledge of the government's views on the impact on Victorian industry, the costs to families and the mitigation required. The Premier in this respect has regrettably been too secretive. Only in the last week have Victorians learnt that the Premier apparently wrote a stinging letter to the Prime Minister, demanding additional compensation for Victorian generators. That letter was apparently penned because of the Premier's fears that Victorian generators may be forced to shut down under the CPRS proposed. In other words, there was a fear that the lights might go out.

Mr Andrews interjected.

The DEPUTY SPEAKER — Order! The Minister for Health will cease interjecting in that manner.

Mr BAILLIEU — I do not believe any government, state or federal, wants the lights to go out. In anyone's politics that would simply be unacceptable. But if that is the Premier's assessment, then Victorians deserve to know about it in full. What Victorians need is complete transparency, frank assessments and all the information on the table rather than the playing of politics with such an important issue.

A CPRS will have a significant impact on the Victorian economy, our generators, our manufacturing industry and major employers such as Alcoa. Compensation arrangements are to be included in the proposed model. Whether they will be sufficient is yet to be determined. Whether there will be an impact on future investment is also still to be determined. But there will be other impacts. According to a briefing to the Treasurer by the Department of Treasury and Finance, under the

previous version of the CPRS the average Victorian household was facing an annual increase of over $340 in gas and electricity charges alone.

An Access Economics report presented to the Victorian government found that the previous CPRS would have cost the Victorian economy more than $850 million by 2020. That report notes also the prospect of reduced revenues from mining royalties and payrolls, increased taxes on motor vehicles and other charges as increased energy prices are passed on, and increased public transport prices.

But the Premier has been less than frank. He should rethink that strategy. The Premier should have greater faith in the Victorian community. In the other house the Parliament has sought, quite rightly, the tabling of documents relating to the proposed CPRS. Some documents have been provided, and that has been welcomed, and the exemption of some documents has been respected. However, the other house has also determined that some 111 critical documents have been unreasonably withheld. The other house has seen fit to censure the Leader of the Government for that continuing failure to comply.

The concealed documents include reports, briefings, speaking notes and evaluations, not cabinet documents, but amongst those documents are nearly 20 briefs to the Premier himself from August 2008 to March this year. It is within the capacity of the Premier to see those documents released today. He should do so immediately. If the Premier is seriously concerned about the impact of the CPRS, including the possible shutdown of some Victorian generators, as he has indicated in his interview, he should be sharing with Victorians the full basis of his concerns.

We all owe the world an honest response to climate change. The Premier owes the people of Victoria an honest assessment of the impact of the changes proposed. We want to see carbon emissions reduced. We support an ETS or a CPRS. We want to see Victorian industry and families protected. We believe the Premier should release all the advice he has received on the impact on Victorians, and we believe the federal government should ensure that Australia is not disadvantaged in any international agreement. In that context, we certainly will not be opposing this motion today.

Mr BATCHELOR (Minister for Energy and Resources) — Of course I am pleased to be supporting this motion moved by the Premier today, and I seek leave to make a contribution of 20 minutes.

Leave granted.

Mr BATCHELOR — I thank the member for Kew. I expect there will be a similar request from the next speaker, and we will be happy to grant leave at that time.

We had an opportunity here today for the Liberal Party in Victoria to lay down its policy, and it failed that test. The Premier has just delivered the most comprehensive, detailed expression of a climate change policy that we have seen. It was comprehensive and explained in detail what we have done, the basis for doing that and where we are going forward, particularly with the new announcement about partnership with communities on climate change. Why was the Leader of the Opposition so reluctant to lay down any policy at all? There are two reasons. Firstly, the Liberal Party has no policy. I will come back to that later.

Secondly, Liberal Party members are conflicted because they know that at 1 o'clock today, when the spill motion is moved in the national Parliament, Malcolm Turnbull may not survive. They have not got the conviction or the courage to articulate their position because they are worried about what will happen to Malcolm Turnbull when the intellectual giant Wilson Tuckey and the other sceptics move against him as leader. You would have thought the Leader of the Opposition here today would have taken this as an opportunity to defend the Leader of the Opposition in Canberra, Malcolm Turnbull. He stepped away from that opportunity. When we know there is going to be a challenge against Malcolm Turnbull today at 1 o'clock, and the Liberal Party here would have also known that, how come Liberal members have deliberately chosen not to be supportive of Malcolm Turnbull? We are very disappointed.

In parliamentary backrooms right across this nation, indeed across the world, politicians are debating this defining issue of the moment, the defining issue of our times — the issue of climate change. Meanwhile the community, whether in the suburbs or in rural Victoria — and even those who are uncertain as to whether it is human action that has triggered this climate change — is saying one thing to politicians, to governments and to oppositions. It is saying: 'Please do something; do something and get on with the job of reducing carbon pollution'.

That is what Labor has been doing here in Victoria for a number of years now. We have not waited for the introduction of an emission trading scheme. We could see it was coming, just as we could see the attack on Malcolm Turnbull was coming, and we took steps. We

have already taken steps to address the issue of climate change. The Premier has outlined those in detail today, taking a full half-hour to do that, and he has detailed the actions that we have taken, particularly in the stationary energy sector, in renewable energy and in technology development, where our record is absolutely outstanding.

That is because we have a deep concern about climate change, and we want to do something about it. We accept that there is climate change — not that it is going to happen, but it is already happening — and that is why we have been taking action. The Premier outlined today what our government was doing so we can seize the opportunities that will come as Victoria moves to the new economy, a low-carbon economy. When those opportunities are out there we want Victoria to be able to capture them — to get hold of them with both hands.

It is going to be the energy sector that will do the heavy lifting to reduce carbon emissions, and that is why the Premier explained that piecemeal efforts to reduce carbon pollution will not be sufficient. The time has passed for small-scale measures or tinkering at the edges or having no policy at all, because we know that if you do little, you will achieve little. If you have got no policy, you will get nowhere. That is the problem with the opposition here in Victoria. Given our past and present reliance on brown coal and the growing demand for energy, what is required over the next 20 years is nothing less than a major rebuild of our electricity assets. This will see a change not only in how we make energy but where we make energy here in Victoria.

I do not want to underestimate this mammoth task. As I have explained and as the Premier has explained, we have been moving already to change our energy mix from coal towards a more long-term, sustainable energy future. We have started that process, and we intend to continue. Unlike other political parties which claim that responding to climate change is just simply a matter of switching off coal and switching on renewables, we know that it is going to be a long process, that it will not happen overnight. But we have already started that process. With our government's track record, and the strength of leadership from the Premier, we have no doubt that under this government and with John Brumby as Premier, we will be able to get there.

I will take a minute or two to compare our approach to this vital matter with that of the opposition. First, this government has consistently encouraged federal governments of both political complexions to put a price on carbon through a properly designed emissions trading scheme. Without a doubt the carbon pollution reduction scheme (CPRS) will be the biggest driver of change in the energy sector's investment profile. It will bring transformation, and it will be environmental and economic in its impact.

That is why Ian Macfarlane's compromise deal had better be on the money, because as a former federal energy minister he knows that a poorly designed scheme will not supply the energy security and the new investment in clean energy that is required. We strongly support a well designed CPRS, and we say to the Australian Parliament, 'Get the design right, and pass an effective and considered CPRS and do this as soon as possible'.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! If the member for Malvern wishes to make a contribution, I will call him at an appropriate time if he stands in his place. Until then, he can cease interjecting.

Mr BATCHELOR — Just this morning, in fact on *Sunrise*, the federal Leader of the Opposition, Malcolm Turnbull, spoke of the need for his party to modernise and take action on climate change. He said:

> How can a party be credible in the 20th century if it doesn't have a policy on climate change?

An honourable member — It's the 21st century!

Mr BATCHELOR — He said the 20th century. I am quoting accurately.

This is a direct criticism of the Liberal opposition here in Victoria, because it has no policy whatsoever. We know that that is just because it is concerned and frightened of its coalition partners here, The Nationals. The local Leader of the Opposition falls into the dinosaur category on this matter. It appears that the climate change sceptics in the Liberal Party who were so clearly shown on *Four Corners* a couple of weeks ago are not just in the Turnbull opposition; they are also in the Baillieu opposition.

In fact the Leader of the Opposition is on record as saying that he does not believe humans have contributed to climate change. The Sunday *Age* of 17 September 2006 quotes the Leader of the Opposition as saying:

> I think there is climate change about us … I am not wise enough to conclude as to what causes the climate change.
>
> Some say that we had a period of climate change for the last 50 years that was unusual and we have just reverted back to normal patterns — and I am not in a position to judge that one way or another.

He has not got a clue! The opposition itself has got no policy on climate change and has certainly got no policy on energy. It has no plan to transform the energy sector or to prepare the Victorian workforce to take advantage of the opportunities that arise from a low-carbon economy.

In fact the Leader of the Opposition has only said the words 'climate change' nine times in this Parliament before today. On most of those occasions they fell into one of two categories. Firstly, when he was asking a question of the then Minister for Water, Environment and Climate Change he asked a question on water. As we know, *Hansard* always properly records the title of the minister, and he probably did not even say the words 'climate change' in addressing that question, so we can strike out both of those. The other category of his use of the words 'climate change' was when he was announcing reshuffles of his shadow cabinet. Was there any other occasion? There was hardly an occasion when he used the words 'climate change', and when he did he was talking about our policy and not talking about that of the opposition.

This confusion and conflict within the Liberal Party was highlighted when Philip Davis, a member for Eastern Victoria Region in the other place, opposed the Mortlake gas-fired power plant, which was an initiative that arose under the construct of our scheme to reduce emissions and to continue to provide energy. He is reported as saying:

> … this scenario will restrict employment in the more labour-intensive Latrobe Valley's coal generated power stations.

I wonder what the member for South-West Coast thought about his leader in the upper house attacking an investment project to generate more electricity and more capacity in the south-west of the state.

Rather than seizing the opportunity for new jobs that could flow from a low-carbon economy, the Leader of the Opposition has not announced a single policy in the environment or in the climate change area. Why? Because it is a policy free zone, and we all know that in terms of climate change the Leader of the Opposition has not got his heart in that particular job.

We have only recently seen the lame duck reshuffle in which the Leader of the Opposition demoted the issue of climate change by appointing a part-time shadow minister. He gave the vital position of shadow Minister for Energy and Resources to the member for Malvern, along with consumer affairs, gaming, exports and trade, infrastructure and public-private partnerships. This clearly means he was employing that age-old tactic of keeping a leadership rival too busy.

Mr O'Brien — I am not afraid of work, Peter. What about you?

Mr BATCHELOR — No, not at all. I refer to the member for Doncaster who was appointed as the shadow Minister for Environment and Climate Change. If you go to her website today, you will see that she fails to acknowledge this position. She is not prepared to own up and admit that she has this position.

We think the Leader of the Opposition should take some advice from the former Prime Minister, Mr Howard. In 2006 Mr Howard appealed to state opposition leaders to take some time to develop an alternative policy on how they would want their state to be governed. He is reported in the *Age* of 10 September 2006 as saying:

> I do think one of the problems with state oppositions is that they don't invest enough time and energy into working out an alternative policy blueprint over a long period of time.

That was true of the opposition in Victoria in 2006. It is true today, it will be true next year and it will be true in four years time if the current leader is still here.

For the record, can the opposition tell the house and the Victorian community what its policy is in relation to CPRS? The Leader of the Opposition had the opportunity — he had a full 30 minutes — but he chose to cut his speech in half and not avail himself of that time. Why does he not make the news today? I ask him to stand up with us and call on his federal colleagues to pass the bill. He should tell them to be courageous, tell them to get a well-designed bill and stand up.

This government is working towards a long-term sustainable energy future, and that is why we have championed investments in renewable energy. We are the only state with a mandatory renewable energy target that has delivered more than $2 billion worth of investment in clean energy projects and more than 2000 jobs. Importantly, most of these jobs are in rural and regional Victoria. That is why we support a bigger national target that will deliver 20 per cent of renewable energy by 2020. That is also why we have invested $72 million in renewable energy innovation to demonstrate large-scale projects. That is why we have put another $100 million on the table for a large-scale solar plant here in Victoria, and it is why we have invested in sustainable energy research and development, solar schools funding, rebates for solar hot water and a premium solar feed-in tariff for

households, business and community groups that want to do their bit to reduce our carbon footprint.

Where do members of the opposition stand on these issues? Where do they stand on renewable energy? They have no idea. Members of the opposition have track records on this. When the issue came into the Parliament they voted against the Victorian renewable energy target, or VRET, because they do not believe in renewable energy. What is their policy? Where are they going? What do they want to do? We have seen the arguments take place at the national level, and we have seen the lack of clarity here at the state level. When they have had the opportunity to support renewable energy they have voted against it.

There is only one conclusion you can come to, and that is that their policy is to support nuclear power. They are quite keen on nuclear power; they are clearly keen to introduce it. How else can we explain why members of the opposition voted against the government's plebiscite bill that would have protected Victorians from the nuclear power industry? How else can we explain why they continue to debate nuclear power at their state council meetings? It is on their minds; it is clearly in the policy they are yet to articulate. The Leader of the Opposition called for transparency. We ask members of the Liberal Party to come in here, be transparent and release their nuclear policy. Clearly they have one, because they do not support renewable energy; they have voted against it. When the government has tried to constrain and contain the nuclear energy industry here in Victoria, the opposition has voted against it. We want them to be transparent; we want them to come clean.

The government knows that the community needs strong leadership in Victoria, which it will get from the Brumby government. The climate change response is important to people who live in the suburbs, in country Victoria and in provincial towns. They know action should take place. They know that under the leadership of the Premier, they will get that action in Victoria.

Mr RYAN (Leader of The Nationals) — I seek leave for an extension of time in which to make my contribution.

Leave granted.

Mr RYAN — It did not take long for the Leader of the House to cut to the quick as to what this government is really about in moving this motion. The opposition was prepared today to make the sort of contribution that was heard from the Leader of the Opposition, who addressed the issues raised by the Premier and substantially focused upon the merits of a topic which is absolutely critical to the future of our nation, but it did not take long for the manager of government business to reduce this debate to the political charade which underpins this motion.

Since the Minister for Energy and Resources chose to go down that path before going to the merits of this motion, I refer to an element of it which is the sheer pretentiousness of the motion, particularly the second paragraph, which reads:

> … this house calls for:
>
> …
>
> (2) The international leaders gathering in Copenhagen to prepare an effective, binding international agreement to reduce greenhouse gas emissions.

Can the house not see it all happening: President Obama is about to walk onto the stage, to go to the rostrum to speak about these critical issues when he is grabbed by the elbow by an aide who says to him, 'I have a note here in relation to a motion which was introduced to the Parliament of Victoria, part of the Australian nation in the Southern Hemisphere, by the member for Thomastown, who also poses as the Minister for Energy and Resources, who says he is the manager of government business, telling us what we are all supposed to do'.

I reckon that would bring them all together. Fair dinkum, the Minister for Energy and Resources in the Victorian government, in moving this motion, will make the difference. When President Obama goes to the podium and the President of China, the leader of India and the leaders of the rest of the free world, the developing nations and the developed nations are present, what will be the all-embracing thing that makes the difference? The Minister for Energy and Resources in the Victorian government, who doubles as the manager of government business and who has produced this charade, which is what it has been reduced to as a result of what he had to say, will make the difference.

We are all awake to it, the minister has very graciously reduced this debate to what he always intended it to do: attempt to produce a position of apparent conflict between the position that might apply in the state of Victoria in so far as the opposition parties are concerned versus that which he says applies in the environment of Canberra. That is what it is all about when you get down to it.

In a sense I am pleased the minister has done this, because overnight even I was pondering whether for

once this bloke was fair dinkum. Even I was starting to think that perhaps the minister is prepared to have a debate around this critical issue which impacts upon our nation and to do so with some measure of statesmanship and with some element of being genuine about these matters at their fundamental core. No, it is all about the sheer politics of it, as the house has just seen.

One of the real shames of this debate is that the motion moved by the minister talks about the carbon pollution reduction scheme (CPRS). I ask rhetorically: the minister has had 20 minutes or thereabouts on his feet, so why did he not take the house through the content of the carbon pollution reduction scheme? I would have thought the Minister for Energy and Resources would have stood in this place and as the foundation point of the motion taken members to some degree through the content of the carbon pollution reduction scheme.

I make that point because it is an imperative in this motion. Like so many others I am on the record in this place — I said it one day in response to an interjection by the minister — as having said I accept that in some way, shape or form this nation will have an emissions trading scheme. I have long accepted that.

I also accept that issues of climate change are a reality. I was interviewed on Friday on the radio and I said that I remember well tearing around in footy nicks and Dunlop Volley sandshoes on tennis courts in Shepparton as a mere 15-year-old without a hat or a top on. I remember all of that, I remember it well with the sun beaming down. I acknowledge that these few years later — and it is only a few years later! — the climate has changed. I am really only 21 years old; it is just that I have led a hard life!

I understand that the climate has changed, and I accept that. I understand there is a shared aspiration, I think across Australia, that we have a reduction in emissions. I certainly say it, and I think everyone in this chamber says the same thing. It is such a shame that the minister should have reduced this debate in the way he has. While the minister had his chance he should have talked about what is the CPRS to which attention is being so devoted now in Canberra.

In addition the minister had the opportunity to deal with numerous issues. I do not have the time to go through them all but I will go through some of them. It is said in a document produced for the governments of Australia by Access Economics that the Victorian economy in the era of the introduction of a CPRS will sustain a loss of $438 million by 2013–14, and that by 2021 the annual loss will be $863 million. I want to know what the government is looking to do in relation to those figures. Does it accept those figures as being valid? Is it going to do anything? Has it got a policy position in relation to the necessity to accommodate all those issues?

Various other effects arise from that document. The document notes that in Victoria we are going to experience a variety of outcomes, one of them being that brown coal is going to be the most affected industry by 2025, which in turn will lead to Gippsland being the ninth-most-affected region for employment in Australia, with a 1.8 per cent reduction in employment.

Behind me sits — at least he did but a moment ago, and he will be back in a second! — the member for Morwell. The member for Morwell represents the very region to which this provision is directed. The member for Morwell and the people he represents want to know specifically from this government what it is intending to do in relation to the proposition as advanced by this report. It is no good talking about these things in esoteric terms. I heard the Premier say — and I wrote this down — that the commonwealth government has the primary role in relation to compensation. That is not enough for these people. That does not pay the mortgage, it does not pay school fees and it does not feed the family.

The government has to be practical about dealing with these issues in the face of people asking us, the representatives of these regions, questions about what is actually going to happen in terms of the changes contemplated by the CPRS. What is the government's policy in relation to this specifically? It is no good using terms such as those I also heard the Premier using this morning. 'We could well see' was the phrase he used. Those things are of no interest to folk down there. They want to know what is actually going to happen. The minister had the opportunity to stand up here a moment ago and get into some detail about that to give people some comfort, but we heard none of it.

I turn to the issue of agriculture. I am pleased to see that agriculture has been exempted, which is a good, progressive step. On the other hand, agriculture is not free of the effects of such measures. There are pass-through costs. The Murray Goulburn Cooperative Ltd has made some calculations in this regard, and behind me sits the member for Rodney, formerly a director of Murray Goulburn. Of course he has been intimately associated with the operations of that enterprise for a long time. That company has made it very clear that even though agriculture is exempted there are going to be impacts upon that sector of the industry, and it is only one sector. The minister had the

opportunity to stand up and explain those sorts of things. What is the government's policy to deal with this?

Another point is the issue of emissions from bushfires. Like all of us on this side of the house, and indeed all of us in the chamber who are terribly concerned about this issue, I am concerned that the issue of emissions arising from bushfires seems to have escaped everybody's attention in all of this. I appreciate that they have been excluded from the CPRS — I appreciate that they are not counted in the scheme — but I would have thought the government of Victoria would be wanting to say it was doing some work in that area and that it would be wanting to constructively add to the debate on that issue. On 13 February this year material was written up in the *Australian* based on work that has been done by Professor Mark Adams for the Bushfire Cooperative Research Centre. The first line of the article says:

> Victoria's bushfires have released a massive amount of carbon dioxide into the atmosphere — almost equal to Australia's industrial emission for an entire year.

I would have thought the energy minister would want to say something about an issue such as that. What is the Victorian government doing to accommodate those sorts of things?

There is the question of the impact of the proposals on people within our community. The report to which I referred earlier speaks about the prospective imposition upon seniors, people with disabilities and people with businesses affected by the high energy costs. Indeed one of the figures mentioned on *Sunrise* this morning — the minister referred to that — was a prospective cost, with the changes apparently made to the scheme last night, of up to $1100 per year being imposed on Australian households. What is the minister saying about that in the Victorian context? Why could the government not be addressing that? When the opportunity presented we heard everything but a discussion by the minister of those critical issues.

I turn to the recent announcements regarding the Bogong scheme, which the Premier referred to in the course of his contribution. He used language which was too loose in context. He said the Bogong scheme had delivered clean energy and jobs for Victoria. He said it had created 200 jobs, but when you pull the Premier's press release off the system you see that what he was talking about was creating about 200 jobs during construction. Taken in isolation, these points might not seem much, but the totality of all this shows that the government cannot afford to talk about these issues in the raw, base political way we heard from this minister when we on this side are representing people who for the main live in the areas directly affected by what is proposed in the federal Parliament — the scheme to which this government is now referring. These people need to know what is going to be the certainty around the position insofar as their future is concerned.

There are other elements in all of this I could expand upon as well. I want to go to another point — that is, that the government has to clean up its own backyard. Motions have been passed in the other place, and the Leader of the Opposition addressed these to some degree in his contribution. This government needs to come clean for Victorians, take Victorians into its confidence and tell them precisely what is happening. It needs to explain to the people of Victoria why there are apparently in existence a string of documents which it is so anxious to hide from them. How can we have a conversation about these critical issues and the impact upon our people, our industries and our environment without the government being prepared to take everybody into its confidence?

Here today we again had an opportunity for this minister to get to his feet and make that sort of material available to us in full and thereby ensure that we have a good round of debate on an issue which is just so important to all of us. Instead we heard the minister, the Leader of the House, make a rank contribution and diminish this debate, which does him no service, let alone the government of which he is part. Therefore I intensely regret that these matters have been introduced in the way the minister has chosen to introduce them. The issues we have under discussion here today are far too important for that.

Mr FOLEY (Albert Park) — It gives me great pleasure to make a few brief comments with regard to this important issue. But it is more than an important issue, it is one of the great defining issues that will test political parties in parliaments and institutions right around the world. It will test their leaders, and it will test their commitment. As we can gather from their contributions, those opposite have been found wanting in that test. Indeed we heard the Leader of The Nationals make a contribution detailing the issues around the costs of transformation in response to the carbon pollution reduction scheme proposals and amendments that are being debated in the federal Parliament. What he failed to point to is the fact that it is a widely accepted proposition arising from the Garnaut report and from the international climate change debates throughout the globe that the cost of inaction is the real cost. The cost of delay is what will cost more jobs — the cost of delay and prevarication. That is the strategy supported by those opposite and their friends, who say, 'Do nothing until …' — and you

fill in the blanks, whether it is 'until Copenhagen' or 'until we see a copy of the legislation'.

There is no more publicly debated issue in the developed world — and I suspect also in the developing world — than the issue of climate change. For the opposition to hide behind the notion that there is a lack of information in this debate is the last refuge of scoundrels. The truth of the matter is that the space occupied by those opposite is a policy-free zone when it comes to this issue. Those opposite do not believe in their political position. They are ducking and weaving whilst they try to see what guidance and lead they get from their mates in Canberra. This motion shows what an absolute rabble those opposite are when it comes to the defining issue of the politics of this nation and indeed the globe, and they need to hang their heads in shame.

Debate interrupted.

DISTINGUISHED VISITOR

The DEPUTY SPEAKER — Order! I interrupt the member for Albert Park for one moment because I would just like to acknowledge the presence in the gallery of a former member for Benambra, Tony Plowman. Welcome.

CLIMATE CHANGE: CARBON POLLUTION REDUCTION SCHEME

Debate resumed.

Mr FOLEY (Albert Park) — In the global and national contexts it falls to parliaments, whether at the state or national level, communities, corporations and all of us to take a position on the carbon pollution reduction scheme, because it will provide the important and defining great national steps, and we can decide on it here today. We on this side of the chamber hope it will be the precursor for Australia to take a leadership role at the forthcoming global gathering on the issue in Copenhagen.

The federal Parliament has an opportunity to lead by setting a clear framework for taking action on this important issue. It will be a challenge in that context for this Parliament, this state and the communities that we all represent here to make sure the climate change issue becomes a climate of opportunity for the state and its communities and that we take the opportunity to lead in the areas of innovation, adaptation, education and community leadership to ensure that the changes — that apparently both sides of the chamber seem to accept will be delivered — happen in a way that protects the most vulnerable in our communities, those on low incomes and those who are in exposed industries whose jobs need to be transitioned. It is that level of detail that this side of the Parliament, through the work on the green paper and white paper consultations, has taken action on. As the Premier has outlined in some detail, the specific programs that the state government has led in this regard make us very much a national leader.

If the national and international negotiations dominating the debate through the carbon cap and trade systems that are being pursued at the national regulatory level are to be successful — and we certainly hope they are, and this resolution supports that — they will drive a fundamental need for reform across our economy and will drive enduring contributions to ensuring that future generations have a better environment and community in which to live. The bulk of the adaptations and measures that will flow from that — whether they be changes in lifestyles and actions, changes in how we go about our daily lives in our cities or changes for our industries — will fall disproportionately to state jurisdictions.

It is our government's green paper and white paper process that shows we are consulting widely and positioning for this future adaptation. It will be a broad issue for the Victorian community to manage the economic transition, enabling and supporting Victorian communities and industries to operate in a carbon-constrained world. It will involve issues of land use and forestry and making sure our carbon sinks in the forestry industry are able to capture carbon and that we can trade in some of these important opportunities. It will involve protecting biodiversity and ecosystems that are already being impacted by climate change, as evidence mounts before us in sometimes graphically illustrated ways such as in the devastating fires earlier this year.

There will be issues in planning, in land use management and in sea level rises — and no more so than in my own community. The Leader of The Nationals seemed to suggest it was only Nationals seats and communities that were to be affected by climate change. The truth is that across all communities climate change is a reality for us now. With the significant sea level rises that are projected, whether they be in inner city coastal communities like mine or those anywhere along the coastal areas of Victoria, there is a need for the coastal strategy that is under way and being led by the Minister for Environment and Climate Change, which is dealing with and positioning us now for those changes.

There will be impacts on infrastructure, water management and the management of scarce resources to ensure there will be an opportunity for those resources to be wisely managed and shared. That is a significant issue for us all. There will be health impacts. As we have seen already, more extreme heat causes stresses and strains on the health system. However, we are already in a position to deal with those through the work led by the Minister for Health and the Department of Health in having put in place strategies in partnership with local government. There will be social impacts from climate change in dealing with changes to employment arrangements and where jobs are going to be. There will be changes to emergency services, which we have already seen in response to the Black Saturday fires.

These are all the sorts of issues that climate change is going to drive for us, and it is Victoria that has been the first to pursue, through its climate change green paper and white paper process, a clear and coherent community-based process for ensuring that we stay ahead of the curve on all of these issues. It was these issues that the Premier and the Minister for Energy and Resources addressed and that the opposition failed to take the opportunity to pursue. It is indeed these issues that the state Liberals need to take some advice on, as the Minister for Energy and Resources pointed out. This morning on *Sunrise* the federal leader of the Liberal Party said — and allowing for the fact that he got his centuries wrong:

> How can a party be credible in the 20th century if it doesn't have a policy on climate change?

The Liberals and The Nationals need to ask themselves that question.

Let us consider some of the sources of this information. In the media today it was reported that members of the Liberal Party are apparently widespread supporters of the notion that climate change is a human-induced occurrence. Mr Finn, a member for Western Metropolitan Region in the other place, must be one of the hardliners referred to as the hold-outs on this, because on more than one occasion he has reflected the deep sentiment within the Liberal Party of the climate change sceptics camp. He said:

> Now those same old lefties are scaring little kids and the gullible with the threat of so-called global warming. Overwhelming scientific evidence shows global warming ended a decade ago, but the Left has never let the facts get in the way of a good story.

This reminds me of contributions made in the federal Parliament last week. The federal member for Melbourne said Senator Minchin and his supporters were running around like the Montana militia — I think that was how they were referred to in the federal Parliament — with their extreme one-world conspiracies which suggest that somehow or other the Minister for Energy and Resources is part of a one-world government move to sap the vital juices out of our young people — that the arrangements here today and the arrangements in the federal Parliament are somehow part of a global conspiracy. Those opposite need to be fair dinkum and to show some leadership for once.

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

Ms WOOLDRIDGE (Doncaster) — I am pleased to contribute to the debate today on this motion. Let me put on the record at the outset that I believe our climate is changing and that humans are contributing to that. We have a very important issue before us today: the issue of climate change, how we reduce greenhouse gas emissions and how we transition to a low-carbon future. They are absolutely critical issues, and what the Victorian Parliament needs to particularly focus on is how we can contribute to an effective transition to a low-carbon environment while we make sure that we protect Victorian jobs, Victorian industries and protect the quality of life of Victorian families.

These are not easy questions, and they need to be taken genuinely and seriously in this debate. I have been very concerned about the quality of the debate from the other side because they have focused more on the politics than on the substance of these issues.

One of the very difficult issues unfortunately, though, with having this debate at this time is we are calling for the debate on this issue when we do not have the facts on the table in relation to the impact on the Victorian economy, and that is at two levels. Firstly, as the Leader of the Opposition laid out, the Legislative Council in April and May resolved that the government should table documents relating to the carbon pollution reduction scheme (CPRS). Even now there are 111 documents that have not been provided to the Parliament on the grounds of executive privilege, and there are 17 personal briefings to the Premier. There are evaluations, there are briefing papers — many documents — and we think it is important that the Victorian Parliament and the Victorian people should have access to the best thinking from the government's advisers about the genuine impact on the Victorian economy.

Secondly, the amendments are only 24 hours old. They are not even tabled yet in the federal Parliament, and

we do not know the implications of the amendments that will be tabled and the adjustments that have been achieved, and how that will translate through to the Victorian economy. We think they are very positive changes, but we do not have at hand information about the impact today. Unfortunately what we do have are predictions of dire circumstances for the Victorian economy. We do not yet know the modelling that has been done to be able to understand how that will translate, but what we have heard is that there is going to be an increase in cost to Victorian households of about $7 per week, there is going to be a cost to the Victorian economy of over $850 million by 2021 and there will be a 1.8 per cent decrease in employment in Gippsland and the closure of brown coal generators.

This is what is in some of the documentation being put out there from some of the work that has been done by our economic modellers. What we need to know from the government is what its advice is, and we also need to know the implications of the amendments that have now been agreed to by both parties in the federal Parliament.

I would like to congratulate Malcolm Turnbull, Ian Macfarlane and the federal coalition on what they have achieved in championing additional support for important aspects of the industry in relation to CPRS. In terms of the amendments that have been put on the table, we see there will be greater protection for emission-intensive trade-exposed industries, the exclusion of agriculture, a greater number of permits for electricity generators and greater assistance to groups like Victorian manufacturing industries as a result of the cost increases on prices. The coalition has through these negotiations brought greater protection and greater support to Victorian industries, and I congratulate them on what they have achieved.

Once we know the impact — we are waiting for that, and I follow the Leader of the Opposition's call for the Premier to table those documents today — we have to understand how we can effectively mitigate that impact, as I have flagged. I want to flag one particular group that has not been mentioned in the debate to this point. I want to talk particularly about vulnerable communities and vulnerable Victorians. What we do know is that lower income households are going to be hardest hit, and that has been confirmed in the briefing to the Treasurer that was also referred to by the Leader of the Opposition.

The Victorian Council of Social Service (VCOSS) has made some recommendations. We have to understand particularly that those who are disadvantaged in our community are going to be highly impacted by the introduction of a CPRS, and we should do all we can to mitigate that. VCOSS recommends that energy and water pricing should be affordable; incentives, rebates and assistance programs must be in place and must be targeted; and there must be auditing and energy efficient retrofits to these households. One example it proposes is renters who are often on low incomes and cannot necessarily compel landlords to make retrofits which would make a significant difference in the increased costs they are facing as a result of the CPRS.

Let us also take a moment to look at the Brumby government's performance in some of these areas. We have a list of programs and initiatives, but what we have not seen is the reality. Under the Kyoto rules Victoria is the second worst state in attempting to reduce greenhouse gas emissions, and we have not seen leadership from the government in relation to putting in place initiatives within its own public service. One example is that public servants are using more cars and are not using public transport. You would think the government would show a real commitment and the necessary leadership to make it happen on its own patch, but we are seeing the opposite.

Government performance and its lack of leadership has been slammed by the government's own independent commissioner for environmental sustainability. We need to see some commitment from the government in its own backyard, introducing similar pressures to those it is putting on the broader Victorian community.

The opposition believes the reduction of greenhouse gas emissions and the transition to a low-carbon environment are absolutely critical issues for the Victorian Parliament, for Victorian businesses and for Victorian families and the community as a whole. The opposition in coalition is not opposing this motion today, but is disappointed, as I have laid out, that a genuine debate about achieving that transition, achieving a low-carbon environment and managing that to achieve good outcomes for the Victorian community as a whole could not have been conducted. Unfortunately the government has not allowed that debate to take place. We would welcome that debate and welcome the future of the Victorian economy being positive, with jobs and opportunities for Victorian families in a low-carbon environment.

Mr INGRAM (Gippsland East) — I rise to speak on the motion before the house. Like many things we do in this place, it is more about politics than substance, but I think the way the motion has been drafted — that this house accepts the overwhelming scientific consensus that human activity is causing global warming and urges effective action to reduce

greenhouse gas emissions to mitigate the effects of climate change — shows that we have not really moved on in the last decade.

In the first Parliament after the 1999 election at which I was elected I was a member of the parliamentary Environment and Natural Resources Committee, and I am still on that committee. We had a briefing in Canberra from the CSIRO, and the science was clear then that this was a major problem — and that was 10 years ago. It is disappointing that we are still trying to convince the public that the science is clear, that our activities are having a major impact on the climate and that something should be done about it.

I will make some comments in relation to the bill before the Senate and also the amendments. My view is that whilst part of this motion is about calling on the Senate to pass that legislation, I would make the point that the bill before the Senate and the amendments are not necessarily the best way forward. It is important that we recognise that whilst I fully support the establishment of a tax on emissions and a measure of reduction in our greenhouse gas emissions, I think the issue of how much compensation is paid to polluters and how we transition our economy from one that is almost solely based on carbon and brown coal power generation to one that moves to renewables is an incredible challenge. It is going to cost money if we have to do it through tax. There has been some discussion about the amendments that have been put forward and about the increase in the tax burden on the public, on the people on low incomes being passed directly to large corporations and polluters. That does not move us any closer to where we need to be.

The targets that have been set are much too low. We need to be more aggressive, and there will be costs — I think everyone accepts that there will be costs — but it should not mean taking billions of dollars out of the pockets of decent, hardworking Australians to pay the fat cats of the corporate world and the large polluters. Business has known for decades that this is coming, that something will be done and that it will have to pay. Most of the businesses that own generators understand this, because they operate in an international community. Many of them operate in Europe, where they are already subject to emission trading systems.

If we are to stand up here and send a message that the bill needs to be passed, we need to start making a clear statement to the rest of the world that we are serious and that we are prepared to act, particularly when, as a wealthy and developed country, we go to international meetings and say to the rest of the world, 'You should implement an emission trading scheme'. However, we have not been prepared to do so, even though we have known for a decade that something needs to be done. We need to show leadership on this issue. It is disappointing that both sides of politics have not had the courage to do something about this over the last decade.

What does the bill before the Senate actually do? As I understand it, it pays a subsidy of about $400 per person per year directly to the large polluters, the large electricity users in this country. The electricity industry — and Gippsland is the centre of the power industry and our carbon economy in Victoria — already has large subsidies for the generators. The sweetheart deals done when these industries were privatised are outrageous. When you look at the rate subsidies and the cost of the water use provided to these industries, you see that the local ratepayers of Gippsland are already paying subsidies to these large polluters. Yet here we go again handing out billions of dollars to that same industry, which is already subsidised.

As I said, the Environment and Natural Resources Committee is currently looking at the red tape and the barriers to renewables. Whilst not revealing what is going on in that committee, I can say that the renewable sector has presented a large amount of evidence — which will be on the public record — about the barriers. Basically many of those industries say that Victoria is much harder to do business in than other states and that there are a large number of barriers to the establishment of renewable generators.

We have seen the politicisation of the development of wind energy in this state; there has been real political opposition to undermine the facilitation of those generators. We have seen real barriers to some of the other opportunities that exist — and there are opportunities in this state for further enhancement of renewable energies. Recently we had a debate in this place about feed-in tariffs. We went for an option which will not deliver the best outcome. The best option is a system operating throughout Europe, where economies are starting to move to solar and other renewable rooftop generators and small decentralised power systems. Yet in Australia we think we know better. By not implementing the gross feed-in tariff we assist the large, coal-fired generators to maintain their dominance of the system. Everyone understands this, including Ross Garnaut, the commonwealth's adviser on these matters. He said, 'The best system is the gross feed-in tariff'. The federal government paid people who are well-recognised economists in this country to provide advice, and then it said, 'Well, we don't

actually want that advice because we don't believe that is the best way to go'.

It is clear that we need to be doing a lot more. The other disappointing aspect to this debate is that we have communities which are going to suffer significant economic, social and environmental challenges from the effects of climate change. If anyone believes we are immune from it, they are dreaming. The hand-grenade throwers have come out in the last few weeks making comments about the secondary impacts. With their soft coastline shores, the Gippsland Lakes will suffer from the secondary impacts of rising sea levels; coastal vulnerability is a clear challenge we are going to have to face over the next hundred years.

When reports are dumped out there and used for political purposes — without necessarily having the solutions laid out at the same time — development stops in places like Lakes Entrance, Paynesville and a large number of other coastal communities because they do not know what is going to happen; they do not know how the government is going to respond. There are ways we can manage the impacts. Humans have an amazing capacity to adapt to change, and we have the capacity to deal with these secondary impacts. We have to do as much as we can, because it is clearly unacceptable for this generation to pass on to the next generation the problems we have created without providing the solutions. We need to be establishing the solutions; we need to be taking leadership, because as Ross Garnaut clearly identified, not only Australia but our region is fully exposed and most at risk from the impacts of global warming and climate change.

Ms RICHARDSON (Northcote) — I am pleased to rise and speak in support of the motion before the house today. Climate change is the biggest challenge facing the world and us here in Victoria. An ABC report today summarised the findings of international scientists, many of whom were authors of reports published by the Intergovernmental Panel on Climate Change. They have warned that the warming that is occurring is taking place at a greater rate than they had previously predicted.

The 26 international scientists looked at the latest data and said the early predictions were slightly conservative. One said:

> … the Arctic Sea ice was thought to be something that we would continue to see during summertime right through to the end of this century and possibly even beyond. At the moment we may have an Arctic that is ice-free in summer as early as about 2030 and that really is bringing forward that ice melt much closer to now than we had previously thought.

Obviously that will have all sorts of impacts on sea levels and the like. We face many obstacles in seeking to meet the challenge of climate change, but they are quite simply obstacles we must overcome. The first of the obstacles is tackling the climate change sceptics. The motion before the house today recognises the scientific concerns that human activity is causing global warming. The reason the motion seeks to do that is that, sadly, in the last few weeks and particularly in the last 24 hours, we have seen climate change sceptics alive and well in the ranks of the Liberal and National parties. The time they take in debating the science is time taken away from joining the world community in tackling climate change, and the time they take bringing down their leaders is time away from the real action that is needed to tackle climate change.

Some opponents of the Victorian Liberal leader have drawn similarities between him and the federal Leader of the Opposition, Malcolm Turnbull. There is one significant point of difference between the two, and that is that in the past the Victorian Leader of the Opposition has given voice to the idea that human activity is not a contributor to climate change. I will quote from the Leader of the Opposition. In an article in the *Age* under the heading 'Doubting Ted fuels green rage', he is quoted as having said:

> I think there is climate change about us … I am not wise enough to conclude as to what causes the climate change.
>
> Some say that we had a period of climate change for the last 50 years that was unusual and we have just reverted back to normal patterns — and I am not in a position to judge that one way or another.

In the past he has been silent at key moments of this debate. I challenge any members in the chamber to find a positive statement from the Leader of the Opposition on the need to take action on climate change. They can search *Hansard* and the public record, but they will find nothing. We have also seen evidence of scepticism in the ranks of the federal Liberal Party. We have certainly heard scepticism from the Victorian Liberal Party ranks as well. Spokesperson after spokesperson either says nothing or denies human involvement in climate change.

Even today the Leader of the Opposition failed to condemn his federal Liberal Party colleagues who have done all they can not only to scuttle the carbon pollution reduction scheme but also to scuttle their leader. It is the biggest blue we have seen in the Liberal Party for 10 years, and the Leader of the Opposition in Victoria said absolutely nothing today in defence of Malcolm Turnbull. That spoke volumes to me about where he really stands on the issue. He has consistently

failed to condemn those in his own ranks who have repeatedly pooh-poohed the scientific evidence. I would summarise his contribution today by saying he paid lip-service to the need for action on climate change. In the meantime he has not made one positive policy contribution on tackling climate change and neither has his shadow climate change spokesman today.

The Leader of The Nationals got quite hysterical today. I was listening in my office and I thought, 'My God, he is really frothing on this one'. He was quite hysterical at the idea that this Parliament would call on the leaders meeting in Copenhagen to take action on climate change. I say to the Leader of The Nationals, 'You may come in here and seek to belittle that idea, but it is the view of the vast majority of Victorians, and it is their view that this Parliament should rightly express to the leaders in Copenhagen'. In my view the Leader of The Nationals does nothing other than belittle himself in taking the position he has.

The member for Doncaster came in here and made a variety of statements about the issue. What I say to her in respect of her idea that nothing has been said about Victoria's economy is that in fact Professor Garnaut went to that very point, and if she likes I can drop off a copy of his report so that she can avoid making silly statements like the one she made today — that is, that we know nothing about what will happen to the Victorian economy.

Mr Herbert interjected.

Ms RICHARDSON — Indeed, she specialises in making outrageous statements.

The scientific community is very clear about opponents to climate change, and I will read one quote to the house. In a book entitled *The Hot Topic*, a former UK chief scientist said:

> All of this evidence points to the same thing. The recent heating up of planet Earth has carbon dioxide's fingerprints all over it … Human activity is to blame for the rise in temperature over recent decades, and will be responsible for more changes in the future … If anybody tells you differently they either have a vested interest in ignoring the scientific arguments or they are fools.

Fools indeed, and we have heard from some members of this place and the other house statements which clearly indicate that they are incredibly foolish when it comes to this important issue.

In respect of the scientific evidence before us, it brings to mind the fact that 150 years ago a very important document, Darwin's *The Origin of Species*, was published. Back then there was fierce opposition to the scientific evidence he presented. The difference here is that there is opposition to scientific evidence which presents us with a very big challenge that we need to address. In my view we cannot afford to engage in indulgence, although opposition members have engaged in such indulgence.

At the heart of some of the problems the Liberal Party faces is the individual nature its members bring to the Parliament. We see it in the votes in a division. Every time they vote on a bill we hear there are something like 23 'individual' for or opposing votes. How can a bunch of individuals tackle the idea of a global problem when they have this individual approach and put first their own vested interest in respect of everything that comes before the Parliament?

I am very proud to be part of a government that does not dispute the effect humans have on climate change. I am also very proud of the steps we have taken to tackle climate change. Even in this place the Liberal and National parties have opposed the actions we have taken. Labor believes we must radically transform our economy to reduce our carbon emissions, and we believe we must support our local communities and households to reduce their carbon emissions. In short, Labor will be on the front-line in tackling climate change. It is not the Liberal Party or The Nationals but Labor who will be there.

Today I was very pleased to hear that the Premier is unequivocally opposed to the introduction of any new coal-fired power station that uses old technology to generate energy. Instead we are supporting renewable energy. In respect of that it was, of course, our government that was the first to introduce a renewable energy target, and it was the Liberal and National parties which opposed that introduction to increase the amount of renewable energy in this state. The announcements the Premier made on the white paper, which builds on the green paper we announced earlier this year, will go a long way to building on the momentum we have generated on tackling climate change.

The motion before the house is a very important one. I hope the leaders of the world meeting in Copenhagen come to a solution that is in the interests of tackling climate change. I am bitterly disappointed that the Liberal Party has done what it has federally to bring down the important legislation before the Australian Parliament.

Mr O'BRIEN (Malvern) — I rise to speak on the motion, which, as the Leader of the Opposition has already stated, will not be opposed by this side of the

house, much to the chagrin of the members for Northcote and Albert Park, who could not even be bothered adjusting their speeches to take account of that.

For generations Victoria's vast reserves of brown coal have been a source of cheap and reliable electricity generation. This has been an important competitive advantage for this state. Our homes, our industry and many communities built on coal have benefited as a consequence. In our understandable and proper eagerness to work towards a more sustainable environment we must not now lose sight of those families and those communities who have been sustained by what has been and what will continue to be an important natural resource for this state.

The ways in which we deploy our coal resources can and must change in the future. We must not make the mistake of some, who seek to demonise those communities and businesses that work with coal. Coal will continue to play an important role in Victoria's electricity generation for the foreseeable future, and I note that on this point there is bipartisan agreement although the Premier's announcement today that he will not support any new coal-fired power stations using conventional technology does seem somewhat of a hollow gesture given the total absence of any such proposals in this state.

The Department of Primary Industries states that 92 per cent of Victoria's electricity comes from brown coal generation, 4 per cent from natural gas and 4 per cent from renewables — consisting of 2 per cent wind, 1 per cent hydro and 1 per cent solar. We look forward to that reliance on coal reducing in the future as gas and renewables begin to play a larger role in meeting our energy needs. However, given that brown coal-fired electricity generation is one of the primary targets of the CPRS (carbon pollution reduction scheme), the subject of this motion today, Victoria's current reliance on coal makes this state particularly sensitive to the effects of such a scheme.

This poses the question of what the impact of a proposed CPRS might be on Victoria's electricity generation capacity. Respected business commentator Robert Gottliebsen, in a *Business Spectator* article of 16 November 2009, entitled 'Industry in jeopardy', wrote:

> Within a week of the current proposed legislation being passed, the boards of each of the companies that own the Latrobe generators will meet with their auditors on whether the companies' debt covenants have been broken. Almost certainly a majority, if not all the boards, will decide to appoint official administrators.

Mr Gottliebsen goes on:

> Talking to the bankers in the room it seems that if they are forced to appoint administrators, while their administrators will only sell on a spot basis, they will not do anything to reduce output.
>
> However, they are about recouping their loans, so they will cut back on long-term maintenance.

Mr Gottliebsen then notes:

> … as long-term maintenance is run down the power interruptions will become more and more prevalent with enormous cost to industry. Victoria will suck as much power as it can from NSW but the line connecting the two states has limited capacity so Victorian industry will bear the brunt although it will affect the whole nation.

To recap what Mr Gottliebsen is saying: there is a prospect that a mishandled CPRS could lead to the administration of Victoria's baseload power generators, which would ultimately result in Victoria bearing the brunt of costly and prevalent power interruptions. In other words, the lights could go out.

Where is the Victorian government in this? What is the Brumby administration doing to safeguard the security of our power supplies? Mr Gottliebsen notes:

> The Victorian government has received the KPMG report which spells out exactly what will happen.

We have heard about this KPMG report. Why has the Premier not released the KPMG report that details the consequences for this state if a flawed CPRS scheme is implemented? Victorians have a right to know.

The article continues:

> The Victorian government has explained to the federal government what will happen but the level of understanding in Canberra is very poor and they have not yet grasped the implications.

Members should listen to this:

> John Brumby has not gone public apparently because he hopes that either the legislation will not be passed — —

Mr Foley interjected.

Mr O'BRIEN — I will repeat that for the benefit of the member for Albert Park:

> John Brumby has not gone public apparently because he hopes that either the legislation will not be passed or it will be passed in a way that minimises the danger to Victorian electricity supply.

If Mr Gottliebsen is correct, the Premier failed to tell Victorians about his concerns with the CPRS design but he did tell his Labor mates in Canberra. I think that a

Premier who was in this house only yesterday talking about transparency, openness and accountability should level with the citizens of this state. What did he say to the federal government about the potential impact of the CPRS on this state's energy security? Will he release the correspondence?

Is Mr Gottliebsen correct when he suggests that the Premier hoped that the CPRS would not be passed because of the damage it might do to this state? That would be an extraordinary thing, especially for a Premier whose government has moved this motion today. Some might even say it is hypocritical.

On 19 November 2009 Mr Gottliebsen wrote another piece entitled 'Tell us the truth about power'. He writes:

> Yesterday I chaired an Australian Institute of Directors lunch where Victorian Treasurer John Lenders was the speaker.

He goes on:

> From the chair I asked John Lenders whether the Victorian government had contingency plans should the giant Latrobe Valley power stations go into official administration. Lenders was very careful to stick to the truth, but the essence of his reply was that he was hopeful that via the Senate, or via regulatory changes, official administration could be avoided.
>
> …
>
> It was clear that the Victorian government, despite the fact that the dangerous legislation has passed the lower house, still feels it is best to work behind the scenes rather than tell the truth in public.

It appears that the Premier and the Treasurer of this state were betting the house, betting Victoria's energy security, on the Australian Senate not passing the Rudd government's CPRS legislation as drafted.

The motion before us demands that the federal Senate pass the CPRS legislation as soon as possible, but it seems that the Victorian Treasurer was telling Robert Gottliebsen that he was relying on the Senate not passing the CPRS until it could be amended so that Victoria's power generation would not be plunged into administration and blackouts.

I note that on 14 August this year the Minister for Energy and Resources issued a press release under the heading 'Victoria ready for carbon pollution reduction scheme', which starts:

> The Brumby Labor government has condemned the Liberal, Nationals and Greens political parties in the federal Senate for failing to tackle climate change and support the carbon pollution reduction scheme.

Back in August the energy minister was calling on the federal Parliament to pass the original CPRS legislation, while the Premier and the Treasurer had told Robert Gottliebsen that if that original legislation had gone through, the lights would have gone out in Victoria. What this means is that the Premier and the Treasurer should have the good grace to send Malcolm Turnbull, the federal Leader of the Opposition, and Ian Macfarlane, the federal member for Groom, a very nice thankyou note and maybe a bunch of flowers or a nice bottle of wine to thank them for delivering amendments that it appears the Brumby government desperately wanted but did not have the courage or the decency to tell Victorians about.

Let us not have this nonsense from the government when it is actually the Liberal Party at the federal level that has secured amendments to the CPRS legislation that will assist in keeping the lights on in this state. If this government believes in openness and transparency, I ask rhetorically will it do the following: release all correspondence between the Victorian and Australian governments on the potential effects of the CPRS on Victoria's energy security; will it release the 111 CPRS documents ordered to be produced by the Legislative Council, most recently on 11 November 2009; and will it release the KPMG report showing the likely impact of the CPRS on Victoria's electricity industry?

If the government refuses to release these documents, it is demonstrating that it is failing Victoria in securing our energy, failing Victoria on transparency and accountability and failing Victoria by playing politics with the CPRS. It should be ensuring that the CPRS will not adversely impact on Victoria, that the lights can stay on and the sort of CPRS legislation we see passing through the federal Parliament will assist this state and the nation rather than sending us down a path of blackouts and disruptions which the original legislation would have done on the advice of the Premier and Treasurer of the state.

Motion agreed to.

Mr THOMPSON (Sandringham) — Acting Speaker, I ask to have my dissent recorded.

The ACTING SPEAKER (**Mr K. Smith**) — Order! I ask that the member for Sandringham's dissent be recorded.

RURAL AND REGIONAL COMMITTEE

Reference

Ms ALLAN (Minister for Regional and Rural Development) — I move:

That under section 33 of the Parliamentary Committees Act 2003, the Rural and Regional Committee be required to inquire into, consider and report no later than 31 August 2010 on positioning the Wimmera–Mallee pipeline region to capitalise on new economic development opportunities and, in particular, the committee is required to:

(1) identify the economic development opportunities that will arise as a result of the Wimmera–Mallee pipeline;

(2) explore the strengths of the Wimmera–Mallee region as a business location, including an industry capability analysis to identify the industries that would be best placed to establish in this region;

(3) identify the key factors that should be promoted to attract investment to this region;

(4) recommend actions that can be taken by the Victorian government to support the region to capitalise on the opportunities arising from the Wimmera–Mallee pipeline.

I will make a couple of additional comments on the proposal to give this reference to the Rural and Regional Committee. This comes as a result of some discussions I have had with people in the region who want to make sure that the region goes ahead in this period following the completion of the pipeline, and I look forward to the member for Lowan's support on this matter. We have a fantastic opportunity here. As a result of a great partnership between — —

Honourable members interjecting.

Ms ALLAN — I am getting there; wait for it. The Nationals always want to jump the gun. As a result of a great partnership between the Victorian and the federal governments and Grampians Wimmera Mallee Water, we have had a once-in-a-lifetime opportunity to see a massive investment in a water infrastructure project that we all know is not just about saving water but is about driving future economic development opportunities in the region. That is why governments on all sides have put $688 million worth of investment into this project.

We have seen that over the construction period around 500 jobs have been created, which has been a great boost to the local economy. It does not matter whether you are a direct contractor on the construction, the local milk bar owner or the local fuel supplier, the region has no doubt benefited. Locally people credit this as one of the reasons the region has been able to sustain itself during the economic downturn and the drought. There is a concern that the sudden withdrawal of all those jobs at the completion of the pipeline will leave the region exposed, but at the same time there is a clearly identified opportunity to make the most of the secure water supply in attracting new industry and new investment for the region.

I am keen to see the committee act immediately on taking up this reference. I am keen to have members of all sides on the committee pick up this reference and support it and the inquiry that no doubt will be held throughout early 2010. I particularly call on The Nationals members of this committee to support the inquiry and put it ahead of other matters that the committee may be looking into. This is an important inquiry that goes to the heart of the work that a committee like the Rural and Regional Committee should be doing, which is investigating ways to make sure our great country regions go ahead off the back of a significant infrastructure investment.

Mr DELAHUNTY (Lowan) — I want to make a couple of comments on this very important project. We on this side of the house support the inquiry. This government ignored the Rural and Regional Committee until an inquiry was foreshadowed in the upper house yesterday. The government knows that much of the work it is asking the committee to do has already been done, but still more needs to be done. Through my involvement in the area as the local member I know the Wimmera–Mallee pipeline and the northern Mallee pipeline, which a lot of people forget about and which was started many years ago, have been great for the reservoirs and the environment of our area but also for the health and wellbeing of the community.

We have had good rain this year and have seen the Wimmera River get a good flush of water. It did not fill up Lake Hindmarsh, but it filled the Wimmera River and gave the opportunity for the Dimboola regatta to be held there last weekend, and it was a fantastic event after five years.

This is really reactionary politics, because the government has ignored the committee for so long. Notice was given in the upper house yesterday of a reference to the committee. The government should take advantage of the courtesy that was extended to the upper house when it was given a week's notice about another inquiry.

It is my understanding that a lot of opportunity has already been created. No doubt new industries will come to our area and there will be new opportunities. All the councils in my area have been working together under the Wimmera Development Association, particularly the Hindmarsh Shire Council which has been a leader in relation to environmental matters and a strong supporter of the pipeline.

Along with my federal colleague the member for Mallee, John Forrest, I have been working with government, both federal and state, to get what is a

great outcome. A lot of work has been done in developing new industries such as in feedlots. There are great opportunities. An example of a good industry in our area is Luv-a-Duck, an industry which grows and processes ducks — —

Ms Allan — It won the regional achiever of the year award.

Mr DELAHUNTY — As the minister has highlighted, it won the regional achiever of the year award in Ballarat a couple of months ago, and it thoroughly deserved it. Art Shoppee, the founder of that company, passed away earlier this year, which is a sad loss to the community and particularly to his family; however, Luv-a-Duck will go on. It is a good example of the type of industry we want to see come to our area and be supported by the Wimmera–Mallee pipeline. This side of the house supports the inquiry. We want to see the opportunities for a new industry developed by the presence of the Wimmera–Mallee pipeline.

An honourable member — And John Howard funded it.

Mr DELAHUNTY — Yes, he was the one who helped in the early days. As the member for South-West Coast said, the importance of the northern Mallee pipeline has been overlooked, because before its construction only about 5 litres of every 100 litres of water sent up towards Ouyen from the Grampians would get to Ouyen, with the rest lost through evaporation and seepage. It is a good project, which is strongly supported by The Nationals — —

An honourable member — And the Liberal Party.

Mr DELAHUNTY — And the Liberal Party.

We support this inquiry. More work needs to be done by the government in working with the committees and getting a good outcome for the community that I represent.

Motion agreed to.

PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL

Second reading

Debate resumed from 24 November; motion of Mr BATCHELOR (Minister for Community Development).

Mr WELLER (Rodney) — I would like to continue my contribution to the debate from where I finished last night. Clause 5 of the bill substitutes Wannon Water for South West Water. There has obviously been a change in the water authorities managing the catchment area there. It is quite important that we have the catchment areas managed so that we have quality water running in for use within the Wannon area.

Clause 8 is an interesting one. It inserts a reference into the National Parks Act to the proposed Tara Range Park, whereby the secretary may permit deer hunting by stalking and would allow firearms to be carried within the park. If we are looking at the East Gippsland area, we should also think about allowing firearms in there for the control of wild dogs. We must remember that many of the farmers in East Gippsland have had to get out of running sheep for wool and prime lamb purposes because of the wild dog problem, and have had to switch over to cattle. Now we are finding that wild dogs are a problem with young calves as well, in the East Gippsland area.

Wild dogs have been a major problem for a long time; the only real solution is aerial baiting. We should be encouraging the use of aerial baiting in that area to reduce the wild dog numbers. Research in northern New South Wales has shown that if you reduce the wild dog numbers, the quoll population actually increases. In relation to the debate about whether or not the quolls will eat the bait, research has shown, particularly in northern New South Wales, that the quolls do not eat the bait, which takes out the wild dogs, and that quoll populations breed up. Managing the wild dogs is something that we should be doing in East Gippsland.

I go on to the transitional provisions of schedule One AAA, dealt with in clause 11, part 2 of which provides for apiarists to continue operating in the parks until their permits run out. I think it will be a sad day when that happens. We should be looking at apiarists continuing to be able to use the parks. Bees are an important part of the parks, and they play an important role there. Obviously there are issues with transport in and out of the parks, but I think those things can be managed with a bit of common sense on both sides. I think the apiarists should be allowed to continue operating there.

The next provision in the proposed new schedule relates to tour operators operating only until their licences run out. We had a bill go through Parliament back in, I think, June, which gave tour operators licences of up to 65 years, and that should be considered here. The bill says it looks after the timber

industry. We should be looking after the tourism industry as well.

While we in the opposition are supporting this bill we do not back away from keeping the government honest and committed to proper funding for the management of these parks. We had Black Saturday last February when we saw as the result of poor management of public land, megafires that were more intense than they have been in the past. The government has to put resources into managing the parks so we do not see a repeat of those megafires.

We will be monitoring the government and making sure that there is a sufficient level of funding being put in to manage the fire risk so that we do not get a massive build-up and a megafire that has disastrous outcomes for that area.

We also need to make sure that the government puts resources into managing weeds in this area. I travelled the area back in July with the members for Benambra, Benalla, Swan Hill and Narracan, and a member for Eastern Victoria Region in the other place.

The member for Mornington was also on that excursion, on which we travelled to East Gippsland. We went to Orbost to have a look at where the parks are proposed to be sited and got the feeling of the locals there. They are not against the extra national park, but they are very concerned about management, particularly the management of weeds. The government has a poor record on managing weeds on its land, and it must do better. The weeds are not only an environmental problem, they are a big problem as fuel for fires. Unless the government makes a proper investment and puts proper resources into managing these areas, we will be taking it to task and holding it to account for the management of these lands.

The bill creates more national parks. We support this national park. We take national parks on a case-by-case basis. When it is the right thing to do we support national parks, but when they are in the wrong spot we will not support them. In this case the park is in the right spot, and it has got the right management. However, we will hold the government to account in managing parks properly.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to make a 10-minute contribution to debate on the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009. I do so despite the at times hilarious but certainly disingenuous contribution of the member for Rodney and his in-principle position regarding The Nationals case-by-case basis of support for national parks. To be cynical, which of course I am not, it is clearly the case that having got its way as the red gum river wreckers for the national park proposition, which fortunately went through this house on its way to the Legislative Council during the last sitting week, the payback here, given that it is in the member for East Gippsland's electorate predominantly rather than in any Nationals seats, was the determination that The Nationals could cut their losses and support this. Long may it continue that the people of East Gippsland no longer have to suffer The Nationals as their state parliamentary representatives.

This bill sets out a range of sensible, practical and indeed significant measures to enhance the natural environment management and the significant protection of forests in the East Gippsland region. The bill also reflects this government's broad range of moves across all Victoria to manage our iconic forests, whether they be in East Gippsland, the river red gums area or the Otways. As the member for South Barwon said in his important contribution yesterday, the government has made significant contributions through record increases to national parks, special reserves and a whole range of areas to protect our iconic forests.

This bill seeks to amend a range of acts, including the National Parks Act 1975, the Crown Land (Reserves) Act 1978 and the Mineral Resources (Sustainable Development) Act. But the focus of the act, as reflected in its title, is the East Gippsland area, where as a combined result of measures that the bill sets out it will seek a new, expanded set of parks and preserves in the East Gippsland area that will protect significant areas of old-growth forests in that part of the world, particularly in the Goolengook block, a long-controversial block that this bill will secure for future generations. Indeed we heard earlier today of the important role of those iconic forests, those temperate rainforest areas being among the most important carbon sinks on the globe.

I understand from the opposition's contributions that I listened to yesterday that even members of the opposition have to concede that this bill will see some 97 per cent of old-growth forests in the East Gippsland area now protected in parks and reserves. The bill also specifically identifies and protects a number of iconic areas of rainforest. It goes to important measures around protecting a number of threatened species and ensuring the biodiversity of that important area — that is a contribution not only in its own right for its own sake but also to the growing tourism industry of East Gippsland. The bill sets out the processes whereby there will be at last a linking of the Errinundra and Snowy River national parks through the bringing

together of those areas, which will also ensure that the policy position that this government took to the 2006 state election is delivered comprehensively and in full.

Besides supporting the arrangement in East Gippsland for national parks, the bill also extends the parks system to a number of other areas in Victoria, including the Brisbane Ranges, the lower Stony Creek area and, as we have heard in contributions yesterday and earlier today, a range of low-level changes such as land that results from offsetting vegetation clearance arrangements and a series of practical measures for tidying up a number of administrative arrangements across the area of natural resource management in national parks.

The bill also importantly resolves issues around the boundary of the Discovery Bay Marine National Park, an area that will clarify the rights and responsibilities of both recreational and fisheries stakeholder groups. The Aireys Inlet natural features reserve will also receive some attention here, clarifying issues with its boundaries and management and other factors. There are also a range of other miscellaneous matters that this bill tidies up in a comprehensive manner.

I am pleased to see that those opposite have taken the opportunity to support this bill. The combined efforts that were obvious from contributions earlier today and contributions on the river red gums national park arrangements show that the penny has dropped and there is the ability to ensure that some 45 000 hectares — —

Mr Ingram interjected.

Mr FOLEY — As the member for East Gippsland correctly points out, there are many things dropping. I think it is 2 per cent of people, according to the weekend's press, who think the Leader of the Opposition is doing a good job — and I think those figures are in severe danger after his contribution earlier today. Fortunately the opposition, and most surprisingly of all The Nationals, have seen the error of their ways with regard to this bill, and the 45 000 hectares of additional reserves and parks this bill will bring under protection in East Gippsland is to be acknowledged and welcomed at last, as well as the further 2400 hectares of parklands and reserves which will ensure a further contribution to this government's comprehensive approach to the appropriate management and expansion of our parks and reserves system.

I took particular note of the excellent contribution to the debate by the member for South Barwon yesterday evening when he referred to a range of further moves that could be taken in the protection of old-growth forests. He noted quite rightly that the overwhelming — 97 per cent was the figure used by our friends in the Liberal Party — amount of old-growth forest will now be protected and secured as a result of this bill, hopefully, passing in the other place as well.

As the member for South Barwon correctly pointed out, this legislation continues the recognition and the evolving debate around the fact that old-growth forests and reserves make a range of contributions to our community. They preserve important biodiversity and habitat areas, they contribute significantly towards the lifestyle of people in the East Gippsland area and to the tourism strategies — ecotourism in particular — in that part of Victoria but they also increasingly contribute to the carbon storage and management arrangements that already operate and will increasingly operate when we see the inevitable passing of legislation that puts in place arrangements for the carbon pollution reduction scheme and moves towards a global response as well as a national response to climate change.

In 2006 the state government took its position on this matter to the election and received support for that. I refer to an excellent publication put out by the Department of Sustainability and Environment, entitled *Protecting East Gippsland's Old Growth and Iconic Forests*. This document, which has just been recently released in a neat and accurate summary form, refers to the government's 2006 election commitment, which it has exceeded. The proposition was that some 41 000 hectares of forest reserves would be protected in East Gippsland, whereas with the passing of this bill the government will in fact have exceeded that target — —

The ACTING SPEAKER (Mr K. Smith) — Order! The member's time has expired. This is an appropriate time for us to break for lunch. The member for East Gippsland will have the call after question time.

Sitting suspended 1.01 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Housing is absent from question time. The Minister for Community Development will answer questions relating to local government and aboriginal affairs and the Minister for Health will answer questions relating to housing on behalf of the minister.

QUESTIONS WITHOUT NOTICE

Government departments: database security

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Auditor-General's report *Maintaining the Integrity and Confidentiality of Personal Information*, which has found that personal details of Victorians held in databases, including in the Premier's own department, have been inappropriately accessed by unauthorised people, and I ask: how can Victorians trust this government when, despite being warned about this in 2005, this government's direct negligence has led to a massive breach of the privacy of Victorians' personal information, including in the Premier's own department?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. The current requirements and standards for Victorian government departments and inner budget agencies include the requirement to conduct a security analysis against 132 control areas and to implement a program of works which address any gaps. This assessment is based on the best practice standards. Secondly, the data held in all new information systems is to be classified and managed according to its sensitivity, once again according to best practice standards. Thirdly, guidelines exist across government about who and how staff can access data. Finally, recent guidelines — —

Mr Baillieu — So all's well!

Mr BRUMBY — These are the existing arrangements and recent guidelines — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to members that interjections and conversations across the chamber are most disorderly. If the member for Narre Warren North and the member for Bass wish to have a conversation, they can do so outside the chamber.

Mr BRUMBY — Recent guidelines have also been issued on some of the security and penetration testing issues for portable storage devices, including USB sticks and notebook computers. The government has plans to provide further guidance, including minimum standards for the engagement of third-party service delivery agencies and network security management standards.

The Auditor-General has made a number of findings in his report. Primarily they are that the current guidelines and frameworks are too narrow and could be broadened; that there is not enough strong oversight, direction and guidance from the two central agencies to the broader sector; and that there needs to be greater focus and attention given to these matters across departments.

The audit report is obviously significant. It sends a very strong signal to all departmental and agency heads about the importance of this vital issue. The government has also asked the Department of Treasury and Finance to provide it with a program of activity to assist departments and agencies in their compliance with these guidelines and to identify any issues that would prevent agencies from protecting and securely handling individuals' personal information. The Auditor-General has highlighted these concerns, and we are acting on them.

Climate change: government initiatives

Ms RICHARDSON (Northcote) — My question is to the Premier. I refer to Labor's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on how the Labor government is working with the community to ensure that Victoria is a leader in reducing its greenhouse gas emissions and making the transition to a low-carbon future?

Mr BRUMBY (Premier) — As I indicated earlier today in the Parliament, the last fortnight has been crucial in the context of the history of Australia's efforts to tackle climate change. In Victoria we have had a consistent and strong policy, a position of leadership in addressing these issues. As I said this morning to the house, it was Victoria which first advocated for a national emissions trading scheme, and it was Victoria, in fact, which hosted the Garnaut work in our state in the Department of Premier and Cabinet. It was Victoria which advocated for that national emissions trading scheme.

We have also been the first state to implement a Victorian renewable energy target, which brought forward significant investment in our state in renewable energy. We were the first state to have a mandatory energy efficiency target for electricity retailers, and we were the first state to adopt a 5-star rating for new homes. What I have always been proudest of, though, in our state is our ability to work across different levels of government, across the community and with non-government organisations, in partnership, to get real results.

Today in the house I announced the next chapter in what I believe is our story of partnership with the

community in the fight against global warming. The initiative I have announced today is really modelled on the success of Landcare — it is a $23 million Climate Communities initiative that will provide practical assistance to local groups that want to take action in their communities. Climate Communities will offer grants of up to $50 000 for projects that meet one of three aims — firstly, community abatement projects whose aim is to generate emissions reductions that are in addition to the CPRS cap; secondly, community resilience projects that assist communities to understand and adjust to the impact; and thirdly, community innovation.

We will also keep a register of the estimated impacts of these grants, whether that be in terms of emission cuts or energy saved, so that Victorians can recognise and take pride in their efforts in working collectively to address this challenge across the state. We will also deploy nine climate community coordinators across Victoria to provide practical advice and assistance to local groups and to provide advice on how to get started.

When I mentioned it this morning, a number of members opposite scoffed at these initiatives.

Honourable members interjecting.

Mr BRUMBY — Yes, you did.

Honourable members interjecting.

The SPEAKER — Order! There is a great degree of difficulty with the sound recording system. Hansard is not picking up any of question time. We will break while the technicians have a look at the sound system. We will continue with question time at the ringing of the bells.

Sitting suspended 2.14 p.m. until 2.16 p.m.

The SPEAKER — Order! While there are continuing difficulties with the sound in the chamber — and I am aware that for some members, the speakers behind them are not working — Hansard is recording, and we will continue with question time. I ask members for some additional cooperation — perhaps more than we are accustomed to at question time — so that members can hear. While not wishing to emphasise the difficulties I am having with my voice, it is quite difficult for me today to attract members' attention in a vocal sense, so I ask for everyone's cooperation.

Dr Napthine interjected.

The SPEAKER — Order! There will not be any other sense, I can assure the member for South-West Coast.

Mr Thompson — On a point of order, Speaker, I just want to draw to your attention that there are some members in the chamber who are hearing impaired or who have difficulty hearing, and if we do proceed, it would need to be on the understanding that some people will not be able to follow the proceedings.

Mr Stensholt — On a point of order, Speaker, interestingly enough I think it is the International Day of People with Disability soon, so might I ask that you examine the issue of the hearing loop in the chamber, which does not seem to be working this week.

Mr BRUMBY — To continue my answer, the announcement I made earlier today is designed to ensure that individuals and communities across the state can be supported in their efforts to tackle climate change. The feedback we have had on this initiative already today has been absolutely fantastic.

I will just mention that Jim Norris, the chair of the Mount Alexander Sustainability Group, said today that the group congratulates the state government on its Climate Communities initiative. He said:

> This initiative by the Brumby state government recognises the actions of local communities in leading the charge at a grassroots level on climate action.

Larissa Brown, the director of the Centre for Sustainability Leadership, the Victorian Young Australian of the Year and the federal environment minister's Young Environmentalist of the Year, said:

> The Climate Communities program allows all Victorians to play a role in reducing our state's carbon footprint.

Ian Porter, chief executive officer of the Alternative Technology Association — which, by the way, is the largest not-for-profit sustainable living organisation — had this to say:

> … the funding is welcome recognition of the huge contribution individuals and communities make toward reducing greenhouse gas emissions.
>
> Initiatives like this could lay the foundation for Victoria to lead Australia in community responses to climate challenge.

Cam Walker from Friends of the Earth said:

> We warmly welcome the announcement today of the Climate Communities program. We need action from governments, industry, but also the community. Climate Communities will obviously greatly increase the capacity of the community to play its part.

Kelly O'Shanassy, the chief executive officer of Environment Victoria, said:

> Environment Victoria very much supports the announcement; communities play an important leadership role, and this announcement will help them even further.

This is a significant step forward for our state. I believe it continues our leadership position of tackling climate change, but this is really about building partnerships. This is about communities working with government and working together to play their part in tackling climate change, and I think the response that has come through from the community today shows that this initiative heads in exactly the right direction for our state.

Department of Premier and Cabinet: database security

Mr McINTOSH (Kew) — My question is to the Premier. Can the Premier provide a guarantee to Victorians that no member of his government has inappropriately accessed personal information held in the Premier's own department?

Mr BRUMBY (Premier) — As far as I am aware, there is no reference to that in the Auditor-General's report. I have no idea where the honourable member has created that from. The inference is completely inappropriate, and I reject it.

Energy: government initiatives

Mr LUPTON (Prahran) — My question is for the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: could the Premier update the house on the latest developments in Victoria's transition to a low-carbon energy mix?

Mr BRUMBY (Premier) — I thank the member for his question and for his strong support of the government's climate change policies.

There is no doubt that Victoria's transition to a low-carbon future is already well under way, and we are determined to continue to deliver lower emissions, new jobs and energy security for Victorian families. I believe we have a great story to tell in our state. In fact over 1400 megawatts of new energy generation capacity has been delivered to our state in the past decade, and that has all been through gas, wind and hydro. We have also seen new transmission capacity of 900 megawatts — sourcing energy from other states, including clean hydropower from Tasmania — and of course we also have 1735 megawatts of renewable energy projects that enjoy planning approval.

Just last week, as I have previously mentioned to the Parliament, I opened the $230 million Bogong hydro plant, which delivers up to 140 megawatts of clean, renewable, emission-free energy to our state. It created 200 jobs during construction and it has the potential to power 120 000 homes. Again I just say in relation to this that it is one of a number of projects in our state which have come online where investment and jobs have been generated. Clean energy has been generated because of the Victorian renewable energy target which our state introduced in 2006 but which was opposed and voted against by the Leader of the Opposition and his party. This hydro project is unique. It delivers clean energy without the need for new dams or new water by reusing water already used. It is the largest new hydro facility which has been built in our state in 25 years.

In terms of solar, our commitment to solar energy is also producing dividends for our state. At a household level the growth in solar which has occurred is very substantial. Two years ago, in 2007, Victoria had just 1.5 megawatts of power produced by on-roof solar generation. Today that figure is more than 14 megawatts, with new installations growing at the rate of more than 1 megawatt per month, which is equivalent to the total stockpile we had just two years ago. All of this is thanks to a number of factors, including the premium solar feed-in tariff, which pays households for the energy they export to the grid and which came into effect at the start of November.

Our commitment to large-scale solar is unwavering. We have $100 million on the table for new development which goes out to the market next year. That project will link into the federal government's solar flagship program, plus we have $50 million on the table for the Mildura solar project which I am confident will be delivered.

In relation to wind, in July the 192-megawatt wind farm at Waubra became operational, adding to our wind energy capacity of 428 megawatts.

Mr Ryan interjected.

Mr BRUMBY — And again the Leader of The Nationals interjects to criticise renewable energy policies.

Honourable members interjecting.

Mr BRUMBY — Yes, he did!

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to debate the question, but I ask the Leader of The Nationals not to invite criticism by constant interjections.

Mr BRUMBY — Of course our commitment to renewable energy — the desalination plant we are building at Wonthaggi — is again opposed by the opposition, with all of the power for that being sourced from renewable green energy in our state.

With gas, gas-fired generation will play a large part in Victoria's energy future. Already we are seeing significant investments in gas, such as stage 1 of Origin Energy's 500-megawatt gas-fired power station at Mortlake, the 550-megawatt Santos Shaw River project and the development of the Kipper gas field in Gippsland, which I announced last year — it has enough gas reserves to supply a city the size of Geelong for 60 years.

With a carbon price being established, we will also see significant inroads into new ways of securing a low-carbon future with investments in co-generation, biofuels, wave power, and carbon capture and storage.

The point of the story is this: all of that investment in gas and in renewables in our state has happened because the right policy settings have been in place, and those right policy settings have included our energy efficiency target, our Victorian renewable energy target and our support for an emissions trading system. All of these things coming together, plus the support through the Department of Primary Industries, has meant that we have sourced significant new power for our state this decade — and all of it is low-emission or renewable power.

Going forward, with the right policies — which I believe we on this side of the house have — we will continue to see more investment, more jobs and a smaller greenhouse footprint in our state, which will be a great outcome for Victoria.

Anticorruption commission: establishment

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Is it not a fact that the Premier's review of Victoria's integrity and anticorruption system is nothing more than an attempt to undermine and destroy the independence of the office of the Ombudsman?

Honourable members interjecting.

The SPEAKER — Order! Given that I cannot shout over the top of members today, I will allow some latitude because members may not see that I am standing, but I suggest to all members that they watch what I am doing, because if that level of interjection continues, the next time I am forced to stand the offending members will leave the chamber. I ask for members' cooperation.

Mr BAILLIEU — I will ask the question again. My question is to the Premier. Is it not a fact that the Premier's review of Victoria's integrity and anticorruption system is nothing more than an attempt to undermine and destroy the independence of the office of the Ombudsman following a series of embarrassing Ombudsman's reports into corruption, incompetence and mismanagement in this government?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I think he is in the wrong decade. We have consistently supported all of the independent statutory officers in the state. We have enshrined their independence in the constitution. Do members know why we did that? Because those opposite tried to privatise, dismantle and remove the powers of the Auditor-General, the Ombudsman and all of the independent office-holders. So we pledged in opposition that we would enshrine their independence in the constitution — and guess what? We did it. We have given those office-holders more independence, more resources and more powers, and they are producing more reports than we have ever had before.

Their independence, their ability to report to the Parliament and the establishment of new bodies like the Office of Police Integrity mean that we have a degree of accountability, transparency and scrutiny in this state which is second to none — as it should be.

It is an extraordinary thing. Members should understand what it is that the Leader of the Opposition is saying. There are two people undertaking this inquiry. One is Elizabeth Proust, the former chief executive officer of the City of Melbourne and the head of the Department of Premier and Cabinet when Jeff Kennett was Premier. The other is Peter Allen, a distinguished public servant who has been a department head under different governments, but what the Leader of the Opposition is saying is that they are part of a fix which is going to produce a dodgy report.

What the Leader of the Opposition needs to do, and the Leader of the Opposition has already — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Attorney-General

The SPEAKER — Order! Under standing order 124 I ask the Attorney-General to leave the chamber for half an hour.

Attorney-General withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Anticorruption commission: establishment

Questions resumed.

Mr BRUMBY (Premier) — I think the Parliament needs to be clear about what it is that the Leader of the Opposition has just suggested. He has just suggested that those two distinguished individuals will produce a dodgy report, and he should apologise to them for impugning their integrity.

Solar energy: feed-in tariffs

Mr FOLEY (Albert Park) — My question is to the Minister for Energy and Resources. I refer to the government's commitment to support households in the wider community to produce their own renewable energy, and I ask: can the minister update the house on how energy retailers are supporting the Brumby government's solar feed-in tariff legislation?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Albert Park for his question. I know how he values the scheme, because I was at a meeting recently in his electorate when 200 or 300 people attended to find out how they can maximise the benefits under this scheme.

I remind members that when we introduced this scheme it was to be based on a form of credits because we could not mandate them at the time, but there were two electricity retail companies — Origin and AGL — who were prepared at that time to offer customers cash rather than credits for the power they fed back into the grid.

I am pleased to report that more companies are following that lead. They are offering cash, and this is not only because of the scheme design, which would allow for that, but also because of the competitive energy market we have here in Victoria.

But there is more good news, because a number of electricity retailers are also offering more money for solar power. It is important to realise that the act that was passed was designed to allow this to happen. A thoughtful scheme design and a competitive market and good competition out there are at centre stage. Instead of the 60 cents per kilowatt for solar electricity that is fed back into the grid, a number of electricity retailers are now offering more.

For example, AGL and Powerdirect are currently offering to buy solar power for some 68 cents per kilowatt. Other companies such as Origin Energy, Red Energy and TRUenergy will offer to buy it for 66 cents, and yet other companies are paying the statutory minimum of 60 cents. You can see that our competitive and thoughtful design has enabled consumers in Victoria to benefit.

It is also important for customers to realise that conditions are attached to various market offers via the different electricity retailers — —

Honourable members interjecting.

Mr BATCHELOR — Thank you. This is a scheme that is worth cheering about. This is why this scheme has worked here — and you will probably read about it in the *Age* because it is so good. It is important that customers realise that conditions are attached to the companies' various market offers. So that they can make the best choice, electricity customers need to examine things carefully. Customers need to choose the set of conditions that are important and valuable to them and their families, and they need to do this in the context of the tariff offer that they find most attractive.

This means that Victorian households, small business and community groups that feed solar electricity back into the grid will be able to get the highest premium feed-in tariff of any Australian state — and that is now being offered in Victoria because of the way we constructed our scheme and because of the competitive market that has brought this about.

We say to electricity consumers with photovoltaic systems that they should shop around; that they should compare prices; and that they should compare conditions. It is the customer's choice to decide what mix they accept, and they should do that wisely.

Electricity consumers also need to be aware that some electricity retailers will initiate an offer for them to consider and accept a premium solar feed-in tariff whilst other electricity retailers will wait for the customers to contact them. In all cases the ongoing commercial arrangement must consist of both an offer and an acceptance.

These competitive market offers represent an increase — or an extra benefit, if you like — in the order of between 10 and 13 per cent above the statutory minimum. This is great news for electricity customers who are considering the installation of, or who have already installed, solar panels on their homes. It will enable them to reap the benefits of the Brumby government's premium solar feed-in tariff scheme, and we ask them to engage quickly so they can maximise the benefits that are available.

Water: authority dividends

Ms ASHER (Brighton) — My question is to the Premier. I refer to the Auditor-General's report on his audit of the government water entities in which the Auditor-General says:

> The metropolitan water businesses have also drawn upon short-term borrowings to finance the payment of dividends to the state government.

I ask: why is the government forcing its wholly owned water authorities to borrow money and incur ongoing interest costs just to meet the cash demands of a failing government?

Mr BRUMBY (Premier) — I would like to make a couple of points. We have been making record investment across the state in water authorities, and I will go through that in a moment.

In the financial year 2008–09 the dividends paid by the water sector to the state government amounted to $154 million: $72 million from Melbourne Water, $38 million from City West Water, $14 million from South East Water and $29 million from Yarra Valley Water — a total of $154 million. The total dividend we received from water businesses across the state was $154 million, because we did not take any dividends from regional urban water businesses. The total dividend is $154 million. If we cast our memories back a decade to 1998–99 — —

Honourable members interjecting.

Mr BRUMBY — In monetary value, total dividends that year, a decade ago — so it would be a lot more in real terms now — were $269 million. The breakdown was: Melbourne Water, $121 million; City West Water, $50 million; South East Water, $47 million; and Yarra Valley Water, $52 million. That is not all, because back in 1998–99 the former government sucked dividends out of the regional urban water businesses — $10.3 million. More than that, it sucked money out of the regional rural water businesses — a million dollars a dividend. I will tell you what is happening: we have got the biggest investment by far in the history of the state in new water infrastructure — billions and billions and billions and billions of dollars.

Honourable members interjecting.

Mr BRUMBY — Guess where it is going? Can the Leader of The Nationals guess? It is going into country Victoria!

Honourable members interjecting.

Mr BRUMBY — Tweedledee and Tweedledum — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to debate the question, and I also ask the Minister for Water to cease interjecting in that manner.

Mr BRUMBY — What is happening is that dividends paid by Melbourne water businesses are being more than used to pay for new capital infrastructure in country Victoria.

Honourable members interjecting.

Mr BRUMBY — I am happy to bring on that debate, but it seems to me that what the deputy leader of the coalition is saying is that they would grab back those dividends and rip them out of country Victoria. That is what they are saying: they would rip them out of country Victoria.

Ms Asher — On a point of order, Speaker, the Premier is debating the issue. It was a very simple question, but he has still not got to it.

The SPEAKER — Order! I uphold the point of order. I ask the Premier to come back to the question.

Mr BRUMBY — Since 1999 the government has committed almost $3 billion towards water projects across the state. That is from budget sector contributions. Water authorities have spent $5.3 billion over the same period. We know about some of the projects. There is the Wimmera–Mallee pipeline at $266 million, the Northern Victoria Irrigation Renewal Project, the super-pipe and the Hamilton–Grampians pipeline.

An honourable member — And Geelong!

Mr BRUMBY — And Geelong, of course. We have put in just under $3 billion towards those projects. The water authorities have put in $5.3 billion. The total

amount of dividends over that period is $2.1 billion. Here is the story — —

Honourable members interjecting.

Mr BRUMBY — I guess what opposition members are saying in all their wisdom is that they are going to take even more dividends out of the authorities, including the regional water authorities — —

Ms Asher — On a point of order, Speaker, the Premier is defying your ruling. He is still debating the question, and I ask that you bring him back to order.

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Health and the Minister for Water to cease interjecting in that manner. I uphold the point of order. The Premier has been speaking for some time, and I ask him to conclude his answer.

Mr BRUMBY — I think the final point to make is that all the metropolitan water businesses recorded a profit for 2008–09. As I have said, they are making a profit and they are paying a dividend. That dividend is being invested in country Victoria.

If people are not happy with that sort of arrangement, it could be fixed in two ways. You could spend less on water infrastructure; you could certainly cut back on water infrastructure. You could do that or you could stop drawing dividends and investing them in country Victoria, as we are doing. But if you did either of those two things, the first point is that Victorians would have less water security in the future and not more, and secondly, there would be fewer jobs in country Victoria.

I will just finish with a quote about one of the projects — the Wimmera–Mallee pipeline — which we announced in this Parliament in the 2003 budget. This quote is from the *Weekly Times* last month. It is from Darryl Argall, and it says:

> They (Bracks, John Thwaites and John Brumby) came out to meet us. We said they would lose half Victoria without the pipeline.
>
> The Victorian government responded …
>
> The then coalition — —

Ms Asher — On a point of order, Speaker, the Premier is continuing to debate the question without answering it, and I ask that you call him to order.

The SPEAKER — Order! I do not uphold the point of order. I have asked the Premier to conclude his answer, which I believe he is doing.

Mr BRUMBY — The article goes on to say that after we announced the money:

> The then coalition federal government refused to respond until Mr Argall and other locals threatened, in 2004, to run independent candidates against local Liberal and National Party federal MPs.

Finally, he said about this project:

> 'It's lifted everyone's spirits'.

The article goes on:

> In his 18 years as councillor and mayor Mr Argall said the Labor government was 'without doubt' the best he had worked with.

Regional and rural Victoria: government initiatives

Mr TREZISE (Geelong) — My question is to the Minister for Regional and Rural Development. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house recent actions the Brumby government has taken to develop Victoria's green economy and responses to those actions?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Geelong for his question. Those of us on this side of the house know there is a massive potential in regional and rural Victoria as we transition to a low-carbon economy, to capture new jobs, new investment and new industry opportunities right across the state.

Today of all days, regional and rural Victorians are looking for clarity, decisiveness and leadership from those of us in politics. Unlike other political parties at both the state and federal levels the Brumby Labor government's position in this area has been clear from day one. We are ready to stand side by side with communities right across the state and with businesses as well to help them to capture the new opportunities that have come online — to capture the new opportunities around establishing new industries, encouraging new investments and, most importantly, creating new jobs and opportunities.

I want to share with the house some great examples of this that we have seen over the past month. Just last Saturday I was one of around 500 people who attended the opening of the Central Victorian Solar Park in

Huntly. This, thanks to a $2.5 million grant from the Brumby government through Sustainability Victoria. will provide energy to over 150 households in central Victoria. I believe its sister park in Ballarat is to open next Saturday, and the member for Ballarat East will attend that.

Through the fantastic $611 million Regional Infrastructure Development Fund we are also taking action to help businesses adjust and adapt. Just last month I was able to announce $1.25 million in funding through RIDF to help Unilever's Tatura factory establish a new heat and electricity co-generator. The importance of this project at Unilever's Tatura site is that obviously it will have a great impact on the environment because it will help reduce Unilever's carbon footprint by around 44 per cent, but it will also help secure the up to 300 jobs that are located in Tatura. Obviously Unilever is a major employer for that community.

But that is not all. Just last month also we were able to announce, again through the Regional Infrastructure Development Fund, a grant of $125 000 to establish a new eco-industrial park in Maiden Gully, which is in the electorate of Bendigo West. This investment will create up to 100 new jobs and drive $5 million worth of new investment in the region. This is the kind of leadership and action that regional businesses and regional communities need as we work through these challenging issues that come from a changing climate and the introduction of a carbon pollution reduction scheme.

I was asked by the member for Geelong about other responses on this matter. This is an important point, because what the future of jobs in regional Victoria needs is certainty. You do not get certainty from political leaders saying one thing here in Victoria and having another thing coming out of Canberra. That is why those of us on this side of the house understand the importance of working with our federal colleagues to make sure that we get the right outcome, we get a good outcome and we get a supported outcome for regional Victorians and industries.

We know this position is supported by the Leader of The Nationals. We know he supports this approach. We know what he really thinks on this matter, because he said in the house last year:

> … we are going to have an emission trading scheme in Australia … I support such a scheme in Australia.

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

Ms ALLAN — Speaker, I was asked about other responses. It is important that we put on the record what these responses are. As the Brumby government is working hard with communities to capture new industries and new job opportunities, we have to make sure that there is a consistent message coming out of Victoria, a consistent message saying that political leaders on all sides of the debate are going to support Victorian industries, support Victorian jobs and support Victorian communities. You do not get that when people are put to the test, as the leaders on the other side of the house were this morning, when we saw them kowtow to their political masters in Canberra.

Gaming: second casino licence

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Is the government proposing to grant a second casino licence anywhere in Victoria; if so, on what terms and conditions?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. I think he is aware that there are parties interested in building a casino in Mildura; John Haddad is interested in doing that. He spoke to me informally some months ago and said that he would be developing a proposal. In turn I have indicated to him that there is no legislative prohibition to that and there never has been. When the original casino was set up in Melbourne under the Kennett government there was a restriction for 140 or 150 kilometres. That was lifted, but there was never any restriction on anything outside of that.

As the honourable member would be aware, during the 1990s a number of proposals were floated in the press, but they went no further. I have indicated publicly in relation to this matter that there has been no exchange of correspondence or formal proposals that have been put. There is no legislation that is available that would do that. I have said publicly that any proposal would need to enjoy strong community support and it would need to enjoy bipartisan support.

By the way, on checking the record when I was asked my views about these matters back in the 1990s when I was opposition leader, that was the view that I put back then. So my position has been consistent.

Any proponent in Mildura would need to show that there is strong local support and that such a proposal would be good in terms of investment, jobs and tourism, and that it would enjoy bipartisan support. It would need to enjoy bipartisan support, because any new casino, on the information I have, would require an act of Parliament and would require some regulatory

approvals, so there would be no point going down that road unless there was a clear indication of bipartisan support for such a proposal from the Liberal Party and The Nationals.

I assume that at some stage the proponents who are interested in this will speak to the Liberal Party and The Nationals. If they indicate that they are comfortable with such a development, it would require legislation, which would need to go through both houses of Parliament. Without bipartisan support that legislation would not go through. If there were an indication of bipartisan support, then the government would proceed to the next step, which would be to get advice and test the proposition.

Water: Victorian plan

Mr BROOKS (Bundoora) — My question is for the Minister for Water. 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 outline to the house what impact the recent decision by the federal environment minister on Traveston Crossing Dam will have on Victorian water projects?

An honourable member — Diver Dan!

Ms Asher — Diver Dan? He's not that good.

Mr HOLDING (Minister for Water) — You are welcome to come next time, Louise, if you would like to join us. I am happy to be joined by any members of the opposition.

I thank the member for Bundoora for his question, because this is a very important issue. We have obviously been monitoring the developments in Queensland very closely in relation to the decision by the federal environment minister around the Traveston Crossing Dam. In fact we have taken the position in Victoria that if you want to have a water plan — and it is important; it is fundamental that governments around Australia develop water plans — you need a plan for how you are going to pay for your water projects and you need a plan for how you are going to source the water for the projects that form part of your plan. Of course you also need a plan for how you are going to get the environmental approvals for the projects that are part of your plan.

I am very pleased to be able to report to the house that in Victoria we have a plan for how we are to provide water for Victoria's future. We have a plan that we are implementing as we speak; it is a plan to use the water that we have more efficiently. It is also a plan to diversify our water sources by providing new sources of water in addition to our traditional exclusive reliance on water collected in dams and storages. We recognise that our system of dams and storages has served us well for more than a century, but we also recognise that in the midst of our longest and driest drought ever and faced with the reality of climate change there are limits on our ability to rely exclusively on water collected in dams and storages. In fact it is important that we diversify our water sources. That is part of our plan.

Our plan includes a project to invest in irrigation upgrades, which will generate on average 425 billion litres of water savings per annum in the Goulburn-Murray irrigation district in northern Victoria. We have a plan for how we will pay for it and how we will share the water savings that are generated from this project.

Another part of our plan is a project to invest in a statewide water grid. We are implementing that plan with works on the north–south pipeline that will bring Melbourne's share of those water savings from the Northern Victoria Irrigation Renewal Project. That pipeline is now in place. As part of that plan we have in place the environmental approvals which will enable us to deliver the benefits of that water to the people of Melbourne.

We have also said that we are diversifying our water sources by turning sea water into drinking water, and that is why we are building Australia's largest desalination project. We have a plan for how we are going to pay for this project. We do not have just a plan; we have achieved all the environmental approvals that are necessary to implement Victoria's desalination plant.

The alternative would have been to consider dam sites around the state. We have research; the government has prepared reports on the viability of these dam propositions. What we have seen from this research and what we glean from a careful reading of the decision of Minister Garrett in relation to the Queensland dam proposal is, firstly, if you want to build a dam, you need to say where you are going to build it. I know that sounds like a radical proposition, but that is a fundamental proposition: if you want to build a dam, you need to say where you are going to put it. Secondly, you need to demonstrate what the environmental impacts of that dam would be. For example, if you wanted to put a dam on the Mitchell River or one of the other rivers flowing into the Gippsland Lakes, you would need to explain to the federal environment minister what the environmental impacts of that dam would be on a Ramsar-listed,

internationally recognised set of wetlands in the Gippsland Lakes area.

If you want to have this as a policy, you need to explain how you are going to pay for it and you need to explain where the water will come from that will fill this dam when our storages are currently at 38 per cent, the second-lowest they have ever been this time of the year. Thirdly, you need to explain how you will get the environmental approvals to proceed with this ludicrous policy proposition.

We have a plan that is fully funded and fully costed. We have a plan that has been put in front of the Victorian people. They know where we stand. They know we support the upgrades to irrigation systems. They know we support water recycling for non-drinking purposes. They know we support Australia's largest desalination plant, and they know we support the connection of the state in a statewide water grid. Those opposite have no plan. They have no plan because they have no vision for how they will pay for it or how they will get environmental approval for it.

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question in that manner. I ask him to come back to government business.

Mr HOLDING — We have carefully analysed the impact of Minister Garrett's decision in relation to the Queensland dam proposal. What it tells us is that our decision to reject new dams as part of our solution to Victoria's water challenges is a sound one. Our decision to reject that as part of Victoria's plan is a sound one. It is now for others to demonstrate how they will obtain environmental approvals for their plan.

PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL

Second reading

Debate resumed.

Independent amendments circulated by Mr INGRAM (East Gippsland) pursuant to standing orders.

Mr INGRAM (Gippsland East) — I seek leave to have an extra 10 minutes due to the importance of this bill for my electorate.

Leave granted.

Mr INGRAM — The history of this bill's coming to the Parliament is a very interesting one. All changes to industries like the timber industry are a major challenge. We have seen them not only in my time in politics but before that. Before I went into commercial fishing I worked in the timber industry at a time when some major changes were made in the industry, and for a number of months people in the East Gippsland timber industry were protesting on the steps of the commonwealth Parliament. It has been a very tumultuous ride through a number of challenges, a loss of resource and an enormous number of political decisions which have impacted on the resource available to the industry.

This legislation comes out of election commitments made by the government in 2006. I am probably one of the few members of this place representing an electorate which has a great area that still has a heavy reliance on the timber industry as a major economic driver. Other electorates in Gippsland and the north-east have a native harvest timber industry, but predominantly my seat covers most of the remaining areas that are available for timber harvesting and particularly those areas termed old-growth forest that are still available for harvest.

At every election the industry goes through this headbutting between the environment movement and politics. Before the last election there was a very difficult debate that caused an enormous amount of angst. We had been through the previous decisions around Our Forests Our Future, and the impact of that on the community was an enormous loss of confidence. On top of that, at that election we had from the environment movement the debate about the icon challenges, which were old-growth forests in East Gippsland and the Melbourne water catchments.

So what has happened? In my area the communities, jobs and economies of many of those small towns that rely almost entirely on the timber industry have been enduring the butt end of politics. It is clear that people in the industry are outnumbered. There are 88 members of this place and, as I said, my seat is probably the one that is always at the centre of that debate. At the western edge of my electorate we still have the ITC Ltd mill, which looks like it is being taken over by Gunns. It relies almost exclusively on regrowth ash, predominantly out of the Melbourne water catchments. Towns like Heyfield are almost totally reliant on regrowth ash forests, as are towns in the east such as Orbost, Cann River and Bendoc. If they do not rely on it exclusively, it gives the largest economic return and is the driver in those communities.

Any change to the resource available seriously impacts on those communities. The East Gippsland Shire Council and I have incredible concern for the future of towns like Cann River going forward and how we will manage that if we get further downturns in the industry.

With that in mind, at the last election the industry again went through the politics of a major policy dilemma when the Labor Party announced it would remove the Goolengook block from the timber available for the industry and would put substantial sections of it into reserves — the significant old-growth areas. The Liberal Party made similar policy commitments. The Nationals and I staunchly opposed this, which is quite interesting considering the debate here. I will go into that a bit later.

These new reserves contain some of the most productive forests in East Gippsland. They are high rainfall areas with predominantly large trees. Over recent years we have seen that the industry has been pushed into more and more marginal forest areas, and the impact of that is that a higher proportion of each coupe is pulpwood. In the current market the high Australian dollar and the low demand for pulpwood makes the industry extremely vulnerable to that reliance on pulpwood. These coupes are high production areas. That is why they are very difficult for the industry to replace.

The government has indicated in the second-reading speech that it will deal with that by offsetting these high-value coupes — and they are special forests; I do not dismiss that they are special forests — with areas within the SPZs (special protection zones) and other reserves which were set aside under the regional forest agreements and which they will open up for timber harvesting.

All we are doing with this piece of legislation is shifting the fight. It has been a dirty, messy, nasty fight for probably the last three decades, and every new battleground is just another chip against the industry. I know the industry is fairly tired of the ongoing conflict, as are many of my communities. If you listen to the media coverage and the debate in here and in other places, you would think that the last old tree has been harvested. This is untrue. The best of the best is already set aside in national parks — like the Snowy River National Park, the Errinundra National Park, the Coopracambra National Park and the Alpine National Park.

Large sections of the best areas of old-growth forest are set aside, particularly the wet forests. The battles are always over these wet forests. The government has left out the Brown Mountain area which is currently part of the debate. I could sit here and name each of the conflicts that has occurred over the last couple of decades, because they have been well covered in the media. Disappointingly, every time we lose a piece of resource it is another cut to our industry, we never get that resource back and we are pushed into more and more marginal areas.

I cannot support this legislation, and I will explain why. It is quite disappointing. At the last election it was an enormously political and difficult position to be in. What we are doing here is taking those areas away from the industry, which will be pushed into areas where they will have to fight for every piece of the SPZs, every stick of timber and every coupe. I would argue that some of them will be difficult to get back. That is the real challenge the industry faces. The areas included will be the Goolengook area, which has been extensively debated in the public arena, the Tara Range Park and new additions to the Errinundra and Snowy River national parks.

The Tara Range Park addition is interesting. It is on the southern end of the Snowy River National Park, and there are some provisions in the legislation for the continuation of deer shooting in this area. I point out that it is an area I know very well. It has some of the highest population levels of sambar deer in Gippsland, so it makes sense to continue to allow hunting in that area. I have been a strong advocate, in this place and in other forums, of extending that deer shooting up into the Snowy River National Park for the simple reason that the population levels of deer in the Snowy park, which is adjacent to this new Tara Range Park, do enormous environmental damage to the vegetation in those areas. If you are going to have one area that includes access for deer shooters, then that should be extended. We need to manage deer in these areas, and I recognise that is something that should be done.

It is disappointing that for most of the other reserves which are included in this piece of legislation there will be no access for deer shooting, and yet if you talk to deer hunters around Orbost and East Gippsland, they will tell you that most of the areas that are included in this legislation have historically been accessed by deer shooters. That brings me to the amendment I put forward about prospecting.

Before I was elected I lived at Cabbage Tree Creek, which is adjacent to Goolengook and some of those other areas around Errinundra, and a large number of people within my community prospect for gold. I have a map that was sent to me by the Prospectors and Miners Association, which indicates all the historic

mines within these areas. There are a large number of metallurgic seams through this area and a large amount of gold through these zones, and I think it makes sense to allow for prospecting for that gold. I will seek to move an amendment to insert a new clause which will put the new parks in the schedules at the back of the National Parks Act and will allow the minister by his will to decide that prospecting like gold panning or the use of metal detectors could be continued in those areas. I think that is eminently sensible, considering that most or some of these areas have had a large number of locals who have done that as a pastime, without any real impact over a long period of time.

How has this come about? The legislation has come about from the process of the ITT (industry transition task force) investigations, with an enormous amount of community and industry input, and I understand members have spoken about that, saying that the industry is supportive of that.

I think the industry has been belted into a position where it does not have a lot of options, and while the peak bodies might reluctantly be supporting it, I think in the broader industry in general the people on the ground who deal with the conflicts every day when these coupes come under protest do not support this type of legislation.

They believe that if we give up — and that is what will happen here through this legislation if it passes through Parliament — the environmental movement will put this new park in its back pocket and tomorrow it will be there planning the next protest and the next goofy campaign for another piece of the next high-rainfall, high-production coupe that has already been identified because the government has identified it through this process by saying it will look at the SPZs and those other areas. So we have identified the coupes where we and the industry will have to fight. It is going to be very difficult and nasty, probably even harder than the previous ones.

I know that people on the ITT have done a great job, and they have made a number of recommendations to the government. The report has not been released, but a fairly detailed report was presented to the community. I was involved in some of those public discussions and meetings, and out of that came recommendations to the government about industry adjustment and so on.

At the last election the government made a commitment to offset the losses by getting investment in the utilisation of small logs. If you look at this forest area, you will see there is a large amount of regrowth silver-top ash which will come online in the next 10 or 15 years. But there is a gap between now and then, so if you take this resource out of production now through these high-production areas there will need to be some way to transition the industry through about 15 years.

To do that you need the capacity for the industry to use those lower diameter, lower grade logs that will come out of the lower altitude, mixed-species forest areas and this regrowth ash as it comes online. The government made a commitment to put $1 million into a small-log line, but that money has not been invested. So here we are passing legislation to take the resource off the industry, but the industry has not had the investment that was promised at the last election to invest in the future opportunities.

The industry very clearly needs some real reforms to get back the security and certainty which has been taken out with every one of the negative decisions this government and other governments, state and federal, have taken over the last two to three decades. There are real opportunities in the native timber industry in East Gippsland, but basically there has been so little security and certainty that the investment has not been put in place. Those people who have ownership in the industry are not confident enough in government decisions like this exact decision we are debating here today, and because the rug has been pulled out from under them so often they do not have the confidence to reinvest in the industry to go forward.

The government must facilitate this type of investment if it wants a viable, sustainable timber industry going forward. Those communities must have this industry; otherwise, we will have some real economic hardship coming up for many of the small communities in my area.

What are the investments needed? Small-log lines are one way, but for a company to invest in that — it is about $7 million plus — it needs long-term security and some certainty. In East Gippsland we need some strength within the residual wood market. One of those options is bioenergy. That is a dirty word, using native timber residue as bioenergy, but it is an enormous opportunity in East Gippsland. If you had those two uses of the product — the residual wood chips for pulp and also, to strengthen it, a bioenergy plant to provide green energy, a renewable resource, back into the system — that would have a great benefit for my area.

The other option, which I have seen, is the rotary peeling mills veneer plants over in Tasmania. These are spectacular assets. That is another opportunity that could take the lower value, lower grade wood and

utilise it instead of leaving it on the forest floor, burning it or sticking it into pulp.

The other type of technology that is clearly available is laminated beam technology, a bit like what ITC Ltd has got, where small off-cuts are laminated together and small pieces of timber are end-joined to make spectacular hardwood beams, which are much needed in current housing construction. For that type of investment somehow the government has to put confidence back into the industry.

It is disappointing that the timber industry strategy has not been released. There was an expectation it would be released well over 12 months ago, but it still has not seen the light of day. Through those types of mechanisms the government must make a clear, definitive statement that it supports the timber industry going forward and reinvest that confidence back in the industry, because unless the government does that this proud industry will continue to suffer and be impacted by all these negative decisions that have been taken.

I am surprised that The Nationals are supporting this legislation. The Nationals made comment in the last election when the government announced its policy:

> Today's announcement that a re-elected Bracks government would ban logging in the Goolengook block has made a mockery of the Victorian Environmental Assessment Council inquiry into the issue, according to The Nationals.
>
> The Nationals spokesman for natural resources, Peter Hall, has slammed the Labor Party for caving in to the extreme Greens and warned that job losses would follow in East Gippsland.
>
> He has also challenged the Liberal Party to promise that it would not follow suit —

which it actually did.

Then Mr Hall said that the balance of power is up for grabs in the upper house and that if The Nationals are in a position to block this legislation, they will stand up for timber communities. Well, where are they? Here they are, voting for this bill. What sort of hypocrisy is that?

This is terrible legislation. It drives another nail into the coffin of the timber industry in East Gippsland. The Nationals said they would stand up for timber communities. They stood up at public meetings in East Gippsland during the last election campaign and said, 'The only party in Parliament that is going to stand up for you is The Nationals'. What did they do? They jumped back into bed with the Liberal Party and sold out country Victorians — they sold out the timber industry as they have on every other occasion. That is the disappointing thing. They stand up in regional Victoria and say they will defend a particular industry, but when the crunch is on they wimp it and say they are going to support the legislation. They cannot have it both ways. I oppose this legislation.

Debate adjourned on motion of Ms RICHARDSON (Northcote).

Debate adjourned until later this day.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Second reading

Debate resumed from 11 November; motion of Mr PALLAS (Minister for Roads and Ports).

Mr CLARK (Box Hill) — I seek leave to be able to continue my remarks for a further 10 minutes, if required.

Leave granted.

Mr CLARK — The Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill is a bill to impose a new tax that is expected to raise upwards of $2 billion over the next 20 years. The new tax will apply to land included in the urban growth boundary (UGB) from 28 November 2005. It will apply at the rate of $95 000 per hectare for transactions occurring in this year and 2010 and at a rate of $80 000 per hectare for earlier transactions. It is open to the minister to set a lower rate for the current year pursuant to the transitional provisions in proposed new section 218 inserted by clause 12 of the bill and in future years pursuant to proposed new section 201SI. The amount of the tax is to be indexed in accordance with a public construction cost index to be specified in accordance with the legislation.

The new tax will apply to transactions occurring on or after 2 December 2008. Transactions prior to that date that would otherwise attract the tax do not attract the tax; rather, the tax liability will arise on the next taxable event, referred to as a GAIC (growth areas infrastructure contribution) event, that occurs post 2 December 2008. What the bill defines as GAIC events that attract the tax are: the occurrence of a dutiable transaction, in which case the purchaser of the land pays; the issue of a statement of compliance for a plan of subdivision, in which case the owner of the land pays; and an application for the issuing of a building

permit for building works of a value greater than or equal to $1 million, in which case the owner also pays. However, in respect of past transactions the current owner will pay. The tax will apply if, and only if, the land is located in a defined growth area, it is located within the urban growth boundary and it has been zoned in the urban growth zone post 28 November 2005.

The bill defines land as being type A, type B-1, type B-2 or type C, depending on the time these various criteria were satisfied. The new tax will apply to the gross developable land before deducting public open space, land set aside for roads or land set aside for other uses.

There are a number of specific provisions in the bill that apply in particular situations. The bill will apply in the case of what are referred to as subsales, which are where there are two or more sale transactions — for example, from party A to party B and from party B to party C, with the ultimate transfer of the land from party A to party C. In that case the ultimate titleholder, party C, is to pay the GAIC as specified in proposed section 201RD.

There are also provisions governing land-rich companies so that if a person purchases shares in a land-rich company to the point where it becomes a dutiable transaction, that will count towards the payment of GAIC by the land-holding company. The legislation on this score, which is proposed section 201RE, is unclear, but the opposition understands that the government's policy intention is that the GAIC will be payable only once in respect of any parcel of land. If some or all of the GAIC tax is paid by a purchaser of shares in the land-rich holding company of the land, then to that extent the GAIC liability will be satisfied.

In respect of transactions that have occurred prior to this legislation coming into effect, the GAIC will be payable within three months of it becoming law. There are provisions in the bill to allow a person to elect to defer payment of the GAIC, in which case the GAIC liability will accrue interest at a rate which is the sum of the market rate, as referred to in the legislation, which we understand is intended to be the bank bill rate, plus a premium rate fixed under section 25(1)(b) of the Taxation Administration Act 1997 or a lower premium rate fixed by the Treasurer.

The Treasurer's approval is required for deferral of GAIC amounts greater than $2 million. When a deferral is permitted it can apply until there is a further dutiable transaction, the issue of a statement of compliance regarding a plan of subdivision or an application for a building permit. The legislation also provides that a person who is or may be liable to pay GAIC in relation to a subdivision or building on land can apply to the minister to stage the GAIC payments over the course of the development. That also requires the agreement of the Treasurer if the GAIC amount involved is over $2 million.

The bill also contains a number of exemptions. There is a general exemption for land of less than 0.41 of a hectare. In relation to land of between 0.41 of a hectare and 2.03 hectares no liability is incurred for the sale of the land or for another dutiable transaction, but GAIC will be incurred if the landowner wants to subdivide the land or construct building works on it having a value greater than or equal to $1 million.

There are also exemptions from GAIC in relation to subdivisions for the purpose of transport infrastructure, boundary adjustments and sundry other matters. All of the exemptions from duty in the Duties Act are also applied to give exemptions from GAIC, such as land transfer consequent upon the breakdown of marriage or land transfer under a will. There is also an exemption for transfers for nil consideration.

The Governor in Council is also empowered to give an exemption in exceptional circumstances. The opposition understands this is intended to cover cases where there might be an error or unintended consequence in the application of the legislation or an instance of gross injustice or possibly a project of state significance. However, those criteria are not set out in the legislation. Under the legislation it is open to the Governor in Council to determine what are exceptional circumstances on the recommendation of the minister.

Proposed section 201TF makes provision for a reduction of GAIC on account of an agreement to provide state infrastructure or funds. This applies only to agreements entered into prior to 2 December 2008 or agreements that were entered into prior to the commencement of the act, under two separate provisions. The opposition understands that the government has no intention of allowing infrastructure to be provided in lieu of GAIC on an ongoing basis.

There are also provisions for so-called hardship relief.

Mr Nardella — Hear, hear!

Mr CLARK — It is worth making the point in response to the interjection from the member for Melton, who might be under the illusion that it might provide some relief for his constituents, that this hardship relief can only apply to purchasers. It cannot

provide relief to vendors for hardship caused by having the value of their property slashed due to the implementation of the GAIC.

In terms of its administration, GAIC will rely to a large extent on provisions in the Taxation Administration Act. Other provisions of the bill provide for the proceeds of GAIC to be paid into the Consolidated Fund; then there is provision for money to be paid into two separate funds — 50 per cent into the Growth Areas Infrastructure Fund and 50 per cent into what is now dubbed the Building New Communities Fund. In terms of the application of money out of those funds, the amounts are to be spent in growth areas somewhere but the expenditure is not tied to the growth area from which the revenue was derived.

The opposition understands that the intention is that the Building New Communities Fund money will be used for co-contributions by the state government towards local government-sponsored or initiated projects. It is worth making the point that proposed section 201VB allows funds paid into the Building New Communities Fund to be used for any purpose the money in the Growth Areas Infrastructure Fund can be used for with the sole exception of not being permitted to be used to help meet recurrent public transport costs.

Other elements of the bill are to include Mitchell shire as one of the areas which the government by planning scheme amendment can set as a growth area and also to redefine the urban growth boundary as a term in its own right rather than being defined as part of the definition of a green wedge. The opposition understands the purpose of this redefinition is to allow an urban growth boundary to be set for any urban area by means of planning scheme amendments.

As I said at the outset, this is primarily a taxation bill, one which the government is linking to alterations it seeks to make to the urban growth boundary. As far as the opposition is aware neither the development community nor opponents of GAIC such as Taxed Out oppose some reasonable form of contribution to development, nor does the opposition. Some form of contribution to development has been a feature of development regimes in Victoria for many years.

However, any such contribution needs to be reasonable in its level, efficient in its design and fair in its application. The GAIC proposed by the government fails all three of those tests. The $80 000 per hectare burden which the government proposes to impose on properties brought into the urban growth boundary from November 2005 is in no way derived from some estimate of what would be a reasonable share of the increase in the value of that land due to a rezoning. The government is quite open in saying that the intention when it framed that $80 000 a hectare was that it would amount to 50 per cent of a suite of proposed government infrastructure costs, not including transport infrastructure. Subsequently it decided to add transport into the mix of infrastructure that would be funded from the GAIC, taking the expected contribution percentage down to some 15 per cent. The $95 000 figure to apply to land later included with a GAIC liability is based on the figure of the original $80 000 per hectare indexed up by the construction index.

The opposition understands that the government considers its $95 000 per hectare is approximately equal, because it is on a gross basis, to the $170 000 per hectare applied in Sydney by the New South Wales government on a net basis. That $170 000 per hectare net in Sydney is a rate reduced by the New South Wales government from the rate of $310 000 that applied previously.

Subsequent to that policy decision, which was based not on a fair and reasonable share of the value increment but simply on the government's proposed revenue needs, the government has tried to dream up a range of justifications to try to link this burden to the value uplift that has occurred. It has tried to invent those justifications after the event of its determining the amount of tax.

These claims are flawed both in fact and in theory. They are not based on valuation evidence; they are simply exaggerated claims. One can look in that respect at letters that have been written by the Premier to constituents in which the Premier tries to justify the rate of tax that has been imposed. When you look, for example, at one letter that has been written from the office of the Premier and another by the Premier himself, you see that claims have been made that there has been up to a tenfold increase in the value of land as a result of rezoning, and that that is why the impost is justified.

That is a totally spurious allegation. It is also one that has been comprehensively refuted by very careful documentation prepared by the Taxed Out group — to the best of its ability on the available public information, given that the government has refused to make available decent valuation evidence to support the propositions it has been asserting.

A further flaw in the government's claims is based on the fact that it has given no regard to the timing effect of development and to the effect on values of delay. Its propositions imply that development, albeit in a decade

or so, is going to generate a substantial increase in the current valuation. But when you properly take into account the time effects of development that is delayed for many years you are likely to see that the present value of the future development benefit is so low that there is not much change occurring at all to the current use value of the land.

Members should take a step back and have a look with fresh eyes at exactly what the government is saying here when it says it is justified for it to impose a flat $80 000 or $95 000 per hectare. It would be like the commonwealth government saying, 'We are not going to base capital gains tax on the capital gain a taxpayer has made' and instead putting a flat rate of capital gain on every sale, regardless of whether a capital gain is realised and regardless of the amount of the capital gain. It would be like the commonwealth government saying, 'We are going to impose a capital gains tax of $2 on every share that is sold of the shares of a particular company, whether a taxpayer happens to sell those shares for a $20 profit, a 20-cent profit or even for a loss'. The GAIC rate bears no relationship to the value of the land. It bears no relationship to fairness.

Mr Nardella interjected.

Mr CLARK — It is simply a number that the government worked out backwards from the amount of revenue the government decided it wanted to raise and then decided to impose as a flat rate burden on land-holders in the urban interface areas such as those represented by the member for Melton, who should be standing up for his constituents rather than supporting this iniquitous tax.

Where is the burden of this tax going to fall? If there is a fixed supply of land, the burden is going to fall on the vendors. If there is a variable supply of land for urban use, there will be mixed effects. This is a point which, in terms of the impact on land values and how housing prices can flow through to end home purchasers, has been made by a group of five bodies involved with the industry: the Australian Property Institute, the Housing Industry Association, the Master Builders Association (Victoria), the Property Council of Australia and the Urban Development Institute of Australia (Victoria). They said in a letter to the Premier:

> Industry's experience of similar taxes in other states confirms that land supply will be significantly affected by the GAIC, thus causing skyrocketing land prices.

The government has tried to say that its recent transfer of liability from vendor to purchaser in relation to dutiable transactions is going to mean that the land-holder is not going to suffer, but that is a complete fallacy. The land-holder is still going to suffer, because the price the land-holder will receive for their land will be driven down by the fact that the purchaser has to pay this GAIC. To the extent that the GAIC affects purchasers, it is going to drive up the prices of houses for homebuyers; it has been estimated that it will add between $7000 and $15 000 to the price of a new home. Of course that is on top of the massive stamp duty that new home buyers in Victoria already have to pay because of the deliberate policy of the Brumby government of ratcheting up stamp duty burdens through bracket creep.

There is a further fundamental flaw in this legislation when you look at the argument that the earlier the tax is paid and the broader it is made, the less of a burden is going to flow to end purchasers, an argument the government claims is based on developer behaviour. The argument that early payment is going to reduce end cost is one that is clearly flawed. Simply disguising the fact that there is a tax involved in the production chain does not mean it is not going to be a cost that the developer has to pay some time between the time of the purchase of land and the time of sale. The greater that separation not only the greater the holding cost but also the greater the uncertainty and risk factor involved and the premium for risk that the developer is going to be seeking.

This tax also clearly fails normal tests of fairness in terms of retrospective application. It is an established principle that when a government wants to introduce a new tax it can at times introduce that tax by means of a public announcement. The way in which that is normally done is that there is a very clear and detailed media release issued, often together with other documentation, and that sets it out in very clear terms — certainly terms that are expected to be precise and adequate for commercial purposes — so that people can know what their liability is going to be. It is then accepted that the tax can, if there is a good and justifiable reason to do so, be backdated to the time of that clear and definite announcement. The legislation is then prepared and brought into the Parliament to give effect to the detail of what was previously announced.

When you look at how the government is seeking to apply this GAIC tax back to transactions in 2005 you can see that that principle has been comprehensively violated. I cite no greater authority for that proposition than the November 2009 report of the Outer Suburban/Interface Services and Development Committee's inquiry into the impact of the state government's decision to change the urban growth boundary.

Mr Nardella interjected.

Mr CLARK — I observe that the member for Melton, who continues to interject and fails to stand up for his constituents, was a member of the committee that provided that report. At page 17 — —

Honourable members interjecting.

The ACTING SPEAKER (**Ms Munt**) — Order! The level of interjection is too high. It is going to be a very long 17 minutes if we continue with that level of interjection. The member for Melton will have his turn. I advise members that it is best not to respond to interjections.

Mr CLARK — That report at page 17 summarises the history. It says:

> An interim UGB was introduced into planning schemes on 8 October 2002. In November 2005 the government released *A Plan for Melbourne's Growth Areas*, a document outlining areas of land in the growth areas to be brought into the UGB to 'release more land for future housing and employment growth for at least the next 25 years'. On 24 November 2005 the Parliament ratified amendments to the UGB. *A Plan for Melbourne's Growth Areas* also announced:
>
> > a community infrastructure contribution;
> >
> > the creation of a Growth Areas Authority (GAA).

At page 18 the report outlines that:

> In December 2008 the Victorian government announced it would review the UGB and released *Melbourne 2030 — A Planning Update, Melbourne @ 5 Million* (referred to as *Melbourne @ 5 Million*). According to this document, compelling circumstances required a change to the UGBs. Specifically, those circumstances were identified as: faster than expected population growth, revised population projections and need to maintain an adequate and competitive land supply to meet future housing needs. The committee acknowledges *Melbourne @ 5 Million* has superseded *Melbourne 2030*.
>
> The government stated that an additional 600 000 new dwellings would be required in Melbourne, with 284 000 of these located in the growth areas on greenfield sites. *Melbourne @ 5 Million* also announced an amendment to the community infrastructure contribution policy referred to above. Under the new policy a GAIC charge on a per hectare basis will apply at point of sale for land brought into the expanded UGB.

It is clear that what the government announced in December 2008 was a radically different tax in nature to the open-ended reference to a community infrastructure contribution that was announced back in 2005. The opposition understands that the government's initial intention back in 2005 was that the community infrastructure contribution would be achieved using existing legislation, but this proved not to be possible and, in consequence, the government has moved to new legislation, which is what has come before the house.

This legislation, in backdating it to 2005, badly fails the test of clarity, certainty and precision that taxpayers are entitled to look for in fairness and in order to properly order their affairs when taxes are introduced backdated to the date of an announcement.

The tax also has a number of design and administration flaws. It does not record on title the fact that the GAIC has been paid, either in whole or in part. Under proposed division 4 contained in the bill there will be a record put on the title when the land may be liable to GAIC, and that record can be removed when the GAIC has been paid. It would seem to have merit to have a note on the title of the fact that the GAIC has been paid, in whole or in part, but as I can best make out from a reading of the bill, what is going to happen instead is that people are going to have to keep on applying and paying a fee for certificates in order to ascertain for certain what the current GAIC status of the land is.

There also seem to be some questions about how the tracking of liability for the GAIC, through transactions involving land-rich companies under proposed section 201RE, is to be achieved. As I indicated earlier, we understand the policy is that the GAIC will apply to dutiable purchases of shares in the land-holding company, pro rata to the proportion of the value of the interest in the land that that purchase represents, and that in total GAIC will only apply once in respect of a particular parcel of land.

It is not clear what the operative provisions are in the legislation, or in other legislation, that are going to define that proportionate liability and are going to prevent a further GAIC being triggered by a subsequent GAIC event. There may also be issues of equity between the shareholder who purchases shares in the land-rich company and the land-rich company itself — in other words, the other shareholders in that company, through the effect of their interest in the land-rich company — particularly having regard to the fact that joint and several liability is imposed on those parties, and there is an issue as to how that liability will be resolved between them.

It is also worth making the point, as I alluded to earlier, that while the government is out saying that the Building New Communities Fund is going to provide what it has referred to as a Regional Infrastructure Development Fund-style co-contribution arrangement, that is certainly not guaranteed by the legislation. It is up to the government to decide how the funds in the

Building New Communities Fund are going to be expended, and if it decides it is running short of money for some other project, it can simply not apply the Building New Communities Fund moneys to co-contribution projects. It can simply divert them to general state government infrastructure, and councils are going to miss out on what they have been promised in terms of this source of co-funding money.

Mr Nardella interjected.

Mr CLARK — And honourable members who dispute that should simply read the bill and they will see the validity and correctness of what I am saying.

There is a further area of concern about the legislation, and that is the very open-ended provisions that enable the Treasurer and the minister to modify the liability of various parties to pay the GAIC, and that of course is something that is wide open to abuse. There seem to be no statutory limits on their powers to determine that exceptional circumstances exist in a particular case.

In this respect the GAIC legislation is quite different from, for example, the regime that applies to payroll tax concessions, which clearly need to be linked to a project of new investment in the state. In principle — and one would hope in practice — there are very clear criteria. There is an agreement entered into by the recipient of the payroll tax concessions and the government setting benchmarks for earning that payroll tax concession such as by employment or investment.

That regime does not extend to the GAIC powers of the government, where it might grant exemptions or favours — perhaps favours sought and encouraged by attendance at a Progressive Business fundraising function. That is a very grave concern indeed. We have enough problems with the huge payments for access that are required and are being extracted under the current government from anybody who wants to have the opportunity to put a proposition to a minister or to the Premier and to seek some benefit from them. The situation is made even worse when there are these wide-open provisions included in the legislation.

It is clear that in framing this legislation the government has been zigzagging all over the place; it is making it up as it goes along, and it has gone into this without having properly considered what it is doing. The proposed legislation has caused huge grief, distress and injustice for outer urban and interface area residents. Again the report of the Outer Suburban/Interface Services and Development Committee makes that clear.

Mr Nardella — No, the minority report

Mr CLARK — If one looks at page 19 of the report of the committee as a whole, in those parts of the report that were supported by the member for Melton, one sees this history set out very clearly, and I quote:

> *Delivering Melbourne's Newest Sustainable Communities* restated that the proposed GAIC would apply to all land brought into the UGB in 2005 and land designated for urban development brought within the boundary as a result of the current (2009) review. The proposed GAIC would be:
>
> > charged on a per hectare basis;
> >
> > incurred on the first property transaction on either the sale or subdivision of the land;
> >
> > payable only once — all subsequent sales of the land will not attract a further contribution …

The report goes on to set out the dollar figures, and states further that:

> The GAA issued information sheets in May and June 2009 describing the proposed application and administration of the GAIC in more detail. A revised information sheet was issued on 16 October 2009 reflecting new arrangements for the proposed GAIC (affecting the second dot point above) and this is attached at appendix D.

On page 20 at chapter 1.10, under the heading 'Legislative program and this inquiry', the report states:

> On 16 October 2009, four days after the close of public submissions, the government announced significant changes to its proposed GAIC and released draft legislation seeking public comment by 2 November 2009.

It is clear that the committee commissioned to carry out this inquiry and report was put in a very difficult position. The government announced a new set of specifications for the GAIC after the close of the public submissions, which meant that the submissions the committee had initially received were partially superseded by the changed arrangements. It is also clear that the government had not properly designed its proposals in the first place and was reacting on an ad hoc basis to meet various concerns raised with it.

The concerns raised by the committee have come from far and wide. The Taxed Out organisation consists of ordinary citizens who have put their superannuation funds or retirement or life savings into buying and improving a property. They are facing a proposal that will slash the value of that property on an incredibly unfair basis — a basis that bears no relationship to the increase in value. It is simply a flat dollar levy designed to meet the government's needs, not to meet any criterion of equity or justice. The organisation's members have been forced to drop what they were doing to devote huge amounts of effort to trying to stand up to defend themselves against a government

that is violating all principles of equity, fairness and the rule of law in commercial transactions — and in ordinary citizens' transactions — by suddenly whacking these people with a tax that bears no relationship to profit or equity but that hits them regardless.

I congratulate them on the enormous effort they put into their submission, in very difficult circumstances, in order to stand up and defend their rights as citizens of Victoria. They should not be having to do that. The government should never have inflicted these burdens on them in the first place. These people have gone through the legislation and pointed out some of its additional anomalies — for example, the government says, 'Don't worry if your land passes on inheritance or passes on marriage breakdown, you are going to be exempt from the GAIC, so you haven't got a problem'.

What the government has not fessed up to is that in many instances when a person dies, the standard provision of their will is that their estate be realised and sold, and the proceeds divided amongst the beneficiaries. If that happens, then the GAIC will be triggered. At the absolute least you are going to force a whole lot of people to go back and remake their wills. Instead of doing the logical and natural thing in many family instances of realising and dividing the proceeds, they are going to have to enter into complicated structures to provide that their GAIC-liable land is inherited by particular individuals and that other arrangements are made for other intended beneficiaries.

Similarly in relation to marriage breakdowns, if a property is transferred from one party to the marriage to another, the GAIC will not apply. But in many instances that is not what happens because one party is not in a position to pay out the other. What happens is that the matrimonial property has to be sold and the proceeds divided among the two parties to the marriage. If that happens, then again the GAIC is triggered. It is yet another ill-considered and most unjust consequence. It has taken Taxed Out members and other ordinary citizens to pick up these problems, and one by one the government has tried to patch over the cracks in its edifice, but the further you look into it the further are the injustices you find.

It is not just ordinary land-holders who are saying this tax is not only unfair but will be counterproductive; we are also seeing major parties involved with property development making exactly the same point.

Mr Nardella interjected.

Mr CLARK — The member for Melton can scoff and say they are self-interested, but they have made it clear they do not object in principle to paying a reasonable contribution to development. But they are pointing to the clear flaws and dangers and consequences for Victoria of this appallingly poorly designed tax from the current government.

In conclusion, as I said at the outset, this tax that is proposed to be introduced by the government fails the test of being reasonable in its level, fails the test of being efficient in design and fails the test of being fair in its application, and for all of those reasons the opposition opposes the bill.

Ms D'AMBROSIO (Mill Park) — I rise in support of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill, and hereafter I will refer to the growth areas infrastructure contribution as GAIC.

This government has a strong record of working hard to protect Melbourne's livability. As the member for Mill Park, which is an outer metropolitan electorate, I understand the needs and hopes of families in growing suburbs. The needs include access to affordable housing for themselves and their kids; greater public transport, both heavy rail and buses; new primary schools; new secondary schools; the growing capacity of hospitals and community health services; great roads; and additional police facilities — and the list goes on. This government has delivered and continues to deliver to communities such as mine in these areas.

For reasons such as these Melbourne is a livable city. It is a desirable place to live, work and raise a family, and the Mill Park electorate is certainly one of those places. Following on from our release of Melbourne @ 5 million last year we have reviewed the urban growth boundary to provide for sufficient affordable future housing. This bill seeks to assist in the provision of affordable housing while maintaining Melbourne's world renowned livability. Our people deserve no less. The GAIC provides an important mechanism to assist government to maintain this.

A small portion of the windfall gained by including more land in the urban growth boundary, thereby triggering a significant value increase in that land, will go towards paying for necessary local infrastructure to ensure that we have affordable housing and that Melbourne's livability is maintained, especially in those new communities. The funds raised will assist with infrastructure such as that which I have already mentioned.

The government plans to do what other governments over the decades have not done. We will divert from the ways of previous governments in how we deal with developing our new suburbs. We will manage growth so that families living in these new communities get the same services as families living in the long-established and built-up suburbs. They deserve no less. Living in the outer suburbs will mean being able to access affordable housing without forgoing the services that all Victorians deserve. Only Labor recognises this nexus. For us Melbourne's livability is contingent on the equitable provision and distribution of services, which is sadly lacking in the opposition's policies. We do not want to replicate the errors of the past decades, especially those under governments made up of the opposition parties. Those parties have a record of providing insufficient services, and whenever Labor has come into government it has had to play catch-up for the failings of those parties. We have had to put in much-needed resources to cover the failings, and that is not good enough.

The rezoning of land into the urban growth boundary is a win-win for everyone, and opposition members need to admit that. Developers' land will increase in value in leaps and bounds, as an opposition spokesperson said. We say that a small portion should go towards the cost of infrastructure and services. It is a fairness that new communities deserve. Without this sharing arrangement Victorian families will end up footing the total bill and are likely to see their services coming in later than they should. If that is what the opposition's agenda is, then it should be up front about it.

I am very concerned with the opposition's varying positions on this contribution fund. We only need to be reminded of comments of the opposition's planning spokesperson in the other place which he made two years ago in his submission to the audit of Melbourne 2030, which was commissioned by this government. Two years ago he said that land brought into the urban growth boundary multiplies many times in value and any change to the urban growth boundary makes instant millionaires of landowners.

Yet only yesterday the same opposition planning spokesperson publicly put the opposition's latest position out here on the steps of Parliament House. He claimed that land would instead lose value with the rezoning of the urban growth boundary and the advent of the GAIC. Surely opposition members cannot be trusted. They believe in nothing, and we know of course that they stand for even less than nothing. They show that with such demonstrations of hypocrisy and cheerleading from the sidelines. I say to the opposition spokesperson, and indeed to the whole team, 'Lead from the front. That is what leaders do. You cannot lead from the sidelines'.

Victoria is not alone in introducing a contribution of this type. Sydney has had one for years and it costs far more than what is proposed in the bill for Victorians. In response to matters raised by industry during the consultation process on the GAIC, we now have the option of stage payments and payment deferral to provide for flexibility in the light of business requirements. The contribution will only apply if, and only if, a landowner decides to sell a property and subdivide it or apply for a building permit for development worth more than $1 million. If they decide to exercise this option — it is in their hands — then surely, according to the opposition's position in 2007, the change to the urban growth boundary makes instant millionaires of these same people. You cannot have it both ways.

I think Victoria deserves a more viable opposition, and as a member of government I say Victorians deserve some honesty. People who purport to be leaders and who wish to become part of a government should lead from the front and not cheer from the sidelines because it happens to be politically convenient. Let us see some honesty in this debate. Members should understand that Melbourne has much of value that needs to be maintained. Melbourne and its outer suburbs, such as Mill Park, are terrific places to live in. We are growing — —

Dr Sykes interjected.

Ms D'AMBROSIO — Absolutely, work and raise a family. In the last 10 years we have made significant gains in growing the necessary infrastructure and providing the necessary services to ensure that people in the outer suburbs enjoy the same equitable share of services that people living in long-established communities have, and that is where we are different from the opposition. We want to govern for all Victorians regardless of where they live.

The outer suburbs are livable places; they are great places where families thrive, grow, work, live, study and everything else, but they need the schools to be able to study, they need the hospitals to be able to visit when needed and they need the roads and public transport so they are not isolated communities.

I grew up in Fawkner, which was an outer suburb of Melbourne through the 1960s and 1970s. It is now a middle suburb, but I can tell you many stories about how suburbs such as Fawkner became disadvantaged and isolated because of a lack of forethought on the part

of governments at the time to ensure that people were not just plonked on quarter-acre blocks without sufficient schools, sufficient health and sufficient public transport. I do not want to see outer suburbs continue along that vein. We want to make sure that people who deserve to have decent facilities and services get those services and facilities when they move in and not when it is too late. We do not want to play the game of catch-up that governments of the past have created under their leadership. We believe in thriving communities, not simply blocks of land that are plonked in the middle of nowhere, isolated from everyone else.

I am pleased to see that this government is planning for the future to ensure that people can afford to buy and own their own home, that they are able to raise a family who will be more likely than ever before to purchase homes close to where they live. That is about sustaining our communities across the generations so that our outer suburbs are livable and thriving areas where communities grow, and where generation after generation can live in harmony and great strength. I commend this bill to the house.

Mr K. SMITH (Bass) — It is a pleasure to be able to join in this debate on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill and to be able to say that if the opposition wants a little bit of honesty in the debate, let us get a little bit of honesty in the debate. Throughout January and February of this year the government made a show of saying to landowners, 'You are going to get a huge windfall gain'. The word 'windfall' is an interesting word. It then said, 'You are going to pay for the infrastructure that is needed to develop this area'. For eight months the argument went on. It did not matter about the stress, the heartache and the pain and illness that this argument caused among the landowners out there. We had a government and a group of bureaucrats that really did not care about those people.

About a month ago the government did a complete backflip and decided it would not be the landowner that is going to pay the GAIC (growth areas infrastructure contribution); it decided the developer would pay for it. This gave landowners some relief. They said, 'It will not be us that will have to pay'. What they did not realise was that the onus was going to stay with them. At the end of the day they were still going to have to pay the GAIC. The developers were not going to pay for the cost of the land and then, on top of that, pay the GAIC that this government was demanding: $95 000 a hectare. That is $95 000 to pay for infrastructure that is in fact the responsibility of the state government.

We just heard the member for Mill Park talk about the deprived new suburbs that have been built under Labor all around Victoria and all around metropolitan Melbourne. They are deprived: they do not have railways, they do not have roads, they do not have hospitals, and they do not have shopping centres. The member for Mill Park said that the government had deprived these people and now it expects to put a new tax on them, the very people the government wants to include in its urban growth boundary. What a disgrace these government members are! What a disgrace they are, trying to take this out on those people. It is greed. It is envy that this government is on about. The government thinks there are people living in these suburbs who will have a huge windfall gain and that these people should pay for the weaknesses and the shortage in the delivery of infrastructure by this government. Government members should go out to Cranbourne and Pakenham and have a look at those areas. People in these suburbs are crying out for railway stations. They have to travel between 5 and 10 kilometres to get on a train!

You are in government. You allowed these developments to occur. You did not provide the infrastructure that you are crying about. Do you expect that these people are going to pay for it? It is a disgrace and you should do it. What are you going to do now? If this legislation goes through, you are going to have your people — —

The ACTING SPEAKER (**Ms Munt**) — Order! The member for Bass will speak through the Chair.

Mr K. SMITH — I am speaking through the Chair. I am speaking to the members on the other side so that they can hear what I am saying through you, Chair.

What is going to happen now is that the government is going to put a little red tag on every block of land that has been included in the urban growth boundary, in 2005 but also now in 2009, saying that that block of land is going to be liable to pay the GAIC, which puts an immediate liability on that land for the current landowners. The value of the land is not going up by the huge so-called windfall gains that it talks about. It is not increasing by the amounts the government has referred to. This is a figment of the imagination that Justin Madden, Premier Brumby and some of the bureaucrats have set in the GAA (Growth Areas Authority).

What this government has done to these people is a disgrace. It is a disgrace that hundreds of people were out on the steps of Parliament House yesterday complaining about what the government is going to do

to them, to their future, to their investments and to their superannuation. The house should consider this: government members will leave their jobs with superannuation in their pockets, but they have just sold out these people who might have got some super. That is what the government has done to these people. Government members might have some security in their super, but these people have not because the government has taken it off them. That is a disgraceful way for the government to carry on.

Taxed Out comprises a great group of people. Michael Hocking was prepared to take up the fight. It was an argument against the government, not a political fight, but what did the government do? It scrubbed them. It would not even talk or listen to them.

Mr Nardella interjected.

Mr K. SMITH — It would not listen to the arguments being put forward by the objectors right across the board, including those from where the member for Melton comes. They jeered at him at meetings called by the people. They booed him out of the place because they did not agree with him. He is going to feel the wrath of the people coming up to the next election, and it serves him right — all because of the greed mentality of the Labor Party. It wants to take money from people who have worked their hearts and bodies out all their lives to raise some money and who have then invested it in land. They might have been farmers who worked hard over that period.

What is this government doing? It is taking away their future. It is taking all their super. It is taking everything from these people, but it does not seem to understand. Government members do not have the brains to think about the real people out there.

What I cannot understand is that it took eight months for this government to do a complete backflip. It gave the people two and a half weeks to put up some arguments. Then what did this government do? It came up with legislation that it had not even looked at. Some good submissions were made to the government and the GAA on this in the two and a half weeks they had, but no changes whatsoever were made. The bureaucrats did not care. They had already written up the legislation.

The minister did not care. He did not listen, and neither did his adviser, Justin — or is he the real minister? Which Justin is the real Minister for Planning?

Mr Nardella — Now you're scraping the bottom of the barrel.

Mr K. SMITH — I just can't understand you people.

Mr Nardella — Now you're in the pits.

Mr K. SMITH — The member for Melton served on the committee that I served on, and we listened to people. Over two days we had people coming into Parliament House and talking to us about the problems, the trials and tribulations this has caused and is still causing them. We had some developers come in, but we also had landowners — people who have been absolutely stressed out.

Ms D'Ambrosio interjected.

Mr K. SMITH — But what did the members for Melton and Mill Park do? They did not care about the people who appeared before the committee and who were in tears about their problems. It was just a disgrace.

Ms D'Ambrosio — On a point of order, Acting Speaker, the member is misleading the house. I am not a member of that committee, nor was I there on the day.

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

Mr K. SMITH — That point of order wasted my time; that is all it did. There was no concern or caring for those people who came in in tears. An 80-year-old man had lost all his investment in his land. His wife is in a home, and his health is so bad he will be going into a hospital. His land is going to sit there, and the GAIC tax is going to take more money out of the land than it is worth. He is going to be in hospital, his wife will still be in a home, and he is going to have a huge tax bill — believe me, because the figures have been done.

What does this government do? It does not care at all about what is happening with regard to this new tax which the government is bringing in. This cash-strapped government is looking to get its hands on the money, which is why the GAIC is to be paid on the first transaction. The government was going to be in a position where it could get its hands on the money very quickly if people sold their land.

It is not going to happen under the developers except for the huge amounts of interest the government is hoping to get out of them. The government will not get its money up-front. It is not going to be any easier for it, and it may have to pay for the infrastructure it is supposed to put in.

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

Debate adjourned on motion of Mr NARDELLA (Melton).

Debate adjourned until later this day.

TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 11 November; motion of Mr PALLAS (Minister for Roads and Ports).

Opposition amendments circulated by Mr MULDER (Polwarth) pursuant to standing orders.

Mr MULDER (Polwarth) — I will speak briefly on the circulated amendments now before the house. They relate to coercive powers provided to newly trained officers at the Port of Melbourne Corporation to deal with issues that relate to work permits, the handling of hazardous substances and issues in relation to instances of pollution at the port of Melbourne. These are extraordinary powers that are given to authorities, groups and individuals such as royal commissions, and it concerns us that these coercive powers are contained in this bill.

Over recent years a number of government authorities have appointed authorised officers, and there is no doubt in the minds of opposition members that the government intends to extend coercive powers to authorised officers across all sectors of government. This is a very dangerous precedent. These powers do not sit with police, yet the bill provides authorised officers with these powers. We do not think it is right. Previous legislation granted powers to Public Transport Safety Victoria in relation to investigating rail accidents and serious incidents involving rail safety, but to take it to the next step and start to roll out these types of powers to authorised officers at the Port of Melbourne Corporation to deal with issues such as work permits and other activities that in the past have come under the role of the EPA (Environment Protection Authority) is an overreach by the minister and the government.

Our amendments would delete these provisions and insert under 'Protection against self-incrimination':

(1) It is a reasonable excuse for a natural person to refuse or fail to give information or do any other thing that the person is required to do by or under this Part, if the giving of information or the doing of that other thing would tend to incriminate the person.

(2) Despite subsection (1), it is not reasonable excuse for a natural person to refuse or fail to produce a document that the person is required to produce by or under this Part, if the production of the document would tend to incriminate the person.

We believe these amendments are wise and that the government should support them. We hope that when this bill makes its way to the upper house the Greens and the member of the Democratic Labor Party support the opposition. The bill sets a dangerous precedent, which concerns me and concerns the opposition, and I trust that the amendments will be adopted, and that the bill will be amended accordingly.

When we raised concerns about these coercive powers during the formal briefing on this bill the response was that an officer would try to determine why the information was not forthcoming, that the officer would then put the person on notice that they were committing an offence and would either refer the matter to the police or if they felt they had reasonable grounds to do so, would prosecute.

As I said, the police do not have that power and to give that power to authorised officers seems excessive. Authorised officers ride the public transport network; we also have them in local government and in a whole host of other government authorities. To extend these powers to authorised officers — powers that sit with the Office of Police Integrity, powers that sit with the royal commission — is one hell of an overreach. The opposition does not support those provisions, which is why it will move to amend them.

I will move on to the main purposes of the bill and the other provisions contained in it in relation to hoon boating. These provisions provide for embargo notices prohibiting the operation of a recreational vessel; directions to prohibit a person from using a recreational vehicle, for seizure and impoundment; and for impoundment, immobilisation or forfeiture of a recreational vessel. The provisions ensure that towage services are in place for the port of Melbourne to cater for larger vessels. These towage provisions have a three-year sunset clause. I have already spoken on the issues about the port service officers. The bill also enables the suppliers of alcohol interlocks to have their operations suspended. Currently the provisions allow for cancellation only for the suppliers of alcohol interlocks. The bill also contains provisions that deal with fatigue management and some exemptions to those provisions under the Road Safety Act. I will speak to that at length.

The bill provides for EastLink to be transferred from the Linking Melbourne Authority, formerly SEITA (Southern and Eastern Integrated Transport Authority), to VicRoads. This raises some real concerns, particularly for residents who live along the tollway. While this transfer marks the formal handover of the project there are regrettably a number of issues yet to be resolved for residents whose homes adjoin the new tollway. This is particularly the case for residents of Donvale, where excessive noise is being made by truck engine brakes.

As someone who has recently got their heavy vehicle licence and who has driven heavy vehicles, I understand absolutely the nuisance it causes to people, particularly late at night, to have engine brakes applied close to residences when there is no form of protection between the road and the residences apart from inadequate landscaping, with only small plants which would take years to provide effective screening. To put in those plants and expect that they are going to absorb noise from engine brakes is expecting too much.

These issues really should be satisfactorily resolved with local communities by SEITA, which has a responsibility to satisfactorily resolve them. If the issues are not so resolved, then VicRoads, which is going to take over the road and the road reserve, must make a commitment to work with these communities to make sure that their lives are not ruined by this excessive noise intruding into their day-to-day lives.

I know that the member for Doncaster has made representations on behalf of the people who live along the toll road, to try to get something done for her constituents and for constituents in the adjoining areas. This issue is of great concern. The minister and his agency, VicRoads, really need to sit down and talk about these issues and the long-term implications with the people who have these major roads coming into their communities.

In relation to the hoon boating provisions in the bill, I will go to the second-reading speech, where the minister points out:

> For the purposes of the new scheme, the hoon powers and sanctions are triggered by any offence relating to dangerous operation of a vessel, as specified in section 22 of the Marine Act.

Section 22 of the Marine Act states:

> (1) A person must not operate a vessel at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case.

It then goes into the penalties that apply:

> (3) On conviction for an offence under this section involving a regulated recreational vessel or a regulated hire and drive vessel, the court must —
>
> (a) in the case of an offender who holds an operator licence, cancel that licence and disqualify the offender from obtaining an operator licence for the time (not being less than 6 months) that the court thinks fit; or
>
> (b) in the case of an offender who does not hold an operator licence, disqualify the offender from obtaining an operator licence for the time (not being less than 6 months) that the court thinks fit.
>
> (4) If on a prosecution for an offence under this section the court is not satisfied that the defendant is guilty of that offence but is satisfied that the defendant is guilty of an offence against section 22A, the court may convict the defendant of an offence against section 22A and punish the defendant accordingly.

The opposition acknowledges that dangerous behaviour involving recreational vehicles is a growing problem and that the public demands a response from its elected representatives. The growth in the market for recreational vessels, the ever-increasing power that drives some makes and models of recreational vessels and the concentration of them in and around where other water users are congregating means that it is a case of the sooner the better in relation to the provisions in this bill.

These provisions have the strong support of the opposition. They are basically lifted in many regards from the hoon driver legislation, which was floated as a very strong policy by the opposition and picked up by the government. That legislation has now, as I say, been applied to waterways and vessels. We think that these are sound provisions. I believe they would have very strong support in the community.

Added to this, the ability of many of our inland waterways to cope with what would be our normal boating season has become a moot point because of low rainfalls resulting in low river flows and lake levels. I live just on Lake Colac in my home town of Colac; there has been no water in the lake at all for the last few years. It used to be a great area for boating activities, with speedboats, ski boats, rowing boats and yachts out there. We have had a few rowboats back on the lake this year, but basically the powerboats have all had to go. They have moved to other places such as Lake Bullen Merri or down to the coast, and once again you have this concentration of powerboats along with tourists turning up at the same time of the year, and there is a real danger of a serious accident occurring.

Anyone who has been down there and seen this type of activity taking place would have to recognise that there is a significant danger. We need to do all we can to protect the people who use the water, the swimmers out there and the people who are there to have a good time. Their good time should not be put at risk by people who behave in a dangerous manner in their operation of motorboats and powerboats. They should be removed from the water if they are dangerous, and the people who are operating them should be removed as well.

The bill amends sections 318 and 319 of the Crimes Act to extend the offences of culpable driving causing death and dangerous driving causing death to the operation of marine vessels. Section 319 of the Crimes Act says:

> (1) A person who, by driving a motor vehicle —

and this will now include a vessel —

> at a speed or in a manner that is dangerous to the public having regard to all the circumstances of the case, causes the death of another person is guilty of an indictable offence and liable to level 5 imprisonment (10 years maximum).

Section 318, headed 'Culpable driving causing death', says:

> (1) Any person who by the culpable driving of a motor vehicle —

now extended to a vessel —

> causes the death of another person shall be guilty of an indictable offence and shall be liable to level 3 imprisonment (20 years maximum) or a level 3 fine or both.

It is very clear, and the message needs to go out to those people who are going to operate vessels in a dangerous manner that if their activities result in loss of life, they are going to be in very deep trouble. That message needs to go out and be explained clearly. Quite often when you have new laws come in — and we have had this recently with a number of new road laws — people do not get or understand the message.

With this type of legislation I would hate to see somebody finding themselves in a position where they have been responsible for a loss of life but saying, 'I did not know; I did not realise it was such a serious matter. I understand road laws, but I did not understand how this applied to waterways'. The message for the government is to get this message out very clearly and make sure that the support is provided with the legislation.

I will touch further on that issue. Throughout the second-reading speech, and you would not expect to find it in the legislation itself, there is no mention of resourcing for Victoria Police to carry out these additional tasks except that the police will be specially trained to carry out these tasks. If we are going to have an assault on the waterways to try to get these people off them to ensure that we do not have deaths — and I am talking about the rivers and coastal areas as well — that assault will need sufficient resourcing. I have not yet heard from the Minister for Roads and Ports or the Minister for Police and Emergency Services where this is all coming from, where the money is coming from, where the boats are coming from or where the backup and support is coming from.

It is one thing to pull a car off the road, but it is another thing to get a boat out of the water, impound and confiscate it and do everything else you have to do with it. It is going to need significant resourcing. It is one thing to run the legislation through the house, to send a message out to the community and to make it look as if the government is doing something, which is the great way this government goes about its business — all spin and no substance — but the issue then is to back it up with the resources to make sure it actually happens.

This is an area we have grave concerns about. We have violent crime on our streets which is out of control, violent crime in the public transport system which is out of control, and I would like the minister in his summing up to touch on what he knows about the resourcing, and what assurances he can provide to the house in relation to police resources, boating resources and everything else that we know needs to go to support this bill.

I turn to the discussion paper *Improving Marine Safety in Victoria* from July 2009, which had a number of submissions made on it. Those who went down the pathway of putting submissions in to improve marine safety were very disappointed they did not get a look at the draft bill. It came straight to the house; they had a role very early in the piece, but this government is great at pretending to consult, yet when it comes back to informing the community and the people who are involved with those discussions, it falls short every time.

I will touch on an issue on page 17 of the discussion paper, headed 'Payment of costs':

> Consistent with the current scheme in the Road Safety Act, an offender would be required to pay any costs incurred by the police as a result of the immobilisation, impoundment or forfeiture of his or her vessel. This would shift the economic cost of enforcement to the offender. A person who was found

> not to have committed the offence would not be required to pay these costs.

This almost gives the impression that the government thinks this will be fully funded by the money it is going to collect from the fines it will issue, the impoundment costs and everything else. However, as I pointed out, there is nothing in the second-reading speech about that and neither have the Minister for Police and Emergency Services or the Minister for Roads and Ports said what sort of money they expect to get as a result of this bill or what money they will recover from fines as against the cost of running the program.

It is very important to get support from within the community when you run these issues, particularly if you go through the process of putting all the glossies out before the public and the process of consultation, and then you back away when it comes to the final issue of implementation. The government has a history in relation to this in terms of a great deal of spin but not much substance.

The bill has been referred to in the past as Casey's law. I believe that the urgency surrounding this bill came from the tragic death of Casey Hardman, aged 18, who was holidaying with friends and her older brother, Jordan, aged 22, when she lost her life in a bad boating accident. As a result of that one would hope and her family and friends would like to think that in her memory something very serious will be done in this state about boating safety to ensure that as we move forward we do not have this type of incident again, that we do not lose innocent lives and that people can enjoy themselves in the waterways of Victoria.

Victoria is great place in which you can take your family away for weekends to many of the rivers and the inland lakes — those that have water at this point in time — and particularly along our beautiful coast. I am fortunate in that I have the Great Ocean Road and its towns in my electorate. It is a beautiful part of the world, and in the summertime we get tourists down there in the thousands. We get people out in boats, and I want to make sure that this bill and its provisions are followed to the letter of the law so that people who are going to use the waterways get the absolute protection that they require.

Clause 11 of the bill inserts new part 4A relating to the regulation of towage services in the port of Melbourne. These provisions are required to ensure that when a bigger container vessel visits the port of Melbourne the towage vessels are of an appropriate size to accommodate them. We had some questions in relation to this clause during the briefing on the bill, and we got some answers from the minister's department. In terms of the towage operators, at the moment there are two operating at the port of Melbourne. They are Svitzer and Pacific Basin. We asked whether an audit of their current allocations had been conducted — that is, what size tugs they currently have. We were advised that an audit has been conducted to see whether or not the tugs are capable of dealing with bigger vessels when they come into the port. The present Svitzer fleet is one 62-tonne bollard tug and one 52-tonne bollard tug. The present Pacific Basin fleet is two 43-tonne nominal bollard pull tugs. We also asked what it would cost for the operators to upgrade to bigger tugs and were advised that a new 68-tonne bollard pull tug costs approximately US$11 million.

The issue comes down to the fact that we have two operators at the port that have entered into commercial arrangements with the shipping companies, and I imagine there would have been a bit of toing-and-froing and pushing and shoving when trying to negotiate who is going to pick up the cost of operating these vessels in the port of Melbourne. As with all commercial negotiations, I guess there would be a bit of holding out and a bit of argy-bargy to try to screw down the best deal. I would imagine under these circumstances the Port of Melbourne Corporation would get a little bit nervous and say, 'Irrespective of what is going to happen at that end of it, we want to make sure that we have the vessels there to do the job. The commercial negotiations can continue, but they have to be able to demonstrate to us that come day one, when we have the bigger vessels coming through the Port Phillip Heads, we as a government, as a state and as a port corporation are going to be able to accommodate them'.

The bill contains a sunset clause — I think it is about three years — and then we will roll back to open market conditions. Towage companies will be allowed to continue to operate as they do today, but in the meantime in order that bigger boats can come into the port, unload and get out quickly, we need to ensure that we have an appropriate fleet. This is an unusual provision applying to private operators, but having come from the private sector I can imagine that there would have been some considerable argy-bargy on how this was going to be carried out.

Clause 12 of the bill inserts new part 5B which includes new section 88J. This covers hazardous or polluting activities or things at the port of Melbourne. Supervision is currently carried out by the Environment Protection Authority. Under the provisions in the bill, power is now to rest with the director of marine safety and supervision will no longer be carried out by the EPA.

Under normal circumstances, in the past the EPA would charge the port of Melbourne which we assume would on-charge the polluter. The question that needs to be asked, given that the EPA has the power and expertise to carry out these works, is why the port of Melbourne has to duplicate that service. Was there a problem with the service being operated by the EPA, because it appears to me that there is now a duplication of services? Why are we going to have the port of Melbourne carrying out work that the EPA did in the past?

Over a long period of time the EPA would have maximised its resources to ensure that it had enough people to carry out the work that is required. I would imagine that the port of Melbourne would need to bring on board the staff to deal with these things. What happens if the work dries up? Are we going to end up with people wandering around twiddling their thumbs waiting for a job to turn up? This appears to me to be a duplication of services and a massive waste of taxpayers money.

Coming at the same time as port officers being given coercive powers it almost looks like a new police force turning up at the port of Melbourne. It is Big Brother. The Minister for Roads and Ports, who is at the table, has been called Big Brother once before, and I think he will be called that again. If he keeps rolling these types of bills out, he is going to worry an awful lot of people.

Clause 22 deals with exemptions from fatigue management requirements. If it was not so serious the minister's second-reading speech would be laughable. I will quote from the minister's speech, where he is reported as saying:

> The bill also makes a number of amendments to improve road safety in Victoria.

In achieving this improvement in road safety the Road Safety Act will be amended to:

> exempt persons acting for emergency services from complying with fatigue management provisions when returning from attending an emergency;
>
> exempt drivers of buses from complying with fatigue management provisions when replacing rail services or assisting in an emergency …

The opposition went through this whole debate in relation to fatigue management.

An honourable member interjected.

Mr MULDER — It is a double negative. You cannot say, 'We have put all of these provisions in place on day one to improve road safety and now we are creating a whole host of exemptions in the name of road safety'. You cannot have it both ways. We said at the time the original bill went through the house that it was going to create enormous problems, and I know that the Bus Association of Victoria has had problems with it. We know that at the time the problems were raised they were raised in relation to emergency services. What about water carters who have to bring water to the head of the fires? What about the Country Fire Association? What about those who drive low loaders? How are they going to be handled in relation to the provisions in the bill? The simple fact is that the government did not allow for these contingencies and has now come back to the Parliament with these provisions which were raised by the opposition at the time the original bill was in the house.

There were other issues we raised at that time and we put forward amendments, but the minister refused to take them up. They related to livestock operators who required an extra couple of hours in cases of emergency to deal with animal welfare issues. Those amendments were knocked on the head. The minister said no to animal welfare but yes to the provisions in this bill. I have raised some issues in relation to this. In my town recently a cattle truck overturned. It had about 700 sheep on board and 400 or 500 were killed. The road had to be closed. The kelpie dogs that were locked in the back of truck were let out. They jumped head over heels from the back of the truck straight over the side of the truck and rounded up all of the sheep that were still wandering around straight into the pen. They did a fantastic job.

The question needs to be asked — I hope the minister in summing up will deal with this — if it was an emergency and we had to get the sheep off the road, would the livestock operator, their driver, be covered under these provisions that allow for someone who is acting for an emergency service to be exempt from the fatigue management provisions of the legislation? That is very important because it goes even further than that, and I will take it a step further. I live in Colac at the foot of the Otways and we are in a fire-prone area. I have no doubt that as we go through the summer we could have some serious fires and there are thousands upon thousands of head of livestock through that part of the state. I am talking about thoroughbred horses, cattle and dairy cows. The question I want the minister to deal with in summing up is where an area is declared a catastrophic fire-risk area and livestock have to be moved out of that particular area, would livestock drivers or operators be exempt under these provisions? That is a serious issue.

Mr Noonan interjected.

Mr MULDER — It deals with the livelihood of people. Where does the member come from? Is he hanging off the western suburbs? Has the member ever been outside the tram tracks of Melbourne? The member would not know and should not interject in the debate. The member would not have a clue. This is a very serious issue. If the member knew something about this he would understand what I am talking about. The member should not interject because it is a very serious issue.

The ACTING SPEAKER (**Ms Beattie**) — Order! The member, through the Chair.

Mr MULDER — It is important that the minister, in summing up, look closely at these issues. The issue was raised in the briefing, and the answer I got back when I raised matters about persons acting for emergency services was that VicRoads's advice is that a person is likely to be considered as acting for a service if they are carrying out work on behalf of the emergency service — not being part of it but carrying out work for a service. 'Likely to be considered' does not give me a lot of comfort. I do not believe it would give other people a lot of comfort.

I am asking the minister to clarify whether anyone who was working for an emergency service, anyone who was driving a water carter, anyone who was driving a low-loader or a bulldozer and providing services for emergency services, and anyone who got called out to remove stock in an emergency situation would be covered under these provisions. It is very important for people in country Victoria and for the operators of these types of equipment to know exactly where they stand on these issues.

It is one thing to have someone working for an emergency service who has an emergency service uniform on and is readily identifiable as being part of the emergency service and being part of the operation, but it is another thing for somebody who has a logbook in their truck to be pulled up out on the road by VicRoads or the police who look at the logbook and say, 'You are over'. The driver may say, 'I am working for an emergency service operation', but the response would be, 'What proof do you have?'. I have said to the minister that it is very important that if we are going to engage private contractors in this type of work we should make sure they feel comfortable and confident that they have the support and protection of the legislation.

If the minister could clarify those issues for me in summing up it would enable me, particularly in my part of Victoria where this will become a major issue, to get that message out. The issue of livestock is very important. We are talking about people's entire life spent building up herds of cattle and thoroughbreds that are worth hundreds of thousands of dollars. It is important that they can be treated as part of an emergency service operation if there is a serious fire in the area. It is important and I believe they will be well served if their cause is taken into consideration.

The opposition has circulated some amendments in relation to the bill. It believes those amendments are well thought through. The opposition believes it is draconian to offer those sort of powers first up to Port of Melbourne Corporation officers. The opposition does not want to see an extension of those powers beyond where they have got to without substantial debate. This came out of the blue and no-one knew they were coming forward. I hope the opposition gets support for those amendments.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill because it makes a number of important amendments in relation to hoon boating, the culpable and dangerous operation of a vessel, the towage of vessels in the port of Melbourne and the powers of the Port of Melbourne Corporation to deal with hazardous and polluting activities.

I will deal firstly with hoon boating. It is clear there has been major growth in the number of personal water vehicles, particularly jet skis, on our waterways. There are approximately 10 500 jet skis registered in Victoria and they are growing rapidly as a percentage of the total number of recreational vehicles on our waters. They are more powerful, they can travel at great speeds across our waterways and they are becoming a hazard, particularly where people are behaving irresponsibly with them. As the minister outlined in the second-reading speech, there has been a significant increase in serious injuries and a 70 per cent increase in hospital-related injuries from recreational boating, and hospital admissions have doubled to around 300 in the same period.

What the government has done in the last four years is introduce very successful hoon legislation in relation to our roads. It is now time to do the same on our waterways. This legislation will allow the police or authorised officers to prohibit the use of a vessel for a specified period of up to 48 hours. It will also empower them to order a person off the water for up to 24 hours. That will happen in time for this summer because that will happen from 1 January 2010. I think anyone who hoons around on a jet ski is on notice that from the

beginning of the new year there will be some tough new penalties applying to them.

In addition the government is introducing powers to impound these vessels. Under that embargo scheme vessels will now be able to be impounded for up to 48 hours for a first offence and for three months for second and subsequent offences. For serious subsequent offences hoons will be forced to forfeit their jet skis. These provisions are modelled on the very successful hooning provisions in the Road Safety Act. We need to know what the relevant offence is, and that will be described in section 22 of the Marine Act.

That provision now says:

> A person must not operate a vessel at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case.

That offence has been chosen, because it relates to danger, death or injury as a result of bad behaviour which we want to target as part of this hoon boating scheme. It is not always going to be practical to seize a vessel or for the police to serve a notice of surrender on a vehicle. They might, for example, say to the owner, 'We want you to surrender the vehicle' and the owner might say, 'I have to flush the vehicle out with fresh water' or there might be some logistical problem for the police in transporting a jet ski at a particular time. So the bill allows the police to issue a notice of surrender so that they can avoid some of those logistical problems they might face in getting a jet ski impounded at the time.

Because this is going to be a more serious offence, and because it is important to communicate with jet ski owners about the consequences of impoundment, these provisions will not be introduced until 1 September 2011. That gives the owners nearly two years notice that from that date there could be impoundment of the craft for serious offences.

The bill also amends the Crimes Act 1958 and extends the offences of culpable and dangerous driving causing death or serious injury to the operation of marine vessels. These are offences that apply in relation to the operation of our roads but not on the water. There are really quite substantial gaps in the punishments given to those guilty of causing death or serious injury in the marine environment.

Currently there is an indictable offence for dangerous, neglectful or wilful operation of a vessel endangering crew, but it only carries a maximum penalty of two years. The alternative has been to charge those causing death or injury with manslaughter with a maximum penalty of 20 years. However, there is absolutely nothing in between.

I think many members of the house would be familiar with the case of Casey Hardman, who lost her life last December. She died at Lake Eildon when a speedboat she was travelling in smashed into a tree at 1.30 a.m. The alleged operator of the speedboat has been charged with reckless conduct endangering life, reckless conduct causing serious injury and various Marine Act offences, including failure to display lights. The maximum penalty for those offences is only two years.

It was a tragic death. Casey's parents have to live with the fact that their daughter lost her life. Further, that terrible ending of Casey's life followed on from a very significant increase — 50 per cent — in the number of hospital emergency department presentations resulting from motor boating injuries between 2003 and 2008. We need to send a clearer signal that that kind of reckless driving or conduct causing serious injury or death is unacceptable, and that is why we have acted to strengthen the provisions in the act. Hoons on the water will now be sent the clear message that you have to operate a recreational vehicle responsibly and safely or you will pay the price.

Clause 12 also inserts new powers to deal with hazardous activity which takes place in the port of Melbourne, particularly in relation to the transfer of dry bulk and liquid cargo to and from vessels. It will give the port of Melbourne a firmer legal footing on which to deal with pollution and hazardous activities. The member for Polwarth said this was a duplication of the powers of the EPA (Environment Protection Authority). However, we are giving the port of Melbourne the power not only to clean up very small polluting or hazardous activities but also to recover the costs immediately from the polluter. A new section 88J gives the Port of Melbourne Corporation that very power — that is, to conduct a clean-up or to require a clean-up where there is pollution or an environmental hazard within the port.

Between 2003 and 2008 there were 57 bulk liquid handling incidents resulting in spills within the port of Melbourne. Cleaning up a typical spill can cost in excess of $140 000 , which is quite a significant amount, and can delay port operations. Sometimes, for example, an international container terminal has to be closed, which has a significant knock-on effect in terms of revenue loss and time delays. It is estimated the economic cost of delays where an incident blocks all shipping movements in the port is around $3.3 million a day. So the port of Melbourne clearly has to have not

only the confidence to clean up those spillages but to recover those costs, which are quite significant.

Now that the channel deepening project has been completed, on time and under budget, larger ships will be able to enter the port of Melbourne. However, it is clear that the current towage services are inadequate to deal with many of these larger ships, particularly when these new ships are fully laden with cargo, which was the whole point of channel deepening. It is absolutely essential that the two towage companies operating in the port are able to provide that core port service to those large ships.

Clause 11 of the bill allows the port of Melbourne to set conditions on those towage operators. Currently there is no contractual relationship between those towage operators and the port of Melbourne in relation to the type of service they need to provide; their contractual relationship is a commercial relationship with the shipping lines. That could lead to a deficiency in the delivery of this core towage service.

For example, recently the port's largest and only salvage-capable tug was sent to Newcastle to claim a salvage, leaving the port of Melbourne without the benefit of this service. These regulations will require those towage services to go out and purchase those large tugs so that they can service those large ships. Obviously that is a significant cost — they can cost about US$11 million — but having a regulation will make it a level playing field for all of those shipping line operators, because the towage service will have had to meet that regulation. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009. The Nationals in coalition are supporting the amendments circulated by the member for Polwarth. There is a concern about authorised officers of the port of Melbourne having coercive powers, and I think that has been well covered. I urge members to think about what they are doing by leaving those coercive powers in the bill.

However, the purpose of the bill is well beyond that. It is to amend the Marine Act 1988 to introduce hoon boating laws similar to car laws. I probably have to own up that I have a boating licence, I have a personal watercraft endorsement and our family has a personal watercraft. I hope I am not a hoon.

The bill also amends the Port Services Act 1995 to make provision for towage services and the management of hazardous activities. The Transport Act will be amended and some changes made to the enforcement powers over alcohol interlocks, fatigue management and requirements for rail replacement bus services. I also have a bus licence. There will be amendments to the Accident Towing Services Act in relation to tow-truck trainee permits. Amendments to the EastLink Project Act 2004 and the Southern and Eastern Integrated Transport Authority Act 2003 will transfer EastLink to VicRoads; and amendments to the Crimes Act 1958 will extend the offence of culpable driving causing death or serious injury so that it applies to the operating of vessels.

The provisions of this bill are extensive, and I am only going to focus on a couple of them. I probably need to note first up that the main water resource in the Mildura electorate is the Murray River, and that is controlled by New South Wales Maritime. However, there are lakes and anabranches that are popular with people. People reading *Hansard* need to be reminded that the border areas within my electorate are subject to two lots of laws: one lot of laws apply while people are on the Murray River; and there is another set of laws while people are in the anabranch or the lake, so these changes to the law will need to be promoted, even though most of the activity is on the Murray River.

A number of issues arise through this legislation, but the main areas are the changes relating to hoon boating provisions, the port services and fatigue management. I have had some discussions with the Boating Industry Association, which has raised some issues over the continued funding of Maritime Safety Victoria's education program, Boat Smart, which is a program that has been run as an entry to boating at schools, and it then leads to a licence.

We do a great deal of driver education, and if we are going to impose laws to reflect the hoon driving laws, which is where we are moving to with these hoon boating laws, I think we need to be out there educating people, particularly when they are obtaining their licences. That is the right time to teach people the right habits, and we have an enormous amount of activity and evidence to prove that from our driver education programs. There is a concern that those programs may be being either reviewed or cut. It is essential if we are going to tighten these laws, that we back it up with education.

We can learn a lot from the data on injuries. I noted from my reading of the second-reading speech that the data on injury had not been dissected to a level where we can understand it. We need to do an analysis of that. All injuries are of concern, but we need to look at the probability of certain sorts of injuries.

We are getting more and more vessels on our waterways and more and more people participating. There are more accidents occurring, so we have to systematically approach the analysis of what is happening and focus our education in the areas of concern. That is the best way to minimise those injuries. We have seen such analysis used by WorkCover and the Transport Accident Commission in understanding what the risks are and then knowing where you apply your education.

It is about sticks and carrots, as it always is in life, and we need to be doing our work with carrots and be on the front foot, being positive about how to avoid some of these issues. We are supporting the hoon component of the bill. However, education still is very important.

There are a number of other concerns. Congestion could well be a cause for some of these accidents, and congestion occurs for a number of reasons — for example, the drought and lower water levels in some areas, meaning we are getting more of a concentration of boats particularly inland on the surviving water resources.

That needs to be understood. One of the areas where congestion is an issue is at boat ramps, and access to those boat ramps and the process of launching and retrieving boats is a high-risk area, in my view, and it is where a lot of difficulties occur, particularly if the recreation is occurring near the boat ramps. Access to the waterways and lakes, particularly in a dispersed fashion, in order to avoid this congestion was one of the driving forces behind the community's concerns, and particularly my community's concerns, over the river red gum bill, and to maintain that dispersed camping and dispersed access to the river.

Another issue is fatigue management. Mildura is a long way from Melbourne, and many of our transport links see people starting off by bus, going to meet a train in Swan Hill, and then travelling on. Having consulted with some of the bus drivers involved, some days it can be a bit of a lottery. They can be setting off to Swan Hill and can end up in Bendigo or Melbourne. They never quite know. There are a number of conditions that are causing drivers to throw an overnight bag in, particularly when it gets hot. As the temperatures go up, our rail system goes into crisis, and with passengers moving further on, there are generally some issues to do with travelling over those long distances. The fatigue laws cover one area of difficulty but introduce another, and I think the member for Polwarth covered those quite well.

The last area I am going to talk about is to do with transporting livestock. Animal welfare is an issue, because it is not uncommon in the north of the state to have 40-plus degree days. In managing fatigue a driver of a truckload of stock may be held up an hour out from his destination while he waits for a relief driver or makes some other arrangements. He may need to find a big shady tree for the welfare of the animals. This is definitely a major problem. It has been well covered by the member for Polwarth, and we need to find a way to extend those fatigue laws for animal welfare, which I think is important.

Similarly, on high fire-risk days, particularly with the new fire categories, on a day that has been classified as catastrophic the stock is going to have to be moved. Everybody knows it is going to be a very big day because you only get so many stock in a truck, and you have to keep working away.

Dr Sykes interjected.

Mr CRISP — I note the presence in the chamber of a vet, so one must be careful at this point about what one says. However, moving stock on high fire-risk days will involve long hours. Will they be covered by the emergency service provisions? Consideration needs to given to what constitutes an emergency once you move up into those new high fire-risk categories. Is it before the flames arrive or an imminent emergency, particularly as evacuation of people is now recommended and evacuation of stock may well also be necessary?

With those comments, The Nationals are supporting the amendments contained in this bill. I also support the member for Polwarth's very detailed dissection of all the issues.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until later this day.

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL

Second reading

Debate resumed from 11 November; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Opposition amendments circulated by Mr WELLS (Scoresby) pursuant to standing orders.

Mr WELLS (Scoresby) — I rise to lead the debate on the Fire Services Funding (Feasibility Study) Bill 2009. I will turn to the amendments in a moment, but I would like firstly to outline the issues that have led to the introduction of the bill. The purpose of the bill is to provide legislative support for the Brumby Labor government's pending review of fire services funding in Victoria, and, as foreshadowed in the recently released green paper on fire services and the non-insured, it includes the future viability of the existing fire services levy (FSL).

To achieve this the bill, as foreshadowed in the recently released green paper on fire services and the non-insured, amends the Taxation Administration Act 1997 to provide power to the commissioner of state revenue to undertake feasibility studies into new or existing taxes, duties, levies or imposts, including the coercive collection of information and data for the purposes of a feasibility study. The bill also provides certain privacy safeguards in relation to information, collection and use.

Firstly, the bill defines a feasibility study as:

> … an examination and analysis conducted for the purposes of —
>
> evaluating an existing tax, duty, levy or impost; or
>
> developing and evaluating policies and proposals for a new or existing tax, duty, levy or impost.

Secondly, the bill provides wide-ranging powers for the commissioner of state revenue to conduct any feasibility study into the public interest, including a feasibility study in relation to fire services funding, but by definition is not confined to that particular issue.

Thirdly, the bill provides the commissioner of state revenue with the coercive power to require a person, by written notice, to provide information for the purpose of a feasibility study, giving at least 30 days to comply with the request. The Department of Treasury and Finance, through the State Revenue Office, has advised that these revisions resulted from consultation with the Insurance Council of Australia, which stated that it had insurance data available and was voluntarily willing to provide this for a feasibility study.

However, existing commonwealth privacy laws currently prohibit this data sharing. The Department of Treasury and Finance also advises that the commissioner for state revenue will have the coercive power to request information be provided. There are no penalties included in this bill for failing to disclose information, and existing penalties, or other measures contained in the Taxation Administration Act 1997, are not applicable.

Fourthly, information collected cannot be used for any other purpose, other than a feasibility study, and the inappropriate disclosure of such information could lead to penalties being imposed.

The opposition has a number of concerns with this bill, and I will now explain why I have circulated the amendments. The bill is open ended; it provides unfettered and coercive powers to the commissioner of state revenue to undertake a feasibility study in relation to any tax, duty, levy or impost, and includes the power to request individuals and corporations to provide information which is beyond the commissioner's existing role to administer the state's taxation laws.

The powers conferred on the commissioner of state revenue by this bill would allow the evaluation of any new tax levy or other impost, or charge, including possible levies or charges on areas such as water tanks or other storages, congestion taxes or charges for vehicles on Victorian roads or further land development taxes.

The title of the bill alludes to the fact that the provisions are not confined to a single feasibility study into fire services funding and the FSL. I would have thought that the Victorian Competition and Efficiency Commission or the Department of Treasury and Finance would have been better placed to conduct a feasibility study into the fire services funding and the FSL, rather than the office of the commissioner of state revenue.

The need for a separate review of fire services funding and the FSL, and an extension of the powers of the commissioner of state revenue, led to a bushfires royal commission decision on 19 November 2009, to undertake its own investigation into the FSL and insurance matters by releasing its own discussion paper and request for submissions to be considered and incorporated into the commission's final report. The royal commission may use its own coercive powers to obtain insurance company data. There is therefore no further need for widening the powers of the commissioner for state revenue, beyond the administration of taxation law.

The amendments as circulated respectfully request the government to restrict this bill only to the fire services funding provision. To do otherwise would allow wide-ranging powers to the government through the State Revenue Office to implement any feasibility study into any existing tax, duty, levy or impost. The

opposition considers that that is far too wide a power to give the commissioner of state revenue. The issue is that we simply do not trust the government; we do not trust the Premier and we do not trust the Treasurer whatsoever with this particular power.

Mr Stensholt interjected.

Mr WELLS — We would expect that the chairman of the Public Accounts and Estimates Committee, who has a strong focus on accountability, would get behind us to restrict the scope of this bill — a bill entitled the Fire Services Funding (Feasibility Study) Bill — to the fire services funding feasibility study. That is what you would expect the bill to be about. Otherwise, if you were being open, true and transparent, you would have a free-for-all new taxation feasibility study bill. But the devil is in the detail, and that is why we expect the government to support the amendment and restrict the bill to what the title says. I want to make this very clear for the member for Northcote, who I guess will be speaking next, because she does not add a lot of intellect to the arguments she puts forward. I would have thought the member of Burwood would follow me, but — —

Mr Stensholt interjected.

Mr WELLS — I do not know. Do you write the speeches for her?

The ACTING SPEAKER (**Ms Beattie**) — Order! The member for Scoresby should address his remarks through the Chair!

Mr WELLS — I just wonder who writes the speeches. The point is that this is a wide-ranging bill, and we want it restricted to a feasibility study of the fire services levy. If we allow the bill to go through in its current form we will see an increase in the number of new or extended taxes, fees, charges and tolls. Since the government has been in power there have been 26 new or extended taxes, fees, charges or tolls and already we have had promises that we will have no new fees and charges. Even at the last budget the government promised there would be no new taxes, and now it is bringing in the growth areas infrastructure contribution (GAIC). It is being brought in when the government promised there would be no new taxes. The GAIC will bring in billions of dollars, but the government forgets it is a tax. That is why we want the bill restricted to what is stated in its title.

I want to move on to the fire services levy which came about because we needed a mechanism to fund our fire services. The levy is imposed by insurance companies on domestic and commercial buildings and contents insurance policies to meet the collective defined statutory contribution and it is topped up by direct government contributions. Historically, the reason for choosing insurance companies as a funding base for Victoria's fire services was that they had a mutual and beneficial interest in ensuring effective fire services existed within the community to reduce the risk and mitigate claims. Therefore it was considered only fair that they contribute to a large proportion of the funding. In reality insured property owners have totally borne the brunt of meeting the statutory financial obligations of the insurance companies passed on through the imposition and payment of a fire services levy.

The Country Fire Authority Act 1958 states that the respective contributions of insurance companies and the state government go to the annual budget of the CFA. Insurance companies contribute 77.5 per cent and the state government contributes 22.5 per cent. Under the statutory funding formula for the Metropolitan Fire and Emergency Services Board in section 37 of the Metropolitan Fire Brigades Act, insurance companies put in 75 per cent, the state government puts in 12.5 per cent and local government puts in 12.5 per cent.

Country members of Parliament will note very strongly how unfair the fire services levy is. It is important to spell this out, because wherever I go in country Victoria to speak, no matter which topic I am speaking on, one of the very first questions I am asked is about the fire services levy. On a premium of $100 for a home property in metropolitan Victoria the fire services levy is 20 per cent, or $20. The GST is added to that, which is $12. Stamp duty is another 10 per cent, or $13.20. The total is $145.20, so on a $100 premium you end up paying $145.20.

If you have a business property in metropolitan Victoria, an insurance premium of $100 will attract a fire services levy of 50 per cent — and I want to make this very clear — or $50 on top of the $100. The GST is 10 per cent on top of that, and the stamp duty is 10 per cent on top of that. So your $100 premium becomes a total of $181.50.

A $100 premium on a home property in country Victoria attracts a fire services levy of 31 per cent or $31; the GST on top of that is 10 per cent, and the stamp duty is 10 per cent on top of that, so your $100 premium becomes $158.51.

Mr Stensholt interjected.

Mr WELLS — You can argue that when you have your turn, but these are the facts given to us by the Insurance Council of Australia. The member for

Burwood will be able to question what the insurance council has put forward to us. Obviously he is saying the insurance council is wrong. I am sure the council will be fascinated to hear that.

Mr Stensholt interjected.

The ACTING SPEAKER (**Dr Harkness**) — Order! The member for Burwood will have his opportunity.

Mr WELLS — A $100 premium on a business property in country Victoria attracts a fire services levy of 84 per cent — —

Dr Sykes — How much?

Mr WELLS — It is 84 per cent, but there is more on top of that. There is 10 per cent GST of $18.40 and stamp duty of $20.24. So — if members can believe it — on a $100 premium a business property in country Victoria pays $222.64. You can understand why people in country Victoria are screaming about how unfair this is.

In good faith I have to say that I did not know this bill was going to be introduced. On 19 November the bushfires royal commission announced that it would investigate the fire services levy and insurance contributions, and I will tell members how that came about. The Liberal and National parties decided they would do two things. Firstly, the Leader of The Nationals would write to the royal commission to request that as part of its investigations it investigate the fire services levy — and it is good news that it has accepted that proposition. The second thing was that the Leader of The Nationals would write to the Henry review, which is the federal government's review of tax being undertaken in Canberra by Ken Henry, asking him to investigate the levy. Our view is that when those investigations are done the coalition will look closely at the results and prepare policy in the run-up to the next election.

In a media release this is what the Victorian bushfires royal commission says:

> The 2009 Victorian Bushfires Royal Commission is seeking responses from the public to a discussion paper on the fire services levy and property insurance.
>
> In addition to the catastrophic loss of life, Victoria's 2009 bushfires caused widespread loss of property. Against this backdrop, the commission is seeking views on issues related to property loss and insurance:
>
> 1. The significant funding of Victoria's fire services through the insurance-based fire services levy and options for reform.
> 2. The role of insurance in preparing communities for and recovering from future disasters like the Black Saturday bushfires and whether non-insurance and underinsurance are problems in Victoria.

When we sit down with insurance experts — and we are still waiting on information to come through — they say to us that it is normally a third who are insured, a third who are underinsured and a third who are not insured. That is a devastating result if those figures can be proven.

The question for us is if under this bill the State Revenue Office commissioner is going to investigate the fire services levy while at exactly the same time you have the bushfires royal commission doing exactly the same work, seeking exactly the same information — the royal commission has coercive powers as well — then there will be a duplication of effort. I am not sure why this bill would then be relevant. It does not make any sense. I note that on the same day as the royal commission issued its media release the Leader of The Nationals put out a press statement on the royal commission making that determination.

We have said quite clearly that we do not trust the government with this particular piece of legislation and that is why we are moving these amendments. The reason is that the government has brought in 26 new or extended taxes and charges. Members need only look at all the taxes and charges that the government has been able to introduce to see that payroll tax has increased by 81 per cent from $2.2 billion to $4 billion; land tax has leapt a staggering 227 per cent from $378 million to $1.2 billion; stamp duty on land transfers has jumped an alarming 186 per cent —

Mr Stensholt interjected.

Mr WELLS — from $1 billion to $2.8 billion; and taxes on insurance have increased by 244 per cent. I notice there was not a squawk from the member for Burwood when I mentioned that figure, but that figure has increased from $359 million to $1.2 billion.

Mr Stensholt interjected.

Mr WELLS — As I said, taxes on insurance have increased by 244 per cent. Let us jump to the fire services and the green paper on fire services and the non-insured, which the government released in October. When it comes to spin, rhetoric and trying to duck, weave and twist, this government is expert. In the foreword to the green paper the Treasurer, John Lenders, says:

> This green paper has been designed to help Victorians establish the best way to fund Victoria's fire services and to

> determine whether an alternative model would deliver adequate funding in a more equitable way.
>
> I commend this green paper to you and look forward to your feedback.

If the government is looking at different models, why would it include this particular paragraph under the heading 'Gap analysis of the current system'? It states:

> The current insurance-based model is efficient and equitable —

The government is looking at a new model but it is starting from the base that there is nothing wrong with the current model, because it is efficient and equitable. The sentence goes on, and this is classic:

> providing a stable and administratively efficient source of funding to the fire services.

It makes interesting reading. The government has not concluded which way it is going but it goes on to say about the fire services levy:

> As the FSL is charged as a proportion of insurance premiums, the contribution of individuals to the fire services is linked to fire risk and asset value. People who have more valuable assets in high fire-risk areas contribute more to funding fire services than those with low-value assets or low fire risk. This is not necessarily the case in property-based funding models. The insurance-based system also encourages fire-risk management, as insurance companies will potentially offer lower premiums to those individuals who have taken steps to reduce fire risk on their properties.

What about the people who are not insured or are underinsured? When I read this I thought, 'Okay, let us go through the process'. It was not very long before I thought, 'Hang on a minute. The government is doing a snow job on the Victorian people. There is no question about it; this is a snow job. The government is going to spin this and try to kill the issue of the fire services levy, especially in country Victoria'.

Do members know why I reached that conclusion after reading that paragraph? This green paper was released in October. It is reasonable to expect that the government would start to call for submissions in November 2009 — give it a month to get out there and for submissions to be sent in. June 2010 to July 2010 is the period in which the government will receive written submissions in response to the questions that it canvasses in the green paper. Submissions on the green paper are to be provided by 15 July 2010. What is going on? Why the big delay? If the government is so desperate to get the green paper out, to spin and try to kill the issue of the fire services levy, why would it wait seven or eight months before it starts to receive submissions.

The other bit which I find quite interesting is the last page of the green paper, headed 'Timing/Next Steps' and they are outlined. Step 7 will run from August 2010 to February 2011, during which time:

> The government considers all feedback, comments, ideas and suggestions, the findings of the Henry tax review and the royal commission final report, as part of its formulation —

In other words, 'What we are going to do is keep those good people in the country quiet, give them the impression that we are doing something on the fire services levy, tell them that we are going to do something but, by jeez, we are going bury this to make sure it is not an election issue in country Victoria'. If the government was serious it would have started to receive submissions early in November or December and would have then used the feedback to organise its views and formulate its final position for the white paper some time early next year or in the first quarter of next year. I find it quite amazing.

The coalition has gone through the issue and made its position very clear. On 22 May the Leader of The Nationals put out a press release in which he made it clear that he has written to the Henry review and the bushfires royal commission requesting their feedback so that the coalition can start to formulate its position. As members may understand, the people in country Victoria are upset about how unfair this is.

In a media release on the same day, 22 May, the Insurance Council of Australia welcomed the announcement by the Leader of The Nationals. The Insurance Council says:

> The Insurance Council of Australia today welcomed the announcement by Mr Peter Ryan, MP, that the Victorian Liberal-National coalition in government will review the current fire services levy (FSL) system in Victoria and implement a fairer system.
>
> The Insurance Council and its members support an efficient and sustainable funding model for fire services in Victoria.
>
> However, the current fire services funding model in Victoria is not efficient and sustainable, because not all Victorian's financially contribute to the fire services. The current FSL system places an unfair and inappropriate burden on insurance.

This is according to the Insurance Council. It states also:

> General insurers contribute the overwhelming bulk of the funding to Victorian fire services …

and the press release goes on to explain the combination I mentioned before.

So we have circulated these amendments. We respectfully ask the government to consider the amendments. Even if there is consideration given to them while the bill is between houses we would welcome that. We feel that if we give this bill to the government so it can investigate and evaluate any new taxes or charges, it will grab it with both hands.

Debt levels currently stand at around $31 billion, so the government is looking for every sort of tax that it is able to get its grubby hands on to balance the books. That is what this is all about. If it had not been like that, the government would have called the bill something else. It would have been more honest and open with the title of the bill. When you come in here and call it the Fire Services Funding (Feasibility Study) Bill you are giving the impression to people in country Victoria and to people in the outer-eastern areas that the government is going to do something, to be open and honest and frank about what it is doing, but when you look at the detail it is something quite different. On that note we ask the government respectfully to accept those amendments.

In conclusion I thank the officers for their briefing. I hope the government accepts these amendments.

Ms RICHARDSON (Northcote) — It is a great pleasure to rise and speak in support of the Fire Services Funding (Feasibility Study) Bill 2009. This bill will enable a proper study of the funding arrangements for fire services in this state and investigate alternative funding arrangements.

All sides of this house agree on one thing — that is, that the fire services levy (FSL), a levy introduced by the coalition many years ago and a levy that has for many years had bipartisan support, is no longer a fair and equitable system. Moreover, the levy is no longer able to meet the challenges we face as a consequence of the bushfires in February this year. Before we throw out the current system, before we just cast it aside, we need a proper analysis of the current insurance practices, including the number of people who are properly insured versus those who are not, and those who are not insured at all. This bill will facilitate the proper analysis that needs to be done and draw out any alternative funding options that we need to explore.

The opposition, true to form — I guess, true to their new name, the 'flopposition' — has flip-flopped with respect to its position on this review. At first the Leader of The Nationals came screaming and welcomed the review on the ABC news, under opposition support:

> The state opposition is backing the review.
>
> The Nationals leader, Peter Ryan, says the present system is unfair.

In the *Shepparton News* of 2 November he was again welcoming the review. Then out comes the member for South-West Coast, describing the review on regional radio as a sham and a con. When asked about the difference between views of The Nationals and the Liberal Party on the review, the member for South-West Coast said words to the effect, 'Do not worry, we are all on the same page now'.

The basis for his opposition and the basis for the opposition that was outlined today by the member for Scoresby was all about timing. Here is the catch with respect to that particular argument, and it is an obvious catch at that: the Leader of The Nationals is out there calling for a review, and he was reported in the *Shepparton News* of 2 November as having said:

> When we are at the point of only about two-thirds of Victorians insuring against fire and therefore paying the FSL it is demonstrably wrong because everybody expects those fire services to be available.

Despite the Leader of The Nationals making statements to this effect and the member for Scoresby making statements about the number of people who are or are not insured, the truth is that no-one is exactly sure what those figures are. If it were all so very easy, as they have tried to outline in their public statements, if we do not need to go ahead and gather the data, call for submissions, review all the gathered information, if the timing is all so very easy, then why is it that neither the Liberal Party nor The Nationals has a policy position here today?

Why is it that they have not come into this place today and outlined their policy position with respect to the fire services levy? They have not done that in any way, shape or form, and they certainly have not done that today. I will tell the house why they have not gone down this path: because they are too busy trying to get the lines straight between the two parties over this issue. There is nothing new in that.

Now that the shadow Treasurer and the member for South-West Coast have gone down this path, leading, as per usual, The Nationals by the nose, could members come into this place and outline their policy positions? If it really is all that easy that you do not need the data, you do not need any information, you just set it all out before the house. When the member for South-West Coast was asked on regional radio whether the opposition will have a policy before the next state election, even on this he said, 'No, we will not have a policy before the next state election'. The standard that the opposition applies to the government is

fundamentally different from the standard that it applies to itself. That is typical of members opposite.

In my view and in the view of the government, the FSL requires careful and proper study, not hasty press releases done on the run or policy done on the run. The FSL requires a proper study that needs to be undertaken carefully with all of the information that is available.

The timetable set out by the government will ensure that the best possible solution is found. In October 2009 we released the green paper on fire services and the non-insured. We hope that this bill, which will enable the feasibility study to be undertaken by the State Revenue Office's commissioner, will pass the Parliament by December. This will enable all of the information that the commissioner will need to undertake the analysis to be gathered in the first half of next year. Responses to our green paper will then be considered in July next year, and in the same month the 2009 Victorian Bushfires Royal Commission will release its final report. This week the royal commission released its own discussion paper on this important issue and said that it will report back, as part of its findings, in the middle of next year.

The government response to all the feedback from the royal commission, from the Henry taxation review and from the submissions to the green paper process will be released within six months of the royal commission handing down its final report. This is entirely proper, entirely in keeping with how good policy is developed by Labor in this state and entirely in keeping with how the Leader of The Nationals, I suspect, would have thought it should be done before he was muzzled yet again by his Liberal Party colleagues.

We come to the issue of yet another misleading media release from the shadow Treasurer, the member for Scoresby, and a misleading statement made in the house today. The member is out there scaremongering yet again, claiming falsely that this bill is not about what it claims to be and that it is something else that everyone needs to be frightened about. He claims this bill is about something entirely different; he says it is in fact a new 'secret tax plan'. For the record let me put us all out of our Kim Wells misery and say directly to him today that the government has no new plans for any new taxes, except for an increase in taxes paid by Crown Casino.

The bill does not give the commissioner of state revenue the power to introduce a new tax, as the member for Scoresby has tried to lead us all to believe. Any new tax still needs to be brought before both houses of Parliament and be subject to a full and proper debate in both houses. The government should be able to use all of its existing facilities efficiently to determine what is the best tax solution for all Victorians. The commissioner does not have coercive powers. He does not have penalty powers. He is simply conducting a feasibility study, gathering all the information before him. He is seeking the cooperation of insurance companies to get all the information so that we can get the best possible solution for all Victorians in respect of the fire services levy.

By any conceivable standard this is a proper way to conduct an investigation of this kind, and for the member for Scoresby to claim that it is anything other than this is quite mischievous. He did it again today. He quoted from the green paper, but in his usual form he stopped halfway through. He quoted from page 9 of the green paper on fire services and the non-insured. It says:

> The current insurance-based model is efficient and equitable, providing a stable and administratively efficient source of funding to the fire services.

Yes, that is what it says, but he did not then go on to quote the following:

> However, the current arrangements allow those who are not insured or who are underinsured to benefit from the provision of fire services without directly contributing to their funding. As noted earlier, the fire services do not often recover costs from non-insured residential properties despite having the power to do so.
>
> This inequity in the system …

et cetera. He overlooks that reference in the green paper and simply tries to highlight that one statement. He pulls out where it says the model is efficient and equitable. Yes, it would be efficient and equitable if everybody actually paid the fire services levy, but we know they do not, and that is exactly the issue that we are trying to address by putting this review in place and getting all the information together before we find a solution that works for all of Victoria. The feasibility study that will be conducted by the commissioner will be a very far-reaching and equitable study. It will get the best possible solution. It is reaching for excellence in this state with respect to insurance. I therefore commend the bill to the house.

Mr RYAN (Leader of The Nationals) — It is my pleasure indeed to join the debate on the Fire Services Funding (Feasibility Study) Bill. This bill is a misnomer, because the government wants to do much more with it than just review the fire services levy, but the issue has been canvassed very well by the shadow Treasurer, the member for Scoresby, in the course of his contribution. I support the member's amendment,

and I hope the government sees fit to adopt it so we can concentrate on the real issue at hand, which is a review of the fire services levy.

I might say what a dreadful embarrassment this legislation is for the government. I was going to start off by reading the various press releases issued over the years by the government applauding the fire services levy in its present structure, going all the way back to the Victorian Competition and Efficiency Commission (VCEC) considerations of 2003, but time does not permit all that to happen. Suffice it to say that in the course of a bevy of press releases and in questions I put to the Premier only weeks ago in this place about material the government has issued even while issuing its so-called green paper on this topic, the government has consistently maintained the line that the present system is fine and there is nothing wrong with it. I will read from page 3 of the green paper where it says in part:

> While the government supports the current funding model, the 2009 Victorian bushfires exacerbated some of the criticisms of the insurance-based model. For this reason the pilot study will focus on option 1 as described in this green paper as the government's current and preferred model.

That is what the government says in its own document, and that is its preferred option.

Honourable members interjecting.

Mr RYAN — I was going to go to this later, but since I am being incited to, mainly by those on my side of the house, I will go to page 9 of the government's green paper, where under the heading 'Gap analysis of the current system' it says:

> The current insurance-based model is efficient and equitable, providing a stable and administratively efficient source of funding to the fire services.

Then on the same page where it talks about the fact that some people are paying, some people are not and the costs are going all over the place, it says:

> This inequity in the system, where non-insured property owners do not contribute to the fire services is particularly noticeable in light of the 2009 Victorian bushfires. It would be inappropriate for the CFA to begin issuing notices for call-out charges to non-insured properties razed by the catastrophic 2009 bushfires.

In short this is absolutely, deadset, all over the place. The critical feature coming out of all of this is the patent embarrassment on the part of this government which has resisted mightily the notion that there is anything wrong with the ' system and now finds itself in the hugely embarrassing circumstance of introducing a piece of legislation into the house which is named, albeit it is a misnomer, the Fire Services Funding (Feasibility Study) Bill. The government has put up the white flag and surrendered. It has done so quite reasonably, because the position from the perspective of Victorians, particularly those of us who live in country Victoria and most particularly those who conduct business in country Victoria, is that the current circumstances are simply unacceptable.

I make it clear that this is not a discussion about the funding of the fire services. We are talking about the mechanisms whereby that funding can be provided, so in the interest of time I will not even bother going to the absolutely misleading commentary which was issued by the Treasurer in a recent press release where he talked about somehow attacking the funding provided for the purposes of our brilliant firefighting services. That is not the issue at all.

What has happened in broad is that the government dug in and dug in. It dug the hole deeper and deeper over the past months, and now to its horror it has had to try to find a way to scramble out of the hole. In the meantime a variety of people have joined the chorus of individuals and groups supporting what the coalition has been calling for since I released our policy position in May this year. We have had numerous people right across the state loudly endorse that policy position, as was so brilliantly emphasised by the member for Scoresby when he spoke, all of them universally making it clear that this is a great idea. This whole thing needs to be picked up by the ankles and shaken out so that we get a system which is fair and equitable, because the one we have at the moment is not.

I wrote to the royal commission to request that the fire services levy be part of its considerations. In fairness I suspect that would have happened anyway, but I wrote to the commission and we have it. We were pleased to have the commission issue its paper the other day.

I asked the Premier to send this issue to the Henry review, but he refused to do it. I wrote to the Henry review on behalf of the coalition. It is considering it, and I am very pleased to see that happen. We will look to the outcome of all that in due course.

Even as they are dragged kicking and screaming to this process, government members still cannot help themselves. On the day they announced tongue in cheek that they were going to review this system, they still could not help themselves. The Premier was standing up saying the present system is a ripper and it works perfectly fairly. We had the Treasurer, who is auspicing this so-called review and who somehow or other had been given the keys to a fire truck to go and

tour brigade facilities in northern Victoria, saying on the day he announced it that he thought the current system was fair and that he did not see any need to change it.

It gives rise to the very point the member for Scoresby made so brilliantly in his contribution. You have to doubt the credibility of the government yet again I might say, because having been dragged kicking and screaming to this, on the very day that it went over the edge to announce the review and release its so-called green paper it could not help itself; it is still out there saying that what we have works well, when it is patently obvious that it does not.

The core of the problem is a very nasty catch 22 that we now have in operation, particularly in country Victoria and particularly if you are in business there. On the one hand the fire services levy is such that it has escalated to a point where people now cannot afford to pay it. That is a simple fact. Just recently I was at a business near Sale, a large horticultural enterprise, Covino Farms, which had just received its bill. The premium was about $15 000. By the time all the add-ons were done I think it was up to about $34 000. The government simply cannot keep doing this in this sort of a fashion. On the one hand you have a nasty situation with the fire services levy going up and up and on the other hand fewer people are insuring. As a consequence you have less money coming into the pool and therefore you have the fire services levy going up and more payments having to be made by those who continue to insure.

We have to break this cycle. That has been the core of our policy position and will be over the course of the coming months. The government says it has an arrangement for timing, which is all on the never-never. Our proposition right throughout has been that you need the resources of government to be able to do this. The resources of government being made available is an important component. The whole thing was undertaken by VCEC back in 2003. I do not understand why it is not again being undertaken by the VCEC, because it is resourced to be able to do it. Perhaps someone in the government ranks will be able to explain why the government has chosen to go down the path that it has.

In the interim, though, what I do know is that the government has been embarrassed into having to bring this legislation into the house. Even having done that, it has not got it right, because it is too broad and far-reaching. It is a licence for the government to get involved in all sorts of nefarious activities to do with raising extra taxation — and there are no better people at that than members of the Labor Party. Labor cannot manage money; it is hopeless at managing money at the best of times. What it wants here again is a licence to get stuck into the poor old long-suffering taxpayer.

Be that as it may, although we are pleased to see this legislation in here, the member for Scoresby has moved a very learned and well-constructed set of amendments. We invite the government to adopt them. If it were to do so, we might get the government to concentrate on the task at hand, which is to conduct a credible, fair dinkum, realistic review of what at the moment is a fire services levy that is not fair to anybody. I commend the amendments circulated by the member for Scoresby.

Debate adjourned on motion of Mr STENSHOLT (Burwood).

Debate adjourned until later this day.

EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL

Second reading

Debate resumed from 11 November; motion of Ms ALLAN (Minister for Skills and Workforce Participation).

Mr DIXON (Nepean) — It is a pleasure to speak in the debate on the Education and Training Reform Amendment (Overseas Students) Bill 2009. At the outset I wish to say that the opposition is supporting this bill. Before I start my contribution I thank Peter Hall, a member for Eastern Victoria Region in the other place, for the work he has done. He got the briefing notes together, went to the briefing from the department and certainly helped me with my contribution.

The bill does a number of things, as the title indicates, mainly to do with overseas students. It allows the VRQA (the Victorian Registration Qualifications Authority) to suspend an approval to provide education programs to overseas students with three days notice. That is a change from the current 28 days. It also allows the VRQA to cancel an approval in 7 days instead of the current 28 days. I will talk about the importance of reducing that time in a moment. It also enables information on persons or bodies who have had their approval suspended or cancelled to be made public. The students can be either directly informed by those people themselves or the information can be published on the website. The VRQA will be able also to direct a provider to notify students — or the VRQA will do it itself — of any cancellation, suspension or any

condition attached to any approval or any other matter that may affect the delivery of services by the provider.

What that really does is tighten the arrangements and the powers of the VRQA in relation to these providers of education to overseas students. If the situation arises where the operation of a provider is to be suspended or cancelled, then that will happen a lot more quickly than it has been. The current provision of 28 days certainly has proved to be far too long. A lot of damage can actually occur and uncertainty arise within those 28 days.

Although those provisions are welcome — and that is why the opposition is supporting the bill — it really is a matter of the horse having bolted for many students. This is about catch-up, about being seen to be doing something for our overseas students in this very important industry, which I will talk about in a moment, and it really is too little and too late in some circumstances. Be that as it may, it goes some way to addressing some of the issues. It will address some of the issues in the short term and perhaps in the medium term, but certainly a lot of long-term damage has been done to our overseas students, to the good providers — and the majority of our providers are good providers — and also to the good name of education here in Victoria.

The industry here in Victoria is worth $4 billion to our economy. That is a major input into Victoria's economy and it has been growing. It has been growing not only as an amount but also as a percentage of the state's gross product. In 2008 there were over 150 000 students — if you think about it, that is a lot of people — from 160 countries attending courses here in Victoria. In 2008 Victoria accounted for 30 per cent of the Australian share of overseas students, so we are one of the biggest providers in the world of education for students from another country.

Unfortunately in recent times nine Victorian colleges have closed, affecting nearly 3000 students. It is very easy for me to say it has affected 3000 students but what does that actually mean? It means 3000 young people have taken a big risk and gone into a lot of debt, or their families have gone into a lot of debt or paid a lot of their life savings to have them undertake travel to another country — often to be speaking another language, to obtain visas, to settle in, to enrol in a course, to study, and to get accommodation, to have a part-time job and to establish themselves in a very foreign culture.

To have the rug pulled out from under their feet when the very reason they have moved countries has gone — that is, their provider is no longer operating, for whatever reason — has a profound effect on them. In many cases they are not able for a number of reasons to start again, to remain in the country and take on another course, because to be able to do that — and many have not received the support they need — involves finding out about what their rights are, about what other courses might be available, how they can enrol, and what sort of credits they might pick up for the courses they have been provided. It means they might have to stay here in Victoria for even longer, and it is a greater expense for them and their families; or if it is just too hard for them, they have had to go home, often in great shame, to their families, all through no fault of their own. It is easy to say 3000 college students have been affected by college closures, but that is 3000 young people who have had a major step in their lives really badly affected.

One example recently was the Meridian College, which had VCE (Victorian certificate of education) courses, so it was not a tertiary provider but a provider of secondary education. That college closed down right in the middle of many students' VCE exams. If any member has studied for the VCE or has had children who have gone through the VCE exams, they know how important is the great culmination of the study that happens during their exams.

Just imagine if your child went along to school one day to do the next VCE exam and the school was closed, and they were told, 'Sorry, no exam'. What would you do? It would be even harder if perhaps you were not proficient in English, or if you did not understand the educational system or did not understand what other options might be available to you, or if you were a long way from home and might not have the sort of support networks that you should have, and there is no information about what to do other than to come back in a few days, when they may give you some ideas. It was disgusting that that should have happened, and more than anything else I think that has had a really bad effect not only on the students but on the good reputation of the other providers here in Victoria.

It is important to understand that there are a lot of gains to be made both in the short and long term by having students from other countries studying in our state. It actually enhances the international relationships. Students from both cultures, those in Australia and those from other countries, interact through jobs or socially, learn about each other's cultures and learn about each other as people. It does not matter what race, colour or religion they might be or what country they are from, they learn about people from other countries as people with the same interests and goals in life as the Australian students might have, and they have a lot in common. That does a lot of long-term good.

Also it immerses the overseas students in a culture. Anyone who has ever lived overseas knows there is nothing like being immersed in another culture to understand that culture in all sorts of ways — the food, the transport system, the employment system, the education system, the entertainment and social facilities and sporting facilities available. If you are immersed in the culture, you really do understand that culture and you meet a lot of people, so it is wonderful for overseas students to be immersed totally in our culture for a number of years over the length of their course.

Also it builds long-term business, cultural and educational links, which I think are very important. It is not an immediate effect or something that is easily measurable in the short term, but as these students gain a qualification and go back to their home country or even if they end up staying here in Australia, they relate to people with similar qualifications and business or cultural interests back home in their homelands, which builds up long-term networks. Then there is an understanding that facilitates and greases the wheels of business, so that business can be done on a far better scale and far more smoothly.

Also a lot of good interpersonal relationships and understanding have been built up by years of studying in another country; that has very positive long-term effects. Although it takes a while for these long-term effects to build up, when they are damaged, as we have seen, it takes a long while to build them again. Some long-term damage has been done, and it will take a long time to repair some of that damage.

One of the most visible signs of how important overseas students are to Victoria is the number of students who live in the Melbourne central business district (CBD), because many of the providers are centred around the centre and fringes of Melbourne. The students add to the cultural life of our CBD: they are employed here, they spend money here and rent apartments; they have a real effect on the residential market and keep that very fluid. I think that is one of the main reasons the residential market has remained so fluid in Melbourne's CBD over the last couple of years. On many levels the flow-on effects have been great and very visible in the Melbourne CBD.

While talking about the Melbourne CBD, there has been a lot of violence; race-related violence has seriously affected overseas students, especially students from India. That violence, especially the violence many Indian students have been subjected to, together with the issues this bill is addressing in terms of the providers, has added another dimension to the problem and some of the long-term negative effects.

The Leader of the Opposition told me that in July he was in India and visited one of the agencies that was sending students to Victoria and other states. Students go to that agency to get information on what courses are available, on visa arrangements, on accommodation and on other lifestyle arrangements. The agency helps them to enrol and sees them right through the process. The Leader of the Opposition said he talked to students in the foyer who were waiting for interviews, and when he asked them where they were off to, one said, 'I want to go to Canada'; another one said, 'I want to go to England'. He asked whether anyone was going to Victoria, and two of the students, unprompted, said, 'No, we are not going there because it is too dangerous. We would like to have gone there but we are not going'. That is just one agency in one town in one country that has been sending students to Victoria. There is a real issue, not only in terms of violence but also in terms of some of the bad providers that are giving our good providers a bad name.

I was responsible for this portfolio a number of years ago when the issue of rogue providers not doing the right thing was just starting, so this issue is not new. It is not something that happened a month ago or earlier this year when this government jumped into the fray and said, 'We are going to do something about this straightaway'. This issue has been out there for a long while. There have been a lot of media articles about it, and there have been a lot of college failures.

Basically, this government has taken its eye off the ball. The minister has not been interested in this field; she is busy pursuing what she sees as her more important portfolios which will give her greater prominence as she climbs the ladder. She has had her eye off the ball, and therefore her department has had its eye off the ball because it has lacked the leadership to tackle this issue over a number of years. It is only when the media starts catching up with it and it starts to be seen on the Channel 7 news or the front of the *Herald Sun* that the government reacts. It is typical of this government that it reacts when something becomes a media issue. There is no such thing as early work, early prevention, noticing an issue developing and then jumping on it. It is only when it becomes a big media issue and the spin — —

Mr Herbert interjected.

The ACTING SPEAKER (**Dr Harkness**) — Order! The member for Eltham will have his opportunity.

Mr DIXON — It is only then that the government starts to intervene, and that is why this legislation has

come about. As I said, it is too little too late for the 2700 students who have had nowhere to go in recent years, but at least the government is doing something. As far as this government is concerned, some of the chickens are coming home to roost. I urge the minister to take a more active interest in this issue, in what is happening in her department, in what the Victorian Registration and Qualifications Authority is doing and in its powers, its resourcing and its processes. It is very important that she — —

Ms Thomson interjected.

The ACTING SPEAKER (**Dr Harkness**) — Order! The member for Footscray is out of her place.

Mr DIXON — Yes, the member should go to her place and abuse me.

It is important that the minister place greater importance on this aspect of her portfolio because, as I have pointed out, this is a very important industry. Putting aside the money, we are talking about a lot of people's lives. We are talking about the lives of thousands of people, let alone all of the flow-on positive effects on the Victorian economy. This issue is very important to Victoria, and I hope the sort of legislation we see today is just the start of the department and the minister cleaning up their act to reinstate the great name of providers of education to overseas students in Victoria.

Some of the issues and problems that have built up in relation to these poor providers over some years are occurring on a number of fronts. One is a poor curriculum. A lot has been offered in terms of providers saying, 'You will end up with a diploma in' whatever it might be, but the actual curriculum and the content of the courses, let alone the teaching methods and the quality of instruction, has left a lot to be desired in respect of a number of students.

He is not an overseas student, but my electorate officer's son undertook a course with a private provider — overseas students were part of the course. When he signed up for the course, which was in the music industry, the curriculum content looked fantastic and he was prepared to pay the money. But after one year in the course only a tiny fraction of what had been promised had been delivered. In the end the company folded, and he was left high and dry, as were some overseas students. It is very easy to say, 'This is what the curriculum is'. However, the curriculum needs to be overseen on a far more rigid basis and there needs to be proof that the curriculum is being delivered.

We have also heard stories and seen many examples of some of the facilities. They are not educational facilities; they are just cheap bits of real estate where somebody puts up a sign and says, 'We are going to deliver a course here'. It is important that the facilities are designed for education, that they have library facilities, IT facilities, social amenities such as kitchen and toilet facilities, breakout rooms and conference rooms and all the things that make up a basic educational institution. Some of the real estate we have seen being used by some of these providers leaves a lot to be desired. It is certainly not suitable for an educational institution.

IT facilities are important because not all students can afford them; some students are on a shoestring budget. They do not have enough money to pay for a broadband internet connection for themselves. They have not brought a computer with them and cannot afford to buy a laptop over here, so they rely heavily on the IT facilities the provider might make available for them and on the hours during which those facilities can be used. Again, this is very restrictive; it might not fit in with any part-time work they might have to do as well as their course work. They may not have the knowledge of or the opportunity to go to community facilities and use IT equipment.

The curriculum, the quality of the teachers and the qualifications of the instructors are all important, and they need to be overseen. Are they real qualifications? What sort of experience have they got? Have their referees been checked out? In many cases there does not seem to have been any checking of the sorts of things that a provider would be obligated to do when they set themselves up. Obviously many providers have slipped through. That is in addition to some of the problems facing our students.

The final point I wish to make is that often the initial information given to students about the courses is inaccurate. There should be information about how they go about enrolling in a course and about living in Victoria or Melbourne while they do the course. Pastoral care of students, which is very important, is non-existent in many cases.

There are a lot of issues regarding the providers of education for overseas students. This legislation goes some way in helping, but it is too little too late for some students. The Victorian Registration and Qualifications Authority needs to really lift its game in terms of how it is monitoring this and reacting to the issues raised. As I said, the minister also needs to make this area a greater priority than she has before, because it has the potential,

depending on which way it goes, to do either great damage or great good for all of us here in Victoria.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Mr HERBERT (Eltham) — It is a great pleasure to speak on the Education and Training Reform Amendment (Overseas Students) Bill 2009. The bill is directed to improving the legislative safeguards for students, particularly international students, through strengthening the powers of the VRQA (Victorian Registration and Qualifications Authority), which is the body legally responsible for registration in and regulation of the training sector.

I begin by saying that the VRQA, under the guidance of Lynn Glover, is doing a fantastic job. It is cracking down on rogue and dodgy providers in a very professional manner that is fair to the entire sector, that is not heavy-handed, and that looks at the integrity of our qualification structure and those who provide the training behind it.

I begin also by congratulating the training and higher education minister, who is doing a genuinely terrific job in protecting our overseas student industry. This export industry is worth something like $4.9 billion to Victoria and needs strong assurance and a strong guiding hand from government. The minister has certainly provided that guidance and is committed to continuing to do so to ensure that we are internationally competitive in this area.

Before I go into the nature of the bill it is worth commenting on the importance of this industry to Victoria. Something like 160 000 students from 150 countries have been studying in Victoria in 2009. In per capita terms Melbourne has more international students than any other city in the world bar London. That is a pretty impressive fact. Right around the world countries are competing for international students, and we have a higher per capita number of them than any city bar London. That is something that needs to be protected, not just because of the economic benefits overseas students bring. In a city such as Melbourne, with its great multicultural history and its diversity of ethnic groups, the industry adds to that multicultural nature of our city.

We have a beautiful city, and it is a great place for students to come to study and live, but it is also a place to gain and give wisdom. Education is often talked about in terms of 'imparting knowledge' — knowledge of subjects, scientific knowledge and knowledge for vocational purposes, but education can also be a bit more about making people wiser. It is that interaction with people from other countries that I think makes our students wiser, and probably for those students who come and study here the interaction with others from different cultures with different beliefs and views adds to the wisdom they will take with them through their lives.

International students also bring a whole heap of other benefits to Australia. Basically Victoria is a trading state: we have a high manufacturing, high skills, high innovation economy, and we need to trade with other countries. The relationships that are formed when students come to study here — when they meet families and each other and the future business leaders of our state — continue into the future as those students go home and take their positions in the economic life of their countries whilst keeping that relationship with Melbourne and Victoria. That is so beneficial later on when we seek to trade and establish international relations. That incredibly useful symbiotic relationship that can develop is valid only if students have a good experience while they are here. A positive educational experience means good education. It relies on quality education and on quality values, and it creates good memories. They take a whole heap of things with them.

If on the other hand they have a poor educational experience, if the provider does not meet their expectations, if their lifestyle here does not meet their expectations, if they have bad memories and they go back and criticise, that is a negative for the future growth of this state. Unfortunately, whilst the vast majority of training and higher end providers are of a high calibre, a small number have not done the right thing. They are the shonks, the overseas operators who seek to grab the money without providing quality education and undertaking their business responsibilities properly. There has been concern about this small number having an undue influence on the impression and image that our overseas students have. For that reason, as I say, the minister and the government have acted solidly over the last couple of years. To just outline how they have acted, unlike the ravings of those opposite, who say all day, 'We support the legislation', and then bag every aspect of it, the Victorian government has taken long-term action, and this piece of legislation follows on the action that the government has taken to date.

In September 2009 a task force chaired by the member for Footscray did an excellent job in looking at the overseas student experience and making recommendations to government. In 2008 the VRQA undertook a whole heap of rapid audits of high-risk education providers. It is worth pointing out that it did a rapid audit of 16 of the most high-risk providers. There

are 241 providers, so we need to understand that this problem is not widespread. It is highly concentrated, and that is where we are targeting some of the providers — not the vast majority, the 230 or so, that are simply doing a good job.

In September, following the task force recommendation, a $14 million action plan called *Thinking Global — Victoria's Action Plan for International Education* was released. That was designed to support overseas students and help them have positive experiences while they are staying here. I think that was probably a first, certainly for this state, and probably for the entire country. It was designed to shore up the scheme and ensure that those students who come here are well prepared for living and studying in Melbourne.

In June this year, we also saw a joint national approach which Victoria spearheaded in trying to fast-track a review of the commonwealth Education Services for Overseas Students Act. They have been around for a long time and provide the financial security that underpins the organisations that provide education for overseas students — that is, if they go broke, the students are not left high and dry. There have been criticisms of how that system operates and a review was needed. It is good to see that we have fast-tracked that.

As to the bill itself, others have spoken to it and I will not go into a huge amount of detail. It enables the VRQA to fast-track disclosure information about providers it is currently auditing or suspending or who are in a bit of trouble. That is important because when a college goes down here in Victoria or anywhere in the world, it is such a competitive market that, no matter where you are, suddenly all the other countries know and they will take advantage of it. That is not to mention the heartache it gives the students who are there, who have paid their money and pinned their hopes and dreams on the education they will get from that provider. If it is dodgy and goes under, you need to act quickly. You cannot have the current situation where the providers get 28 days warning, then they get an offer and put their case. It can drag on, leaving uncertainty for the often young people from other countries who have put their faith in that provider but are left high and dry.

That is one of the major purposes of the bill. The bill also enables the VRQA to act rapidly against non-compliant providers under exceptional circumstances to ensure and safeguard those students' money and their education.

These provisions will be a great help in selling what we do overseas. More importantly the bill will clean out the shonks and the backyard operators who are just after the money from what is a very important industry. It is a measure that is supported by the vast majority of people in that industry because it simply is unfair for quality providers to have to compete or have their reputations downgraded because of a few shonks or dodgy operators in the industry. This is not the end of the matter, of course. It is a good start, and we will keep going.

Mr KOTSIRAS (Bulleen) — It is always a pleasure to speak after the member for Eltham. I too welcome this legislation. I think it is needed, and it is about time this government actually did something about this matter. It has taken the government more than 10 years to do something. It is four years since problems arose, and this is a response to complaints from students, the providers and schools. It has taken the government four years to do something about those problems.

The question has to be asked: why has it taken the government so long? Was it incompetence, arrogance or complacency? The international student sector is Australia's third-largest export industry. The revenue derived from international education is approximately $15.4 billion, and Victoria receives about $4.5 billion as Victoria has the second-largest number of international students in Australia after New South Wales. In fact, 30 per cent of international students come here to Victoria. Approximately 160 000 students are enrolled here in Victoria every year, of which about 60 000 attend higher education programs and 100 000 students attend vocational education and training schools — VET schools — and other course programs. In recent years there has also been a large number of private providers in Victoria. Over the past 10 years there has been an increase in the number of providers that enrol international students. However, recently we have had the closure of nine schools, which has caused some problems to a few thousand students. Despite all the problems and the warnings of the opposition and even members of the government, this government and this minister have refused to do anything about it until today.

Let us not forget that Victoria not only gains financially but, more importantly, we are training the future leaders of Australia's neighbouring countries. We are building links between Victoria and Australia and other countries. International students who have a good experience in Australia become lifelong ambassadors in the future. However, this vital industry is currently facing many challenges, including the impact of recent violence on international students. Scores of young

students have been attacked. Many students have been left not only brutally injured but devastated and scared. Many have been too intimidated to report these assaults.

With examples of fraud and student exploitation by colleges, agents and employers, damage has been done to Australia's reputation as a study destination. It is now expected by the industry that next year there will be a significant downturn in the number of international students, following some media reports, especially in India, of the violent attacks on students. Yet this government has been slow to act. In fact, an article in the *Age* of yesterday summed this up perfectly. I quote:

> … the government is trying to bring about changes to boost the power of the regulator to close colleges sooner. These measures, while welcome, should have been taken years ago — when industry insiders were screaming about major systemic problems in vocational education, when students were lodging complaints, and when news reports were regularly exposing rorts and scams.
>
> …
>
> Turmoil, uncertainty and fear plague the international education industry.

Victoria has had a Labor government for 10 years, but it has sat on its hands. We have had a minister who is more interested in gimmicks and photo opportunities than taking the initiative, being proactive and addressing the problem. As I said earlier, the opposition has raised these problems many times, and it has also been raised by government members. On 14 September 2005 the member for Clayton said in this house, and I quote:

> I wish to alert honourable members to the importance of international students to our society and our economy and to emphasise our responsibilities to these people, who enrich both our education system and our communities.
>
> …
>
> There is a very widespread perception among international students that governments and colleges regard them as merely cash cows. They are very much aware that higher education providers in Australia are to a large degree dependent on the revenue provided by international students.
>
> …
>
> Overseas students are intensely vulnerable to exploitation by unscrupulous education and migration agents, who often provide, either independently or on behalf of Australian institutions, dubious information regarding course and visa issues. That frequently results in students becoming disappointed and disillusioned with the Australian education experience.

Yet this government has done nothing at all. What was its remedy? It sent out a memorandum to government schools, and it offered our international students a message from the minister and a memory stick; its response to the violence and exploitation was the gift of a memory stick to every international student! It thought the problem would go away. Memorandum no. 24 states:

> The International Education Division is coordinating a welcome to Victorian government schools project. As part of this project each new international student commencing in term 3 at a Victorian government school has been sent a welcome letter from the Minister for Education accompanied by a small gift. We have sent the letter and gift to each international student coordinator for distribution to all international students.

We have all these problems, yet all the government can come up with is a memory stick and a letter from the minister.

Two weeks ago I held a meeting with students, their parents and education providers, at which their issues and concerns were raised. Firstly, concerns were raised with the program performance audits — not financial audits — undertaken by the Victorian Registration and Qualifications Authority (VRQA). These audits are very subjective; issues are raised without a clear basis of evidence.

Secondly, as a result of the visa changes, schools will lose anything between 20 to 80 per cent of overseas student enrolments. Thirdly, at the current rate of decline, many operators of schools, along with agents, will be forced out of business in six to nine months. Fourthly, the VRQA is mainly staffed by former teachers and public servants, not professional regulators. The industry would like to see some clear rules and guidelines for operating a school and obtaining a visa. If there is a further drop in the number of overseas students, there is a possibility that 10 to 20 per cent of central business district residential properties will become vacant, and about 30 000 jobs could be lost in Victoria.

These were some of the concerns of the schools, education providers and agents. They said their attempts to call relevant government officials or the minister's office were ignored. Phone calls were not returned, and they were not given clear instructions as to what needed to be done. This government claims to be open and transparent, but it has failed in this area.

Recently I also had the opportunity to travel to India. While I was there, an attack on students happened in Australia. TV screens in India ran teletext saying 'Racism' and 'Racism attacks'. If this vital industry is to continue, Australia, and indeed this government, needs to do more to address the issue. We met with a

number of organisations, agents and government ministers, who had many concerns. Some of them relate to the federal government. They wanted to negotiate and sit down with the federal government to ensure that the visas were appropriate and that students coming here were keen to learn and be educated, rather than to obtain visas just to stay in this country.

However, there were also issues with the state government. Victoria needs to do more: it needs to have more police on the streets, more policing and security on public transport, more rigorous law enforcement, a zero tolerance approach, more support for victims of crime and immediate and public release of all closed-circuit TV footage of offenders. It should also look at student housing, student transport and student health insurance, and students must have information before they arrive here as to what is expected of them.

I was told by some agents in India and in Melbourne that the government has done very little — —

Ms Thomson interjected.

The ACTING SPEAKER (**Mr Seitz**) — Order!

Mr KOTSIRAS — It is okay, Acting Speaker: the truth often hurts those on the other side. The government has sat on its hands; it has done nothing, and is only acting now because the media is on its back about doing something. I welcome this legislation, but it is a bit late.

Debate adjourned on motion of Ms THOMSON (Footscray).

Debate adjourned until later this day.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL

Second reading

Debate resumed from 12 November; motion of Mr CAMERON (Minister for Corrections).

Mr McINTOSH (Kew) — The Serious Sex Offenders (Detention and Supervision) Bill 2009 repeals the Serious Sex Offenders Monitoring Act 2005. My journey with this type of legislation really commenced in about 2004 when I had an opportunity to discuss with a number of representatives of Corrections Victoria what at that stage were called continuing detention orders. I spoke in the house about the concerns in the community about certain offenders — not limited to sex offenders, but certainly serious offenders — who posed a continuing danger to the community upon their release from prison.

Before discussing the bill I will start with what could be said to be a little rare — that is, to thank the department for its excellent briefing on the bill. While the legislation continues in the same vein as the Serious Sex Offenders Monitoring Act, there are substantial and critical nuances in the differences that exist between the act and this bill. So far as the opposition is concerned, we see it as being an improvement on the act.

I also acknowledge that I had an opportunity to speak to the current chairman of the Adult Parole Board of Victoria, Justice Simon Whelan. I might add that I have known Simon Whelan for about 20 years. We were at the bar together for a number of years, and he provided substantial clarity on the bill. I also acknowledge a former chairman of the adult parole board, Justice Murray Kellam. I knew him well when I was at the bar, and I had the honour of serving on the Victorian Bar Council with him for a number of years. Both men provided a great deal of elaboration about the implications of the bill and about the changes to the act.

The opposition does not oppose the legislation because certainly there is a problem with a limited number of people who are currently in prison and for whom there is a likelihood they may reoffend. If they fall within the definition contained in this legislation or in the legislation being repealed, some offenders can be constrained in their activities when they are released from prison in a way that will protect the public. The protection of the public is paramount, but it must be balanced with trying to treat those people with some degree of humanity, understanding they are not subject to a custodial order by a court in the sense that they have been sentenced to jail. In trying to protect the public you have to balance those matters.

My journey with this began when I had discussions with members of the adult parole board and with Corrections Victoria. The discussions were not limited to sex offenders but extended to other serious offenders, particularly to murderers and arsonists. As members know, arson continues to pose a significant threat to this state. There has been a lot of press coverage about a number of people who either have been charged or who have been dealt with by the court process over recent years in relation to arson, but I will not discuss that any further.

We need to think about extending this type of legislation to other serious offenders where there is a risk of reoffending balanced with the gravity of the nature of the offence. When we talk about arson we

think about the events of 7 February last. The consequences of arson can be devastating in certain parts of Victoria. There are allegations that many of those fires were deliberately lit, and as I speak a number of people are subject to court processes on related matters.

Fundamentally the legislation commenced as a process of development. It was reasonably novel. Other states have gone down the same route, and certainly this legislation brings us into line with Queensland, New South Wales and Western Australia. For a government it is not just about the expense — and the government has to go to considerable expense to implement this on the ground, but at this stage the capacity to deal with a range of offenders is severely limited.

The facility at Ararat, for example, is a compound outside the Ararat prison in accordance with the Serious Sex Offenders Monitoring Act 2005, but it is not just about a compound that is a physical structure itself outside the prison walls; it is also about the cost and expense of the people who provide — and I should not say 'security' because it is more than that because they also provide the supervision of offenders in a way that is different from what exists in a prison.

You cannot just lump offenders such as murderers or arsonists in there because of the difficulty of managing the different types of offenders. I think the legislation could be expanded to cover other serious offenders, to build other facilities and to engage highly trained and skilled staff to deal with the supervision of those types of offenders. I understand this is a developing area of what we do in this state. I support the current regime, but I would like to see it being rolled out to other serious offences. Having said that I will return to the bill.

As I see it, there are three fundamental changes to the existing regime. The types of offences that a person is incarcerated for remain relatively unchanged, but the most important thing and the most substantial difference is that now we will have a supervision order, just like the existing extended supervision order. It is now to be called a supervision order, but we can also have what is called a detention order.

A supervision order exists in the current regime for when someone is released from prison but continues to be supervised by the adult parole board beyond their release. If the only practical way to supervise them in the community is in one of the secure facilities, for example outside Ararat prison, then that is the outcome. Many are supervised in the community, and I understand that currently 22 people are subject to extended supervision orders, some of whom are not supervised at the facility in Ararat but are out in the broader community.

A slight change is that the bill now provides that if the only practicable way of properly supervising a sex offender is inside the walls of a prison, you will be able to get a detention order. There are two different types of order. One is a supervision order under which essentially someone is released into the community and supervised. If that necessitates being in the facility at Ararat, then that is the outcome. Likewise, if the only practicable way of supervising that type of prisoner is behind a prison wall, although separate and distinct from the prison population, then that is an order that can be made.

The second substantial difference as I see it between the existing legislation and the bill is that effectively the supervising authority is the court, and I see that has been picked up by the Scrutiny of Acts and Regulations Committee and acknowledged as a substantial improvement. As the minister said in his second-reading speech, it provides a great deal of accountability but also transparency in the process itself given a court imposes the supervision order. The day-to-day management is vested in the adult parole board.

As I see it, the third substantial difference between this bill and the existing legislation is the test. The original test was based on essentially trying to prove a probability. Unlike the commission of a criminal offence, where of course we have a well-trodden historic track and where there is a burden of proof depending on whether it is a criminal jurisdiction or a civil jurisdiction, there is a clear and enunciated test for determining the fact of whether or not someone committed a crime. That of course is the essence of what someone is confronted with when they appear on trial.

Here we are not proving a fact. We are trying to establish a possibility or a risk. The nature of the offence has now changed from the likelihood of reoffence to something much more appropriate, which is identifying whether the person poses an unacceptable risk. What that means is that the risk does not necessarily have to be more probable than not. Even if there is a high level of proof, when it is weighed up in relation to other circumstances, particularly the gravity and the nature of the offence, it may be more probable than not that they may commit that offence again.

The abhorrence felt by all members of Parliament about sex offences, particularly sex offences against children,

goes without saying. Of course the impact of such an offence can be substantial not only for the victim but also the family. As the minister has correctly identified in his second-reading speech, it can have a lasting impact into the future on the person involved and also other people. Some victims suffer tragic consequences for the remainder of the lives. The gravity of such consequences has to be taken into account in determining the unacceptable risk that is posed to the community.

I also note that that test has been adopted essentially from Queensland and it has recently been upheld by the High Court as being an acceptable test in these matters. We are not trying to prove a fact; we are trying to establish a test that a court can use when making a supervision order or a detention order based upon an assessment of the risk to the community at large. That test is a substantial improvement. Of course the test is the same for detention orders, but it is now acceptable if the court comes to the conclusion that the only practicable way of supervising a particular person is if they remain in detention.

I turn to the difference between supervision orders and detention orders. Supervision orders, as is the case in the existing legislation, can last up to 15 years and must be reviewed every three years by a court. A detention order can be made but can last for only three years, and it is reviewable annually by a court. The opportunity to move between a detention order and a supervision order is something that a court could deal with. Both are renewable and are effectively indefinite, but a court is making those decisions. Most importantly, there is a significant difference between the previous legislation and this. In effect the court imposes the order and the conditions. There is a provision that in emergency circumstances the adult parole board can determine those conditions. There is a provision also for the ability to get interim orders from a court which then can be determined to some degree of finality at a later stage.

This matter is very delicate, certainly from what I can see from some of the decisions I have read, particularly where we have had to correct some mistakes. Such mistakes are inherent in the nature of this type of novel legislation. It is fairly clear that the courts treat these matters very seriously. It is not something that sits well with any of us, but it has been treated seriously. Those decisions illuminate how the courts have gone about these matters.

The opposition does not oppose this legislation. Opposition members see it as being a significant improvement on the old legislation, but our policy is that it should be rolled out to apply to other serious offenders. It should not be based on a statistical recognition that some offenders as a group are more likely to offend than others, but I understand that it would require significant resources to deal with murderers and arsonists as well as sex offenders, and the implementation of that may have to be done over a long time. When we are talking about the likelihood of a reoffence in something like arson, there could be a strong likelihood of reoffence. The gravity of such an offence, which is of course one of the considerations, could be a significant matter for the courts to take into account. I have seen the gravity of arson dramatically played out.

I see the minister has just come into the house. Something that I would like to have clarified in his summing up is whether under the current regime the application for an extended supervision order must be made prior to the conclusion of a person's sentence. I would like clarified whether or not a similar provision would apply in the new supervision and detention orders — that is, that they still have to be incarcerated at the time of the application.

Mr Cameron interjected.

Mr McINTOSH — The minister has indicated across the table that is the case. I am grateful for that indication.

With those few words, the opposition will not oppose this legislation and sees it as a significant improvement, particularly in regard to the test, the new detention orders and the supervision orders. The fact that ultimately the court makes the order and also provides the conditions for one of these orders is a significant improvement.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Serious Sex Offenders (Detention and Supervision) Bill 2009, and I am pleased that the opposition supports it.

The member for Kew spoke at length about the main objective of the bill, which is to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who present an unacceptable risk of harm to the community to be subject to ongoing detention in prison or supervision in the community, including at a residential facility.

The bill has a second objective — that is, to facilitate the treatment and rehabilitation of such offenders for the purpose of ultimately reducing the risk of harm to the community. That is also a significant step in trying to assist these people.

The bill fulfils the government's commitment to strengthening the law as it relates to serious sex offenders. That commitment was first outlined in the community safety policy prior to the November 2006 election, and further action was outlined and has been undertaken under the annual statement of government intentions in 2008 and 2009. We are dealing with a very special sort of purpose here, particularly in relation to offenders who have little or no insight into — or indeed little control over — their offending; the chances of reoffending are therefore very high. However, the legislation is limited to a very small number of people in the community.

The member for Kew raised concerns that the bill is not broad and did not cover broader categories of crime, but I think — and I am sure he will agree — there is particular sensitivity in the community to sexual crimes, particularly because of the vulnerability of children; this bill relates specifically to that. I can speak from personal experience about the sensitivity of the community to such crimes and the fear of people if repeat sex offenders are released into the community.

In 2005 a very well-known sex offender, Mr Baldy, was released and rehoused in Ascot Vale next door to a family with some children and just down the road from a primary school. I recall very clearly the great concern that that move raised in the community, and he was moved back to Ararat shortly thereafter. There were two sides to that: the great and well-founded concern of members of the community, particularly those with children; but his location was also the result of a media hunt: he was chased down, if you like, by the *Herald Sun*. Both sides of the equation really had an unfortunate experience.

I will not go into all of the separate parts of the bill because the Minister for Corrections, the Attorney-General and the member for Kew have outlined those. It is one of those bills that I notice has raised severe concerns about human rights; it raises that very delicate balance between the rights of the individual and the rights of the community. The Scrutiny of Acts and Regulations Committee was clear about this and gave members a very clear indication of why we can proceed with this legislation.

It referred particularly to the decision of the High Court in *Fardon v. Attorney-General (Qld)* [2004] in which the High Court held that the bill — that is, the Queensland legislation:

> … is a general law designed to achieve a legitimate preventative, non-punitive purpose in the interest of public (family) protection. The making of a detention order is not conditioned upon a finding that an offender has engaged in conduct forbidden by law. Rather the orders are premised upon a finding that (a member believes on reasonable grounds that detention is necessary to ensure the safety of the aggrieved family member or to preserve any property of that person) there is an unacceptable risk that the person may commit an offence.

Subsequently applying Fardon, the High Court has held:

> The question whether a power to detain persons or to take them into custody is to be characterised as punitive in nature … depends upon whether those activities are reasonably capable of being seen as necessary for a legitimate non-punitive objective. The categories of non-punitive, involuntary detention are not closed

In looking at that, the committee said:

> … a useful test developed by the High Court in Fardon was to characterise the law by asking whether its central purpose was to serve a punitive purpose or whether the law acts in a protective manner and is designed to achieve a legitimate objective in protecting the public.

I think it is very clear what this legislation is attempting to do. It is very clear that it is not intended as a further punitive measure against the offender at all but is based on an intention to protect the community from an offender who has perhaps not fully realised the nature of the offence; and there is no certainty that that offender will not reoffend.

I think in this case you can say that community concerns override the rights of the individual, and that members of the community have the right to be able to live in their homes without concerns that unbeknown to them — or only later known to them — there is someone who has a history of sex offences, particularly against children, who may be living in very close proximity to them or indeed in a strong residential community.

I think you can justify this legislation on those human rights grounds and the grounds that the community has the right to expect governments to protect them from harm which can be quite easily foreseen. In relation to the cases and the particular people I am referring to, future harm can be quite easily identified on the basis of probability.

I think the bill is a further step forward in protecting the community. I think you just have to look at the press coverage these issues get — the press coverage in fact that the introduction of this bill had — to reveal the very wide community concern over these issues. I think this legislation will be warmly welcomed by the community in Victoria, and I look forward to it passing this house and, of course, the upper house.

Mr JASPER (Murray Valley) — I am pleased to join the debate on this bill and support the comments made by the member for Kew and the member for Essendon. The bill repeals the Serious Sex Offenders Monitoring Act 2005 and creates a new detention and supervision scheme with two tiers, comprising post-detention supervision of high-risk offenders in the community, and ongoing detention for high-risk offenders who cannot be supervised safely within the community. The two orders enable high-risk offenders to be supervised and monitored beyond their release date.

Whilst this is a harsh measure, the coalition accepts that a very small number — currently 22 — of offenders pose an unacceptable risk to the community upon release. The new detention orders provide a logical extension to the current extended supervision order scheme where the only effective way of supervising such offenders is treatment while they remain in custody rather than in the community. The coalition has argued that the scheme ought to be extended to other serious offenders, including sex offenders offending against adults, which the government adopted two years ago, and other serious offences such as arson, murder and kidnapping.

As I indicated, I listened to the contribution of the member for Kew. Obviously I am not legally trained as he is, but I recognised the important contribution he made. The member for Essendon, who has left the chamber, also provided a realistic approach to the legislation in terms of its operation and how it will affect the community.

I am a member of the Scrutiny of Acts and Regulations Committee and I chair its Regulation Review Subcommittee. We had some difficulties with the legislation that is before us at present. What we have guiding us is the Interpretation of Legislation Act, the Subordinate Legislation Act and importantly now, the Charter of Human Rights and Responsibilities Act. That leads to further investigation by the committee in relation to all legislation that comes before us.

Indeed there is extensive investigation into the legislation to try to strike a balance in the effects of the legislation when trying to look after community concerns about this particular group of people. Professor Jeremy Gans provided information to the committee and made excellent contributions in interpreting for its members the operation of the Charter of Human Rights and Responsibilities. He will look particularly at what happens with the legislation. You will know, Acting Speaker, that with some legislation that comes before the Parliament now the second-reading speech is often not even as long as the statement of compatibility in accordance with the Charter of Human Rights and Responsibilities. At times there can be 10, 12 or 20 pages about how the legislation affects the charter, and then the second-reading speech may be half as long as that. The situation is that to get balance the committee is undertaking more and more investigation into how legislation and regulations affect people in the community but more importantly their effect on the Charter of Human Rights and Responsibilities.

In his most recent report on 17 November, Professor Jeremy Gans indicated that he saw no problem with a number of bills concerning their compatibility with human rights, but he highlighted three bills about which he raised a number of concerns. They were the Constitution (Amendment) Bill 2009, the Serious Sex Offenders (Detention and Supervision) Bill 2009 and the Summary Offences and Control of Weapons Acts Amendment Bill 2009. I will come back to his comments on the provisions of the Serious Sex Offenders (Detention and Supervision) Bill, to which he particularly referred in his report.

The committee received representations from the Office of the Victorian Privacy Commissioner. I want to read into the *Hansard* the comments made in relation to this legislation, which I think are important:

> The proposed legislation unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the Information Privacy Act 2000 … — section 17(a)(iv), Parliamentary Committees Act 2003 …
>
> The proposed legislation is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities …

It goes on to provide information about where the privacy commissioner believes this legislation encroaches upon human rights and responsibilities.

On Tuesday of this week, as part of *Alert Digest* No. 14, the committee provided a 14-page report to the Parliament on this bill. I encourage members to look at the report that has been prepared on this legislation. Whilst I indicate that we in the coalition are not opposing the legislation, we understand the concerns that have been expressed and the need to protect the community from people who are in this particular form of detention. As indicated earlier, there are 22 people in that area at present. I take note of the comments made by the member for Kew. The member for Essendon referred to the report which was prepared by the

Scrutiny of Acts and Regulations Committee. We seek to get balance in this whole situation, and we try to give legislation appropriate consideration.

Before I go to the charter of human rights concerns expressed by Professor Jeremy Gans I want to quote from the committee's report. A summary heading is as follows:

> Rights or freedoms — right not to be subjected to double jeopardy (punishment) — retrospective penalty — characterisation of law — whether the detention power is a punitive or preventative measure — detention not based on commission of new offence — exercise of judicial power — separation of powers.

The second paragraph under that heading is:

> Detention of persons who have not committed any offence may constitute a serious infringement upon common-law rights and freedoms and international human rights law, amongst them the right to liberty and the presumption of innocence.

They are comments made and concerns expressed by the committee about this legislation before us.

I now go to the charter of human rights concerns. There are many pages of legislation about which Professor Gans indicates concerns — that is, where it imposes penalties on people and is not compatible with the Charter of Human Rights and Responsibilities.

I indicate to the house that The Nationals opposed the charter legislation when it came before the house. What it imposes on the committee is more and more investigations into legislation and regulations, and our reports are getting longer and longer. We will see in the next Parliament a separation of the regulation review committee from the Scrutiny of Acts and Regulations Committee because of the huge workload due to the amount of legislation but also because of the additional burden imposed by the Charter of Human Rights and Responsibilities.

Professor Gans's concerns are summarised in the following heading in the report on the charter:

> Human rights restrictions equivalent to those imposed on people who are intellectually disabled, mentally ill, have an infectious disease or are on parole — No legislative requirement of specialist accreditation for experts who assess risk — Orders may be imposed on offenders who are more likely than not to not reoffend — Whether reasonable limits.

He goes on to say that committee members should write to the minister, which we are doing, to seek clarification on some of these issues in contravention of the Charter of Human Rights and Responsibilities. I put on record that whilst this legislation will be supported by the Parliament and has excellent provisions to look after a particular group of people who offend or may offend in the future, we need to be very aware of the responsibilities we have as a Parliament to try to balance not only the legislation that is being debated but the implications for the legislation and regulations that come before us of the Charter of Human Rights and Responsibilities. This needs to be recognised and addressed by the Parliament, and we seek more cooperation from the government in making sure these issues are addressed into the future.

Debate adjourned on motion of Ms RICHARDSON (Northcote).

Debate adjourned until later this day.

SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL

Second reading

Debate resumed from 12 November; motion of Mr CAMERON (Minister for Police and Emergency Services.

Mr RYAN (Leader of The Nationals) — This legislation is a product of our times. It is a product of the fact that Victorians now live in an era when, regrettably, violence, and particularly violence in our streets, is an issue that is faced communally. It is certainly an issue in fact and is most assuredly an issue in the minds of people in a perception sense. People simply do not feel as safe as they once did, and the statistics bear out the problems we have and the rationale for people increasingly feeling concerned about the issue of safety.

Whilst in another time this legislation may not have been contemplated, it is now before the house and is in large measure a response to the increasingly difficult times that people consider we live in, very particularly as a result of crimes associated with violence, whether that be violence predicated upon taking drugs or alcohol or a mixture of both. The general principle is that antisocial behaviour giving rise to violent activity is most unfortunately at risk of being normalised in parts of our state. This legislation is intended to address, in part at least, some of those violent acts.

The statistics to which I have made passing mention bear out the problems we are facing in Victoria. I want to refer briefly to some of the material produced recently by the Australian Bureau of Statistics (ABS). First and foremost, what the statistics show is that expenditure per head of population on policing services in Victoria is significantly below that of all other states.

The increase over the last five years is the lowest increase in expenditure of this order of any other state apart from New South Wales. So we are in the lamentable position in Victoria where we are at the bottom of the table when compared with the other jurisdictions. Whether it be New South Wales, Queensland, Western Australia, South Australia, Tasmania or otherwise, if you look at the other jurisdictions you see that Victoria is at the bottom of the table on the basis of the figures produced by the Australian Bureau of Statistics.

The crime rates that are published by Victoria Police tell a similar tale in that over the last nine years there has been a 14 per cent increase in the rate of crimes against the person. In fairness the statistics do show that there has been a decline in the rate of crime against property, but it must also be said that when you look at the statistics that are produced you see that only 30 per cent of crimes against property are actually cleared, having regard to the content of those statistics. We also have an issue, as has been reflected in an ombudsman's report tabled here some weeks ago, with underreporting of crime, which is probably a greater problem than crimes against the person. There are myriad other statistics about antisocial behaviour, about issues to do with police numbers, about community satisfaction with police services, about the proportion of Victorians who consider specific crimes are a major problem or somewhat of a problem, and all these figures tell a tale which has a similar bottom line — that is, that issues in relation to violence are increasingly part and parcel of the way Victorians live their lives, and further, that our capacity to withstand that problem is not being appropriately dealt with by the government of Victoria simply because we are at the bottom of the table of the per capita expenditure on the provision of police throughout Australia.

It is in that lamentable circumstance that we have this bill before us. I might also say that that commentary applies to issues around the public transport system. The house will be aware that the coalition has recently moved to take a very positive stance in relation to the issue of violence on our transport system. It may be, incidentally, that the provisions of this legislation now under discussion will find their usage in the course of the additional work which we anticipate will be undertaken by those who enforce the law in Victoria. As the house will know, it is our intention if elected next year to have additional protective service officers provide a security presence on all 215 metropolitan train stations from 6 o'clock of an evening through until the last train runs. In addition we intend to provide another 100 police officers to the transit police so that they can protect passengers throughout the transport system. This proposition has been welcomed right across the community, particularly because of the issues that underpin the legislation now being debated in the house.

I pause to say what a great job the protective service officers do in and around the Parliament and those other places where they perform their important duties. We on this side of the house certainly respect them entirely for what they do. They are an integral aspect of the provision of security services, certainly in the parliamentary precinct, and we anticipate that their very able services will be welcomed by people after the election next year in the event we assume government.

One of the problems with this — and it is a concern — is that the minister is not across the brief. We have had ombudsman's reports and commentary recently about the business information technology services unit. I will not dwell upon it now. It is not appropriate in the context of this debate, but it is a difficulty when people have a growing concern about the capacity of government to actually take control of these issues and deal with the matters that underpin this style of legislation. Again I extend the invitation to the minister, as I have in public circles, to make a ministerial statement in this place with some proper explanations as to why it is we are encountering so many of the difficulties of the nature of those we are now looking to accommodate in the terms of this bill.

The bill itself, as I say, is a product of our times. In its actual content, by way of the number of pages, it has a pretty narrow compass, but by the same token its content is significant in providing an additional capacity for the police to be able to do their all-important work. In essence it amends the Summary Offences Act and the Control of Weapons Act. It amends the Summary Offences Act in various ways. The primary one of those is to provide what are termed police 'move-on powers'. These provisions are intended to give police power to provide an oral direction to move on from a public place if it is suspected on reasonable grounds that the person or persons, firstly, are in fact breaching the peace; secondly, are likely to or actually are endangering the safety of others; and thirdly, are likely to or in fact are causing injury to others, damaging property or risking public safety. The direction to move on from a particular location may be for a specific period not exceeding 24 hours and the penalty for non-compliance is a penalty of five penalty units. I pause to say that a penalty unit, which once was $100, has gradually increased because of the government's legislation, which provides for an automatic increase on 1 July each year. A penalty unit is now $116.82, to be precise.

These provisions to which I have referred do not apply to persons who are picketing a place of employment or demonstrating or protesting or publicising their views with a banner or sign. The general theme of them is to provide the police with additional capacity to deal with problems as they see them occurring or being likely to occur and to enable police to use these move-on powers to either negate or limit the likelihood of criminal activity or antisocial behaviour occurring in a public place.

In addition there are increased penalties for public drunkenness. The bill increases the penalty for being found drunk in a public place from 1 penalty unit to 4 penalty units. It will enable a person found to be drunk and disorderly to be arrested and lodged in safe custody. The existing legislation allows this only where persons are found to be drunk, whereas the bill extends this to persons who are both drunk and disorderly. Under existing legislation police tend to charge people with being drunk rather than with the slightly more serious offence of being drunk and disorderly, simply because the former charge gives the police the option of locking up the intoxicated person.

The penalty for a first offence of being drunk and disorderly in a public place is being increased from 1 penalty unit to 5 penalty units; the existing penalty for a second offence is 5 penalty units or imprisonment for one month, and that is not changed by the bill. This bill also provides that the police may issue an infringement notice for those offences with a penalty of 2 penalty units. The bill also ensures that a person cannot get both an infringement notice and another penalty.

A new offence is created of disorderly behaviour, and that new offence of disorderly conduct in a public place with a maximum penalty of 5 penalty units will, I am sure, be a welcome addition to the police's capacity to deal with antisocial behaviour or events. The offence is also subject to the provision of an infringement notice of 2 penalty units. Currently the police can only charge a person if the person is drunk as well as disorderly.

Secondly, there are in this bill amendments to the Control of Weapons Act. The bill makes a number of amendments to that act regarding police powers to search for weapons. In the first place it addresses a series of technical problems that exist with the current legislation. Clauses 9 to 11 address deficiencies in the existing act. At present the police are able to search a person only if they have reasonable grounds for suspecting that he or she is carrying a weapon, but the current legislation arguably requires police to identify the type of weapon suspected to exist, prior to conducting a search. The police must also ask the person to produce the weapon or article, and of course this creates practical problems. Amongst other things it potentially enables the person to arm themselves, increasing the risk to the police. The bill corrects these practical problems.

There are designated areas where police can search for weapons, and they are set out in clause 12. There is a process for the declaration of designated areas, which fall into two broad areas. A search area may be declared by the Chief Commissioner of Police or a delegated officer who has to be of the rank of inspector or higher. There are two ways in which designated areas may be declared. I will not go through the total of it, but there can be planned designations of a search area and in addition there can be unplanned designations of a search area, subject to the prevailing circumstances.

The bill contains provisions regarding searches for weapons, and it inserts a schedule into the act which sets out the manner in which searches are to be conducted. There is a series of graded steps for the conduct of searches. The police must first conduct an electronic search — that is, with an electronic wand. If as a result of the wand search the police consider the person may be concealing a weapon, then a pat-down search may be conducted. Finally a strip search may be conducted but only after first undertaking electronic and then pat-down searches and if, as a result of those endeavours, the police suspect the person has a weapon concealed. The schedule also deals with other aspects for the conduct of searches, including how searches of children are to be conducted.

In essence those are the provisions of the bill. The Scrutiny of Acts and Regulations Committee (SARC), that all-powerful committee of the Parliament with which you, Acting Speaker, are most familiar, has reported on the legislation in its most recent digest. I want to have regard to the content of the report whilst also making reference to some of the submissions that were addressed to the Scrutiny of Acts and Regulations Committee. When one looks at *Alert Digest* No. 14, one will see the report appears at page 33. Interestingly, by my count, there was a total of 29 submissions made to SARC. Within the report there is a summary of the major points of those submissions. They are there for members to read, so I do not intend to go through them.

The part that is also of great interest and relevance is the charter report that appears at page 40. I want to quickly read some of the commentary from the report which is referable to this element of the legislative process — namely, the charter report. It says at page 40:

> Whilst the committee agrees that the purposes of diffusing dangerous situations and ensuring peaceful enjoyment of public spaces may justify limiting the charter's right to freedom of movement, and observes that such powers exist in every other Australian jurisdiction, it is concerned that clause 3's terms do not place clear and accessible boundaries on the police's move-on power.

I pause to say that there is an observation within the content of that report which is of relevance to this current debate in that every other jurisdiction in Australia is possessed of the basic powers to do what we are now terming 'move-on powers'. There is further commentary at page 41:

> The committee refers to Parliament for its consideration the question of whether or not clause 3 is a reasonable limit on the charter's right to freedom of movement according to the test in charter section 7(2) and, in particular, whether or not clause 3 sets out clear and accessible rules governing the interference with the right; and there are any less restrictive alternatives reasonably available to achieve the purpose of clause 3.

It says at page 42 in the summary to that particular provision:

> The committee is concerned that clause 5(1) does not include any express constraints on the duration of the power to detain a drunk and disorderly person and that clause 6's language may be too malleable to protect the charter's right not to be deprived of liberty 'except on grounds … established by law'.

There is extensive commentary about clause 6 at page 43 of the report, to which I now refer. It recites the committee's concern that —

> unless and until the meaning of 'behaves in a disorderly manner' is subject to an authoritative court ruling, this terminology may be too malleable to protect the charter's right not to be deprived of liberty 'except on grounds … established by law'.
>
> The committee refers to Parliament for its consideration the questions of whether or not:
>
> 1. clause 5(1), by providing that persons found drunk and disorderly in a public place may be 'lodged in safe custody' but not stating any limits on the duration of such detention, limits the charter's right against deprivations of liberty 'except … in accordance with procedures, established by law'?
>
> 2. clause 6, by empowering the potential arrest of anyone who 'behaves in a disorderly manner in a public place', uses language that is too malleable to protect the charter's right against deprivations of liberty 'except on grounds … established by law'?

Various other commentaries appear within what it must be said is a protracted seven-page report on the application of the charter to this legislation.

I refer finally to page 45 of the Scrutiny of Acts and Regulations Committee report and the section dealing with unwarranted weapon searches and the operation of the charter. The summary reads:

> In the minister's opinion, new sections 10G and 10H are an arbitrary interference with Victorians' privacy, do not provide Victorian children with such protection as is in their best interests and are not reasonable limits on these rights. While the Parliament undoubtedly has the power to enact the bill, the committee has a number of concerns about the operation of the charter in relation to new sections 10G and 10H. It will write to the minister seeking further information.

As always, we look forward to the minister's response to matters that are put to him.

So there are a number of matters, certainly under the heading of the charter, where the Scrutiny of Acts and Regulations Committee has expressed substantial concerns, it must be said, arising from its consideration of the bill and the submissions made to it by 29 organisations.

I refer to one of those submissions. It is from the Moreland Community Legal Centre. In so doing I declare the letter to have been written by my cousin, Chris Ryan, who works for the legal centre. He initially made a submission on behalf of his organisation to the Scrutiny of Acts and Regulations Committee. He subsequently contacted me and I have discussed with him the matters to which his submission refers, but I want to have regard to the essential matters he has set out in his submission of 18 November 2009. In the course of his commentary he says:

> Moreland Community Legal Centre is writing to express our grave concerns regarding the introduction of the Summary Offences and Control of Weapons Acts Amendment Bill 2009.
>
> The bill has been introduced into the Victorian Parliament to 'enhance police powers to tackle violence and disorder'. Whilst there may be a legitimate need for the Victorian government to take legislative or other action to combat violence in our community, Moreland Community Legal Centre is extremely concerned that —

firstly —

> the bill is inconsistent with fundamental human rights in the Charter of Human Rights and Responsibilities Act 2006 (charter) —

secondly —

> the government has issued a statement of compatibility that admits that some of the limitations on human rights are neither 'reasonable' nor 'demonstrably justifiable' but wishes to pass the law anyway; and —

thirdly —

> there has been no consultation with the community during the development of the bill or prior to its introduction to Parliament.

The Moreland Community Legal Centre goes on to say in this correspondence that it is concerned that there has not been sufficient time to consider the human rights violations in the bill or to prepare a detailed response, and sets out the bases on which the bill is incompatible with human rights. Chris Ryan said, firstly:

> Police will be able to search any person in a designated area, even when the police officer has not formed a reasonable suspicion that person is carrying a weapon. The government admits that this provision is incompatible with the right not to have privacy unlawfully and arbitrarily interfered with —

secondly —

> Police powers to search will include searching children of any age, which the government admits is inconsistent with the right of the child, without discrimination, to such protection as is in his or her best interests —

thirdly —

> Move on powers … of the bill may be applied in a discriminatory way. For example, the police will have power to give directions to people to 'move on' in circumstances where police believe that a person 'is likely to breach the peace' or 'is likely to endanger the safety of other persons'.

He recites further in this element of his submission those who are most likely to be exposed to the inappropriate use of these provisions, they being the most vulnerable in our community, including people who are homeless, young people, Aboriginal people and people experiencing mental health issues. He goes on to recite the situation in New South Wales under the application of the rules similar to those now being introduced by this bill.

He says, finally:

> There is no exemption for peaceful protests applying to the random search powers.

Whereas there is an exemption for the peaceful protests in relation to move-on provisions, that is not reflected in the random search powers. He concludes by saying:

> In addition to these concerns about the specific human rights implications of the bill, Moreland Community Legal Centre is particularly disappointed with two aspects of the government's approach to introducing the bill.
>
> First, the statement of compatibility expressly states that parts of the bill are not compatible with human rights. This means that the government admits that limitations on rights are not necessary, reasonable or demonstrably justified, as required by section 7 of the charter. It is extremely disappointing, contrary to the spirit in which the charter was enacted, and sets a dangerous precedent for a government to turn its back on providing fundamental protections for its citizens when government finds it politically expedient to do so.
>
> Secondly, it is unacceptable that the government has not sought to consult at all with the communities affected by a bill in circumstances where the bill will unreasonably and unjustifiably infringe fundamental human rights.

There is additional commentary and attachment which is, if I might summarise, in a similar vein. Having read that material and the summary of the submissions that appear in the Scrutiny of Acts and Regulations Committee *Alert Digest*, I cannot help but think that the government, when it brings in legislation, must regularly reflect on the action it took in introducing the charter, particularly when, on its own admission, the legislation breaches the charter which this government preached about when it was first introduced into this place.

The fact remains the house is dealing with legislation which is, as I said at the start of my contribution, a product of our times. The dreadful reality is that we live in a circumstance within our societies where issues of violence, particularly violence in the streets, are all too commonplace. This legislation will represent an additional capacity for police to take what is regarded as appropriate action to in part at least address antisocial behaviour or violent behaviour which is being conducted or that which is likely to be conducted and to enable police to conduct searches for weapons in the broader manner specified by the terms of this legislation. The real pity is that we need to have this legislation before the house at all.

Mr LUPTON (Prahran) — I speak in support of the Summary Offences and Control of Weapons Acts Amendment Bill 2009 which makes an important statement on behalf of the Parliament to the people of Victoria that antisocial behaviour, drunken behaviour, and violent behaviour is not something that we as a community are prepared to accept or tolerate. As a consequence this Parliament, under the leadership of the government, is taking some decisive measures to give our police force in Victoria the powers that we believe are appropriate and needed in order to most effectively deal with antisocial behaviour, violent behaviour and drunken behaviour.

This bill gives our police significant new powers and also creates some new offences and provides for the charging of people with those offences by way of penalty infringement notices. I will deal with the issue of new offences and then move to dealing with the issue of police powers. The history of the law in relation to people being drunk in a public place or acting in a drunk and disorderly manner is that over

many years people have been taken to the police cells for a number of hours and after they have sobered up they have been released almost entirely without any kind of penalty being imposed upon them. In recent times we have seen some growth in the amount of drunk behaviour around the streets of Victoria as has been seen in other major cities in Australia and overseas. This does seem to be a feature of modern life in many communities around the world, so the government is responding appropriately and properly to deal with that emerging issue.

This legislation makes amendments to the Summary Offences Act so that we will now have an offence of being drunk in a public place and an offence of being disorderly as well as the offence of being drunk and disorderly; all those offences will be able to be proceeded with by way of penalty infringement notice at the discretion of police. That means there will be a more effective on-the-spot deterrent for people who are drunk in a public place or who are acting in a disorderly manner.

When people behave in a disorderly and antisocial way, where they create a situation of discomfort or danger for other members of the community who are going about their business or attempting to have a peaceful and enjoyable time, then the people who have acted in such an antisocial way will be subject to fines and penalties. That will act as a sensible deterrent to that kind of behaviour and make a lot of those people think twice before they do that kind of thing again. This is really giving police a more effective prosecutorial tool to enable more effective charging and penalising of people who behave in an antisocial manner. I think the community welcomes those changes.

The legislation also deals with giving police the power to move people on in certain circumstances, and it also gives police an enhanced power to search for weapons. I believe the way in which we have approached these powers is a balanced, reasonable and appropriate response to the issues faced by police and is one I believe the community wishes the government and the Parliament to pursue.

The government has made a commitment to give police this power to direct people to move on from a certain area where there is a fear of a breach of the peace. This will give police an enforceable power to order that individuals and groups in public places move away or disperse from an area. This move-on power is essentially a pre-emptive tool designed to give police the ability and power to defuse potentially dangerous situations and will enable police to more effectively ensure our streets and neighbourhoods are safe for those who wish to enjoy themselves in the peaceful manner we would want available for all our citizens.

Where there is either a person or group of persons in a public place, if a police officer forms the opinion that the person or group is breaching or is likely to breach the peace, that a person is endangering or is likely to endanger the safety of any other person or that a person's behaviour is likely to cause injury to another person, damage property or is otherwise a risk to public safety, the police will be able to issue that move-on power, which will be effective for up to 24 hours. That offence is also punishable by way of an infringement notice or charging on summons at the discretion of the police. Safeguards are built in as is appropriate so that things such as peaceful protest, political action and the like are appropriately protected and are not subject to those powers.

This legislation also deals with enhanced police powers to search for weapons. It is fair to say that there is a view in the community, one also held by government and police, that there is an increased prevalence of people carrying knives — sometimes as an offensive weapon and sometimes in the misguided belief that carrying a knife is an appropriate or proper form of defence. We do not want to encourage that or the carrying of other weapons, and we want to give the police these important powers to ensure that they are able to address this issue.

Thus where police have reason to believe, because of prior intelligence and prior activities, that there will be a particular problem with weapons, under this legislation they are able to designate an area and to publicise that fact. If they also need to designate an area as a matter of urgency, they are able to do that in certain circumstances as long as a senior ranking police officer forms that opinion.

The police will be able to conduct a metallic wand search of persons as an initial step. If they detect a potential weapon, they will be able to carry out a pat-down search. If they form a reasonable suspicion that there is a weapon concealed on the person, they can carry out a full search. Given that, we believe this legislation will be important in sending the right message to people across the community that the carrying of weapons is not appropriate and that we are prepared to deal with it.

The way in which we are approaching this is to give the police the powers we believe are appropriate to continue to maintain Victoria as the safest state in Australia. The Australian Bureau of Statistics figures released in June showed that we are still the safest state

in Australia, with our crime rate down 24.5 per cent since 2000–01 and with the lowest rate of crimes against the person of any state.

That reflects our $1.9 billion record budget for Victoria Police. It reflects the 1400 additional police we brought in prior to this term in government; it reflects the 350 additional police we are putting on in this term of government; and it reflects the 120 further police we are putting on as a result of changes to our liquor licensing regulations announced recently. I support the bill.

Mr McINTOSH (Kew) — As the shadow police minister and Leader of The Nationals indicated, the opposition supports this bill. I note the bill does a number of things, including introducing new move-on powers, dealing with the issue of public drunkenness and disorderly conduct, and making a number of significant amendments to the Control of Weapons Act.

I turn to the issue of move-on powers. Again we see the government following the lead of the Liberal Party. This was a clear and unequivocal policy position the Liberal Party took to the last election — that is, to introduce move-on powers. Three years after that election, the government has finally accepted that policy and introduced this legislation. As I said, we support the bill.

In terms initially of the move-on powers, these would be an oral direction to move on from a particular public place if it is suspected on reasonable grounds that a person is likely to breach the peace, to endanger the safety of others or to cause injury to others, to damage property or to risk public safety, all of which could lead to a police officer exercising the right under section 459 of the Crimes Act to arrest a person. As an intermediate step, as the member for Prahran has said, to defuse a circumstance that would otherwise escalate into something far more dramatic, these move-on powers would have a great deal of utility.

Indeed that utility could prevent these circumstances from escalating, all of which the Liberal Party recognised a number of years ago. In our conversations a number of police and the Police Association have all welcomed this additional power for police.

When you deal with a penalty for non-compliance which is set at 5 penalty units, that is well and truly over $500 — a significant amount of money — and it certainly imposes a significant financial burden if you are in breach of that law.

I am disappointed that there will not be an arrest power accompanying that. I would have thought that if a police officer was attempting to diffuse a situation and had ordered a person to move on, and if that was a lawful direction to move on to prevent a breach of the peace or a circumstance that may endanger the safety of others or could lead to property damage or a risk to public safety, that would be a legitimate reason for an arrest. They are obviously the criteria set out in the bill.

If that criteria is met and a move-on direction was given by a police officer, and if that person failed to adhere to that direction, I would have thought the best remedy would have been then to arrest that person, to even take that person away and properly defuse the matter. To sit there and write out a penalty notice in those circumstances may work, but I would have thought a failure to carry out a lawful move-on direction by a police officer should be followed up with the capacity to arrest that person and charge them with failing to adhere to a lawful direction to move on from that public place in an attempt to defuse the circumstances that led to that move-on direction. There may be an alternative remedy, which is the penalty notice being provided, but likewise in many cases an arrest may solve that problem.

There are also additional penalties imposed for public drunkenness. We were all pleased when six months ago the Minister for Police and Emergency Services, in response to a question from me about public drunkenness, indicated that whatever other ministers had been discussing about the abolition of public drunkenness, he indicated it was quite clear that the government had moved finally to the position to say that it was not going to get rid of that offence of public drunkenness.

As we know, the Attorney-General had been on the record as saying he was against the crime of public drunkenness and that he wanted to remove that from the Summary Offences Act. However, most importantly, when talking to rank-and-file police officers about public drunkenness, they say it is a very useful tool to defuse a circumstance that could lead to a breach of the peace, endanger the safety of others or could lead to a risk to public safety.

All these matters have finally driven the government to acknowledge that it will not remove public drunkenness as an offence in the state of Victoria. As we know, and I have spoken to police officers in New South Wales about this very issue — and I know the member for Benambra, who is the shadow parliamentary secretary, has also had the opportunity of talking to police officers in New South Wales about this matter — and all of them say that getting rid of the offence of public drunkenness in New South Wales was a retrograde step

and that we should not do it down here in Victoria. It provides, like the move-on powers, an immediate solution to a particular circumstance that could escalate into something far worse if somebody is arrested for being drunk in a public place and taken to an appropriate holding facility.

As we know, the usual outcome for public drunkenness is not a financial penalty. It is just the disgrace of someone being taken to a police cell, held there for a number of hours until they have sobered up and in some cases having mum and dad come and collect them from the cell, and then having to deal with the odium that creates. The person charged with that offence would then go to the Magistrates Court, and 9 times out of 10 would be merely discharged without any financial penalty or otherwise. As police officers have said on a number of occasions, it is a very valuable tool. However, this bill maintains that position but also provides the alternative of a penalty notice being issued. Those penalties will increase from 1 penalty unit to 4 penalty units for being drunk in a public place.

Likewise, as the Leader of The Nationals correctly indicated, the bill provides for an offence of drunk and disorderly in Victoria where someone is not only drunk but they are behaving in a disorderly manner. Such a circumstance could potentially dramatically escalate where public safety or the safety of others could be put at risk, or a breach of the peace could occur. This offence could be used in those circumstances, and it attracts a higher penalty. It can also lead to arrest as a consequence. But interestingly enough, the government has now split drunk and disorderly, so someone can now be charged with the offence of disorderly conduct. That is an improvement.

I will just briefly touch on the changes to the Control of Weapons Act, where we are dealing with knives and such things, not firearms. However, recently there was an attack in the city with machetes. We know this is a serious problem in Victoria, and these powers go a long way to control that problem.

I wish to emphasise one matter which was raised by the member for Prahran. It is unfortunate that this government is the only body that does not understand the problem we have in this state. We have rising levels of violent crime, not just in the central business district, not just in our suburbs, but in the regional cities, as members would well know. We have a serious problem. People are talking about it daily; it is in the media. People in the streets are talking about it, and no doubt many people have raised such complaints with other members, but the government does not accept there is a problem.

I also note that the Minister for Police and Emergency Services was crowing in the house — I think it was yesterday — about the increased budget the government has provided to the Country Fire Authority brigades. That is well deserved, and there is no disparity, but the most important thing is that when we look at the police budget in this state, we find for the third year running this government has spent less on police in this state than any other state government. We also have the lowest number of police per head of population in this state than anywhere else in the country. We also know we have the lowest number of front-line police per head of population in the country, and that unfortunately is a disgrace.

While we have these tough penalties, and they are appropriate, we are not going to solve this problem merely by increasing penalties. It is a complex solution. I understand that. That is why the Leader of the Opposition created the portfolio of crime prevention. A start would be to increase the number of police officers in this state, and I call upon the government to address that issue.

Debate adjourned on motion of Mrs MADDIGAN (Essendon).

Debate adjourned until later this day.

LEGISLATION REFORM (REPEALS No. 5) BILL

Statement of compatibility

For Mr HULLS (Attorney-General), Mr Cameron tabled following statement of compatibility 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 Legislation Reform (Repeals No. 5) Bill 2009.

In my opinion, the Legislation Reform (Repeals No. 5) 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 purpose of the bill is to repeal the following redundant acts of Parliament:

Companies Act 1961

Companies Act 1975

Securities Industry Act 1975

Companies (Acquisition of Shares) (Application of Laws) Act 1981

Companies (Application of Laws) Act 1981

Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981

Securities Industry (Application of Laws) Act 1981

Futures Industry (Application of Laws) Act 1986.

As part of the process for selecting the acts included in the bill for repeal, the Department of Justice has carefully reviewed that legislation, in consultation with parliamentary counsel. The department has advised that the repeals will not engage any human rights protected by the charter.

In addition, section 14(2)(e) of the Interpretation of Legislation Act 1984 provides that the repeal of an act or a provision of an act, by itself, does not 'affect any right, privilege, obligation or liability acquired, accrued or incurred under that act or provision', unless the repealing act expressly provides for a contrary result. The bill does not expressly seek to affect any person's existing rights, privileges, obligations or liabilities, but simply to repeal the acts specified. As a result, this section should operate to prevent any unintended impairment of the rights or obligations of any persons that might result from the repeals.

Human rights issues

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

The bill does not engage any of the rights under the charter.

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

As the bill does not engage any of the rights under the charter, it is not necessary to consider the application of section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

Rob Hulls, MP
Attorney-General

Second reading

Mr CAMERON (Minister for Police and Emergency Services) — On behalf of the Attorney-General, I move:

That this bill be now read a second time.

The Legislation Reform (Repeals No. 5) Bill 2009 (the bill) is part of a raft of legislative and regulatory reforms introduced by the Labor government. The bill contributes to a key commitment of the Labor government as set out in the 2009 statement of government intentions, which is to simplify Victoria's statute book by repealing redundant Victorian laws.

In 2007, Parliament requested the Scrutiny of Acts and Regulations Committee (SARC) to inquire into the repeal of certain Victorian Corporations Laws that supported the Corporations Law framework prior to the state referring powers to the commonwealth in 2001.

SARC was asked to consider which acts were appropriate for repeal and consider, in the event of an act being repealed, whether any of the existing provisions should be saved and/or included in other appropriate legislation.

Of the legislation identified by the reference, SARC recommended that all acts except for the Corporations (Victoria) Act 1990, the Companies (Administration) Act 1981 and the Collusive Practices Act 1965 should be repealed.

The government tabled its response to SARC's recommendations on 2 June 2009. While generally supporting SARC's recommendations the government indicated that the repeal of any redundant legislation should not be done without detailed and principled policy analysis. Further technical advice was obtained from the Victorian Government Solicitor's Office (VGSO).

Based on VGSO's advice, SARC's recommendations and consultation, the bill will repeal several Victorian acts on the basis that corporations are now regulated by the Corporations Act 2001 and that the acts identified for repeal duplicate other legislation. This bill will —

(a) repeal:

Companies Act 1961

Companies Act 1975

Securities Industry Act 1975

Companies (Acquisition of Shares) (Application of Laws) Act 1981

Companies (Application of Laws) Act 1981

Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981

Securities Industry (Application of Laws) Act 1981

Futures Industry (Application of Laws) Act 1986

(b) ensure that the repealing bill makes provision for regulation-making power that allows for the making of regulations with respect to transitional or saving arrangements consequent on the repeal of the various acts.

Of the legislation identified by the reference, the Collusive Practices Act 1965, the Marketable Securities Act 1970 and sections 11–15 of the Companies (Administration) Act 1981 will not be repealed as part of this bill as they are being considered separately as part of the consumer affairs modernisation project.

In accordance with SARC's recommendations, the Corporations (Victoria) Act 1990 will not be repealed at this stage.

It is intended that, by removing unused and redundant acts, this bill will increase efficiency and modernise government as well as reduce the complexity of regulation that the Victorian community faces.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 9 December.

WATER AMENDMENT (ENTITLEMENTS) BILL

Statement of compatibility

Mr HOLDING (Minister for Water) 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 Water Amendment (Entitlements) Bill 2009.

In my opinion, the bill, as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter.

My opinion is based on the reasons outlined in this statement.

Overview of the bill

This bill amends the Water Act 1989 (the act) to —

(a) respond to the consequences of long-term drought;

(b) improve and streamline the water entitlements framework for allocating water; and

(c) make technical and other miscellaneous improvements to the regulation of water shares, take and use licences, the water register and water-related legislation.

Human rights issues

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

Section 13 of the charter, which protects the right to privacy and reputation, is relevant to the bill. Section 13 provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Specifically, the bill has relevance to the right of a person not to have his or her privacy, in the nature of information privacy, interfered with.

Under the current provisions of the act, a person's address is not publicly available by searching the water register. Through the proposed amendment to section 84X of the act, the bill will enable addresses to be publicly available in such searches.

However, in order for there to be a limitation of the right to privacy as provided in section 13 of the charter, any interference must be unlawful or arbitrary. Providing access to personal addresses on the water register is for the specific purpose of enabling more efficient and transparent functioning of the register. Furthermore, it is also possible for persons on the water register to apply to have their addresses and other personal information suppressed under section 84Y of the act. The proposal is also reasonable in order to allow the water register to operate efficiently.

Accordingly, the proposed amendment is not an unlawful or arbitrary interference and therefore the right to privacy will not be limited.

Section 19 of the charter, which protects cultural rights, is also relevant to the bill. Section 19 provides that Aborigines hold distinct cultural rights and must not be denied the right, with other members of their community:

to enjoy their identity and culture;

to maintain and use their language;

to maintain their kinship ties; and

to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Specifically, the bill is relevant to the right of Aborigines to maintain their distinctive spiritual, material and economic relationship with the land and waters with which they have a connection under traditional laws and customs.

The proposed amendment to section 8 of the act will modify the existing statutory right to take water from publicly accessible waterways for domestic and stock use, by requiring the water to be used on site at the waterway from which it is taken. The bill will not limit Aboriginal cultural rights as section 8 only applies to domestic and stock use. Domestic and stock use is defined in section 3 of the act. Accordingly, the provision does not limit the cultural rights in section 19 of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it will not limit cultural rights protected by section 19 and privacy rights under section 13.

Tim Holding, MP
Minister for Water

Second reading

Mr HOLDING (Minister for Water) — I move:

That this bill be now read a second time.

This bill amends the Water Act 1989 to improve Victoria's water allocation framework and respond to ongoing drought and, in doing so, constitutes an important further step in the Brumby government's water reform program.

Victoria continues to lead the nation in sustainable water management. The landmark white paper *Our Water Our Future* provided a road map for the government's water reform agenda well into the future. The Brumby government is already well on the way to delivering critical infrastructure projects outlined in the next stage of the government's water plan, such as modernising irrigation systems in the north, the desalination plant and expanding the water grid. These long-term solutions will help secure our water supplies in the face of ongoing drought and climate change.

Significant progress has also been made in implementing major reforms to the legislative framework in line with *Our Water Our Future*. For example, the Water (Resource Management) Act 2005 and the Water (Governance) Act 2006 introduced large-scale changes to our water allocation and resource management framework and to governance arrangements for water authorities. This bill seeks to clarify and finetune aspects of those major reforms now that we have the benefit of operational experience.

The proposals contained in the bill can be categorised under three key themes, being:

changes to respond to the consequences of long-term drought;

changes to improve and streamline the water entitlements framework for allocating water; and

technical improvements to the regulation of water shares, take and use licences, the water register and water-related legislation.

Strong synergies exist between each of these reform areas, which are all about improving, and completing major reforms introduced by the acts I mentioned previously.

I will now deal with each of these reform categories.

Drought management

The Water Act 1989 confers a general right to take water, free of charge, from publicly accessible waterways for stock and domestic use. In the past few summers, it became apparent that some individuals were abusing this right to cart water from local waterways to circumvent water restrictions in reticulated systems.

The bill will amend the Water Act 1989 to restrict the general right so that people can only use this water at the place at which they take it. This is in keeping with the spirit of the original right, colloquially known as 'the drover's right' — which is a fundamental principle that has been enshrined in water legislation in Victoria since colonial times. That principle recognises the general right for all people to reasonably take water for stock and domestic purposes where they have public access to that water. The bill will not limit or affect existing Aboriginal cultural rights as set out in section 19 of the Charter of Human Rights and Responsibilities Act 2006.

The bill also amends the Water Act 1989 to clarify the minister's power to temporarily qualify rights to water in times of a declared water shortage. Firstly, it will be made clear that such a qualification can impose obligations and duties on bulk entitlement holders. The second proposed amendment clarifies that a qualification can remain in place for the duration of the declared water shortage.

Improving the water entitlements framework

Another important set of changes introduced by the bill relate to the framework for allocating water.

The bill will enable a broader range of amendments to be managed under the streamlined process already available under the Water Act 1989. Allowing for various routine changes to be processed relatively quickly will enhance flexibility and management of bulk entitlements. Any changes that alter the actual substance of the entitlement or affect the environmental water reserve will still have to be processed through the more rigorous process set out under the Water Act.

The bill also greatly improves the provisions dealing with 'carryover', which enables irrigators to carryover unused water from one season to the next. Currently, the legislation requires water shareholders to

individually apply to the minister for carryover. This process has the potential to create a significant administrative burden as some 20 000 irrigators may be eligible to make such an application. The bill will avoid this unnecessary regulatory burden by enabling the minister to declare that carryover is available in a particular water system or part of a water system in relation to each type of water entitlement or class of entitlement. This will dispense with the need for individual applications.

The bill will allow the minister to impose conditions on carryover, such as imposing a limit on how many times unused water can be carried over. Ministerial conditions will also regulate how water corporations will administer carryover for individual entitlements and 'take and use' licences.

Technical reforms to the water register

The bill also builds on the recent reforms to water shares and the water register. In particular, the bill will provide that addresses recorded on the register will now be searchable. The register facilitates the responsible, transparent and sustainable use of the state's water resources. It is appropriate that the owners of water shares can be identified by searching the register. Safeguards in the Water Act will remain in place to ensure that registrants are aware of this change and of their right to apply for their personal information not to be publicly released under certain circumstances.

The final key change relates to the responsibility for the particular functions and capabilities of the register itself. The bill formally recognises that the minister, and the department supporting the minister, have carriage of the information technology system that underpins the register. While the registrar's key duty is to keep records of water shares, the register has a much broader role in terms of tracking entitlements, and generating valuable information about the water market for resource planning purposes. The change will simply reflect the existing arrangements.

I commend the bill to the house.

Debate adjourned on motion of Mr WALSH (Swan Hill).

Debate adjourned until Wednesday, 9 December.

ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL

Statement of compatibility

Ms ALLAN (Minister for Skills and Workforce Participation) 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 Royal Melbourne Institute of Technology Bill 2009.

In my opinion, the Royal Melbourne Institute of Technology Bill 2009 as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

1. Overview of bill

Victoria has eight public universities which are currently covered by some 20 pieces of legislation. In the annual statement of government intentions 2008, the government outlined a priority to modernise this legislation through a new principal act for each university.

The university bills are based on template legislation that will be used for all of Victoria's public universities, to ensure consistency with the agreed national protocols for university governance. The primary purpose of the template legislation is to rationalise existing separate pieces of legislation, remove obsolete provisions and provide each university with its own current act reflecting best practice and a consistent approach to governance and reporting requirements. The university bills also amend governance provisions where appropriate to meet the requirements of the commonwealth's revised national governance protocols.

The university bills will each set out the objects and powers of each university, and its status as a body corporate and body politic consisting of a council, academic staff, graduates and students. The university bills will provide for a seal, so that each university enjoys all the powers of an individual, such as the capacity to sue and be sued, enter into contracts and acquire land.

The university bills will allow for the continued existence of the universities' respective governing council and set out its powers, functions and membership. The council of each university will have the power to make, revoke and alter any statutes and regulations pertaining to the university. The university bills will also set out each university's powers relating to property, finance and commercial activities.

The Royal Melbourne Institute of Technology Bill 2009 accords with these principles.

2. Human rights issues

The Royal Melbourne Institute of Technology Bill 2009 has been assessed against the charter.

Right to property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This means that any law that deprives a person of his or her property must be sufficiently precise, accessible and should not be arbitrary.

Clause 37 of each of the bills grants the minister, after consultation with the council, the power to compulsorily acquire any land for the purpose of, or in connection with, the university. As this power is governed by the Land Acquisition and Compensation Act 1986 (land acquisition act), the right to property is not engaged as the acquisition of land would be in accordance with law.

The power to acquire land is not arbitrary as the land acquisition act sets out clear and accessible procedures for acquiring land and determining the amount of compensation payable. The titleholder must be notified of any intention to acquire land by the minister, and has the right to have any dispute arising out of the acquisition determined judicially.

Accordingly, there is no infringement of the property right under the charter.

3. Conclusion

I consider that the Royal Melbourne Institute of Technology Bill 2009 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.

Jacinta Allan, MP
Minister for Skills and Workforce Participation

Second reading

Ms ALLAN (Minister for Skills and Workforce Participation) — I move:

That this bill be now read a second time.

As set out in the preamble to its bill, the Royal Melbourne Institute of Technology, or RMIT as we more commonly call it, began as the Working Men's College on 7 June 1887 to bring technological education to Melbourne.

Its founder, Francis Ormond, supported technological education built from foundations in the arts and sciences, as George Swinburne also supported with the establishment of the Eastern Suburbs Technical College two decades later. In 1881 Ormond began his efforts to found a technical institute in Melbourne, based on his inspections of such institutes in Europe, and in 1887 the Working Men's College was founded.

In 1954 it was awarded royal patronage for its service to the war effort — becoming the only Australian university to receive the honour — and was renamed the Royal Melbourne Technical College.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Ms ALLAN (Minister for Skills and Workforce Participation).

Ms ALLAN (Minister for Skills and Workforce Participation) — In 1960, the college changed its name to the Royal Melbourne Institute of Technology (RMIT) and began to reconstitute itself as a tertiary institution. The college was incorporated into the institute as a vocational school (TAFE) and, during the 1970s and 1980s, RMIT developed a reputation in art and aeronautical engineering. It has extended its presence in both these areas, through, for example, the School of Art and the Centre for Design and through the Sir Lawrence Wackett Aerospace Centre, established in 1991 within the aerospace industry precinct in Port Melbourne.

In 1979, RMIT amalgamated with the Emily McPherson College of Domestic Economy which brought with it a reputation in fashion design and food technology.

As an innovative, global university of technology, RMIT has a growing international reputation for excellence in work-relevant education, high quality research, and engagement with the needs of industry and the community.

For many years now, the university has had a high profile in Melbourne, with three metropolitan campuses and a number of university 'sites', three in metropolitan Melbourne and two in regional Victoria. Its Regional Education and Community Development Centre at Hamilton was established in 2000 and conducts research into rural development, and partners with local farmers and businesses to assist with the development of Victoria's western district. This centre also grants degrees in rural nursing and education, to assist meet regional requirements.

RMIT has expanded to now have two campuses in Vietnam, in both Ho Chi Minh City and Hanoi.

RMIT is also one of Australia's top research universities, known internationally for its applied focus and for excellence in research and research education in its chosen fields.

The university's engagement initiatives span the full range of university endeavour, from engaged research, learning and teaching, student experiences and social responsibility.

Industry relationships are important particularly for RMIT. This influences RMIT's approach to learning

and teaching, which strives to connect learning with work through 'work integrated learning': that is, assessed professional or vocational work in a work context in which feedback from clients and others from industry and community is integral to the experience. While many universities have developed such policies in recent years, RMIT's approach is distinctive and continues an educational philosophy that has been central to RMIT's undergraduate, postgraduate coursework and VET programs since its establishment as the Working Men's College in 1887. Industry engagement at RMIT also extends beyond learning and teaching and into governance, research and development, research commercialisation and alumni relations.

For more than 150 years, higher education legislation has evolved in a piecemeal and incremental nature. This approach is now outdated and it is right that we introduce legislation that is robust and meets contemporary needs and contemporary expectations.

In February 2008, the Premier announced that the government was undertaking a comprehensive review of Victorian higher education legislation.

As Minister for Skills and Workforce Participation, I initiated a consultation program in early 2008. My department and I have worked closely with both universities and key stakeholders to develop the most appropriate and consistent legislation that enables Victoria's universities to be amongst the most competitive and highest performing institutions in the world.

This represents one of a group of initiatives that the Brumby government has committed to in order to provide Victorians with a world-class tertiary education system.

Our excellent vocational and educational training system has been made even better through our $316 million skills reform package Securing Jobs for Your Future — Skills for Victoria. I announced in April this year the formation of an expert panel to assist government in shaping a tertiary education system for the coming generations of Victorians, one that is truly accessible and equitable. These university reforms form part of that effort.

So today I am presenting to Parliament the opportunity to offer our world-class universities the contemporary governance arrangements that will allow them to perform at their peak in today's continuously changing environment.

The bill that I now present to Parliament reforms the foundation legislation of the Royal Melbourne Institute of Technology by removing redundant and/or obsolete provisions and provides it with an act reflecting contemporary best practice and a consistent approach to governance arrangements, regulation of commercial activity and general accountability and reporting requirements.

Going to the content of the bill, it is divided into eight parts and one schedule.

Part 1 sets out the purposes of the bill, which are to repeal the Royal Melbourne Institute of Technology Act 1992 and other obsolete acts and make a new Royal Melbourne Institute of Technology Act 2009, it provides for a commencement date and it provides definitions.

Part 2 provides for the constitution and governance of the university. It recreates the university as a body politic and corporate with perpetual succession and enables the university to do all things that a body corporate may by law do and suffer.

Clause 5 of the legislation provides for the objects of the university which recognises its character as an institution of higher education, in teaching and scholarship, and in both pure and applied research. The objects also recognise that a modern university may reach out of the traditional domains of higher education and deliver other forms of education and training. This is for the university itself to determine.

The objects of the university include that it provides programs and services in a way that reflects principles of equity and social justice.

In particular, the objects provide that the university use its expertise and resources to involve Aboriginal and Torres Strait Islander people of Australia in their teaching, learning, research and advancement of knowledge activities.

It confirms the role of the council of the university as its governing body, responsible for the general direction and superintendence of the university, including the appointment of senior officers of the university, those being the chancellor, any deputy chancellors and the vice-chancellor.

It provides for a common seal to be used as directed by the council or as authorised by any statute or regulation. This means that the university may, for example, execute a deed without using the common seal, if so authorised by the council or by statute or regulation. This would be in keeping with the current provisions of

Australian corporations law, by which the uses of a common seal is no longer mandatory. The only required use of the common seal in this bill is in making a statute, as provided by clause 31.

It enables the university to confer degrees and grant other awards.

A significant change concerns the composition of the council. Presently the university council comprises 21 members. The provisions of this bill allow the university to determine for itself the number of council members in a range from a minimum of 14 to a maximum of 21 members.

Council members continue to be indemnified in exercising their functions and duties carried out in good faith and honesty and for proper purposes consistent with the objectives of the university.

Part 3 of the bill deals with persons and bodies connected with the university.

It provides for the creation of an academic board or its equivalent but is different from existing legislation in that the new legislation will enable the university, through its council, to determine itself the role, functions and responsibilities of the board, rather than prescribe the functions of such a body in the way the existing act does.

The new legislation also makes it clear that it is the university itself which determines its academic structure and organisation and the naming of its various divisions, whether they be titled faculties, schools, units or institutes.

Part 4 concerns the officers of the university.

It requires the appointment of a chancellor for a term not exceeding five years. It provides for the appointment of at least one deputy chancellor.

It provides for the appointment of a vice-chancellor and president to act as the chief executive officer of the university, responsible for the conduct of the university's affairs in all matters. It styles the vice-chancellor as also 'president', as this is an internationally common title of a university chief executive officer. It more clearly defines the vice-chancellor's role, vis-a-vis the council, clearly delineating between the vice-chancellor's responsibility to manage the affairs of the university and the council's responsibility for the governance of the university and oversight of the vice-chancellor's administration. It allows for the appointment of an interim vice-chancellor for a period not exceeding 12 months.

Part 5 deals with university statutes and university regulations.

The university council is empowered to make statutes within its jurisdiction relating to a wide range of matters as set out in clause 29. Many of these matters concern academic standards and processes, and administrative policies of one kind or another. The bill also clarifies the university's powers to make statutes in respect of any person entering the university or using its facilities, concerning such matters as parking at the university and borrowing books. The matters set out in clause 29 are not exclusive and the university is empowered to deal with any other matter within its jurisdiction necessary for the good governance of the university and its management.

Part 6 deals with property, finance and commercial activities.

It enables the university to acquire by purchase, gift, grant, bequest or devise any property for the purposes of this act.

As now, the minister may compulsorily acquire land for the purposes of the university under the Land Acquisition and Compensation Act 1986. As now, the university must not alienate any Crown land, or land gifted by the state, without the prior approval of the minister or any land or property where the sum of consideration exceeds $5 million as against $3 million in the present legislation, except as provided in clause 38. Similarly, the university must not grant or lease for a term exceeding 21 years any such lands.

However, any land which has been acquired by the university itself for investment purposes may be disposed of by the university of its own accord, as provided in clause 38.

Provisions relating to trust funds and related matters remain broadly as in the present act.

Similarly, the borrowing powers of the university remain as currently provided and are subject to the approval of the Treasurer, in consultation with the minister.

The university must arrange for an audit of the income and expenditure of the university by the Auditor-General.

The university is enabled to participate in the formation of limited and other companies and, unlike the requirement of the present act, need not notify the minister of such participation. Such companies are generally subject to audit by the Auditor-General and,

as now, the new legislation provides the Auditor-General with a wide range of powers to conduct such audits.

A significant innovation relates to the commercial activities of the university. The new legislation provides that the university may create guidelines relating to its participation in commercial activities. These guidelines are subject to the approval of the minister, in consultation with the Treasurer. It is not intended that the government intrude into the management of the university's affairs. The guidelines are intended to reflect best practice in respect of matters such as risk management, due diligence, oversight of commercial activity and so on.

The requirement for guidelines arises out of the university's character as a public entity. As indicated, such guidelines will be developed by the university itself in consultation, as necessary, with my department and/or the Department of Treasury and Finance.

While I expect that guidelines for each of the universities will have certain core provisions, common to each of them, I am not prescribing a 'one size fits all' model. The guidelines for a particular university do need to provide for the specific circumstances and practices of that university.

The new legislation does allow the minister to make interim guidelines where no guidelines exist and until such time as guidelines are developed and approved.

The guidelines will be published in the *Government Gazette* and therefore be available publicly. The guidelines may also be published on the internet.

Adopting such guidelines is a contemporary approach that is a great deal more flexible and adaptive to necessary change than the cumbersome, highly prescriptive approach currently set out in legislation.

Part 7 provides that a fine imposed under university statutes or regulations is a civil debt recoverable summarily. This is similar to the current provisions.

Part 8 repeals consequential amendments and transitional matters, and deals with the repeal of legislation made redundant by this legislation, any necessary amendments of other legislation and savings provisions. It also provides for the continuation of the council as the same body as it was immediately before the commencement of the legislation. It provides that any statute or regulation of the university made under the old act and in force at the commencement of this legislation continues.

Schedule 1 of the legislation sets out the membership and procedure of the council. These provisions are similar to the current provisions except that the minister is now empowered to make interim appointments for a period not exceeding six months. This provision corrects a deficiency in the present legislation which does not allow for such appointments, even where there are unavoidable delays in making a permanent appointment. Lengthy vacancies on council can be disruptive of council proceedings.

Victoria takes pride in the scholarship, global reputation and rich cultural diversity of its universities. Higher education plays a vital role with respect to the future of an innovative and creative economy. Improved health and wellbeing, higher productivity and enhanced quality of life are all integrally linked with the public good that is generated through the provision of quality higher education.

The bill before the house sets out a contemporary legislative framework for the good governance and administration of the Royal Melbourne Institute of Technology, to achieve the learning and scholarship, the research, cultural, social and economic purposes of the university, for the benefit of the people of Victoria and the wider Australian and international communities.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until Wednesday, 9 December.

SWINBURNE UNIVERSITY OF TECHNOLOGY BILL

Statement of compatibility

Ms ALLAN (Minister for Skills and Workforce Participation) 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 Swinburne University of Technology Bill 2009.

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

1. Overview of bill

Victoria has eight public universities which are currently covered by some 20 pieces of legislation. In the annual statement of government intentions 2008, the government outlined a priority to modernise this legislation through a new principal act for each university.

The university bills are based on template legislation that will be used for all of Victoria's public universities, to ensure consistency with the agreed national protocols for university governance. The primary purpose of the template legislation is to rationalise existing separate pieces of legislation, remove obsolete provisions and provide each university with its own current act reflecting best practice and a consistent approach to governance and reporting requirements. The university bills also amend governance provisions where appropriate to meet the requirements of the commonwealth's revised national governance protocols.

The university bills will each set out the objects and powers of each university, and its status as a body corporate and body politic consisting of a council, academic staff, graduates and students. The university bills will provide for a seal, so that each university enjoys all the powers of an individual, such as the capacity to sue and be sued, enter into contracts and acquire land.

The university bills will allow for the continued existence of the universities' respective governing council and set out its powers, functions and membership. The council of each university will have the power to make, revoke and alter any statutes and regulations pertaining to the university. The university bills will also set out each university's powers relating to property, finance and commercial activities.

The Swinburne University of Technology Bill 2009 accords with these principles.

2 Human rights issues

The Swinburne University of Technology Bill 2009 has been assessed against the charter.

Right to property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This means that any law that deprives a person of his or her property must be sufficiently precise, accessible and should not be arbitrary.

Clause 37 of each of the bills grants the minister, after consultation with the council, the power to compulsorily acquire any land for the purpose of, or in connection with, the university. As this power is governed by the Land Acquisition and Compensation Act 1986 (land acquisition act), the right to property is not engaged as the acquisition of land would be in accordance with law.

The power to acquire land is not arbitrary as the land acquisition act sets out clear and accessible procedures for acquiring land and determining the amount of compensation payable. The titleholder must be notified of any intention to acquire land by the minister, and has the right to have any dispute arising out of the acquisition determined judicially.

Accordingly, there is no infringement of the property right under the charter.

3. Conclusion

I consider that the Swinburne University of Technology Bill 2009 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.

Jacinta Allan, MP
Minister for Skills and Workforce Participation

Second reading

Ms ALLAN (Minister for Skills and Workforce Participation) — I move:

That this bill be now read a second time.

Swinburne University of Technology officially became a university on 1 July 1992 but its history dates back to 1908.

It was founded at the instigation of George Swinburne, member for Hawthorn, a businessman and philanthropist, who had a lifelong interest in education.

When in 1907 he followed up the Fink Royal Commission into technical education by giving £3000 to found an eastern suburbs technical college which in 1909 became the future Swinburne Technical College.

Its first offerings were in carpentry, plumbing and blacksmithing. In Swinburne's eyes, the education needed for economic progress should also open intellectual windows; his student plumbers learned architectural history as background to the technique of their craft. He was concerned for the mass of adolescents drifting into unskilled and 'uneducative' occupations, and urged the provision of compulsory part-time classes.

From these beginnings, Swinburne has grown into a multidisciplined, multicampus provider of higher education and vocational education, in a way in which I think its founder would most thoroughly approve.

The university maintains its strong technology base and important links with industry, complemented by a number of innovative specialist research centres which attract a great deal of international interest.

A major feature of many Swinburne undergraduate courses is the applied vocational emphasis and direct industry application through Industry Based Learning (IBL) programs. Swinburne was a pioneer of IBL, a program which places students directly in industry for vocational employment as an integral part of the course structure.

Swinburne was founded initially to provide expanded and more accessible educational opportunities, principally to the residents of eastern Melbourne, from its original Hawthorn campus. However, it now offers both vocational and higher education at six Victorian campuses, including three in the outer east of Melbourne. It also has a campus at Sarawak in Malaysia.

Speaker, for more than 150 years, higher education legislation has evolved in a piecemeal and incremental nature. This approach is now outdated and it is right that we introduce legislation that is robust and meets contemporary needs and contemporary expectations.

In February 2008, the Premier announced that the government was undertaking a comprehensive review of Victorian higher education legislation.

As Minister for Skills and Workforce Participation, I initiated a consultation program in early 2008. My department and I have worked closely with both universities and key stakeholders to develop the most appropriate and consistent legislation that enables Victoria's universities to be amongst the most competitive and highest performing institutions in the world.

This represents one of a group of initiatives that the Brumby government has committed to in order to provide Victorians with a world-class tertiary education system.

Our excellent vocational and educational training system has been made even better through our $316 million skills reform package Securing Jobs for Your Future — Skills for Victoria. I announced in April this year the formation of an expert panel to assist government in shaping a tertiary education system for the coming generations of Victorians, one that is truly accessible and equitable. These university reforms form part of that effort.

So today I am presenting to Parliament the opportunity to offer our world class universities the contemporary governance arrangements that will allow them to perform at their peak in today's continuously changing environment.

The bill that I now present to Parliament reforms the foundation legislation of the Swinburne University of Technology by removing redundant and/or obsolete provisions and provide it with an act reflecting contemporary best practice and a consistent approach to governance arrangements, regulation of commercial activity and general accountability and reporting requirements.

Going to the content of the bill, it is divided into eight parts and one schedule.

Part 1 sets out the purposes of the bill, which are to repeal the Swinburne University of Technology Act 1992 and other obsolete acts and make a new Swinburne University of Technology Act 2009. It provides for a commencement date and it provides definitions.

Part 2 provides for the constitution and governance of the university. It recreates the University as a body politic and corporate with perpetual succession and enables the university to do all things that a body corporate may by law do and suffer.

Clause 5 of the legislation provides for the objects of the university which recognises its character as an institution of higher education, in teaching and scholarship, and in both pure and applied research. The objects also recognise that a modern university may reach out of the traditional domains of higher education and deliver other forms of education and training. This is for the university itself to determine.

The objects of the university include that it provides programs and services in a way that reflects principles of equity and social justice.

In particular, the objects provide that the university use its expertise and resources to involve Aboriginal and Torres Strait Islander people of Australia in their teaching, learning, research and advancement of knowledge activities.

It confirms the role of the council of the university as its governing body, responsible for the general direction and superintendence of the university, including the appointment of senior officers of the university, those being the chancellor, any deputy chancellors and the vice-chancellor.

It provides for a common seal to be used as directed by the council or as authorised by any statute or regulation. This means that the university may, for example, execute a deed without using the common seal, if so authorised by the council or by statute or regulation. This would be in keeping with the current provisions of Australian corporations law, by which the uses of a common seal is no longer mandatory. The only required use of the common seal in this bill is in making a statute, as provided by clause 31.

It enables the university to confer degrees and grant other awards.

A significant change concerns the composition of the council. Presently the university council comprises 21 members. The provisions of this bill allow the university to determine for itself the number of council members in a range from a minimum of 14 to a maximum of 21 members.

Council members continue to be indemnified in exercising their functions and duties carried out in good faith and honesty and for proper purposes consistent with the objectives of the university.

Part 3 of the bill deals with persons and bodies connected with the university.

It provides for the creation of an academic board or its equivalent but is different from existing legislation in that the new legislation will enable the university, through its council, to determine itself the role, functions and responsibilities of the board, rather than prescribe the functions of such a body in the way the existing act does.

The new legislation also makes it clear that it is the university itself which determines its academic structure and organisation and the naming of its various divisions, whether they be titled faculties, schools, units or institutes.

Part 4 concerns the officers of the university.

It requires the appointment of a chancellor for a term not exceeding five years. It provides for the appointment of at least one deputy chancellor.

It provides for the appointment of a vice-chancellor and president to act as the chief executive officer of the university, responsible for the conduct of the university's affairs in all matters. It styles the vice-chancellor as also 'president', as this is an internationally common title of a university chief executive officer. It more clearly defines the vice-chancellor's role, vis-a-vis the council, clearly delineating between the vice-chancellor's responsibility to manage the affairs of the university and the council's responsibility for the governance of the university and oversight of the vice-chancellor's administration. It allows for the appointment of an interim vice-chancellor for a period not exceeding 12 months.

Part 5 deals with university statutes and university regulations.

The university council is empowered to make statutes within its jurisdiction relating to a wide range of matters as set out in clause 29. Many of these matters concern academic standards and processes, and administrative policies of one kind or another. The bill also clarifies the university's powers to make statutes in respect of any person entering the university or using its facilities, concerning such matters as parking at the university and borrowing books. The matters set out in clause 29 are not exclusive and the university is empowered to deal with any other matter within its jurisdiction necessary for the good governance of the university and its management.

Part 6 deals with property, finance and commercial activities.

It enables the university to acquire by purchase, gift, grant, bequest or devise any property for the purposes of this act.

As now, the minister may compulsorily acquire land for the purposes of the university under the Land Acquisition and Compensation Act 1986. As now, the university must not alienate any Crown land, or land gifted by the state, without the prior approval of the minister or any land or property where the sum of consideration exceeds $5 million as against $3 million in the present legislation, except as provided in clause 38. Similarly, the university must not grant or lease for a term exceeding 21 years any such lands.

However, any land which has been acquired by the university itself for investment purposes may be disposed of by the university of its own accord, as provided in clause 38.

Provisions relating to trust funds and related matters remain broadly as in the present act.

Similarly, the borrowing powers of the university remain as currently provided and are subject to the approval of the Treasurer, in consultation with the minister.

The university must arrange for an audit of the income and expenditure of the university by the Auditor-General.

The university is enabled to participate in the formation of limited and other companies and, unlike the requirement of the present act, need not notify the minister of such participation. Such companies are generally subject to audit by the Auditor-General and, as now, the new legislation provides the Auditor-General with a wide range of powers to conduct such audits.

A significant innovation relates to the commercial activities of the university. The new legislation provides that the university may create guidelines relating to its

participation in commercial activities. These guidelines are subject to the approval of the Minister, in consultation with the Treasurer. It is not intended that the government intrude into the management of the university's affairs. The guidelines are intended to reflect best practice in respect of matters such as risk management, due diligence, oversight of commercial activity and so on.

The requirement for guidelines arises out of the university's character as a public entity. As indicated, such guidelines will be developed by the university itself in consultation, as necessary, with my department and/or the Department of Treasury and Finance.

While I expect that guidelines for each of the universities will have certain core provisions, common to each of them, I am not prescribing a 'one size fits all' model. The guidelines for a particular university do need to provide for the specific circumstances and practices of that university.

The new legislation does allow the minister to make interim guidelines where no guidelines exist and until such time as guidelines are developed and approved.

The guidelines will be published in the *Government Gazette* and therefore be available publicly. The guidelines may also be published on the internet.

Adopting such guidelines is a contemporary approach that is a great deal more flexible and adaptive to necessary change than the cumbersome, highly prescriptive approach currently set out in legislation.

Part 7 provides that a fine imposed under university statutes or regulations is a civil debt recoverable summarily. This is similar to the current provisions.

Part 8 repeals consequential amendments and transitional matters, and deals with the repeal of legislation made redundant by this legislation, any necessary amendments of other legislation and savings provisions. It also provides for the continuation of the council as the same body as it was immediately before the commencement of the legislation. It provides that any statute or regulation of the university made under the old act and in force at the commencement of this legislation continues.

Schedule 1 of the legislation sets out the membership and procedure of the council. These provisions are similar to the current provisions except that the minister is now empowered to make interim appointments for a period not exceeding six months. This provision corrects a deficiency in the present legislation which does not allow for such appointments, even where there are unavoidable delays in making a permanent appointment. Lengthy vacancies on council can be disruptive of council proceedings.

Speaker, Victoria takes pride in the scholarship, global reputation and rich cultural diversity of its universities. Higher education plays a vital role with respect to the future of an innovative and creative economy. Improved health and wellbeing, higher productivity and enhanced quality of life are all integrally linked with the public goods that are generated through the provision of quality higher education.

The bill before the house sets out a contemporary legislative framework for the good governance and administration of the Swinburne University of Technology, to achieve the learning and scholarship, the research, cultural, social and economic purposes of the university, for the benefit of the people of Victoria and the wider Australian and international communities.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until Wednesday, 9 December.

VICTORIA UNIVERSITY BILL

Statement of compatibility

Ms ALLAN (Minister for Skills and Workforce Participation) 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 Victoria University Bill 2009.

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

1. Overview of bill

Victoria has eight public universities which are currently covered by some 20 pieces of legislation. In the annual statement of government intentions 2008, the government outlined a priority to modernise this legislation through a new principal act for each university.

The university bills are based on template legislation that will be used for all of Victoria's public universities, to ensure consistency with the agreed national protocols for university governance. The primary purpose of the template legislation

is to rationalise existing separate pieces of legislation, remove obsolete provisions and provide each university with its own current act reflecting best practice and a consistent approach to governance and reporting requirements. The university bills also amend governance provisions where appropriate to meet the requirements of the commonwealth's revised national governance protocols.

The university bills will each set out the objects and powers of each university, and its status as a body corporate and body politic consisting of a council, academic staff, graduates and students. The university bills will provide for a seal, so that each university enjoys all the powers of an individual, such as the capacity to sue and be sued, enter into contracts and acquire land.

The university bills will allow for the continued existence of the universities' respective governing council and set out its powers, functions and membership. The council of each university will have the power to make, revoke and alter any statutes and regulations pertaining to the university. The university bills will also set out each university's powers relating to property, finance and commercial activities.

The Victoria University Bill 2009 accords with these principles.

2. Human rights issues

The Victoria University Bill 2009 has been assessed against the charter.

Right to property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This means that any law that deprives a person of his or her property must be sufficiently precise, accessible and should not be arbitrary.

Clause 37 of each of the bills grants the minister, after consultation with the council, the power to compulsorily acquire any land for the purpose of, or in connection with, the university. As this power is governed by the Land Acquisition and Compensation Act 1986 (land acquisition act), the right to property is not engaged as the acquisition of land would be in accordance with law.

The power to acquire land is not arbitrary as the land acquisition act sets out clear and accessible procedures for acquiring land and determining the amount of compensation payable. The titleholder must be notified of any intention to acquire land by the minister, and has the right to have any dispute arising out of the acquisition determined judicially.

Accordingly, there is no infringement of the property right under the charter.

3. Conclusion

I consider that the Victoria University Bill 2009 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.

Jacinta Allan, MP
Minister for Skills and Workforce Participation

Second reading

Ms ALLAN (Minister for Skills and Workforce Participation) — I move:

That this bill be now read a second time.

Victoria University of Technology was established by an act of the Victorian Parliament in 1990, changing its name to Victoria University by an amendment to the act in 1995. However, as is the case with all the universities I am speaking about today, its provenance goes back many years and incorporates many traditions.

The idea for a technical school based in the western suburbs of Melbourne was first proposed in 1910. To quote from the university's history this was '….a time of great optimism when people believed in the power of technical knowledge to positively transform lives and social conditions. It took more than five years of hard work to raise funds to build the school but in 1916 the Footscray Technical School finally opened its doors'.

Victoria University has emerged through a series of mergers and amalgamations. The institutions that combined to form Victoria University include:

Footscray College of TAFE, which evolved directly from the original technical school;

Western Institute;

Newport Technical School, which ultimately became Newport College of TAFE;

Western Metropolitan College of TAFE;

Western Melbourne Institute of TAFE;

Melbourne College of Decoration; and

Flagstaff College of TAFE.

The Footscray Technical School was established to serve the communities of Melbourne's western region, equipping its industrial workforce with practical, job-focused skills and knowledge.

In its contemporary form, Victoria University continues to demonstrate a commitment to meeting the tertiary education and training needs of the people of the western metropolitan region of Melbourne and beyond. Its commitment to social inclusion is a cornerstone of the university's education and research programs.

Victoria University is one of only five multisector universities in Australia, offering further education,

higher education and vocational education and training, three of the other four also being in Victoria.

At the time of its establishment as a university, Victoria University had some 16 000 students, predominantly in its TAFE division. Today, it is one of the largest tertiary institutions in Australia, with over 50 000 enrolled students and 3500 staff across 11 local campuses. The University has 21 800 course enrolments in higher education and 35 514 course enrolments in its vocational and further education courses. Whilst retaining its commitment to the western metropolitan region of Melbourne, Victoria University also welcomes the international community and has a significant number of students undertaking its courses in Victoria. It also runs its courses off shore.

In its mission to serve the communities of the western region of Melbourne and beyond, Victoria University has reached out to people who have not traditionally participated in higher education. Some 20.5 per cent of higher education students at Victoria University are classified as of low socioeconomic status, which is the highest of any Victorian university.

Victoria University has a focused, multidisciplinary research and research training program that is relevant to community, industry and government nationally and internationally, and particularly for the western region of Melbourne. The university has established partnerships with enterprises such as the Western Bulldogs, Western Health and Linfox.

Victoria University also provides support to students through an extensive range of other scholarships: in 2008, the university provided over 2100 of its students with scholarships to the value of about $3.5 million.

Through the expertise and practice it has developed as a multisector university, through the collaborations it has established or is in the process of establishing, Victoria University is well placed to make a significant contribution to deepening and widening tertiary education and higher education and research in its communities.

This bill results from the Premier's announcement in February 2008 that the government was undertaking a comprehensive review of Victorian higher education legislation.

As Minister for Skills and Workforce Participation, I initiated a consultation program in early 2008. My department and I have worked closely with both universities and key stakeholders to develop the most appropriate and consistent legislation that enables Victoria's universities to be amongst the most competitive and highest performing institutions in the world.

This represents one of a group of initiatives that the Brumby government has committed to in order to provide Victorians with a world class tertiary education system.

Our excellent vocational and educational training system has been made even better through our $316 million skills reform package Securing Jobs for Your Future — Skills for Victoria. I announced in April this year the formation of an expert panel to assist government in shaping a tertiary education system for the coming generations of Victorians, one that is truly accessible and equitable. These university reforms form part of that effort.

So today I am presenting to Parliament the opportunity to offer our world class universities the contemporary governance arrangements that will allow them to perform at their peak in today's continuously changing environment.

The bill that I now present to Parliament reforms the foundation legislation of Victoria University by removing redundant and/ or obsolete provisions and provides it with an act reflecting contemporary best practice and a consistent approach to governance arrangements, regulation of commercial activity and general accountability and reporting requirements.

Going to the content of the bill, it is divided into eight parts and one schedule.

Part 1 sets out the purposes of the bill, which are to repeal the Victoria University of Technology Act 1990 and other obsolete acts and make a new Victoria University Act 2009. It provides for a commencement date and it provides definitions.

Part 2 provides for the constitution and governance of the university. It recreates the university as a body politic and corporate with perpetual succession and enables the university to do all things that a body corporate may by law do and suffer.

Clause 5 of the legislation provides for the objects of the university, which recognise its character as an institution of higher education, in teaching and scholarship, and in both pure and applied research. The objects also recognise that a modern university may reach out of the traditional domains of higher education and deliver other forms of education and training. This is for the university itself to determine.

The objects of the university include that it provides programs and services in a way that reflects principles of equity and social justice.

In particular, the objects provide that the university use its expertise and resources to involve Aboriginal and Torres Strait Islander people of Australia in their teaching, learning, research and advancement of knowledge activities.

It confirms the role of the council of the university as its governing body, responsible for the general direction and superintendence of the university, including the appointment of senior officers of the university, those being the chancellor, any deputy chancellors and the vice-chancellor.

It provides for a common seal to be used as directed by the council or as authorised by any statute or regulation. This means that the university may, for example, execute a deed without using the common seal, if so authorised by the council or by statute or regulation. This would be in keeping with the current provisions of Australian corporations law, by which the uses of a common seal is no longer mandatory. The only required use of the common seal in this bill is in making a statute, as provided by clause 31.

It enables the university to confer degrees and grant other awards.

A significant change concerns the composition of the council. Presently the university council comprises 21 members. The provisions of this bill allow the university to determine for itself the number of council members in a range from a minimum of 14 to a maximum of 21 members.

Council members continue to be indemnified in exercising their functions and duties carried out in good faith and honesty and for proper purposes consistent with the objectives of the university.

Part 3 of the bill deals with persons and bodies connected with the university.

It provides for the creation of an academic board or its equivalent but is different from existing legislation in that the new legislation will enable the university, through its council, to determine itself the role, functions and responsibilities of the board, rather than prescribe the functions of such a body in the way the existing act does.

The new legislation also makes it clear that it is the university itself which determines its academic structure and organisation and the naming of its various divisions, whether they be titled faculties, schools, units or institutes.

Part 4 concerns the officers of the university.

It requires the appointment of a chancellor for a term not exceeding five years. It provides for the appointment of at least one deputy chancellor.

It provides for the appointment of a vice-chancellor and president to act as the chief executive officer of the university, responsible for the conduct of the university's affairs in all matters. It styles the vice-chancellor as also 'president', as this is an internationally common title of a university chief executive officer. It more clearly defines the vice-chancellor's role, vis-a-vis the council, clearly delineating between the vice-chancellor's responsibility to manage the affairs of the university and the council's responsibility for the governance of the university and oversight of the vice-chancellor's administration. It allows for the appointment of an interim vice-chancellor for a period not exceeding 12 months.

Part 5 deals with university statutes and university regulations.

The university council is empowered to make statutes within its jurisdiction relating to a wide range of matters as set out in clause 29. Many of these matters concern academic standards and processes, and administrative policies of one kind or another. The bill also clarifies the university's powers to make statutes in respect of any person entering the university or using its facilities, concerning such matters as parking at the university and borrowing books. The matters set out in clause 29 are not exclusive and the university is empowered to deal with any other matter within its jurisdiction necessary for the good governance of the university and its management.

Part 6 deals with property, finance and commercial activities.

It enables the university to acquire by purchase, gift, grant, bequest or device any property for the purposes of this act.

As now, the minister may compulsorily acquire land for the purposes of the university under the Land Acquisition and Compensation Act 1986. As now, the university must not alienate any Crown land, or land gifted by the state, without the prior approval of the minister or any land or property where the sum of consideration exceeds $5 million as against $3 million in the present legislation, except as provided in

clause 38. Similarly, the university must not grant or lease for a term exceeding 21 years any such lands.

However, any land which has been acquired by the university itself for investment purposes may be disposed of by the university of its own accord, as provided in clause 38.

Provisions relating to trust funds and related matters remain broadly as in the present act.

Similarly, the borrowing powers of the university remain as currently provided and are subject to the approval of the Treasurer, in consultation with the minister.

The university must arrange for an audit of the income and expenditure of the university by the Auditor-General.

The university is enabled to participate in the formation of limited and other companies and, unlike the requirement of the present act, need not notify the minister of such participation. Such companies are generally subject to audit by the Auditor-General and, as now, the new legislation provides the Auditor-General with a wide range of powers to conduct such audits.

A significant innovation relates to the commercial activities of the university. The new legislation provides that the university may create guidelines relating to its participation in commercial activities. These guidelines are subject to the approval of the minister, in consultation with the Treasurer. It is not intended that the government intrude into the management of the university's affairs. The guidelines are intended to reflect best practice in respect of matters such as risk management, due diligence, oversight of commercial activity and so on.

The requirement for guidelines arises out of the university's character as a public entity. As indicated, such guidelines will be developed by the university itself in consultation, as necessary, with my department and/or the Department of Treasury and Finance.

While I expect that guidelines for each of the universities will have certain core provisions, common to each of them, I am not prescribing a 'one size fits all' model. The guidelines for a particular university do need to provide for the specific circumstances and practices of that university.

The new legislation does allow the minister to make interim guidelines where no guidelines exist and until such time as guidelines are developed and approved. The guidelines will be published in the *Government Gazette* and therefore be available publicly. The guidelines may also be published on the internet.

Adopting such guidelines is a contemporary approach that is a great deal more flexible and adaptive to necessary change than the cumbersome, highly prescriptive approach currently set out in legislation.

Part 7 provides that a fine imposed under university statutes or regulations is a civil debt recoverable summarily. This is similar to the current provisions.

Part 8 repeals consequential amendments and transitional matters, and deals with the repeal of legislation made redundant by this legislation, any necessary amendments of other legislation and savings provisions. It also provides for the continuation of the council as the same body as it was immediately before the commencement of the legislation. It provides that any statute or regulation of the university made under the old act and in force at the commencement of this legislation continues.

Schedule 1 of the legislation sets out the membership and procedure of the council. These provisions are similar to the current provisions except that the minister is now empowered to make interim appointments for a period not exceeding six months. This provision corrects a deficiency in the present legislation which does not allow for such appointments, even where there are unavoidable delays in making a permanent appointment. Lengthy vacancies on council can be disruptive of council proceedings.

Speaker, Victoria takes pride in the scholarship, global reputation and rich cultural diversity of its universities. Higher education plays a vital role with respect to the future of an innovative and creative economy. Improved health and wellbeing, higher productivity and enhanced quality of life are all integrally linked with the public goods that are generated through the provision of quality higher education.

The bill before the house sets out a contemporary legislative framework for the good governance and administration of Victoria University, to achieve the learning and scholarship, the research, cultural, social and economic purposes of the university, for the benefit of the people of Victoria and the wider Australian and international communities.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until Wednesday, 9 December.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered next day.

UNIVERSITY OF BALLARAT BILL

Statement of compatibility

Ms ALLAN (Minister for Skills and Workforce Participation) 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 University of Ballarat Bill 2009.

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

1. Overview of bill

Victoria has eight public universities which are currently covered by some 20 pieces of legislation. In the annual statement of government intentions 2008, the government outlined a priority to modernise this legislation through a new principal act for each university.

The university bills are based on template legislation that will be used for all of Victoria's public universities, to ensure consistency with the agreed national protocols for university governance. The primary purpose of the template legislation is to rationalise existing separate pieces of legislation, remove obsolete provisions and provide each university with its own current act reflecting best practice and a consistent approach to governance and reporting requirements. The university bills also amend governance provisions where appropriate to meet the requirements of the commonwealth's revised national governance protocols.

The university bills will each set out the objects and powers of each university, and its status as a body corporate and body politic consisting of a council, academic staff, graduates and students. The university bills will provide for a seal, so that each university enjoys all the powers of an individual, such as the capacity to sue and be sued, enter into contracts and acquire land.

The university bills will allow for the continued existence of the universities' respective governing council and set out its powers, functions and membership. The council of each university will have the power to make, revoke and alter any statutes and regulations pertaining to the university. The university bills will also set out each university's powers relating to property, finance and commercial activities.

The University of Ballarat Bill 2009 accords with these principles.

2. Human rights issues

The University of Ballarat Bill 2009 has been assessed against the charter.

Right to property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This means that any law that deprives a person of his or her property must be sufficiently precise, accessible and should not be arbitrary.

Clause 37 of each of the bills grants the minister, after consultation with the council, the power to compulsorily acquire any land for the purpose of, or in connection with, the university. As this power is governed by the Land Acquisition and Compensation Act 1986 (land acquisition act), the right to property is not engaged as the acquisition of land would be in accordance with law.

The power to acquire land is not arbitrary as the Land Acquisition Act sets out clear and accessible procedures for acquiring land and determining the amount of compensation payable. The titleholder must be notified of any intention to acquire land by the minister, and has the right to have any dispute arising out of the acquisition determined judicially.

Accordingly, there is no infringement of the property right under the charter.

3. Conclusion

I consider that the University of Ballarat Bill 2009 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.

Jacinta Allan, MP
Minister for Skills and Workforce Participation

Second reading

Ms ALLAN (Minister for Skills and Workforce Participation) — I move:

That this bill be now read a second time.

The University of Ballarat was created by an act of the Victorian Parliament in 1994, out of the Ballarat College of Advanced Education. It was enlarged in 1998, through mergers with the School of Mines and Industries Ballarat and the Wimmera Institute of TAFE.

Although only formally a university for 15 years, the University of Ballarat has a lineage which takes it back to 1870. Thus, the University of Ballarat can proudly celebrate next year, in 2010, 140 years of tertiary

education provision in Victoria and the foundation of technical and further education in Australia.

More recently the Ballarat College of Advanced Education was created in 1975 out of the tertiary division of the School of Mines and Industries, and the Ballarat Teachers College — while the other division of the school merged with the new university in 1998.

The university maintains its strong connection with the communities it primarily serves, with three campuses in Ballarat and campuses in the communities of Horsham, Stawell and Ararat.

The university makes a vital contribution to the economic, social and cultural wellbeing of these communities.

The University of Ballarat also enters into collaborations with a number of TAFE institutes to deliver higher education courses throughout Victoria.

As a result of our compact size, Victoria's regional and metropolitan economies and communities are much more interlinked than in most other states.

Our universities play a key role in maintaining and strengthening linkages through their campuses across regional Victoria.

The government's close and continuing focus on our universities is driven primarily by the vital contribution they make to economic growth and development — through research and innovation and through producing knowledgeable, skilled and employable graduates.

It has been estimated that the University of Ballarat contributes about $500 million a year to the regional economy and generates 2900 full-time equivalent jobs.

For Ballarat, a city of 90 000 people, the university accounts for more than 10.5 per cent of its whole economy, generating 12 per cent of total household income and just under 9 per cent of its total employment.

From its beginnings as the School of Mines and Industries and the Wimmera Institute of TAFE, the University of Ballarat has an illustrious history.

But it also has a dynamic presence in its higher education offerings today.

The university has a strong reputation for the quality of its learning, teaching and training, for its applied research and for engagement with industry, business and, as I have previously mentioned, with the regional communities it serves.

The university has established what is now Australia's leading regional technology park, which includes not only the State Revenue Office but divisions of the international ICT giant, IBM. Significantly, about half of the 1400 or so people employed at the park are graduates of the university.

For more than 150 years in this state, higher education legislation has evolved in a piecemeal and incremental nature. This approach is now outdated and it is right that we introduce legislation that is robust and meets contemporary needs and contemporary expectations. In February 2008, the Premier announced that the government was undertaking a comprehensive review of Victorian higher education legislation.

As Minister for Skills and Workforce Participation I initiated a consultation program in early 2008. My department and I have worked closely with both universities and key stakeholders to develop the most appropriate and consistent legislation that will enable Victoria's universities to be amongst the most competitive and highest performing institutions in the world.

This represents one of a group of initiatives that the Brumby government has committed to in order to provide Victorians with a world-class tertiary education system.

Our excellent vocational and educational training system has been made even better through our $316 million skills reform package Securing Jobs for Your Future — Skills for Victoria. I announced in April this year the formation of an expert panel to assist government in shaping a tertiary education system for the coming generations of Victorians, one that is truly accessible and equitable. These university reforms form part of that effort.

So today I am presenting to Parliament the opportunity to offer our world-class universities the contemporary governance arrangements that will allow them to perform at their peak in today's continuously changing environment.

The bill that I now present to Parliament reforms the foundation legislation of the University of Ballarat by removing redundant and/or obsolete provisions and providing it with an act reflecting contemporary best practice and a consistent approach to governance arrangements, regulation of commercial activity and general accountability and reporting requirements.

Going to the content of the bill, it is divided into eight parts and one schedule.

Part 1 sets out the purposes of the bill, which are to repeal the University of Ballarat Act 1994 and other obsolete acts and make a new University of Ballarat Act 2009. It provides for a commencement date and it provides definitions.

Part 2 provides for the constitution and governance of the university. It re-creates the university as a body politic and corporate with perpetual succession and enables the university to do all things that a body corporate may by law do and suffer.

Clause 5 of the legislation provides for the objects of the university, which recognise its character as an institution of higher education, in teaching and scholarship, and in both pure and applied research. The objects also recognise that a modern university may reach out of the traditional domains of higher education and deliver other forms of education and training. This is for the university itself to determine.

The objects of the university include that it provides programs and services in a way that reflects principles of equity and social justice.

In particular, the objects provide that the university use its expertise and resources to involve Aboriginal and Torres Strait Islander people of Australia in their teaching, learning, research and advancement of knowledge activities.

It confirms the role of the council of the university as its governing body, responsible for the general direction and superintendence of the university, including the appointment of senior officers of the university, those being the chancellor, any deputy chancellors and the vice-chancellor.

It provides for a common seal to be used as directed by the council or as authorised by any statute or regulation. This means that the university may, for example, execute a deed without using the common seal, if so authorised by the council or by statute or regulation. This would be in keeping with the current provisions of Australian Corporations Law, by which the use of a common seal is no longer mandatory. The only required use of the common seal in this bill is in making a statute, as provided by clause 31.

It enables the university to confer degrees and grant other awards.

A significant change concerns the composition of the council. Presently the university council comprises 21 members. The provisions of this bill allow the university to determine for itself the number of council members in a range from a minimum of 14 to a maximum of 21 members.

Council members continue to be indemnified in exercising their functions and duties carried out in good faith and honesty and for proper purposes consistent with the objectives of the university.

Part 3 of the bill deals with persons and bodies connected with the university.

It provides for the creation of an academic board or its equivalent but is different from existing legislation in that the new legislation will enable the university, through its council, to determine itself the role, functions and responsibilities of the board, rather than prescribe the functions of such a body in the way the existing act does.

The new legislation also makes it clear that it is the university itself which determines its academic structure and organisation and the naming of its various divisions, whether they be titled faculties, schools, units or institutes.

Part 4 concerns the officers of the university.

It requires the appointment of a chancellor for a term not exceeding five years. It provides for the appointment of at least one deputy chancellor.

It provides for the appointment of a vice-chancellor and president to act as the chief executive officer of the university, responsible for the conduct of the university's affairs in all matters. It styles the vice-chancellor as also 'president', as this is an internationally common title of a university chief executive officer. It more clearly defines the vice-chancellor's role, vis-a-vis the council, clearly delineating between the vice-chancellor's responsibility to manage the affairs of the university and the council's responsibility for the governance of the university and oversight of the vice-chancellor's administration. It allows for the appointment of an interim vice-chancellor for a period not exceeding 12 months.

Part 5 deals with university statutes and university regulations.

The university council is empowered to make statutes within its jurisdiction relating to a wide range of matters as set out in clause 29. Many of these matters concern academic standards and processes, and administrative policies of one kind or another. The bill also clarifies the university's powers to make statutes in respect of any person entering the university or using its facilities, concerning such matters as parking at the university

and borrowing books. The matters set out in clause 29 are not exclusive and the university is empowered to deal with any other matter within its jurisdiction necessary for the good governance of the university and its management.

Part 6 deals with property, finance and commercial activities.

It enables the university to acquire by purchase, gift, grant, bequest or devise any property for the purposes of this act.

As now, the minister may compulsorily acquire land for the purposes of the university under the Land Acquisition and Compensation Act 1986. As now, the university must not alienate any Crown land, or land gifted by the state, without the prior approval of the minister or any land or property where the sum of consideration exceeds $5 million as against $3 million in the present legislation, except as provided in clause 38. Similarly, the university must not grant or lease for a term exceeding 21 years any such lands.

However, any land which has been acquired by the university itself for investment purposes may be disposed of by the university of its own accord, as provided in clause 38.

Provisions relating to trust funds and related matters remain broadly as in the present act.

Similarly, the borrowing powers of the university remain as currently provided and are subject to the approval of the Treasurer, in consultation with the minister.

The university must arrange for an audit of the income and expenditure of the university by the Auditor-General.

The university is enabled to participate in the formation of limited and other companies and, unlike the requirement of the present act, need not notify the minister of such participation. Such companies are generally subject to audit by the Auditor-General and, as now, the new legislation provides the Auditor-General with a wide range of powers to conduct such audits.

A significant innovation relates to the commercial activities of the university. The new legislation provides that the university may create guidelines relating to its participation in commercial activities. These guidelines are subject to the approval of the minister, in consultation with the Treasurer. It is not intended that the government intrude into the management of the university's affairs. The guidelines are intended to reflect best practice in respect of matters such as risk management, due diligence, oversight of commercial activity and so on.

The requirement for guidelines arises out of the university's character as a public entity. As indicated, such guidelines will be developed by the university itself in consultation, as necessary, with my department and/or the Department of Treasury and Finance.

While I expect that guidelines for each of the universities will have certain core provisions, common to each of them, I am not prescribing a 'one size fits all' model. The guidelines for a particular university do need to provide for the specific circumstances and practices of that university.

The new legislation does allow the minister to make interim guidelines where no guidelines exist and until such time as guidelines are developed and approved.

The guidelines will be published in the *Government Gazette* and therefore be available publicly. The guidelines may also be published on the internet.

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Part 8 repeals consequential amendments and transitional matters, and deals with the repeal of legislation made redundant by this legislation, any necessary amendments of other legislation and savings provisions. It also provides for the continuation of the council as the same body as it was immediately before the commencement of the legislation. It provides that any statute or regulation of the university made under the old act and in force at the commencement of this legislation continues.

Schedule 1 of the legislation sets out the membership and procedure of the council. These provisions are similar to the current provisions except that the minister is now empowered to make interim appointments for a period not exceeding six months. This provision corrects a deficiency in the present legislation which does not allow for such appointments, even where there are unavoidable delays in making a permanent appointment. Lengthy vacancies on council can be disruptive of council proceedings.

Victoria takes pride in the scholarship, global reputation and rich cultural diversity of its universities. Higher education plays a vital role with respect to the future of an innovative and creative economy. Improved health and wellbeing, higher productivity and enhanced quality of life are all integrally linked with the public goods that are generated through the provision of quality higher education.

The bill before the house sets out a contemporary legislative framework for the good governance and administration of University of Ballarat, to achieve the learning and scholarship, the research, cultural, social and economic purposes of the university, for the benefit of the people of Victoria and the wider Australian and international communities.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until Wednesday, 9 December.

Remaining business postponed on motion of Ms ALLAN (Minister for Regional and Rural Development).

ADJOURNMENT

The ACTING SPEAKER (**Mrs Fyffe**) — Order! The question is:

That the house do now adjourn.

Croydon North Primary School: merger

Mr R. SMITH (Warrandyte) — I rise with a request for the Minister for Education. After a turbulent time in recent years the community members of Croydon North Primary School have finally found themselves forced into the decision to merge with Croydon Primary School. What I ask from the minister is that she ensure that the appropriate amount of funding is made available to facilitate this merger.

It is my understanding that the Department of Education and Early Childhood Development has previously offered up to $500 000 each to schools that have undertaken a merge. I have become aware, however, that Croydon North and Croydon primary schools may miss out on this type of funding altogether. The schools are slated to merge in time for the beginning of the school year in 2010. It is imperative, therefore, that both schools are given some confidence that their merger will be fully supported by the minister, and that they are not disadvantaged in any way during the process.

Moving schools can be somewhat traumatic for students, and the minister has the responsibility to ensure that the transition is executed as seamlessly as possible. The funds granted to facilitate the merger would contribute greatly to adding buildings and infrastructure on the Croydon Primary School site, would support the additional programs and services to be provided to the new students and would offer the assistance needed by some families to provide their children with new school uniforms.

Former Premier Joan Kirner has a very close affiliation with Croydon North Primary School, having begun her activism there in the 1960s. I spoke with the former Premier at the recent celebration of Croydon North Primary School's 90th anniversary, and she was adamant then that the school should be given every opportunity possible to operate in its own right. With that option no longer possible it is incumbent on the minister to at least ensure that every effort is made and all financial assistance is available to make the closure of this school site as smooth a process as possible.

It is also important that the minister does not avoid the responsibility the state government has in facilitating this merger. Although these schools will be participating in the federal government's Building the Education Revolution grants program, the minister should be providing funds to facilitate the merger over and above the funds already allocated by the federal government.

The Croydon North Primary School community has clearly flagged the need for this state government assistance. I understand that it has also had communication with Mr Shaun Leane, a member for Eastern Metropolitan Region in the other place, and I trust that he will be doing all he can to secure the appropriate funding from his position on the government benches.

As I stated, the last few years have been a turbulent time for the families from this school, and it has been impressive how the principal and teachers have conducted themselves through the challenges of those years. I ask the minister to ensure there are no further challenges and to provide the funding needed in the manner in which the appropriate funding has been provided to other schools which have also been forced to merge.

Country Fire Authority: service awards

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is for him to request that the Country Fire Authority (CFA) review its decision pertaining to long-service awards.

My understanding of the background to the current awards system is that it came about from a laudable commitment by the Country Fire Authority to support a unified service with volunteers, both urban and rural, and career staff to all be rewarded in the same way.

Following a review by a working party comprising the CFA, Volunteer Fire Brigades Victoria and the Office of the Emergency Services Commissioner, a new awards system was agreed to in 2007. My understanding is that the start date for the new awards system was agreed to be 13 October 2008. In the transition a number of volunteers are feeling that their service has not been appropriately recognised.

I have the privilege as the Parliamentary Secretary for Emergency Services of frequently visiting CFA brigades across Victoria, and I have had a number of discussions with brigade members and their families who have felt upset not to receive awards that they felt they had qualified for. It seems that the application of the 13 October 2008 start date is having the effect that members who are closer to the next service milestone of, say, 10 or 20 years are not receiving their awards for 5 or 15 years.

I am proud to be part of a state government and indeed a Victorian community which values enormously the work of emergency service volunteers. While the extreme weather conditions of Black Saturday were unprecedented, 13 years of drought, climate change and dry forest conditions mean there is a very real likelihood that our volunteers will be called upon to serve in extreme weather conditions or worse this season.

We need to work together to ensure that our state is as prepared and as safe as possible, so that lives can be protected this fire season. This year's record $215.5 million emergency services budget is aimed at ensuring Victorian communities are better prepared. The state government has almost tripled the emergency services core budget. It also acknowledges the vital role all emergency services volunteers play in the community, and has undertaken a campaign called Vital, Valued, Victorians to recognise the state's emergency service volunteers. The campaign highlights the extraordinary skills, dedication and community-mindedness of our volunteers. It also recognises the diverse contributions they make throughout the year. This campaign is a tangible recognition of the fantastic work our emergency services volunteers do, as is the long service award system.

I urge the minister to seek the support of the CFA to resolve the heartfelt issues of our CFA volunteers about long-service awards and to reach an outcome that maximises the support felt by these great Victorians.

Water: Little Lake Boort supply

Mr WALSH (Swan Hill) — The action I seek is from the Minister for Water and it concerns the availability of water for Little Lake Boort to ensure there is a permanent body of water in the area this summer and autumn for an environmental refuge.

At the moment water from the Murray River environmental allocation is being delivered into the Loddon system to put some water into Lake Yando. Lake Yando is one of the Boort district wetlands, and it has been dry for a number of years. The overwhelming majority of people in the region believe a better outcome would have been achieved if at least some of that water had been put into Little Lake Boort rather than Lake Yando.

Putting water into Lake Yando this late in the season is not necessarily delivering the best environmental outcome as the water will evaporate over summer with very little left in autumn. If it had been put into Little Lake Boort, it would have guaranteed a permanent body of water in the area for the whole year.

In 2005 Little Lake Boort was given an interim supply of water from the Boort district wetland bulk entitlement, which was gazetted in 2005 as follows:

> In the interim period between the date that this order is made and until such date as the water savings from the Wimmera–Mallee pipeline project are realised, up to an annual volume of 300 megalitres of the total wetland entitlement specified in clause 1 of this schedule may be used to supply Little Lake Boort.

So at that time they realised the environmental significance of Little Lake Boort. The Wimmera–Mallee pipeline, as everyone knows, is nearly finished, and Grampians Wimmera Mallee Water will not be calling on its Waranga Channel entitlement into the future.

In May this year in the *Government Gazette* Wimmera–Mallee pipeline savings were gazetted, and there is a clause in there which states:

a) these water savings shall be used to meet any shortfall in supplies from the Goulburn-Loddon system to Little Lake Boort, via the Waranga Western Channel, up to a total supply of 300 megalitres.

Any reasonable person would believe that there should be 300 megalitres of water available for Little Lake Boort, but those reasonable people would be wrong, because the Victorian Minister for Water wrote to Grampians Wimmera Mallee Water suspending its Waranga entitlement and qualifying that entitlement so it could be taken down the north–south pipeline to Melbourne.

One way or another the 300 megalitres of water that was given in a bulk entitlement to Little Lake Boort is now going to Melbourne. The Murray River environmental water going into Lake Yando, which will dry out over summer, would have been much better placed in Little Lake Boort to ensure a permanent supply of water over summer as an environmental refuge in that area, as it has been over the last few years when water has gone to Little Lake Boort.

I ask the Minister for Water to intervene and ensure that Little Lake Boort will get a water supply this summer to ensure there is a permanent body of water in that area as a refuge, particularly for water birds in the area, because it is approximately 70 kilometres to the next nearest area of permanent water.

Princes Pier: renaming

Mr FOLEY (Albert Park) — I raise a matter for the Minister for Environment and Climate Change. The action I seek from the minister is that he use his good offices to work with those in the Port Melbourne community who seek to commemorate the memory of that community's proud industrial past by considering an appropriate name for the new facility that is currently under construction, formerly known as Princes Pier.

As the minister would be aware, the state has invested some $34 million in the rejuvenation of this old and disused pier structure. This project is delivered by the Minister for Major Projects and his department, but the structure itself falls within the jurisdiction of the Minister for Environment and Climate Change.

The project is one that will see the first 196 metres of the old pier restored and returned to a community space for the residents of Port Melbourne, the wider community of Melbourne and the thousands of international visitors who enter our city through the international gateway of Station Pier, a mere 400 metres away. The remainder of the broken structure will be developed into a sculpture park.

Earlier this year in Parliament I referred to the importance of this project because of the manner in which it spoke of Australia's cultural history. The pier was originally called the New Railway Pier and was designed and built to accommodate the increasing industrialisation of Port Melbourne and Melbourne. It was indeed Melbourne's face to the world.

It began life in the First World War, and the pier became the last departure point for a succession of troops across two world wars. Equally it was the first port of call for many new arrivals who have contributed to our vibrant multicultural community.

For most of its life it was an industrial structure — a place of labour, of tough work in rugged conditions and in terrible times. There was no more terrible time than during the 1928 lockout of unionised labour on the Australian waterfront as part of the attempts of the then stevedores and later the conservative government of Lord Bruce to break that union.

In the grip of mounting unemployment, with workers facing reduced wages, humiliating and degrading engagement practices and the attacks of the conservative press of the day, what began as a national lockout of workers ended with them toughing it out in a Port Melbourne stand-alone lockout.

One of the protesters involved was a Port Melbourne resident, Alan Whittaker. On 1 November 1928, Alan, along with three others, was shot by General Blamey's Victorian police force from behind the pier whilst protesting. The bullet passed through his neck and exited his face, resulting in a critical wound that saw him die a long and terrible death, finally passing away on Australia Day 1929. This was not the first time that Alan and at least four or five other workers had been under fire. Alan served his country by landing on the shores of Gallipoli on the morning of 25 April 1915. There he was wounded by Turkish fire and he spent a long time recovering before a medical discharge.

His fellow workers on 28 November included Bill Lowry, a father of seven hungry children, who was also shot at. Bill was decorated for his service on the Western Front, and there were many others in that category. It is these working people of Melbourne who laboured long and hard to build Melbourne who should be commemorated in this appropriate structure, and I look forward to the minister's assistance.

Planning: Mount Eliza land

Mr MORRIS (Mornington) — I raise this evening for the Minister for Planning a matter concerning the fate of amendment C87 to the Mornington Peninsula planning scheme. The action I seek is for the minister to approve amendment C87 forthwith. This amendment relates to the Woodland area of Mount Eliza, the area bounded by the Nepean Highway, Canadian Bay Road, Humphries Road and Moorooduc Highway. It is a matter that I have raised again and again in this place and I am sure many members will be well on top of the subject. As long ago as 9 October 2007, in this very adjournment debate, I sought action from the minister to approve the planning scheme amendment in the form submitted by the Mornington Peninsula Shire Council. On 4 December 2008 I referred to a petition I had tabled the previous day with 1763 signatures supporting the immediate approval of amendment C87. That petition has simply been met with deafening silence.

I have been approached by the residents who signed that petition and asked to resubmit it. Clearly, that would not be appropriate, but I want to read into the record a part of the covering letter I received. It contained a series of questions directed at the Premier. They read as follows:

1. Why, as Premier of Victoria has he done nothing over 12 months in response to this petition?

2. Why has this amendment still not been ratified by the planning minister?

3. Is the Premier happy about all the adverse publicity this matter is causing to his government on the Mornington Peninsula?

4. Will he as Premier guarantee that this amendment will now be ratified within 30 days of this petition copy being tabled …

which, of course, it is not going to be.

5. Having regard to the fact that absolutely every detail regarding this amendment has been supplied to the minister by the Mornington shire council, if the Premier will not give this guarantee then why not?

6. If this amendment is not ratified within 30 days, will the Premier then resign?

The letter concludes:

> This matter has gone on for far too long and it is a disgrace that the Premier and his Minister for Planning have been doing nothing in support of the Mornington shire council's planning decisions with this amendment for so long.

The Minister for Planning frequently indicates that local government is the blockage in the planning system. I suggest that the real blockage in Victorian planning is the minister himself. He should either get on and approve this amendment, sign it and get it out there, or do what he, apparently, normally does and let the department make his decisions for him.

Alkira Secondary College: opening

Ms GRALEY (Narre Warren South) — The matter I wish to raise is for the Minister for Education. It concerns the opening of Alkira Secondary College, formerly known as Casey Central Secondary College. The action I seek is for the minister to visit Narre Warren South to officially open Alkira in the new school year.

Alkira Secondary College is one of five Partnerships Victoria schools scheduled to open in 2010. The school is currently operating successfully out of Hillsmeade Primary School under the capable leadership of principal Ian McKenzie and a team of talented and dedicated teachers.

In 2010 the school will be open for years 7 and 8, with about 250 enrolments. Students want to go to the new school. It has been designed to be a flexible, environmentally sustainable school. It will have an administration and learning centre building and a building for design, arts, technology and science. It will also have a performing arts and physical education building, including a gym and theatrette, and a main building for years 7 to 9 and another for years 11 and 12. As well as the gym, the school will have a full-size grass soccer pitch and a smaller grass sports oval.

Design innovations that are being provided for the school as part of the Partnerships Victoria project include four Plexipave/Rebound Ace hard courts, a high-capacity wireless network, an additional science laboratory, a 240-student-capacity theatrette, additional instrumental music practice rooms, a wetland environment suitable for student learning, improved landscaping and enhancements to the main entrance facade. It really is developing as a great looking school with terrific facilities. Like the other eight schools the government has built for the Narre Warren South community, Alkira Secondary College will be a state-of-the-art school.

As Alkira students move into their new building, other students will be rolling up to school down the road at the new select-entry college, Nossal High School. For the information of the house, the Brumby Labor government is providing not only new schools but schools that serve the talents, skills and abilities of students across the board. These schools will provide

our children in Narre Warren South with the best possible education.

The member from Nepean's recent comments about Alkira were a disgraceful attack on the school and made it clear that the opposition does not support it or public education. The Brumby Labor government fully supports Alkira Secondary College, its staff and students and the school council. I ask the minister to visit Narre Warren South in the new year to officially open the fabulous new Alkira Secondary College.

Mildura Base Hospital: funding

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Health. The action I seek is a commitment to immediately improve the infrastructure at Mildura Base Hospital. The minister recently visited the hospital to make an announcement about elective surgery. He was also briefed firsthand on the space difficulties experienced in the accident and emergency, maternity and post-operative units. These space difficulties have occurred as the Mildura community has grown but the space for health services has not.

Although the accident and emergency throughput has recently declined slightly, it is important to note that that is due to the opening of the Tristar Medical Clinic, which has extended hours and takes only the lowest triage category patients — that is, those who need the least care. The more complex accident and emergency admissions remain with the hospital. The decline in accident and emergency presentations should not be interpreted as meaning a proportional decline in workload.

I hope the post-op difficulties do not impede the minister's elective surgery initiative. Extra surgery means there will be a need for extra care in post-op and more beds in wards for recuperation from more complex procedures. Maternity services are an ongoing problem with the rising birth rate both in Victoria and in Mildura and seasonal fertility control, as women who can control their fertility choose not to have their last trimester in our very hot summers.

The hospital has prepared a plan, and the minister has visited the hospital to see it for himself. Next we need a commitment to actually fix the problems. I acknowledge the complexity of the public-private partnership, but resolving the infrastructure issue requires only extra chairs at the negotiating table. The people of Mildura are tired of waiting. We have had cancelled surgery and other space-related issues. Mildura is remote, so demand cannot easily be offloaded to another hospital. The best way to deal with the issue is to make a commitment to improve infrastructure, sit the parties down at the table and resolve the space issue. The plans have been completed and the talking has been done. The minister has been; the minister has seen; now the minister must do something.

Consumer affairs: door-to-door marketing

Ms MUNT (Mordialloc) — The issue that I raise tonight is for the attention and action of the Minister for Consumer Affairs. The action I seek is for the minister to investigate an incident in my electorate where a door-to-door salesperson disregarded the express wishes of one of my constituents, Mr Izak Vandersteen, that he not be bothered by door-to-door salespeople.

I recently distributed do-not-knock stickers to my constituents to affix to their front doors. The stickers state that door-to-door salespeople are not welcome to knock on their door. It is my understanding that when this notice is affixed to premises, doorknocking is unlawful. I must say that thousands of my constituents have taken advantage of this sticker and have affixed it to their homes. Many of my local residents are tired of door-to-door salespeople, who are increasingly using high-pressure tactics or are intimidating my local residents, who are afraid of them.

Mr Vandersteen affixed the sticker to his front door, but he then contacted me to relay his concerns regarding an incident at his home. He told me of his concerns about a door-to-door salesperson representing the Tyre Factory based on the Nepean Highway at Cheltenham. Mr Vandersteen says that despite a do-not-knock sticker being prominently displayed, the Tyre Factory representative knocked on his door shortly after 6.00 p.m. on 27 November. When Mr Vandersteen brought the do-not-knock sticker to the salesperson's attention he left as requested but directed abusive language at Mr Vandersteen as he was exiting the property. Mr Vandersteen is most disturbed that the sales representative of a local company would, first, choose to ignore the do-not-knock sign and then use abusive language when asked to leave the property.

I ask the minister to investigate this breach of consumer laws on behalf of my constituents, who should be able to have confidence in their stated and displayed wishes about door-to-door salesmen.

Housing: Bass electorate

Mr K. SMITH (Bass) — Tonight I wish to raise an issue for the Minister for Housing. I ask him to meet

with a delegation of representatives from a successful housing forum that I held in Wonthaggi last week. The forum was called to discuss the housing crisis in the Bass Coast and Cardinia shires within the Bass electorate. I was aware there was a problem, but following a visit to my office by the Salvation Army, GippsCare and Gippsland Housing and Support Services Network, I was made very much aware of how acute the problem was.

From July 2007 to May 2009, 478 singles, couples and families in Bass Coast shire had to be provided with crisis accommodation. That is about three requests a week. No permanent crisis accommodation is available in the region and the only venue that was available was a hotel/motel which has been sold and so cannot be used by those agencies. I was told by the agencies and the police that there are now people sleeping on the streets in tents and in cars. Only a week ago a 13-year-old boy was sleeping on the street in Wonthaggi. He faced the local bail justice and was placed in a house in Moe, away from his family and friends, as there was no crisis accommodation available to place him in or near Wonthaggi.

A good cross-section of agencies and organisations attended the housing forum. They included WAYSS, Gippsland Housing and Support Services Network, Cardinia Shire Council, GippsCare, Housing for the Aged Action Group, South Gippsland FOCAS and Moonya ATSS. Wendy Lovell, a member for Northern Victoria Region in the other place, who is also the shadow Minister for Housing, and the regional director of housing for Gippsland were also present. We extended an invitation to the Minister for Housing, but he advised me he was unable to attend because of a prior commitment.

I heard from public housing tenants who were having problems with other residents who have mental health issues and who are unable to cope because they have been placed in inappropriate accommodation, without support, because there is nowhere else to put them. WAYSS housing services manager, Mark O'Callaghan, said 2531 inquiries were made to the Pakenham service in 2008–09. Of these, 118 were from homeless people. Financial issues were the no. 1 reason for the inquiries, with many people no longer able to afford rental accommodation. An increasing number of tenants were being given 120-day notices to quit as housing in Bass Coast is now at a premium because the desalination workers are coming in with plenty of money in their pockets.

I ask the minister to meet with a delegation from the forum, listen to what they have to say and provide the necessary housing to cover public housing, respite housing and emergency crisis accommodation.

Geelong Ring Road: traffic management

Mr TREZISE (Geelong) — I raise on tonight's adjournment debate an issue for action by the Minister for Police and Emergency Services. The issue relates to the upcoming tourist period and the traffic influx caused by tourists heading towards Geelong, the Surf Coast and the Bellarine Peninsula for their annual Christmas holidays — and I must say good luck to them!

As the minister is aware, the Geelong Ring Road will face its first real test during this period. I have no doubt the ring-road will experience heavy traffic usage, and there will be the inevitable speeding motorists. The action I therefore seek from the minister is that he ensure that the Geelong Ring Road is heavily monitored by traffic police during the Christmas influx period, ensuring that local and tourist motorists are using the road safely for the benefit of all ring-road users.

The ring-road has been a magnificent success since its opening, as you, Acting Speaker, are well and truly aware. I have to confess that as a person who works in West Geelong but lives in the east I never thought that Latrobe Terrace, which I have to cross every night, would benefit much from the opening of the ring-road, but it has. The decrease in traffic along Latrobe Terrace exceeds expectations. For those using the ring-road, at least 20 minutes has been taken off the trip through Geelong, with 20 sets of traffic lights being bypassed.

I know you, Acting Speaker, use the road on a regular basis when you come down to the region.

Ms Munt interjected.

Mr TREZISE — As does the member for Mordialloc, who is listening carefully tonight to this important adjournment debate. She enjoys her holidays in the region and appreciates the saving in travel time, as do thousands of motorists who come down to the greater Geelong region.

Given that the nature of the ring-road allows for free traffic flow, some motorists will not heed the message that speed kills, but it does. When you mix speed with heavy traffic and inexperience on new roads such as the ring-road there is the potential for an accident and the all-too-often road statistic. We need to minimise the potential for such accidents on our roads, including the new Geelong Ring Road, and I therefore look forward to the minister's action.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I will ensure those matters are raised with the relevant ministers for their action.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 11.18 p.m.