

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 26 November 2009

(Extract from book 15)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
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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

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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 Elasmarr 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 Elasmarr, 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.

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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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Ms A. P. BARKER

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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

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Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew ⁵	Williamstown	ALP
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Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
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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

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Thursday, 26 November 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.35 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 numbers 72 to 75, 149 to 151 and 238 to 251 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS**Following petitions presented to house:****Mental health: Bass Coast housing**

To the Legislative Assembly of Victoria:

Bass Coast has an approximate population of 30 000, the region has no affordable 1 bedroom units, particularly in the town of Wonthaggi for single people with a chronic mental illness under the age of 55.

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

By Mr K. SMITH (Bass) (37 signatures).

Ambulance services: Heyfield

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly their total support of Heyfield and district community in their application for permanent paramedics and upgraded facilities to house them.

The petitioners therefore request that the government show its support for this application.

By Mr INGRAM (Gippsland East) (1724 signatures).

Public holidays: show days

To the Legislative Assembly of Victoria:

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

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

The petitioners therefore request that the Legislative Assembly of Victoria amends its legislation thus allowing local government councils the flexibility to allocate the show day holiday to individual communities according to the day in which the community deems it is appropriate to conduct its show day event.

By Mr DELAHUNTY (Lowan) (241 signatures).

Shire of Hindmarsh: roadside vegetation

To the Legislative Assembly of Victoria:

The petition of the residents and land-holders of the Hindmarsh shire, in particular community members of Dimboola, draws to the attention of the house our strong objection to the plans the Hindmarsh shire has to force the Minyip Road farmers to cease their roadside cropping program in favour of planting native grasses and trees.

The roadside cropping program controls weeds which threaten crops and most importantly, provides property and livelihood with a level of protection from fire danger.

Ceasing this program could jeopardise the safety and livelihoods of the farmers and their families adjoining this road and possibly the wider Dimboola community.

Furthermore, over \$170 000 has been donated to the Dimboola swimming pool for improving infrastructure through profits of the crops grown through the roadside cropping program. We do not wish to see this large source of community income jeopardised or ceased.

The petitioners therefore request that the Legislative Assembly of Victoria prevent the Hindmarsh shire from planting native grasses and trees and allow the farmers to continue cropping the Minyip Road for the main reasons of fire safety, weed control and community financial benefit.

By Mr DELAHUNTY (Lowan) (916 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (67 signatures)

Students: youth allowance

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (24 signatures).

Graffiti: city of Kingston

To the Legislative Assembly of Victoria:

The petition of the residents of the city of Kingston and surrounding municipalities wishes to draw the attention of the Brumby government to the high incidence of graffiti vandalism and failure of existing legislation to deter this antisocial and destructive behaviour, especially by juveniles.

Prayer

The petitioners therefore call upon the state government to:

- (a) comprehensively review current laws dealing with the incidence of graffiti, graffiti offenders, penalties imposed for graffiti and parental responsibility for juvenile offenders;
- (b) increase sentencing options for magistrates in dealing with juvenile graffiti offenders between the ages of 12–18 years giving courts power to broaden sentencing options including mandatory clean-up orders for first offences, ideally with court-ordered parental supervision, widening responsibility and obligation for the prevention and removal of graffiti and restricting the gaining of motor vehicle licences for repeat offenders until age 21;
- (c) mandate government and community responsibilities for graffiti removal within 48 hours, so we have a 'zero tolerance' approach rather than accept the gradual desecration of our valuable transport facilities and community spaces, especially the rail corridors.

By Ms MUNT (Mordialloc) (398 signatures) and Mr THOMPSON (Sandringham) (378 signatures).

Tabled.

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

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

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

Ordered that petition presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

Ordered that petition presented on 25 November by honourable member for Warrandyte be considered next day on motion of Mr R. SMITH (Warrandyte).

Ordered that petition presented on 25 November by honourable member for Lowan be considered next day on motion of Mr DELAHUNTY (Lowan).

Ordered that petition presented on 25 November by honourable member for Polwarth be considered next day on motion of Mr MULDER (Polwarth).

Ordered that petition presented on 25 November by honourable member for Doncaster be considered next day on motion of Ms WOOLDRIDGE (Doncaster).

Ordered that petitions presented on 25 and 26 November by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).

PARTNERSHIPS VICTORIA**Desalination project**

Mr HOLDING (Minister for Water), by leave, presented summary report.

Laid on table.

DOCUMENTS

Tabled by Clerk:

Commissioner for Environmental Sustainability Act 2003 — Government response to the State of the Environment Report Victoria 2008

Financial Management Act 1994 — Budget Update 2009–10

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the review of the findings and recommendations of the Auditor-General's reports tabled March 2007–August 2007

Ombudsman — Own motion investigation into the Department of Human Services Child Protection Program — Ordered to be printed.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 8 December.

Motion agreed to.

MEMBERS STATEMENTS

Rugby Union: Super 15 team

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — At lunchtime today Victoria's rugby union community will come together to celebrate years of hard work and persistence which has led to Melbourne being granted a team in the expanded Super 15 competition. Melbourne has waited long enough for this celebration. Currently we hold the titles of every major sporting competition in Australia except for the Rugby Union simply because we do not have a side. That will change from 2011. The thought of a Melbourne team is already sparking fear in our northern neighbours who still struggle to accept the dominance of the Melbourne side, Melbourne Storm, in the other Rugby code.

This result has been a long time coming, but it would not have been possible without the dedicated and tireless work of the Victorian Rugby Union, led by Gary Gray. Gary put together a formidable bid team, led by Harold Mitchell. I was proud to have worked closely with them and with John Wylie to make this team a reality.

Sport: Melbourne rectangular stadium

Mr MERLINO — I would also like to update the house on the future home of the Rebels, the Melbourne Storm, Melbourne Victory and Melbourne Heart — that is, Melbourne's new rectangular stadium.

In just over five months the stadium will host its opening weekend, which will be a major celebration of rugby league. World champions, New Zealand, will face four-nations champions Australia on 7 May, before reigning NRL (National Rugby League) champions,

Melbourne Storm, face the Brisbane Broncos team on 9 May.

The stadium will be a revelation for fans and players of rugby and world football, and I note journalist Ron Reed in Tuesday's *Herald Sun* said:

These codes all used to be second-class, if not third or fourth-class, citizens in the Melbourne sporting landscape, and they all still live in the shadow of the AFL juggernaut.

But now at least they are about to become kings of their own castle, which is a mighty big goal to kick.

Liquor: licences

Ms WOOLDRIDGE (Doncaster) — I support increasing liquor licence fees for risky premises, but aspects of the Brumby government's new liquor licensing regime are flawed. It will result in exorbitant hikes in annual fees for many small businesses, while having no impact on alcohol-fuelled violence on our streets.

For instance the owner of a highly successful cafe in Jackson Court in Doncaster East has told me that he has been astounded by news of a huge rise in his liquor licence fee. For some years the cafe has had a BYO liquor licence so patrons may, if they wish, have a glass of wine with their lunch. In reality only a handful of customers choose to do so but the owners have been happy to provide the amenity. For this they have paid \$154 a year. They do not promote the licence, and certainly their customers, many of whom are regulars, do not drink excessively or annoy other patrons.

This year, however, they have been told they will now need to pay a whopping \$397— more than a 150 per cent increase — so they may continue to provide exactly the same service. Earlier this year the local Jackson Court supermarket closed and was replaced with a Dan Murphy's store, despite much local protest. The Brumby government's liquor licensing laws failed this local community, and the minister refused to assist in any way.

A huge packaged liquor outlet is allowed to locate and operate in Jackson Court while a small, respected daytime cafe can no longer afford a BYO licence. For this family-run cafe it is yet another slap in the face by a government that does not have the interests of small business at heart. There is something very wrong when a family business is forced to pay such tax imposts simply to add to the government's coffers.

South Melbourne Football Club: 50th anniversary

Mr FOLEY (Albert Park) — The South Melbourne Football Club celebrated its 50th anniversary at Crown Palladium on 7 November.

An honourable member — Go Bobby Skilton!

Mr FOLEY — The other football. The night was one of nostalgia and remembrance of past great deeds, and yet at the same time it provided the 700 guests with a glimpse of the bright future for the club and its associated juniors and women's football teams.

Formed in 1959 the club has a rich history with foundations in the community of the inner south of Melbourne together with links into our Greek community. It has also carved out a role for itself on the global stage, having won through to the FIFA Club World Cup Championships.

South Melbourne Football Club has had 49 players go on to be Socceroos representatives and has also won numerous national and state championships. Its strong and growing links with junior and women's football competitions will see the South Melbourne football family play an even greater role in the code's future as part of the Brumby government's program, Strengthening the World Game.

Whilst the club rightly looked back with pride on its most successful achievements, it equally looked to its bright future, as secured through the \$50.3 million redevelopment of the Lakeside Oval precinct. I was pleased to join with the Minister for Sport, Recreation and Youth Affairs yesterday to commence the development of the first of the community facilities associated with this project in Albert Park Reserve. The redevelopment of the precinct will see the South Melbourne Football Club family reunited, with the return of the junior football club to its rightful place alongside the senior men's club and the women's club. In partnership, these clubs will promote and extend not just elite-level football in Melbourne and beyond but also ensure that grassroots participation and community engagement are built to secure the future of the code.

Birchip-Sea Lake Road, Birchip: upgrade

Mr WALSH (Swan Hill) — I would like to inform the house, and particularly the Minister for Roads and Ports, of the perilous condition of the Birchip-Sea Lake Road in my electorate. This is a sealed, category C VicRoads road that is in desperate need of repair, particularly a 1.5-kilometre section of this road just

north of Birchip. It has a large, red 'Slow Down' sign on it and speed is restricted to 80 kilometres an hour. Despite this signage and the fact that it is dangerous, there has been nothing done on this road for the last 12 months. As we all know, grain harvest is starting shortly and there will be a lot of trucks using that road.

I have personally inspected this road, and it is an absolute disgrace. Even in a motor car you can get quite a bounce up at 80 kilometres an hour; in a large B-double it would be very dangerous. The locals have been innovative and have actually put in their own detour around this. This is a VicRoads road in the state of Victoria where the locals have had to put in their own detour because there is no money to invest in and fix up this road.

As we have continually said, if you invest in country roads, you save country lives. I would hate to think that there might be a fatal accident on this road during harvest because the minister has not invested money in it.

Caroline Chisholm Society: 40th anniversary

Ms CAMPBELL (Pascoe Vale) — I pay tribute to the work of the Caroline Chisholm Society's pregnancy and family support service, which has supported expectant mothers, mothers with babies, fathers with young children and parents and guardians of young families. This year marks the 40th anniversary of the dedicated, professional, high-quality skills of volunteers and paid staff, and the depth of care and love that has been appreciated by mothers, fathers, couples, children and their extended families and friends.

When 40 years ago public debate centred on alleged corruption in the abortion industry, a number of women, mostly with young families of their own, decided that they wanted to practically support expectant mothers who were struggling with a problematic pregnancy. That ethos continues.

Thank you to those who have supported expectant mothers through labour, through pregnancy testing and by speaking with their families, and especially their boyfriends and fathers. Many of the women and couples who were volunteers have had expectant mothers living in their own homes through their pregnancies. That has now changed as women refugees have been supplied through the Caroline Chisholm Society with its professional staff and those who work in all its areas of women's and children's care and protection.

Thank you to those who provide material aid, family support, postnatal depression services, emergency relief, and those who work in the areas of women's protection, women prisoners and child protection. It is personal support that counts.

Ambulance services: paramedics

Mr R. SMITH (Warrandyte) — I would like to raise the issue of flexible work arrangements for Ambulance Victoria paramedics. Ambulance Victoria's policy states that employees with children have the right to work part time before their children go to school, after which they are expected to return to full-time work or resign their position and work on a casual basis.

Flexibility is something these paramedics give every day in their workplace. It is not a clock-on, clock-off kind of job. To work as a paramedic they are already proving they must be able to make last-minute changes when their shift goes over time, something which is a regular occurrence. These paramedics should have the right to security of tenure and certainty of working hours, even when their children reach school age. I find it archaic, to say the least, that an organisation built on the flexibility of its workers cannot seem to get its head around the issue of part-time work in the year 2009.

The Victorian Equal Opportunity and Human Rights Commission has recently received a complaint lodged by a paramedic in my electorate regarding this family unfriendly policy, and I hope this inadequacy within the Victorian ambulance service will see change seriously considered. This government pledged in its 2003 *Action Agenda for Work and Family Balance* to address work practices in the public service so that a better balance could be achieved. It is disappointing that the subsequent State Services Authority report into part-time work within the Victorian public service failed to give any focus to either the Department of Health or Ambulance Victoria.

I want to take this opportunity to offer my support to the ambulance officers who find themselves in this unenviable position. These highly trained professional paramedics cannot be lost to the service as Victoria is in desperate need of their skills and specialised training.

Catch the Fire Ministries

Mr PANDAZOPOULOS (Dandenong) — All of us would have received an email from Catch the Fire Ministries on 23 November. Members of the group have now become the latest climate change sceptics in this country. The subject of the email begins 'Hackers

"expose global warming con"'. I and many members of this house have had the pleasure of having to deal with this group. This group says it is okay to discriminate against people on the basis of their race and it is okay to discriminate against people on the basis of their religion. When they say that, they do not only mean non-Christian religions, they also mean it is okay to discriminate against other Christian religions.

Their latest bandwagon as one of these far-right Christian fundamentalist groups is to be among the climate change sceptics. They are probably best known for being supported by the former Liberal federal Treasurer Peter Costello. He has jumped on their bandwagon, and they have jumped on the Liberal Party bandwagon. We know Christian fundamentalist groups are infiltrating the Liberal Party right across the country. They are probably out there campaigning for Andrew Robb at the moment and raising funds.

It is very important that people understand that groups like Catch the Fire Ministries are not your normal religious groupings; they are in fact very political groupings of the far right. With this latest jumping on the bandwagon as climate change sceptics, people should be alert and have their eyes open. These are not normal religious communities; they are political religious communities.

Koo Wee Rup bypass: construction

Mr K. SMITH (Bass) — Over three years ago I wrote to and spoke with the VicRoads manager, south-east metropolitan region, regarding the Pakenham bypass and the traffic expected to use the Pakenham–Koo Wee Rup road to go from the bypass to South Gippsland Highway. I said it would become a rat race, and it has. The local community and I have campaigned to have a bypass put around the Koo Wee Rup township because of the huge increase in traffic. There are over 10 000 vehicle movements a day, with about 3000 of those being big trucks and B-doubles, which causes chaos and safety issues.

Last week I received notification from VicRoads that it has a preferred option for the bypass. 'At long last', I thought. After three years it has finally come up with a plan that certainly bypasses Koo Wee Rup, but it includes three roundabouts, a diversion onto one of the main roads, then another roundabout and another roundabout onto the South Gippsland Highway. Why not spend the money and go straight through to the highway?

It is my understanding that the preferred option that has been put up will not commence for five years, and in

the meantime VicRoads will spend \$780 000 on traffic lights which will only exacerbate the current problem. No time frame has been set by VicRoads, and it is now going to have community consultation and a planning process. What a hopeless department is VicRoads. It is taking too long to try to overcome a problem created by this hopeless government.

United Sri Lankan Muslim Association of Australia: pink ribbon fundraiser

Ms GRALEY (Narre Warren South) — Pink was everywhere in the month of October. On 7 November I had the pleasure of attending the United Sri Lankan Muslim Association of Australia (USMAA) pink ribbon fundraiser. There were women in pink head scarves, men wearing pink shirts, little cupcakes with pink ribbons, pink balloons and decorations everywhere; and we were tickled pink by the very funny jokes of young Nazeem Hussain.

Fairooza Gaffar beautifully told her story of dealing with cancer, ‘Hope and faith — a way to deal with each day’, and Irene Ryder from the National Breast Cancer Foundation sensitively explained how important it is for women from all backgrounds and cultures to have regular checks and mammograms.

We feasted on Sri Lankan curries and hoppers, enjoyed each other’s company and raised lots of money. The fundraising dinner upholds USMAA’s proud tradition of supporting humanitarian causes. Well done to the president, Fahme Abul Hasan and the organising committee of USMAA.

White Ribbon Day

Ms GRALEY — White Ribbon Day on 25 November is the International Day for the Elimination of Violence against Women. Wearing a white ribbon is a personal pledge to not commit, condone or remain silent about violence against women and children. I can proudly say that our Premier is a white ribbon ambassador and our Labor government is totally committed to reducing violence against women and creating safe and inclusive community organisations.

Congratulations to the Casey Multi-Faith Network on their White Ribbon Day lunch on 27 November at Hampton Park Uniting Place. Thanks to all the helpers from the church: Vicki Harding, Diane Leak, Lauren Bruce and Pearl Dacanay. The Casey Multi-Faith Network is leading the way in our local community in saying no to violence. I would especially like to commend Pam Mamouny, Jacky Taylor and

Stephanie Saunders for their leadership on this often difficult issue of trying to stamp out violence against women and ensuring that all relationships are respectful.

Everyone has the right to respect. Pink ribbons and white ribbons show we care for others and give us hope for a better future.

Public transport: Hastings electorate

Mr BURGESS (Hastings) — The release of the Minister for Public Transport’s Frankston-Mornington Peninsula bus service review last week revealed yet another massive failure by the Brumby government and the Minister for Public Transport. The review highlights the fact that the state government is either unwilling to or incapable of solving the transport problems of the Western Port area.

Despite the review highlighting the serious need for public transport upgrades in the Hastings area, the report’s action plan does not even mention Hastings, or any other township for that matter on the Western Port side of the Peninsula. I am approached by residents every week who are unable to access even basic local services, such as the community health centre, community house and Western Port Community Support, which are now located at the end of High Street in Hastings. Critical health services provided in this precinct include dentistry, physiotherapy, speech pathology, dietetics, diabetes education, podiatry, children’s health, women’s health and family services.

Public transport access to this area was promised to the community when the community house was forced to relocate earlier this year. The coordinator of this critical community service, Lisa Glover, is doing a great job, but people are struggling just to get there. The Hastings community has banded together to fill the service holes this government has created, with locals car-pooling to ferry the elderly and those who do not drive. The Hastings Club has again come to the aid of its community, donating the use of its courtesy bus and driver so that senior citizens can continue to attend the weekly singing class that has been running at the community house for many years. For many, an adequate public transport network is essential for their physical and emotional health and ongoing connection to their community. The Brumby government is isolating Western Port’s most vulnerable people.

The Brumby government has also failed to deliver an east-west bus service to link from the Western Port side of the Peninsula to the Mornington side — —

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

ISIS Primary Care: bushfire recognition award

Ms KAIROUZ (Kororoit) — On 16 November I presented ISIS Primary Care with a bushfire recognition award as part of the Victorian Public Healthcare Awards. ISIS Primary Care is the largest independent community health and welfare service in Victoria, covering the local government areas of Brimbank, Wyndham and Hobsons Bay. During the devastating period following Black Saturday ISIS, together with a number of community health organisations, pulled together and provided immediate and immeasurable assistance to those who were left desolate and lost. Without hesitation and with considerable reorganisation of ISIS's normal daily functioning, the organisation immediately offered to assign staff, both paid and voluntary, and some on an ongoing basis, to provide much-needed practical and material support to the victims of fire. I sincerely congratulate the board, the chief executive officer and staff for assisting those most in need and in doing it so willingly.

Philippine Fiesta

Ms KAIROUZ — On Sunday, 22 November, I had the pleasure of representing the Premier at the 27th Philippine Fiesta of Victoria. The festival is a showcase of Filipino culture, which has had a positive influence within the Victorian community. It is an event full of passion and vitality, and Filipinos from all over the state look forward to it every year. The Philippine Fiesta of Victoria is a tribute to the strong community values, the tireless charity work and optimism of Filipino Victorians. I commend the Philippine Fiesta of Victoria and all the volunteers and wish the Mrs Filipino and Miss Filipino candidates all the best for 4 December.

Roads: Lowan electorate

Mr DELAHUNTY (Lowan) — Victoria is bigger than Melbourne, and the Brumby government again stands condemned for its failure to invest in and maintain country roads under its responsibility. This week I presented a petition, containing 385 signatures, regarding the extremely poor condition of the Glenelg Highway. This petition was organised by Jean Dunstan, who presented it to me at the Casterton Show, and calls for the poor state of the Glenelg Highway to be addressed as a matter of urgency. I travel this highway regularly and the section east of Casterton has potholes,

fractured surfaces, loss of bitumen and very rough edges.

Last Thursday, 12 November, the front page headline of the *Hamilton Spectator* read 'Melt Down — Henty Highway has road users steaming'. The article said motorists were fuming at the condition of the Henty Highway between Branxholme and Hamilton. Motorists were angry at the melting bitumen making the road unsafe and causing tar to spray over vehicles. These highways are a vital part of our road network connecting our country communities and they need to be adequately maintained for safe and efficient freight and community transport.

The Australian Bureau of Statistics has stated that the number of distressed roads in Victoria has risen dramatically, and the Auditor-General has recommended an additional \$100 million for the maintenance of country roads. Melbourne commuters would not tolerate the standard of the Glenelg and Henty highways, and neither will western Victorians.

We often say spending money on country roads saves country lives. I call on the minister to take action on this matter and fix these country roads for the sake of safe commuter transport in my electorate.

Thornbury High School: straw bale studio

Ms RICHARDSON (Northcote) — On 20 November I officially opened the recently completed straw bale studio at Thornbury High School in my electorate. The studio will give the school the opportunity to record student music and performances and so enhance the school's already excellent music program.

The studio is not only for the benefit of students from Thornbury High School; it is a public facility and will be available to the broader community. This is yet another example of the excellence of this school under the guiding hand of Peter Egeberg, the principal.

The building features completely sustainable building techniques and materials. It reminds me of something you would see on the ABC's *Grand Designs* program — it is that good. The studio has been a wonderful community project with donations of time, expertise and money coming from many people. Among the people and organisations that must be thanked are: the Music Parents Association; community workers; the Thornbury Community Band; the architect Luke Middleton; the builder Lana Matthews; the electricians and security people; and of course the

teachers, students and parents at Thornbury High School.

But the biggest thanks must go to Greg Parker, a quiet achiever who coordinated the entire project. Greg is a photography teacher with a keen interest in sustainability. He put many hours of his own time into the studio's completion. His commitment and dedication to the project and to the students have been rewarded with a studio that will be used and appreciated by many for years to come.

I have become used to Thornbury High School's record of innovation and achievement, but with this project the school clearly excelled itself.

Climate change: government initiatives

Mr THOMPSON (Sandringham) — In the *Age* of 9 January 2007 the then Minister for the Environment, John Thwaites, stated that government initiatives would save about 40 000 tonnes of greenhouse gas emissions each year — the equivalent of 800 million black balloons. He noted that Victorians would be offered financial incentives to use more energy-saving appliances in their homes as part of the state government initiative to cut greenhouse gas emissions. The government initiatives combined with the new tree-planting program would effectively offset all the greenhouse emissions from its fleet of 6000 government cars.

It should be noted further that in addition to planting trees and offering rebates to households the government would contribute to cutting carbon emissions by boosting green car use by its departments. The government's use of power from renewable sources such as wind, water and hydro is set to reach 25 per cent by 2010, which is only two months away.

Debate on climate change needs to be considered in a wider context, and it should be noted importantly that efforts to encourage individuals to conserve energy and were projected to save 40 000 tonnes of carbon. As a consequence of the bushfires in north-east Victoria, 100 million tonnes of greenhouse gases, according to Mark Adams, were generated into the atmosphere — some 2500 times the noted government savings.

Rosie James

Ms MARSHALL (Forest Hill) — It is with great pleasure that I bring to the attention of the house the efforts of one Forest Hill constituent, Mrs Rosie James, who personifies community spirit and has given so much to enhance the lives of those around her. Whilst raising five children — Rohan, Merryn, Liesel, Lachlan

and foster daughter Kylie — Rosie has over the last 20 years continuously collected donations for the Whitehorse Community Chest.

The Whitehorse community chest is a fantastic organisation that assists between 50 and 100 organisations to operate within the city of Whitehorse, including Eastern Emergency Relief Network, Reach Out for Kids and Nadrasca. Since its inception in 1962 the community chest has allocated over \$3.2 million to charitable and welfare organisations, and it is the selfless work of community members like Rosie that has helped the community chest raise these much-needed funds.

As a member of Crossways Church and various other community groups, including a cancer support group and diabetes support group, Rosie has touched the lives of many. Despite having her own battle with cancer at the moment, Rosie still continues to remain positive and contribute so much to the wonderful community of Forest Hill.

There are a number of selfless individuals who give much for the benefit of others in the community without formal acknowledgement, and it gives me great pleasure to be able to recognise at least one in this place today. On behalf of the people of Forest Hill, I extend my warmest thanks to the wonderful Rosie James.

Murray to Mountains rail trail

Mr JASPER (Murray Valley) — A further section of the highly successful Murray to Mountains rail trail will be opened officially on Sunday with the completion of the Wahgunyah–Rutherglen section built on the former rail line. One of the great success stories for north-eastern Victoria has been the rail trail with the 94-kilometre Wangaratta–Bright section of the trail, which includes links to Beechworth.

Funding was originally provided by the coalition government in the 1990s when over \$2 million was allocated for construction of the trail on the former rail line. This has become a further major attraction for tourists and enthusiasts to the north-east of Victoria, adding to the range of attractions available. Thousands of cyclists have used the rail trail since its opening, and it is estimated that each cyclist spends an average of \$244 per day in the area.

On Sunday there will be celebrations for the completion of the new 8.8 kilometre Wahgunyah to Rutherglen section, built at a cost of \$850 000 with state, federal and local government funding. This adjunct to the highly successful Rutherglen wineries will be a further

boost for the area and encourage tourists and others to visit. A range of activities has been organised by the Indigo Shire Council to mark this special occasion, including bike safety checks and a best-dressed cyclist competition. Cyclists will then ride the rail trail between Wahgunyah and Rutherglen for the first time.

Further funding will be sought to build the connecting trail linking Rutherglen to Springhurst and then to North Wangaratta to complete the Murray to Mountains rail trail. For a great weekend, visit north-east Victoria, ride the new Wahgunyah to Rutherglen section of the rail trail and experience the great attractions we have in this part of the state, including of course the great wineries at Rutherglen.

Greensborough swimming pool: redevelopment

Mr BROOKS (Bundoora) — I would like to congratulate Banyule City Council on deciding to proceed with the \$45 million redevelopment of the Greensborough swimming pool, despite not being able to commence a larger redevelopment of the Greensborough principal activity centre at this stage. The council had partnered with a private consortium in an attempt to redevelop the east side of central Greensborough with plans for a retail development, a new council office building and a new aquatic facility to replace the existing Greensborough pool.

Many in the local community were upset when the council prematurely closed the Greensborough pool before last summer, even though it had not secured a contractual agreement to commence development of a new pool. Fortunately, the council listened to the community and reopened the pool. After years of delays, it has now decided to get on with the job of building a new regional aquatic facility, which will include a new 50-metre pool, a toddler pool, a learn-to-swim area and a hydrotherapy pool, all in an indoor facility to be open year-round to people in the north-east of Melbourne. The facility will also include 500 square metres of community meeting spaces, something that is desperately needed in the Greensborough area.

The Greensborough pool is an important part of the local community in the region and many people have fond memories of long summer days spent at the pool. The community is justifiably protective of the pool, as local residents helped to raise the funds to have the pool built and opened in 1964 and they continue to value its open-air environment and lush grass areas.

This upgrade of the much-loved Greensborough pool, assisted by \$7 million in funding from the Brumby

government and \$5 million from the federal government, will be a boost for the Greensborough town centre, creating jobs and hopefully boosting investment in the local area. I congratulate the council on getting on with the job and securing the future of the Greensborough pool.

University of Melbourne: faculty of the VCA and music

Mrs VICTORIA (Bayswater) — On Tuesday a petition concerning the faculty of the Victorian College of the Arts and music was tabled by the member for Bentleigh. It had been given in good faith to the Minister for the Arts to present to this house. Neither the minister nor the parliamentary secretary was willing to propose a take-note motion, illustrating all too well their contempt for the arts community and the incredible contribution it makes to the Victorian economy and our international reputation as a major arts city. The Premier should allocate portfolios to those who actually understand them.

Retirement villages: contracts

Mrs VICTORIA — Since I last spoke in this place about the dodgy deals being dealt to elderly owners of homes in certain retirement villages I have been contacted by many more in the same position. One lady wrote to me about her mother and said:

My mother has been told she will get approximately \$119 000 for her unit which she paid \$134 500 for 11 years ago. We know that the one across from her sold for approximately \$400 000. This just seems to be a rip-off.

The lady who first came to me has since had contact from the village development owners. They actually sent her a bill for service 'levies' totalling \$1084. They will continue to charge these until there is a settlement. Although this matter is in the hands of lawyers, the company continues to inflame the situation. I raise this matter again to warn all people to seek legal advice on all contracts before signing them.

Opera Australia: *Così fan Tutte*

Mrs VICTORIA — Congratulations to all at Opera Australia who put on the most fantastic version of *Così fan Tutte*. It is a wonderfully modern, witty and overwhelmingly delightful rendition of a classic Mozart opera

Bushfires: recovery

Mr HARDMAN (Seymour) — I rise to congratulate the many people who are working hard to rebuild their businesses across the areas devastated by

the Black Saturday bushfires. Many businesses across the Seymour electorate were destroyed. Many of these businesses were home-based, which meant that people lost not only their home but also the place where they operated their business.

This Sunday we will be reopening Bruno's Art and Sculpture Garden in Marysville. Bruno has been rebuilding his business since immediately after the fires. There is no doubt that the sculpture garden will be an inspirational tourist destination, a place that signifies the resilience and tenacity of the people in these communities.

On Sunday, 5 December, we will be opening the Marysville Motor Museum, which will ultimately include a supermarket and specialty shops, all involving people who are dedicated to the rebuilding of the beautiful village of Marysville. There are many more operators of B and Bs and other businesses planning on coming back to Marysville. The leadership shown by local community members is outstanding and I encourage everyone to visit Marysville and support them.

In Kinglake, the business community, working with many others, has established a business centre. This has been so successful that they are looking to create a second. It is a wonderful example of the achievements that can be made through leadership, resilience and the power of people working together.

The story of resilience can be retold in each community, from the Yarra Valley to Clonbinane, and indeed in many other parts of the state. It is important that we visit these areas, albeit sensitively, and support the business people as they re-establish their lives and their communities.

Viewbank neighbourhood house

Mr LANGDON (Ivanhoe) — On 18 November 1989 the Viewbank neighbourhood house was officially opened by Cr David Thwaites from the then City of Heidelberg. The house was situated in Jilinga, an old homestead which was part of Viewbank Primary School. This month we celebrate the 20th year of an active neighbourhood house in the Viewbank-Rosanna area.

In 1993 the house was moved into the old fire station in Rosanna, which was purchased by the City of Heidelberg to give the house a permanent home. It is now called Rosanna fire station community house. Happy 20th birthday!

Rosanna fire station community house

Mr LANGDON — On a similar but separate matter, the Rosanna fire station community house committee of management officially commenced on 8 November 1988, when an interim committee was established. The house has had many fine committee members since its inception, including Joe Manton, the manager of community services in the former City of Heidelberg, who oversaw the development of the house; Cr Larry Stephens, who with me pioneered the purchase of the old fire station; plus many more.

In the 21st anniversary year of the committee, I would like to pay specific tribute to the president of the past 12 years, Faye Milligan. Without her active support the house would not be where it is today. In 2003 the house was extremely lucky to appoint its fourth coordinator, Jasdip Singh. Jasdip has been instrumental in overseeing the continued growth of the house.

I thank all those who have been involved in the community house over the years, and I know that it will continue to serve the community well into the future.

Footscray: 150th anniversary

Ms THOMSON (Footscray) — I congratulate Footscray city on 150 years. It has been a great year of celebration for this municipality, which has a rich and vibrant history. It started off as a support for farmlands and the plains of the west, then it provided the industry backbone for a growing Melbourne, and supported the migration waves of the Italians, Greeks, eastern Europeans, Vietnamese, Chinese, Indians, Bangladeshis and so on. It has been a great 150 years.

The ACTING SPEAKER (Ms Munt) — Order! The member's time has expired, and the time for members statements has expired.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Second reading

**Debate resumed from 25 November; motion of
Mr PALLAS (Minister for Roads and Ports).**

Mr NARDELLA (Melton) — I support the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. On this sort of legislation, in both this house and in the other place, the Liberal Party has been true to form: it is supporting the

multimillionaires in their quest not to put in or pay their fair share of money for infrastructure and services that are needed in the growing suburbs the urban growth boundary (UGB) will expand into.

The Liberal Party is supporting the spivs who will get the windfall profits, who will make money through the increase in value of land by the expansion of the UGB into interface council areas. The Liberal Party is supporting the multimillionaires and prospective multimillionaires — the developers — in their quest not to pay any tax at all, and it is supporting its mates, its spivs, as it always does, before the little people, the families and people who will be moving into the new communities and developments through the expanded UGB.

The members of the Liberal Party and The Nationals oppose the GAIC (growth areas infrastructure contribution) because they do not believe in providing the vital infrastructure needed for these new communities. They do not believe the kindergartens, schools, roads and recreation reserves should be built or paid for through windfall profits made by developers. They believe the little people — the existing ratepayers, the existing working families — in the suburbs should be paying for that infrastructure and should continue to put their hands in their pockets while the Liberals' mates and developers are making windfall profits. That is the position of the Liberals. They do not care about the little people. They do not care about the families that are moving into these new estates. They are just looking after the spivs, the developers that are out there, and they are lining their own pockets.

That is one of the really disappointing things about this unholy alliance that has been created between the Liberal Party and the Greens in this particular instance. That was demonstrated through the voting of the parliamentary committee of which I am a member, the Outer Suburban/Interface Services and Development Committee. On every single vote Colleen Hartland, a member for Western Metropolitan Region in the Council, voted with the Liberal Party, opposing the GAIC, opposing the imposition of the GAIC, and opposing helping the little people and the families that are moving into these UGB areas.

It is important for us to understand that if the GAIC does not come in and if it is not timely, it will be the existing ratepayers who will be paying, just like they did when I looked after Caroline Springs and Melton Shire Council had to put in portables for the local kindergartens. Who paid for that? The ratepayers paid for that. It was not the developers, the people that were making the windfall profits. It was the ratepayers who

paid for the portables, and then they went on to pay for the permanent buildings when they were finally constructed.

The Liberal Party is here supporting the spivs of the world, the Michael Hockings of the world, the carpetbaggers of the world, who are out there looking after their own interests. Michael Hocking is involved in a company, in an organisation, and land that is owned by that organisation is located within the UGB areas. He was at the first meeting that I went to at Beveridge, and he cried foul because he was going to have to pay a \$3.8 million GAIC. His little community group was going to miss out because it was going to pay the \$3.8 million. However, he did say that the value of the land was \$16 million.

An honourable member — How much?

Mr NARDELLA — \$16 million. Mr Hocking actually works in the industry. He is a valuer within the industry, so he has a pecuniary interest in the industry, and yet he comes out in support of the little people, the existing land-holders that are out there, when he has a direct pecuniary interest as a valuer within the industry! He does not talk about the value of that piece of land. He is a very good operator. I have learnt a lot about spin, a lot about how you put something that is false out there and then play on the emotions of people, people who have been hurt because the Liberal Party is out there sending out direct mail into areas that are not even in the UGB. They sent out direct mail to places around Beveridge.

The Michael Hockings of the world and the Taxed Out people go out and scare people. They want to scare people into believing their falsehoods by distributing leaflets in places like Bacchus Marsh and in the middle of the suburbs. The government could only dream of getting to that standard of spin used by those spivs and spin doctors. We could only dream of it. These people have a vested interest. They do not believe in paying their fair share of tax. They believe they should be sponging off the little people and sponging off the families that are moving into the UGB. Mark my words, Michael Hocking will be a candidate for one of the conservative parties in the forthcoming elections — and Michael Hocking has that \$3.8 million pecuniary interest.

All the meetings that I have been invited to — at Beveridge, Rockbank and Melton — were about how the tax should not be on the land-holder but on the purchaser, on the developer. The government listened and has changed the legislation. The legislation has been put out there for public comment. That is not good

enough according to the Liberal Party, and it is still not good enough for Michael Hocking and his Taxed Out people, because they do not believe we should be looking after these families, these new communities, through the GAIC legislation. The self-interest is really appalling.

The Libs and the Greens are supporting each other, as I said. The minority report said there was a high level of stress and uncertainty regarding the state government's GAIC announcement, but again that is only because of the filthy direct mail campaign by the Liberal Party in areas that were not affected by the GAIC and that were outside the draft UGB we have put out and the dirty, filthy campaigns it continues to run.

We changed the GAIC from applying to the land-holder to applying to the purchaser. Who will be purchasers within these areas? It will be developers. The expansion of the UGB is of interest to the developers and the developers only. They have the resources; they will make the profits. I have not yet met a developer who is poor, who has gone to the wall or who does not have the financial resources to pay taxes and charges, and the GAIC is one of them. It is about providing those services to the families that are moving in.

I want to end with a couple of points. Colleen Hartland, a member for Western Metropolitan Region in the Council, had a go at the member for Yan Yean and me for attacking racists at public meetings on this legislation and liars such as Julianne Bell who was attacking volunteers and full-time firefighters out at Melton, scaring my community by saying there was no coverage to fight fires and saying a document was from the CFA (Country Fire Authority) when it was from the union. That is why we attacked her. That is why we attacked Arnie Azaris, who in her comments on the immigration policy was being racist and attacking people from India. I will continue to stand up against racists and against those who put down people in my community. I am not going to sit mute like the Greens — —

Mr O'Brien interjected.

The ACTING SPEAKER (Ms Munt) — Order! The member for Malvern!

Mr NARDELLA — We would have a situation where racists and liars would get away with lying before parliamentary committees. I support this legislation; it is fantastic.

Ms ASHER (Brighton) — I intend to show that one can participate as a member of Parliament and in public

life by being measured and composed and not by going red in the face! The opposition opposes the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill, but I make the point at the outset that it is this model that the opposition opposes. I want to go through the reasons why we oppose it. I can say, if this gives any comfort to the member for Melton, that the opposition understands the need to fund infrastructure in growth areas. We completely understand that need; of course that is the role of government, and clearly there is a role for contributions that are equitable. Our contention is that this bill before the house is not equitable, and that forms the basis of our opposition to it.

To begin with, the government wishes to raise \$229.6 million, the sum in the forward estimates, from this contribution. We contend that the government has determined the amount of revenue it wishes to raise first and only then will it try to work out the details of this particular tax. Other speakers have outlined the basis on which the tax will apply to the areas of land to which it will apply. Suffice to say we have significant issues with the indexation of the tax and with the tax itself. The indexation is linked to the construction cost index and will apply on various parcels of land, and again — there are time constraints on me — previous speakers have outlined that.

We think the tax is inequitable. It does not just apply when land is sold. Many speakers have made the point that generally taxes such as capital gains tax apply when an asset is sold. The GAIC does not just apply when land is sold; it also applies when subdivisions are approved or building permits applied for. That is one of the reasons we deem this tax to be inequitable.

Furthermore there are significant probity issues raised by the government's deferral and staging provisions in this bill. The tax must be paid within three months; however, under some circumstances the government is going to allow deferral, provided it is agreed to by the Treasurer. Of course interest is charged. In some instances the government will also allow staging of this tax, provided it is agreed to by the planning minister, and interest is charged. The interest rates are of course determined by the Treasurer; there is a premium rate and a top-up rate. We think there are significant probity issues involved in this.

We also find it inequitable that the GAIC can be triggered in certain circumstances where, for example, there has been marital breakdown that has led to the property being sold as often occurs in that circumstance. There are issues relating to people's wills

which have been well articulated by speakers before me.

The tax is also levied up-front, which we believe is a disincentive to investment, although the government says it wants development in these areas. It is certainly unfair to individuals who own land in relevant areas. On top of that we believe there could well be a disincentive to development. In many ways developers may wish to go interstate where they do not face these particular types of taxes levied in this manner.

The tax is also retrospective; it applies to contracts signed on or after 2 December 2008. It is incredibly complex. On top of that we have grave concerns about housing affordability in the growth areas. Based on independent research we contend that between \$7500 and \$15 000 will be added to the cost of new houses in these areas. We do not think that is appropriate. The government should be supporting people buying in the growth areas.

In summary this is a slush fund with no accountability. Other speakers referred to a letter signed by the Australian Property Institute, the Housing Industry Association, the Master Builders Association, the Property Council of Australia and the Urban Development Institute of Australia. All of those bodies oppose the tax, with good reason. In the interests of time and so as to allow as many members as possible to contribute to the debate, I stress that I have never trusted the Labor Party with tax. Most Victorians never trust the Labor Party with tax. If there is an opportunity to raise revenue, the Labor Party will take it. The model they have chosen is completely and utterly inequitable.

Ms BEATTIE (Yuroke) — It is a bit rich, is it not? The member for Brighton, who got up this morning encouraging people not to abide by Target 155, now comes in here and tells us about what she calls an incredibly complex tax and about forward estimates, when she was dumped as shadow Treasurer because she did not understand basic accounting!

Mr K. Smith interjected.

Ms BEATTIE — It is a bit rich, but I will get on to the GAIC (growth areas infrastructure contribution) if the member for Bass will just sit down, be quiet and listen about the outer suburbs, which he obviously does not know one thing about.

Honourable members interjecting.

The ACTING SPEAKER (Ms Munt) — Order! The level of interjection is too high and the member for Bass is giving me a headache in my left ear.

An honourable member — That's an earache!

The ACTING SPEAKER (Ms Munt) — And an earache!

Ms BEATTIE — As I said, it is a bit rich for members opposite to come in and tell people in the outer suburbs what they should do. I listened with incredulity this morning when the member for Hastings was talking about public transport in his area. We have a chance in the new growing outer suburbs to provide the basic services that people expect, yet the Liberal Party, in its unholy alliance with the Greens, has said it is going to vote the bill down. And they will stand condemned in the outer suburbs for what they are doing; people in the outer suburbs deserve the same infrastructure as people in any other suburb of Melbourne.

That is an example of the Liberal Party supporting its mates — the white-shoe brigade, the spivs and the carpetbaggers — so they do not have to pay a tiny contribution to support infrastructure in those areas. Outer suburbs deserve the same schools, the same kindergartens and the same public transport that other people deserve.

Mr K. Smith interjected.

The ACTING SPEAKER (Ms Munt) — Order! The member for Bass will give some consideration to the member for Yuroke during her contribution. I am sure he had his turn last night.

Ms BEATTIE — Thank you, Acting Speaker. If they think they are going to shout and drown me out, they are sadly mistaken, because I will stand here, like the member for Melton and other members have, and I will defend the people in the outer suburbs. I am going to a land-holders meeting next week; they really want their area and their farms to be in the urban growth boundary. When I tell them that members opposite are blocking the legislation which prevents those land-holders from having their land in the urban growth boundary, they are going to come after those members, who think they are very smart, and that campaigning through the Taxed Out group — the Liberal Party front — is going to work.

What has happened with that campaign? In the electorate of Yuroke they have been distributing leaflets into established areas, saying that the Labor government is going to tax their property.

I have had people come into my office who were really distressed that they are going to have to pay \$95 000 tax. When I called on Taxed Out to apologise

to these people, they said no, they were not going to apologise; they were going to distribute more misleading pamphlets, aided and abetted by the Liberal Party and the Greens.

And let us not forget the Greens in this situation. I think the member for Northcote might have something to say about the hypocrisy of the Greens, about the people who appear before parliamentary committees, who mislead and try to place falsehoods before those committees.

The people in the outer suburbs, as in the area I represent, love living in the outer suburbs, but what they want is infrastructure, and what they are entitled to is infrastructure provided for by those who are going to profit from the blocks of land.

The deputy opposition leader said that the tax is incredibly complex. It is not incredibly complex. It is a tax up-front. It is a tax that will provide for infrastructure up-front. It will not be that people will move into the outer suburbs and then have to start looking for a school for their children and looking to the ordinary ratepayers who are already there to provide the infrastructure. The infrastructure will be provided for by the developers — that is, those who seek to profit.

The deputy opposition leader also said there is no tax like this in any other states. I have got news for her: the deputy opposition leader had better get out of Brighton, stop opening flash car centres, and go to some of the other states and look into their tax systems, because they do have a similar sort of tax that pays for infrastructure charges. I again urge the member for Brighton to get out of Brighton and discover some of those things.

As a matter of fact, I would urge those opposite to get out into the outer suburbs — to take the time to get into their cars, drive to the outer suburbs and ask the people who potentially are going to buy in the outer suburbs and those who already live there what they want. The member for Brighton should ask them, ‘Do you want infrastructure?’ to which the overwhelming answer would be, ‘Yes, we want infrastructure provided when we buy our block of land. We do not want to wait 20 years to be playing catch-up with infrastructure’.

This bill is really good. I support it and government members support it. Those who do not support this bill want to condemn people who live in the outer suburbs to a life where no infrastructure is provided, where there are no schools provided and where there is no transport provided. Residents in my area are very lucky

because the Bracks and Brumby Labor governments had the foresight and the will to put a train line out there at great expense — \$120 million. It was never on the agenda of the Liberal Party manifesto, but we provided for it.

Those who profit from the sale of land and from the carve-up of farms should not just carve up farms, whack a road down the centre and call it a housing estate. What people want is to move into a community; they do not want to just move into a housing estate. They love living in the outer suburbs; they love that little bit of freedom and space that the outer suburbs afford them. A lot of first home buyers go there.

The Liberal Party does not care about first home buyers or about people who live in the outer suburbs. The Greens do not care about people in the outer suburbs or about first home buyers.

This unholy alliance between the Greens and the Liberal Party is going to come back to bite them on the bottom, because we are going to get out there with the message to the people in the outer suburbs that, ‘We wanted to provide you with good transport, good schools, good roads, and yet the Liberal Party, with the Greens, came in here and said, ‘No, first home buyer; no, people who want to live in the outer suburbs; we are not going to support you’. Their message will be, ‘We are going to continue to support our spiv mates, the carpetbaggers, the white shoe brigade, as we have always done. We are going to continue on with that. We are going to vote against infrastructure, and we are going to vote this bill down’.

This alliance will come back to bite the opposition on the bottom; it will come back at the next election when people will see the coalition step out from behind the nylon curtain that it pulls across itself. The coalition does not care about people, and it will be condemned for it.

Mr CRISP (Mildura) — I rise to make a contribution to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. The Nationals in coalition are opposing this bill. Right up-front we say that we do not oppose infrastructure contributions — it is just this one that is the problem. As the member for Box Hill discussed in great detail, this bill is about Melbourne’s growing pains.

I suggest that as Melbourne grows bigger on the outside, and this infrastructure tax is used to promote that growth, Melbourne will have a problem in its midst. The government has been very quick to talk

about the people who will benefit from this bill, but it is the state government and the taxpayer who are stumping up to solve problems in the middle of Melbourne created by the greater urban sprawl. People who wish to accommodate those living in outer Melbourne have to pay, whereas the taxpayer foots the bill for problems in the city hub. The solutions in the city hub are going to be very costly, and Sir Rod Eddington has detailed them at some length.

I want to talk about the opportunities in regional Victoria. Too often the regions are seen as a problem, but in this case the regions could well be a solution. I talked about this matter at some length with Cr Vernon Knight from Mildura, who is also the chairman of the Alliance of Councils for Rail Freight Development. I am going to share some of his views from notes I have prepared. He thinks that too often we are becoming consumed by the problems of the city and are ignoring the solutions out in the country. He said:

The problem of urban sprawl is abundantly clear to everyone who daily needs to commute in capital cities ...

A number of concerns have been expressed about urban sprawl. The Business Council of Australia has expressed concerns. With the freight task expected to double over the next 20 years, the Port of Melbourne Corporation projects that B-double traffic will grow from 1.5 million a year to 5 million by 2030. The urban sprawl will become more complex, and the internal part of the city will become more difficult to manage. This is why Eddington spent so much time working out how we might accommodate such changes. Cr Knight also said:

Those of us living in the regions are all too familiar with their attractions. We choose to live there because we love the life-style, their livability, their sense of community, room to move and clean air.

But growing Australia's regions requires attention to the fundamentals.

Access to quality health care, pathways to further education and an efficient transport system are obvious keys to growing regional economies as the means to promoting rural living.

Their attainment will bolster the workforce needed to support regional growth and business will continue to discover the advantages of cheap land, strong community values, the work ethics and the flexibility of regional employees and the prospect that no one comes late to work as the result of a traffic jam.

Rural people well-appreciate the connection between their wellbeing and the wellbeing of their workplace.

As we argue about the urban sprawl in Melbourne, we overlook opportunities that already exist in regional Victoria. The regions already have a great deal of

infrastructure in place; they have good communication links. I have talked about what needs to be done, but from a cost perspective, what needs to be done in regional Victoria is far less than what the government is now doing on the edge of Melbourne, as far as creating this sprawl is concerned.

With some intelligent thought, particularly towards the regions, perhaps this debate would not need to be anywhere near as fierce as it currently is. Despite our vast land, we are wedded to the philosophy of becoming one of the world's most urbanised countries. We are clinging to the coastline and letting infrastructure in regional Australia and Victoria become run down through lack of use and a lack of confidence.

Cr Knight also said:

Treasurer Wayne Swan revealed that Treasury projects Australia's population to grow from 22 million to 35 million by 2049.

Melbourne is going to expand, which is why we are having this current difficulty. It is a wake-up call for the future of Victoria, especially for the future management and development of the regions. The regions are the solution, not the problem, and the fierceness of this debate only adds to my resolve that we are going about this in completely the wrong way. That is why The Nationals in coalition are opposing this bill.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on this very important and progressive bill. It is interesting following on from The Nationals' member for Mildura on this issue, because he said the regions are the solution, not the problem. The fact is this government's whole policy — unlike that of the previous government — has been about growing the whole of the state. Members who attended the City of Ballarat function on Tuesday night, hosted by the Parliament in Queen's Hall, saw how Ballarat is a practical example of one of the fastest growing parts of Victoria. It has been a clear policy of government.

This bill recognises that Victoria is facing fundamental economic and population growth. Over a period of time there has been a massive turnaround by collective governments, but particularly by this government. The latest economic data shows how Victoria has fared much better not only over other parts of Australia but also over other parts of the world.

This is leading to unprecedented population growth, from natural growth occurring in baby boomer kids having their own kids but also with a large migration intake set by the previous Howard government. The big influx of migration has happened without big public

fanfare and has been endorsed and supported by us. It recognises that for many years we did not invest in our skills base in this country. We are now having to bring skilled and business migrants to Australia to meet the skills gap that we did not fund over many years, particularly as a result of cutbacks made by the Howard government in tertiary education and in the TAFE sector.

We are seeing many former Victorians, who left Victoria to go to other parts of Australia or other parts of the world, coming back to Victoria because of our economic strength. These people have to live somewhere, and this bill recognises that while you want to build up density where you can in an appropriate way in the established suburbs of Melbourne, at the end of the day you will always have growth areas and an urban fringe. The bill caps that growth but it recognises that you need to raise revenue.

What we need to realise with this bill and as part of the growth areas infrastructure contribution (GAIC) is that the Liberal and National parties have always been on the side of the land-holders. Earlier this year the shadow Minister for Planning said that if you are to change the urban growth boundaries you need to recognise that people will become instant millionaires, and that is the fact of the matter. As someone who serves a growth area electorate and who was a former councillor and mayor of the City of Berwick 22 years ago, this is an area that I have taken a long and keen interest in. I grew up in the outer suburbs, in places like Thomastown. The Liberal and National parties want to take us back to the dirt roads, back to having no footpaths and playgrounds being paddocks without playground equipment. I was a councillor of the City of Berwick, and I was a member of the Municipal Association of Victoria's planning committee. The City of Berwick was one of the first councils in Victoria to have a developer levy. That was also opposed by the Liberal Party at the time, as it was opposed by the land development industry; but now there is a charge that recognises what is fair and reasonable.

Earlier on the member for Malvern interjected and said, 'You are going to take away people's retirement funds'. I would love to be sitting on a piece of land that increased massively in value and retire on it and give a little bit to the government. I would rather do that than sit on an undervalued piece of land. The reality is that the Taxed Out group is all about saying, 'We want our cake and we want to eat it too. We want all the money and we want the taxpayer to pay for the rest'. That is totally unacceptable.

The member for Mildura said the solution was in regional Victoria. What he does not recognise is that not having the GAIC charge will soak resources away from other parts of Victoria, including regional Victoria. It will soak resources away from electorates like mine in Dandenong, which is an established area. As an older developed suburban community we have our own infrastructure needs. We need urban renewal and upgraded infrastructure. We are always competing with the growth areas because we are in the same region. The reality is that from a government resource allocation point of view we are asked, 'How many projects can we fund in a region?'. Guess what? Established suburbs like Dandenong or other suburbs that other members serve that have established residential communities may also miss out under the current system because at the end of the day the highest need is on the urban fringe because there is less infrastructure there.

This bill is an acknowledgement that developers and landowners who get a massive increase in land value should pay back something. You can argue about what the formula should be and at what stage it should be paid, but the reality is that it has to be paid by someone. If it is paid earlier then that is a simpler process, and that is the way it should be done. That is why I strongly endorse the bill.

Members of the Greens cannot have their cake and eat it too. They are opposing the legislation because — and I understand this — they are concerned about how far the urban growth boundary will go. On the flipside the Greens are opposing projects that are part of urban renewal and upgrades where there are opportunities and where it may be most appropriate to develop. You cannot have your cake and eat it too. The Greens need to smarten themselves up and accept that if we are to contain growth we have to increase density in the built-up areas. They should not just give lip-service to policy but should have a practical approach and endorse a common approach.

I like the approach of Rob Adams, who is the director, city design at the City of Melbourne. He says that areas along main roads and along public transport corridors should be like areas in European cities that do not have huge skyscrapers everywhere. That is the approach we are taking: we cannot do infill as of right to six or seven levels, so let us build more and more skyscrapers. The best practice model in Europe and in so many North American cities is to build up density around where urban infrastructure and public transport infrastructure is strongest. I would like to see the Greens come out and endorse something like that. At least they should

give us some guidance about what their policy is rather than just opposing everything.

Planning is always a hard area, but this is a good bill. When we sit in here and talk about being concerned — and the main area of concern on the opposition side is the infrastructure charge — we should realise that we already have infrastructure charges in some areas. We have them in Docklands and we even have them in Dandenong as part of the renewal project that VicUrban is doing there. If it is good enough for working-class Dandenong, why is it not good enough for people whose land values will increase massively by being part of a new growth boundary? Should they not also pay a fair contribution? That is why I support the bill. The opposition cannot have its cake and eat it too and neither can the Greens.

Mr MORRIS (Mornington) — The statement of compatibility for the growth areas infrastructure contribution (GAIC) bill says it all. It states:

This scheme will establish a simpler, fairer and more flexible system for funding the state infrastructure needed by new communities in growth areas.

The bill could not be more complex if the government had tried. It is grossly unfair. It is entirely inflexible except to the extent that it seems to give the minister the power to make any variations he likes. Most of all, it is indeed a scheme. The dictionary definition of a scheme is ‘a secret or underhand plan; a plot’, or if you are using it as a verb, it is to ‘make plans in an underhand way; plot’. That is exactly what this legislation is all about.

The bill is indeed underhand, and it is underhand in a number of ways. It is underhand in the way it seeks to fund infrastructure via a flat charge. This is a government advocating a flat tax. Whatever happened to the socialist dream of redistribution of wealth? Sorry. I forgot we are dealing with and hitting land-rich land-holders, which I guess is an approach that gives the government some pleasure.

We have seen a stream of legislation containing pejorative terms. We have had hoon drivers and hoon boaters and we now have land-rich land-holders. It sets the tone for the legislation. The bill is underhand in the manner in which a taxation measure is dressed up as a planning matter. This is a tax. We are not dealing with planning; we are dealing with tax. Despite that we are inserting provisions in the Planning and Environment Act. A tax measure in a planning act is what we are dealing with today.

The bill is doubly underhand in the way that the Minister for Planning has linked the GAIC charge to his massive changes to the urban growth boundary. We are linking this tax to an enormous expansion of the metropolitan area — taxation and planning are being inextricably linked together. It is grossly dishonest.

Perhaps the most underhand aspect of the bill is the way it provides the minister with power to reduce or exempt payment of the GAIC. The minister will have the power to choose who pays in full and whether you pay at all. If nothing else that power is totally unpalatable but, as I said, the scheme is entirely unacceptable.

It is not unreasonable to expect some contribution from those seeking to develop their land. The shire council on which I had the privilege of serving was a leader in this area. It pioneered the concept of developers contributing to recreational land when housing subdivisions were done. It is a tried and proven measure. I am not saying it is the wrong thing to do. It is simply the manner in which this scheme is proposed to be applied that is totally wrong. I suggest that any plan to do this sort of thing needs to meet a few basic tests. First, it needs to be without complexity — you should not need a team of accountants, legal advisers, tax consultants to understand it. Second, it needs to be fair in its application. If you are trying to capture the uplift in value achieved by rezoning, then the rate charged needs to accurately reflect the gain. You will have differential gains if the land is zoned residential, commercial or industrial or whatever the use is. You cannot simply have a formula.

The third point is about the timing. It is pointless and unfair to apply an arbitrary GAIC and arbitrary triggers to these things; the GAIC needs to be timed to coincide with when the development approval is issued and the development is actually occurring, not at some other point. It needs to be levied when, for example, farmland is being turned into residential lots. That is the time it needs to occur.

Fourthly, the rate needs to be compatible with what is happening across Australia. If we do not want to lose investment to New South Wales, Queensland, South Australia or Western Australia, we should not up the cost of developing land in Victoria. The government seems to think that land prices have infinite elasticity, and that is simply wrong.

Lastly, Victorians need to understand the extent of the impost of this tax on the cost of new homes. They must know what impact the Brumby-Madden tax is going to have on cost, particularly for first home buyers. This is

bad legislation. It is a scheme in the worst sense of the word, and it deserves to go down in a big way.

Ms RICHARDSON (Northcote) — I am very pleased to speak on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009. This bill will amend the Planning and Environment Act to introduce a means to ensure the provision of much-needed services in new growth areas. The new growth areas infrastructure contribution (GAIC) is a fairer system for funding services in new metropolitan areas. It will provide new roads, public transport, schools, children's services et cetera, which are all facilities that every community relies upon to thrive. The GAIC will only provide a proportion of the funding for this much-needed infrastructure; the state will continue to fund the majority of the cost of the new infrastructure needed in these areas.

The opposition's position is opportunistic and in keeping with its view on what matters and what does not. What does not matter to the Liberals is providing services to those living in new communities in Melbourne's outer suburbs. What does matter to the opposition is providing for those seeking to make a fast buck. By backing Taxed Out and supporting its false claims in the community, the Liberals will pay a very heavy price in the long run, in my view, for they are supporting opportunism and doing this at the expense of much-needed local services.

In the short time I have available, I would also like to say a few words about the Greens' position on this issue. The hypocrisy of the Greens to date with respect to this is breathtaking at two levels. On the one hand they have held hands with the Liberals — something that they do consistently these days — to say no to new development in the outer suburbs, no to new services, no to a fairer provision of funds for services and no to new families wanting a new home of their own.

Mr Ingram — It is the new coalition!

Ms RICHARDSON — Indeed it is the new coalition.

At the same time they oppose every attempt that is made to provide additional homes in the inner city as well. In every other country around the world the green lobby agrees and argues in favour of denser living that is closer to infrastructure and the like, but here in Victoria the Greens say no to every plan to increase housing density in the inner suburbs. Meanwhile they argue against growth in the outer suburbs. I would not have a problem with that position if, at the same time,

they supported infill and growth in the inner city, but they do not. Instead they have jumped into bed with the developers who are arguing against the GAIC while not being fair dinkum about their position on growth in the inner city.

The only party that has a planning strategy that is consistent with the need to provide for people in a sustainable way is of course the Australian Labor Party. The Greens need to smarten up, come clean with respect to their position on families and planning, and deal with the consequences that their position has for the environment. I commend the bill to the house.

Mr WELLS (Scoresby) — I would just like to make a few points with regard to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. I note with interest some of the comments being made by government members. They refer to people who have land in the area as 'carpetbaggers', and I am wondering how those people will be feeling when they read some of these speeches and the media reports about this. These are people who have farms that have been passed on from one generation to another in some cases, people who are perhaps looking at retiring and selling their farms to move into the city or down to the beach. They have now been referred to by the Labor government as carpetbaggers.

We are opposing this bill, and the reason we are opposing this bill is that we see it as grossly unfair. I maintain that there are two reasons the government is bringing in this bill. The first is to build up a slush fund prior to the next election and the second is to address ballooning debt. I am still looking to find a group that is supportive of this bill. We have spoken to numerous people who are going to be hit very hard by it.

I guess one of the unfair parts about it, based on what I have heard from the people I have spoken to, is that if people have land which they have held in good faith and they go to sell it to another farmer or another person, there is going to be a massive tax liability put on the title of that land which is going to significantly devalue it. In some cases, based on accounts of the people I have spoken to, the land may not be able to be developed for another 20 years, and yet the charge on that land is still going to be the same today as what it would be against a piece of land that is going to be developed in one year's time; that is part of the unfairness of this particular tax.

I notice there has been an enormous pouring out of emotion regarding the group called Taxed Out. It is interesting that the government bleats about a fair,

open, honest and transparent government and talks about democracy in this state, yet if there is a group that wants to come out and attack the government, all of a sudden they are seen as carpetbaggers and treated with disrespect. I thought the people I spoke to at Taxed Out had good, strong, logical arguments, and I thought that they had a right to be able to put those forward.

There is no doubt that this is another new tax; it is going to be another grab for tax by a government which has already collected more than \$300 billion in revenue and taxes over the decade. The GAIC (growth areas infrastructure contribution) is going to bring in over \$2 billion revenue, and \$85 million in revenue from the GAIC tax has already been forecast in the 2009–10 budget. Property in this state is already heavily taxed, and the reliance on property tax to prop up the state budget has grown dramatically under this government. I also point to the fact that land tax has increased by 227 per cent, or more than threefold, from \$378 million in 1998–99 to \$1.237 billion in 2008–09.

My final point is that we agree someone has to pay for the development of land in the outer suburbs; there is no question about that. But what we are saying is that it should be levied on the developer at the time of development. I would have thought that was the fairest way to do it. There is no argument about the fact that someone should pay for it — there is no question about that — but it is the issue of who should pay and who is in the best position to be able to pay for that cost that is contentious. We say it should be the developer at the time of development. We strongly oppose this bill.

Mr STENSHOLT (Burwood) — It is always a delight to follow the member for Scoresby and to see that he really does not understand fiscal matters. I support this particular bill.

Mr Wells interjected.

Mr STENSHOLT — I will be very careful because I think the member for Scoresby has actually misled the house in saying that there has been \$300 billion worth of taxation collected in the last 10 years. If you actually read the document that was tabled today in the house in relation to taxation for this year, the estimate has been revised to \$13.2 billion. If you multiply that by 10, in a generous sort of way, it only equals about \$130 billion. I do not think the member for Scoresby really understands how revenue is gained in the state of Victoria. He ought to be really ashamed of himself and his lack of fiscal understanding of what goes on in that regard.

Once again we see that the member for Scoresby is all about conspiracy theories. That is what the member is on about. He cannot look beyond this. He has to see it in terms of conspiracy theories. He says this is a bill that is going to raise money for a slush fund for the next election. He says this is a bill that is going to pay off debt. In fact this bill is going to pay for development to provide for families on the outskirts of Victoria. It is going to pay for livability, and it will safeguard housing affordability. The member for Scoresby shows he does not care about housing affordability in the outer suburbs. He does not care about funding for services.

There is nothing new about this. Developers levies are nothing new. Councils have fought for this through the Supreme Court in order to ensure that developers contribute to services so they can be paid for when new developments go up. I am surprised to see the Liberal Party's take on this bill when it is necessary to pay for those services.

I am also very surprised at the blue-green alliance between the Liberals and the Greens. My memory of my chemistry days is that if you put blue and green together you get brown, which is very dull and opaque, lacks vitality and stands for nothing. I support this bill.

Mrs VICTORIA (Bayswater) — I rise to make my contribution to the debate on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009. Like those on this side of the house who have spoken before me, I have some grave problems with what is proposed. I do not think any of us is going to stand and say we do not support infrastructure, and certainly revenue has to be raised to support infrastructure, especially in outlying areas. But the question we have before us is when and by whom that contribution should be made. The way the government has proposed its GAIC (growth areas infrastructure contribution) is terribly unfair, and it ends up being a burden on the homebuyer. The government has done flip-flops all over the place as to when and to whom it should be charged.

I am not going to go into the main provisions of the bill because I quite honestly do not support it, but I will say that those opposite have spoken about members on this side who do not live in outer suburban areas. I do, so I certainly understand what goes on in the outer suburbs. However, if the government is not going to listen to us, how about we listen to those who live in and make judgements about those areas.

Many references have been made to Taxed Out. Let us have a look at its media release of 20 November, which says in part:

Mitchell, Melton ... Hume, Casey and Cardinia councils; the Victorian Farmers Federation; the Urban Development Institute of Australia (Victoria); the Australian Property Institute; the Property Council of Australia; Seniors Australia; and the Housing Institute Association are among the organisations who agree that the GAIC should only be charged at the point of development.

That is, the developer should pay but only when that potential is realised. I suppose a good question is: can all those people be so wrong? I left out the City of Whittlesea in that quote, and I want to read from the minutes of its council meeting on 10 November 2009. The council's recommendation is:

That council resolves to:

1. Support the growth areas infrastructure contribution as revised on 16 October 2009 subject to the following:
 - a. GAIC funds raised within the city of Whittlesea are spent within the municipality; ...

We all know the amount of GAIC coming in is divided into two different funds, 50 per cent going to what is called a Growth Areas Infrastructure Fund and the other into a neighbourhood fund system and not necessarily directed back to the municipality from which those funds were extracted. The council goes on to recommend:

- b. GAIC rate be applied at development of the subject site to ensure that the value uplift is commensurate with the development proposed ...

The council is in favour of it being paid at the appropriate time by the appropriate people, as are we on this side of the house. Those in the outer suburbs who know what is going on cannot all be wrong on this one. Almost 4500 very concerned people have signed a petition which was tabled in the upper house by a member for Northern Victoria Region, Donna Petrovich, who said she was inundated with requests from people wanting to sign it to register their disgust and disappointment with the government for bringing in the GAIC in the way it has.

One of the problems is that the money that is collected in an area is not necessarily spent in that area. We have talked about slush funds for marginal seats that Labor is going to try to win in 2010, and you do not have to be cynical, you just have to be smart to realise that is part and parcel of it. Needless to say, unless we change this to have the developer pay it at the time of development, I totally oppose this idea. This bill just stinks.

Mr INGRAM (Gippsland East) — I rise to speak on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. I support the bill, and I will explain why. The main reason I support

this legislation is that I think it is absolutely outrageous that people in East Gippsland have to pay for infrastructure in new suburbs on the outskirts of Melbourne. If this bill is not supported, if some measure of getting contributions from developments and areas identified for development is not introduced, if there is no other way of collecting that infrastructure tax to build the infrastructure required in those growth areas, it is the taxpayers of areas like East Gippsland and all of regional Victoria who will have to pay. These areas have infrastructure for people to go into those communities without necessarily the same impost that is needed to build in the outer suburbs.

There are two ways of collecting a tax. A number of speakers have indicated that it should be done when properties are developed, and I agree that that is one way of doing it. The way the government has done it is by declaring areas to be part of the growth areas infrastructure contribution zone as the tax applies to any transfer of land in those areas. This is a way of ensuring that when land in those areas is sold it will be developed. It will ensure that people will not sit on land and then have land further away from the infrastructure connection developed before those bits are developed.

One of the common comments I get in Gippsland is that we are developing Melbourne in the wrong areas. What is particularly of great concern to the people of Gippsland is that the high rainfall areas in the east of Melbourne, which really should be kept for food production and so on, unfortunately are currently being heavily developed for residential purposes.

How do you best collect the infrastructure tax? There are two ways of doing it. You could do it when an area is developed or as this bill proposes. On balance this is probably the best way to do it. I understand why people are passionately opposed to it, but I represent one of the most rural areas of Victoria and not to pass this legislation would mean that my constituents would be forever paying for the infrastructure cost in the growth areas of Melbourne, and that is something I cannot support.

Mrs POWELL (Shepparton) — The Liberal-Nationals coalition opposes this legislation. Listening to the speakers here today you would think we actually oppose an infrastructure charge. We do not. The coalition does not oppose an infrastructure charge. We all know somebody has to pay for roads, for kindergartens, for hospitals, for bridges; we know this, and a number of us have been councillors so we are very aware of the need for new developments, new assets and new infrastructure. However, what we do oppose is the way this GAIC (growth areas

infrastructure contribution) is to be applied. We believe the tax should be applied to the developer at the time of development. It is not just the coalition that believes that; the councils believe it as well.

As the shadow Minister for Local Government I will present a number of the reasons raised with me by councils — some of them on the urban boundaries — for their concerns about this tax and their opposition to it. You might wonder why councils would oppose it, because they have their communities' interests at heart, but councils also want development in their areas. They want to be able to compete with other suburbs and towns. Some of their concern relates to the fact that there is no recognition of land which may be found to be not able to be developed. The GAIC tax will still have to be paid and there is no way set out in the regulations for any funds to be refunded. If tax is paid on land which is later found to be not able to be developed, there is no opportunity to receive that funding back.

Also there is no legislative requirement for the government to spend the GAIC funds on significant regional priorities which councils and governments have identified, or even to spend GAIC funds in the municipality where they were raised. This is one of the issues we are concerned about. That money goes into two funds, and those funds are disbursed by the Labor Party, which can put them into buildings that it wants to build and direct them into any municipality. These councils are saying that where those GAIC funds are raised is where they should be spent. If there are infrastructure needs in the municipality where the revenue has been sourced, then that is where the infrastructure should go. Councils are really concerned about where this funding is going to be directed.

Another concern of councils is with the up-front GAIC tax adversely impacting on the council's investment opportunities. They strongly believe that it will increase costs for development and housing because of the \$95 000 per hectare impost on recent developments. They are saying that the up-front tax will actually stymie development. It will increase costs on every single house and other developments, and it will cost jobs; they are telling me that it will cost jobs. Councils are saying to me that they want the GAIC tax to be levied when the land is being developed, rather than being levied on the current owners. This is exactly what we are saying should happen. That is exactly where this tax should be incurred.

The value of land will increase with the demand for development, so it will not be putting value on the land up-front. It is said that there are people sitting on

parcels of land as part of their superannuation, land which is going to increase in value, and that this costs a lot of money. Such people do not have the funds to develop those properties. Developers should be able to pay for that development when the development is occurring, or in stages.

Sadly what we are really concerned about is that payment is deferred at the minister's discretion. If a developer says, 'I don't have the funds at the moment as my money is tied up in other developments; can I defer the payment or can I pay it off in stages?', the minister makes the decision about whether that will be allowed. To a mate of the minister or someone who has given funds to the government, the government might be able to say, 'Yes, we'll look after your development and you can pay us on the never-never or pay us in instalments', but to somebody else, who may not be as good to the minister, the government might say, 'No, no, you must pay up-front'. It is about who will be paying the funds up-front. We do not believe this is fair. We do not believe the retrospectivity is fair, and again, it is a matter of making sure that the coalition looks after all people in Victoria.

We understand the need for the urban growth boundaries. Having been a councillor myself I understand the need to develop. According to the second-reading speech, Melbourne 2030 was a wonderful recognised leader in urban strategy. It was not. That is a load of rubbish. Melbourne 2030 was criticised for many years when it was put in place. It continued to make amendments around the urban growth boundaries; it continued to dig in to the green wedges. The community did not like Melbourne 2030, and it was changed a number of times. It is laughable for the government to say that Melbourne 2030 defines the urban growth boundaries and protects green wedges. I urge everybody to oppose this legislation.

Mr HODGETT (Kilsyth) — I rise to make a contribution on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill, and I state up-front that we on this side of the house oppose this bill. Labor is seeking to impose a new tax first and work out the details second. The growth areas infrastructure contribution (GAIC) is unfair to land-holders in its current form, and it will also cripple the development industry in Victoria. It will cost jobs and investment and will impact on the current revenues. Labor views this new tax as a quick grab for money to create a slush fund for the 2010 election campaign in growth areas. It is typical of the arrogant Brumby government to be unconcerned with the long-term impact of this tax on land-holders and the development industry. Labor has not listened to the

development industry and its strident concerns about this proposal, nor has it listened to land-holders. As such, as I have stated, we on this side of the house oppose a GAIC in this form.

Given the time available to me, I will not go through the purposes of the bill or its main provisions, suffice to say that this is a highly complex bill that is predominantly a taxation revenue measure aimed at accruing over \$2 billion in state revenue over the next 20 years from land inclusions in the urban growth zone. It is designed to capture over \$229.6 million in the current forward estimates.

I will focus my contribution on a number of areas of concern. The first area of concern is the timing and up-front nature of the GAIC. Despite claims by the government that the revised GAIC plan has moved the responsibility from the vendor to the purchaser, the fact is that the GAIC costs will be factored into sales and vendors will be adversely impacted by this proposal. Furthermore, the GAIC liability is still entirely up-front, thus being a huge disincentive to companies trying to start housing projects and/or wanting to invest in Victoria. The up-front nature of the tax is the greatest concern of the development industry. It will mean that companies will face GAIC bills of many millions of dollars simply to start developments in Victoria. This impost may see them scuttled, delayed or cancelled, or looking to other states to invest in.

In terms of the financial and economic impact, if development firms are negatively impacted to the level that they delay or abandon projects in Victoria, this will have implications for stamp duty revenues and on the employment in the construction industry. Many thousands of jobs could be impacted as a result of the GAIC. Some developers are already talking about walking away from proposed projects should the GAIC pass in this form, predominately due to the up-front nature of the tax.

As has been stated, this is a highly complex bill. Labor has proposed a tax whereby it has worked out the revenue measures first and the details second. This has led to a highly complex GAIC being proposed; even the development industry is having trouble working through the details of how it will apply to current projects. The government has espoused rhetoric about making planning simpler in Victoria, and it now intends to add some 97 pages of GAIC law to planning, which fundamentally contradicts its own rhetoric.

Another area of concern is the impact on housing affordability. This GAIC proposal will add from \$7500 to \$15 000 to the cost of a new home, according to

independent research. At a time when housing is becoming more unaffordable for the average Victorian, Labor wants to make it even harder. Labor's claim that applying the GAIC early in the process means the costs can be absorbed by developers is absolutely ludicrous. Any financial liability taken by a developer at any stage of the process will not be absorbed; it will be added to the retail cost and paid by the homebuyer.

And what about probity? Allowing the government to give GAIC relief either through interest rate reductions, or waiving the whole GAIC with no defined rules and procedures as to who this may apply to, is a recipe for corruption in planning. Other speakers have spoken about GAIC being a slush fund, and there are many other concerns I would like to mention today, including indexation et cetera, except that time does not permit.

I will conclude by talking about consultation. We must note that not a single industry group, council or individual supports this model. The Urban Development Institute of Australia opposes it, the Master Builders Association of Victoria opposes it, the Property Council of Australia opposes it, the Planning Institute of Australia opposes it and the Housing Industry Association opposes it. Local government opposes it, numerous individual developers have all opposed it and Taxed Out, as we saw yesterday on the steps of Parliament House, vehemently opposes the introduction of GAIC.

As I said at the outset, GAIC is unfair to land-holders in its current form, and it will also cripple the development industry in Victoria. It will cost jobs, investment and impact on recurrent revenues. We support a system of developer contribution. We are not opposed to an infrastructure charge, but we do not support this model.

The arrogant Brumby government is unconcerned with the long-term impact of this tax on land-holders and the development industry. Labor has refused to listen to the development industry and its concerns with this proposal. Labor has stopped listening to land-holders. The Brumby government is out of touch with the community. We on this side oppose a GAIC in this form, and we oppose the bill.

Mr THOMPSON (Sandringham) — At the commencement of my contribution to the debate it is important to place on record the concerns of key stakeholders who are aware of the implications of the bill before the house. In a letter directed to the Premier on 11 November 2009 a group of stakeholders representing the Australian Property Institute, the Housing Industry Association, the Master Builders

Association of Victoria, the Property Council of Australia and the Urban Development Institute of Australia made its concerns about this bill known to the government. It is appropriate to place their concerns on the record:

If GAIC is introduced as is presented in the exposure draft, it will result in:

a decline in levels of development in the growth areas of Melbourne;

a dramatic reduction in the amount of land available for new housing development;

rising prices with dire effects on housing affordability for Victorians; and therefore

severe consequences for Victoria's current competitiveness and housing advantage over other states.

It will also severely impact the development of employment land, job creation employment opportunities in growth areas. In addition stamp duty and other property revenue will be affected.

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.

As has been typical of a number of Labor reforms, it promised more but ended up delivering less. The member for Melton was saying earlier that the people who wish to have access to affordable housing would be placed in more drastic circumstances if not for the passage of this bill before the house.

The purpose of the bill is to establish a growth areas infrastructure contribution (GAIC) and to provide for the operation, collection and management of the funds accumulated from it. The bill will amend a number of other acts directly related to the taxation aspect or interpretation of GAIC. It will expand the definition of a growth area to include the Mitchell shire in anticipation of the urban growth boundary.

The bill is complex. There is a range of concerns in relation to it that cover the revenue, the rate application, the timing, the deferring or staging of payments or interest on deferral and staged payments, and the interest rate. The opposition is concerned about the timing and up-front nature of its introduction. Despite claims by the government that the revised GAIC will move the purchase from the responsibility of the vendor, the fact is that GAIC costs will be factored into sales, so the vendor will be adversely affected by the proposal. The fact that the liability under the GAIC is payable up-front will see many projects scuttled, delayed or deferred.

That is the chief point I wish to make. As a consequence of this bill before the house, there will be restrictions in development activity in this state. If a developer has the opportunity to develop in Melbourne, out of Melbourne or interstate, in many cases they will choose to go interstate where the imposition of up-front tax is not applicable and where they will have greater freedom to direct their capital to the development process. It is not as easy an arena as might be understood by the Labor Party, which is fine in theory but in reality will fail to deliver. This will constrict land supply in this state to the detriment of those people seeking to buy affordable homes.

Mrs SHARDEY (Caulfield) — I wish to make a very brief contribution to this debate on the legislation to introduce the growth areas infrastructure contribution, known as GAIC, which is opposed by the opposition. Most of the points have already been made in this debate, but suffice it to say a concern has been raised that various stakeholders who have an interest in affordable housing and in the availability of land for families in Victoria, with its growing population, have failed to be consulted by this government. If they had been properly consulted by the government, I imagine the outcome of this legislation would be very different.

We should make it clear, and it has been made clear by my colleagues, that the opposition does not oppose the principle of a development charge. When you are developing land for homes to be built, it is necessary to provide roads, schools, water, electricity and so on, but we believe this cost should be paid by developers when they are seeking to develop land, and not be charged to land-holders who may not be developing that land themselves.

In their contributions to the debate many speakers have talked about the complexity of this legislation. On this side of the house we have also talked about this tax being predominantly and purely a massive tax grab and revenue measure. It is estimated that this tax will eventually raise some \$2 billion; according to the current forward estimates it will raise nearly \$230 million. This so-called 'infrastructure tax' for newly developing areas is giving this government a huge slush fund, and by and large it will be unaccountable for its expenditure.

The rate to apply, indexed annually, is \$80 000 per hectare for land which comes under the 2005 UGB (urban growth boundary) and \$95 000 per hectare for land which is brought into the 2009–10 UGB. This huge tax can be payable by landowners who are selling perhaps a small farm and want to retire to beach areas. These people — they may be retirees — are being very

unfairly treated. The payment can be deferred, but that is a ministerial decision for which there are no set rules and, of course, interest will be applied. Interest accrues at a daily compounded rate and can be up to a premium rate of 8 per cent, so people can be up for a great deal of money. If they defer payment, at the next trigger they have to pay a huge amount.

Another area of concern is that, despite the fact that the government has revised the GAIC plan and moved the so-called responsibility to the purchaser from the vendor, the GAIC cost will be factored into the sale price and the vendor will still be disadvantaged under this scheme. The GAIC liability is still entirely up-front and therefore a huge disincentive to companies trying to start housing projects.

If the application of this flat tax causes the abandonment of housing projects, with development companies walking away, jobs will be lost in Victoria and the cost of housing will increase, thereby massively reducing the availability of affordable housing. It is totally unfair that there is an element in this legislation making it retrospective to contracts signed on or after December 2008. This is really a tax which is designed to trap people.

Many members have talked about industry's concern about this tax, the fact that the details of the amounts that will be paid have never been publicly reviewed, that in its nature it is an up-front payment with no right of deferral, that there is little transparency around the expenditure, that industry believes it will bring about a decline in the level of development in growth areas of Melbourne and the fact that there will be a dramatic reduction in the amount of land available for new housing development and rising prices. Victoria, once again through the actions of this government, can become a very uncompetitive state. That is a pity, as in recent years Victoria has had a growing population for which we have to provide proper, affordable housing.

Debate adjourned on motion of Mr DELAHUNTY (Lowan).

Debate adjourned until later this day.

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL

Second reading

Debate resumed from 25 November; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr STENSHOLT (Burwood) — I rise to support the Fire Services Funding (Feasibility Study) Bill, which establishes a framework to facilitate the conduct of a feasibility study for the purposes of evaluating an existing or new tax, duty, levy or impost. The way it does this is to extend the powers of the commissioner of state revenue to be involved in feasibility studies and to obtain appropriate data in order to undertake such a study. The bill also makes provisions for safeguards around the collection, use and disclosure of that data.

As all Victorians know, the 2009 Victorian bushfires were tragic; a royal commission is looking into that catastrophe. The commission has underlined the need for us to have excellent fire services in Victoria, and it has also reminded the state of the cost of those fire services. The cost of fire suppression and prevention activity in the last financial year was more than \$1.4 billion.

We have continuing arrangements for funding of the MFESB (Metropolitan Fire and Emergency Services Board), or the Metropolitan Fire Brigade as it is commonly known, and the CFA (Country Fire Authority), but over and above that funding the state government provides somewhere between \$600 million and \$800 million — it did last year, anyway, because of the exceptional circumstances. It is therefore appropriate for the government to be looking again at its funding burden for the fire services, and it has published a green paper which looks at the best way to do that. The green paper on fire services and the non-insured looks at that and provides a number of options for proceeding in this regard.

I was very surprised yesterday at the contributions from the member of Scoresby and the Leader of The Nationals, although I would have thought the latter would have known better. Sadly he seems to have been sucked into the black hole of opposition and standing for nothing as part of the coalition. The best they seem to be able to do is attack the commissioner of state revenue and show their ignorance of how fire services are currently funded. They are falling into their old stance of scaremongering and, worst of all, of having no policy.

I repeat again, especially for the member for Scoresby — —

Mr Wells interjected.

Mr STENSHOLT — I was listening very carefully. Fire services have to be paid for. It is a response to risk which has to be paid for. Under current arrangements the insurance industry contributes to the cost — in other

words, it relates to the risk. The industry hypothecates this risk management contribution on people's insurance bills as they write down the fire services levy. It is seen as a cute description, but it is part of the risk premium and is not seen as separate. I remind the member for Scoresby of that.

I have mentioned before the recent tragic bushfires that raised questions of funding. It is proper to review this matter again. It was last done in 2003 and I was well aware of it as the then Parliamentary Secretary for Treasury and Finance. I note that the member for Box Hill is a former Parliamentary Secretary for Treasury and Finance and that some time ago he looked at these issues. It is not simple. It is complex and there are issues of coverage and fairness that have to be looked at, as well as coming up with a system to deliver the goods and pay for the fire services in relation to the risks and the costs involved.

As I said before, the bill has two purposes: it enables the powers of the commissioner of state revenue to be extended to contribute to the feasibility study and to collect appropriate data. I look forward to the insurance industry cooperating and providing the data, which is what the government is looking for. I am reminded, not so much in terms of the previous review of fire services funding but the HIH collapse, that the Treasurer, then the Minister for Finance, did a superb job in looking at a range of options that would help people who were affected by the collapse of HIH. There were problems in getting from the insurance companies data that was needed to frame the new mechanisms as supporting mechanisms for people affected by the collapse. The government asked the insurance industry for information and data, and the industry said, 'Yes, we will give you some data', but in talking to the association it said, 'You need to talk to the individual insurance companies'. It proved to be a difficult exercise in getting information and data on insurance.

This bill provides for the collection of appropriate data — in this case, from insurance companies — and includes privacy provisions to ensure the information is not revealed, which is also only appropriate.

I reject the amendments circulated by the member for Scoresby. The member purports to portray the amendments as being necessary because the bill will allow the commissioner to organise a raft of new taxes. I remind members that the Parliament approves new taxes.

Mr Clark interjected.

Mr STENSHOLT — I remind the member for Box Hill that this is a government that has reduced taxes again, again and again. This is a government that has cut taxation. Under the watch of the member for Box Hill, only one tax was cut and that was worth \$1 million, but this government has cut over \$3 billion worth of taxes. Good governance requires continuing review of fiscal arrangements, including on the revenue side. This bill assists that.

I call on the opposition parties to provide their policies on funding fire services, if they have any. What are they? Perhaps there are two policies — one for the city and one for the country; one for the Liberal Party and one for The Nationals. If they have any, what are they? Will the opposition respond to the green paper? If so, in what way will it respond? The paper invites comments. What views will the opposition have on the various options put forward?

The member for Box Hill, with his past experience in this area, should have some ideas and some options, which the member for Scoresby obviously does not. Will the opposition propose a poll tax? Will it propose a new property tax? Will it propose tax increases? Will it ask the federal government to pay for it? Will it ask people to pay for it? Will it look for a transfer from one part of the community to another part of the community? In previous debates it appears sometimes opposition members are happy to see these taxes transfer from one area of the community to another. What will they be telling communities? I know they are very interested. The *Weekly Times* is very interested in The Nationals view on this, and I am sure its reporters will continue to ask. The government is very interested in the views of the opposition, as is the community.

This review will be thorough and it will investigate the options. This bill enables appropriate research to be undertaken to underpin any future decisions. It provides the commissioner of state revenue with extensive powers to undertake feasibility studies and collect data. This is appropriate so that the house can be best informed about the best options to move forward, and this particular bill does that. The commissioner of state revenue and his staff do a fine job. I support them and I hope the opposition will support them. I commend the bill to the house.

Mr CLARK (Box Hill) — There are two issues in relation to this bill. The first is the move to conduct an inquiry into the fire services funding arrangements. The second is the incredibly open-ended power the bill gives the commissioner of state revenue to conduct inquiries and feasibility studies into policies and

proposals for any new or existing tax, duty, levy or impost.

An investigation of the fire services funding arrangements is long overdue. The opposition has had to drag the government kicking and screaming to do something about it. As the member for Scoresby outlined most forcefully yesterday, the current regime is hopelessly inequitable, imposing a huge burden on a small proportion of the community, rendering insurance in Victoria amongst the most expensive in the world and deterring people from properly insuring their properties. It is a regime that is administered with a lack of fairness and transparency.

We wholeheartedly support the need to fix the current fire services funding arrangements. If the feasibility study proposed by the government is the way to do that, then we welcome that as well. Let us just hope this current feasibility study will not turn out like the phoney study the government announced before a previous election which then turned out to be a Treasury whitewash after the election that ended up doing nothing at all to fix the problems, which just continued to fester.

Another aspect of this bill is the secretive, underhand and dishonest attempt by the government to grab power to compel any Victorian to disclose any information that may be required for the purposes of investigating any new or existing tax, duty, levy or impost. This was something the government did not even admit to in the second-reading speech. You will not find in the minister's second-reading speech a single word that alludes to the fact that this bill goes far beyond providing for a feasibility study into fire services funding. It proposes to give the commissioner enormously sweeping powers to investigate any other new or existing tax, duty, levy or impost. When the government tries to cover it up you know darn well there is something untoward going on.

Well may Victorians be very fearful about what this measure may foreshadow. We have had no disclosure from the government about what new taxes it is considering imposing as a result of the powers it is seeking under this legislation. There has been no disclosure of what existing taxes, duties, levies or imposts it may be intending to ratchet upwards. Is it going to be an extension of the parking tax that the government is considering introducing? Will the government be giving in to the kite being flown by the Henry review, in which he is suggesting that the states should be introducing an extended road-usage charge? Is it to position the government to get the information it needs for that? Is it to resurrect the proposal it had in its

former tax review, of massive land tax increases on small businesses? Is that why the government wants the power to conduct this kind of study?

Members should look at the various options the member for Burwood foreshadowed — which may have been a bit of a Freudian slip — about what the government has in mind. Is the government considering introducing a poll tax? Is it considering introducing a new property tax? Is it considering piggybacking on new commonwealth taxes, as the member for Burwood suggested? We need some honesty and disclosure from the government about what its secret agenda is to which this bill is a precursor.

The bill gives enormously wide powers to the commissioner of state revenue. The member for Burwood said it is up to government to initiate these matters. In fact the commissioner will be empowered to conduct feasibility studies in the public interest. If the commissioner determines to conduct a feasibility study, the commissioner may, by written notice, require a person — in other words, any Victorian — to provide the commissioner orally or in writing information described in the notice for the purpose of the commissioner's feasibility study. Setting aside all the normal powers to investigate and acquire information from taxpayers, this is a totally open-ended power to gather any information the commissioner might want, however onerous the obligation may be that is imposed on the person who is the subject of the notice. Victorians are already drowning in red tape under the current government. What additional burdens will be imposed as a result of this measure?

What measures are there in place to protect the integrity of the data that will be gained under this process? We know the law enforcement assistance program database has leaked like a sieve. The Auditor-General, in his report that was tabled yesterday, has exposed the lack of protection for improper access to information — —

Ms Duncan interjected.

The ACTING SPEAKER (Mr K. Smith) — Order! The member for Macedon!

Mr CLARK — The Auditor-General was also readily able to hack into a series of government databases. What measures are there to protect the security of Victorians' data under this proposal? I strongly support the amendments foreshadowed by the member for Scoresby.

Mr BROOKS (Bundoora) — I am happy to rise to speak in support of the Fire Services Funding (Feasibility Study) Bill. The bill essentially sets out the

framework for the government to undertake a feasibility study into the best way of funding fire services in Victoria. It does that by extending the powers of the commissioner of state revenue to ascertain and collect the data that is required to undertake that feasibility study. It also ensures, quite importantly, that the appropriate safeguards in relation to privacy are in place.

The bill inserts a new part 10A into the principal act, the Taxation Administration Act 1997, which gives the commissioner of state revenue the power to conduct that feasibility study and also sets out the ability to acquire the information and the framework around how the information is to be collected and used. An example of that is in the new section 116D, 'Use of information obtained for feasibility study', which states:

A person must not use any information obtained under this Part for a purpose other than the conduct of a feasibility study.

A number of other new sections to that new part set out the requirements for the use and disclosure of any information that is collected under this very sensible bill.

The bill obviously flows from the government's release of the green paper on fire services and the non-insured, which is a very good discussion paper providing for the facilitation of community discussion and public debate around the best way to fund fire services in Victoria. They are obviously very important and topical at the moment, given the tragic events of Black Saturday. The government clearly sets out its position in the green paper — its preferred option of the current regime of the insurance fire services levy. It is interesting to note that we just heard speakers saying the government did not have a position; we have a clear position on this issue. It is the opposition's policy about which there seems to be some confusion.

In relation to fire services in general, the Productivity Commission's most recent report on government services, the *Report on Government Services 2009*, has some very useful information on the allocation of funds and the performance of fire services across Australia. I will focus on a couple of pieces of information in that report. A small but important part of fire safety is the number of households with smoke alarms. Interestingly enough Victoria has the highest proportion of households with smoke detectors installed. That is a credit to the work of fire service organisations in educating the community about the benefit of having smoke detectors installed. Victoria had 97.2 per cent of homes with smoke detectors installed compared with 92.9 per cent in New South Wales and 87.6 in Queensland.

In relation to response times to structure fires, the report sets out that Victoria had the best response time to structure fires of any state, with an average of 9.5 minutes in the 90th percentile compared to 14 minutes in New South Wales and 12.8 minutes in Queensland. This again shows that our fire services, both the MFB (Metropolitan Fire Brigade) and the CFA (Country Fire Authority) are doing a fantastic job.

In terms of funding the report sets out that Victoria spends \$155.55 per person on fire services, which is the highest allocation of expenditure per person on fire services of any state. That is a good thing. That means Victoria is being well prepared for the event of fire, both in rural areas and in the city. Most of that expenditure — \$402 million of it in the 2009–10 year — is in the CFA area and \$308 million in the MFB area, so there is certainly a large focus on rural areas in terms of us looking at protecting Victorians from fire.

It is a shame the opposition has gone down the path of trying to politicise this debate. I do not think there is a problem with having a serious discussion around how our fire services are funded, but we have once again seen the opposition jump on this as a cheap political exercise. The opposition has failed to put a clear policy position itself. The member for Scoresby's contribution yesterday was an eye-opener, because there was absolutely no policy content. It was all whingeing about different aspects, but he did not put a policy position on behalf of the opposition.

The member for Scoresby went on to talk about how this government has increased taxes, which is just ridiculous. This government has made five consecutive cuts to WorkCover premiums; it has cut the payroll tax rate below 5 per cent for the first time since the 1970s, something the opposition did not achieve when it was last in government; and it has cut land tax by 10 per cent in the top rate and adjusted the thresholds.

In relation to the opposition's comments on the fire services levy, there has been some interesting commentary in the media. I noticed on 31 October the *Australian Financial Review* reported the Leader of The Nationals as saying the opposition did not have a preferred outcome with respect to this review — he was keeping his cards pretty close to his chest. Then there was an interesting interview with the member for South-West Coast on regional radio where a very good interviewer — I do not know who the interviewer was, but she did a great job of putting the member through his paces — asked if the coalition had a policy on this issue. The member for South-West Coast certainly ducked and weaved like he was facing the West Indies

bowlers at the Boxing Day test match. He was wanting to try to run for cover. The interviewer kept asking, 'How are you going to fund the fire services?'. She pushed him and pushed him until he finally said that the Western Australian and South Australian systems were much fairer, letting the cat out of the bag that the Liberals and The Nationals see those systems as better. Those systems involve a tax on all properties and a tax on motor registration.

The opposition should be open about this. There is no problem with putting a position, but the opposition needs to be open. If opposition members wish to tax motor registrations and all properties, they should come out and say so. This government has a clear position of wanting a sensible review process, and I commend the bill, which is part of that process.

Mrs FYFFE (Evelyn) — I am pleased to rise to make a brief contribution on the Fire Services Funding (Feasibility Study) Bill. Whenever taxation is mentioned in the context of the Brumby government, I am reminded of the lyrics to the George Harrison song *Taxman*. I will spare the chamber any attempt by me to put it to a melody, but the song says:

Let me tell you how it will be,
There's 1 for you, 19 for me ...
...
If you drive a car, I'll tax the street,
If you try to sit, I'll tax your seat,
If you get too cold, I'll tax the heat,
If you take a walk, I'll tax your feet.
...
'Cos I'm the Taxman.

I know government members know the words; it is their anthem.

I most definitely support the amendments to be proposed by the member for Scoresby to curtail any attempt by this government to secretly put in place an agenda to change powers to investigate any tax. However, in the case of the fire services levy, this is an unquestionably necessary tax. The problem, though, lies in the degree of burden being felt by those who pay insurance, which incorporates the fire services levy, versus those who do not pay insurance but still benefit from the services of the MFB (Metropolitan Fire Brigade).

It is an issue that is of great concern to many in my electorate of Evelyn. Black Saturday resulted in 173 deaths, 6180 injuries and thousands of people being made homeless by an unrelenting fire storm that made it feel as if we had been plunged into the very depths of hell. In fact I personally felt we had been

plunged into the depths of hell. It was a disaster that the state of Victoria was not prepared for. I pray we will not experience a repeat of such devastation during this fire season, which has already begun.

In terms of the fire services levy, the Black Saturday bushfires revealed that 30 per cent of property owners did not have insurance — in other words, 70 per cent of property owners are carrying the 30 per cent who perhaps cannot afford insurance or who do not want to pay for it. The fire services levy is paid as a percentage of house and business insurance premiums and funds the CFA (Country Fire Authority) and MFB.

Mr Mario Galteri, who has a business in Coldstream, has been passionately campaigning for a system that would see the fire services funded by the state government. Businesses are now being made to pay an increased rate of 68 per cent of the premium while homeowners pay 26 per cent. It is simply not fair when everyone receives the same service. While the CFA is technically able to charge a fee to property owners for their services, as one volunteer, Don Bigham, from the Gruyere CFA said to me — and forgive me for paraphrasing — 'We don't want to have to present some poor bugger with a bill when he has just lost everything'.

Since every premium requires GST and stamp duty to be paid, the government is benefiting from the levy without any consideration of the strain that it is putting on business and family incomes. In the case of Mr Galteri, the fire services levy and taxes add about an extra \$15 000 to his annual insurance bill. If we have season after season of severe bushfires, funding requirements for the CFA and MFB will soar, putting even more pressure on the backs of the few. As soon as the burden becomes too great, other businesses and property owners will simply stop paying their insurance premiums until the government is left with no alternative other than to meet the entire cost of the fire services. We cannot risk the CFA not being adequately funded in future bushfire seasons.

Clause 6 inserts new section 116A(1) which stipulates that the commissioner of state revenue can conduct feasibility studies in relation to a new or existing tax, duty, levy or impost in the public interest. This extends the role of the commissioner beyond the administration of the taxation laws. The term 'public interest', as we all know, is a debatable term. In order to ensure that taxpayer dollars are not wasted on knee-jerk feasibility studies, I think the bill could be strengthened by the inclusion of some parameters. I would hate us to reach a situation where feasibility studies are being conducted as a matter of routine.

New section 116B(2) outlines all the items the commissioner must state in the notice when requiring information for a feasibility study. This includes the purpose for which the information is required, the form in which the information is to be provided and the person to whom the information is to be provided. I note that there is no mention of the responsibility of the commissioner to include any information in the notice about the right of the individual to refuse to provide this information.

I am very conscious that there are many speakers wanting to speak on this bill. I would just like to reiterate that I wholeheartedly support the amendments circulated by the shadow Treasurer, the member for Scoresby. We cannot allow this bill to go through without those changes.

Ms DUNCAN (Macedon) — I rise in support of the Fire Services Funding (Feasibility Study) Bill 2009. As we all know, the recent fires have refocused attention on the way in which fire services are funded in this state and particularly so because the amount of funding that the state government has contributed, and the insurance industry has contributed, to fire services is unprecedented. If predictions about global warming and increased risks across this country are correct, that trend is going to continue in one direction — and that is up. This bill endeavours to set up a framework so that we can learn more about the levels of insurance in this state and determine whether the way in which we currently fund fire services is the way to continue.

It has been interesting to listen to the debate on this issue, and again it is not uncommon for the opposition to not let facts stand in the way of a good debate: its members say as much as they can without stating exactly what it is they would do. So we have seen more of that. I guess what is becoming an increasing feature — and this is what oppositions do as we get closer to elections and they know how desperately poor they are performing in the polling — is that the Liberals increasingly set up their scaremongering, and we are seeing that in a whole range of issues. We have seen some really galling examples of it in this debate today.

But I am very pleased, as I said, to speak in support of this bill. What we want to do is clear. The opposition is very critical of this but it made no changes to the fire services levy, as I understand it, when it had the opportunity to do so. Again it is an example of the standards that opposition members apply to government that they did not apply to themselves. I have said in relation to a number of bills over the years that the opposition's view is, 'Don't do as we did, but do as we now say'. It will be very interesting, if the

opposition is ever in government again, to see whether it will implement all the things that it demands this government do.

This legislation will set up a framework to review the current way in which fire services are funded, and other members have spoken about how that is currently done. What we want to know is: is that the best way to go? We have had some suggestions from the opposition that they like the way Western Australia and South Australia fund their schemes. As I understand it, in Western Australia all property owners are taxed, and again it may well be a way to go. It is certainly something to be considered, but you cannot get opposition members to take a position; that is about as close as they have got so far. Given that opposition members say Labor is the taxing government, it is a bit galling to see that they are proposing to put this across all properties. Of course in the South Australian model, which I think they also support, it is across all motor registrations as well.

The purpose of this legislation is to set up a framework to work out what is the best way we should go forward in funding this. I must say at the outset that I support the insurance industry contributing to fire services. I think, other than obviously householders, they are the next category, if you like, that is supported by fire services. If fires are put out and property is not damaged, it is the insurance companies that benefit from that, so I personally think it is appropriate that insurance companies contribute. I am not sure how you can continue to have the insurance industry contribute to this fund without them then seeking to recover that money through insurance policies, and unless we mandate the insurance there will always be people who choose not to take it out.

It is a current anomaly and inequity in the existing system, but while you have the insurance industry contributing they will seek to offset it through policies. If you then say that the insurance industry no longer contributes to the fire services levy, that raises issues about who benefits from the service and who contributes to the service. That is an area that I have some concern about.

I believe the government has shown its willingness and its openness in this regard by releasing a green paper in October of this year which invites the community to be part of this discussion about how we should go forward. Rather than criticising the government for this, I am a little unsure as to why the opposition is so against it, because it certainly seemed to be saying, 'It is a disgrace, it is outrageous; we should be following Western Australia or South Australia'. The government

has clearly said, 'Let us put out a green paper, let us have a discussion with the community, let us be open about this and put the cards on the table and gather up all the data that we need to be able to make this determination'.

I know the system has been reviewed before and there have not been changes made previously, which suggests that, for all of its imperfections, it is a bit like democracy — it is better than the alternatives. That is what this is about. That is what this legislation seeks to do, and the green paper invites discussion from the community so that we can all understand what is on the table and what are the current processes. Is this the best way forward? What sorts of increases are we likely to see, because I think everybody appreciates that controlling fire in this state and mitigating against fire in this state will become a more expensive exercise into the future.

We need to make sure that whatever funding model is identified is sustainable in the long term, keeping in mind that it is likely that all of these costs will continue to increase as we get better at managing fires and we get better at fire mitigation — all of these things. Rarely is it about decreased costs. With increasing knowledge we often have increasing costs, and I suspect that this will be no different.

I support the framework that has been adopted by the government. I appreciate that in order to gather some of this data there need to be some changes to the way in which the commissioner of state revenue is able to go about that business. I think without that analysis, without all of that information on the table, we cannot be sure that we will get the best outcome in the future. It may well be that the system we have now is fine, but that is what we want to know: is there a better way of doing it?

I commend the government for having the willingness to look at the whole thing, hopefully with fresh eyes, to see what we are doing and to go forward into the future to make sure that this state is as fire ready as it possibly can be. I commend this bill to the house.

Dr SYKES (Benalla) — I rise to contribute briefly on the Fire Services Funding (Feasibility Study) Bill 2009. I wish to indicate my very strong support for the amendments circulated by the member for Scoresby. I also note the passionate presentation made by the member for Box Hill, who highlighted the outrageous implications of the bill in its current form.

Other speakers have raised the background to why this review is taking place. Let us just say there have been

repeated calls from many organisations, including the Victorian Farmers Federation, the Insurance Council of Australia, individual insurance brokers and many people who have taken out insurance, highlighting the inequity of the current system.

Mr Hulls — And The Nationals.

Dr SYKES — The Nationals have highlighted the inequity of the current system. I thank the Attorney-General for his assistance

There is clearly a need for a review, and the Brumby Labor government has at last been dragged kicking and screaming into undertaking one. But when you look at the review process, it becomes patently obvious that it is a farce because, firstly, the time frame is such that formal submissions will not be taken until between June and July 2010; and secondly, the report of the review will not be put on the table in the public arena until after the next election.

It is also a farce because the so-called discussion paper contains inconsistencies. The government strongly indicated this when on the one hand it said in its green paper that the current system was 'equitable'. On the other hand, three paragraphs later, it was 'inequitable', but it still said it was its preferred system.

It is not just The Nationals who have raised concerns about the farcical nature of the government review process. The National Insurance Brokers Association (NIBA) highlighted in a discussion document its concerns with the green paper, and I quote:

While NIBA supports the review it is concerned about a number of statements, errors and omissions in the green paper that was released by the Victorian Treasurer on 30 October 2009.

The green paper outlines a number of options for reform. It states, however, that the government's preferred option is a continuation of the existing system for funding fire services by way of a levy on insurance.

It is important that the review be conducted in an independent and professional way and not simply be used as a way of justifying the current arrangements. In this regard NIBA has noted a number of misleading or important omissions from the green paper, including:

1. The interpretation in the green paper of the 2003 Department of Treasury and Finance report on the review of fire services funding.
2. A misunderstanding of the link between the risk of fire and fire services contributions payable by the individual.
3. Confirmation that in reality the fire services contribution falls on insurance policy-holders and not insurance companies.

4. The method of determining underinsurance in the pilot study.
5. The failure to consider the implications of GST and stamp duty paid on policy-holder contribution and government revenue.

The National Insurance Brokers Association has highlighted what we are saying: this process is a farce.

By contrast, the bushfires royal commission recently announced its review of the fire services levy. That review is calling for submissions immediately and will report its findings by July next year. The review is supported by a soundly based, unbiased, factually correct discussion paper, which is a significant contrast to what the Brumby Labor government served up in its green paper, which it purports is a fair and reasonable discussion paper.

Given that I have limited time in which to make this contribution, I say to the Brumby Labor government: you are being dragged kicking and screaming to undertake this review; if you are going to undertake this review, at least do it properly.

I challenge the government to do it in a more appropriate time frame, to support the bushfires royal commission review process and to deliver an outcome prior to the November 2010 election.

Mr HOWARD (Ballarat East) — I also am pleased to speak on this significant though brief bill, the Fire Services Funding (Feasibility Study) Bill. As we understand it, the bill is aimed at establishing a framework to facilitate a feasibility study into alternative mechanisms for funding fire services in Victoria. It is clearly important that we undertake a review of the way our fire services — the Metropolitan Fire Brigade (MFB) and the Country Fire Authority (CFA) — are funded, because, as we know, the last fire season and works for the coming fire season have significantly increased the costs associated with running these services.

This government has committed significant additional funding to support the CFA as opposed to the MFB over the years, which is my particular interest in that as a country-based MP I have a clear interest in the CFA.

It is important to recognise that with the increase in costing requirements for our fire services we need to review the current mix of funding to cover the cost of these services. As members would understand, the fire services levy, which is levied against the insurance policies of people who insure in country Victoria, is a particular focus of this feasibility study.

Like most country MPs, when reading my insurance bill in recent years and seeing the component for the fire services levy, I have thought, ‘Yes, that is a pretty hefty amount to be adding on’. However, I have to add that when my property was under significant threat two years ago I was very relieved to see the many CFA units turn up to fight the fire. We were pleased our house did not burn down; half of our property was burnt, but the CFA was sensational — it was on site both at the time of the fire and for a significant time after to address the issue of falling embers.

When you need support, it is very important that you have insurance. I was very pleased that my fences and property were insured so I was able to make the appropriate claims following the fire damage. I was able to get my fences replaced and other work done as a result of having insurance, and I was delighted that the Country Fire Authority was on the scene.

But as other country members of Parliament have experienced, many constituents have rung me and expressed their concerns about the way the fire services levy is charged, recognising that it is a significant component that is added to the property insurance; recognising that although many people do not take out insurance and that therefore they are not making a contribution to CFA services, in the event of a fire clearly they gain the benefit of those services. There is reason to look at whether there is a more equitable way of sharing the community cost associated with covering the costs of the CFA. The feasibility study will help to establish whether there is a better means of financing our fire services.

Obviously we do not want to add so much cost that we create a disincentive to people insuring or to have them underinsure. However, the contra to that is that when people know the serious threat of fire that is about them, they know it certainly does not pay not to have insurance; if they can insure, they ought do so. There is more reason than ever to ensure people are taking out insurance because they certainly know that the threat of loss of property exists. I hope people continue to take out insurance.

As the house knows, a green paper has been put out so that these issues can be evaluated, and there will be a consultation process. I am very pleased that as a government we will be serious in following through that process and that we will listen to all the issues that people put to us to identify what is the soundest and most equitable way of charging a fire services levy, if it is to continue, to cover the cost of our significant fire services. I support the bill. It is very pertinent that we are undertaking the review.

Mrs POWELL (Shepparton) — I am pleased to speak on the Fire Services Funding (Feasibility Study) Bill 2009 and to say that I support the member for Scoresby's amendments. The coalition is putting forward the amendments because the government has not said what feasibility studies it is going to undertake or what current or future taxes it is going to be evaluating.

We think it is really important that the government should concentrate on a feasibility study into the fire services levy. As other members have said, this levy is unjust and unfair but more particularly it is very expensive for country Victorians.

The Premier must have heard the anger of people around Victoria about this unjust fire services levy, because now the government is going to hold a review. It looks as though it is doing something about the levy, but as other members have said, a decision will not be made by the government until after the next election. The government thinks the current system is fair and just.

Over the years many complaints have been made to my office by the Goulburn Valley branch of the Association of Independent Retirees and also, interestingly, by a number of insurance brokers who are outraged at the hike in the fire services levy — from 68 per cent for businesses in country Victoria to 84 per cent which, I think, took effect in October.

Over the years I have raised the issue with the Premier, both in this place and by letter. I was told that the fire services levy is not a tax. I was also told that it is the fault of the insurance companies and that the current fire services levy is fair. During this debate many members have read from the green paper, which acknowledges the government's belief that the tax is fair. I do not know why the government wants to carry out a review when it has already made up its mind. Some of the concerns are around the fact that on Black Saturday 30 per cent of homes lost were underinsured or not insured at all, which is a huge concern for people who do not have insurance.

We need a fairer system that is equitable and affordable. I congratulate the shadow minister for bushfire response and Leader of The Nationals for writing to the Henry review seeking a review of the fire services levy. Some options have been put forward, and the coalition has looked at a number of them.

A number of people have suggested, and the suggestion is gaining momentum at the moment because of the unfairness of this tax, that maybe the levy should be a

property-based insurance as is levied in other states such as Western Australia and South Australia. As the shadow Minister for Local Government I have spoken to local government; there has been a mixed reaction to local government taking this on as property-based insurance. Some say it would be a good idea while others have expressed concerns. They have said they would expect the state government to compensate them for the administration costs.

Other concerns were about whether there would be a reduced fire services levy in a flood-prone area, an increased levy in a bushfire area or whether it would be a flat rate. There are a number of issues to iron out and to speak to local government about if the decision is to go to a property-based tax.

The coalition supports the Country Fire Authority and its work. We think it does a great job not just at times like Black Saturday but at all the fires its members attend on our behalf to protect our assets and our livelihoods. But we also believe it should be adequately funded, and at the moment the system is not adequate. It is unfair and it is unjust, and it puts a burden on those who pay insurance. Those people pay a higher insurance rate. We have to find a rate that ensures most people insure their properties and have fire insurance. I think one of the reasons people do not take out fire insurance is because of the cost. It is very expensive, and we have to find a way of reducing that cost.

As I said, the fire services levy is unfair and inequitable. I call on the government to acknowledge that and to find a fairer way.

Mrs VICTORIA (Bayswater) — I rise to speak on the Fire Services Funding (Feasibility Study) Bill 2009. I wholeheartedly support the amendments put forward by the member for Scoresby. As many previous speakers on this side of the house have said, the fire services levy is highly inequitable; a couple of members have said it is not a tax.

I turn to look at some definitions. They are not mine but come from the *Oxford Dictionary*, so if anyone wants to dispute them, they should take it up with the people who publish the dictionary. It says a levy is the imposition of a tax, fee, fine or subscription. I have comprehensive insurance for my home and contents, and every year I see the fire services levy going up.

If we look at the way we pay the levy on our insurance, it includes the levy plus the GST plus stamp duty, so there is a tax on a tax on a tax. GST is a tax and stamp duty is a payment levied on import-export manufacture or sale of goods. There are three taxes sitting on top of

the base rate. For example, if you are paying \$100 in an insurance premium in the city, where I live, you pay an extra \$45.20, which is on top of every \$100 in insurance just in fire services levy.

However, I really feel for our country cousins because a person with a home in the country pays a 31 per cent levy rather than a 20 per cent one. Their total on a \$100 premium is \$158.20. I really feel for country businesses, and having had a business for many years I know how hard it is for them to make ends meet. Country businesses are paying an 84 per cent levy plus the GST and stamp duty. On the \$100 they pay through insurance, they are paying \$222.64, and I do not think we could really say that is fair or equitable.

I am terribly lucky that in the Bayswater electorate we are serviced by two wonderful CFA (Country Fire Authority) brigades, but, to be fair, they are always scrounging for money. Matt Taranto is the captain at Bayswater and does a fantastic job. His predecessor, Craig Ferguson, has gone on to bigger and better things but is still very active in our local brigade. Of course they were very involved in the bushfires of Black Saturday, both before and after the actual day itself.

At the CFA in Boronia there are not only just volunteers but also career fireys. Ross Sullivan, who was their very able head has now gone into head office, and they are currently being ably looked after by Peter Lucas. We need to remember that a lot of these people give their time, their effort and sometimes even their lives for our safety, so it is really important that we provide them with the best possible equipment, and of course there needs to be an awful lot of funding for that. The only way we can do that is obviously by putting some sort of tax or levy on something, whether it be insurance or land or all the other propositions. We definitely do need a feasibility study and I think it will be interesting to see what the outcome of that is.

Of course there was not even going to be a feasibility study into this; I believe it was the Leader of The Nationals who actually asked the Premier — I think it might even have been in question time some time ago — to refer the fire services levy to the Henry review, which he refused to do. I believe the Leader of The Nationals wrote to Ken Henry and asked that it be put on the agenda and it now is; I am delighted that that is going to take place.

There is also the green paper out there, and we will wait to see what the reaction is to that and how it is altered before it eventually gets finalised. Of course we cannot forget the bushfires royal commission and its suggestion that reviews be undertaken into the funding

of fire services. There was plenty of pressure there to have this review undertaken. What we have is a review, another review and then another review. I would like some answers and to find out how it is that we will most equitably fund this service for all Victorians.

We learnt through the obviously very tragic fire season that we had earlier this year that 30 per cent of homes in the bushfire-affected areas were uninsured and about the same amount were also underinsured. Those people who are fully insured, like myself and other people, are very conscious of that and are taking up the financial burden for everybody else. This needs to be far more equitable and I hope the amendments will pass.

Ms MUNT (Mordialloc) — I would just like to make a brief contribution to debate on the Fire Services Funding (Feasibility Study) Bill 2009, which is a very important bill. One of the main areas that I would like to concentrate on is the fact that the bill will establish a framework to facilitate the conduct of a feasibility study in relation to fire services funding in Victoria.

The data that may be collected from insurance companies will form the basis of an analysis of the current model and possible alternatives. This is very important because for the first time, under this pilot study, the insurance companies will be able, under their own choice, to provide information and data to the State Revenue Office of the actual details of the fire services insurance in Victoria, particularly whether people are underinsured or not insured at all. That will then provide very important data for the State Revenue Office and the government to determine the levels of insurance that are out there in the community, whether they are adequate and how to efficiently manage those levels of insurance into the future.

At this juncture, with the recent history in Victoria, that is a very important area that we really need to have information on for the fire services levy to go into the future. It is important to do that because it has actually been a very long time since the fire services levy has been investigated and looked into by the government.

Mr Ingram — The year 2000 was the last time.

Ms MUNT — I think the year 2000 was the last time. It is overdue that we actually look into this, and as the same model has been in place for many years —

Mr Nardella — Decades.

Ms MUNT — It is decades, as the member for Melton says, and so it is incumbent upon us as a responsible government to do this feasibility study and

collect this data, if at all possible, for the safety and security of all Victorians.

I have been listening to the contributions of opposition members during the debate on this bill and I have noticed a lot of criticism. This bill is actually a very good bill. I have not heard any alternatives being given on which direction the government should take, but I am sure the member for Gippsland East will give a very good indication of which direction the government should take in this very important area. It is very easy to criticise, criticise, criticise, but it is not quite so easy to actually put a proactive and common-sense approach in place, and that is what this bill will do. It will provide for a proactive and common-sense approach based on actual information and data so that we can move forward in the fire services funding area. I commend this bill to the house and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Fire Services Funding (Feasibility Study) Bill. The Nationals in coalition are supporting the amendments moved by the member for Scoresby, which are intended to restrict the purpose of the bill to what is in the title of the bill, and that is to say what the feasibility study should do and when it should take place and not give more opportunities for consideration of other taxation areas. This is about fire services, and it should be limited in that way.

The purpose of the bill is to amend the Taxation Administration Act 1997 in relation to feasibility studies to enable evaluation of an existing or new tax, levy or impost to enable a review of the fire services levy. The study is due to report by November 2010, which is a rather long time away; I am not sure why it is this long. I can speculate that it might be so that we can see how it fits with the Henry review, but the problems we have with the fire services levy certainly need to be dealt with far more speedily.

I will give an example, which the member for Scoresby also gave, of the current inequity in the system. On a \$100 premium there is an 84 per cent fire services levy in regional Victoria. If you add those figures, you get \$184. If you add the 10 per cent GST of \$18.40, that takes it to \$202.40. If you add on another 10 per cent for stamp duty, you end up with \$222.64. The current levy, just by its sheer expense, is causing rural businesses to choose not to insure. This is an excellent example of diminishing returns: as less people become involved, the levy has to go up higher to meet the costs involved in our contribution to firefighting services.

I would also like to acknowledge the role of the member for Gippsland South in putting forward the

need for this change and this review, and also for his work to raise the matter with the Henry review.

The Economic Development and Infrastructure Committee is currently holding an inquiry into state government taxation and debt, and at our Sydney hearing on 29 October 2009 we received some evidence from representatives of the Insurance Council of Australia and in particular Mr Scofield, who is the general manager, corporate affairs, at Allianz Australia. They raised considerable concerns at the time about the structure of our fire services levy. Curiously, in his evidence Mr Scofield said he believed it to be a tax and was willing to furnish a legal opinion. We understand that that can be debated, but in this house we have had debates before about whether the levy is a levy or a tax.

The Insurance Council of Australia also pointed out that there are two states that have recently made changes or held reviews into their fire services levy arrangements. Western Australia was one that was described in some detail. South Australia also has a substantially different model to the model in Victoria.

The insurance council also presented some evidence as to the elasticity of demand for house and contents insurance based on the fire services levy. This modelling will be very interesting, and I encourage the insurance council to make a substantial contribution to this fire services levy debate, as I am sure it will. What we found from our inquiry into state taxation and debt is that there is a lot of evidence on fire services levies out there ready to go. There are various models and information on how they interact with demand and people's insurance levels. The evidence is out there, and I encourage the government to get on with the job and fix this problem as quickly as it can. The Nationals will support the amendments to ensure this bill will do what it claims to do.

Mr INGRAM (Gippsland East) — I rise to make a brief contribution to the debate on the Fire Services Funding (Feasibility Study) Bill 2009. I first make the comment that we have previously had investigations into this. I made a submission the last time that fire services funding was investigated. At that time I put an alternative position of changes that I thought were the best way forward to remove some of the inequities in the funding of fire services in the state, and I was very disappointed with the result. In my view it needs some type of rate-based system so that everyone, no matter where they live, pays a contribution towards ensuring that we have adequate fire services in the state.

The real problem with the current system is that it is based on insurance, and the reason for this legislation

before the house is so that the insurance industry can provide the information it has collected on underinsurance and lack of insurance across the state. Because of underinsurance and lack of insurance a large number of people right across Victoria are not contributing at all to the funding of our fire services, and that is really the rub in this whole debate. I am fairly certain that The Nationals put a submission to the last review and had come to the same conclusion as the Independent put to that review.

The government did not listen last time, and I was very critical of that. In my view it needed to shift and we needed to get a broader base to ensure that everyone contributed to the funding of fire services. We have seen just recently the importance of our Country Fire Authority in emergencies. Fire services funding costs governments an enormous amount of money, and we need to make sure we have the infrastructure, the assets and the equipment to do the job. It is important that it be investigated and that information about the lack of insurance be made available. I support the amendments put forward by the opposition.

Mr NARDELLA (Melton) — I rise to support the Fire Services Funding (Feasibility Study) Bill 2009. The question was asked: why this is taking so long? It is a very complex issue. We have had problems in the past in trying to get accurate data from the insurance companies, and this bill aids the facilitation of that information. It is a complex issue, and a long time is needed to work through the issues involved.

What are some of the issues? People do not take out insurance because they cannot afford to take out insurance, so is there a more equitable way of doing that, and what is the fairest way of doing that? Is it, as the member for Gippsland East says, through a rates charge, or is it through some other compulsory levy or tax? How do you deal with people who just cannot afford to do it? How do you then work through some of the other issues in regard to the fire services levy?

How do you make sure that the insurance companies play their part in providing funding for fire services? We do not want the insurance companies, which are the main beneficiaries — other than the household, person or organisation being insured — not undertaking their responsibilities and paying their fair share, or not being part of the process. That is why this is taking quite a long time. It is a necessity that insurance companies provide accurate details on a confidential basis, and that is what this bill achieves. It is also necessary for the review to be successful, and I support the bill before the house.

Mr THOMPSON (Sandringham) — The object of the bill is to provide legislative support for the Brumby government's pending review of fire services funding in Victoria, including the future viability of the existing fire services levy. Over the years a number of Sandringham electorate constituents have written to me with concerns about the assessment of the levy and their obligations and liabilities to pay it. This matter has been taken up with insurance companies on previous occasions by the government. The bill is seeking to underpin a review of fire services funding, and the opposition has a number of concerns with it on the basis that it provides open-ended, unfettered and coercive powers for the commissioner of state revenue. That is a matter which was raised earlier in this place by the shadow Treasurer in terms of the ambit and magnitude of the review, and amendments have been proposed to the bill as part of the opposition's approach to this matter.

The work undertaken by fire services in Victoria is particularly important. Both metropolitan and rural fire services representatives appeared on the Neil Mitchell radio program today. Geoff Newton from Harrow expressed concern about the resourcing of fire services in the Harrow region, which covers a large area of land. That part of Victoria is well known to a couple of people in the chamber, including the member for Lowan and people at the Clerk's desk. The concern of this fellow is that there is insufficient resourcing for this fire service to operate, and he was driven to ring the Mitchell program to see what could be done to bring about a better outcome. One of the Country Fire Authority volunteers, Edmund Kirby, has had a long period of involvement with the CFA, helping to deal with the risks we confront.

I mentioned earlier today the impact of fire in Victoria. A major point of concern is that while we are looking at curbing carbon emissions and reducing our carbon footprint, not many Victorians are aware that despite the government's intention to reduce carbon emissions through government programs by some 40 000 tonnes a year through replacement of light globes and tree planting to cover the government's vehicle fleet emissions, the reality is that bushfires in Victoria in 2003, 2006 and 2007 expended some 100 million tonnes of carbon into the atmosphere, which is 2500 times the government's intended savings. We need to be pretty careful when we are looking at the issue of fire.

In a wider sense, a number of members of the Metropolitan Fire Brigade hosted an evening in Melbourne entitled 'Tour of duty' and brought New York fireman Jay Jonas to Australia. On that fateful

day, September 11, he survived the collapse of the north tower of the World Trade Centre and ended up being trapped in a stairwell that was the only open space left in the collapsed building. Having gone to the assistance of people in the building his purpose was to stay with those he sought to rescue.

It was a remarkable story that he related while in Melbourne, and he also told it while in Queen's Hall. There is a very important focus on firefighting in country Victoria, in metropolitan Melbourne and also overseas, so it is important that services be properly funded. However, the opposition has serious concerns about this particular methodology embarked upon by the government and hence has put forward an amendment to the bill.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Fire Services Funding (Feasibility Study) Bill, the title of which is a misnomer, but I will come to that in a minute.

With respect to fire services, the fire services levy has served Victoria well in the past, but over the last 10 years it has become increasingly obvious that the system has passed its use-by date due to a significant increase in the cost of fire and emergency services, due to changes in the way individuals and businesses manage their insurance risks, and through legislative changes that demand increased payments through the fire services levy for fire services.

Those significant changes in the environment with respect to fire services mean that there have been changes in the insurance behaviour of individuals and businesses, which end up resulting in a situation where, I would argue, the fire services levy is well past its use-by date. As it operates at the moment, the fire services levy is undoubtedly unfair and inequitable and certainly needs to be replaced.

I argue it is unfair and inequitable because those who pay insurance, those who adequately insure their properties, contribute to the fire services levy and through that fire services levy, to the funding of fire services, be they the Country Fire Authority (CFA) or the Metropolitan Fire Brigade. However, an increasing number of Victorians, for various reasons — and given the constraints of time I will not go into the various reasons — do not insure their properties. When they do not insure their properties, they do not make a contribution to the fire services levy; their neighbours are then asked to make a heavier contribution to make up the shortfall.

A number of Victorians underinsure their properties. Whenever there are levels of underinsurance, those people are not making the same contribution to the fire services levy as are their neighbours who fully insure their properties.

Some people, as individuals or businesses, make a conscious decision to self-insure. That is a reasonable business decision that some businesses or individuals may make. However, when they make that decision the consequence is that they do not pay a fire services levy; and they do not contribute to the fire services and funding of the CFA and the Metropolitan Fire Brigade.

Indeed one could argue the economics of it. If the fire services levy is a significant and increasing impost, which it is, it drives more and more people to make the economically rational decision to self-insure, because the cost of insurance is increased significantly by the fire services levy. On top of the insurance premium and the fire services levy you then add the GST and then stamp duty to the point that for many businesses, the cost of the original premium and the fundamental insurance risk is absolutely significant, which further drives decisions with regard to the level of insurance, the potential for underinsurance and for self-insurance.

Finally, many people arrange insurance overseas and interstate. While there have been attempts to try to capture that, there are still people who do not pay their fair share of the fire services levy because of their approach to insurance. We understand that we need to fund our fire services adequately and appropriately to meet their needs, but the question is: how are those funds derived?

At the moment, 77.5 per cent of funds for the CFA come from the fire services levy. I would argue strongly that we need to examine the Western Australian and South Australian systems that have moved away from a fire service levy approach to a different approach, which is more fair and equitable, based on contributions and on the value of improvements on a property; that is then overlaid with a fire risk rating system. Indeed these are the changes that were recommended to this government in the review of state business taxes in February 2001 — the so-called Harvey review, where that exact type of system was recommended as the fairest, most equitable and best system for Victoria.

Despite that strong recommendation from the Harvey review, it was rejected out of hand by then Treasurer, John Brumby. We have now before us legislation to do with a feasibility study and a government review.

However, one of the problems with the government review before us is that the government released a green paper in October 2009, but there are some fundamental problems with that. I do not think the government is serious about that review, and I argue that it is not serious because, firstly, it released it in October 2009, but it is not calling for submissions on the green paper until June 2010 — some nine months later. The government will not make a decision until well after the next state election. This is a political stunt to defer the fire services levy until after the next election. It is a farce and a con. Also, the green paper is littered with comments from the Department of Treasury and Finance and the Treasurer saying the current model is the best system. I do not think the people of Victoria can say the government is serious about this.

Finally, let me make some comments about this misnomer. The Fire Services Funding (Feasibility Study) Bill is the name of the bill, but when you read the bill there is no mention of a fire services levy. The bill is not restricted to a study of the fire services levy but is a broad grab for access to an enormous, wide range of previously private, personal and business financial information across the length and breadth of Victoria. It is a disgraceful way for this government to behave. It has dressed up a grab bag for the government to look at new taxes and new charges on the people of Victoria. It is dressed up under the heading of a fire services levy.

That is the reason for our proposed amendment. I will support the amendment, but I also say very strongly that the current system of the fire services levy is unfair; it is inequitable and it has passed its use-by date.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling for questions without notice, I advise the house of the absence of the Minister for Housing. Questions directed to him as Minister for Local Government and as Minister for Aboriginal Affairs will be answered by the Minister for Community Development, and questions for him as Minister for Housing will be answered by the Minister for Health.

DISTINGUISHED VISITORS

The SPEAKER — Order! I acknowledge the presence in the house today of the high commissioner for the Republic of Cyprus, Mr Iacovou. Another guest is Mr Stefanos Tamvakis, who is the president of the World Council of Hellenes Abroad. I welcome them both to the Victorian Parliament.

QUESTIONS WITHOUT NOTICE

Minister for Community Services: performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Ombudsman's report, released today, which confirms a child protection scandal in this state, including some of this state's most vulnerable children having died, been seriously injured or assaulted, and I ask: given that over the last 10 years there have been some 30 reports and reviews warning of failures in the child protection system, will the Premier now sack the Minister for Community Services for gross incompetence, or is protecting the minister more important to the Premier than protecting vulnerable children?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I make the point that I think it would be a fair summary of history to say that if you look back over the history of the child protection system in our state over the last two decades, it is a system that for various — —

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — I think it is fair to say that it is a system that has faced significant challenges. It is true that there have been a number of reports on the child protection system — a number of reports in the 1990s and a number of reports in this decade.

It is also true to say that if you follow this issue during the period which the Labor Party has been in government, you see that there has been a significant increase in the resources which have been made available for tackling this issue.

Honourable members interjecting.

The SPEAKER — Order! I ask members not to interject in that manner. The Premier will not be shouted down.

Mr BRUMBY — That significant increase in resources which have been made available stands in very stark contrast to the very big cuts that were made in the 1990s.

The package the government announced just on two months ago provides an additional \$77.2 million — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. The Premier was asked whether he would sack the minister or back the minister. There are vulnerable kids involved, and the minister has done nothing.

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

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Footscray not to interject in that manner. I also ask the member for Kilsyth to cease interjecting.

Mr BRUMBY — In relation to the Ombudsman's report, anyone who reads it would find it to be — —

Honourable members interjecting.

The SPEAKER — Order! The opposition asked the question. The Leader of the Opposition was given the opportunity to be heard. I ask members to allow the Premier to be heard.

Mr BRUMBY — Anyone who read that report in detail, as I have done, would find it distressing. It is a report that details the most challenging, the most demanding and the most troubled families in our society. Anyone who understands this system or who bothers to read the case studies of those who are cared for in the system would understand that this is a very challenging area of public policy. The Ombudsman says that the policy framework that has been put in place by this government is the right framework. He also says that the government making the additional resources available is the right decision and direction — \$77.2 million of additional funding for 200 additional workers.

The Ombudsman raised two other areas of significant pressure: one is workload when dealing with the most distressing cases, the most troubled families; and not surprisingly there is a high attrition rate among those workers.

Honourable members interjecting.

The SPEAKER — Order! I again ask members to cease that level of interjection. I ask for some

cooperation, particularly from the member for South-West Coast and the member for Scoresby.

Mr BRUMBY — As I said, some of the cases in this report are quite distressing. I have said before to this house that the work child protection workers undertake is probably the most difficult and demanding work of any profession in our state. They have to make decisions about whether they leave a child with a family or whether they seek a court order through the Children's Court to remove the child from the family. There is no more difficult decision for a child protection worker to make. It is not surprising in those circumstances that there is a high attrition rate among those who undertake that work. The package the government announced two months ago addresses those issues.

A second issue identified by the Ombudsman in his report is that half of the time of child protection workers — 50 per cent of their time — is spent either preparing for or in the Children's Court in relation to protection orders. We have made some improvements in these areas, but it is clear from the Ombudsman's report that more needs to be done in this area. So the Attorney-General and the minister today — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition!

Mr BRUMBY — The initiatives announced today by the Attorney-General and the minister are aimed at further reforms in this area to take more of those cases out of what is an adversarial system. In doing that there is strong support from the president of the Children's Court to make the changes which are necessary to, in a sense, free up more of the time of child protection workers to focus on those issues rather than having them spend all of that time in court. I believe the — —

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Scoresby and South-West Coast.

Mr O'Brien interjected.

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

Mr BRUMBY — The member for South-West Coast has a fair bit of form in this regard — a lot of form.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to debate the question. The Premier has been speaking for some time, even though there have been a number of disturbances and interruptions, and I ask him to conclude his answer.

Mr BRUMBY — The government accepts all the recommendations that are made in the Ombudsman's report. The reason we have independent officers of the Parliament enshrined in the constitution is so that they can make reports to the Parliament and to the government for our consideration. Unlike previous governments, which have rejected reports, ripped up reports or attacked the watchdogs, we accept the recommendations in this report.

The reforms we have made to legislation, the record levels of funding and the further reforms we have announced today are designed to ensure that the interests of vulnerable children in our state are put first. I believe the decisions we have made give effect to that commitment.

Budget: update

Mr STENSHOLT (Burwood) — My question is for the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family and to have a strong economy, and I ask: can the Premier outline to the house how Victoria's economy is performing in light of the budget update released today?

Mr BRUMBY (Premier) — I thank the member for Burwood for his question. I am pleased to advise the house today of the information contained in the 2009–10 government budget update. What the budget update shows is that our budget strategy this year was right.

Mr Wells interjected.

Mr BRUMBY — I will come to you in a moment.

Honourable members interjecting.

The SPEAKER — Order! I have warned the member for Scoresby. I will warn him again, but the next time my attention is drawn to him he will leave the chamber.

Mr BRUMBY — The Treasurer released the budget update today. What it shows is that our budget in May this year was the right budget with the right strategy for our state. I am happy to advise the house that it shows positive forecasts and good signs for all Victorians.

This document released today contains some fantastic upward revisions of all our forecasts.

The SPEAKER — Order! I ask the Premier not to use the budget update as a prop.

Mr BRUMBY — The gross state product is revised up to 1.5 per cent in 2009–10 and unemployment is revised down from the budget-time estimates of 6.5 per cent and 6.75 per cent. What these figures show for our state is that growth is stronger, employment is stronger, the surplus is stronger and net debt is lower. What they show is that our plan of spending \$11.5 billion on capital works, our budget strategy, our jobs-building budget, was exactly the right budget for our state.

We have generated more jobs this year than any other state in Australia. What this budget has done is position Victoria for strong growth as the world moves into recovery. There are still some people who see themselves as the Ben Bernankes of Spring Street. There is one person who has got on their website — it is still there, as I speak today — 'The Australian economy is in recession'. I am not sure that is right, but I am sure we can have a guess whose website that is on.

When the budget was brought down at budget time, there was one person who said that this was a 'bad news budget for Victoria' and, secondly, that the economic indicators contained in the budget were 'optimistic in the extreme'. As usual, the member for Scoresby was right again. I have never known him to be right — ever!

This is a good story. The other point about the budget update is the extraordinarily large capital works program the government has in Victoria. Last night the Minister for Roads and Ports and I attended a function to celebrate the completion of the channel deepening project. I must say it was a great project, completed ahead of schedule, \$200 million under budget — no thanks to the opposition, which campaigned against it at every opportunity it had.

When you look around the state you think of the channel deepening project, of Peninsula Link, of the new children's hospital, of the M1, of the desal plant — these are all great projects for our state that are building a strong economy, creating a confidence about our state and building jobs for the future.

It is worth reinforcing the point that the budget we brought down in May was the right budget for the times. It was attacked and criticised by those opposite and, as usual, they are completely and hopelessly wrong again.

Children: protection

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer to the Ombudsman's finding that this government has allowed vulnerable children to be ignored and neglected, child protection reports to be manipulated, a child protection resource crisis and systemic incompetence and negligence in the protection of abused children. Is it not a fact that the minister is responsible for a scandal in child protection in this state and her repeated failure to protect abused children demonstrates why this government cannot be trusted?

Ms NEVILLE (Minister for Community Services) — I thank the member for her question. Today's Ombudsman's report reminds all of us how horrifying it is to think that some parents are capable of abusing and neglecting their children. It distresses me as a parent and as the minister that, despite the record funding boost we have made to child protection — a 141 per cent increase in funding — and despite the overhaul of our legislation, our focus on prevention, our extra workers and our extra services, there will still be some people in our community who go to great lengths to cover up the abuse of vulnerable children.

Honourable members interjecting.

Ms NEVILLE — That is why we need a robust child protection system, and I was pleased — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings will stop interjecting in that manner. I ask the members for Kew and Caulfield to stop interjecting in that manner. I remind members that I will not allow the minister to be shouted down.

Ms NEVILLE — As the Premier has said, the Ombudsman has said that the system is the right one, that we are policy leaders and that our policy framework is the right one. However, he has raised major issues about the role of the Children's Court as well as serious issues about practices and standards within the Department of Human Services. We accept each and every one of his recommendations.

The overwhelming majority of the issues the Ombudsman has raised in his report will be addressed through the \$77.2 million reform package we released in September. That is why this package was designed to deliver an additional 200 workers to relieve pressure on our workforce so that it is in a better position to deliver the best support, to make the best judgement possible

and to protect the most vulnerable children in our community.

We will continue to focus our attention on improving our child protection system in Victoria. We are the ones who have invested in a 141 per cent increase in funding since coming to government, and we will continue to support the workforce, which is doing a tremendous job in protecting our children.

Mr Burgess interjected.

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

Health: government initiatives

Mr LANGDON (Ivanhoe) — My question is to the Minister for Health. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask the minister to outline what the Brumby government is doing to take action to continue to make this state's health services the best in the country.

Mr ANDREWS (Minister for Health) — I thank the honourable member for Ivanhoe for his question and for his longstanding interest, and indeed for his very effective campaigning in his own community to, firstly, save the Austin Hospital and then to rebuild it.

As a government we are very proud of the fact that over the last 10 years we have invested \$5.5 billion, making sure we have the health and hospital infrastructure that is critically important not only to meet the health challenges of today but also to meet those that will confront our workforce and our community in the years to come. I am not talking about \$550 million, Speaker: it is \$5.5 billion in capital works projects, large and small, in the centre of Melbourne, in the outer suburbs, in regional centres and in small rural communities throughout the length and breadth of our state — more in terms of health and human services infrastructure than this great state has ever seen.

We and our partners are rightly proud of that. There are many projects in rural Victoria and right across the state. The Austin Hospital is one. Our biggest capital works project is, of course, the Royal Children's Hospital — a \$1 billion project that I can assure and inform all honourable members is both on time and on budget. It is a fantastic project that will deliver not just a great paediatric hospital but the very best paediatric hospital for the children of our state, with the capacity to treat 35 000 extra patients per year, with 85 per cent of its rooms being single rooms, and with all the modern and efficient features in terms of IT, patient

amenity and facilities for parents. It has the very best in terms of paediatric health services and the physical infrastructure to match the quality of the care provided by our doctors and nurses at the Royal Children's Hospital.

The project has also driven real economic activity and employment benefits. I will give the house a sense of the scope of this project: 450 000 cubic metres of soil has been removed for the basement excavation alone; 278 000 square metres of formwork is in place; 75 000 cubic metres of concrete is in place; and 9000 tonnes of reinforcement is in place. This is a massive project and an unprecedented investment in children's health. Three thousand construction workers have been accredited to work on the site, and I know the Premier on his recent visit would have noted that there are around 1000 workers in place today. There will be up to 2000 workers on site at its peak in coming months. This is a \$1 billion investment. It is money well spent, and it is all about making sure that we have the best facilities to provide the best health care to Victoria's children.

You would think a project like this would be supported by everyone as a critical piece of health infrastructure, a critical activity in terms of stimulating the economy and giving our construction industry the pipeline of projects it needs to keep our economy strong. Sadly not everybody in our community supports this project. I know it is hard to believe, but not everybody supports this project. There is one group in our Victorian community that has relentlessly criticised this project up hill and down dale: it was not big enough; it was costing too much; it was costing not enough; you could source the finance; you could not source the finance. There is one group in our community that has never supported this project, and of course that group —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Caulfield. I suggest to the members for Warrandyte, Nepean, Malvern, Hastings, Kilsyth and Ferntree Gully that if they wish to ask a question of a minister, all they need do is stand in their place at the appropriate time and I will call them.

Dr Napthine — On a point of order, Speaker, the minister is debating the issue. I would ask you to bring him back to answering the question with respect to government business.

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

Mr ANDREWS — The government's commitment to this important project is clear for every Victorian to see. What is equally clear is the fact that this lazy, policy-free zone opposite is opposed to this project.

Children: protection

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Community Services. I refer to the findings of the Ombudsman, and I quote:

It was clear that the vast majority of staff interviewed by my officers wanted to follow best practice principles and conduct a thorough, well-thought-out investigation, but they found this impossible because of resource constraints. This resulted in poor quality of services being provided.

I ask: is it not the fact that hundreds of additional members of staff could have been funded to conduct investigations to help avert this appalling child protection scandal, but for the fact that the budget for the client relationship information system blew out from \$29 million to \$95 million with additional expenditure expected?

Ms NEVILLE (Minister for Community Services) — Can I be very, very clear: it is this government that has invested an increase of 141 per cent of funding into the child protection system.

Honourable members interjecting.

The SPEAKER — Order! The level of interjections from the opposition is totally unacceptable. I will not have the minister shouted down.

Ms NEVILLE — I make it clear that what we have not done is cut funding to child protection, unlike those who took 15 per cent off the bottom line. Since we have come to government —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Yan Yean

The SPEAKER — Order! Under standing order 124, I ask the member for Yan Yean to depart the chamber for half an hour.

Member for Yan Yean withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Children: protection

Questions resumed.

The SPEAKER — Order! I suggest to the minister that while I will try to ensure that she is not shouted down, she should not use question time in the manner that she has commenced using it. I ask that she not attack the opposition in that manner and not debate the question.

Ms NEVILLE (Minister for Community Services) — Since coming to government we have employed an additional 430 child protection workers, but we are very up-front about the challenges the child protection workforce faces. Increasing demand on the system — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Scoresby

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

Member for Scoresby withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Children: protection

Questions resumed.

Ms NEVILLE (Minister for Community Services) — Demand on the system, increasing from 8000 cases to 12 000 cases in the last five years, increasing pressures in the court, with 50 per cent of the time of our child protection workers going into court processes, and the increasing complexity of families — very complex families — have put pressure on the workforce. That is why the Premier and I announced in September an additional \$77.2 million reform package. This is all about delivering more front-line workers, more support for those front-line workers, a focus on recruitment and retention, and better training and support for our workers to assist them in making the difficult judgements they make each and every day.

Sport and recreation: community facility funding

Mr CARLI (Brunswick) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the Brumby government's investment in local sporting facilities is helping secure both local community sport and local jobs?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Brunswick for his question and for his strong advocacy for community sport in his electorate. When it comes to community sport and the benefits it brings, the Brumby government gets it. We have proved to the public that we are committed to community sport. Our vision for community sport has seen the Brumby government invest over \$250 million in community sporting infrastructure since 2000. Every part of the state has been touched.

In recent weeks I have visited many towns announcing new projects under the community facilities funding program: almost half a million dollars for a regional netball complex in Geelong; half a million dollars for the redevelopment of a family playground in Eltham; \$2.5 million for the Box Hill pool; and half a million dollars to develop a surf lifesaving club and community facility at Inverloch, where at the announcement I even received a hug from the member for Bass — a strong supporter of the Brumby government!

Honourable members interjecting.

Mr MERLINO — I am not sure if I should be happy about that! Labor's investment in local sporting infrastructure is also an investment in local jobs. Every single project we fund means local jobs for the local community.

Look at 2008 for a snapshot: \$25 million was invested in over 300 local sporting infrastructure projects. No matter what the size of the project, local jobs were the result. And \$2.5 million was invested in the construction of the Bellarine Aquatic and Sports Centre at Ocean Grove. Geelong company Lyons Construction managed the project, and through the life of the construction over 200 jobs were created — 160 of those, or 80 per cent, went directly to Geelong workers. Further, \$1.5 million was invested in the redevelopment of the Aquamoves pool in Shepparton. Two Shepparton companies, Crow Construction and Pigattos, were the principal contractors, with 100 jobs going to

Shepparton locals. Then \$60 000 was invested in the construction of new clubrooms at the Tarrawingee Football and Netball Club. The project created 19 jobs in Tarrawingee, a town of just 500 people. Every one of them — from the architect, to the carpenter, to the bricklayer — went to a Tarrawingee local.

There are alternative policies, and in recent years there has been an alternative policy on community sports infrastructure.

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, you have already made rulings in relation to the course down which the minister is now proceeding, and I would ask you to have him address the question without reverting to a commentary that you have in the past few weeks indicated is no longer acceptable.

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order, and I am not sure that I am aware of the rulings the Leader of The Nationals is suggesting. It is quite in order to discuss alternative views and policies, and I think I have repeated that on a couple of occasions. Question time is not an opportunity for the government to attack the opposition, and that is the ruling I have made consistently. I do not uphold the point of order.

Mr MERLINO — There are alternative policies when it comes to community sports infrastructure. That alternative policy recommended an investment of \$2.5 million per year on local sports facilities. That \$2.5 million is one-tenth of the \$25 million the Brumby government invested in 2008. For \$2.5 million per year you would get: one-tenth of the current bowling club, cricket club, and football and netball club upgrades; you would get one-tenth of the current investment in local jobs; and you would get one-tenth of the current opportunities for our kids and aspiring athletes. It is little surprise that this alternative policy is from someone with barely one-tenth of the heart required to be the Premier of this state — the Leader of the Opposition. The Leader of the Opposition needs the common touch!

Honourable members interjecting.

Mr Ryan — On a further point of order, Speaker, the minister is debating the question, and it is this charade to which I referred in my original point of order. As I understand it — —

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order. The Leader of The Nationals will be heard in silence.

Mr Ryan — On the point of order, Speaker, as I understand it and with respect, your previous rulings of some weeks ago indicated that, when the government inevitably sets it way down this course, this would not be allowed for the purposes of question time. I ask you in any event to rule that the minister is now clearly debating the point, and he should not be using question time for the purposes of criticism of the opposition parties.

The SPEAKER — Order! I accept the point of order. The minister, without debate.

Mr MERLINO — In conclusion, the Brumby government understands the benefits of community sport. You need the common touch to understand the intrinsic link between elite and grassroots sport. The Brumby government will never short-change Victorians with a paltry commitment to community sport. We will continue with our record level of investment and our commitment to jobs in Victoria.

Children: protection

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer to case study 6 from the Ombudsman's report into the child protection scandal, which reveals that the department was aware that a mother was subjecting her child to physical abuse, malnutrition and neglect but failed to take appropriate action until after the child was hospitalised, and I ask: will the minister confirm on what date she was first briefed on this case?

Ms NEVILLE (Minister for Community Services) — These cases raised by the Ombudsman are very serious cases. We have 12 000 cases in the system at any one time, and each week I receive on average around 30 separate briefs about client matters. I am not going to give a running chronology of on which dates individual details about one of these 12 000 cases were passed on to me. What I can say is that I am briefed daily on cases where there are major incidents, major changes or deaths which involve any client of the system.

I also frequently seek advice from the department or investigate matters of concern that members of the community or members of Parliament raise with me. When I am briefed on these matters I take a variety of steps, depending on the nature of the issues involved. I may request an examination of the case, I may make

inquiries regarding the accommodation arrangements for the child, I may ask the principal practitioner to review the handling of the case or I may ask the department to report back to me on steps it is taking in relation to that child.

Every case contained in this report — —

Mr Baillieu — On a point of order, Speaker, the minister was asked a very precise question about case study 6 in the Ombudsman's report. She will clearly have been briefed on the case studies in the Ombudsman's report and will know the answer to the question. She has been asked a precise question, and I invite you to ask her not to debate the question but to answer the question.

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order. I do not believe the minister is debating the question.

Ms NEVILLE — Every case contained in this report has been reviewed by officers of the department so they can assure themselves that those children are safe. Nobody denies the seriousness of these cases being presented in the Ombudsman's report. It is tragic to think there are parents out there who abuse their children, and it is distressing that the system has let down some of these children.

Mr Baillieu — On a point of order, Speaker, the minister is debating the question, and I repeat my earlier point of order. She is declining to answer a precise question. If it is not the duty of the minister to answer precise questions in this Parliament when asked and when she has the knowledge, how will the people of Victoria ever become aware of what this minister is responsible for?

The SPEAKER — Order! There is no point of order. The minister was being relevant to the question that was asked, which is all that the standing orders require her to be. The minister has concluded her answer.

Employment: regional and rural Victoria

Mr HARDMAN (Seymour) — My question is for the Minister for Regional and Rural Development. 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 how the Brumby Labor government is working to secure jobs for working families in regional Victoria?

Honourable members interjecting.

The SPEAKER — Order! Before calling the minister I warn the member for Kilsyth. I will have no more outbursts like that.

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Seymour for his question. He certainly knows all about the jobs that are being created right across rural and regional Victoria, particularly in his great electorate.

This month we have seen even more evidence that Victoria is the nation's powerhouse when it comes to job creation. The latest figures show that in October, 22 000 of the 24 000 jobs created across Australia were in Victoria — in other words, 92 per cent of all Australian jobs created in October were created here in Victoria. It takes hard work to achieve that, and you have to back up that hard work with the right policies and the right programs to create new jobs, particularly when it comes to supporting regional and rural communities.

Especially close to my heart, and it has to be said that you have to have your heart in it when it comes to doing this sort of thing, is the Brumby Labor government's vision — the vision we have on this side of the house — to create jobs in regional Victoria. It is interesting to note that Victorians also know that you have to have vision when it comes to supporting our great state. Certainly the president of the Melbourne Press Club knows about that, because he asked the Leader of the Opposition recently, 'Have you not got a vision?'

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

Ms ALLAN — Certainly, Speaker. When it comes to regional Victoria we have the policies in place to create jobs. I will go through a range of examples which show that regional Victorians do not feel duped when it comes to seeing new opportunities in their communities.

The residents in Wangaratta and north-eastern Victoria certainly do not feel duped when it comes to their enjoying the new \$4.5 million Wangaratta Performing Arts Centre. The member for Murray Valley agrees that the opening night, which was attended by the Premier, was a great night. It is a fantastic project, and I am sure that members of The Nationals will enjoy it this Saturday when they use it for their preselection meeting.

Also 950 people in Maryvale are employed at Australian Paper's new \$340 million facility. The member for South-West Coast probably knows pretty well that the people in Portland can now enjoy a daily commercial flight between Portland and Melbourne. All of these facilities have been supported through the Brumby Labor government's \$611 million Regional Infrastructure Development Fund.

Dr Napthine — It goes the other way.

The SPEAKER — Order! I suggest to the minister that she not invite interjections from the member for South-West Coast, particularly when he is on a warning. As the interjection was invited, I will allow him to stay. I will hear a point of order from the member for South-West Coast.

Dr Napthine — On a point of order, Speaker, in terms of accuracy, I wish to advise the minister that Portland has had a flight to Melbourne for 20 years. The new service is between Portland and Adelaide.

The SPEAKER — Order! The member for South-West Coast likes to press a point.

Ms ALLAN — Before the point of order was raised I was referring to the Regional Infrastructure Development Fund, and we know what a great fund that is. We have already committed more than \$500 million towards 277 capital projects right across Victoria. It is creating thousands of new jobs right across the state.

We see very clearly that it is only the Brumby Labor government that will stand up and deliver for jobs in regional and rural Victoria, because we understand the importance of regional communities and industries. It is also interesting to note that regional Victorians know what the Premier and the Labor government stand for. I want to quote from the *Sunday Age*. Doug Davies from St James, which is up near Benalla, says:

You can't have an opinion on Ted Baillieu, because he's just not there, especially country-wise.

The SPEAKER — Order! I ask the Minister for Regional and Rural Development not to debate the question. If she continues to do so, I will sit her down.

Ms ALLAN — The Brumby government has been delivering for regional Victoria, and that is something Doug Davies from St James mentioned in a *Sunday Age* article when he referred to support from the Victorian government to regional and rural Victoria. He said:

We've had a pretty good run out of the Labor government ...

They've chucked some good money to the countryside, which the Liberals never did. What did Kennett say we were: the toenails of the state or something? Folk up here haven't forgotten that.

Mr Ryan — On a point of order, Speaker, the minister is deliberately flouting your rulings, and she should be asked to desist.

The SPEAKER — Order! The minister has concluded her answer.

Children: protection

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer to the child protection scandal in Victoria, and I ask: when did the minister first become aware that her department had failed to comply with its statutory obligation to complete best interest case plans for children on protection orders, and what action did she take?

Ms NEVILLE (Minister for Community Services) — Can I just quote from the Ombudsman's report, which states:

... Victoria is considered a leader in terms of its policy framework.

We have put in place new legislation that commenced two years ago. We have put in record funding to the child protection system. We have undertaken a — —

Ms Wooldridge — On a point of order, Speaker, I asked a very narrow question about when the minister knew and what she did about the failure of her department to fulfil its statutory obligations. I ask you to ask her to answer the very narrow question that it was.

The SPEAKER — Order! I do not uphold the point of order. The question was framed in reference to the Ombudsman's report.

Ms NEVILLE — There has been record funding and significant reforms that the Ombudsman has endorsed — —

Mr McIntosh — On a point of order, Speaker, there was no reference to the Ombudsman's report. There was certainly a reference to the child protection scandal that we have seen year after year and in report after report. There have been a number of allegations about the child protection system in this state, and this government appears to have done nothing. There was no mention of the Ombudsman's report.

The SPEAKER — Order! Then I have failed to hear the question correctly. I ask the member for Doncaster to repeat the question.

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer to the child protection scandal in Victoria, and I ask: when did the minister first become aware that her department had failed to comply with its statutory obligation to complete best interest case plans for children on protection orders, and what action did she take?

Mr R. Smith interjected.

The SPEAKER — Order! I will accept the advice from the member for Warrandyte that the Chair should listen.

Ms NEVILLE (Minister for Community Services) — As I said, the Ombudsman, in discussing these issues, has indicated that we are a leader in terms of policy framework, but there are issues and practice deficiencies in the implementation of those reforms. Throughout his report he focuses strongly on workforce pressures. He says our workers do a great job dealing with very complex issues in very tough circumstances. We have accepted —

Mr Baillieu — On a point of order, Speaker, the minister is again debating the issue and not answering a very precise question which requires her to indicate when she knew and what she did. She has a choice: either she did not know or she did not act. The people of Victoria deserve to know.

The SPEAKER — Order! I do not uphold the point of order. The minister has just recommenced answering the question.

Ms NEVILLE — We accept each and every one of the recommendations by the Ombudsman, including the recommendation that relates to the best interest case plan process. Can I say that what the Ombudsman has clearly said is that there are significant workforce pressures in our workforce being able to meet the demands and the pressures of the children that are needing our protection. That is why we announced \$77 million, and that is why I am 100 per cent committed to —

Ms Wooldridge — Speaker, I renew the point of order. The question is about a failure in fulfilling the minister's and the department's statutory obligations; it is not about the workforce. There is a failure to fulfil the law of this land, and we want to know when she knew and if she acted.

The SPEAKER — Order! I remind the member for Doncaster that a point of order is not an opportunity to repeat the question. The minister, to come back to the question.

Ms NEVILLE — As I said, we have accepted all the recommendations, including the recommendation in relation to the best interest case plan. I am 100 per cent committed, and this government is 100 per cent committed, to continuing to improve child protection even further.

Mr Baillieu — On a point of order, Speaker, the minister continues to debate the question. She is seeking to duck the question, but she cannot duck her legal responsibility.

The SPEAKER — Order! There is no point of order. The minister has concluded her answer.

Desalination plant: progress

Mr DONNELLAN (Narre Warren North) — My question is to 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 update the house on the progress of the Wonthaggi desalination plant?

Mr HOLDING (Minister for Water) — I thank the member for Narre Warren North for his question because, like all members on this side of the chamber, he knows the challenges we face. He knows that in 2007, following the inflows of the filling season of 2006, we had the lowest inflows in Victorian history into our storages for Melbourne and we had the lowest inflows into our storages along the Murray River — the lowest in history.

This government has taken decisive action. We could have committed to building a dam; we could have promised a pipeline from Tasmania. Instead, we committed to building Australia's largest desalination plant. We could have prayed for rain. We could have promised to build a dam and pray for rain, but instead we promised to turn sea water into drinking water in the largest desalination project in Australian history. I am very pleased to report that we have seen huge progress on those plans since we made that announcement in 2007.

Firstly, we were able to announce in July that AquaSure was the successful consortium for the construction and operation of this plant and all the associated infrastructure. It commenced works on 30 September, and 45 per cent of the excavation works that are required to be completed for that project are, as of

today, completed: 500 million cubic metres of earth has been excavated, and that is 45 per cent of the excavation works that are required on site. We have over 100 people working on site at the moment and something like 800 people have been engaged, either directly through Thiess Degremont or through the subcontractors it is working with.

I was very pleased today to be able to release the project summary, the Partnerships Victoria information, the public sector comparator and many of the associated legal documents that have been developed in preparation for delivering this massive project, the biggest public-private partnership we have seen put to bed anywhere in the world in the last 12 months. It has taken a Labor government to put this project to bed. It has taken a Labor government to see the mechanisms put in place that have seen the financing of this project put to bed. Those opposite, the naysayers, said it could not be done. They said we would not raise the finance to enable this project to go ahead. In fact what we saw was an unprecedented state government guarantee to make sure that AquaSure could raise the debt that it required. It had three years to do so but, because of the international confidence in this project, it did it in three months. AquaSure took less than three months to see the syndication of the debt required to see this project able to commence.

This is great news for Victorians, because we know that if you want to provide water security for Victorians, then you need to provide a non-rainfall-dependent source of water. You cannot just pray for rain. You cannot just continue our exclusive reliance on rainwater collected in dams and storages if you want to provide water security for Victorians. You need to provide new sources of water. You need to provide sources of water that are not dependent on rainfall. That is exactly what desalination is: it will turn sea water into drinking water, and it will provide water security for Victorians for decades to come.

If you want to provide water security for Victorians, you have to invest in infrastructure upgrades to our outdated irrigation systems in northern Victoria. It took a Labor government to stand up for regional Victoria and invest in this unprecedented regional development project. You need a Labor government if you want to see the investment in recycling projects that has seen Victoria and Melbourne already become — —

Honourable members interjecting.

Mr HOLDING — Not become in 2012 but already become, the best major city in Australia for water recycling. If you want to deliver a

non-rainfall-dependent source of water, you need a Labor government to commit to the construction of Australia's largest desalination project and not simply to pray for rain and commit to building yet another dam — with our storages at 38 per cent, yet another dam and continuing to pray for rain! This government is delivering a comprehensive plan to provide water security for all Victorians.

Dr Naphine — On a point of order, Speaker, I seek your advice with respect to the *Hansard* record that will be published for today. The Minister for Regional and Rural Development clearly referred in her answer to a Dorothy Dix question to a new airline service between Portland and Melbourne. I think she was trying to refer to a service between Portland and Adelaide, but clearly she is out of touch with regional Victoria. I seek your advice in view of the record of previous adjustments being made to *Hansard* to correct inaccuracies, mistakes and the lack of knowledge of ministers. I seek your assurance that the minister will not be allowed to try to cover up this fundamental error.

The SPEAKER — Order! As the member for South-West Coast knows, *Hansard* has editorial policies which I am sure will be adhered to in this circumstance, as they are in all circumstances, including with contributions from the member for South-West Coast.

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL

Second reading

Debate resumed.

Mr DELAHUNTY (Lowan) — I rise to speak on the very important Fire Services Funding (Feasibility Study) Bill 2009. I start by saying that this is a major issue for western Victoria, the area that I represent. In fact it is a major issue for most of Victoria, because it highlights that the fire services levy is not fair and not equitable. It is important that we have this bill. As we know, the purpose of the bill is to provide legislative support for the Brumby Labor government's pending review of fire services funding in Victoria, including the future viability of the existing fire services levy as foreshadowed in the recently released green paper on fire services and the non-insured.

It took a long time to get to this review. If we look at the fine detail of this legislation, we see that it also allows 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 the feasibility study. That is why I am standing here very proudly to say we need to support the proposed amendments that have been circulated by the member for Scoresby, which are self-explanatory. That will bring this government back to what it said it was going to do, and that is finally to review the fire services levy.

If the amendments are accepted, the review will be confined solely to a single feasibility study relating to fire services funding. We know the fire services levy is really a tax. Even though the Premier has denied it, it is really a tax. I can assure the house that people in western Victoria are quite concerned about the way it has been going. I put out a media release back in August when the fire services levy in country Victoria increased by 16 per cent. It jumped from 68 per cent to 84 per cent for businesses, and for country households it jumped from 26 per cent to 31 per cent, whereas in the metropolitan area it decreased. That again highlights that we in country Victoria have been paying the price for the inaction of this Labor government in relation to fuel reduction burning, and that is why we have this enormous increase in the fire services levy.

I want to give an example of what the owner of a commercial building in country Victoria will now have to pay on top of a \$1000 insurance premium. The first item is a terrorism levy, which will be another \$20.40. Then we have the 84 per cent fire services levy, which is \$857; GST at 10 per cent adds another \$187; and on top of that is stamp duty, another tax, of 10 per cent, which is another \$206. The total cost for that country business will be \$2271.82.

While we, particularly those of us on this side of the house, all agree that the Country Fire Authority needs to be adequately funded, it is clear that as the current fire services levy stands it is unjust and unreasonable. There is a strong incentive to underinsure or not to insure, and I have heard many other speakers talk about it. This was highlighted after the tragic bushfires of 7 February when approximately 30 per cent of households were not insured. We need to do something about this. The government has been pushed into this position by The Nationals and the Liberals, now the coalition, the Association of Independent Retirees in Hamilton in my area and in particular Colin Scott, who I know has met with many bureaucrats and the Premier in relation to this.

The bill must be an embarrassment to the government, because the green paper shows it is all over the place. At one stage it says:

The current insurance-based model is efficient and equitable ...

But on the same page it goes on to say:

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.

The government is all over the place. We know why the government has brought this bill forward. Not only have the coalition, the Victorian Farmers Federation and the independent retirees been pushing for it, we know the royal commission is going to make comment on it, and the Henry review is no doubt going to comment on it. The amendments proposed by the member for Scoresby will bring this government, which is all over the place on this matter, back to conduct a credible review. I will support the amendments and trust that other members of this house will also.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Fire Services Funding (Feasibility Study) Bill 2009. It is appropriate that we have a bill such as this following the catastrophic events of Black Saturday. There has been a lot of discussion in the community, and we obviously need to be open to the best way to fund our important fire services in this community. In this state our fire services are approximately three-quarters funded through a fire services levy, which insurance companies attach to insurance premium notices, and by contributions made by local and state governments. We are proud to be a government that has tripled the emergency services budget during its tenure.

I commend the Treasurer for his initiative in releasing a green paper on this matter which proposes options for future funding of fire services, and it is important that we have consultation and dialogue. Unlike those on the other side, who would be prescriptive and who think they have the answers, we think it is important that we engage with everyone in the community. The Nationals have proposed a tax on property owners similar to the Western Australian system, and a previous minister, Pat McNamara, has been on the record as saying this is the wrong way to go because in his view it would disadvantage country and rural land-holders.

That is why the government believes the proposition of having a green paper which puts forward options and which engages with the community, with the insurance companies, with local councils and with everyone who has an interest in this process is the best way to move forward after the catastrophic events of Black Saturday. It will be a good initiative to go through this process

rather than just going down one path without seriously looking at our fire services funding.

When the Premier was Treasurer earlier this decade a review was conducted; now it is appropriate to do another one because of the catastrophic events of Black Saturday and the concerns of many in the community about the rate of underinsurance. It is important to look across the board and make sure that increased premiums are not having an impact on people's insurance. I commend the Treasurer for his initiative, and I wish the bill a speedy passage.

Mr WALSH (Swan Hill) — I remind the member for Yan Yean that the fire services levy has not become an issue only since Black Saturday. The fire services levy has been an issue for at least a decade, and while the current Premier was Treasurer through that whole decade he constantly resisted any change to the fire services levy. He has stood up in this place a number of times and said: 'It is not a tax, it is not a levy, it is just a contribution that the insurance companies have to make. How they choose to collect it is up to them'. You would have to be an idiot to think the insurance companies are not going to collect that from the people who pay insurance. Where else are they going to get the money? I am absolutely astounded by his statements.

The Fire Services Funding (Feasibility Study) Bill 2009 establishes a framework to facilitate the conduct of a feasibility study for the purposes of evaluating an existing or new tax, duty, levy or impost. In effect the bill, in its purposes clause, spells out that the fire services levy is a tax, a levy, a duty or an impost, yet the Premier has been in constant denial about that issue.

It is obvious from the green paper that is out in the community that this issue of the fire services levy has been building momentum for, as I said, probably a decade now and has finally reached a crescendo. What does the government do? It announced a green paper. A green paper is out there, but the submissions do not start coming in until June next year.

If the government is so committed to doing something about this, why is it not doing something now rather than starting in June next year? The submissions then close, I think from memory, in July, and — surprise, surprise, surprise! — the government will not report until after the election next year.

This issue, which has built up momentum for the government, has also bitten it on the backside because the government has been in constant denial about whether or not this is an issue. So what does it do? We get a green paper, we have a review, but we make sure

nothing happens until after the election in 2010. And then what is going to happen? Like last time, if the Premier is the Premier then — which I doubt will be the case because I think people are waking up to this government — he will say, 'No, we are not going to do anything about it'. We have had this charade going on to keep people busy. The octopus is tying people up with work so that nothing will happen, so that the government will get through the election and can potentially do something about it.

This side of the house is seriously committed to doing something about putting some equity back into how we fund the fire services of this state. If you look at what has happened, you see that in July 2005 the fire services levy for country businesses was 50 per cent. How high is it now? It is now 84 per cent applied to the cost of insurance, plus stamp duty, plus GST, which means that the cost of insurance is over double what it should be for those who take out fire insurance.

As I go around to my local fire brigades, I see that when they get a new fire truck or whatever, someone from the government always stands up and says, 'We are a great government; we are giving you a new fire truck'. But people do not realise that those who are taking out insurance are paying for that fire truck; they are paying, from memory, 78 per cent of the cost of that fire truck. The government has this massive largesse, where it is supposedly putting in 22 per cent of the cost of each fire truck, but the numbers show that the government is collecting more out of stamp duty on the fire services levy than it is putting into the Country Fire Authority (CFA). This government is making a net profit and ripping people off on their insurance.

The government presents a great facade, that it is giving people something, but it is charging more in stamp duty on fire insurance than it is paying back to the CFA. On top of that is the GST it gets back from the commonwealth government. A lot of people think that because the GST is collected by the commonwealth government, it goes to the commonwealth government, but, as members all know, the GST is returned to the states. So on this supposed non-tax that this government is collecting it is taking stamp duty income which totals more than it is paying back to the CFA plus getting GST from the commonwealth in addition. Not only is it placing a huge impost on people who take out insurance in this state but it is also making a profit for consolidated revenue.

As the house knows, over 30 per cent of people do not take out insurance, one reason being that it is so expensive. If you read the answer the Premier gave to a question without notice in this place recently, he was

effectively blaming the banks for people not taking out insurance. With this Premier, it is always someone else's fault, but not his.

Mr JASPER (Murray Valley) — In joining the debate on this important legislation I acknowledge the comments that were made by the coalition in opposition and particularly the comments made by the Deputy Leader of The Nationals, who has just resumed his seat. From my point of view I have had a huge number of representations on this issue from across my electorate of Murray Valley for many, many years, claiming that it is totally inequitable in the way it is being charged and that there needs to be a change.

It is interesting to note that the government looked at this issue going back to — —

Dr Napthine — 2001.

Mr JASPER — No, 2003.

Dr Napthine — The other one.

Mr JASPER — Yes. It was 2003, which I will refer to in a few minutes. The fact is that the horrendous fires that we had earlier this year have been the catalyst that has brought the government to heel in saying we really need to do something to get a more equitable system to fund the fire services within the state.

I have received a number of letters in recent times but I want to quote from a letter from a constituent, David Williams, of Wangaratta:

Whilst the bushfire inquiry is under way, it would be a good time to examine the fire levy, stamp duty and the unfair GST which is calculated on the insurance, levy and stamp duty.

The inquiry has shown that 40 per cent of the houses burnt were not covered by house insurance, yet received the same CFA attention and will receive the same monetary compensation as those insured.

Why should we pay for their folly?

As a CFA member (Tarrawingee FB) I am expected to pay the levies, risk injury, fight fires, and protect the property of those who contribute nothing towards the levies.

That sums up the attitude of many in relation to this.

As a result of the representations I received earlier this year from my constituents, I wrote to the Treasurer on 29 May. It is worth putting on the record the Treasurer's reply to me and his defence of the current system applicable in Victoria. Everyone I have spoken to agrees it is a totally inequitable system and that we need to implement a better system to cover the provision of fire services. The minister's letter states:

I would like to clarify current arrangements for the funding of the fire and emergency services. As the insurance industry is a beneficiary of the services provided by the fire brigades, it is reasonable that they bear some cost of this service.

But the cost, of course, is borne by people who are paying insurance on their properties. The letter continues:

A report released by the Victorian government in 2003, *A Review of Victorian Fire Services Funding Arrangements*, concluded that Victoria's existing funding arrangements incorporating risk were superior to those based on property values, such as the systems found in Western Australia and Queensland ... Whereas under a traditional property-based model, recovery is based purely on property value, i.e. properties of similar value but very different fire risks, for example, a petroleum refinery and an office block would pay similar amounts to the fire services despite the variance in risk.

That is a ridiculous proposition to put forward. In such a property situation there would be a provision to vary the rates being charged not only on the property value but on the risks involved. That system could be looked at and be very effective. The letter continues:

The key issue here is about the best way of funding the fire services.

That is the key to the investigation which the government is looking to undertake now. The catalyst is the result of the horrendous fires earlier this year and the pressure that has been brought to bear on the government because of the inequity of the current system. We need a more equitable system so that all people are insured against the risk of fire, and we need to ensure that the services provided are funded.

I will also comment on the issues raised briefly by the Deputy Leader of The Nationals. Fire stations and fire trucks are being provided across the board. There is no doubt that the funding for them has not been from the state government but to a large extent from the people who pay for fire insurance, stamp duty and GST, which the government collects anyway.

These issues need to be addressed; they are of great concern to us all. We need to see a more equitable system. I thoroughly support the fact that there should be another investigation. I will be supporting the amendments foreshadowed by the member for Scoresby. We need a better system right across Victoria, and we need the provision of fire services and the equitable funding of those services into the future.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE**Orders of the day**

Ms KOSKY (Minister for Public Transport) — I move:

That consideration of orders of the day, government business, item 3, be postponed until later this day.

Mr INGRAM (Gippsland East) — I would like to speak against the motion and oppose the postponement of item 3. The bill is an important piece of legislation for my constituency, and amendments to the bill have been circulated. In my view this legislation should be brought back on so that if there are other members, particularly from the government, who think this is a great piece of legislation, they may make their contributions. They can defend the loss of a timber resource from my communities and explain where the resource will come from in the future. Maybe the members of The Nationals can also explain to my constituents why they have broken the promise they made during the last election campaign when they said they would vote against this legislation.

This legislation should come back before the house. It is listed as item 3 on the notice paper. I understand why no-one would want to get up and speak on it, but due to the importance of this bill and the proposed amendments to it, we should resume the debate. If no-one wants to speak on it, we can proceed to the committee stage and deal with the amendments.

Ms RICHARDSON (Northcote) — I would like to speak in support of the postponement of this matter and in support of the government business program. However, the member for Gippsland East has raised some important issues that the Parliament needs to consider before further progressing. With respect to the position of The Nationals on this bill, by not hearing from The Nationals members, we do not get an opportunity to hear why they support the adjournment of this matter.

The DEPUTY SPEAKER — Order! The question is:

That consideration of orders of the day, government business, item 3, be postponed until later this day.

All those in favour say aye.

Honourable members — Aye.

The DEPUTY SPEAKER — Order! To the contrary, no.

Mr Ingram — No.

The DEPUTY SPEAKER — Order! I think the ayes have it.

Mr Ingram — The noes have it. I call for a division.

The DEPUTY SPEAKER — Order! A division is required. Ring the bells.

Bells rung.

The DEPUTY SPEAKER — Order! A division has been called on the question that item 3, government business, be postponed until later this day. I ask members to take their allocated seats in the house, and I ask the Clerk to record the votes.

The Clerk — The member for Gippsland East?

Mr Ingram — No.

The Clerk — The Nationals Whip?

Mr Delahunty — Nine ayes.

The Clerk — The Opposition Whip?

Mr Kotsiras — Twenty-two individual ayes.

The Clerk — The Government Whip?

Mr Langdon — Forty-seven ayes.

The DEPUTY SPEAKER — Order! As it is obvious there is only one no vote, under standing orders and I declare the question carried.

Question agreed to.

Mr Ingram — I ask that my dissent be recorded.

The DEPUTY SPEAKER — Order! That will be done.

**TRANSPORT LEGISLATION
AMENDMENT (HOON BOATING AND
OTHER AMENDMENTS) BILL**

Second reading

Debate resumed from 25 November; motion of Mr PALLAS (Minister for Roads and Ports).

Dr NAPHTHINE (South-West Coast) — The Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill covers road, marine and port issues and I will be speaking on a number of those

issues in my capacity as shadow minister for ports. Initially I want to say that 2010 has been designated the International year of the Seafarer. This is a fitting recognition of the contribution seafarers have made and continue to make to our way of life.

I wish to make a couple of points. Firstly, I refer to the bill's explanatory memorandum. I am concerned at the trend in this explanatory memorandum, and I refer to the first line, which states:

This bill is another policy-driven initiative by the Brumby government to support better transport outcomes across Victoria.

It contains further comments which use political language and are of a political nature. I think that is totally inappropriate and I ask that the Speaker talk to parliamentary counsel about the language used in bills and their explanatory memoranda, which should be politically neutral.

I am also concerned about the title of the bill, which uses the term 'hoon boating'. On behalf of the recreational boating industry I suggest that 'dangerous boating' is a more appropriate term. The stakeholders and participants in recreational boating and the use of personal watercraft, or PWCs, have advised that their activities are positive and healthy family activities and that it is inappropriate to stigmatise the whole sector with the term 'hoon boating'. The recreational boating industry is a \$2.5 billion industry and Robert Coco, the general manager of the Boating Industry Association of Victoria says:

The boating industry did not receive a draft of the bill, nor any notification that the minister was about to launch to introduce it into Parliament. Hence we received calls from the media without warning. We are unhappy with this process.

He goes on further to say:

Our earlier comments to the minister were that the use of the term 'hoon' was completely inappropriate to the marine sector and unfairly branded an entire recreational industry. We suggested 'dangerous operation' or similar wording, but he seems wedded to the 'hoon' term.

The industry accepts the need for legislation to take firm action if people are involved in unsafe or dangerous activities. It also supports the changes to the Crimes Act to extend provisions governing incidents involving culpable driving causing death, and dangerous driving causing death or serious injury, to apply to the operators of marine vessels.

However, the industry is concerned about the hypocrisy of the Brumby government, which is introducing the new laws but at the same time cutting funding for vital

and effective marine boating safety programs such as the Courtesy Rider program, which was initiated by the personal watercraft industry. Indeed, the industry donated two personal watercraft to Marine Safety Victoria to assist it in the conduct of this Courtesy Rider program. More recently the program, which was run by Marine Safety Victoria and water police, supported by the industry, has been cancelled. This program is about education and ensuring that people who involve themselves in these recreational activities do so safely and appropriately.

Similarly, the Boat Smart program, a Marine Safety Victoria education program for secondary school students who wish to get their boating licence, is another good, positive educative program, but it has been cut by Marine Safety Victoria. The industry quite rightly is expressing some concern about the hypocrisy of the Brumby Labor government in introducing legislation to deal with dangerous and careless driving of vessels on seas and waterways, which we all support, while at the same time cutting a vital education program. One would have thought the two go hand in hand.

I make a passing comment with regard to the history of this sort of legislation. I go back to 2004. I remember speaking in the house on 6 October 2004 when I raised the need for the introduction of hoon legislation à la Queensland and Western Australia for car drivers. A report in the *Herald Sun* of 8 October 2004 on hoon legislation states:

Hoons and illegal street racers should have their vehicles confiscated for up to three months to help prevent road deaths, Parliament has been told.

Former opposition leader Denis Napthine called on the Premier... to introduce a 'hoon' law after two students died in what police believe was a street race.

Dr Napthine said Victoria should follow the lead of Western Australia and Queensland by arming police with powers to confiscate vehicles from dangerous drivers.

What was the government's response at the time? It was reported in the same article that:

A government spokesman said a range of issues would need to be examined before any moves towards vehicle confiscation could be made.

He said the vehicle could be owned by another person, or could be the only vehicle available for a family.

In 2004 the government was opposed to hoon legislation for cars. I am pleased that the government has seen the light. It has followed the positive advice and suggestions I made in this house, and it has adopted

a policy of the Liberal Party. That has been a very good move by the government.

Part 3 of the bill amends the Port Services Act. Proposed section 73B relates to towage requirements and a determination that the port of Melbourne could make regarding the number of towing vessels, and the capacity and availability of vessels. This provision is to ensure a larger towage capacity to handle larger vessels following the channel deepening.

This is a significant step away from the traditional commercial rate relationship that operates in the port of Melbourne and in ports around Victoria and around the world, where normally there is a direct commercial relationship between towing operators and vessel owners.

A case has been put by the Port of Melbourne Corporation that in Melbourne, where there is a need for a significant investment to upgrade the towage fleet for the larger ships associated with channel deepening, there is a concern there might be some reluctance by the current operators to undertake that investment without some coercion — —

Mr Helper — Encouragement.

Dr NAPTHINE — ‘Encouragement’, the Minister for Agriculture says. This legislation provides that legislative encouragement. I am pleased to note that proposed section 73R on page 78 of the bill provides a three-year sunset provision. It needs to be reviewed at that time. In the long run the best relationship is a commercial relationship between the towage suppliers and the vessel operators and owners.

Clause 12 relates to hazardous activities in the port. It deals with the clean-up costs for pollution and recovery costs by the port of Melbourne, and abandoned and unclaimed goods. Those measures are largely supported by the opposition.

However, the opposition is concerned about clause 15, which inserts a new classification of port safety officer. While the opposition understands the need for that officer, it has real concerns about the coercive powers being given to that officer and the circumstances in which those coercive powers will be used. That is the subject of an amendment which will be moved by the member for Polwarth and which we on this side of the house support.

I make a passing reference also to the fatigue management law. When that legislation passed through this house I raised concerns on behalf of livestock transport operators in my electorate, and the Minister

for Agriculture would understand that issue. Sometimes in cases where animals have been on a transport for some time and there is not an appropriate place for the truck to stop to discharge those animals for feed and water, it may be necessary to allow the driver to go for 1 or 2 hours extra to complete his journey and get the animals to proper animal welfare conditions.

I believe that ought to be looked at again, because it was not considered last time. This legislation has provisions that say that in an emergency situation certain exemptions will apply from the fatigue management law, and exemptions apply for bus drivers who are driving buses when passengers are disrupted by train problems. Here we have a situation where potentially fatigued bus drivers can drive people but would not be allowed to complete a journey for the welfare of animals. I ask for that to be looked at again.

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

Mr NOONAN (Williamstown) — I rise to speak briefly in support of the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009. Whilst there are many aspects to this particular bill, I will limit my comments to the hoon boating elements in order to give others an opportunity to speak on the bill.

As most members probably appreciate, the electorate of Williamstown has a spectacular coastline, which stretches from the banks of the Yarra River up in Yarraville down to the mouth of the Yarra in the Newport area and then hugs the bay around its coastline to Point Gellibrand in Williamstown and on to the Altona Coastal Park and the coastal suburb of Seaholme. That is nearly 17 kilometres of coastline, which partly rings my electorate of Williamstown and it really is our area’s greatest natural asset.

Naturally, our area’s proximity and access to Port Phillip Bay makes it a hub for the boating enthusiast. There are four long and well-established boating and sailing clubs in my electorate. There is also a private marina and there are a number of boat-launching ramps in Newport and Seaholme.

To illustrate just how popular recreational boating has become in recent times, the boat ramp in Newport, which is commonly referred to locally as the ‘Warmies’, was only opened in 1999 and it has doubled in demand in that short 10-year period. To add some statistics to that, approximately 30 000 recreational boat launches are made from the Warmies every year, and around at Seaholme a further 68 000 launches are made

each year. That growing number of launches has led to a need to upgrade those two particular facilities.

Ever willing to assist, recently the Minister for Roads and Ports announced a funding grant of \$778 000 to upgrade the capacity of the two facilities, which really is about improving boating safety. Improving boating safety is one of the core objectives of this particular bill. According to the minister's own figures, which he provided to the house:

Over the five years to 2007–08, hospital-treated injuries from recreational boating increased by more than 70 per cent to approximately 900 per year. Hospital admissions with recreational boating injuries grew even faster, doubling to around 300 per year — indicating that injuries are becoming more severe.

The minister has indicated that more than half of those injuries are in high-speed water sports.

This bill is quite groundbreaking and is the first of its kind in Australia. The bill will empower police to immobilise a vessel when it is being operated in a dangerous way. This bill will also allow police to place an embargo notice on a vessel, taking it off the water for a specified period of time.

As was mentioned in the second-reading speech, 'hoon boating' offences are specified in section 22 of the Marine Act. That section of the act states:

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.

Just as is the case with the hoon driving laws in Victoria, the police will be given new powers to seize vessels under this particular bill. These circumstances will be deemed the most serious, and the powers will be exercised by only specifically trained police officers. Whilst many aspects of this bill will be in place to cater for this coming summer, the provisions giving power to seize vessels will not come into force until September 2011.

The second function under the hoon boating provisions in this bill relates to the increase in the criminal sanctions available to combat the dangerous operation of a vessel which can cause death or serious injury. The bill amends sections 318 and 319 of the Crimes Act to extend the roads-based application of culpable driving to that of marine vessels. In essence, this will mean that potential maximum imprisonment terms for those convicted of the culpable or dangerous operation of a vessel will increase dramatically.

The bill comes as a response to some serious incidents and a rising number of hospitalisations due to marine

accidents. I understand that next year a more comprehensive marine safety bill, which will build on these initiatives, will be introduced into the Parliament. I congratulate the Minister for Roads and Ports on introducing this bill.

I note that on 24 November an article with the headline 'Water hoon law praised' in the local newspaper in my area, the *Hobsons Bay Leader*, states:

New laws that would allow police to crack down on water hoons can't be introduced fast enough, local clubs say.

The article then goes on to provide a range of quotes in support of this particular legislation from the Williamstown Swimming and Life Saving Club and also the Hobsons Bay Yacht Club.

The minister has demonstrated once again his willingness to make the hard decisions and introduce reforms that are designed to keep people safe. I am sure the vast number of water users in my electorate of Williamstown will look forward to these new laws coming into effect. I commend the bill to the house.

Mr DIXON (Nepean) — It is a pleasure to say a few words on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill, which is basically an omnibus bill. The opposition is not opposing the bill but I certainly support the foreshadowed amendment regarding the coercive powers of authorised officers.

I wish to address my remarks mainly to the boating provisions of the bill. In my electorate, which has a large coastline that is a very popular boating destination, with ocean coastline, the bay and also Western Port, boating is a major pastime not only of the locals but also and especially for visitors to my electorate.

The boating provisions in this bill allow for the impounding, forfeiture and immobilisation of recreational vessels where the operators of those vessels are caught demonstrating certain behaviours and operating their vessels in a way that is a danger to other boat operators, swimmers and other people who are recreating in the bay, or whatever the waterway might be — in the case of my electorate, the bay.

I have been a boat owner and operator for about 28 years now so I have seen a lot of interesting boat operators out there in the bay over a number of years. I have also seen some incredible changes in behaviour, in who operates boats and types of boats. Probably the biggest difference I have seen is that in five years the ratio of power boats to personal watercraft has gone

from 4 boats to 1 personal watercraft to the other way around now. I use the southern peninsula ramps, especially the Rye ramp, and I would say that if you counted the vessels in that area, you would have a ratio of 4 personal watercraft to 1 ordinary boat.

Most personal watercraft are operated by young people, and their behaviour, with their inexperience, and the power to weight ratios of their vessels, has led to a number of problems out on the bay. I would still say that by and large the majority of boat owners and operators are reasonable people who do the right thing, but certainly a significant number have not understood and do not understand their responsibilities. They do not understand even though they may in recent years have obtained a licence to operate their personal watercraft, speedboat or whatever it might be.

It has been a good move to license boat operators; I support that. I learnt a few things when I undertook my boating licence process. Nothing beats experience and actually being out on the water, but I learnt a few things by doing that. There has been a change in behaviour to a large extent, but as with cars, a number of operators just do not do the right thing. The powers prescribed in the bill are a good thing. I should say that I might be sorely tested this year, because I have updated my boat from 90 horsepower to 190 horsepower. I will have to watch myself this year and do the right thing — and I am sure I will!

Honourable members interjecting.

Mr DIXON — Others will be watching me as well to make sure I do!

From my observations, probably the worst offence committed is speeding around swimmers close to the shore. It is fine when people are a long way out in the bay; they can be reasonably safe there. However, when they come in close to a ramp area, for instance at Rye, they can find a very busy beach, full of people who like to come along and who scream and play in the shallows. There is a huge amount of boat traffic, and in the channel leading out into deeper water you often see some pretty horrific behaviour by some of the boat owners.

We need the legislation to be resourced and for these new regulations to be enforced. A visible enforcement is very important. There are no provisions for that in this bill, and I implore the government, if it is going to bring in this sort of legislation, to include enforcement provisions with it. It should be very visible enforcement so that people get the idea very quickly that either they are going to be safe or, if they are somebody who is

going to be tempted to engage in dangerous behaviour, they should not engage in it because they will know they are going to be caught and penalised — and they might lose their 190-horsepower vessel!

Mr SCOTT (Preston) — I cannot help but wonder whether the member for Nepean has recently purchased a sports car as well!

I am pleased to rise to speak in the debate on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009. Like other speakers, I want to concentrate on the purpose of the bill as it relates to the amendments to the Marine Act to provide for the giving of notice and directions prohibiting the operation of vessels and to provide for the seizure, impoundment, immobilisation and forfeiture of recreational vehicles. It amends the Crimes Act 1958 to extend the offences of culpable driving causing death and dangerous driving causing death or serious injury to the operation of vessels.

Like other members, I regard this as a sensible set of amendments that deal with a growing concern about dangerous behaviour on our waterways. I note that in statistics provided for the five years to 2007–08, hospital-treated injuries from recreational boating increased by over 70 per cent, to approximately 900 per year, and hospital admissions — more serious than treated injuries — related to recreational boating increased by approximately 100 per cent, to approximately 300 per year.

Over 50 per cent of such injuries were related to high-speed water sports. It is important to remember that there are serious issues around the use of any sort of powerful vehicle, whether it be on the waterways or the roads, and around the sorts of laws that relate to driving and the use by persons of vehicles that can cause serious injury and even the death of others. It is important to regulate these activities in a way that protects persons.

While I doubt that any member of this Parliament is a closet anarchist, I note that often libertarians object to imposts on personal civil liberties, including the removal of rights around property. I urge everyone to take seriously the concept that if there is a misuse of someone's property in such a way that it can threaten the life, wellbeing and health of others, then it is reasonable for the state to intervene and take action to protect the broader community from those actions. That is a reasonable imposition. Sometimes when listening to debates I get the feeling that some members, while not anarchists, border on having fairly libertarian views. However, I do not think the most libertarian member of

this Parliament would object to a reasonable imposition by the state to prevent others causing death and injury to innocent persons through the misuse of powerful vehicles. I note the discussion around the power of water vessels and the young and possibly enthusiastic persons who often use them and who at times stray from sensible behaviour to idiotic behaviour which endangers others. It is reasonable for the state to intervene in such circumstances.

I also note there are amendments to the Port Services Act and to the Transport Act to provide better operations at the port of Melbourne. I will keep my contribution brief, but I would like to highlight the important role the port of Melbourne plays in the future of the state's economy and the important role that trade, both exports and imports, play in the standard of living we enjoy in our state. Sensible amendments to improve the operation of the port of Melbourne are in the interests of all members of our society and will help to lead to the economic development and growth that allows us to enjoy the high standard of living we enjoy today. The government to which I belong is proudly committed to the successful operation of the port of Melbourne.

I commend the bill to the house. It is an excellent piece of legislation which makes a number of amendments, and I hope it has a speedy passage.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill.

As the member for Polwarth has indicated, the opposition will not be opposing this bill, and the honourable member has also circulated amendments, which I will be supporting.

With respect to the provisions relating to hoon boating, the bill provides for embargo notices to be issued prohibiting the operation of a recreational vessel, for directions to be given prohibiting a person from using a recreational vessel, and for seizure and impoundment.

This legislation has stemmed from a discussion paper headed *Improving Marine Safety in Victoria*, which was published in July 2009. As members would be aware, there has been a rapid growth in the number of recreational vessels in Victoria, and there have been increased reports of inappropriate behaviour by Victorians on our waterways, particularly in Port Phillip Bay.

This bill builds on previous legislation that provides for removing hoon drivers from our roads, which

legislation was supported by members on this side of the house. We see this bill as a continuation of that theme. Having said that, we have concerns about areas of this legislation and how they will be played out in terms of enforcement.

As we understand it, in this state we are beset by a lack of police resources. Whilst that is seen throughout our suburbs and throughout rural and regional Victoria, the same will be true for those who will be monitoring our waterways. We believe it will be difficult for our hardworking police members to enforce these new laws because of the lack of police resources on the ground.

There will also be concerns over the identification of storage areas, and dealing with operators on the water will certainly be time consuming. There has been no indication of additional resources to deal with this policing during the summer. While we support the introduction of this piece of legislation, clearly there is no indication from the government on how it will practically apply across our bays and waterways throughout Victoria by ensuring that there are adequate resources on the ground to deal with the implementation of this new law.

We believe there is a concern out in the community that this is nothing more than mere window-dressing, and time will tell whether that is played out.

With respect to port services, a new provision with a three-year sunset clause will ensure that there are towage services in place in the port of Melbourne to cater for larger vessels. This provides greater powers for the Port of Melbourne Corporation regarding safety breaches in relation to hazardous materials and works.

With respect to the port areas, we have specific concerns about the exercise of coercive powers by authorised officers. We believe that is of great concern, and the member for Polwarth has addressed that issue more specifically.

There has been no indication of what discussions have taken place with the towage service operators and shipping lines on who will pay for the upgrade to towage vessels. For example, what leverage has the government applied to towage operators to ensure that they are up to date? Clearly there are a number of areas of concern over the rollout of this amendment as it affects port services.

In regard to fatigue management, there have been areas in which this has been supported by some in the industry. However, this comes on the back of concerns raised by the opposition about previous pieces of legislation. We see this on an ongoing basis. The

opposition raises concerns, the government says they are not a problem — but then, lo and behold, the government later introduces bills on those issues.

With those comments, I will be happy to not oppose the legislation and will be supporting the amendments circulated by the member for Polwarth.

Mr LIM (Clayton) — Summer is a great time of the year. Australians love the long days in January, and many enjoy a relaxing day on the beach and a refreshing dip in a swimming pool or at the beach — and then the calm is broken by a hoon on a jet ski.

These hoons are the first cousins of hoon drivers, and I have had reason on numerous occasions in the past to speak about hoon drivers. They do not respect the rights of their fellow citizens to enjoy the passive recreation of our beaches. But more seriously, by not respecting speed limits and minimum operating distances from swimming areas, they imperil the life and limb of swimmers who stand very little chance of getting out of harm's way of a jet ski which is bearing down on them.

I welcome this bill which applies the hoon driver legislative model to hoons on water. I am aware of the sensitivities of some in the boating industry or the personal watercraft (PWC) — the technical name for jet skis — industry. They are obviously concerned at people in the industry being labelled as hoons. In reply to that I say it no more follows that all operators are hoons than it follows that all motorists are hoon drivers. It is just that a very nasty and irresponsible minority deserve to have their craft impounded in the same way as such motorists do. During this summer this bill will allow police and other authorised officers to suspend use of a vessel for 48 hours, up to three months for second and third offences, and it allows for forfeiture for subsequent offences; and from September 2011, vessels will be able to be impounded.

I am confident your average hoon does not read *Hansard*. I doubt very much whether they read newspapers. So I think it will probably take the first report on FM radio of the suspension of use of a vessel for the message to start to get across and, knowing the intelligence of hoons, I am sure suspensions will be imposed before next summer is over.

This is an area of community safety where the Parliament needs to act firmly to protect the community and where the collective safety outweighs the needs of a few selfish individuals. I look forward to this bill being in operation this summer so that we may have a quieter and safer time on our great Aussie beaches. I commend the bill to the house.

Mr WELLER (Rodney) — I rise this afternoon to speak on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009. In my short contribution I will speak about particular areas of the bill — that is, the Marine Act 1988 and hoon boating laws. Those hoon laws are similar to the ones for cars, which we in the opposition supported, so we will not be opposing these rules.

I must say the new laws will be most important to my constituents, as Lake Eppalock, which unfortunately does not have a lot of water in it at the moment, is part of the electorate. Waranga Basin and Greens Lake are also important to people enjoying the benefits of some of those lakes. Also a lot of tourists visit my electorate to partake in enjoyable boating pursuits on the Murray River, which is in New South Wales. The law should come down on hoons like a tonne of bricks — and this bill does just that.

Clause 22 of the bill relates to fatigue management requirements of the Road Safety Act 1986. New section 191ZZ to be inserted by clause 22 will exempt from those requirements a person who is acting for emergency services and who has time-critical duties on the way to, and during, an emergency. If we use these principles — and the member for Polwarth quite rightly raised this, and asked the minister when he is summing up to define an emergency service — and we have a code catastrophic day, will it be an emergency service that will move cattle in the path of a fire out of an area? It would make sense to allow livestock transport operators to have similar exemptions to ones the government is proposing in new section 191ZZ(1). Coming from a farming background, it is indeed an emergency to get the stock out of the path of a fire, and that would be the role of an emergency service on a code red catastrophic day.

The opposition pointed out that there needed to be amendments to the fatigue management bill when it was before the Parliament earlier this year. The government did not think there was a need, but looking back now it would seem to be a common-sense point that it consider under new section 191ZZ(1) applying the exemption to the fatigue management requirements for drivers of livestock transport as an emergency service. I look forward to the minister's response, for which the member for Polwarth has already asked.

There is another problem, and I will now return to the hoon boating element of the bill. On the one hand the government says, 'We need to come down on hoons', and we support that. On the other hand we all know prevention is better than cure. Why is the government cutting the educational boat safety programs directed to

people with personal watercraft. Educational programs are the best way of preventing accidents and hoon behaviour and making people aware of their responsibilities.

The final element of the bill I would like to speak to is clause 28(2) which will insert the following after section 132(2)(n) of the Road Management Act:

- (na) controlling or removing vegetation, whether growing or dead, in a road reserve that may pose a risk to the safety of road users or the community ...

After Black Saturday I think we need to be able to clear some of the dead timber from roadsides, and this should be encouraged for the safety of the community. Residents who live near the Murray Valley Highway between Nathalia and McCoys Bridge have come into my office saying, 'It needs to be cleaned up'. Coming from a farming background, I think it would make a lot of sense to use this principle, and right across the state. Also, I know that trees along some roads are overgrown, making access difficult for four-decker sheep crates. We need some vegetation clearing to be done. Trees need to be trimmed to ensure that the wider machinery now used by the cropping industry for conservation tillage, which is used to store carbon in the ground, can get through there. If we are going to encourage conservation tillage, we should make rules that we can actually trim the trees on roadsides.

With those few words, I conclude by saying that I will not oppose the bill, but I support the member for Polwarth's amendments.

Ms GRALEY (Narre Warren South) — I have pleasure today to speak on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009. This bill is a very important bill, and I am going to talk mainly from the perspective of the hoon boating aspects of the proposed legislation. I would like to emphasise that this bill is not about taking a dig at boat owners, and it is not about having a go at personal watercraft users either, who are mostly young people out having a good day. Boat owners are mostly great people out there trying to catch a fish and have a swim. The bill is about the increasing problem of hoon behaviour on our beaches. I invite anybody to go down to the beach and witness some of the appalling, disruptive, noisy and dangerous behaviour seen every weekend by people, and get behind supporting this bill, because this is exactly what we need to do. The speaker just before me said we need to come down like a ton of bricks on these people. The minister deserves to be congratulated for bringing this bill to the house.

I raised this exact issue with the minister earlier in the year during the adjournment debate, because not only had I had a day at the beach spoilt but I also had the unfortunate situation where a young girl in my electorate of Narre Warren South was badly injured by the appalling behaviour of people using water vessels. That is a terrible thing for a family who has gone to the beach and then come home with an injured daughter. I commend the minister for bringing this legislation before the house. I commend it because it is the first such bill in Australia, and we are leading the way in trying to stop people from behaving so badly and so dangerously at our beautiful beaches.

The proposed legislation is a result of a comprehensive review of Victoria's marine laws, and, as I said, the Brumby Labor government is leading the way in water safety regulation. As I have suggested already, the aim of the bill is to ensure that stronger powers and sanctions are available to deal with problems in the coming holiday season. In many ways this is not only a responsive piece of legislation, but with the summer holiday season well on the way it is very much a timely piece of legislation. The laws cannot be introduced fast enough for water users and beach-goers.

As other speakers have said, these laws are modelled on the successful anti-hoon driving laws of the Road Safety Act 2005, and we have seen how successful they have been. Unfortunately there are still too many people doing the wrong thing, but police are very happy that they are now empowered with the sanctions to be able to confiscate people's cars; the same processes will be available to them to use against water vessel users. The government wants to make sure with these laws that people can have a day at the beach and swim in safety. As I said, a young girl in my electorate was injured while out swimming, and unfortunately she is not the only one. These laws are necessary because injuries have increased by over 700 a year, and unfortunately they have become more severe.

I cannot let the opportunity pass to say that not only will the police have new powers, but I would like to remind the member for Ferntree Gully that we have record numbers of police out in our neighbourhoods, on the water, on our streets and in our police stations.

Mr Burgess — That is just not true!

Ms GRALEY — I say to the member for Hastings that it is true. We have a record number of police. We did not sack police like those opposite when they were in government. Today we not only support our police but we give them the powers they need to make sure our streets are safe and now our waterways are safe.

I know other people want to speak on the bill. I commend the bill to the house and wish it a speedy passage, because these laws are very much needed for the forthcoming holiday season.

Mr MORRIS (Mornington) — Despite the somewhat gratuitous insult contained in the title of the bill — the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill — it actually relates to a great deal more than hoon boating. It covers port towage services, alcohol interlocks, fatigue management and the transfer of EastLink to VicRoads. You might ask why EastLink is being transferred to VicRoads some 17 months after it was opened and why it was not transferred forthwith, but at least it is finally being transferred from the road construction authority to the road management authority.

The member for Polwarth has foreshadowed a number of amendments, and I would have welcomed an opportunity to comment on all of them, but given the government's total mismanagement of the legislative program I must confine my comments to proposed new part 7A which is headed 'Impoundment, immobilisation and forfeiture of recreational vessels'. The heading in the explanatory memorandum has 'Hoon boating scheme' in brackets, so those words will be enshrined in the legislation by way of the explanatory memorandum.

The first point I want to make is that users of personal watercraft are engaging in a legitimate recreational activity. The cost and accessibility of these craft means that a far greater number of people have access to boating. In terms of cost, the bar has been lowered. Boating is far more accessible to lots of families who otherwise would not be able to engage in the activity. It is a legitimate, reasonable and entirely decent activity. There are a few senseless idiots; the estimates are between 1 per cent and 2 per cent, and that is about the limit. This legislation, and particularly the commentary from the minister, is all about tarring every user with the same brush. It is a legitimate, reasonable and decent recreational activity, and we should not be incorporating these sorts of pejorative and abusive terms in legislation.

The second point I want to make is about the contrast between the government's approach in terms of legislation and education. On 21 December 2007 the Minister for Roads and Ports put out a press release relating to the courtesy rider program. He indicated that during the forthcoming weekend personal watercraft (PWC) riders would be advised to:

hold a boat operator licence with a PWC endorsement;

as they certainly should —

- wear an approved personal flotation device;
- operate in accordance with appropriate speed regulations;
- always attach the ignition cut-out safety lines;
- don't drink and ride;
- obey all boating regulations and signs;
- always consider other people.

For some reason best known to itself, the government has decided that we do not need education any more; we do not need to encourage people to do these things. We simply need to belt them over the head if they misbehave. I suggest that in every other program like this we have seen education programs that work, and on any night of the week you can see an education program for all sorts of things which is funded by Victorian taxpayers funds. You need to set laws in place, but you need to balance that with an education program. Occasionally a big stick is warranted, but in this case the entire carrot has been tossed into the rubbish, and that is disappointing.

We are again creating offences that the government knows cannot be enforced. It is absolutely pointless having penalties without enforcement. They simply do not work no matter whether it is to do with licensing conditions, boating regulations or motoring regulations. If they are not enforced, people do not obey the rules. In this case the government is not providing resources. It is doing nothing other than creating a big stick which will not have any effect at all. The wasted resources would have been much better deployed in completing the boating zones review. I have been advised by the Minister for Environment and Climate Change that rather than being completed this summer, implementation could take up to five years.

Unless the government can provide the resources to enforce these laws, we are still going to have to put up with the few idiots who will continue to spoil a good day at the beach for all concerned.

Ms MUNT (Mordialloc) — I am pleased to speak on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009. As the member representing Mordialloc, which takes in a portion of the Port Phillip Bay foreshore from Warrigal Road in Parkdale through to Mordialloc Creek — —

An honourable member interjected.

Ms MUNT — I agree, it is a beautiful area. I am concerned about the safety and enjoyment of my local

residents but also of visitors to my electorate. Mordialloc Creek is a major entry point for all sorts of marine vessels, including boats, jet skis and a range of other vessels. During summer our beaches are crowded with residents and others enjoying themselves, including a sizeable number of families with children, and as the beaches are fairly shallow and safe many children splash on the beaches there.

On occasion constituents have come to me with concerns about the behaviour of some jet ski riders. As has been said, the vast majority of marine recreational users of boats and jet skis are responsible, but it only takes one to cause havoc on the local beaches. Recently a constituent came to me reporting that his child was on a beach in my electorate when a jet ski rider came very close, very fast. It is a responsible government that then puts in place laws to regulate and punish irresponsible water recreational vehicle users.

This legislation has two main parts. It puts in place a power for police or authorised officers to place an embargo notice on a vessel, ordering that it not be operated for a specified period of up to 48 hours. That is the first thing that will come into effect in time for this summer season. It includes a 24-hour embargo for individuals. If an individual does the wrong thing, they can be told they cannot come back for 24 hours and their vessel cannot come back for 48 hours, which in effect clears them off the beach.

There is also an increase in the range of criminal sanctions that will be available where the operation of a marine vessel causes death or serious injury. That brings this legislation into line with legislation that covers other vehicles such as road vehicles and bicycles, which were the subject of legislation before the house quite recently. The two main planks are to remove the offender, and if the offender causes injury to have the power to charge them under the act.

I support this bill on behalf of my electorate. I do not think there would be any responsible boat or jet ski owner or any resident or visitor to my electorate who would not support removing dangerous vehicles from the beaches, which are primarily for the recreational enjoyment and use of responsible recreational boat and marine vehicle users and the general public, including the many families who enjoy the foreshore. I commend the bill to the house and I wish it a speedy passage so that it is in place for my electorate before the summer season.

Mr TILLEY (Benambra) — I rise today to make a very brief contribution to the debate on the Transport Legislation Amendment (Hoon Boating and Other

Amendments) Bill. I will be supporting the amendments proposed by the member for Polwarth, but otherwise not opposing the bill. The bill seeks to amend several acts for several purposes. Given the limited time allowed, I will move quickly through it.

I refer particularly to part 2 of the bill, which amends the Marine Act 1988 to implement a scheme similar to that which applies to hoon drivers under part 6A of the Road Safety Act 1986. We have heard in a couple of contributions descriptions of those who use recreational watercraft irresponsibly as being ‘aquatic Hells Angels’. We have to differentiate between hoon driving and our road toll and our recreational water users. This debate is predominantly about the use of recreational watercraft.

I congratulate those responsible users of recreational watercraft throughout Victoria, and in particular those who own and use them on the large waterways throughout the electorate of Benambra, particularly Lake Hume and Lake Dartmouth. I am looking forward to a safe Christmas for all those who use those types of watercraft through their being responsible users. The bill sets out a regime of impoundment, immobilisation and forfeiture of recreational vessels for boat operators who behave in a manner which endangers lives and public safety.

There are issues, particularly in north-east Victoria, about resourcing water police officers. At Benalla we have one water police officer who covers the whole of north-east Victoria with less-than-frequent visits from the water police down at Williamstown. If that is not poor resourcing, what is? That officer covers not only the electorate of Benambra but also the electorates of Benalla, Murray Valley and Seymour. For all the waterways in that region, there is only one water police officer.

Moving along, parts 3 and 4 of the bill amend the Port Services Act 1995 and the Transport Act 1983. The bill gives the Port of Melbourne Corporation additional powers, including the power to deal with inappropriate works or polluters.

This now brings me to part 4, which is one of the most concerning parts of the bill. It sets out conditions for authorised port safety officers to investigate hazardous port activity. The bill grants those officers a virtually unfettered right of entry. Labor certainly has form on this issue. This government has been quick to confer upon appointees of their choosing the right to enter private property to inspect and seize at will. Proposed new section 230ZD, to be inserted into the Transport Act 1983, also allows for coercive questioning without

having much to say about any oversight of those so-called port safety officers.

The coalition is strongly opposed to those types of draconian powers. Earlier this year those rights were understandably afforded to the commissioner of public transport for the purpose of investigating train crashes. Nevertheless, we are strongly opposed to these types of draconian powers, particularly for port safety officers. We will seek to amend this section because it is improper. It is quite simply breathtaking that Labor, which constantly reminds Victorians about its so-called achievements in human rights, seeks to deny a basic right, especially when no real justification has been provided for it. One wonders if this is not just another sop for its militant union mates to rebastardise our ports, which thankfully were revolutionised when militant unions were put back in their place.

Part 5 of the bill amends the Road Safety Act 1986. My main concern with the amendment is in relation to the fatigue management regime. In north-east Victoria, the passenger rail service has been replaced with coach services. I hope the minister is able to address the situation for passengers travelling on those buses between Albury-Wodonga right down the Hume Highway and Hume Freeway to Southern Cross station. We do not want the potential of drivers exempt from legislation driving extraordinary hours well above the 12 hours — or 14 for fatigue management — set down. I have no doubt that the contractor for V/Line, Dysons, which is providing those services, would more than likely take the appropriate measures. The times that drivers are driving for emergency purposes — say, for example, 100 kilometres from their major depot — should be included. I hope that the minister will take that into consideration.

Time is getting away from me — I probably have taken too much time — but there are quite a number of things that have not been addressed.

Finally, part 9 of the bill amends the Transport Act 1983, the EastLink Project Act 2004 and the Southern and Eastern Integrated Transport Authority Act 2003. This section of the bill would better be named 'Labor Lies Amendments'. These amendments, in short, provide for EastLink to be transferred from the Linking Melbourne Authority — formerly SEITA (Southern and Eastern Integrated Transport Authority) — to VicRoads. The EastLink project is the absolutely standout example of the modus operandi of this government for the past 10 long years: say one thing, do another. What were the words of the former Premier before the 2006 election? Something like 'No tolls'.

Mr DONNELLAN (Narre Warren North) — It is an honour today to speak in the debate on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009. Having sat in the chamber for a little while, I note that the opposition is supporting the bill, but at the end of the day it wants an each-way bet. The opposition somehow finds it offensive that we are calling people who engage in this dingbat-like behaviour 'hoons'. However, it is not offensive because the behaviour these people display is disgraceful.

Mr Mulder — You drive a Valiant. You would fall into that category!

Mr DONNELLAN — Yes, a lovely Valiant. A classy car for a classy individual, that is what I say.

Mr Mulder — You are a valiant driver!

Mr DONNELLAN — This legislation is very appropriately named because it deals with the kind of ridiculous behaviour that has gone on. I worked with a former Minister for Police and Emergency Services, André Haermeyer, on the original hoon legislation. That was modelled partly on the Queensland legislation which provided for embargoing vehicles — in that instance, cars — and not allowing people to operate a vehicle for 48 hours. This act has similar provisions relating to vessels and allows authorities to order a person off the water for 24 hours.

That is very important because if you look at the figures for hospital-treated injuries from recreational boating, you will see that they have increased by more than 70 per cent over the last year to approximately 900 injuries and more than half of these injuries were in high-speed water sports. It is a serious issue. If you compare those figures to the road toll, they are quite high relative to the number of people using boats and so forth. I would say the injury rate is actually a lot higher.

It is important that the government deal with this and that it not have an each-way bet — that is, that it not deal with hoons because it would like their vote but then, by the same token, want to appear to be tough on hoons. You cannot really have it each way; you are either one or the other.

Mr Mulder — You either drive a Valiant or you don't.

Mr DONNELLAN — Yes, and those who drive Valiants are very responsible people, as we all know — very responsible people.

The important thing is that once this bill has passed, the minister will be known as Numero Uno Hoon Hunter,

which is just great. He will be chasing those hoons down the streets and getting them off the water, which is appropriate, because we do not need our summer holidays ruined by a whole lot of dingbats behaving badly and putting fear and loathing into the community. People would not want to go swimming at the beaches because some dingbat on his waterski could come too close to the shore.

With that short and valuable contribution, I commend the bill to the house.

Dr SYKES (Benalla) — I would like to make another short and valuable contribution following the lead of the member for Narre Warren North. I wish to indicate my support for the amendments circulated by the member for Polwarth for reasons that have been aired by members on this side of the house on a number of occasions. I also wish to concentrate on two aspects of this legislation: one is the hoon boating aspect, and the second is the fatigue management aspects for bus drivers, also touching on the issue of fatigue management for livestock transport drivers.

We have a number of waterways in the electorate of Benalla. We have Lake Eildon and Eildon pondage, which are very popular. I should say the residents at Lake Eildon feel somewhat under threat because of the Brumby government's plans to pipe water from northern Victoria to the south, and I reiterate my call to plug the pipe so that we can have water left for recreational use on Lake Eildon and for the production of food and fibre for people throughout Victoria. We also have Lake Nillahcootie, Lake Nagambie — which I will come back to — Lake Buffalo, Lake William Hovell and Rocky Valley Dam. We have one other lake that is a casualty of the Brumby government's preposterous attitude to water and people in country Victoria, and that is Lake Mokoan, where there used to be a lot of recreational boat users. But courtesy of the Brumby government that lake is being decommissioned, which is a rather draconian way of addressing any hoon boating behaviour on Lake Mokoan.

At Lake Nagambie we have had an example where an irresponsible minority has caused concerns for the responsible majority and many people living in the Lake Nagambie area who take advantage of that fantastic recreation area. A number of constituents from the Nagambie area wrote to me last year expressing their concerns about the hoon behaviour of a minority. I wrote to the Minister for Police and Emergency Services, asking him to address these concerns. I also wrote to Strathbogie Shire Council, which has responsibility in some ways for enforcement. I should

compliment the Strathbogie Shire Council on its response to my request. It provided a comprehensive response, made efforts to address the concerns and there were some improvements.

Unfortunately it would appear the situation has again deteriorated, and that is highlighted in a letter written by Alan McLean of Nagambie to the editor of the *Seymour Telegraph* just in the last week. He raises the issue of why the offenders are not being caught. I quote in part from his letter to the editor where he says:

Repeated attempts to alert local police to hoons in action fail when a recorded message invites a second call to police at Wangaratta during the weekend. By the time police reach Nagambie, the offenders will have left the river, and the district. That's assuming that all offenders are visitors.

We have the situation raised by the member for Benambra of underresourcing. There is no point in having tougher legislation if you are not going to be in a position to enforce it. I call upon the government to back its legislative empowerment with the capacity to enforce.

I would now like to move briefly to the issue of fatigue management, which has been covered by other speakers. My particular interest is something that the member for Benambra raised, and that is the issue of fatigue management for drivers of buses that are substituting for trains in north-east Victoria whilst the railway is being upgraded. Just a week ago one of my staff had the terrifying experience of being a passenger on a bus when the driver got the nods. For an hour she sat terrified, wondering how she was going to keep the driver awake and safely arrive at her destination. That is something she has passed on to the relevant management. Fatigue management is a real issue, and only a little over a week ago we had an example of lives being put at risk because of inappropriate fatigue management.

The other aspect of fatigue management is in relation to livestock transport operators. This issue has been raised by others. What I would say is that if we are prepared to make concessions for the wellbeing of humans travelling on public transport, we should also be prepared to make concessions for animals that are being transported. We should therefore introduce in future legislation the opportunity for transport journeys involving livestock to be completed, if possible, within an hour or so beyond the normal driver times so that the wellbeing of the livestock can be catered for. With those few remarks I conclude my contribution.

Mr THOMPSON (Sandringham) — The focus of my remarks in relation to this bill will principally be in

relation to the Sandringham electorate and the hoon boating provisions. The Sandringham electorate has a number of significant sporting infrastructure organisations along the coastline, including the Sandringham Yacht Club where a new building extension was opened by the Governor in October this year. It is a facility that has provided a sporting base for a diverse range of uses from the initial holding of the world championships in 1999 prior to the Sydney Olympics through to the Sail Melbourne events and as a springboard for participation in the Sydney–Hobart, Melbourne–Hobart and Melbourne–Osaka yachting events.

Yachting is supported by a range of motorised boats, and Sandringham Yacht Club has a motorboat division. Then there is the Black Rock Yacht Club which is supported by motorised vessels for safety purposes and the Beaumaris Motor Yacht Squadron, one of the great boating clubs on Port Phillip Bay that provides an important launching ramp and is a base for many people to make their way out onto Port Phillip Bay.

In recent years there has been the development of a number of safe harbours around the bay, and there is a case for more to be provided so that Port Phillip Bay, which is one of the great recreational waterways of the world, can be fully utilised. There is a concern, however, about hoon boating. In terms of wildlife management there has been a concern in previous years in relation to seal colonies and dolphins at the top end of the bay. We need to ensure that people who might seek to observe them do not destroy that magnificent aspect of marine life in Port Phillip Bay. It might be remembered that Charles Grimes, who surveyed the coastline of Port Phillip Bay, commented in his early diaries, as did some of the early explorers, on the coastline of the bay and the marine life that it offered. It is interesting to note that the fine features of the bay have been retained in many ways.

The principal concern I raise in relation to the bill is about jet skis, the operation of which has not always been well managed or conducted. A number of operators of these vessels have not observed the law and maintained a speed of 5 kilometres per hour or thereabouts within 200 metres of the shoreline. In addition to craft moving along the top of the water, a number of people dive in the area. There is a wide range of users of the Beaumaris marine sanctuary as well as other watercraft on the bay. There are kayakers, surf ski paddlers and lifesaving club personnel, and sometimes there can be incompatibility and incongruity between the ranges of different vessels.

I would be confident that the use of motorised vessels at the Sandringham Yacht Club is well managed. The club has a very good junior training program that enables young people to develop their boating skills; I think that is likewise the case at Beaumaris. I think the problem might relate more to the casual user who might hire a vessel or where someone who has invested in a craft hands it on to other family members to use without there necessarily being a strong understanding of how it might be used wisely and safely.

When you have got a crowded beach with a jet ski making its way from the deeper waters to the shoreline, if it does not observe the speed limit it represents a danger to swimmers, to divers, to snorkellers and to other water users. I think it is important there be ongoing vigilance on the part of the community to ensure that the activities are properly regulated.

However, the opposition has some concerns that relate to the hoon boating provisions in the bill. There is a concern regarding the coercive powers being given to authorised officers of the Port of Melbourne Corporation. There is a belief on our side of the house that these powers should not be provided. In relation to transport inspectors I know there have been a number of issues involving training and knowledge of the law, and in some cases Rugby tackles have been used at a time when that may not have been an appropriate method of bringing about due compliance with the law. The opposition does have concerns about this bill, but does not oppose it.

Mr McINTOSH (Kew) — The opposition does not oppose this bill. The member for Polwarth has circulated some amendments relating to coercive questioning by authorised officers, and it is that matter that I want to address in relation to the bill. The general thrust of the legislation, particularly in relation to hoon boating, is something we are very supportive of, and certainly we will deal with that particular aspect very well.

The coercive questioning by port safety officers is a matter of profound concern. It has been raised on a number of occasions by the opposition over the last few years, that there seems to be an increasing trend, through a variety of different pieces of legislation, for this government to introduce — I will not say ‘by stealth’ — coercive powers for public officials such as port safety officers.

For example, the opposition had deep concerns about the police regulation bill, which was ultimately defeated in the upper house, as it introduced the coercive questioning of police officers. That coercive

questioning could relate to two categories: certainly misconduct but also underperformance.

Misconduct could loosely be associated with corrupt activities but underperformance potentially related to things such as not turning up for duty, having a dirty uniform or not saluting a superior officer — things that were not a breach of the law and were not any sort of criminal or corrupt activity but merely issues of underperformance by a worker. It was that particular matter, which remained in the bill after many months of negotiation, that caused the opposition profound concern.

Likewise, this is not the first piece of transport legislation which has introduced coercive questioning powers for statutory officers. No doubt the port safety officers perform a very important task in ensuring that there is compliance with the various hazardous activities and materials provisions of a variety of pieces of legislation governing the ports around Victoria. The most important issue, though, is whether it is absolutely necessary that we provide these critical and important powers to these officers.

I also just point out that although no doubt their work is very important, if you compare it to an ordinary police officer going about the task of investigating something as significant as a murder or something like a sex offence or arson, you note that police do not have these powers in dealing with those sort of serious criminal matters. They do not have these powers, yet the government is going to give them to ordinary statutory officers. It is a matter of profound concern to the opposition that the government is doing this.

It is an increasing trend that these powers are apparently being slipped into a number of significant pieces of legislation. This bill runs for nearly 150 pages, and in those nearly 150 pages only one small part deals with these coercive powers. I understand that the member for Polwarth has moved some amendments that would delete or water down these coercive questioning powers being provided to the port safety officers. No-one is disagreeing with the fact that the officers do their job and should have powers to do their job; it is just a question of the extent of those powers.

I understand discussions between the minister and the member for Polwarth on behalf of the opposition parties on this serious extension of powers will continue while the bill is between houses. If there is a satisfactory response from the minister about precisely why these powers are needed in the current circumstances, then those amendments may be withdrawn.

Alternatively of course the minister may accept that in the current circumstances these draconian, coercive powers should not necessarily be provided and they may be taken out of the bill, in which case the substantive part of the bill, which the opposition certainly does not oppose and in many cases welcomes, could progress through both houses of Parliament. I certainly hope those discussions between the member for Polwarth, who is the shadow transport minister, and the minister come to a happy fruition, allowing this bill to pass speedily through the upper house.

Mrs SHARDEY (Caulfield) — I wish to make a few brief remarks on the Transport Legislation Amendment (Hoon Boating and other Amendments) Bill 2009, particularly in relation to the hoon boating element of it in part 2 and as it amends the Marine Act. Like many members, my family and I, including my very young grandchildren, swim at Melbourne's bayside beaches during the summer and hope that they will be safe from boats and particularly jet skis coming in close to the shoreline. At the beach where we go I am continually vigilant to make sure that even boats bringing people in to shore after a day out on the water are not coming too close to the shore and putting children and other swimmers at risk.

This bill specifically provides for embargo notices prohibiting the operation of a recreational vessel; directions to prohibit a person from using a recreational vessel; seizure and impoundment; and impoundment, immobilisation or forfeiture of a recreational vessel. That is for those people who are using recreational vessels in a way which is dangerous to the public.

The bill follows on from previous legislation to remove hoon drivers from our roads, an initiative which I think was initially suggested by the Liberal Party. It certainly was strongly supported by the Liberal Party. That road legislation has met with some success. It brings into the public eye those people who use vehicles in a way which endangers the public.

This legislation stems from a discussion paper *Improving Marine Safety in Victoria*, which was a review of the Marine Act 1988 published in July of this year. It contains a number of interesting statistics that I would like to refer to. However, it also states that statistics on hoon behaviour are difficult to isolate, as incidents are rolled into general safety statistics, and that the general statistics are questionable because up until 2005–06 data capture was quite poor.

However, the number of recreational vessels has increased dramatically. There were 158 586 recreational vessels registered in Victoria for the year

ending 2006; this went up to nearly 163 000 in 2007 and over 167 000 in 2008. The discussion paper comments:

As the number of recreational vessels increases, so do the safety risks.

The paper goes on to refer to the number of personal watercraft registered. There were over 7000 personal watercraft registered in 2006. The number went up to over 8000 in 2007 and was getting towards 10 000 for the year ending 2008. As a proportion of total registrations the figures are 4.5 per cent, 5.1 per cent and 5.8 per cent for the years 2007, 2008 and 2009 respectively.

The review makes the point that as a result of all this, our waterways are much more congested, with people and vehicles competing for recreational space or water space. Analysis from previous boating seasons demonstrates the dangers associated with the operation of recreational vessels and how inappropriate operation can lead to injuries and fatalities. Analysis by the Monash University Accident Research Centre looked at hospital admissions data, which demonstrates an upward trend. The report refers to 131 incidents which were classified as serious and were recorded from July 2006 to June 2007. Amongst those there were five fatalities and eight very serious accidents.

Concerns that have been raised in relation to this bill include lack of police resources, lack of storage areas and lack of funding to support the implementation of this legislation.

Mr JASPER (Murray Valley) — I am pleased to join the debate tonight. I listened with a great deal of interest to the contributions made by previous speakers, and I note the provisions contained in the legislation and the extensive comments about the compatibility of the legislation with the Charter of Human Rights and Responsibilities Act. I want to refer to parts of the second-reading speech during my contribution.

I note also that a major review is being undertaken of the transport portfolio through the government's transport legislation review. In particular, at the second level we see a new marine safety bill being developed to replace the current Marine Act 1988. Importantly the government believes — and I support the line being taken by the government — that there needs to be further reform, particularly relating to the growing safety risk on Victoria's waterways.

The bill will deal with the issue by introducing provisions to control craft on our waterways similar to those that are applicable to people with motor vehicles

on our roads. This legislation is modelled on the successful hoon driving laws introduced through the amendments to the Road Safety Act in 2005. The hoon boating scheme provides new powers and stronger sanctions to deal with dangerous and antisocial behaviour in a marine environment.

I will go back and recap the history of the situation that has developed. In the 1990s we saw a large increase in the motorised craft on our waterways. As is mentioned in the second-reading speech, many of our dams and rivers are at low levels, and this creates more danger. We have also seen the development of personal watercraft, or jet skis, which has created issues along our river systems.

Going back to the 1990s, we found there was increasing danger on the waterways because of high-powered speedboats, the number of people who were on the water and the number of accidents that occurred. Over that period a number of people were killed in speedboat accidents on the waterways.

We made representations to the government on the basis that it needed to address this issue and look at introducing laws to protect people who wish to use the waterways and not be subjected to unsatisfactory behaviour. At that time, the police had few powers to control or interfere with people operating on our waterways in an unacceptable manner. We have seen changes that allow police access and that give them the power to deal with situations of inappropriate behaviour as they arise. We also saw the development of boating laws with increased provisions relating to the registration of boats and the licensing of speedboat drivers, and they have been a great success. They have given the police powers to apprehend people who are operating ineffectively on the waterways.

One of the difficulties for those of us living on the border of Victoria and New South Wales was the anomalies in relation to the registration of boats. In Victoria, all boats need to be registered but in New South Wales boats classed as tinnies, which are low-powered boats, do not need to be licensed. Someone who is fishing on Lake Mulwala, which is deemed to be a New South Wales waterway, can be registered in New South Wales but once they go onto Victorian waters their boat needs to be fully registered or they are operating outside the law.

Now progress is being made and the controls are increasing so that police are able to apprehend people who behave unsatisfactorily on the waterways. We also saw progress made through the 1990s when the problem was recognised going forward and people

were saying, 'We need to introduce more stringent rules and regulations to assist in controlling the waterways'. This legislation is a further step forward.

Whilst we have some concerns with the legislation, even with the naming of the legislation, we are moving in the right direction in looking at being able to exercise more control over people on the waterways, particularly where there is unsatisfactory behaviour. We are also recognising that there are border anomalies. Importantly, with this legislation we are enabling further control of inappropriate behaviour on our waterways. We see this as good legislation, but it needs some amendments to make it more satisfactory as we go forward.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL

Second reading

Debate resumed from 25 November; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mrs MADDIGAN (Essendon) — I rise to speak in support of the Summary Offences and Control of Weapons Act Amendment Bill. These changes were announced in August by the Premier in his press release headed 'Premier announces 120 additional police on the streets and more police powers'. The proposals in this legislation introduce new measures to better enable Victoria Police to address violence and the carrying of weapons in the CBD (central business district) and elsewhere in the community and to respond to the significant increase in drunkenness and disorderly behaviour in public places.

The bill does four main things: firstly, it establishes a new offence of disorderly conduct to be enforceable by infringement notice; secondly, it provides for the offences of drunk and drunk and disorderly to be enforceable by infringement notice; thirdly, it provides police with a 'move on' power where it may help to avoid a breach of the peace; and fourthly, it enhances police powers to search for weapons such as knives.

The first act amended by the bill is the Control of Weapons Act 1990. There is real concern about the increasing number of weapons being carried by people in public places. For evidence of that we only have to

look at the media reports we have received from the United Kingdom fairly recently showing the number of very young children who have been killed in stabbing incidents, and our police have recorded children as young as 9 or 10 carrying weapons. That is something to be particularly alarmed about. It is also surprising to learn from the security service personnel at Parliament House that the number of people who come to Parliament house carrying weapons is quite substantial. That is certainly a concern for the community.

The powers introduced by this legislation will be very useful to police. They are quite strictly regulated and will be used only in areas that have to be designated. Giving police powers to search for weapons when they think there is a possibility of future harm is a great step forward.

The other provision in the bill that I want to deal with relates to the move-on powers, which is probably the more contentious issue. That is covered in the Summary Offences Act. I would like to make a couple of points in relation to that issue. Move on powers are not new and they exist in every other state and territory in Australia, in England and in a number of other jurisdictions. The police are very aware of the sensitivity of this legislation and they understand that having move-on powers bring with them quite a significant responsibility in the way they use these powers.

In an article by Paul Austin in the *Age* of 10 August, the Chief Commissioner of Police, Simon Overland, is quoted. The article says:

Mr Overland said the new powers would help police confront increasing drunken and loutish behaviour.

'Fist fights are bad enough, but if people start fighting with knives, the consequences for the victims are likely to be very, very serious, if not fatal', he said.

He gave an assurance the new powers would not be used to interfere with people's rights to lawful protest. 'I want to make it absolutely clear that these powers are not aimed at that sort of activity and won't be used for that sort of activity', he said.

The police have to be very responsible in the way they use the move-on powers. The legislation is strongly supported by the Victorian Employers Chamber of Commerce and Industry (VECCI), particularly from the tourism perspective. We in Victoria are very proud of our tourism industry and have worked very hard to ensure that we have major tourism attractions. The recent golf tournament when Tiger Woods played here was a very clear example of how good that was for Melbourne. I know that when Parliament sat late, the staff could not get a hotel bed in Melbourne when Tiger

Woods was in town. They had to go home or sleep at Parliament House because so many tourists had come to Melbourne. VECCI was quite concerned about some of the reporting of violence in the city, which does stop many people from coming into the city.

There are lots of reasons for the house to support the amendments in the bill. This is one of many changes that the government has made to assist in bringing peace, and law and order to the city. The 120 additional police and the new powers come on top of a range of actions that the government is taking, including stronger powers for police and the director of liquor licensing, including the power to suspend licences; improved CCTV (closed-circuit television) in the city; police powers to ban troublemakers from venues and entertainment precincts; tough new weapons laws; doubling penalties for licensees caught serving drunks or minors; and the introduction of the compliance directorate, which is a squad of specialist liquor licensing inspectors, to ensure licensees are meeting all their legal obligations. Even though the compliance directorate has been going for only a short time, I have already heard good reports of it.

In the last few weeks the Drugs and Crime Prevention Committee has had the opportunity to tour night venues in Melbourne and Geelong, and also to go to Frankston and Dandenong, which have been identified as some of the areas of concern. Speaking to the police in those areas gives one a great understanding of the problems. I think they will very much welcome these powers, to enable them to ensure that people can go out at night and can enjoy themselves at venues without fearing an attack being launched upon them. I support the bill, and I look forward to a speedy passage through the house.

Mr TILLEY (Benambra) — I rise to make a brief contribution on the Summary Offences and Control of Weapons Acts Amendment Bill. As the shadow Minister for Police and Emergency Services outlined, the coalition supports the bill.

The bill principally seeks to amend the Summary Offences Act 1966 to give police a new power to direct a person or a group of people, who they have reasonable grounds to suspect may breach the peace, to move on; amend penalties for offences relating to public drunkenness; create a new offence of disorderly behaviour; and allow these offences to be enforced by service of an infringement notice.

The bill also amends the Control of Weapons Act 1990 to provide police in designated areas with enhanced powers with which to search people and vehicles for weapons. Part 2 of the bill grants police the power to

move on persons or groups of people whom they reasonably suspect could breach the peace or are likely to endanger the safety of others, and are likely to cause injury to others, to damage property or risk public safety. Naturally peaceful demonstrations, picketing at a place of employment or demonstrating, protesting or publicising views, would not constitute a breach of the peace. It would be something that would constitute an activity that would warrant a move-on order to be issued by a police officer.

The bill indicates that the direction to move on from a particular location may be for a specific period not exceeding 24 hours. That provision in the bill is the very policy that the Liberal Party had four years ago. We are coming to the closing stages of this Parliament. If this government were serious about this, why did it not introduce these measures to protect Victorians? We enjoy going out and having a beer, but we want to be able to go out and enjoy having a beer while not looking over our shoulders. Police officers, both men and women, work every weekend throughout the state putting up with the rubbish and bad behaviour of drunken, violent thugs.

This government is running out of puff. It has had plenty of opportunities to address this issue, but we are now coming into an election cycle, so this sort of measure is coming up. Fine, the opposition appreciates this sort of legislation, but the breach of peace provisions have been around for some time. Victoria Police has available to them the breach of peace provisions that have been used from time to time, but this legislation will make it a lot easier for police; it is solid policy that the Liberal Party has had for some time. This concentration of provisions will allow police to perform their duties better.

Proposed section 5 will give powers to police to arrest and lodge in safe custody any person found drunk and disorderly. Under the Summary Offences Act there were two separate sections. Speaking from experience, when you were dealing with drunken, belligerent, violent idiots in the streets of Victoria it was very easy to enforce section 13, make the arrest, lock them up and get them away from those areas, and there has been other legislation to deal with all that. Now police will be able to charge those people with disorderly conduct under the one charge.

This is a serious issue. The police need to be able to lock up an intoxicated person for their own safety. The police get no pleasure out of this; they do not enjoy caring for those drunken, belligerent idiots we have on our streets who do not accept personal responsibility. It is no great delight to take into custody and look after

these people — and while in custody, also get into further fights. Police have to clean up their filthy mess, including vomit. Police officers are putting themselves at risk of catching diseases such as hepatitis.

We need to be serious about this. The coalition is serious about addressing the issue of drunken violence. This bill does not go quite far enough, so the opposition is somewhat disappointed about its provisions. Some of the amendments to the Summary Offences Act do not include arrest powers for reckless behaviour, or being able to arrest someone who is showing signs of intoxication. In the past it has been cumbersome for front-line police to deal with those circumstances. You can jeopardise your safety when dealing with intoxicated people because of their possible consumption of drugs. It is not just alcohol in the state of Victoria; it is also drugs. This government has not gone far enough in implementing legislation to cover the problem of intoxication by drugs and liquor.

I have run out of time, but this government has run out of puff. We are coming to the late stages of this cycle of Parliament and this government is only now introducing this legislation to address a problem that is out of control in this state. I know that the coalition has solid, strong policy on this that will protect Victoria into the future.

Ms GREEN (Yan Yean) — It is with great pleasure that I make a short contribution to the debate on the Summary Offences and Control of Weapons Acts Amendment Bill. The background to this bill is that the Premier made an announcement in August that this would be part of a suite of actions that the government would take against the growing problem of street violence and drunken behaviour. I am very proud that the government is taking this strong action, along with the Premier's announcement of 120 additional police on the streets. That is a continued commitment of this government to provide additional police for the Victoria Police chief commissioner to allocate where he sees fit, but also to provide enhanced police powers for police to deal with this problem. Certainly as a parent of two young men, who I want to —

Ms Morand — Lovely young men.

Ms GREEN — The Minister for Children and Early Childhood Development said that they are lovely young men. I think so too. As a parent I think I am representative of all parents who want their kids to be able to go out and enjoy themselves but do it in a respectful way and also come home safely. Also there is a growing problem of people carrying weapons, so I very much support the provisions in the bill that

enhance police powers to search for weapons such as knives and introduce an offence for drunk and disorderly behaviour and for this to be enforceable by an infringement notice. This kind of offender, those people who do think it is okay to be drunk and disorderly, will be hit in their hip pocket, on the spot, and this will send a real message that the community is not going to tolerate this, the government is not going to tolerate this and nor will Victoria Police. The bill also establishes a new offence of disorderly conduct, also to be enforceable by infringement notice. The bill also provides police with a move-on power, which may help to avoid a breach of the peace.

As I said, I will only make a brief contribution on this bill, which is a continuation of the strong stand that the government is taking in this growing problem. Alcohol-fuelled violence out on the streets is not just a problem in Melbourne; it is a problem worldwide. This bill will send a strong message that the community will not tolerate this and that there needs to be more respect shown in the community and that police will act against this sort of behaviour. I commend the bill to the house and urge its speedy passage.

Dr SYKES (Benalla) — I rise to make a brief contribution to debate on the Summary Offences and Control of Weapons Acts Amendment Bill 2009. I would like to focus on two particular aspects of the bill. One is the provision of powers for the police to require people to move on. The other provision I wish to talk about is public drunkenness. I should put these two aspects of the bill in a particular context — that is, that these new powers or enhanced powers should be seen as part of an overall approach to the reclaiming of our streets.

In that overall approach we need to make sure that we have responsible service of alcohol. We need to see more and more groups of hotels and liquor outlets implementing liquor accords, a move which has worked so well, for example, in Mansfield. We need to have in place transport arrangements that enable people, when they are leaving these venues, to be able to disperse. The Drugs and Crime Prevention Committee noted the importance of this last point during its visit to the UK about five or six years ago, when it was looking at the issue of excessive alcohol consumption, particularly among young people. The need to be able to get people away from these areas is of fundamental importance.

The other point about the power to move on is the clear statement that it does not apply to a number of circumstances. It does not apply to people demonstrating, protesting or publicising their views

with banners or signs. I am disappointed the member for Prahran is not here because that means my good friends from Plug the Pipe will be able to continue to protest legally. Even though they are inflamed and incited at times by being referred to as 'ugly, ugly people', they will maintain their cool and they will maintain their rage against the unelected and unelectable Premier and his errant water boy.

If we look at the issue of public drunkenness, then we will see that again this needs to be dealt with and considered in the context of being part of a package, and I have discussed the responsible service of alcohol and the liquor accords with respect to the other parts of the bill. People should take responsibility for their own actions and ensure that their friends are responsible; in the event that they overimbibe, their friends should look after them.

As the member for Benambra mentioned, we also have the issue of illicit drugs being involved in a lot of these situations. That makes it very difficult for the licensees who are serving the alcohol component of a customer's intake if that alcohol component is overridden with a drug component. One of the liquor licensees that has expressed concerns to me about the massive fee hike in liquor licences has made a request that when people are being arrested for drunkenness or disorderliness, serious consideration should be given to testing them for drugs and alcohol to establish the underlying issue. Once you have better defined the underlying issue, then you have the opportunity for a more targeted and effective approach.

We note the provision of the additional powers that go with the government's proposal to put 120 more police mainly into the problem areas we are talking about principally — the nightclub venues in the Melbourne CBD (central business district) — whilst noting there are some regional cities where there are also problem areas. But as members know, the cost of this proposition, which is going to require \$40 million in total, is being funded by a risk-based liquor licensing fee structure which has created significant problems for the many licensed venues that have a squeaky-clean history but are now being asked to contribute to funding what is basically the enforcement of legislation in a small part of the state.

A number of liquor licensees and I met this morning with the responsible minister, the Minister for Consumer Affairs. We were very pleased with the audience he provided. We would hope there would be a move towards a more sensible and common-sense, risk-based approach to licence fees in the future.

In conclusion, we must reclaim our streets. The coalition has put forward policies that will help us do that. We need more police on the streets and on public transport. We need those police to be enforcing existing legislation and the enhanced powers to be provided by this legislation. We need to have them out there doing that job with our full support.

From a country perspective, one last thing about locking people up is that there is a dearth of suitable lock-ups in country Victoria. People at Mount Buller, if they were to be locked up, would have to be taken to Benalla, which creates some problems. With those few remarks, I will wind up my contribution.

Ms MARSHALL (Forest Hill) — It is with great pleasure that I rise today to speak on the Summary Offences and Control of Weapons Acts Amendment Bill. This is yet another bill to come before this house that shows the Brumby government is committed to curbing drunken behaviour, violence and weapon use on our streets. These tough new reforms have been welcomed by the vast majority of my constituents, who wish to see police be given the powers and resources to deal with the increasing violence and antisocial behaviour occurring on our streets, particularly in the central business district.

It should be highlighted that this bill is one in a series to come before this house, aimed at assisting police to protect the community and at ensuring that people feel safe in their homes and when they walk down the street.

In late 2007 and 2008 the government passed legislation to help address alcohol-related violence in Melbourne's entertainment precincts, thereby enabling Victoria Police to take a proactive approach to public violence in Melbourne. Already this government has introduced tough new weapons laws. From 1 July 2007, maximum penalties for offences relating to prohibited and controlled weapons were increased. From 8 November 2007 the penalties for carrying weapons in and around licensed venues were doubled. That is a sample of the tough new laws that have been introduced to combat violence on our streets.

It is through tougher legislation and the increased allocation of resources to police that this state has seen the number of knife attacks decrease by 2.9 per cent over the past year; the number of arrests for public order offences, including drunkenness and disorderly offences, increase by 92 per cent, following a concerted effort by police to tackle these offences — with most of this increase due to efforts in region 1, which saw a 394 per cent increase over the year — the number of persons taken into custody for being drunk rise by

23.4 per cent, with 21 552 for the year; and the number of crimes occurring on or around public transport decrease by 2.5 per cent over the past year.

Locally, for the people of my electorate of Forest Hill in the Whitehorse municipality, statistics show assaults have decreased by 5 per cent in the last year, with police numbers in Whitehorse having increased by almost 20 per cent since November 1999. These statistics show that the hard work by Victoria Police and the resources and stronger powers this government has committed to tackling violence on our streets is making a difference, but there is no shying away from the acknowledgement that more needs to be done.

This bill is part of a number of initiatives being introduced by this government to protect the vulnerable and demonstrate that antisocial behaviour and violence will not be tolerated by the state. I welcome this bill, as it clearly illustrates the Brumby government is not afraid to make hard decisions and take the necessary action to keep our streets safe. I commend the bill to the house.

Mr WELLS (Scoresby) — I rise to join the debate on the Summary Offences and Control of Weapons Acts Amendment Bill 2009. You do not trust Labor when it comes to law and order issues. Let me explain: the Attorney-General is not committed to the increased penalties for public drunkenness. His main focus is to decriminalise public drunkenness in this state. One of the main provisions of this bill is increased penalties for public drunkenness; that is the intent of this bill. The government has done this in its run-up to the next election.

Let me go into some detail. When the Attorney-General was in opposition he made it very clear when he stated on 24 March 1998, talking about public drunkenness:

I hope times have changed since 1990 and 1991 and that there is a more appropriate understanding of the fact that drunkenness — alcoholism — ought be treated as a health issue, not a crime, and that we are moving as a society, as other states have already done, to abolish the offence of public drunkenness altogether as was recommended by the Royal Commission into Aboriginal Deaths in Custody.

When the Attorney-General became part of this government, did his opinions change? Absolutely not. In 2006 the Labor-dominated Drugs and Crime Prevention Committee brought down a report which called on the government to decriminalise public drunkenness. The then member for Mornington and I put in a minority report to oppose the decriminalisation of public drunkenness. I remember quite clearly the Attorney-General at that time welcomed the

recommendations of that report to decriminalise public drunkenness.

On 29 April 2007 in the *Age*, in an article by William Birnbauer, this is what was said:

Attorney-General Rob Hulls has wanted to bring Victoria's public drunkenness laws into line with those of other states for a long time.

He told the *Sunday Age* that the Department of Human Services and the Department of Justice were now discussing 'a way forward' from what he has called 'the Dark Ages'.

So in other words the Attorney-General believes the criminalisation of public drunkenness is something from the Dark Ages. That is contradicting what this bill is saying when the current Labor government is trying to convince the Victorian community, with its heart and soul, hand on its heart, that it wants to increase penalties for public drunkenness.

On 29 November 2007 in an article in the *Herald Sun* under the headline 'Alcohol strategy worth \$20 million takes shape', this is what was said:

Public drunkenness would be decriminalised and trouble-spot venues charged more to operate in a \$20-million anti-booze offensive to be considered by the state government.

...

Details of the proposal are contained in a high-level departmental submission seen by the *Herald Sun*.

The submission reveals Attorney-General Rob Hulls wants to decriminalise public drunkenness and set up temporary sober-up centres in order to treat the problem as a health issue, not a crime.

So we find it incredibly hypocritical on this side when all of a sudden in the run-up to an election the Labor government comes in here and wants to increase the penalties for public drunkenness. It does not wash. There are too many inconsistencies between the Attorney-General who has his hand on his heart and wants to decriminalise public drunkenness and what this bill is saying. I will bet that once the election is over and in that unfortunate situation that Labor wins again — I just cannot see it happening, but in that unfortunate situation — the Attorney-General, if he retains that job, will bring in legislation to decriminalise public drunkenness.

The other point is how ironic is that when this bill calls for a move-on law. At the last state election the Liberal Party proposed a plan to support Victoria Police to enact the move-on laws:

Police currently do not have the power to give a direction to a person or group of people in a public place whose behaviour, whilst not constituting an offence, is reasonably suspected of

being antisocial (i.e. likely to cause offence, harassment or fear).

The Liberal Party will act immediately to introduce move-on laws similar to those in NSW that allow police to direct people acting in an antisocial manner to leave an area and not return.

The legislation would specify that any direction given by a police officer could not relate to a genuine demonstration, protest or organised assembly.

That was our view in 2006. At the time the Minister for Police and Emergency Services said it would not work. But now that we are coming up to an election year, all of a sudden the government wants to prove to the people of Victoria that it is tough on law and order, so the first thing it does is adopt another Liberal Party policy — that is, the move-on law. It has already enacted the hoon legislation and members opposite have already congratulated themselves with the extension of the hoon legislation to boats. They have already enacted the hoon hotline, which they said would not work, but all of a sudden now, because it is their idea, they say it does work.

But we are also very concerned about the issue of public drunkenness. I remember the significant debate that occurred in the Drugs and Crime Prevention Committee when Liberal members of that committee argued very strongly that it was wrong to decriminalise public drunkenness. I remember being with the now member for Benambra and meeting with New South Wales police officers who said, 'Do not under any circumstance decriminalise public drunkenness'.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Summary Offences and Control of Weapons Acts Amendment Bill. This bill proposes to amend the Control of Weapons Act and provide police with enhanced powers to search for weapons and to amend the Summary Offences Act to increase the penalties relating to public drunkenness. It is interesting to follow the member for Scoresby because he quite rightly reminds the house that it was indeed the view of the Attorney-General — and I think it is a view he still holds — that public drunkenness should be decriminalised. Now the government has recognised the folly of that policy approach and has adopted an approach more akin to that put forward by the Liberal-National coalition in terms of increasing the penalties for public drunkenness.

The purpose of this bill is to provide police with enhanced powers to address violence and disorder, the carrying of weapons in public places and public drunkenness. That is part of the approach that needs to be taken, but we also need the courts to back up the police in their efforts to clean up violence, particularly

drunken, violent behaviour in our streets. Therefore it is disappointing to read in the Warrnambool *Standard* of 25 November the headline 'Have you been to court lately? Who will reduce your sentence on appeal?'. And the big headline is 'Wendy will'. It says further:

Of the nine appeals heard in the court —

the Warrnambool County Court —

Judge Wendy Wilmoth decided to significantly reduce the penalties of seven offenders — a stunning strike rate of almost 80 per cent.

Five people sentenced to serve time in prison walked free from court.

Indeed one person had a six-month jail term suddenly changed on appeal to a six-month suspended sentence; a 12-month jail term for assault, a serious assault, on appeal became a six-month suspended sentence. Another offence of intentionally causing injury had an initial sentence of six months jail; on appeal the six-month jail term was suspended for two years — a suspended sentence. Time and again serious violence offenders have been sentenced by magistrates to jail terms, and County Court Judge Wendy Wilmoth has come to Warrnambool and many of these people have walked free from court. In one of the great ironies, a Camperdown couple had their jail terms quashed, but within hours of having their jail terms quashed by Judge Wilmoth they were charged with theft and weapons offences. Within another day or two they were charged with other theft offences after having their bags packed ready to go to jail, but on appeal after appearing before this County Court judge they are walking free.

What we need in terms of attacking violence in our community, in terms of attacking alcohol-fuelled violence, yes, we need — —

The DEPUTY SPEAKER — Order! I caution the member for South-West Coast in terms of the judiciary.

Dr NAPHTHINE — Yes. We need two things. We need the appropriate legislative powers and we need the police on the ground to do the work. The police in south-west Victoria do a fabulous job, even though they are short of a number of positions in Warrnambool and short of a number of positions in Portland. Even though they are understaffed they do a fantastic job. But when they bring the perpetrators of drunken violence to court and the magistrate sentences them to incarceration, it is absolutely disappointing to the community in terms of victims, victims' families and the broader community — in fact the community is flabbergasted, surprised and shocked — when a County Court judge comes from out of town and fundamentally significantly reduces the sentences of those people.

I believe we need tougher sentences. We need sentences to better reflect community attitudes, particularly community attitudes to alcohol-fuelled violence and inappropriate behaviour. Indeed in a recent case before the Magistrates Court in Warrnambool we had exactly that.

In respect of a recent case before the Magistrates Court in Warrnambool, the *Warrnambool Standard* of 14 November 2009 reported:

Magistrate Jonathon Klestadt said the case involved exactly the circumstances which would provide an impetus for harsher penalties for carrying knives.

That is why the opposition supports the use of greater search powers against people carrying weapons and who may be carrying them for the wrong purposes. If a person stabs someone in the back, they must receive an appropriate sentence when they front the court. We know that the person sentenced by the magistrate in that recent case has already lodged an appeal. If we have a judge with a poor track record when it comes to appeals — —

The DEPUTY SPEAKER — Order! I ask the member for South-West Coast to be very careful in his comments on the judiciary.

Dr NAPHTHINE — Thank you, Deputy Speaker. I will conclude my remarks by saying that this side of the house supports tougher sentences for those who are involved in alcohol-fuelled violence.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

The DEPUTY SPEAKER — Order! Before calling the member for Scoresby I advise that if amendment 1 is not agreed to, he cannot move his remaining

amendments because they are all consequential. Accordingly, I advise the member to address the principles of all his amendments when speaking to the amendment.

Mr WELLS (Scoresby) — I move:

1. Clause 1, lines 3 and 4, omit “feasibility studies” and insert “the conduct of a fire services funding feasibility study”.

The opposition has moved this amendment because although the title of the bill is ‘Fire Services Funding (Feasibility Study) Bill 2009’, when you look for the actual detail in the bill, it does not refer whatsoever to fire services funding. It is very broadbased; it has nothing to do with fire services funding. We think this is a con and is very misleading, and we believe it is a part of the Labor government’s plan to try to quell the anger, especially in country areas, over the fire service levy.

As I mentioned in the earlier debate, the government published a green paper in October. If you read through that green paper, it is very heavily weighted towards the current fire service levy system. The paper refers to the current fire service levy as being ‘equitable and efficient’. You would hardly think the government was wanting to move away from the existing fire service levy, and we heard some of the speakers in the debate discussing the degree of risk involved.

The other concern we have with the green paper is that if the government were serious about what it wanted to put out to the community, why will it not receive submissions regarding the green paper in November or December? In fact, the government will only begin receiving submissions on that green paper in the middle of next year. The opposition regards that as very suspicious.

Of even greater concern, and as outlined in step 7, August 2010 to February 2011, on page 22 of the green paper:

The government considers all feedback ...

‘All feedback’? It is quite obvious that this is a snow job on the Victorian people. There is no way known the government is going to make any conclusions between now and the state election.

We also wonder why the government has introduced this bill when the 2009 Victorian Bushfires Royal Commission put out a media release on 19 November 2009 — on the same day that we had the briefing about this bill — which says the commission seeks a response from the public on the fire services levy and insurance paper. Is that not exactly the same as what the

commissioner of the State Revenue Office will be doing anyway?

The Leader of The Nationals, Peter Ryan, wrote to the Victorian bushfires royal commission, requesting that it investigate the fire services levy so as to have a better understanding of how unfair it is, especially for country Victorians. The point needs to be made that a \$100 premium on a business property in country Victoria has a fire services levy of 63 per cent, a GST of 10 per cent and a stamp duty of 10 per cent. The \$100 premium then becomes \$197.23.

The question is, and the question remains, why do we need to have this piece of legislation if the bushfires royal commission is going to do exactly the same work anyway?

The other point we would like to make is that we do not trust the government with this sort of legislation. The State Revenue Office commissioner will be able to call on any Victorian to provide any information in regards to any new or existing tax, duty, levy or impost, and for developing and evaluating policies and proposals for those new taxes. It is not a matter of, 'This is only restricted to the fire service levy'. If it were, the government would be accepting the opposition's amendments and making sure that this provision is restricted to the fire services levy only.

Dr NAPHTHINE (South-West Coast) — The reason for the amendment is to clarify the purposes of the legislation. There is a difference between what the legislation purports to be and what it actually is. The legislation is entitled the Fire Services Funding (Feasibility Study) Bill, and in its public comment about it the government has said it is specifically about providing power for a feasibility study and examination into issues related to the fire services levy and whether that levy should be changed and a different method of funding of fire services adopted.

I think everyone in Victoria agrees that our fire services need to be appropriately funded; there is no argument about that. The issue is about what is the best and fairest way of providing that funding. I would argue, and many people in country Victoria in particular would argue, that the current fire services levy is a system which has perhaps served the community well for a number of years but which is now past its use-by date and which because of the major inequities and unfairness I outlined in my contribution to the second-reading debate should be discontinued and a new system put in place.

What the legislation says it is and what it actually is are two different things. That is why the member for Scoresby has moved his amendment, and that is why I support it. The amendment makes it clear that the legislation provides the powers that are needed for an investigation of issues related to the fire services levy. If we pass the legislation without the amendment, we will be providing the government with a broad range of powers to investigate and evaluate any existing tax, duty, levy or impost or develop or evaluate policies or proposals for any new or existing tax, duty, levy or impost — in other words, it will give the government power to examine the private financial details of individuals and businesses across a whole range of issues and not just issues relating to the fire services levy.

The bill is supposedly about fire services levy funding and a feasibility study associated with that funding, and that is what it should be restricted to. That is what the amendment does. I do not believe the government has the community's support. It does not have a need for broad-ranging powers to investigate a whole range of other duties, taxes and levies that either exist or that the government might be planning to introduce in the future. I believe that in its current state the legislation is a bit of a trick or a con on the people of Victoria. It is dressed up as a study into the fire services levy when in reality the legislation is very much more than that. It is not just a study into the fire services levy; it provides enormous powers for the government to look at any existing tax, duty or levy or indeed at any new tax, duty or levy or impost that it might propose to introduce.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — If anyone wanted an insight — a window — into the confused soul of the Victorian opposition they need only listen to the contributions made by the members for Scoresby and South-West Coast just a few moments ago.

The government does not support the amendments that have been proposed in the name of the member for Scoresby. We do not support them, because one has only to read the second-reading speech to understand the precision with which we intend this feasibility study to be conducted and, more importantly, to understand what information will be gathered in the furtherance of that study and the purposes for which it is being collected.

The opposition has suggested to the house that somehow this is a trick and something the Victorian people ought be suspicious about. The truth is that it is not possible for the government to impose a duty, a tax or an impost of any kind without the imprimatur of the

Parliament. I would have thought the shadow Treasurer would understand the prerogatives of the Parliament and the way in which the constitutional framework exists in Victoria. Given his previous contributions I am not surprised that he is a little confused in that area.

In relation to the assurances that the Victorian people can have about the protection of the material that is collected in the furtherance of the feasibility study to be set up by the bill, again they need only look to the provisions of the bill and to the second-reading speech to see with complete clarity the safeguards that will be in place to protect the privacy and confidentiality of the data that is collected in relation to this.

This matter is of intense interest to the Victorian people. In the conduct of this feasibility study and the collection of the data they expect that we will not have to come back to the Parliament to amend the legislation because the opposition was able stupidly to prevail in some way and to restrict or fetter in an unnecessary way the breadth that is required for the sensible conduct of the feasibility study.

We reject the amendments proposed by the member for Scoresby, and in fact we encourage people, if they are at all uncertain about the confused nature of the opposition in relation to the fire services levy, to reflect on the contributions made by the member for Scoresby and the member for South-West Coast as they attempted to contort themselves into not expressing a view on the important issues that the feasibility study will consider.

Mr McINTOSH (Kew) — The opposition remains concerned, notwithstanding the belittling contribution by the minister, who does not understand the problems the Victorian people face. This is a significant issue that the state has to face, and has had to face for a number of years. There is increasing hostility about the fire services levy, and I think the government knows perfectly well that the royal commission is looking into the matter and may very well make recommendations about a more fair and just system of collecting sufficient moneys as an independent source of funds for our emergency services, particularly the fire services levy. The most important thing in relation to the bill is that there should be an appropriate mechanism —

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time has come for me to interrupt business and put the appropriate questions. Because the amendment to the Fire Services Funding (Feasibility Study) Bill moved by the member for Scoresby proposes to delete words

from the clause, the question is that the words proposed to be omitted stand part of the clause. Those supporting the amendment should vote no.

House divided on omission (members in favour vote no):

Ayes, 46

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beattie, Ms	Lim, Mr
Brooks, Mr	Lobato, Ms
Campbell, Ms	Lupton, Mr
Carli, Mr	Maddigan, Mrs
D'Ambrosio, Ms	Marshall, Ms
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eren, Mr	Nardella, Mr
Foley, Mr	Neville, Ms
Graley, Ms	Noonan, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Dr	Pike, Ms
Helper, Mr	Richardson, Ms
Herbert, Mr	Robinson, Mr
Holding, Mr	Scott, Mr
Howard, Mr	Seitz, Mr
Hudson, Mr	Stensholt, Mr
Hulls, Mr	Thomson, Ms
Kairouz, Ms	Treize, Mr

Noes, 33

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

Amendment defeated.

Clause agreed to; clauses 2 to 6 agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

**PARKS AND CROWN LAND
LEGISLATION AMENDMENT (EAST
GIPPSLAND) BILL**

Second reading

Debate resumed from 25 November; motion of Mr BATCHELOR (Minister for Community Development).

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

All those in favour say aye, against say no.

Honourable members — Aye.

Mr Ingram — No.

The DEPUTY SPEAKER — Order! I think the ayes have it.

Mr Ingram — The noes have it.

The DEPUTY SPEAKER — Order! A division is required. Ring the bells.

Bells rung.

The DEPUTY SPEAKER — Order! I ask members to take their allocated seats in the house. I ask the Clerk to record the votes.

The Clerk — The member for Gippsland East?

Mr Ingram — No.

The Clerk — The Nationals Whip?

Mr Delahunty — Nine ayes.

The Clerk — The Opposition Whip?

Mr Kotsiras — Twenty-three individual ayes.

The Clerk — The Government Whip?

Mr Langdon — Forty-six ayes.

The DEPUTY SPEAKER — Order! As it is obvious there is only one no vote, under standing orders and I declare the question carried.

Mr Ingram — I ask that my dissent be recorded.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**TRANSPORT LEGISLATION
AMENDMENT (HOON BOATING AND
OTHER AMENDMENTS) BILL**

Second reading

Debate resumed from earlier this day; motion of Mr PALLAS (Minister for Roads and Ports).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**EDUCATION AND TRAINING REFORM
AMENDMENT (OVERSEAS STUDENTS)
BILL**

Second reading

Debate resumed from 25 November; motion of Ms ALLAN (Minister for Skills and Workforce Participation).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**SUMMARY OFFENCES AND CONTROL
OF WEAPONS ACTS AMENDMENT BILL**

Second reading

Debate resumed from earlier this day; motion of Mr CAMERON (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Third reading

Kairouz, Ms

Motion agreed to.

Noes, 32

Read third time.

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr

Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL

Second reading

Debate resumed from 25 November; motion of Mr CAMERON (Minister for Corrections).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read second time.

Motion agreed to.

Read third time.

Third reading

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Second reading

Debate resumed from earlier this day; motion of Mr PALLAS (Minister for Roads and Ports).

House divided on motion:

Ayes, 47

Allan, Ms
Andrews, Mr
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Campbell, Ms
Carli, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr

Kosky, Ms
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr

The DEPUTY SPEAKER — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill is required to be passed by an absolute majority.

Motion agreed to by absolute majority.

Read third time.

CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL

Statement of compatibility

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

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

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

Overview of bill

The main objective of the bill is to consolidate and modernise many of Victoria's consumer acts, as well as repealing redundant and otherwise unnecessary legislation.

The bill will:

repeal the Private Agents Act 1966 and insert reformed regulatory provisions relating to debt collectors into the Fair Trading Act 1999

repeal the common carrier provisions of the Carriers and Innkeepers Act 1958

repeal parts I–III of the Landlord and Tenant Act 1958, and insert a reformed provision relating to fixtures into the Property Law Act 1958

repeal redundant acts including the Fuel Prices Regulation Act 1981, the Petroleum Retail Selling Sites Act 1981, the Petroleum (Terminal Gate Pricing) Act 2000, the Collusive Practices Act 1965, the Marketable Securities Act 1970, the Utility Meters (Metrological Controls) Act 2002, the Trade Measurement Act 1995 and the Trade Measurement (Administration) Act 1995

increase flexibility with respect to handling of deposits under the Sale of Land Act 1962

streamline the licensing system and other areas of the Estate Agents Act 1980

make minor technical amendments to clarify and improve the operation of the Owners Corporations Act 2006 and the Conveyancers Act 2006

repeal redundant and spent transitional provisions in several other acts.

The bill will also amend the Prostitution Control Act 1994 to ensure that the regulation of prostitution in Victoria continues to meet its harm-minimisation objectives. The provisions introduced by the bill will strengthen enforcement against brothels operating without permits and licences, and strengthen the administration and enforcement of the licensing framework for sex work service providers.

Human rights issues

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

Section 8 — right to equality

Section 8 of the charter provides:

- (1) *Every person has the right to recognition as a person before the law.*
- (2) *Every person has the right to enjoy his or her human rights without discrimination.*
- (3) *Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.*
- (4) *Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.*

The proposed sections 93F(1)(a)(i) and (ii) in clause 16 of the bill will impose a restriction on persons under 18 years and

represented persons operating as debt collectors. In doing so, it will engage and limit the right to equality.

Consideration of reasonable limitations — section 7(2)

(a) the nature of the right being limited

The right to recognition and equality before the law means that every person should be equal before the law and has the right to equal and effective protection against discrimination.

(b) the importance of the purpose of the limitation

This proposed limitation of minors and represented persons acting as debt collectors imposed by the eligibility criteria is to ensure that all persons can adequately perform duties as debt collectors, and are fully accountable for their actions. The limitation is also intended to protect minors, who do not have the necessary level of maturity, and represented persons, who suffer from a disability and are unable to make reasonable judgements in respect of certain matters, from being employed in positions where there is a high potential for conflict with members of the public.

(c) the nature and extent of the limitation

The proposed section 93F in clause 16 of the bill will impose a restriction on persons under 18 years and represented persons operating as debt collectors.

(d) the relationship between the limitation and its purpose

The restriction is directly related to the purposes of the legislation, which are to ensure that consumers deal with debt collectors who are professional and fully accountable for their actions, and to ensure that minors and represented persons are not exposed to conflict with members of the public arising out of debt collection activities.

(e) any less restrictive means reasonably available to achieve its purpose

In my opinion, there are no less restrictive means available to achieve the restriction’s purpose.

Section 13 — right to privacy

Section 13 of the charter provides:

A person has the right —

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

Debt collection

The proposed section 93G in clause 16 of the bill to allow persons who are prohibited from acting as debt collectors to seek permission from the Business Licensing Authority to operate as a debt collector will engage, but not limit, the right to privacy. The provision gives a person, who desires to work in a regulated industry, the opportunity to disclose personal information about him or herself. Employment as a debt collector is not a right and a person can choose not to disclose information pursuant to section 93G.

Trade measurement

The proposed transfer of trade measurement functions to the commonwealth under clause 18 of the bill will engage, but not limit, the right to privacy with respect to the transfer of information to the commonwealth. However, the proposal is not arbitrary or unlawful because it allows the continuation of both licences and compliance activities, both lawful functions of the National Measurement Institute, the commonwealth agency that will administer trade measurement. Further, section 19H of the National Measurement Act 1990 (cth) provides substantial protections around the handling of personal information.

Owners corporations

The proposed amendment of section 150 of the Owners Corporations Act 2006 in clause 39 to require the production of the owners corporation register will engage, but not limit, the right to privacy. The proposal is reasonable, because it removes the ability for owners corporations to refuse to give a copy of information about a lot owner's property to the lot owner. Lot owners are already entitled to look at the information and clause 39 will merely make it mandatory for the owners corporation to provide a copy of the same information on request.

Sex work

The proposal in clause 58 to add details of licensees in effective control of the brothel engages, but does not limit, the right to privacy. Making the name of the licensee who is in effective control publicly available is not arbitrary or unlawful because the public interest is served by allowing members of the public to identify which licensee is in effective control of a brothel.

The proposal in clause 61 to require the production of a licence, certificate of approval or identity card by a licensee or approved manager to an inspector engages, but does not limit, the right to privacy. The production of this documentation ensures that a sex work service provider, or an approved manager, can demonstrate that they are complying with licensing requirements.

The proposal in clause 62 to clarify how financial records must be kept and extend the period for which financial records must be retained engages, but does not limit, the right to privacy. The provision ensures that appropriate records are maintained to ensure compliance with the Prostitution Control Act 1994 can be monitored effectively.

The proposal in clause 63 to empower inspectors to stop people entering and leaving reasonably suspected illegal brothel premises, question them, and require them to provide a name, address and statements engages, but does not limit, the right to privacy. The evidence obtained by inspectors from Consumer Affairs Victoria may be used in subsequent proceedings. This proposal is compatible with the charter and not arbitrary or unlawful because section 15 of the Prostitution Control Act 1994 makes it an offence to be in, entering or leaving an unlicensed brothel without a reasonable excuse.

The proposal in clauses 64 to 67 extends the ability of inspectors from Consumer Affairs Victoria to obtain information from third parties, department heads and other specified persons to include unlicensed brothels. In doing so, it will engage, but not limit, the right to privacy. This proposal

is compatible with the charter and not arbitrary or unlawful because section 22 of the Prostitution Control Act 1994 makes it an offence to operate a brothel without a licence, or an exemption under section 23.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because the proposals either do not limit rights contained in the charter or the limitations imposed on rights contained in the charter are justified for the reasons set out above.

Hon. Tony Robinson, MP
Minister for Consumer Affairs

Second reading

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

That this bill be now read a second time.

This bill represents the first tranche of reforms from the consumer affairs legislation modernisation project, a project that will extensively reform the consumer affairs statute book and contribute to the Brumby government's commitments to modernise and consolidate Victoria's statute book, cut red tape and reduce the regulatory burden on business. The bill also strengthens the regulation of sex work in Victoria.

The bill repeals the Private Agents Act 1966 and inserts reformed regulatory provisions relating to debt collectors into the Fair Trading Act 1999; repeals the common carrier provisions of the Carriers and Innkeepers Act 1958; repeals parts I–III of the Landlord and Tenant Act 1958, and inserts reformed provisions relating to fixtures and actions to recover land into the Property Law Act 1958. The bill also repeals redundant acts including the Fuel Prices Regulation Act 1981, the Petroleum Retail Selling Sites Act 1981, the Petroleum (Terminal Gate Pricing) Act 2000, the Collusive Practices Act 1965, the Marketable Securities Act 1970, the Utility Meters (Metrological Controls) Act 2002, the Trade Measurement Act 1995 and the Trade Measurement (Administration) Act 1995. The bill also increases flexibility with respect to the handling of deposits under the Sale of Land Act 1962, refines aspects of licensing and enforcement arrangements under the Prostitution Control Act 1994, and streamlines the licensing system and other areas of the Estate Agents Act 1980. Finally, the bill makes minor technical amendments to clarify and improve the operation of the Owners Corporations Act 2006 and the Conveyancers Act 2006; and repeals redundant and spent transitional provisions in several other Acts.

Strengthening the regulatory regime for sex work

The bill enhances the operation of the Prostitution Control Act 2004, implementing the 2008 Government Response to the Prostitution Control Act Ministerial Advisory Committee report, 'Improving the Regulation of the Sex Industry and Supporting Sex Workers Who Want to Move On'. One significant change will be to update references to 'prostitutes' in the legislation to 'sex workers', reflecting the changing nature of the industry. Similarly, the Prostitution Control Act will be renamed the Sex Work Act.

The bill introduces a variety of measures to strengthen the enforcement of the Sex Work Act. For example, the bill significantly increases penalties for operating a brothel without a licence, bringing those penalties into line with penalties for operating a brothel without a planning permit. It also extends the powers of Consumer Affairs Victoria inspectors to allow them to seek information about reasonably suspected unlicensed brothels. These additional powers will increase the ability of regulators such as Consumer Affairs Victoria to take effective enforcement action against illegal brothels.

The bill will improve public health outcomes by requiring sex workers and their clients to adopt safer sex practices such as using condoms, and to take reasonable steps to minimise the risk of transmission of sexually transmitted infections.

The bill also requires brothels to display signage about sex slavery to improve awareness that sex slavery exists, and that it is illegal. This will particularly enhance awareness for people who may not otherwise have access to that information, for instance due to language differences.

The bill improves the operation of the licensing scheme for sex work service providers by, among other things, allowing a person to take over a licensee's business for 30 days, or longer if approved, upon the death or disability of the licensee. This will enable suitable transitional arrangements to be made to ensure the orderly winding up or transfer of a licensee's business.

The bill also enables the Business Licensing Authority to grant permission to approved managers to continue operating where they become insolvent. This recognises that in some circumstances, insolvency of an approved manager is not necessarily a serious enough problem to require them to stop their role. For example, part IX debt agreements allow a person to negotiate an outcome with creditors to repay outstanding debts, but are still considered insolvencies.

The bill will also require exempt small owner-operators of sex work service providers to provide an annual statement to ensure that the register of small owner-operators is kept up-to-date. This will ensure that regulators can more accurately determine who is currently relying on the exemption.

More effective regulation of debt collection

The bill repeals the Private Agents Act 1966, which regulates debt collectors. As part of this process, the licensing system established under the act will be abolished and replaced by a simplified compliance system to be included in the Fair Trading Act 1999. In consultation during the development of these proposals, stakeholders representing both debt collectors and consumers expressed support for reform of regulation in this area.

The new compliance system will allow any person to practise as a debt collector unless they are excluded from doing so because of specified criteria. One of the main criteria for excluding debt collectors will be any contravention of legislation that prohibits coercion, physical violence or undue harassment while collecting payments. This directly links non-compliance with harassment provisions in the Fair Trading Act 1999 with a prohibition on operating as a debt collector. In doing so, it sends a clear signal to debt collectors that even though the licensing system may have been abolished, the use of coercion, physical violence or undue harassment in the collection of debts will not be tolerated.

The compliance system contained in the bill is designed to be much broader in its coverage and scope than the Private Agents Act regime. The Private Agents Act has several exclusions that undermine the effectiveness of the legislation. For example, certain groups such as accountants and legal practitioners are exempted from the operation of the Private Agents Act. In addition, debts purchased by a debt collector from the person to whom the debt is owed for collection are also not subject to the current legislation.

The proposal has also been developed in the context of national reforms being implemented under the Council of Australian Governments. It is expected that many debt collectors will be licensed under the forthcoming national credit legislation when handling the collection of debts under credit contracts. The proposals in the bill will avoid the regulatory duplication of having to hold two licences.

Finally, this new compliance system helps achieve the Brumby government's commitment to reduce the

regulatory burden on business. This proposal achieves regulatory burden reductions certified by the Victorian Competition and Efficiency Commission as totalling in excess of two million dollars.

Greater flexibility in handling deposits for sales of land

The bill will improve the flexibility around deposits held by legal practitioners, conveyancers and estate agents as stakeholders by allowing the transfer of deposits from a stakeholder to any legal practitioner, conveyancer or estate agent acting for the vendor. Previously, only certain types of transaction were permitted. For example, conveyancers acting for the vendor were not allowed to receive money from estate agents.

Repeal of common carrier liability limit

The bill repeals sections 3 to 12 of the Carriers and Innkeepers Act 1958.

These sections limit the strict liability of stagecoach proprietors and other common carriers of goods to \$20 for the loss of certain types of goods such as gold, glassware, silks and title deeds. Except for decimalisation, both the liability limit and the goods to which it applies have remained unchanged since the enactment of the now repealed Carriers Act 1830.

Today, carriers of goods routinely contract out of the operation of the act. In addition, taxis, which are common carriers of passengers, have been held at common law in Victoria to owe an ordinary duty of care for passengers' luggage, rather than the heightened duty of care that a common carrier of goods must exercise.

The legislation is therefore redundant.

Repeal of outdated tenancy law

The bill repeals parts I to III and related schedules of the Landlord and Tenant Act 1958.

These parts represent a collection of statutory provisions included in various imperial statutes dating back to the Landlord and Tenant Act 1709. After consultation with interested stakeholders including the Law Institute of Victoria, it was determined that all of these provisions, with the exception of one provision dealing with fixtures, can be repealed.

Section 28(2) of the act, dealing with fixtures, remains of relevance today. Therefore, one consequential amendment is that a new section will be inserted into

the Property Law Act 1958 modernising the law of fixtures. The provision will operate in a manner similar to section 28(2) of the current legislation.

Section 14(1) of the Interpretation of Legislation Act 1984 will ensure that distress for rent, which allows a landlord to seize a tenant's property if rent is unpaid, is not revived by the repeal of section 12 of the act, which abolished distress.

Repeal of redundant or duplicated petroleum regulation

The bill repeals the Petroleum (Terminal Gate Pricing) Act 2000. This act operates to improve pricing transparency in the petroleum industry. In 2007, Oilcode, an industry code made under the Trade Practices Act 1974, established a national terminal gate pricing regime. This created regulatory duplication for oil companies operating in Victoria. A recent review of Oilcode has recommended the retention of terminal gate pricing arrangements in Oilcode, making it unnecessary to retain a Victorian regime.

The bill also repeals unused regulation of the petroleum industry including the Fuel Prices Regulation Act 1981 and the Petroleum Retail Selling Sites Act 1981.

The Fuel Prices Regulation Act 1981 allowed maximum prices of fuel to be determined, and for fuel prices generally to be overseen by a Prices Commissioner. The legislation has not been used since the early 1990s. In cases of fuel emergency, the Fuel Emergency Act 1977 will allow the minister administering that act to set fuel prices.

The Petroleum Retail Selling Sites Act 1981 aimed to allow independent petroleum retailers to choose their suppliers. This is now regulated under Oilcode.

Repeal of redundant corporations laws

In December 2008, the Scrutiny of Acts and Regulations Committee released its report on redundant corporations laws.

This bill gives effect to the committee's finding that the Marketable Securities Act 1970 is redundant and its recommendation that the act be repealed. As recommended by the committee, a transitional provision is included to allow regulations to be made if they become necessary at a future date to manage unforeseen consequences of the repeal.

In addition, the bill repeals the Collusive Practices Act 1965. The act duplicates the effect of the Competition Policy Reform (Victoria) Act 1995, which applies the

schedule version of part IV of the Trade Practices Act 1974 of the commonwealth in Victoria as the competition code. The competition code prohibits collusion in tendering and bidding, while additional protections for dummy bidding at auctions for the sale of land are provided by the Sale of Land Act 1962.

The bill also repeals redundant provisions in the Companies (Administration) Act 1981.

Managing the transition to national trade measurement

The bill repeals three acts rendered redundant by the forthcoming commencement of a national trade measurement system on 1 July 2010: the Utility Meters (Metrological Controls) Act 2002, the Trade Measurement Act 1995 and the Trade Measurement (Administration) Act 1995.

The bill includes transitional provisions to ensure that information on licensees can be provided to the National Measurement Institute to assist in the establishment of the national trade measurement system; and fees can continue to be collected and compliance actions taken for any matters arising before 1 July 2010.

Streamlined regulation of estate agents

The bill streamlines licensing requirements for estate agents under the Estate Agents Act 1980. The bill will remove certain requirements to obtain a licence such as a requirement to obtain character references. The bill also simplifies the process by which institutions can be appointed to operate trust accounts and repeals redundant provisions such as the separate concept of stock and station agents and the little-used rural branch manager's licence category.

Statute law reform

The bill will make minor clarifying amendments to the Conveyancers Act 2006 and the Owners Corporations Act 2006 to make these acts easier to understand for the users of the legislation, such as residents in owners corporations who mostly lack legal training. For example, the bill clarifies that where an owners corporation has elected a member to be chairperson, the owners corporation may by resolution remove the chairperson. The bill also clarifies that regulations specifying how audits are conducted under the Conveyancers Act 2006 are not mandatory.

The bill will also repeal a redundant provision in the Land Act 1958 relating to the now abolished

requirement to license auctioneers of real and personal property.

Redundant and spent provisions in several other acts will be repealed.

I commend the bill to the house.

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

Debate adjourned until Thursday, 10 December.

Remaining business postponed on motion of Mr ROBINSON (Minister for Gaming).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Croydon Primary School: merger

Mr HODGETT (Kilsyth) — I wish to raise a matter of importance with the Minister for Education. The action I seek from the minister is to visit the Croydon Primary School and meet with representatives of the school community to listen to a proposal to bring forward the school's refurbishment plan.

The minister would be aware that Croydon North Primary School has found itself forced into a decision to merge with Croydon Primary School. Last night during the adjournment debate the member for Warrandyte asked the minister to ensure that the appropriate amount of funding is made available to facilitate this merger. I am told that under Department of Education and Early Childhood Development policy an amount of \$500 000 is provided to schools that undertake a merger. I will monitor this to ensure that the Croydon Primary School is allocated this money and not disadvantaged in any way during this merger process.

I would like the minister to give serious consideration to a proposal to bring forward a total refurbishment of the Croydon Primary School. If we pool the funding the school currently has allocated to building projects with the \$500 000 merger money it will add up to a sizeable amount. This money could be spent now on projects to do with the existing buildings; however, it will be wasted if in two to three years time these buildings are pulled down as part of a total school refurbishment. On the other hand if the government were to add \$2 million to \$3 million to the existing pool of funds, it would be possible to undertake a refurbishment of the Croydon

Primary School now. A new administration area, new library and new school buildings could be constructed sooner rather than later and money would not be wasted patching up existing problems such as weatherboards falling off external walls. This is a sensible, affordable and logical plan, and I urge the minister not to dismiss it without due consideration.

There is nothing more heartbreaking for a local school community than to invest hundreds of thousands of dollars, even millions of dollars, into school buildings and maintenance only to see the money wasted when the same buildings are knocked down two to three years later when a total refurbishment of the school is undertaken. This plan is a win-win for everyone. It allows an entire upgrade to the Croydon Primary School to occur now; it brings the school's physical environment into the 21st century and provides the latest learning environment for the students; it saves the government money and allows the minister to tick off another school project; and it is prudent, sound financial management and a wise use of taxpayer dollars. This is a great opportunity for the government to show some foresight. I urge the minister to come out and visit the Croydon Primary School to see firsthand the merits of this wonderful plan.

The Croydon Primary School is proud of its heritage and excited about its future. It is an excellent school with a terrific principal in Jill Chin, committed teachers and a dedicated school council, and it is well supported by the local community. I ask the minister to please visit the Croydon Primary School and meet with representatives of the school community to listen to this proposal to bring forward the school's refurbishment plan.

Sport and recreation: community facility funding

Ms CAMPBELL (Pascoe Vale) — I have a matter to raise for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is that he give serious consideration to an application put forward in this round of the minor facilities funding program. The particular point I wish to make relates to the refurbishment of the Hosken Reserve pavilion in Coburg. Provision of funding would enable junior, female and disability facility and change room upgrades.

In Moreland we want to develop a multipurpose sporting facility with improved physical access to the building for women, juniors and people with a disability. Works would include the provision of accessible toilet and change room facilities, new

spectator toilet areas, new player and referee change rooms to cater for males and females and better access throughout the building. Renovated facilities would improve the club's ability to provide for its female players and spectators as well as creating an accessible facility for people with a disability and people with physical and mobility impairments. The renovations would also comply with contemporary design and environmental standards.

The second item I would like the minister to give serious consideration to is a funding application lodged under the planning category. It is for \$30 000 to conduct a feasibility study on redevelopment of the Oak Park Aquatic Centre. That money would enable research and consultation to be undertaken to determine the future aquatic and indoor sporting needs of the Oak Park centre site and surrounds. If funding were granted, it would enable us to develop a functional brief and concept design for redevelopment of this precinct to maximise community wellbeing and increase physical participation through active and healthy lifestyles.

The study would also identify facilities required to meet the needs of a range of community members, community groups and sporting and recreational organisations including women and girls, people with a disability, older adults, families and young children, youth, culturally linguistic and diverse communities, primary and secondary schools and neighbouring municipalities.

The reason such a range of people would benefit from the Oak Park Aquatic Centre redevelopment is that it is located on Pascoe Vale Road, which carries a lot of through traffic. Many people who reside in the municipality of Hume and further north come down Pascoe Vale Road, primarily on their way to and from work. A feasibility study and subsequent redevelopment would enable many of these people to go to the gym and swim et cetera at the aquatic centre on their way to and from work.

Bushfires: public land management

Mr DELAHUNTY (Lowan) — Tonight I wish to raise an issue with the Premier, or in his place the minister at the table; it is good to see the Minister for Agriculture, who will understand a lot of these issues. The action I request on behalf of the Lowan electorate is that the minister stop the buck-passing that is going on in government departments and statutory authorities regarding cleaning up or preparing government land for this year's bushfire season. I have been contacted on this issue by many residents in the large electorate of Lowan.

I will mention a couple of examples. One is water channels. A couple of residents have spoken to me about the fact that because there has been a reasonably good season there is a large amount of grass and a lot of vegetation on the channel banks and the like that is not being cleaned up by the authorities. One of these residents approached Goulburn-Murray Water and was told it was not going to put in a pipeline that was no longer needed. He went to the council and was told to go and see the Department of Sustainability and Environment. Staff at DSE looked up the web page and said it was Crown land and came under the responsibility of Goulburn-Murray Water. He had to go to four different locations before he finally got some action.

The other matter I want to raise is railway land. A lot of my electorate is unused railway land which is the responsibility of VicTrack. I will refer to land in Pimpinio which was highlighted in the *Wimmera Mail-Times* of 23 November. It states:

Pimpinio fire brigade organised a burn-off on government railway and Crown land on Monday night.

It highlights again that no action was taken by the authorities; it had to be done by private volunteers in the area.

Dunkeld township has had some enormous issues. Fortunately some common sense has been applied in cleaning up some of the reserves in that area.

Roadside reserves are also an issue. Often large amounts of vegetation are growing on the sides of roads, and although in some cases a slasher would have gone through, it is not done well enough.

The Haven Recreation Reserve was hit very hard by the bushfires on 7 February. This issue was highlighted again in the *Wimmera Mail-Times* of 23 November, which has a report entitled 'Duckshoving stymies work'. It states:

Haven Recreation Reserve secretary Sue Exel said there was 'dangerous growth' along channels behind the reserve.

Mrs Exel has called on government departments to work out who was responsible for the land and slash grass that was 'head high'.

All these issues highlight insufficient action by government departments. Particularly in towns, by-laws officers and fire prevention officers have been issuing provisional improvement notices and the like for fire hazards on private land. They have been doing something about them. On government land and Crown land Victoria is dangerously unprepared for this year's

fire season. I call on the Premier to take action and stop the duckshoving and buck-passing that is going on and clean up this land before the coming bushfire season.

Consumer affairs: prepaid phone cards

Mr SCOTT (Preston) — The matter I raise tonight is for the attention of the Minister for Consumer Affairs. It relates to prepaid phone cards for international calls. The action I request is for the minister to conduct an inquiry into the conduct of the prepaid phone card industry and warn consumers about the many hidden charges imposed with these products.

Although these cards often provide cheap calls to overseas countries by using voice over internet protocols, I have received many complaints from people who felt they have been cheated by them. The cards are available widely in my electorate in newsagents, convenience stores and supermarkets and can be bought over the internet. They are popular with international students and recent migrants who naturally want to keep in touch with their families at home. Often these people do not have English as a first language.

The promotional material for these cards emphasises the cheapness of the calls but seldom mentions the downside. The terms and conditions, if printed at all, are usually in a truly minute font size. One card a member of my staff saw measured the font as four point, which is about 1 millimetre high.

The companies seldom state that, in addition to permanent charges, they often impose call-connection charges, monthly fees, activation fees and set-up fees. The cards can have short expiry dates, sometimes after only one week. Calls per-minute charges often begin as soon as the number is dialled and not when answered, so a call that is not connected can still be charged for. Some cards have a minimum charge per call. Others have per-minute roundings, in some cases rounding up to 12 minutes per call; if the charge is 5 cents per minute, it may be rounded up to 60 cents. Rates and charges can be subject to variation without notice.

The consumer organisation Choice has produced alerts about these hidden charges, warning of some outrageous charges imposed by some companies. If a consumer bothers to check on the internet, they may find the information provided there to be as confusing as that provided on the cards. I urge the minister to take action to protect consumers from such products.

Crib Point: bitumen plant

Mr BURGESS (Hastings) — I raise a matter for the attention of the Premier. The action I seek is for the Premier to detail to the community the full extent of his plan to industrialise Crib Point and surrounding townships.

It has recently become apparent that the proposed bitumen plant which this government intends to impose on Crib Point and surrounding communities is really only the beginning of a far more sinister plan to industrialise the entire area. It has now been reported that the Brumby government has plans for a 150-kilometre slurry pipeline from the Latrobe Valley to Crib Point to be constructed by Exergen as part of a \$1.5 billion plan to export an estimated 12 million tonnes of brown coal.

The government has already outlined a significant interest in brown coal in the *Freight Futures* document, even stating that interest in brown coal exports may influence the development of the port of Hastings. Brown coal is one of Victoria's critical competitive advantages; however, the existing port of Hastings is just 15 minutes north of Crib Point and is a far more appropriate location for such industrial activity.

The Brumby government now needs to disclose the extent of its plans for Victoria's brown coal industry and how these plans will affect the communities of Crib Point and surrounding townships.

The people of Crib Point and the wider Victorian community no longer trust this government. The Bracks and Brumby governments reneged on a 2006 election promise and will now proceed with a bitumen storage facility despite its rejection by council, the local community and the minister's hand-chosen panel. Now, in a further blow, it has been discovered that this government has been engaging in questionable and secretive negotiations with Exergen involving Crib Point. This government is more concerned with cash and grubby deals than it is with protecting the community, the natural environment and the future prosperity of Crib Point and the surrounding communities.

The Minister for Planning has made it very clear that he has no problem with making decisions that will devastate entire communities. This government has made an art form of ignoring basic standards of honesty, probity and transparency, and these disgraceful characteristics have all been on show with its handling of the bitumen storage proposal at Crib Point.

Earlier this week the federal member for Flinders, Greg Hunt; Cecilia Witton, representing several community groups including the Crib Point Advisory Committee; and I met with the federal environment minister, Peter Garrett, to ask him to consider invoking his powers under the federal Environmental Protection and Biodiversity Conservation Act to stop the bitumen plant from proceeding. Minister Garrett made a commitment that his department would consider any new evidence presented. It is difficult to conceive of a clearer example of the type of development the act was designed to address than a state government forcibly industrialising a close-knit residential community.

I urge the Premier to show some courage and goodwill towards the community and ensure that all industry and port development is kept within the existing footprint north of Hastings.

Thompsons Road–Lonsdale Crescent, Cranbourne North: traffic management

Ms GRALEY (Narre Warren South) — The matter I raise is for the attention of the Minister for Roads and Ports and concerns the need for a right-hand turn lane on Thompsons Road into Lonsdale Crescent, Cranbourne North, as well as the closure of Gray Street. The action I seek is that the minister ensure that these works occur in the near future.

Recently I was approached by one of my constituents, Ron Watson, who has for some time been concerned by not only the road safety issues on that part of Thompsons Road but the significant traffic congestion as a result of cars seeking to turn right into Lonsdale Crescent. He has requested that measures be put in place to solve these problems, and he is of the understanding that a right-hand turn lane will be established at Thompsons Road and Lonsdale Crescent, and that Gray Street will be closed. Like me, Mr Watson would like the works to commence as soon as possible.

These works will be part of the substantial investment — I think nearly \$500 million — that the Brumby Labor government has made in roads within the city of Casey.

On Thompsons Road alone we have invested \$52.5 million for duplication works. The government has made and continues to make this substantial investment in planning and preparing for the significant population growth in and around my electorate. It is well known that my electorate is a fast-growing area. As our community changes, our roads are continuously being improved and upgraded to keep up with that

change. I was appalled to hear the member for Bass referring to the outer metropolitan areas as ‘deprived new suburbs’. He said:

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.

Well, come on down — because you will see all of that out in the Narre Warren South electorate.

In the *Herald Sun* recently there was a very good article entitled ‘Happiness is living in an outer suburb’, and there was another article in the *Australian*, in which the reporter speaks of the outer suburbs as being a great place for new homeowners. Bernard Salt has said, ‘Casey-Cardinia could set new standards for sustainable living’. He has written:

Oh, the exquisite beauty of a well-planned outer residential suburb.

Also:

To the suburbanist’s eye there is nothing so pleasing as a Ramsay Street vista, where rollover kerbing is gently breached by a series of radiating concrete driveways.

...

We think Narre Warren South is so hot.

As for Werribee’s Tarneit, well, it simply doesn’t get any better.

The government is strongly committed to making sure that the outer suburbs and the Narre Warren South electorate are the best places to live, work and raise a family — and drive. It is about time the rest of the members of the house realised that that is the case. If members come out to the outer suburbs, they will see us building schools, roads, kindergartens, hospitals, sporting grounds, parks and car parks.

This government is strongly committed to the people of Narre Warren South, and I ask the minister to ensure that these traffic works are undertaken in the very near future.

Students: regional and rural Victoria

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Premier. The action that I seek is for the government to fully implement the recommendations of both the Rural and Regional Committee and the Education and Training Committee that relate to the disadvantage to rural students accessing university. A number of recommendations were made that directly relate to the disadvantage to rural students and their access to tertiary education.

More recently a report by John Polesel, entitled *Deferring a University Offer in Regional Victoria*, was published. This longitudinal study looked at the impacts of the higher cost to regional students of accessing university. Whilst a number of actions that need to be taken are clearly the responsibility of the commonwealth, a large number of other things need to be done to assist rural students in getting access to university. A newspaper report on the study indicates that some of the key findings include:

university remains out of reach for about 30 per cent of regional deferrers;

nearly one in four non-metropolitan students reported financial barrier as one of the reasons for not entering education or training;

82.8 per cent of rural and regional students deferred from the two lowest quartiles of socioeconomic status, much higher than in metropolitan areas;

many students see little advantage to completing school due to the economic barriers to further study;

15.7 per cent of regional Victorian school completers deferred a place at university, while only 6.4 per cent of metropolitan students deferred;

the rate of deferral among non-metropolitan students continues to grow more rapidly than in the city;

approximately 3 in 10 ... do not take up a place at university after one year;

deferrers from regional areas are less like to take up university place than others;

living away from home, course fees and costs of travel influence decisions by non-metropolitan school leavers;

...

financial barriers remain prominent among the reasons given by young students for having not taken up a place in education or training;

students working long hours while at university are more likely to have dropped out of their course.

These findings from this study clearly outline that there are some real challenges for country students in accessing university. We must make sure that those barriers that are the responsibility of the states are removed and that we assist rural students who have the grades necessary or the will to access university and make sure that they are able to reach their full potential in their education and further training.

Chandler Highway bridge: traffic management

Ms RICHARDSON (Northcote) — The matter I raise is for the attention of the Minister for Roads and Ports. It concerns the Chandler Highway bridge

crossing the Yarra River between Alphington and Kew. I ask that the minister conduct an investigation into traffic movements and congestion on the Chandler Highway bridge to determine the impact of EastLink and any future development at the Amcor site.

The Chandler Highway bridge is no. 6 in the most recent survey by the RACV (Royal Automobile Club of Victoria) of top red spots. This list is compiled from information provided by road users to the RACV and follows inspections by their engineers.

However, local residents do not need the RACV to tell them that movement across this bridge can be very slow indeed, particularly at peak times. Queues waiting to cross the bridge can be seen from the Eastern Freeway and, like many other travellers, I have often diverted my travel route home as a consequence. Cyclists usually steer clear of the bridge altogether, as the road narrows to two lanes with a walkway on only one side of the bridge.

Last year the minister kindly provided to me traffic information about the Chandler Highway bridge. However, I am certain that since then traffic on the bridge has increased following the opening of EastLink and increased traffic volumes on the Eastern Freeway. According to its own website, more than 50 million trips were taken in the first 12 months after EastLink's opening. This has undoubtedly impacted on the Chandler Highway bridge and the Eastern Freeway.

With the imminent sale and eventual redevelopment of the Amcor site on the corner of the Chandler Highway and Heidelberg Road, the pressure on the bridge can only increase. A local residents group, the Alphington Paper Mill Action Group (APMAG), has been formed to represent the broader community's interests in respect of the future of the Amcor site. Members of APMAG, including its president, Peter Jacob, are doing a terrific job in advocating on behalf of Alphington and Fairfield residents who will be impacted by any future development.

On Wednesday, 28 October I attended a meeting called by APMAG at Alphington Bowls Club. Among the many questions raised by residents who attended the meeting was how the development at Amcor would impact on traffic, especially on the bridge over the Yarra, given that thousands of new families could one day be moving into the Amcor site.

I have asked VicRoads representatives to attend a meeting of residents to talk about this issue. It would be of great assistance to me and the local community if we

could have an understanding of traffic movements and congestion from the minister prior to that meeting.

Of course it is not just people with an interest in the Amcor redevelopment who are concerned about the bridge. For people living in my electorate and many others across the northern suburbs the bridge is the link to the eastern and southern suburbs of Melbourne. Local residents frequently express to me their frustration at the delays, especially at peak times, in getting across the river at this point. The alternatives are either Hoddle Street or Burke Road and both are considerably out of their way.

An upgrade to this bridge, built last century for the railway and converted to a road in the 1930s, is a priority for me and for residents in the area. The minister's assistance was instrumental in the upgrade of the St Georges Road roundabout, which is now a signalled intersection, thanks to the \$5.1 million provided by the Labor state government. His assistance and attention to the Chandler Highway bridge will also be greatly appreciated by all.

Buses: passenger alcohol consumption

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Public Transport regarding the consumption of alcohol on public buses. I am asking the minister to provide authorised officers on known troubled bus routes and at known troubled times coupled with an education campaign. A constituent came to me and raised this issue in relation to the 788 bus route from Portsea to Frankston, operated by Peninsula Bus Lines. From his observations — and he is a frequent bus traveller — the worst two times are the last two buses to Frankston from the Mornington Peninsula on a Friday night and the last two buses to Sorrento from Frankston on a Saturday night.

The sorts of problems seen are excessive and very obvious drinking of alcohol by young people — and many of them are obviously under age and are openly drinking alcohol on the buses at these times. They are literally getting tanked on their way to clubs. Those heading from the southern peninsula towards the Frankston area leave the bus at Mornington for the clubs there, and those heading south from Frankston are on their way to Sorrento's Continental Hotel, a well-known nightclub down there. They are filling up with alcohol on the bus so they do not have to buy the more expensive drinks at the clubs.

Associated with the display and consumption of alcohol is incredibly bad language, yelling and generally a very uncomfortable bus ride. These people are also leaving

half-empty and empty cans and bottles on the floor of the bus, which rattle around. Obviously the problem is not just the smell; it is dangerous, especially for elderly people who want to leave the bus. They are even demanding that bus drivers pull over so they can relieve themselves when they have had too much to drink — and that is a common occurrence. Bus drivers feel obliged to do that; the company's drivers said to me if they did not do that, the consequences were even worse.

This is very distracting for the drivers, and I think it is unfair on them to have to put up with this sort of behaviour regularly. It is also obviously very distracting and disturbing for the passengers. I have spoken to the bus company, and its representatives said they would love to have some support — they think it is very unfair on their drivers and their passengers — and to have some authorised officers conduct blitzes coupled with an education campaign, perhaps with signs and notices.

This is an unlawful thing to be doing; it is dangerous; it is a great distraction, especially to the drivers; and it does not encourage people to use public transport.

Road safety: holiday road toll

Ms MARSHALL (Forest Hill) — I rise in the house tonight to raise a matter for the Minister for Finance, WorkCover and the Transport Accident Commission. The action I seek is for the minister to support initiatives to increase driver road safety education and awareness to help cut the road toll over the festive period. The holidays are fast approaching, and for many of us it will be a joyous time, with family, food, presents and holiday cheer. For some families, though, it is a time of regret, loss and deep sadness over loved ones killed on Victorian roads. Even if we ourselves have been fortunate enough not to have been directly affected by the tragedy of holiday road trauma, we all know someone who has.

Historically the last 12 days of the year have resulted in the highest road fatalities of the year, with an average of 16 deaths during this period. Between 18 November and 25 December 2008 there were 38 deaths on Victoria's roads. The consumption of alcohol has been cited as a major contributor to increases in road trauma during the Christmas season, with the majority of Victorians involving themselves in festive Christmas and end-of-year celebrations which, as a rule, involve the consumption of a little Christmas spirit. This, coupled with the fact that Victorian roads attract thousands of motorists, both from Victoria and interstate, who are enjoying the festive season, means we as motorists and road users need to be more diligent at this time when it comes to road safety.

Driver safety education and awareness is an essential part of a multilateral response to road safety. In order to reduce the incidence and severity of road trauma during the Christmas-New Year period it would be fantastic to see bodies such as the Transport Accident Commission make an effort to increase awareness and undertake a strategic and coordinated education campaign. As I previously stated, in the lead-up to Christmas last year there were 38 deaths in Victoria. This is a number I am hoping will be significantly lower this festive season.

I must congratulate the government on the actions it has taken to decrease the death toll on Victorian roads. For instance, the Arrive Alive 2008–2017 road safety strategy for Victoria calls for a 30 per cent reduction in fatalities and serious injuries over the next 10 years. This is great news for the people of Forest Hill, as in the city of Whitehorse there have been 9 fatalities and 534 serious injuries recorded in the three calendar years from 2006 to 2008. The people of Forest Hill are not immune to the devastating impact of road trauma, and this aggressive strategy to cut the existing road toll by a further 30 per cent by 2017 will equate to three less deaths every three calendar years in the city of Whitehorse.

I note that significant progress has already been made this year to curb the number of deaths on Victorian roads. As at 24 November the road toll was at 261 — down by 5 per cent from 274 at the same time in 2008. In order to continue to have fewer deaths on our road for the rest of 2009, increased awareness of driver road safety and education is essential, and I ask that the minister support any initiatives to achieve this end. The fewer lives lost on our roads these holidays, the merrier a Christmas it will be.

Responses

Mr HELPER (Minister for Agriculture) — The member for Kilsyth raised a matter for the Minister for Education seeking that the minister visit Croydon Primary School so she can acquaint herself with a proposal to refurbish the school.

The member for Pascoe Vale raised a matter for the Minister for Sport, Recreation and Youth Affairs and asked for support with respect to minor facilities funding for the Hosken Reserve pavilion renovation project and also support for a funding application in relation to planning for the Oak Park Aquatic Centre.

The member for Lowan raised a matter for the Premier related to preparation for the fire season seeking greater coordination across government authorities, which are landowners, and in preparing that land for the fire season.

The member for Preston raised a matter for the Minister for Consumer Affairs regarding prepaid phone cards, particularly for overseas calls, requesting the minister inquire into consumer advocacy with respect to those products.

The member for Hastings raised a matter for the Premier asking him to provide the community with information regarding industrial developments at Crib Point.

The member for Narre Warren South raised a matter for the Minister for Roads and Ports seeking that he ensure the undertaking of works to establish a right-turn lane from Thompsons Road into Lonsdale Crescent in Cranbourne North.

The member for Gippsland East raised a matter for the Premier urging the Premier to implement recommendations from two parliamentary committees relating to access to tertiary education by country students.

The member for Northcote raised a matter for the Minister for Roads and Ports regarding the Chandler Highway bridge and the impact of EastLink traffic in that area. She continues to seek the minister's support to resolve traffic issues regarding the bridge.

The member for Nepean raised a matter for the Minister for Public Transport regarding alcohol consumption on bus services between Frankston and the southern end of the peninsula, seeking the minister's support for putting in place measures to curb the consumption of alcohol on those bus services.

The member for Forest Hill raised a matter for the Minister for Finance, WorkCover and the Transport Accident Commission asking the minister to undertake actions to increase driver education, particularly in the lead-up to the festive season in an effort to reduce the road toll.

I will report those matters to the respective ministers.

The SPEAKER — Order! The house stands adjourned.

**House adjourned 7.01 p.m. until Tuesday,
8 December.**