

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 13 September 2006

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
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Wednesday, 13 September 2006

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

NOTICES OF MOTION**Notices of motion given.****Mr ANDREWS having given notice of motion:**

Honourable members interjecting.

The SPEAKER — Order! Notices of motion are not an occasion for members of Parliament to abuse each other across the chamber. I ask the member for Polwarth to cease interjecting in that manner, and I ask members to address themselves to the notices of motion. The only parts of notices that are allowable are those that have been provided to the Parliament. I ask members to remain within that; otherwise I will sit them down.

Further notices of motion given.**PETITIONS****Following petitions presented to house:****Planning: Melbourne 2030**

To the Legislative Assembly of the Victorian Parliament:

This petition, which reflects the views of over 60 residents and community action groups and others from all over Victoria, draws to the attention of the house the widespread concern about the adverse effects of the current Victorian planning system, including the Melbourne 2030 blueprint.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria immediately (1) prepare a new metropolitan strategy and revoke Melbourne 2030; (2) prepare a regional/rural planning strategy — both subject to an honest, transparent public consultation process; legislate to grant priority to approved local planning policies including effective controls over height and residential density; stop eroding the planning powers of local municipalities; maintain the green wedges; protect environmentally sensitive areas; stop VCAT acting as a de facto planning authority; abandon the priority development panel; review ResCode; stop usurping public lands and community assets; provide higher levels of accountability; and immediately start protecting what residents love about our garden state.

By Mr BAILLIEU (Hawthorn) (3215 signatures)

Buses: Altona Meadows and Laverton

To the Legislative Assembly of Victoria:

The petition of the residents of Altona Meadows and Laverton in the state electorate of Altona points out to the house the inadequate public transport for students of the Altona Meadows and Laverton areas attending secondary schools in Williamstown and Newport.

Due to the inadequate transport and overcrowding of bus services parents have no security of knowing whether students will reach their school on time or arrive safely.

Choice of secondary schooling in this area has been significantly reduced due to decisions made by this government.

With the decision not to build a secondary school in Altona Meadows as planned and the conversion of Altona Secondary College into a prep-to-year-9 facility, families have very few options but for their children to travel to feeder schools in other areas.

The petitioners therefore request that the Legislative Assembly of Victoria fund immediately additional 'special' buses to cope with the 1000 students travelling to secondary schools in Newport and Williamstown.

By Ms KOSKY (Altona) (279 signatures)

Dogs: beach access

To the Legislative Assembly of Victoria:

We, the undersigned, are calling on the Bracks government to cease preventing the establishment of 'leash-free' areas for dog owners to exercise and enjoy healthy outdoor lifestyle activities with their dogs on some sections of those beaches managed by the Department of Sustainability and Environment or by management committees established by the department, or those Parks Victoria beaches where 'on-leash' dogs are already permitted.

The petitioners point out that dog owners and their dogs using 'leash-free' exercise areas on designated sections of beach is a legitimate passive recreation activity with proven health and wellbeing benefits for dog owners, their dogs, and the community.

Exercising in 'leash-free' areas facilitates socialisation of dogs. It is also recognised that dogs benefiting from regular exercise and positive stimulation are less likely to cause nuisances in the community.

Exercising dogs provides an important means of contact with the other members of the community; this is particularly so for the elderly and for people who live alone.

By Mr COOPER (Mornington) (3531 signatures)

Tabled.

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

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

Ordered that petition presented by honourable member for Gippsland South on 12 September be considered next day on motion of Mr INGRAM (Gippsland East).

DOCUMENTS

Tabled by Clerk:

National Parks Act 1975 — Report on Point Nepean National Park under s 17(2A)

Parliamentary Committees Act 2003 — Response of the Minister for Environment on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into the Energy Services Industry

Statutory Rules under the following Acts:

Children and Young Persons Act 1989 — SR No 119

Tobacco Act 1987 — SR No 120

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 120.

MEMBERS STATEMENTS

John Cummins

Ms BEATTIE (Yuroke) — On Monday, 4 September, the union movement paid its last respects to a true working-class hero, John Cummins, from the Construction, Forestry, Mining and Energy Union (CFMEU). John died after a long battle with illness. However, John was no stranger to battles. All his life he battled against injustice. He was twice jailed for contempt of court in the 1980s for ignoring a judge's order to stay away from work sites. For John it was an easy choice; he would never leave his workmates or his principles behind.

His funeral was held at the Regent Theatre. His procession went along Swanston Street and past the City Baths, both of which John was instrumental in saving for the people of Victoria. It then went past the CFMEU office and ended at Trades Hall. Many of us will remember the sight of John and others leading building workers down to the docks on a very tense morning during the Patrick dispute in an action that changed the course of the dispute. However, it was John's role as a teacher, mentor and strategist that will be his legacy to workers. It is fair to say that John had scant regard for this place. However, it was fitting that

over 2000 workers cheered John in a final moving tribute at the workers parliament, Trades Hall. Condolences to John's family — Dianne, Mick and Shane. Dare to struggle, dare to win. Vale John Cummins.

Water: irrigators

Dr NAPHTHINE (South-West Coast) — I urge the Minister for Water to urgently reconsider his decision to allow more large irrigation bores in the Orford, Tarrone and Bessiebelle areas. Victoria has suffered a number of successive years of well-below-average rainfall. These dry seasons should make the minister very cautious about approving new, large irrigation bore licences. However, what should really stop the minister issuing these licences is the fact that last summer 36 existing stock and domestic bores in the area dried up or failed to deliver water during significant periods when centre pivot irrigators were operating in the neighbourhood. It is significant that most, if not all, of these bores returned to pumping water when the irrigation systems were turned off for an appropriate period.

Clearly there are problems with this aquifer. Issuing new irrigation bore licences is irresponsible in these circumstances. I also suggest that the minister, through Southern Rural Water, needs to develop irrigation rules and protocols so that when centre pivots are operating in the area they operate in such a way that they do not impinge on the existing stock and domestic bores in the area. These stock and domestic bores have existed for decades. They are essential to supply water for farming, stock and households in those areas. Those stock and domestic bores should not be damaged by the issuing of new bore licences in the Orford, Bessiebelle and Tarrone areas.

Ashburton Spring Fashion on Parade

Mr STENSHOLT (Burwood) — I wish to congratulate Solway Primary School and the Ashburton Traders Association on the Ashburton Spring Fashion on Parade last week. A wonderful night of fun and fashion was had by the several hundred people who attended. Shops featured in the fashion parade, which was hosted by Elissa McCallum, were Betwixt Designs, Red Balloon Children's Wear, Duchamp, By Special Arrangement Formal, Silver Maple Boutique, Cliff Rendall Menswear, Peter Andrew Clothing Company, Patches Giftware, Beautiful Me Fashion, Rutna's Bazaar and Bedtime Bugs.

Special thanks go to the Solway fundraising committee coordinated by Debbie Ryan and Lucinda Williams.

Thanks as well to the Ashburton traders and Liz Webb, to Robin Grace, Min, Remo Simans and Amelia Robison for the artwork, to Eirwin Challoner and Rebecca Heatherington for the choreography, and to Rebecca who also sang beautifully on the night. My congratulations go to the models and to the local mums and dads who performed on the night: Sue Lee, Maryann Egan, Eric Lucas Lely, Natalie Sammells, Lona Parry, Eliza Williams, Lili Khan, Luke O'Neill, Tom Stephenson, Beau Russell, Megan Maguire, Charlotte Connor, Jack Hibbins, Tracey Lucas Lely, Jillian Davey, Melinda McDonnell, Clare Warren, Katelyn Perree, Emma Wilkie, Bill Mezzetti, Dan Green, Viv Buckley, Jessica Lang and Seb Lucas Lely.

It was a wonderful night that was enjoyed by the Ashburton traders and the community. Champagne was provided, and the students did a marvellous job in designing the backdrops behind the catwalk. It was a marvellous exhibition of how the business community can work together with local schools to the benefit of the community.

Housing: Murray Valley electorate

Mr JASPER (Murray Valley) — I refer to the crisis in the provision of housing by the state government, through the Office of Housing, for low-income earners in my electorate of Murray Valley. During an adjournment debate contribution earlier in these sittings I detailed the problems in the provision of housing by highlighting that almost every year during the 1980s and 1990s Wangaratta received between 20 and 30 new or purchased houses or units through the then housing ministry. However, since the change of government in 1999 Wangaratta has received an average of only 4 additional houses each year, which is a disastrous situation for people on the waiting lists.

The latest information indicates that 50 families are in need of urgent housing, that a further 178 are on waiting lists and that 48 are waiting for transfers to Wangaratta — a total of 276 applicants for housing. The Minister for Housing in the other place, Ms Broad, recently announced \$16.4 million for the Hume region in a so-called housing blitz, but with no funding being provided to Wangaratta. In correspondence Minister Broad has sought to defend the situation with responses that are totally unsatisfactory; there is a lack of recognition of the desperate situation facing these families and no indication of support being provided by the government. Additionally no funding has been provided through the Office of Housing for house construction or purchases in other areas of my electorate where, in the past, there has been regular development.

This is a disastrous situation for low-income earners. Urgent action by the minister, with immediate funding being provided, is required to correct this situation.

Schools: closures

Mr MILDENHALL (Footscray) — When it comes to closing schools, if Victoria gets Baillieu, it gets Kennett back. In the *Age* of 5 September the members for Nepean and Doncaster conceded that the previous government got it wrong. My guess as an educator is that the member for Nepean knows the impact of arbitrary closures on local communities. In the early 1990s I visited many of the schools; their communities were shocked and shattered. As one of them put it, it was like the bully in the playground running amok.

Hawksburn Primary School, which was located under the high-rise buildings in Prahran, Bulleen Primary School, which was co-located in a special needs setting and provided national leadership in mathematics achievements, Maidstone Primary School, which was in the intense public housing area in my electorate, and Highbett Primary School, which was also in a housing ministry area, were all arbitrarily closed by a cruel government.

When it comes to the dreadful damage done to the Victorian education system, Kennett was the architect while Baillieu was the Liberal president and fellow architect. We need to do all we can to prevent those dark days returning to this state.

Sandringham electorate: Labor promises

Mr THOMPSON (Sandringham) — The Labor Party is out of touch with the Sandringham electorate. The first example is that it promised in 1998 to build a new police station in Sandringham, and 18 years later the site is still vacant.

The second example is the renourishment of Hampton Beach. When the proposal was put forward by the Liberal Party the headline in the local paper was 'ALP cold on beach plan'.

The third example is that when the proposal was made by the Environment Conservation Council to establish a marine sanctuary at Ricketts Point, the Labor Party pulled that recommendation from the recommendations of that independent council.

The fourth example is in relation to the Dingley bypass. Labor made promises at the time through a former member for Jika Jika in the other place, Pat Power, that it would commit to the construction of the Dingley bypass, but the best it has done to date is turn a sod of

earth for the first kilometre of a 6 or 7-kilometre project.

The fifth example concerns Ricketts Point Marine Sanctuary dog walkers. Local community dog walkers aspire to use the area in a constructive way, and the laws relating to national parks should be varied in the case of the Sandringham electorate, particularly the Ricketts Point Marine Sanctuary area, to facilitate the juxtaposition of appropriate opportunities for dog walkers and the use of the marine sanctuary as a conservation zone.

The sixth example is the issue of school maintenance.

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

Disability services: knowledge network

Mr LANGUILLER (Derrimut) — I wish to commend the Disability Knowledge Network, funded by the Community Sector Investment Fund (CSIF) committee which has been co-chaired by me and the good member for Burwood. I indicate that this is a wonderful initiative undertaken by seven disability service providers across Victoria, which have come together to establish a knowledge network. This network has led to the shared use of an information technology program that will help organisations to share quality, compliance and continuous improvement documentation. This is a terrific innovation, and it will be an excellent tool for services which work with people with disabilities in Victoria.

This project is just the sort of initiative the government had in mind when it set up the \$7 million Community Sector Investment Fund to build strength and sustainability in this sector. Community service organisations (CSOs) are vital sources of energy and innovation in all Victorian communities. It was in recognition of the crucial role of these services that the Victorian government introduced in 2003–04 three-year service agreements with CSOs to provide funding security and to better assist in planning for service delivery. The \$7 million CSIF was established as part of this process. The CSIF has supported investment in a range of initiatives that aim to improve efficiency and sustainability in the non-government sector.

Gaming: problem gambling

Mr SMITH (Bass) — Today I wish to congratulate the government on being voted no. 1 hypocrites of the year in the eyes of all Victorians for its pathetic stand on poker machines and its apparent lack of concern for problem gamblers of Victoria. The pinko Bracks

government said in 2002 it would introduce regional caps in five new areas. Now, nearly four years later and after lots of promises and the setting up of a backbench committee to investigate where and how the number of machines would be reduced, we find it has all been promises but with no action being taken by this gambling-addicted government.

Of course the hypocrites award is for the government's crocodile tears for problem gamblers and its mad desire to get people addicted by leaving the full complement of machines in place in Victoria. Everyone, including the Minister for Gaming and the Treasurer, knows that even if the government removes machines from one municipality, it has a commitment to licence-holders of the machines; they will just go into another municipality, with no loss of income to the government or to the licence-holders.

The Bracks government will continue to have its hands in the pockets of problem gamblers, although it says it is helping gamblers. The only thing the government is doing is helping itself to the problem gamblers' money and adding to their woes. What a bunch of hypocrites!

Memories — A Pictorial and Oral History of Upper Ferntree Gully

Mr MERLINO (Monbulk) — On Saturday, 2 September, I had the pleasure of officially launching the historical edition of *Upper Gully News*, which is entitled *Memories — A Pictorial and Oral History of Upper Ferntree Gully*. The production of this terrific book was made possible through the local history grants of the Department for Victorian Communities. More importantly, it was an initiative of the local community. Coonara community house conducted a very successful local heritage day in November 2005 when, I am told, some people who attended had not seen each other for 80 years. From that day the desire to write a local history book for Upper Ferntree Gully was sparked.

Sally Dusting-Laird, editor of the *Upper Gully News*, was given that special task. In the preface to the book Sally said:

When I learnt Upper Ferntree Gully had never had its individual history recorded in a book, I took this as an opportunity and challenge. This small and extremely close-knit foothill community was often referred to in other local history books as part of the Dandenong Ranges or Knox area. However, Upper Gully deserves individual recognition, and after reading the following amazing stories of courage, determination and resilience from these early pioneers, you will surely agree.

Leanne Fitzgerald, team leader at Coonara community house, told me that the whole project has been a wonderful community-building experience that has drawn the community closer together and created a tremendously valuable amount of shared community knowledge. Leanne said Sally was to be congratulated on the passion and generosity she had shown in her personal contribution to the publication of the book. My congratulations go to Leanne, Sally, the Knox Historical Society and all the contributors to this wonderful book.

Neighbourhood houses: funding

Mr WALSH (Swan Hill) — The Swan Hill electorate is privileged to have the Gannawarra, Loddon, Pyramid Hill, Sea Lake and Swan Hill neighbourhood houses, the Wycheproof Community Resource Centre and Warracknabeal Central, which are all staffed by dedicated coordinators and volunteers.

Today representatives of those seven neighbourhood houses in my electorate will march on my office and, in my absence, deliver postcards. The marchers will carry placards bearing hearts to highlight the place of neighbourhood houses in the heart of the community. The march is part of a campaign to win \$44 million over four years for neighbourhood houses in Victoria to allow every house to be open full time. The campaign asks people, 'Please put your heart into helping us'. Neighbourhood houses are indeed at the heart of our country communities. They engage people — quite often the isolated and alienated — and draw them into the life of the community. They do this by giving them confidence and useful skills.

They inspire people to do regular exercise, cook healthily, use computers, enjoy their recreation and learn life skills. In many small towns they offer a friendly meeting place and someone to talk to — a valuable resource for the lonely, the unhappy or those under pressure. The Nationals MPs appreciate and support the role neighbourhood houses play in our country communities. We urge the Victorian government to put its heart and some of its funds into helping neighbourhood houses to continually expand their valuable work.

Fred Van Buren

Ms GILLETT (Tarneit) — Today I want to tell this house about the wonderful man that was Charles — Freddie to his mates — Van Buren, who died last Monday after confronting the challenge of cancer. I would like to tell the house about my experience of the

man whom I regard as my father in the labour movement.

Freddie truly believed in the labour movement. He was a committed and long-serving member of the Printing and Kindred Industries Union and the Australian Railways Union and a dedicated organiser at the National Union of Workers for eight years. He came to the NUW after an episode of eight years as a member for Eumemmerring Province in the other place. Before that he had a 10-year stint as an organiser with the Australian Labor Party. Freddie loved the labour movement and, in truth, gave his life to it.

In 1996, with 17 days to go until polling day, I was preselected as the Labor candidate for Werribee. Freddie was given the job of turning a trade union official into a member of Parliament. On day one of the campaign, with slightly more than two weeks to go, Freddie came with me to Werribee and organised a campaign office, got the phone put on, organised furniture and equipment, and established a two-week campaign timetable — and Freddie was then 60. After a bloody awful ordeal, Freddie won the seat of Werribee for Labor by 558 votes. Werribee was therefore the most marginal seat in Victoria at that time. Without him we would have lost a heartland seat. Freddie fought for Werribee as if his life depended on it, and I loved him for it. He was the greatest example of selfless effort with absolutely no self-interest.

Freddie earned my unending affection and respect because of his wonderful example, advice and leadership in that campaign. Freddie and I forged a particular bond during that campaign, and we stayed close. He always kept an eye on me, and I tried to do the same for him. To Michelle, Howard, Tricia and their families I extend my deepest respect and sympathy.

Dogs: beach access

Mr COOPER (Mornington) — Responsible dog owners in this state are concerned about the refusal of the Bracks government to allow the establishment of leash-free areas on beaches for the enjoyment of both owners and their dogs. Today I presented to the house a petition from well over 3000 dog owners that calls on the government to recognise that allowing owners to exercise their dogs in designated leash-free sections of beaches is a legitimate passive recreation activity, with proven health and wellbeing benefits for the owners, their dogs and the general community. Regular exercising of dogs on beaches is an activity that should be promoted by government, not prevented by government, as it is now.

It is nonsense for the government on the one hand to proclaim that it has a belief in responsible dog ownership and on the other hand to actively prevent responsible owners from using designated sections of beaches around the coastline of this state, in particular around Western Port and Port Phillip Bay, for the leash-free exercising of dogs.

Responsible dog owners are not second-class citizens, but sadly they are being treated as such by the government on this particular issue. The petition that I presented has signatures from people all around the state. The strong support the petition has received from dog owners sends a pointed message to the government which should not be ignored. Those signatories, their families and their friends will be voting at the election on 25 November, and they will be supporting candidates who have shown that they are prepared to stand up for responsible dog owners on this important matter.

Gardens for Wildlife

Ms ECKSTEIN (Ferntree Gully) — Gardens for Wildlife was set up by Boronia resident, Jan Jordan, after she discovered that the suburban wildlife garden she had created was too small for inclusion in the Land for Wildlife scheme. The Knox Environment Society is the patron of Gardens for Wildlife, and the Knox City Council provides coordination and management.

Gardens for Wildlife encourages owners or occupiers of average or small suburban blocks to set aside areas in their gardens for native wildlife by planting local indigenous plants, other Australian plants or suitable exotic species.

As housing expands, the remaining bushland reserves, local green spaces and suburban gardens become critically important to the survival of local fauna and flora. Even the smallest garden can offer habitat for wildlife and provide a stepping stone for native wildlife between remnant bushland areas. It is hoped that these stepping stones will join up over time to form wildlife corridors between our bushland reserves.

A Knox Environment Society volunteer and a council officer assess the garden for inclusion in the register of Gardens for Wildlife. They offer advice on plants that will encourage wildlife and on the weed species that should be removed over time. Owners then get a certificate indicating that the garden is part of the scheme, a comprehensive report with recommendations and a suggested species list, as well as a sticker for the letterbox to promote the scheme and encourage others to join. To date 85 gardens have been registered with

Gardens for Wildlife. I would like to congratulate Jan Jordan and the Knox Environment Society on this important initiative.

EastLink: shared pathway

Mr HONEYWOOD (Warrandyte) — I again raise in the house the key environmental issue of the proposed shared-use pedestrian and bike path between Park Road in my electorate and Deep Creek Road, along the new tollway project and into the Mitcham electorate. The key issue is the positioning of this path. I regret that despite the efforts of the hardworking Yarran Dheran advisory committee and local Liberal candidates Ryan Smith and Phillip Daw there remains no assistance let alone any understanding from the Bracks government.

Recently another set of survey pegs was discovered on the north side of Hillcrest. After some denial by the Southern and Eastern Integrated Transport Authority (SEITA) it was determined that they were in fact part of the official survey line for the shared pathway — a proposed 3-metre-wide concrete pathway. The pegs are well into the bushland area — a sensitive flora and wildlife corridor which the Liberal Party sought to protect with the long tunnel option for the freeway which is now a tollway. Despite proposing a number of alternative and more environmentally acceptable options, local community groups such as the Yarran Dheran advisory committee remain concerned about the continued lack of communication from SEITA.

This situation has been exacerbated by the fact that, given the local sensitivity and controversy regarding the proposed 3-metre-wide path and the determination of SEITA to construct the least expensive option, we can predict that a decision will be delayed until after the November state election. Whether it be its bay channel deepening project, the Mildura toxic waste dump or even this local project, the Bracks government is determined to railroad local communities' environmental concerns, but only after the election.

Assa Abloy: Oakleigh facility

Ms BARKER (Oakleigh) — I had the great pleasure of welcoming the Treasurer, Minister for State and Regional Development and Minister for Innovation to the Oakleigh electorate on Wednesday, 30 August, where he officially opened Assa Abloy's new custom-built centre of excellence and manufacturing facility located in Edward Street. Along with Assa Abloy's vice president, commercial division, Australia and New Zealand, Christer Peterson; general manager, commercial division (Australia), Tom Devine; site

manager for Oakleigh, Mark Howden; and other special guests, we celebrated the company's \$16 million investment in and redevelopment of the site. The site now includes an expanded manufacturing plant, a centre for design excellence, a new training facility, a 200-seat auditorium and a trade demonstration area.

Eight years ago Assa Abloy acquired leading local lock maker Lockwood Australia, which had occupied the site since 1934. Assa Abloy, with more than 100 companies worldwide, is a socially responsible company committed to the ongoing development of innovative technology and world best practice. This new plant in Oakleigh is an excellent example of this commitment. It is a state-of-the-art facility in terms of its design, workplace standards and manufacturing excellence. The \$16 million investment ensures that Assa Abloy Oakleigh will continue to play a pivotal role in the company's global success. Importantly this investment secures the employment of 450 people, who will design, make and distribute innovative security products to the world under the Lockwood brand. Assa Abloy's decision to invest in its Edward Street site is a vote of confidence in our local area as well as Melbourne and Victoria's future as a centre of excellence in design-driven and environmentally sustainable advanced manufacturing. Like me, this company knows that Victoria, and particularly Oakleigh, is a great place to live, work, raise a family and invest.

Chelsea Primary School: *Space Jam*

Ms LINDELL (Carrum) — It was my great privilege to attend Chelsea Primary School's performance of *Space Jam* last Thursday night. Written by our very talented local man of words Phil Wall, *Space Jam* tells the story of strange lights in the night sky and a group of students' search for the truth. They have no help from their teacher, Mr Neila, or his robot, Robo Dude. All students from the school entertained with terrific singing and dancing with Crazy Frog preps and the purple people eater and robot no. 1 from grades 1 and 2. Grades 3 and 4 let the sun shine in and saw the bad moon rising, while grades 5 and 6 reached for Rocket Man. Congratulations to all the staff and students for a great night, particularly David Hewet for his direction and Darren Brown for the preps.

I also commend the assistance given to the school by Drake Marketing and Chelsea Cameras and Digital Imaging Centre. I particularly commend the *Space Jam* cast: Wilson Huang, Zac Guest, Katie Smith, Shannon Hammersley, Adam Round, Gemma Parker, Paige Jessulat, Nick Muir, Emma-Leigh Collett, Calum McLaughlin, Naomi Aitken, Josh Rushbury, Zach

Lockett, Tim Lockett and Shay Kingsbury. Natasha Drake was their prompt, and Cahli Parker was backstage. Congratulations to the entire school for a great night's entertainment.

Australian Vietnamese Women's Welfare Association

Mr SEITZ (Keilor) — In the last few weeks I had the pleasure of attending a number of important Vietnamese functions. One in particular I want to mention is the Australian Vietnamese Women's Welfare Association, an organisation established in Richmond that operates in the western suburbs. Its chief executive officer, Cam Nguyen, has been a friend of mine since the association commenced operating in the St Albans area from the back of my office around 1982 or 1983. The association has gone from strength to strength. It provides services to the Vietnamese community that are unsurpassed by any of the organisations that have formed since that time.

Through the leadership of Cam Nguyen the association has developed and is respected by all mainstream government agencies, which is important for the development of the local community. Other important Vietnamese community leaders were present with Cam Nguyen at the association's annual general meeting, including Quan Van Tran, the president of the Indochinese Elderly Refugees Association Victoria which runs a hostel for the aged in Keilor. Last Sunday we also had the opening of an activity centre in North Sunshine for the Vietnamese community in Australia.

Whittington: community renewal project

Ms NEVILLE (Bellarine) — Two weeks ago I was pleased to join the Premier in launching the community renewal project and announcing grants for the community of Whittington. The launch took place at the Whittington Primary School and involved local residents, parents, students and representatives of various community organisations that provide services to the area.

Over the last couple of years a partnership between the state government, the City of Greater Geelong and local residents has provided an opportunity for local residents to articulate their aspirations for their community. The residents made it clear they have a lot of pride in their community and that Whittington is a good place to live, but they acknowledged that there were problems that needed tackling to ensure it became a great place to live. These problems include drugs, vandalism and unemployment.

Members of the community told us they wanted improved community safety, more say in decision making, improved services including recreational and social opportunities, better community spaces, and increased employment and training opportunities. This is what community renewal is all about: investing in communities to ensure positive change.

As well as launching this program, the Premier announced a \$125 000 grant for Glastonbury Family Services, which promotes and supports volunteers at Newcomb Park Primary School, East Geelong Primary School and Whittington Primary School. A grant of \$80 000 will go towards improving local sports grounds and providing barbecues and shelters in the community space. Congratulations to Whittington Primary School, especially the students, the staff and the principal, Stuart Pett, who did a great job in showcasing a fantastic school in my electorate.

Fred Van Buren

Ms DUNCAN (Macedon) — I rise this morning to pay tribute to Fred Van Buren who passed away on Monday. Fred was a passionate supporter of the Labor Party and a member for Eumemmerring Province from April 1985 until August 1992.

Fred was a member of many caucus committees, including the conservation and environment committee, the industrial affairs committee and the social justice policy committee, to name just a few. He was an active member of the ALP. He was president of the Broadmeadows ALP branch and held many executive positions at branch, federal and state levels. He was a proud member of the printers union and a Trades Hall delegate. He was also a foundation member of the Broadmeadows Club. He was most recently a member of the Sunbury ALP branch and a great supporter of mine.

Fred is survived by his sister, Michele. He was the much-loved uncle of Howard and Tricia, the much loved great-uncle of Steph and Seana and the much loved friend of Graham. In its tribute to him in the newspaper a representative of the National Union of Workers said:

Fred represented working people both as a union official and member of Parliament with absolute commitment, integrity and passion. Fred's death is a huge loss to the union, its members and the people of Victoria, whom he served without fear or favour.

Neighbourhood houses: funding

Ms MORAND (Mount Waverley) — It was a great pleasure to be able to communicate more good news to

neighbourhood houses in my electorate this week following the announcement by the Minister for Housing in the other place about the additional funding for program coordination hours.

I have four great neighbourhood houses in my electorate. They are the Waverley Community Learning Centre in Fleet Street, Mount Waverley, and others located in Kerrie Road, Glen Waverley; Mount Street, Glen Waverley; and Wavlink in Glen Waverley. They are all great neighbourhood houses with fantastic coordinators, staff, volunteers, tutors and community members who work on the committees, as well as those who help to organise the various groups and activities.

I visited the Kerrie Road house on Monday to celebrate the good news. They were very pleased to hear about the funding of additional coordination hours. In addition to the welcome increase in hourly rates for coordinators, the house will have nearly doubled funding for program coordination in just one year. This is great news for the neighbourhood houses. Their coordinators are all very committed to their communities and their houses and put a lot of themselves into their work. The presidents and committee members who are all volunteers also provide great support that you cannot put a value on, and the houses could not run without that support.

I am proud that the Bracks government has tripled funding for Victoria's neighbourhood houses since 1999. This additional funding will allow them to offer an even greater number of programs and increase their community participation, which is great news for the houses and for our community.

The DEPUTY SPEAKER — Order! The member for Hastings has 34 seconds.

Heinemann Electrics: industrial action

Ms BUCHANAN (Hastings) — On Wednesday, 30 August, after Heinemann Electrics refused to pay them for a whole week's work, 46 workers were forced to walk out the gate. Many of these workers earned a mere \$16 an hour. One worker said, 'Heinemann's management makes me feel like a slave. I never believed Australians could be forced to work for no pay'. My issue is that I have seen no Liberal Party representatives on the picket line whatsoever. I want to know whether they want to go a week without pay as well.

The DEPUTY SPEAKER — Order! The time for making members statements has concluded.

MATTER OF PUBLIC IMPORTANCE

Economy: government record

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Broadmeadows proposing the following matter of public importance for discussion:

That this house congratulates the Bracks government on its record of seven years of responsible financial and economic management, which has ensured that Victoria has record-high building approvals, strong economic growth, a 15-year low unemployment rate, population growth above the national average for the first time in 40 years, solid budget surpluses, lower net debt and financial liabilities, and significant tax reform, including the abolition of seven taxes under the GST agreement and including significant payroll and land tax cuts.

Mr BRUMBY (Treasurer) — I am very pleased to propose today's matter of public importance. I am very pleased because seven years ago our government was elected on a platform which promised that we would be socially progressive but fiscally conservative. We promised to rebuild the services and the rights which had been arrogantly abolished by the Kennett government. We promised to govern for all Victorians, no matter where they lived and no matter what their circumstances.

Mr Smith interjected.

Mr BRUMBY — There are no toenails under the Bracks government! We promised to be a business-friendly government that was committed to delivering new investment and job opportunities. That is what we promised, and that is what we have delivered. For example, Victoria recorded \$15.8 billion-worth of building approvals in 2005–06. Why am I proud of that figure? Because it is the highest in the nation. It is higher than Queensland and higher than New South Wales, which has 1.75 million people more than Victoria.

Also, Victoria is the only state to record jobs growth every month of the calendar year 2006. So far this year 70 100 jobs have been created in Victoria out of a total of 228 400 nationally. You do not have to be the member for Bass to understand that that means one in every three new jobs generated across Australia this year has been generated in Victoria. Our unemployment rate is 4.6 per cent, which is well below the national average and the best result for our state since, I regret to say, Collingwood last won a premiership in 1990.

The latest Australian Bureau of Statistics data also shows that over the past year Victorian business

investment has grown by 6.4 per cent, the strongest performance of the non-resource states in Australia. In 2005–06 Victoria had the second highest number of first-home buyers. I will repeat that: we had the second highest number of first-home buyers. This is more than Queensland and second only to New South Wales, which has, as I have said, almost 2 million more people.

As the Premier has pointed out on numerous occasions in the Parliament, Victoria's population is growing rapidly. It is now growing faster than the national average for the first time in more than 40 years. Melbourne is adding more people per week than Sydney or Brisbane, and country Victoria — provincial Victoria, as we now call it — is growing at a faster rate than the rate for Australia as a whole.

These are facts and stories of which all Victorians can be proud, and it is no coincidence. Yesterday's *Australian Financial Review* carries a story by Robin Miller under the headline 'Resurgent Victoria a migrant magnet'. Mr Miller is an IT specialist from Britain, and the article states that when he went to see a migration agent in Britain, they:

... pointed him at Melbourne and wished him a happy trip.

According to the article, Mr Miller is very happy to be here. He wrote:

... I am quite happy. I think Melbourne is a better place than Sydney.

It is a nice quote, but the real story is why. To refer to the *Australian Financial Review* once more, why has Victoria become a 'migrant magnet', and why have we replaced New South Wales as Australia's gateway for migration? I think the answer to those questions is simple. It is because in Victoria under the Bracks government we know who we are, what we stand for and what needs to be done to make our state fairer, more inclusive and more prosperous and to make it a great place to live, to work, to invest and to raise a family.

We have spent seven years getting on with the job of doing what needs to be done. The point I am getting at is this: economic prosperity, whether it is jobs growth, population growth or investment growth, does not happen by accident. It is not like the leadership of the Liberal Party. It does not just fall in your lap; it requires hard work and clear policies, and we have the right plans in place to keep delivering after 2006. That is why people like *Age* columnist Tim Colebatch earlier this year called Victoria the nation's 'economic engine'. That is also why Monday's *Australian Financial Review* said that our government, the Bracks

government, was the only one in Australia — the only one in Australia! — that was using the economic boom to leverage reform and job creation, and that we deliver what we promised. We promised AAA credit ratings, we promised budget surpluses, we promised more surpluses — —

Mr Smith interjected.

Mr BRUMBY — No, you are an idiot!

The DEPUTY SPEAKER — Order! I ask the Treasurer to make his remarks through the Chair.

Mr BRUMBY — I am only repeating what Liberal Party backbenchers say about the member for Bass.

Honourable members interjecting.

The SPEAKER — Order! I ask other members to ensure that their behaviour through this debate is appropriate for the house.

Mr BRUMBY — For the record, Moody's restored Victoria's AAA credit rating in 2000. We have secured Victoria's AAA credit rating, we have delivered seven consecutive budget surpluses, we have rebuilt health, education, transport and community services, and we have restored growth to provincial Victoria. We have tripled spending on infrastructure and abolished seven taxes under the intergovernmental agreement, which is more than any other state government in Australia, and we have brought down the number of taxes in Victoria from the nation's second highest to the second lowest.

We have cut payroll tax from 5.75 per cent to 5.15 per cent. We have slashed the top rate of land tax from 5 per cent — which we had inherited from the high-taxing Kennett government — to 3 per cent, and we have provided three successive 10 per cent cuts to WorkCover premiums, giving us the second lowest premiums in Australia.

Today I want to compare that record, those plans, that hard work and those clear policies with some of the alternative proposals which are being offered to the people of Victoria. At the outset I want to say that when you have a cursory examination of the alternative policies the first thing that you notice is that they are littered with errors and inaccuracies. If you want to be an alternative government in this state, you have to do the hard work. You cannot be lazy, and you have to have clear plans. I will give a few examples.

Some weeks ago the opposition put out its policy on school maintenance. The press release said it would be spending \$250 million over four years. Lo and behold,

what does the Liberal Party web site say on that policy? It says it is \$200 million. It is only out by a lazy \$50 million!

On the issue of assisting mums back to work, the Liberal Party's policy says it will provide funding of \$11 million, but the Deputy Leader of the Opposition is quoted in the *Herald Sun* as saying it is \$22 million.

A classic example is the policy on elder abuse which appears on the Liberal Party's web site. Listen to this: a state Liberal government will establish an adult protective services unit, it will educate the community and it will investigate reports of abuse. It will establish that unit, give it all that work and put in place a toll-free 24-hour help line. You know how much the Liberal Party costs that at?

Honourable members interjecting.

Mr BRUMBY — Three hundred and twenty-five thousand dollars a year! That's not bad; that is a great bit of policy. Of course we have the Liberal Party's industry policy, which is riddled with factual errors.

Mr Smith interjected.

The DEPUTY SPEAKER — Order! The member for Bass will cease his continual interjecting across the table.

Mr BRUMBY — In this business, as the Prime Minister has been saying recently and again on the front pages of the papers today, you have to have an alternative plan, with clear policies and promises that you can deliver. I advise the house that as of 10.00 a.m. today the conservative total of Liberal promises over four years — what the Liberals have already promised — comes to more than \$2 billion in recurrent spending and \$460 million in capital. I am a generous man, so even when you allow for their savings plan which they announced with their half-toll policy, which has now been removed from their web site, even when you allow for their ambitious savings plan, the net recurrent spend over the four years is just on \$1 billion! I put this in perspective. In 1999 the Bracks opposition promised a net new spend over four years of \$238 million when the average surplus over the forward estimates under then Treasurer Stockdale averaged just over \$300 million a year.

Coincidentally the surplus under our government over the forward estimates averaged just over \$300 million a year. In 1999 we promised a net new spend of \$238 million. These characters, the Liberal Party, before we have got remotely near an election campaign, have already clocked up net new promises of \$1 billion.

This is 73 days out before any major announcements in health, before anything on the tax side and before any commitments on education. You can describe this in lots of ways. You could say it is Magic Pudding land. You could say it is Magic Faraway Tree land. What it really is — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Both sides of the house will come to order.

Mr BRUMBY — This is Baillieu land! This is where nothing really matters and nothing really counts. Let me go to the Liberal Party's costs. These promises against budget surpluses going forward \$300 million a year would take Victoria's budget to the edge of the red ink. In fact without the savings announced from their EastLink policy the budget would be in deficit. I repeat: it would already be in deficit under Liberal Party policies over the next three years.

This is the most unrealistic spend-up that this Parliament has seen from a political party since the release of the Greens policy at the last state election. It is as good as the Greens policy! The only place where these reckless promises would make any sense to anyone is in Baillieu land. It must be bliss in Baillieu land, where you can walk both sides of the street and promise the world to everyone. It must be bliss in Baillieu land where the money just grows on trees. It must be bliss in Baillieu land where you can have no regard for the budget bottom line. In the real world, as the Prime Minister has been saying, you have to have real policies and real plans. What the opposition is promising is not achievable without pushing the budget heavily into deficit or without slashing services in health or education.

The question is how many police, nurses or teachers would have to be sacked to pay for these promises? How many schools or hospitals would have to be closed? We do not know, but what we do know is that we have a dishonest Leader of the Opposition who is making promises which he knows he can never deliver.

Mr Smith — On a point of order, Deputy Speaker, the Treasurer is reflecting on the Leader of the Opposition and I ask him to withdraw.

The DEPUTY SPEAKER — Order! Only the person reflected on can seek a withdrawal under standing orders.

Mr BRUMBY — Another way of saying this is that you could say the Leader of the Opposition is the Lawrence Springborg of Victoria. The leader of the

Queensland opposition said anything to anyone in the lead-up to last Saturday's election. He promised to abolish stamp duty even though it was a policy that he knew he could not deliver without bankrupting the state.

The Leader of the Opposition in Baillieu land is promising exactly the same thing. In his Committee for Economic Development of Australia speech he committed Victoria to being 'Australia's lowest taxing state by 2014'. That is a dishonest promise. The lowest taxing state is Tasmania, because we heavily subsidise Tasmania. If Victoria was to match Tasmania's tax level as a share of gross domestic product do you know what that would cost?

Mr Andrews — How much?

Mr BRUMBY — One point four billion dollars per annum! This is Baillieu land. It is like the other commitments by the Leader of the Opposition. Every new house will have a third pipe. What do we think that will cost in Baillieu land? What do we think the federal Treasurer, Peter Costello, will say about that? A hazardous waste facility — we do not need one up north; we do not need one within 100 kilometres of Melbourne; we have the biggest manufacturing sector in Australia but we do not produce any waste! This is Baillieu land.

We have the Liberal Party policies for water for Geelong and Ballarat — new pipes, new recycling facilities and new aquifers, and do you know what that will cost in Baillieu land?

Honourable members interjecting.

Mr BRUMBY — Nothing! All of this comes for free.

We have a good record in this state. We have a good record that is fiscally conservative, socially progressive. We have a strong economy and we have rebuilt health, education and rebuilt country Victoria. What we have here is a series of unfunded promises, dishonest promises, from a lazy opposition that can only be living in Baillieu land.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I am going to suggest very strongly to a number of members that if they want to participate in the debate they seek the call in the appropriate way. The Chair is growing somewhat tired of the manner in which this debate is being conducted.

Mr CLARK (Box Hill) — It is clear the Treasurer does not want to talk about his own economic or fiscal performance because he has tabled a motion in this house to debate one subject and then he wants to come along and change the topic midway through. I shall deal briefly with the ridiculous claims that he was making under the cover of this motion. The best way to demonstrate the absurdity of his argument is to contrast the sorts of numbers that he was splashing around liberally with his own commitments in his most recent budget.

He professed shock and outrage at the numbers he put together and claimed represented opposition policy, but his own budget in May had total spending commitments of \$5.5 billion! He committed an extra \$2 billion of the state's money to recurrent spending and an extra \$3.5 billion to capital spending and he claimed that was affordable. Now he comes in here and says the opposition is committed to spending a small portion of that and then says, 'Shock, horror, the sky will fall in'. We said at the time that the Treasurer's budget splurge was unsustainable and it was. He is in no position whatsoever to start pointing the finger at other people when he has committed in one single year's budget \$5.5 billion of extra spending and he complains about opposition policy over the full four-year period of the next government, which is some small fraction of that.

Mr Brumby interjected.

The DEPUTY SPEAKER — Order! The Treasurer has made his contribution and I ask him to respect the contribution of others.

Mr CLARK — What a lot of nonsense. The Treasurer makes up some big numbers and thinks he can baffle people. He thinks if he names a big number he will impress the media but he has not a clue how the numbers really add up. He has not had a clue on how to control the waste, blow-outs and misspending of his own budget, and now he is getting agitated because the cash flow is running down and he has actually got to start performing in tougher times than he has faced to date.

We did not see a broad range of press clippings being quoted by the Treasurer this morning, because he is copping a bit of stick from the press and he does not like it. Earlier on he cited the *Age's* Tim Colebatch in support of his argument; the other day he was accusing the *Age* and Tim Colebatch of absurdity because Tim Colebatch had the nerve to point out that Victoria now has the equal lowest demand growth trend of any state.

The Treasurer told Jon Faine to get the facts right when Jon Faine dared to point out a similar phenomenon.

The fact that the state's Treasurer is in denial is not just a problem for him; it is a problem for all of us, because the first step towards solving any problem is to admit that you have got one. We have heard a lot of bluster and bravado from the Treasurer this morning, but it is clear that there are significant problems in the Victorian economy, particularly in areas vital to our long-term future. No wonder the Treasurer is trying any stunt to distract attention from that reality.

If you look at our manufacturing, if you look at our exports, if you look at our public sector investment, you find that they are all particularly weak. The Treasurer tried to dredge up some number in relation to Victorian private sector investment. The latest state final demand figures out just last week show that Victoria's gross fixed capital formation over the past year is up 0.5 per cent compared with national growth of 6.4 per cent. Our export volumes are down 14 per cent over the past four years while national exports have been rising. Our share of national manufacturing investment is down from 35 per cent in 1999–2000 to 25 per cent in 2005–06. The National Australia Bank survey out just yesterday indicates that business conditions in Victoria have been the lowest of any jurisdiction for the last three months.

Let us look at some of the Treasurer's absurd claims. In his claims about the economy you have to recognise that the big picture is set by the federal government. The big picture, which is clear if you look back over the last couple of decades, is that the national economy was trashed by Paul Keating and Kim Beazley and it has been put back together by John Howard and Peter Costello. That is the fundamental big picture underlying both the state and national economic performances. The question that the state government needs to be accountable for is what difference is it able to make compared with the national economic performance.

If you look at building approvals, you see our share of national building approvals has been falling since November 2000, from a peak of over 32 per cent to around 25 per cent in July. If you look at our overall economic growth, you find the state final demand figures make it very clear that Victoria now has the equal lowest demand growth trend in the nation.

If you look at the unemployment figures, again the macro picture is absolutely clear. The differential between Victoria's rate and the national rate until the Cain and Kirner governments trashed the Victorian economy and the Keating government sent the national economy into recession was that Victoria's

unemployment rate was consistently better than the national rate. That all went pear-shaped during the 1990s, and it took a massive effort by the Kennett government to restore that. At the time of the change of government to the Bracks government, we were about lineball. We moved into positive territory, and then in 2004 we went back into negative territory again. Now the Treasurer is trying to hang his hat on one month's figures. He is a very brave man, when you look at the low economic performance on the state final demand figures, when you look at the National Australia Bank survey that I have mentioned and when you look at the falling level of ANZ job advertisements.

The Treasurer talks about population growth. The one feature of population trends that stands out over recent times is that international migration has stopped coming to New South Wales, because the New South Wales economy is a basket case. Instead of drawing lessons from that and saying, 'We are not going to take Victoria down the New South Wales path', the Bracks government is continuing to make exactly the same sorts of errors as have been made in New South Wales except we are a few years behind. We should be taking New South Wales as a dreadful warning of what is going to happen to Victoria if the Bracks government keeps on increasing property taxes and imposing severe restrictions on land availability.

It was those two factors that turned the New South Wales economy upside down; and with soaring levels of stamp duty, continuing rises in land tax and restrictions and new taxes on urban block redevelopment, we are heading in exactly the same direction. It is also worth making the point, contrary to the *Australian Financial Review* article that the Treasurer cited, that Victorians are still continuing to leave the state for interstate under the Labor government — a trend that had been reversed by the Kennett government.

Let us look at the Treasurer's claims about the budget. Despite the GST rolling in, despite stamp duty and land tax being doubled under the Bracks government — —

Mr Brumby interjected.

The DEPUTY SPEAKER — Order! I understand the Treasurer has enthusiasm for this debate. I ask him to constrain it a little.

Mr CLARK — The Treasurer is keen to talk about his government's spending — how he has managed to fritter away the stamp duty, land tax and GST revenues that have come into his coffers through waste, blow-outs, misspending and growing bureaucracy. I am

happy to confirm all of that for him. He has run an extraordinarily bloated budget, and as his spending has gone up he has had almost nothing to show for it. To make matters worse, despite all this revenue flooding in he has put Victoria back on the path of increasing debt, as I said, in an unsustainable way. To commit the state to \$5.5 billion of spending in one pre-election budget shows where the true budget irresponsibility lies.

Mr Brumby interjected.

Mr CLARK — I can assure the Treasurer that the Liberal Party's policies will be fully funded. There is plenty of room to save money through cutting back the Bracks government's waste, mismanagement and spending blow-outs. The Treasurer should simply be patient and wait and see. In the meantime he might start to follow the Liberal Party's lead and actually announce some policies, because we have not yet had a single policy out of the Bracks government as to what it is going to do during the course of the election.

Let me finally deal with taxes.

Mr Brumby interjected.

Mr CLARK — The Treasurer is keen to talk about taxes. He even indirectly today acknowledged the contribution of the Prime Minister and the federal Treasurer in funding most of the tax cuts that he has previously tried to claim as his own, but what he has not mentioned today is the 11 new and extended state taxes and charges that have been imposed under his regime.

I will run down the list: we started with the gaming machine levy; we then had a new payroll tax imposed on fringe benefits, eligible termination payments and leave payments; we had payroll tax imposed on apprentices and trainees; we had stamp duty imposed on mortgage-backed debentures; we had stamp duty extensions on land-rich companies; we had a new payroll tax regime for employment agencies; we have had the water tax; we have had the parking tax; we have the new land tax on trusts; we have had the house blocks services tax; and last but certainly not least, we have had the transit city tax. Those are taking an extra \$500 million or so a year out of the pockets of Victorians.

That, of course, is not to touch on the increases in tax and charge levels which we have also experienced. There have been increases in the cost of motor vehicle registration and drivers licences; across-the-board automatic increases in fees and fines; the halving of the pensioner registration concession; an increase in the metropolitan improvement charge; an increase in

mortgage registration and discharge fees at the same time as the federal government funded the removal of mortgage stamp duty; increased fees for Transport Accident Commission premium collections; and increases in the brown coal royalties. The high-taxing regime of the Bracks government is certainly doing nothing to boost the Victorian economy.

At the same time as the Treasurer is increasing taxes and charges, he is spending no more on investment, despite his claim that it is three times what the previous government spent. As a proportion of state production, gross fixed capital formation by the Victorian state and local government sector is no greater now than it was when the Bracks government came to office.

We are very fortunate in Australia that we have enjoyed generally stable economic growth and prosperity for a decade or more, thanks to sound commonwealth macro-economic settings and past micro-economic reform at both state and commonwealth government levels. Victoria in particular gained great momentum from the economic reforms of the Kennett era. However, that momentum has been lost. In Victoria the burdens of taxation, bureaucracy and red tape are growing. We have failed to effectively identify and promote new growth sectors to replace those areas of traditional manufacturing that continue to be squeezed by global development.

The state government has a role to play in all of that. The federal government certainly sets the macro-economic scene, but the question is: is what the state government is doing making businesses more or less inclined to invest in Victoria? On this test the Bracks government fails abysmally. What business has been encouraged to invest in export manufacturing in Melbourne by the government's bungled handling of the bay channel deepening? Whose confidence in regional manufacturing has been boosted by witnessing the blow-outs and delays in the regional fast rail project? What business person has been impressed by a red tape reduction policy that promises to offset new red tape by removing an equal amount of existing red tape, but where the government refuses to disclose what red tape is being removed to comply with the policy?

There are four key roles a state government can and should play in fostering economic prosperity. The first is to attract and facilitate investment and job creation, particularly through the information value of government identifying and publicising areas of existing or potential economic growth and lowering barriers to entry. The second is to provide an effective environment for businesses of all sectors through competitive taxation, efficient regulation and the rule of

law, including industrial relations. The third is to ensure citizens and business have the infrastructure and public services they need. The fourth is to build confidence by demonstrating competence in government administration, forward planning, service provision and timely decision making.

These are all areas in which the Bracks government has failed. These principles, however, underlie the Liberal Party's policies on business, on infrastructure, on service delivery and on tax reduction. Going into this election Victorians are going to have a clear choice. It will be a choice between a government that will continue to be a dead weight on the Victorian economy through ever-increasing taxes, bureaucracy, red tape, waste and mismanagement and a government that will rein in the waste and spending blow-outs and be able to afford to redirect that waste and those spending blow-outs into genuine service delivery improvement and into the genuine infrastructure enhancement which has been lacking under the Bracks government, that will properly plan for future infrastructure, service needs and tax cuts and that will rebuild business confidence and a better Victoria.

Mr STENSHOLT (Burwood) — Another contribution from one of the folk of the Magic Faraway Tree! That is the bloke who is the second-choice opposition spokesman on Treasury matters. We know how well they managed it last time: the bloke who took over could not even enrol to vote. We remember him. I have his office upstairs. I was interested to get into that office, because on the back of the door there are the words 'union power'. I am not too sure whether he was a member of a union, but he certainly was not on the electoral roll.

These are the folk of the Magic Faraway Tree. There is the enchanted wood they lived in during the seven years of the Kennett era. They were lost in the woods for seven long, dark years, whereas in our seven years we have had economic growth and we have had solid responsible financial and economic management from the two treasurers we have had here in Victoria. Indeed, as the Treasurer has said, we have been socially progressive and fiscally conservative. That is the match you need to have in order to govern Victoria.

We do not need to have this sort of la-la land, this Baillieu land, or the member for Bass's land where you put it under the bed. We do not have the sort of dreamland that the opposition has, because we are out there doing the hard work in terms of the economic management of this state.

What have we done in terms of economic management? We understand that the budget position must be strong. We do not want to blow the budget like the member for Box Hill does. He wants to add another billion, then he wants to cut all those taxes — another \$500 million worth of taxes — that he was complaining about. In fact, he is trying to have it both ways. He is saying, on the one hand, that he is going to spend lots of money and is going to blow all this money in the budget, that it is in fact a responsible budget and that there are all these surpluses coming through, which you see if you read the forward estimates — and the member for Box Hill should be able to see them, because he is one of the few people, along with myself, who actually reads the budget papers fully — but then he goes on to say, ‘But there is no investment. We need to do more’.

You cannot have it both ways. Here in Victoria the economic fundamentals are sound. We have strong jobs growth, and the economy means jobs. Get it right! That is what it is all about. The economy means jobs. This means jobs for working families here in Victoria. Victoria is a great place to live and raise a family, and a great place to work, because you can get a job here in Victoria, and more people are coming to Victoria, as the Treasurer has already pointed out.

We have strong economic fundamentals with that jobs growth, record high levels of business infrastructure investment, and substantial construction work continuing to drive growth. We are talking here about the economic fundamentals in Victoria. Building approvals remain strong. Victoria is leading the state in the total amount of building approvals over the last year. There have been billions of dollars of building approvals.

Victoria also has the AAA rating; we have maintained the AAA rating, and we get that endorsement again and again. In terms of debt, net debt continues to remain low, at around 2 per cent of gross state product during the forward estimates periods. We are investing in Victoria. I remember that the Liberal Party provided about \$1 billion worth of investment. The Liberal Party prides itself on this sort of stuff. It is not actually any good at looking at jobs for ordinary Victorians. It does not understand Victorian families and how they have to get out there and work, the mortgages that they have, the stress they have in terms of trying to meet their daily bills. The Liberal Party does not understand that.

In Baillieu land they think money grows on trees. In fact I think they are going to cut down the trees in the green wedges in order to put houses on them. This is what their policies are, whereas we create jobs — we

have created 362 400 jobs since 1999, which is 100 000 more than the Liberal government did in a comparable period, interestingly enough. If you talk about country Victoria — and I am sure the member for Ripon will wax eloquent on what is happening in country Victoria — you will find a really great story in terms of what we have done.

I am amazed by the proposals put forward by the member for Box Hill. In fact, he did not put forward too many policies or proposals; he has caught the Baillieu disease in the land of Take What You Want. ‘Let’s walk down both sides of the street and promise everybody everything they might think they want’. This is cloud-cuckoo-land! ‘Can I have one too, please?’. These are the folk from Magic Faraway Tree land. This is the queer, magical land that the Liberals are trying to create here in Victoria. You have got to get out there and work to manage the budget. You have got to look at the demands and balance them. We have done that in a whole range of areas, including in taxation.

We have an excellent record in taxation. We have cut taxes — for example, payroll tax has been cut by 13 per cent and will be cut further over the next few years. Land tax has been cut as well. What is the record of the Liberal Party in land tax? It lowered the threshold. The member for Box Hill was there, sitting in former Treasurer Stockdale’s office. It was probably his idea to jack it up to 5 per cent. All small businesses got caught in that. We raised the threshold to \$200 000, and we have taken nearly \$2 billion out of the land tax take in Victoria going forward.

We have abolished more taxes under the intergovernmental GST agreement than any other state. We were leading in terms of the duty on non-residential leases, the financial institutions duty, the duty on quoted marketable securities and the duty on unquoted marketable securities. They have gone. We were the first to abolish the duty on mortgages. We led that. We abolished the bank account debits tax, and the business rental duty is going to be abolished from 1 January next year. We got right out in front on that. Victoria has taken the lead in that regard. There have been no changes to stamp duty, we have lowered payroll tax, and maternity leave exemptions from payroll tax were introduced in 2003.

The member for Box Hill and the member for Bass, if he gets the chance to have a word, will say, ‘This is a high taxing state’. Let us get some facts on this matter. Since 2000–01 total taxation has increased by 28.8 per cent, which is far less than the gross state product (GSP). Victorian total revenue including GST went from \$23.7 billion to \$32.4 billion — an increase of

36.8 per cent. Victorian taxes, as I have mentioned, have gone from \$8.5 billion to a rounded-up \$11 billion — that is, 28.8 per cent. What has commonwealth revenue done? What have the Liberals and The Nationals done with commonwealth revenue? It has gone up by 43.2 per cent. Victorian GSP has gone up by 40.7 per cent compared with Victorian taxes, which have gone up by 28.8 per cent.

We have been fiscally conservative and moderate in that regard. We have taken a responsible attitude to the taxation take. What have we done in terms of taxation? We have put in a whole lot of tax cut packages: Better Business Taxes in 2001, \$774 million; Building Tomorrow's Businesses Today in 2002, tax cuts of \$262 million over four years; Victoria — Leading the Way in 2004, \$1 billion worth of tax cuts over five years; the 2005–06 budget had \$823 million in tax cuts over five years; and the latest budget, 2006–07, \$734 million over five years, which with WorkCover is \$1.4 billion. We have decreased WorkCover premiums by 10 per cent three times. Our tax record really stands up compared to that of the folk from the Magic Faraway Tree on the opposite side. As I mentioned, they lowered the threshold and included 70 000 new land-holders in the tax net.

The member for Box Hill has some funny policies, I must admit. He has not mentioned what the new policies are, but he believes in flat taxes. He is one of the flat-landers —

Mr Andrews — Flat earth.

Mr STENSHOLT — Flat earth, yes. Was it Jackie Gleason and the flat-earthers? What did they do last time, the folk from the Magic Faraway Tree? They only abolished one tax, and that tax was worth around \$1 million. The member for Box Hill recently advocated a limit to total land tax. He was suggesting they would keep it under \$1 billion, which was higher than we have come up with in terms of our land tax cuts in the forward projected land tax revenue. This guy wants to raise land tax compared to what we are doing — that is, keeping it in a steady state over the next three to four years. The Liberals have no credibility when it comes to that. The previous shadow Treasurer, as I mentioned, could not even get himself on the electoral roll. We are waiting for their policies. They have already blown the budget for the future. The current lot, the folk from the Magic Faraway Tree, are unfit to govern and have a very poor record when it comes to this, whereas our record stands tall in terms of fiscal and economic management.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join this debate. I must say that the principle of self-praise being no recommendation is absolutely played out in the content of this matter of public importance. It talks about financial and economic management and goes through a series of dot points. But it is on the general notion of this government's purportedly responsible financial and economic management that I want to make some general comments.

As to the general issue of the performance of the economy it must be said that the economic position of Victoria, when you look around the rest of Australia, unfortunately is languishing a touch. I think that is the general view of the commentators at large. Tim Colebatch from the *Age* has been mentioned this morning, and others have made similar comments in recent times. But to the extent that the Australian economy is doing well, of course that is a great tribute to the federal coalition government, which is doing a wonderful job on the management of Australia's affairs, and to greater and lesser degrees the states and territories are enjoying the benefit of that.

In Victoria's case the state budget now pulls in a little bit short of \$100 million every day of the year in taxes. The state budget this year is around about twice what it was seven or eight years ago, and yet this government still struggles to contain its own spending. I see that one of the issues the Treasurer refers to is solid budget surpluses. That overlooks the fact that in seven budgets this government has overshot its own figures by \$8.5 billion. Fortuitously income has increased by a total of \$10.5 billion over budget because, in particular, of the stamp duty and a variety of the usual means and mechanisms whereby a government draws its money, not the least of which are the GST payments.

Fortuitously we are ahead of the pack, but that has very little to do with solid financial management. The government has a hide beyond measure when it comes to talking about lower net debt and financial liabilities. Those of us who have been here a while need only cast our minds back a few years to a time when we were staring at a \$30 billion-plus deficit and when the last budget this Labor Party produced prior to being turfed out in 1992 contained recurrent losses of \$3 billion a year.

Mr Jenkins interjected.

Mr RYAN — I can hear the member for Morwell chirping away in the background, and I will have a bit to say about him in a minute. We were able to bring the budget back into some semblance of order. The Labor

Party, to greater and lesser degrees, has enjoyed the benefit of that having happened. We have a lower net debt, but let nobody be mistaken as to how that has been managed. It has been managed because the previous government enabled it to be done.

We have questions about so-called significant tax reform. The member for Box Hill has just read out the dozen or so additional taxes under which Victorians labour. As well there is record stamp duty, particularly on transactions regarding the all-important matter of buying a home or other property. There is not much to chirp about there.

The point I particularly want to comment on today is this government's dismal failure to manage the water systems of the state of Victoria. I do so in the context of the overall proposition about the government's supposed financial and economic management. The government's record on this is absolutely replete with examples, starting with the fact that in seven years it has taken \$1.6 billion out of the various Victorian water authorities. As well as pocketing that \$1.6 billion, it has imposed various other environmental levies and the like, which now provide it with about \$60 million a year, so it is absolutely swimming — pardon the pun! — in money which it draws from the water sector. What do we have to show for it? We have an appalling record on the part of this government.

That has been exemplified in recent times by two principal issues. The first is the half-baked, harebrained scheme, which the Minister for Water produced a couple of weeks ago, to pipe water from the Goulburn Valley across to Ballarat. I might say that you have to give it the proper setting. The first element of that is that in April this year the government released its draft *Sustainable Water Strategy — Central Region*, consisting of 160 pages. It tells the world about what the government is going to do by way of managing the future water resources of Victoria.

The only thing that is missing from it — I should not say the only thing; there are various things missing from it — is the incidental issue of its spending \$120 million, which is what is ultimately intended, to build a pipeline to take water from the irrigators in the Goulburn Valley and send it to Ballarat across the Great Dividing Range. It is supposed to cost \$120 million, but when you look at the fast rail experience, you just quiver. When you think to yourself that the government turned \$80 million into \$800 million and the cost here starts at \$120 million, you hate to think where it is going to end up.

On top of that you have the recurrent cost of trying to pump the water up and over the Great Dividing Range. You also have the issue of what will happen to the poor Goulburn Valley irrigators, who this year are struggling under a 7 per cent water rights allocation. Let us put that in context: if you have a water right of 400 megalitres for your particular property, this year you are going to get only 28 megalitres. What do the irrigators get from the minister? They get a proposition which says he is going to take 18 000 megalitres of water, which they do not have anyway, and pipe it up and over the Great Divide to Ballarat. What an absolutely half-baked scheme that is! Worse still, he was in Shepparton the very day it was announced and said nothing about it. He said not a word to the people in the Goulburn Valley. That night he was over in Ballarat and he came out with this proposition. Even the people of Ballarat understand that this is not a fair thing. That is example 1.

I am pleased to see the return to the chamber of the member for Morwell, because example 2 is the Gippsland water factory. Let us get down to taws and find out who is standing up for Gippsland in this Parliament. Where are the members for Morwell and Narracan when it comes to protecting Gippsland's interests? What you have here is a pea and thimble trick by the Labor Party.

Mr Jenkins interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Morwell will cease interjecting.

Mr RYAN — People like the member for Morwell have been out there selling a pup to Gippslanders, claiming that the Gippsland water factory is a single-stage issue. He has been trying to tell Gippslanders that all this involves is building a plant for about \$50-odd million which will treat the material which comes out of the businesses operated by Gippsland in its various forms. We came out as a party and said, 'No, that is not the case at all. This is a two-stage project'.

What the government is going to do is build the eastern recycling plant and pipe water 135 kilometres from that plant down to Gippsland to put into Gippsland-based industries. Do you know what it is going to do then? This is the topper: it is going to take more of Gippsland's water and send it back to Melbourne! That is in its own document. Not only does it presently take 50 per cent of the Thompson River's flows, but it has now advanced in its own document a proposition which says that it is going to take more water out of Gippsland and send it back to Melbourne. Who does it have

advocating for this grand plan? Who is out there looking after the interests of Gippsland? We have these two — Tweedledum and Tweedledee, the members for Morwell and Narracan.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The members for Narracan and Morwell will cease interjecting.

Mr RYAN — The two of them will not even stand up for Gippslanders at a time when we are under threat of losing more of our water. You only have to go back to the press release of 23 June 2004, when all this was hatched by the Minister for Water. When he talked about it he referred to it clearly as being a two-stage project. He said the key elements of the recycling scheme were, firstly, the transfer of recycled water from Melbourne's eastern plant via a 135-kilometre pipeline to the Latrobe Valley; and secondly, the building of a new water reclamation plant to treat water sourced from the Latrobe Valley. He clearly links the two. There are two elements to this project, and these two Gippsland representatives know that full well.

We stand up and say we are opposed to this because we know Labor's plan is to take yet more water out of Gippsland and send it back to Melbourne. The member for Morwell stands up with his disingenuous commentary and tries to bag us. I can tell you that the people are going to put their view on 25 November all right, and these two will be absolutely gone. Gippslanders need to be looked after, and The Nationals are going to do it.

Mr ANDREWS (Mulgrave) — I am very pleased to join the rather lively debate on this matter of public importance raised by the member for Broadmeadows. As we have heard, certainly from speakers on this side of the house, over the last seven years this government has managed the Victorian economy very well, with a disciplined focus on budget surpluses, an absolutely sustained effort in relation to employment growth and the attraction of substantial investment to this state.

Victorian families have shared in the benefits of that sound financial management and strong economic performance — and that financial management and economic performance have been signed off, if you like, or confirmed by international rating agencies as being worthy of a AAA credit rating. On this side of the house we are very proud of our efforts in relation to managing the Victorian budget well, creating a climate to grow jobs and investment and providing Victorian

families with the benefits of that very important economic growth.

As the matter of public importance details, the last seven years have been typified by record-high building approvals, a strong economic growth position and record-low unemployment rates. As the member for Burwood noted, when you talk about economic and financial management and try to put that into a real person context, you see that it is all about jobs and fundamental opportunities for Victorian families. The record-low unemployment rate is something that we on this side of the house and the Victorian community more broadly take great pride in.

We have seen the Victorian population grow at a rate above the national average. We have also seen solid budget surpluses; a sound financial underpinning of the work we have been doing in the rebuilding of services; lower net debt; and substantial tax reform above and beyond that which we agreed to as part of the goods and services tax intergovernmental agreement.

We look at this and ask what all this means and, in particular, what this record of sound financial management means. As the Treasurer said in his budget speech in May, it means that governments are defined by the choices they make, and I could not agree more. At the end of the day this government is defined by the choice it has made to reinvest the proceeds of economic growth and sound financial performance in the services that matter to ordinary, decent, hardworking families in my local community and in communities right across Victoria. That is an important point as well: not only have we chosen to invest and reinvest the dividends of sound financial management in the services that matter, but we have done it right across the state. Long gone are the days of government in Melbourne only for Melbourne. We have invested right across Victoria.

Mr Helper interjected.

Mr ANDREWS — We have invested right across Victoria, as the member for Ripon says. Being a rural and regional member he understands only too well the havoc that was wreaked on his local area, which was described in appalling terms by the former Premier as the toenails of the state.

We have comprehensively invested in the services that matter to ordinary decent Victorian families. That is what ought to define state governments, at least good state governments, and to that end we are proud of that record. I will talk a little about one particular part of our reinvestment program, and that is our massive and record-breaking reinvestment in the health system. We

have invested and reinvested in our health system as no other government has. In practical terms that means that today the health system is treating 300 000 patients more per year than it did in 1999.

According to the commonwealth Department of Health and Ageing we run a well-performing health system. Emergency departments are a key access point of the health system for many in our Victorian community, and we run the best performing emergency departments. In terms of specialist outpatient clinics we treat 1.1 million people. We have a mental health service system that is broadly regarded across Australia as the best and the most comprehensive community-based system in Australia. It is a service system made all the better by an investment by this government of \$329.5 million in ongoing funding and around \$100 million in terms of capital. That is a massive investment and reinvestment in that important part of our health system, as 1 in 5 Victorians suffers from mental illness at some point in their life. We on this side of the house are proud of that substantial investment. It amounts to a 73 per cent increase in ongoing support for our mental health service system. What that means is that more people than ever before are getting the mental health care that they need. That is what state governments — at least good state governments — do, and we ought to be proud of that.

Moreover, we have a situation where 100 per cent of the patients requiring urgent care in emergency departments are treated straightaway. We have seen 100 per cent of category 1 elective surgery patients being treated within 30 days. We have heard members opposite do a lot of talking about elective surgery waiting lists, but the fact of the matter is that when they were in government the waiting list went from just over 29 000 across Victoria to over 40 000. They added 10 000 Victorians to the elective surgery waiting list. There is a record of abject neglect and substantial growth in waiting times. There were 10 000 more Victorians waiting for elective surgery when they left government than there were when they came into government. We have presided over a system where 100 per cent of category 1 elective surgery patients are treated within 30 days — that is the Australia-wide standard — with an average wait of 7 days.

The list goes on in terms of the key performance indicators right across our health system, and it is no accident. It is because this government has invested 83 per cent more in ongoing funding. I see the Minister for Health is at the table: she and others can take credit for that. On this side of the house we are proud of our investment in these services. They are services that define Victorian communities, and they are services

that are central to the standard of living that we enjoy right across Victoria. We have invested comprehensively and seen the dividend in great outcomes. Of course there is more to be done, but it puts a premium on the choice people have to make on 25 November. Given the fact that a lot has been achieved but there is much more to be done, would you go back to choosing those who closed 12 hospitals, sacked thousands of nurses, cut budgets and ripped apart our health system, or would you continue to move forward with those of us on this side of the house who have invested in health services in record terms and have a proud record of investment and achievement to show for it?

I could go on to talk about our ambulance services, where we have boosted funding by 112 per cent. In other words, we have more than doubled the funding for our important ambulance services, and I will describe where that money has gone. We have upgraded 44 ambulance stations right across Victoria, which again bears out the point that we are providing services not just to metropolitan Melbourne but also to rural Victoria. I know that you, Acting Speaker, were as proud as I was to go to Paynesville to open an important ambulance service. It was the result of a great partnership between our government and the people in your local area.

We have also opened up 21 new ambulance stations and employed more than 650 extra ambulance officers. We have a situation where, right across the board — whether it is mental health, dental health, ambulance services, community care, our emergency departments or our elective surgery services — this government has invested in health like no other government before it. This is about putting back into the services that matter to Victorian families the proceeds of sound financial and economic management. On that front, we have a proud record.

Compare and contrast that with the efforts of members opposite, who have an appalling record of running down services. And in recent times they have an appalling record of putting forward policies which are not only ill conceived but unfunded. There have been \$2 billion of ongoing promises and \$460 million of capital promises, as the Treasurer outlined in his speech. We have a situation where members opposite, including the Leader of the Opposition, aided and abetted by all of those who sit on his front bench, would have us believe that in 2006 you can cut taxes and cut spending and at the same time improve services for ordinary Victorian families. I do not know where the Leader of the Opposition went to school, but where I went to school less money coming in meant — —

Mr Jasper interjected.

Mr ANDREWS — It was in the member for Murray Valley's electorate — and what a fine part of Victoria that is — that I learnt that less money coming in meant less money going out. It beggars belief that that sort of policy and budget approach would do anything other than see a return to those seven dark years when the services that define communities — services that matter to ordinary working families and are essential to our standard of living — would again be run into the ground.

You cannot have a situation where you cut taxes and spending and at the same time deliver better outcomes. We know what the opposition would do — it would return to type as its members have form. They would close hospitals, sack nurses and cut hospital budgets. They would see the performance of these critically important services that define communities and define good government in this state run into the ground yet again.

Ms ASHER (Brighton) — I am happy to participate in the discussion on this matter of public importance (MPI) brought before the house by the member for Broadmeadows. I suspect the reason we are debating this particular issue in the house today is that on ABC radio last week the Treasurer lost his temper in an interview with the journalist Jon Faine. I suspect the Treasurer is trying to have a second go in Parliament to convey some of his arguments about his claims to being a good fiscal and economic manager.

In the statement, the subject of the MPI, the Treasurer has chosen a range of statistics. He has cherry picked the statistics that he thinks place this government in the best possible light. However, there are a range of other statistics, and I will be very happy to point those out to the Treasurer in the course of my presentation.

First of all, I want to place this matter in context. I have to say that when I first read this MPI, this self-congratulatory statement by the Treasurer on the so-called 'seven years of responsible financial, economic management', as someone who was elected to this Parliament in 1992 I find it rather galling that the party of fiscal delinquency seeks to lecture my party on how to behave in an economically responsible way.

Let me remind the house, for those younger members who were not here in 1992, of the damage wrought on Victoria by the Cain and Kirner regime. We were left with a \$33 billion debt. If you actually took account of unfunded superannuation liabilities at that time, it was well over \$60 billion. We suffered from significant

unemployment in Victoria — significantly worse than was being experienced in Australia as a whole. There was the collapse of Pyramid and the sale of the State Bank. Interest payments, as a component of the recurrent budget, were increasingly growing. They were a substantial part of the recurrent budget because of the amount of debt that the Cain and Kirner Labor governments had imposed on Victorians.

I remind younger members opposite that the reason the Kennett government embarked on a number of cuts to service areas was to address that very fact — that is, that the interest component of the recurrent budget was taking up such a substantial proportion that debt had to be paid down and the recurrent budget had to be reduced. It was not some ideological desire to cut services; it simply was that we were elected in 1992 to fix up an economic mess. It was in that particular context that various cuts were made in the early years.

For members of this house on the other side who clearly do not recall, I again make reference to the fact that we were left with a \$3 billion budget deficit. I find it galling that those of us with a track record of financially responsible management, who left a very large surplus and an excellent fiscal condition when the Labor Party was elected in 1999, are lectured by the party of fiscal delinquency. I pick up on the comment by the member for Mulgrave, alleging that we on this side of the house have form. The Labor Party has form, too — that is, they cannot manage money. Let us deal with the context of the Kennett government's actions and the legacy left to this government.

The real fact of the matter is that Victoria is not doing as well as it should be doing economically. I suspect that, notwithstanding the Treasurer's self-congratulatory MPI now before the house, there is a real understanding not only in the business community but in the broader Victorian community that Victoria could be doing better. Everyone notes that the Howard government has made significant achievements. It would be ridiculous to argue that a state government sets economic parameters. Obviously parameters are first and foremost set at a federal level, but the state government has the capacity to do a range of things within that framework.

The Howard government has reduced Labor's debt. We have seen record employment and low interest rates in Australia, but in Victoria we are not doing as well as some other states. In other words, Victoria is losing its competitive edge, notwithstanding the fact that the Treasurer likes to say he has done a good job.

I want to look at some very important indicators. The first is unemployment, and I note that there is a reference in the MPI to 'unemployment'. Members of the government have been very quick to point out that, as of the latest statistics from Australian Bureau of Statistics, Victoria's unemployment rate was below Australia's rate. The problem with that is that this is now the first time in two years and two months that Victoria's unemployment rate has dropped below the national rate. I remember that in the early days of the second term of this government the youthful employment minister would put out a press release every time the ABS figures were issued, claiming how well Victoria was going on the unemployment front. We have not heard from her for two years and two months.

Victoria is not doing as well as it should. If you look at the manufacturing sector, the economic powerhouse of the state, you find that Victoria has lost 21 000 jobs from the sector since 2002. In the area of growth, Victoria has been below the national growth rate in four of the last six years. In 2004–05 growth was 2.3 per cent, which is the second lowest of any state. I do not know if the Labor Party thinks that is good, but we on this side of the house think Victoria should be doing better.

In terms of business confidence, I refer members of the Labor Party to the Victorian Employers Chamber of Commerce and Industry's survey of business trends and prospects. Consistently for the last few years — in fact, ever since the Bracks Labor government was elected in 1999 — business confidence in Victoria has been at a low level. I will go through each category. Business confidence is at a lower level than the Australian level of confidence in manufacturing, in building and construction, in wholesale and retail trade, in transport and storage, in finance, property and business services, and in recreational, personal and other services. If Victoria is doing so well, according to the Treasurer, why is business confidence down in a relative sense in Victoria?

I cannot let the Treasurer get away with his reference to the abolition of seven taxes under the GST agreement. He is congratulating himself for what was an agreement. The agreement was that in exchange for GST revenues the states would abolish a raft of taxes, such as financial institutions duty, such as bank account debits tax, and this Treasurer wants to be congratulated for keeping to the deal. I am well aware that other Labor states have not kept to the deal and Victoria has at least abided by the agreement, but I do not think it is appropriate to congratulate oneself on abiding by an agreement which gives a GST revenue flow to Victoria.

If you look at tax, you find that land tax has doubled in collections under this government. Stamp duty collections have more than doubled. Of course, the payroll tax take, notwithstanding various cuts to the rate of payroll tax, has increased. We have seen a raft of new taxes — new taxes on trusts, more land tax, a car parking levy, an infrastructure levy, a VicUrban levy, a water levy — and indexation of fees. The member for Box Hill covered those areas.

The fact of the matter is that in economic terms we are experiencing very prosperous times and Victoria should be doing better. The Labor Party is not extracting maximum benefit from this. A raft of articles in the *Age* and the *Australian Financial Review* in recent times have borne this out. It was interesting that the Treasurer did not do his usual newspaper readings today — because there is not too much to back up what he is saying. The fact of the matter is that Victoria is losing its competitive edge. These are very prosperous times and Victoria should be doing better on a whole range of indicators.

The Labor Party should be looking at reducing taxes. It needs to preserve Victoria's energy supplies. It needs to reduce regulations. It needs to take a raft of actions to stimulate business activity and employment in this state. I also call on the Labor Party to do something which would add to the transparency of the figures, and that is to release the pre-election budget update. If we are going to have a discussion on how well the Victorian budget is tracking, according to the Treasurer, then let us see it on the day the writs are issued.

We all know the date of the election, and we all know the date the writs will be issued. Let us see the pre-election budget update on 31 October. If the Treasurer is so proud of his achievements, we call on him to release that budget update on the day the writs are issued so we can test him.

Mr LUPTON (Prahran) — I am very pleased to be able to make a contribution in support of the matter of public importance introduced by the Treasurer this morning congratulating the Bracks government on its record of seven years of responsible financial and economic management. I want to particularly talk about the strong economic management and growth the government has demonstrated since coming into office in 1999, why those matters are important to the people of Victoria, and the benefits that strong economic management has delivered to Victoria.

Members of the Bracks government understand that our budget position must be strong. That is why we maintain the strong economic surplus we have. Since

our term in office commenced we have had the AAA credit rating of Victoria restored. That is a strong sign going into the future. Our budget is secure and our economy is performing well. Victoria's economic fundamentals continue to be firm, with strong jobs growth, record high levels of business and infrastructure investment and a substantial pipeline of new construction work continuing to drive growth in Victoria. This government is using the strength of Victoria's balance sheet to help fund major projects and infrastructure which will have substantial long-term benefits and make Victoria, going into the future, the best place to live and raise a family.

It is important to look at our record over the past seven years in terms of jobs, in terms of economic growth and in terms of population growth, and look at what the Bracks government has done with the proceeds of that sound economic management to improve the Victorian economy and improve the quality of life of and services available to people in Victoria. Since October 1999 more than 340 000 new jobs have been created in Victoria. That is substantially better than the seven years of the Kennett government. That growth in employment has been spread right around Victoria. When we came into office we undertook to the people of Victoria to grow the whole state and not to leave people out or leave anyone behind. The latest unemployment rate in Victoria of 4.6 per cent is the lowest unemployment rate in Victoria since 1990. We also have the lowest unemployment rate in country and regional Victoria.

The Victorian economy is forecast to grow by a strong 3.25 per cent in 2006–07, rising to 3.5 per cent in 2007–08, which will maintain Victoria's consistent record of growth under this government. One of the important indicators of that growth is that Victoria's population has continued to grow strongly over the past six years, and has now passed the 5 million mark. Our annual population growth over 2004–05 exceeded the national average for the first time in 41 years, which is a terrific result. We have delivered on our target of growing provincial Victoria's population by 1.25 per cent a year. We are now having more migrants coming to Victoria than any other part of Australia. We now have about one-quarter of Australia's population in Victoria but we are attracting one-third of the migrants coming to this country. That is because of the quality of life we have here, the services we have here. It is a great place to live, it is a great place to work and it is a great place to raise a family, and we want to continue to make sure that is the case.

One of the important things the government is doing with the proceeds of strong economic growth here in Victoria is investing in quality services for the future. I want to mention a few things to do with transport, health and infrastructure to illustrate some of the important quality investments this government is driving through its strong economic management.

Over the past six years the government has delivered \$1.1 billion worth of new trams, electric trains and diesel trains. We have also increased staffing on trains and at stations. In May 2006 the government released its major transport and livability statement *Meeting Our Transport Challenges*. This program will inject \$10.5 billion over 10 years into the Victorian transport network. Things I am particularly interested in, and I know people in my electorate of Prahran are very interested in, include the spending of \$2.9 billion to boost our rail capacity and pave the way for future extensions of rail transport; \$1.4 billion for new bus services; \$577 million for new trams, extended services and tram priority; and \$420 million to make transport more accessible and easier to use.

These are the kinds of investments in quality infrastructure and services in Victoria the Victorian people want from their government. That is why, when we say government is about making choices and governments are known and remembered for the choices they make, that we are very proud that we as a government are committed to strong economic growth, to jobs, to investment and to making sure that the proceeds of that investment and growth go into rebuilding the quality services people need in health, education, transport and infrastructure. That is why over the past six and a half years we have invested a record \$13 billion in infrastructure here in Victoria.

The Bracks government will invest a record \$12.6 billion in infrastructure over the next four years, compared with the average of less than \$1 billion a year that the Kennett government invested in the 1990s. We are putting four times the amount of money into infrastructure spending here in Victoria than the Kennett government did in each year it governed. The funding will go into quality improvements in services that people need, like hospitals, schools, police stations and transport infrastructure for the future. That is what the people of Victoria expect of their government, that is what they are getting from the Bracks Labor government, and that is certainly not what they would get from a Liberal government if one were elected in Victoria.

As part of an unprecedented infrastructure program we are building more hospitals, we are building and

upgrading schools, and we are constructing new police stations. There are new sporting facilities, water infrastructure and cultural centres. Science and technology centres are also being built. In my electorate of Prahran are the Alfred medical research and education precinct and institutions like the Baker Heart Research Institute and the Burnet institute. These institutes are receiving Victorian government support. Their research and development scientists are being brought together, and we are attracting people from overseas.

Our science, research and development and our biotechnology industries are growing and thriving. They are the future of Victoria's economy, they are the future of jobs growth, they are the future of our prosperity. This government is providing the spending, the infrastructure and the support that those new developments need.

We are also continuing to provide further infrastructure for the future of Victoria, including the very important new Melbourne convention centre. We are relocating and redeveloping the Melbourne Wholesale Fruit and Vegetable Market, which interestingly the opposition has declared it opposes. That relocation is terribly important for the future of Melbourne's port, for our export industries and for the important manufacturing and rural produce sectors of the Victorian economy. The opposition shows its complete ignorance of the needs of Victoria by opposing that development.

We have redeveloped the Melbourne showgrounds, and the Royal Melbourne Show which is coming up in the next few weeks is going to be a terrific example of that redevelopment. We are building the Australian synchrotron, which will be another example of the way in which this government is determined to drive innovation and develop Victoria's biotechnology industries.

We are setting up new broadband networks for all government schools in Victoria. I was with the Minister for Education Services at one of my local state primary schools just a couple of weeks ago to launch the new broadband services at that school. We are also upgrading our public hospitals, including a \$90 million investment in the new Alfred Centre for Elective Surgery at the Alfred hospital site in Prahran. This centre, to be opened in just a few weeks time, will provide 48 000 elective surgery procedures every year. This is just another example of the Bracks government using the proceeds of strong economic management and growing our commitment to robust budget surpluses so that we can invest in the future of Victoria

and the future of our services, to make Victoria the best place to live, work and raise a family.

Mr MULDER (Polwarth) — I join the debate on this matter of public importance (MPI) put forward by the government. With such MPIs it is important that we go to the source of the matter before the Parliament. Quite often the government uses the MPI process to blow its own trumpet, to try and put a positive spin on the media events of the week or the month, or to try to attack the opposition. We saw this today when the Treasurer used a matter of public importance for two purposes: firstly, to try and drown out some very negative news about the government of the day; and secondly, to launch what could only be described as a feeble attack on the policies of the Liberal Party.

When this article appeared in the *Age* of Thursday, 7 September, it would have sent a shiver down the Treasurer's spine when he read the headline:

Victoria dallies at back of the economy pack ...

That is the sort of headline that we saw in the days of the Cain and Kirner governments. Those sorts of headlines were associated with past Labor treasurers Jolly and Sheehan. To have that kind of label attached to the present Treasurer makes me wonder whether he might contemplate whether he has perhaps stayed in the job a little too long. That studded leather chair at Rothschild which possibly awaits him when he departs Parliament is now perhaps fading into the distance, because when you see this type of a headline about the Victorian economy in a Victorian newspaper, you know it does not speak well for the future of this government and of all Victorians.

The article goes on to say:

Spending growth in Victoria has come to a virtual halt, and the growth in Australia's output has braked to its slowest level in five years, as the nation was given an unexpectedly bad report card for the June quarter.

...

On the bureau's preferred trend measure, total spending in Victoria by households, business and government rose only 1.4 per cent in the past year.

But in the west, it increased 11.7 per cent and in Queensland by 7.7 per cent.

It is interesting that later in the article the Treasurer is reported as saying that Victoria was still the leading non-resource-based state. Victoria has always been a resource-based state, and it has always graded itself against all states. What the Treasurer is saying in this article is that we are the premiers in the reserves competition this year and that we are no longer in the

main game. Victoria is now being measured against lower performing states across Australia, and we are saying that we are leading those lower performing states.

You would have thought that would never have been possible, given the state of the Australian economy, given the great surpluses that were handed to this government and given that the previous Liberal government, in retiring \$32 billion worth of Labor debt over seven years, took the state from having the rust-bucket image we had then to leading Australia and leading every state in Australia, including the resource-rich states. Now the Treasurer has found a new benchmark for measuring Victoria's economic performance, and that is that we are now leading the non-resource states.

The article goes on to say:

The bureau's quarterly accounts give only spending figures at state level. But its annual report on growth in state output will be released in the middle of the November election campaign and is likely to show Victoria near the back of the pack —

or even, perhaps, the back of the pack in terms of economic performance.

After inheriting a state that was at the top of the pack, you would have to ask yourself how on earth in seven years we have ended up at the bottom of the pack. You only have to look at some of the investments and decisions this government has made, and some of the decisions it has not been game to make, to see an indication of how this has occurred.

Government members react to everything, and today's matter of public importance is simply a reaction. It was interesting to note an article in *Lloyd's List Daily Commercial News* about the port of Melbourne, one of our major economic drivers. The article contained statistics on the ports of Fremantle, Brisbane, Sydney and Melbourne and showed how they were travelling. In terms of the port of Melbourne, Victoria's performance is described as being lacklustre and trailing the pack. In fact for the month of June it showed that in terms of container movement growth Sydney outstripped Melbourne by three to one.

At the same time the Minister for Transport has done exactly what the Treasurer has done in response to this article. He has reacted and said, 'What do we do?'. So the government has launched its port of Melbourne draft strategy document to try and head off any criticism by saying, 'We are actually doing something. We have this great strategy document', and at the same time he has also called for investors to jump on board

and start investing in the port of Melbourne. Prior to making any decision about channel deepening, he has invited investors to come to Melbourne and to jump on board.

It is quite interesting to look further at the port of Melbourne strategy document. It shows that all works are to be undertaken — or are supposed to be undertaken — in and around the Dynon precinct. Of course it fails to mention that the Dynon precinct is going to become the transfer station through which Melbourne's toxic waste will be pushed up into country Victoria. There is no mention of that. Documents were provided to us, including a letter from the acting secretary of the Department of Infrastructure to the head of the panel hearing on that particular issue in terms of toxic waste. The letter talks about the Dynon rail precinct being used as the transfer station for toxic waste. Of course we then get a letter back from the head of the panel to the Department of Infrastructure which in effect says, 'When you come to give evidence on this particular matter, there will be no need for you to talk about that. We have enough information in terms of what the Dynon rail precinct is going to be used for. We will not need to discuss that in any way, shape or form'.

Once again we have a massive reaction to negative news about Melbourne, and in particular one of our economic drivers — that is, the port of Melbourne. Also interesting when you look at the port of Melbourne strategy document is that it talks about the future success of the port of Melbourne being our freight network. I have the Auditor-General's report here, and I may get a chance to refer to it. It is interesting to look at his report in terms of what he says about Victoria's freight network — that is, that the Bracks Labor government has done absolutely nothing in seven years. It has spent \$14 million of taxpayers money, and \$5.7 million of that went on purchasing materials. To this day no-one seems to know where that \$5.7 million-worth of materials has gone, because no work has been carried out on rail standardisation.

The minister says, 'Jump on board and invest, but we have not made a decision about channel deepening', the port of Melbourne strategy document says that the future of the port depends on the rail freight network, and the Auditor-General says that the rail freight network is stuffed, that the government has not put any money into it and that there are no plans to do anything with it into the future. That gives you an idea of why we have gone from the top of the list of best-performing states in Australia to being at the bottom and why the Treasurer has created a new category — that is, that Victoria now leads the

'non-resource states'. I find it quite extraordinary that he could possibly come out and make that statement. I say again that he would be feeling very, very nervous about the fact that he has decided to stay on for another term. That studded leather chair will be starting to drift off into the future, because there is every chance that as we move forward the Treasurer of Victoria will join that long list of failed Labor treasurers.

It is also interesting to look at some of the other investments made by the government and whose brainchildren they are. I turn to the farce train project again. I know that I have given it a fair airing in the public and indeed in the media, but it seems to have crept under the guard of a lot of people. I refer to an article by Dan Silkstone which appeared in the *Age* of Saturday, 22 January 2005. It states:

The *Age* has found:

The fast train project was Premier Steve Bracks's brainchild —

the Premier's brainchild! —

devised shortly before the 1999 election ...

It was dreamt up by the Premier, funded by the Treasurer and attempted to be built by the Minister for Transport! The three of them are all very much guilty for the absolute failure of this project. You only have to go to the Auditor-General's report to get a good idea of what the independent umpire thinks about this crazy project. It works out at about \$350 million per regional centre: Ballarat, Bendigo, Geelong and the Latrobe Valley. Ballarat, Bendigo and Geelong get one farce train — I call them farce trains, because that is what they are — in and out, and the Latrobe Valley does not get a service at all for its quarter share of about \$350 million. At the same time major regional cities like Ballarat, Geelong and Bendigo are running out of water. But they have fast trains! What an absolute disgrace the economic performance of this government has been. When the government invests in projects like that, it is no wonder that its members have taken the state of Victoria from the top of the list to the bottom in just seven years of a buoyant Australian economy.

Mr HELPER (Ripon) — The Victorian government is working tirelessly to make Victoria a great place to live, to work, to invest and to raise a family. That marks the stark difference between us and the member for Polwarth and indeed the entire opposition. We do not just whinge, whine and carp on about every negative thing we can drag out of the bottom of a rubbish bin. I suggest that the member for Polwarth may want to talk to people who travel on the train lines which we have returned and which when in

government the opposition closed down — for example, the Ararat rail line. I encourage the member for Polwarth to talk to travellers on the 401 additional rail services in regional Victoria. I encourage the member for Polwarth to talk to all of those families who are benefiting from those improved transport links.

The Victorian story is a unique one in Australia's history. While the state and country have enjoyed relative economic prosperity continuously over the last 15 years, it is only in the last 6 years — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Polwarth and the Minister for Education and Training should cease interjecting across the table.

Mr HELPER — It is only in the last six years that the regional economy in Victoria has shared in the economic prosperity of this state. While in most other states the equation between their capital cities and their regional hinterland was roughly equal in terms of sharing the growth, in Victoria's case during those seven dark years of the former Kennett government — the government that half of the opposition seems to be trying to run away and distance itself from, and the other half seems to be running towards and trying to embrace as some sort of ideological icon — the differential between the growth in metropolitan Melbourne and the growth in regional Victoria left regional Victoria right behind. People in regional Victoria were treated in the way that the former Premier described them — as 'the toenails of the state'.

When the Bracks government came to office in 1999 it faced the spectre of the closure of schools, hospitals and services, particularly around regional Victoria but not exclusively in those areas. There had been a reduction of services to families and to people who lived in regional Victoria. How did the community react to that? People left country Victoria in droves, and in many instances we had negative population growth in country Victoria.

What has been the story since then? Regional Victoria is enjoying a resurgence. While there is a lot more to be done, people in regional Victoria have benefited from and are enjoying the restoration of services, as is their right and entitlement, and the restoration of confidence, economic investment and population growth right across the region.

When you look at Victoria in 2006 compared with what it was like during those dark years, provincial Victoria is indeed a different place. Vital services have been

restored, services are up, employment is up, levels of investment are the highest on record, building activity has more than doubled, population growth is at record levels and our food and fibre exports are the highest in Australia. That remarkable turnaround has come not only through the resilience of communities — communities that survived despite the previous government rather than because of it — but also as a consequence of deliberate government action. The Bracks government has a very proud record of growing the whole of the state to work towards making Victoria a great place to live, work, invest and raise a family.

The Victorian government has worked to get its economic fundamentals right, and that is what this matter of public importance is about. There is no easier and more direct proof of that strategy working when you look at the high growth in population, jobs and building approvals. We have made a conscious decision to support regional industries and invest strongly in regional infrastructure; we have made it a priority to restore schools, hospitals and community services.

All these things are about a particular outcome. That outcome is to support families, to make sure job opportunities are there for families and to make sure the services are there for families so that regional Victoria, as it should — as is its entitlement — shares in the prosperity of the state and the benefits of sound economic management by this government for the whole of the state.

In June 2005 Victoria's annual population growth — I have discussed it before — exceeded the national average for the first time in 41 years. In 2004–05 regional Victoria's population grew by 1.3 per cent, the highest growth on record for 15 years. Again I contrast that with the seven dark years when people were leaving regional Victoria in droves; now we have record population growth right across regional Victoria.

As has been said earlier by government members who contributed to this debate, one in every three skilled migrants coming to Australia is choosing Victoria. That has enormous benefits for regional Victoria. The Australian Bureau of Statistics figures show that for the first time in 15 years, all regions across Victoria are experiencing population growth. That is a massive turnaround compared to the 1990s when the Liberal coalition parties were last in government.

We have achieved that growth, built confidence and rebuilt services despite the worst drought in 100 years. Jobs growth in the last seven years has been twice that of the 1990s. That is fundamentally what economic management is about — it is about ensuring that the

prosperity is shared primarily through jobs and employment opportunities and through the provision of services to which people in regional Victoria are entitled.

Since 1999 more than 100 000 new jobs have been created in regional Victoria; they have benefited families and communities and the regional economies those communities are part of. Contrast that with the dark years of the previous government and you can see a turnaround in regional Victoria that is driven by resilient communities that understand that working in partnership with government is a positive thing. Those communities say that, with a little help from friends, they can rebuild after the dark years of the Kennett government and can share in the state's prosperity — and they are doing so in droves.

The value of regional building approvals is at an all-time high, reaching \$3.7 billion in 2005, which is almost double what it was six years ago. The previous building approval rate demonstrates the lack of confidence that existed in regional Victoria prior to the election of the Bracks government. That is not a phenomenon that is isolated to provincial centres such as Ballarat and Bendigo but is spread across the entire state. The government's *Moving Forward* statement, released late last year, recognises the growth pressures in our regional communities, and we have to address some of the issues that arise from population growth in our municipalities. That is a great problem to have as opposed to the problem the previous government imposed on communities — that is, who was the last person leaving the town or the community or who was going to turn out the lights on so many small communities? The matter of public importance proposed by the Treasurer highlights the Bracks government's achievements, and I fully support it.

Dr NAPHTHINE (South-West Coast) — This matter of public importance is fundamentally about fig jam. The house has heard another fig-jam performance from the Treasurer today. The problem is that due to high taxes, irresponsible and uncontrolled spending, and massive increases in rules, regulations and red tape the figs are starting to turn rotten because Victoria is getting into a sticky jam economically.

We only need look at recent data that the Treasurer sought to avoid in his fig-jam performance. He was loud in his criticism of the opposition but very hollow in his performance with regard to the government's own economic outcomes. Was that hollowness any wonder, given that he would have read in the *Age* of 7 September the headline 'Victoria dallies at back of the economy pack, figures show.'? I quote:

Spending growth in Victoria has come to a virtual halt.

...

On the bureau's preferred trend measure, total spending in Victoria by households, business and government rose only 1.4 per cent in the past year.

...

The bureau figures show subdued consumer spending and a steep slump in investment by state and local governments have caused Victoria's slide.

In seasonally adjusted terms, state and local government investment slumped by a stunning 45 per cent in the two years to June.

I refer to further comment in the *Age* of 8 September:

On Wednesday, the Bureau of Statistics told us that demand in the Victorian economy was virtually flat in the first half of 2006. Total spending in trend terms grew just 0.1 per cent in six months, in itself suggesting that Victoria was barely escaping recession.

Further it states:

According to Bureau of Statistics data, growth in Victoria has come to a virtual halt, with total spending rising only 1.4 per cent in the past year.

In the *Age* of 11 September Kenneth Davidson, not someone I regularly quote, wrote this about the Victorian economy:

The Victorian economy can't be expected to match the growth rate of the Queensland economy in the midst of a resources boom, but Victorian taxpayers have the right to expect that Victoria's finances can be managed in the public interest at least as well as Queensland's. But they are not.

Kenneth Davidson is usually a champion of Labor governments and Labor economic management, but even Kenneth Davidson is saying this government is not managing the Victorian economy properly.

The matter of public importance refers to the abolition of seven taxes but notes also, at least honestly, that these are all under the GST agreement. They are nothing to do with the Treasurer and this government but are part of the GST agreement that was entered into well before this government was elected. When we look at those seven taxes that have been abolished by the GST agreement — that is, by the federal government in conjunction with the previous state government — we must also look at the 14 new taxes and charges introduced by the Bracks Labor government to keep up its record as the highest taxing government in Victoria's history.

Let me run through those new taxes and charges: 5 per cent tax on water; a tax on car parking; a \$54 tax on motorcycles and scooters; an \$80 motor vehicle

registration fee for pensioners, war veterans and health care cardholders; a new payroll tax for apprentices and trainees who were previously exempt from payroll tax — this is a tax on people who are trying to develop skills to build our nation further; a super land tax on trusts; the unfair and cruel cap on multipurpose taxis for people with disabilities and frail age; Scoresby tolls — a massive broken promise by the Bracks Labor government; annual increases in fees, fines, taxes and charges.

Other new taxes and charges include the new electronic gaming machine levies; the 100 per cent increase in brown coal royalties, which are expected to be reflected in increased electricity prices; the massive increase in forestry royalties; and the development taxes including the \$10 000 per block infrastructure tax and the VicUrban development levy. So there are 14 new taxes and charges. On top of those we have seen stamp duty go up from \$1 billion to \$2.4 billion during the term of this government, the land tax take double and payroll tax go up significantly. This is a high-taxing government that is hurting the Victorian economy.

The matter of public importance also refers to building approvals. The *Warrnambool Standard* of 10 August states:

Building activity slumped by more than \$42 million across the south-west last financial year as the region's boom eased, new statistics show.

Warrnambool, Moyne and Southern Grampian shires experienced the biggest declines — a combined \$35 million less in 2005–06 than the previous financial year.

It is any wonder that we have a situation where this government is sending Victoria back into debt, something that we never thought a Labor government would ever be game to do again.

The MPI also refers to population changes. The Treasurer, when he was the Leader of the Opposition, said this about interstate migration in May 1994:

The only thing on the move in Victoria is interstate migration ... They are travelling north because they know those states offer better opportunities and better conditions.

In May 2002 he said you have to get good financial management to get positive interstate migration. In June 2003 he said:

People from all around Australia are moving to Victoria because it is the place to be.

The Treasurer is saying that interstate migration is a good indicator of whether or not you have good financial management, and that is the conclusion we can draw. The Department of Sustainability and

Environment (DSE) report of March this year indicates the total flow of moves in and moves out. It states:

Victoria recorded a net loss of 2354 people in 2004–05.

The Australian Bureau of Statistics web site for the 2005 calendar year shows that Victoria had net interstate migration of minus 2900 — so we have net migration out of Victoria. The Treasurer says that is the best indicator of whether Victoria is the place to be and whether we have good financial management. The figures from the DSE and the ABS show that more people are leaving Victoria than are coming to Victoria. Those people are making a judgment that the rules and regulations under this high-taxing and high-spending government are killing the Victorian economy and that while the rest of Australia is going forward, Victoria is not keeping pace.

I always like to be positive when I speak in this house; I like to put forward some things for the government to do. In the couple of minutes I have left I would like to raise an important issue which I think the government should take up and which would really boost the economy of this state. I suggest that the government immediately announce its support for the expansion of the Portland Aluminium and Point Henry smelters. Alcoa Australia is looking to invest billions of dollars and create thousands of jobs in Geelong and Portland by expanding its smelters. It has been in negotiations with the Bracks government for some time, yet the government is delaying this announcement, delaying its commitment to the development and jeopardising an enormous economic opportunity for Victoria and Australia.

I refer to an article in the *Australian Financial Review* of 14 November 2005, which states:

Mr Theophanous told an International Chamber of Commerce lunch in Melbourne last Tuesday that the government wanted Alcoa's aluminium production to expand. The project would increase Victoria's exports and create an estimated 1500 jobs in the construction phase and 200 in production.

The Minister for Energy Industries also said that the most likely source of the power to generate this expansion would be brown coal. The article further states:

The Alcoa issue is now before a powerful cabinet subcommittee of Mr Theophanous, Treasurer John Brumby and environment minister John Thwaites.

If the Treasurer wants to do something positive for the Victorian economy, which is lagging behind when compared to other states, he should immediately announce the government's support for the expansion

and building of the third potline at Portland Aluminium, the expansion of Point Henry and the building of a new coal-fired power station to generate the electricity for those projects in the Latrobe Valley, which would create jobs and provide an economic boost for the Latrobe Valley, Geelong and south-west Victoria. It is a positive project that the government should take up, rather than all the political rhetoric it goes on with. I urge the government to do it.

I make one more comment in the 40 seconds I have left. The government should stop the economic vandalism that it is wreaking across country Victoria. It should immediately stop its proposal to put toxic waste in the Sunraysia, which threatens our clean, green image and threatens Victorian exports, and it should stop ripping water off farmers to take to Ballarat over the Divide, a ludicrous project that will cost millions of dollars and jeopardise \$8 billion worth of food production in the Goulburn Valley.

They are the things that the government should stop. It should be positive about aluminium smelter production — —

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

Ms BUCHANAN (Hastings) — I am certainly very proud to contribute to the debate on this matter of public importance (MPI). I take up one point though: the most positive thing you could do for the Victorian economy would be to allow the Bracks government to continue with its sound and responsible financial and economic management of this state come the election in November.

I have listened with great interest to the contributions from both sides of the house during this debate. The one thing I have not heard from the opposition parties is about how their historic economic management destroyed the social fabric of many towns around Victoria — and that is a fact. It is important to note, when we contrast the sound financial management undertaken by this government in the last seven years with the economic management in the seven years beforehand and look at the feeble policies — and I use that term very loosely — put up by the Liberal Party in the run-up to the election campaign, that there is nothing to indicate that the Liberals will not revert to type, go back to the way they managed the state during the 1990s and again destroy the social fabric of this state.

I would like to talk about this MPI in the context of the interface areas, and the Hastings electorate is one, and

how this government's good, sound economic policies and initiatives have turned electorates like Hastings around, changing them from areas that were much neglected because of no infrastructure investment, crippling cuts to services or no support whatsoever for struggling small or medium-sized businesses into areas that are now, in many respects, thriving.

I would like to give members a textbook-case example of how these toenail towns are now thriving under this government. I want to highlight how the policies of this government have reinvigorated economic confidence and have boosted support to growing businesses in so many ways to again make an area within the Hastings electorate as an interface region one of the greatest places to live, work, invest and raise a family.

I want to talk about the townships of Balnarring, Langwarrin and Hastings, because during the Liberal years of the 1990s they were turned into ghost towns. There was no economic growth in those towns. Families had to commute to other regions for employment. Starting your own business was not viable. There was no support to enterprising people to go into small business. There was no market after the Liberal government sacked councils, forced amalgamations, introduced compulsory competitive tendering and ensured that only big corporations and, in many respects, mates of government at that stage could tender, thus cutting out vital local businesses.

No-one on the other side of this house during this debate talked about opportunities for the future of our youth. It is a disgrace that no mention was made of them at all. More than anything, that highlights the difference between the Labor government and the opposition at this stage — they left local and, even more importantly, young residents with no future job prospects in their areas.

The Liberal Party, when it was in government, brought many interface companies to their knees and did not give a damn about the future hopes of residents or businesses in the area. To add insult to injury, schools in the Hastings electorate were neglected. Any pleas for urgent upgrades were met with indifferent silence. The site of the current Mount Erin Secondary College, for example, was earmarked for sale, and it was only through the resilience of people that this government, when it came to power, determined it would put a school on that site.

Community safety was ignored. Do members remember the promise of the Liberal Party that it would increase police numbers? Instead it actually reduced police numbers by 1000. That did not do much to

increase the confidence of people at that time in community safety. Its promises never materialised, which was disgraceful.

The roads across the Hastings electorate got worse and worse. Add to this the additional regulatory burden from the introduction of the goods and services tax — the lovely old GST — to business, and to all the taxes imposed on them by the previous Liberal government, and you had a recipe for economic disaster and economic stagnation during that period. I was a Centrelink manager during that period and saw daily and first hand the impact this had on the number of people walking through the door with no sense of hope and no sense of future in anything they were doing.

That was certainly a time of fudging data, too, in terms of the unemployment records, particularly in relation to youth unemployment in the area. We had the introduction of the family tax payments during that time, courtesy of the Prime Minister, which was a nightmare for small businesses and contractors to access. If they did get through the barrage of paperwork, they invariably incurred massive overpayments through no intentional fault of their own — an occurrence, unfortunately, which is still too high today. I do not see anybody from the opposition going out there and standing up for small businesses and families, saying, 'Let's get the family tax payment system sorted through'. They are absolutely silent on that issue.

I think it reflects that policy. They will give with one hand and they will take away double with the other. That basically sums up the Liberal Party in Victoria — those people in Baillieu land — to a tee. Their economic policies provided no future for businesses in the interface regions to grow or prosper, and they still do not.

Thankfully this disastrous trend was reversed when the Bracks government was elected in 1999. At this stage I want to also talk about the resilience of communities across the Hastings electorate that stuck in there during that time. We saw incredible numbers of people leave the area — they had no choice, they were forced to — but they have come back into the area and back to their home towns in droves since that time, because we put massive investment into commercial infrastructure. We invested massively in support of small business enterprises, we cut many taxes affecting the operation of small businesses that impacted so much on vital aspects in terms of cash flow, and, equally importantly, we started listening to businesses — something the opposition did not do when it was in government. It ignored them. This was so important for the interface

areas such as the Hastings electorate where the majority of many home-based businesses were based or located.

One of the classic examples of how this government has turned interface areas around is the Regional Infrastructure Development Fund and the extension of natural gas into areas like Balnarring. We have seen an incredible economic upturn in that area, not to mention the environmental opportunities provided through having natural gas supplies instead of other sources of energy being used in that township. It has allowed business to thrive in relation to the many business activities that revolve around using natural gas as well.

We could talk about the better public transport investment that we have put into the area. The Liberals, when they were in government previously, were going to close down the Stony Point train line, which would have left people who were unable to drive cars in the area stuck in towns without any hope of employment locally. Things were stagnating, but again community resilience and lobbying forced the government to not close down this line. Unfortunately, though, it meant that many other lines across the area that went into rural areas were closed down. We know the impact of that, and that is why we reopened it as soon as we got into government.

I want to talk about business confidence. I could go on for another 10 hours and talk about how many businesses have invested in this state, but I will mention just a few. How about Basslink, with a \$780 million investment here in Victoria; Computershare, with a 1200-job investment in Victoria; Ford Motor Company, with a \$1.8 billion investment in Victoria; Gandel, with a \$200 million investment in Victoria; Holden, with a \$700 million investment in Victoria; Iluka, with \$270 million being invested in Victoria; Origin Energy, with \$1 billion invested in the gas-fired power station at Mortlake in Victoria; and Qantas Airways, Woodside Energy and Woolworths. These are big corporations. They see that we have the AAA rating. They see what we have done in the last seven years in boosting confidence in this state. If they did not like what they saw, they would not invest here; it is as simple as that.

This matter of public importance is important in many respects, because it has given many people the opportunity to see the difference between the policies of the past Liberal-National government and the policies of the Labor government. They can see very clearly that we are focused on providing economic opportunities to enhance opportunities for every Victorian across the state and forever will do so, because we care about the people who live in this state — as opposed to the

opposition, which again really does not give a damn. I support this matter of public importance.

The ACTING SPEAKER (Mr Savage) — Order! The time allocated for discussing matters of public importance has now expired.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget outcomes 2004–05

Ms ASHER (Brighton) — I wish to make a few comments about the Public Accounts and Estimates Committee report on the 2004–05 budget outcomes tabled in April 2006. As always, I have to thank this Labor-dominated committee for providing the opposition with very good material on the shortcomings of Labor's administration of major projects.

Today I would like to refer honourable members to page 271 of this report. This section covers the report on the Docklands Film and Television Studios — a particularly topical matter given that the Auditor-General has also recently made very disparaging comments about the way the government has financially managed this project. At page 271 the Public Accounts and Estimates Committee wrote:

... the department has advised the committee that the market for attracting productions is more difficult than several years ago.

The source of that comment was the Department of Innovation, Industry and Regional Development's (DIIRD) response to the committee's 2004–05 budget outcomes questionnaire received on 22 December 2005.

The problem with that statement is that the government was in fact told that this was a difficult venture in terms of its projection before the decision was made to invest vast amounts of taxpayers money in, of all things, a film studio, which will revert to taxpayer ownership if the financials do not stack up, and again the Auditor-General has made reference to this in his report recently tabled in this place.

The Public Accounts and Estimates Committee took further evidence from the department advising that — and again this was reported in the annual report of DIIRD the previous year — the government had gone guarantor, in effect, for a \$14.5 million debt facility on top of the taxpayers money previously given to this project. The Public Accounts and Estimates Committee further reported:

The department further advised that the state has in effect become guarantor for the new bank loan as 'the state will have the option to pay out, or take over, the \$14.5 million debt facility in the extreme event of default by MCCA'.

The committee then went on to detail what the minister had advised it were the new contractual arrangements and the new key performance indicators (KPIs). I have to say, looking at the KPIs the government now has, that I am not so sure these will be met either. I make the observation that the government was advised internally by its own departmental officers that the target of \$100 million in additional film production in Victoria was always going to be — I think 'bullish' was the word that was used — unrealistic.

The committee, I suspect, knows that the financials of this film studio do not stack up, because in recommendation 60 — bear in mind that this committee has a majority of Labor Party members — the committee proposed that:

The Auditor-General conduct a review of the new contract arrangements covering the upgrade of the Docklands film and television studios to determine if they represent good value to the state and whether any additional risks have been adequately addressed.

The Auditor-General has done this and has found that instead of having a \$100 million spend on additional Victorian productions as a consequence, as the government claimed would happen, we have had a \$54 million additional spend in 2004–05, so the government's calculations were shonky in the first instance. As I said, I find it interesting that a Labor-dominated parliamentary committee would, instead of endorsing what the government had done with these studios, simply refer the matter to the Auditor-General. The Auditor-General also found that:

The level of support provided by the state to the studios has increased significantly since 2002.

He went on to itemise the state guarantee of the new \$14.5 million loan, the deferral of the repayment of the state's loan for a further two years, the deferral of lease payments for another two years and the deferral of the start of construction of a commercial development that the government said would happen. I have already referred to the fact that the government then funded the building of a security fence and is now charging what the Auditor-General described as a:

... peppercorn rent for the use of certain Crown land and transfer of title of a warehouse on that land to the developer.

We see that the committee has clearly expressed its reservations about the initial projections for the Docklands film and television studios — of all the

things for a government to invest in, this is a state-sponsored film studio — and more importantly the Auditor-General has now said there is a massive exposure for the taxpayer on this project.

Environment and Natural Resources Committee: energy services industry

Ms LINDELL (Carrum) — I would like to make some comments on the Environment and Natural Resources Committee's inquiry into the energy services industry and in particular on chapter 7 of the committee's report, which is entitled 'Mechanisms to promote the uptake of energy efficient products and services'. The recommendations in this chapter are predominantly based upon evidence provided to the committee.

I will talk about the demand-side response. The committee was told by Energy Response, which is a demand-side response company, that it can potentially play an important role in controlling peak-load demand for electricity. Peak-load electricity is a very expensive form of electricity, and the cost to consumers is great. The committee took some evidence in New South Wales that showed that people with airconditioners are subsidised up to an amount of \$85 to \$300 a year, depending on the temperatures in summer. In other words, owners of airconditioners have that subsidy paid to them indirectly by people who do not have airconditioners simply because of the increased cost of generating the electricity needed to cover the increasing demand for airconditioning.

The committee noted that the National Electricity Market Management Company has entered into a demand-side response contract that will provide approximately one-third of the electricity network's reserve capacity for Victoria and South Australia over the summer of 2006–07. The committee's recommendation 17 is:

That the Victorian government investigates costs and benefits associated with the participation of government agencies in demand-side response programs.

The nature of such demand-side responses is about moving to off-peak electricity use things that can occur overnight without disruption to normal business. Moving the use of that electricity to off-peak periods means that during peak times, especially on hot summer afternoons, demand is lowered so that all our airconditioners can continue to work and our general enjoyment of life can be maintained without the burden of increasing electricity generation being foisted onto the entire community.

There were a number of other recommendations. Recommendation 20 says:

That the Victorian government, through its involvement in the national framework for energy efficiency, continues to conduct investigations into the development of a national energy efficiency target.

This is most important. We all know that we must decrease our use of electricity, especially in Australia, where electricity is mainly produced from coal, with the consequent greenhouse gas emissions. In the fight against climate change our electricity use must decrease. It is estimated that the largest part of achieving reductions in energy use is enacting energy efficiency measures. A national target would go a long way towards enacting the easiest form of saving electricity — that is, using it efficiently and wisely.

The other recommendation I would like to make some brief comment on is recommendation 21 — that is, that the Victorian government establish an energy efficiency commitment for energy retailers in Victoria following the model employed in the United States.

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

**Drugs and Crime Prevention Committee:
misuse/abuse of benzodiazepines and other
forms of pharmaceutical drugs**

Mr COOPER (Mornington) — My comments today are about the interim report of the Drugs and Crime Prevention Committee inquiry into the misuse and abuse of benzodiazepines and other pharmaceutical drugs.

Time prevented the committee from doing a full, in-depth inquiry on this major issue. However, the results of the work that has been done and which is detailed in this interim report will shock those who are prepared to read the 312 pages of information and evidence. The misuse and abuse of prescription drugs is widespread, and it is a major scandal that needs to be urgently addressed by all Australian governments. Hopefully this report will lead to Victoria showing the way for much-needed national action and reform.

While there is relatively easy access to prescription drugs over the Internet and through illegitimate sources, in the main the abuse of prescription drugs is occurring because of the hopelessly inadequate controls and safeguards of those who prescribe and those who dispense these drugs. The committee found that many doctors and most pharmacists recognise there is an

enormous problem, but they have not been provided with the essential tools to deal with the issue.

That is the situation that must be rectified. There are countless thousands of people throughout Australia who are addicted to prescription drugs, and those addicts are not only damaging themselves, they are also damaging the economy and restricting the availability of vital and, in many cases, lifesaving new drugs for genuinely ill people.

There is a solution to deal with doctor shopping, which allows addicts to accumulate large quantities of prescription drugs, and no government with a conscience would ignore implementing that solution. While it will be costly to put in place, the price that we pay for failing to confront this issue is even greater.

The committee wants to make it quite clear that it acknowledges the benefits of pharmaceutical drugs, but it also wants to stress that the evidence that it received shows that many people can be and are being badly harmed by the misuse and abuse of these drugs. Sadly most of society fails to recognise that those who misuse legal pharmaceuticals are drug addicts and that the damage they are doing to themselves and to the general community is just as harmful as the damage done by people addicted to illegal substances such as heroin, amphetamines and cannabis.

Drug addicts are not always recognisable by the easy stereotype of the dirty, unkempt individual lurking down a laneway with a hypodermic syringe in one hand and an illegal drug in the other. Just as often a drug addict is a well-educated and well-dressed individual with a good job but who is hopelessly hooked on a legal prescription drug. In many cases they are the silent and unacknowledged victims of a faulty system.

This report results from the excellent work of the committee staff led by its executive officer, Ms Sandy Cook. She has always been a tireless source of inspiration to the committee members and her staff. The committee is also indebted to the continual great work done by its senior legal research officer, Pete Johnston. He and Sandy Cook are towers of strength who create great results. They and the committee are admirably backed by our office manager, Michelle Summerhill.

Many people came forward to provide the committee with the benefit of their knowledge on this issue, and I want to express my sincere appreciation to them all. In particular I want to thank two very courageous women who stood up to be counted and gave a human face to the tragedy of those who become addicted to prescription drugs. They are named in the report as

Mary and Anne, but their real identities have been protected. They gave the committee a genuine insight into the half world of the addict, and while both of them are no longer taking the drugs that damaged them, they are both still fighting their addictions. Their willingness to speak so frankly to us added significantly to the knowledge of the committee. May their lives be blessed with good health and happiness from here on.

Finally I thank my fellow committee members for the work they have done. In particular I thank the chairman, an honourable member for Monash Province in the other place, Johan Scheffer. He has always acted with courtesy and genuine bipartisanship, and he has provided exceptional intellectual input into the important work of this committee. It has been a pleasure to work with him as his deputy chairman, and it has been a pleasure to work with all the other members of the committee as well.

It has been an honour and pleasure for me to serve on this committee over the last six years, and I look forward to seeing the Drugs and Crime Prevention Committee continue its important role within this Parliament for many years to come.

**Drugs and Crime Prevention Committee:
misuse/abuse of benzodiazepines and other
forms of pharmaceutical drugs**

Dr SYKES (Benalla) — I rise to speak on the inquiry into the misuse and abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria. I would like to comment on and acknowledge the leadership provided by the chairman, a member for Monash Province in the other place, Johan Scheffer, as the member for Mornington did, and also to compliment the member for Mornington on his leadership.

As the member for Mornington said, we were supported by excellent staff led by Sandy Cook, with Pete Johnston and Michelle Summerhill and the consultants from the National Drug Research Institute and Curtin University doing a very good job in a short span of time.

The drugs we cover in this report are benzodiazepines, which are depressant drugs referred to as hypnotic sedatives or tranquilisers and commonly used to treat stress, anxiety, pain disorders and sleeping disorders. They are also sometimes used in the treatment of alcohol dependence. Commonly known drugs include Serepax, Mogadon and Lexotan. There are also narcotic analgesics, which are depressant drugs used in pain management and sometimes in the treatment of opioid

dependence. Examples of these drugs include morphine, codeine, methadone and pethidine.

A number of issues came up in the initial report, and given the complexity of the subject matter, the recommendation in the report is that these issues need to be picked up in the next Parliament. I certainly endorse that. Key points include the fact that many drugs used correctly offer wonderful benefits, but if misused and abused, they can lead to addiction and psychotic disorders and, importantly, the ruination of the lives of the users and those close to them.

Another issue is the common belief that if drugs are available legally via prescription, their use, or implied abuse, is not a problem. This applies also to alcohol. A previous report by the committee identified that the health impacts of alcohol abuse exceed the health impacts of illicit drug abuse. There is also the issue of the broad availability of prescription drugs legally and illegally on the Internet. In relation to the Internet, there is also the issue that a large amount of information is available, and it is difficult to discern the accuracy and correctness of that information.

Doctor shopping has been touched on by the member for Mornington, and a major problem with that is the absence of an effective monitoring system for prescription medicines and, at times, the lack of ability among doctors to detect high-risk people who are prone to doctor shopping.

The role of pharmaceutical companies was touched on. One of the aspects of that is the need for the pharmaceutical companies to continue to be part of an education process to advise of the benefits but also to warn of the problems associated with pharmaceutical drugs. There is also a challenge for pharmaceutical companies to invest heavily in product formulation changes to make product misuse less dangerous or more difficult to occur.

The other issue of concern to me involves the regulations, policies and guidelines for the professions involved in the use and dispensing of these drugs, including doctors, nurses and pharmacists, and the review of the scheduling. I draw on my veterinary experience to point out that over the years we have had a toughening up on the availability of the drugs that are very useful in protecting the health and wellbeing of animals, but the progressive toughening up of the regulations has put at risk the effective treatment of these animals. We could end up with a well-intended and improved scheme to manage or control the problem, but it may have the unintended consequences of increasing the pain and suffering of animals. My plea

in relation to any changes in regulation and tighter scheduling is that the downside impacts of tougher regulations be thoroughly thought through so that we do not create more problems than we solve.

I hope the Drugs and Crime Prevention Committee continues into the 56th Parliament and continues to carry out its investigations into this important area, building on the other inquiries that we have successfully completed, including the amphetamines and party drugs inquiry and also the inquiry into the harmful effects of alcohol. It is very clear that the abuse of licit drugs and alcohol can be equally detrimental to the users' health and wellbeing and to the lives of the people close to them. I am grateful for the opportunity of participating in this investigation.

Economic Development Committee: standardbred breeding industry

Mr ROBINSON (Mitcham) — I would like to spend a few minutes this afternoon talking about the Economic Development Committee's second report on its inquiry into the viability of the Victorian thoroughbred and standardbred breeding industries.

I will start by congratulating all members of the committee, not just for their work on this report but for the bipartisan manner in which they have done their committee work in this Parliament. The committee has been actively supported by the diligent work of a number of staff members including Russell Solomon, Andrea Agosta, Frances Essaber, Jonathon Gurry, Kirsten Newitt and more recently, Mary Pink. I want to acknowledge their tremendous support to us over the course of this Parliament.

The reports on the thoroughbred and standardbred breeding industries were undertaken by a subcommittee of the full committee that consisted of Mr Pullen and Mr Bowden, both from the other place, and me and the member for Lowan from this house. I might take this opportunity to extend — and I am sure I would be joined by other members — to the member for Lowan and to his sister, the member for Northcote who is the Minister for the Arts, my sincere condolences on the unexpected and recent passing of their mother. I am sure it has been a great shock to them. They are very much in our thoughts. It seems that wherever we went in western Victoria, we ran into a relative of the Delahunty family — such is their involvement over many years in the racing and breeding industry.

The second committee report studied a number of aspects of the breeding industry and tended to focus more on the standardbred side of the issue. We made a

number of recommendations which reflected the committee's thinking about ways the industry can be strengthened. There are a number of challenges that these industries face. In the case of thoroughbreds, unlike other forms of livestock, horse breeding when done through the natural means is a particularly fickle process. It has a much lower success rate than the reproduction of other forms of livestock. In addition, the standardbred industry has a particular disadvantage in a sense because it is disproportionately based in rural Victoria. Therefore it is more exposed to climatic conditions, particularly drought, which has the effect of very quickly impacting on the number of horses which are bred every year.

The committee made a number of recommendations about how the impact of drought might be lessened through a reconsideration of the way the exceptional circumstances of drought relief applies to horse breeders. We received evidence that they appear to be in a twilight zone in which they are not recognised as readily as other people on the land as primary producers. We have made recommendations about that. In addition, we also made recommendations about some further research being done to promote drought-tolerant grass types which might be of assistance or benefit and have particular application to people in the breeding industry.

The committee was also conscious of recent changes to the tax system in New Zealand and to the depreciation rates for horses involved in the thoroughbred and standardbred breeding industries. The committee is firmly of the view that these changes have opened up a disparity in tax treatment across the Tasman Sea, which needs to be addressed at a federal level in Australia lest the disparity leads to a leakage of investment from Australia into New Zealand. There has been a history of investment in the thoroughbred and standardbred breeding industries when disparities have opened up.

The committee also made recommendations regarding insurance providers. It would appear that not all insurance providers in the world of horses are applying the appropriate stamp duty rates to their policies. This failure has the effect of distorting the market and disadvantages those insurers who comply with the relative stamp duty laws across Australia.

Finally, the committee made a recommendation that the racing industry across the country needs to set itself an objective of \$5 million in research funding per annum. We did that because we have a concern that the current levels of investment in equine research are very poor. The Economic Development Committee is a great

committee, and I commend it for its work on this report.

Outer Suburban/Interface Services and Development Committee: building new communities

Ms BUCHANAN (Hastings) — I am pleased to give a brief contribution on a committee report by the Outer Suburban/Interface Services and Development Committee, which was a fantastic group of MPs. The committee demonstrated good bipartisan activity during the whole of the report.

I begin by thanking the outstanding executive officer, Sean Coley; the research officer, Keir Delaney; and the office manager, Natalie-Mai Holmes, for their fantastic support, their research, their work and their commitment which is above and beyond the call of duty in relation to the inquiry into building new communities. As you can imagine, this was quite a complex and comprehensive area to cover.

One of the areas that I want to talk about quickly was the aspect of engaging communities. I want to highlight to members of the house five specific recommendations. I will go through them very quickly:

Recommendation 3.1:

The committee recommends the Victorian government undertake an audit of community engagement practices across the public sector —

and look at:

... opportunities for expertise to be shared across organisations.

Recommendation 3.2:

The committee recommends the Victorian government promote awareness of community engagement principles, planning and evaluation across state and local government through training and skills development.

Recommendation 3.3:

The committee recommends the Victorian government commission research into the financial costs of community engagement techniques, with a view to providing practical guidance to local governments, organisations and individuals.

Recommendation 3.4:

The committee recommends the Victorian government establish a high-profile annual awards system, open to both state and local government, in order to showcase and reward best practice examples of community engagement.

...

Recommendation 4.5:

The committee further recommends the Department for Victorian Communities examine the suitability of establishing a network of skilled and experienced advisers able to provide expert advice and guidance to local community strengthening projects.

We approached this issue of community engagement with a very salient quote. The quote is from S. Coleman:

The problem faced by contemporary democracy is horribly simple: governments have come to believe that the public don't know how to speak; the public has come to believe that governments don't know how to listen. Faced with apparently apathetic citizens, the political class complains about the difficulty of governing in a vacuum. Convinced that the political class is not interested in them, the public is increasingly pursuing a conversation in which politicians are outsiders.

These recommendations were formed after travelling across the length and breadth of Victoria, particularly the peri-urban local government areas, and speaking with an incredible range of community groups, community houses and support groups across the whole of the interface region. These were recommendations that we formed after listening to the feedback of many of these organisations in terms of how to better and more efficiently engage all levels of government and ensure that the issues from the coalface are translated into policy and legislation at all levels of government. That starts with both local and state governments and goes up to federal government as well.

The recommendations look at the opportunities to reward good cases of community engagement, but they also provide for an avenue of identifying where there have been very ineffective community engagement practices, so that we learn by the mistakes. It is important we get the feedback from communities about mistakes they have experienced first hand in terms of community engagement. It is all about communication. It is about working collaboratively, it is about listening and it is about setting up an environment of trust and mutual understanding in relation to the principles of communication.

It has been a pleasure to be involved with the Outer Suburban/Interface Services and Development Committee. I want to take this opportunity to applaud the outstanding leadership shown by not only the chair, the member for Melton, but also the deputy chair, the member for Bass, who gave me an insight into a side of his character that we do not see in this house.

Mr Wells — The member has a soft side.

Ms BUCHANAN — I think he does have a soft side, but I think it is a matter of relativity in terms of how you define the word ‘soft’.

The committee has certainly looked at the opportunities for community strengthening and community engagement, building on the great communities which are thriving under this fantastic government and which it has continued to support. It has been a pleasure to work on the committee. If all goes well, I look forward to working with it in the 56th Parliament, which will be starting very soon.

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Extension of scope

Mr HULLS (Attorney-General) — I move:

That the scope of the Crimes (Sexual Offences) (Further Amendment) Bill be extended to enable consideration of amendments and new clauses regarding transitional arrangements in relation to the Crimes (Sexual Offences) Act 2006.

This motion, if passed, will make various technical amendments to provisions to the Crimes (Sexual Offences) Act able to be introduced. Those amendments will clarify the transitional provisions in respect of each reform in the Crimes (Sexual Offences) Act. The amendments will remove any possible doubt about when and how these provisions apply in Victoria in regard to avoiding potential appeals. Whilst the proposed house amendments are consistent with the objectives of the Crimes (Sexual offences) (Further Amendment) Bill, they relate to provisions of the Crimes (Sexual Offences) Act. For this reason the proposed house amendments will technically expand the scope of the bill before the house, and that is why this motion is required.

Mr McINTOSH (Kew) — I had notice of the details of the motion from the Attorney-General’s office this morning. I am very grateful for a full copy of those provisions. The opposition is scheduled to get a briefing in relation to the amendments. While the amendments appear to be quite substantial, they are probably technical in nature. We have not seen all of them. We are getting a briefing from the department this afternoon. I meant to communicate that to the Leader of The Nationals, and I will, if he wants to join us in relation to that briefing. Given the fact that the opposition will be supporting the bill, I have no opposition to this motion going forward.

Motion agreed to.

URBAN GROWTH BOUNDARY: AMENDMENTS

Mr HULLS (Minister for Planning) — I move:

That pursuant to section 40AH of the Planning and Environment Act 1987, the following four amendments to modify the urban growth boundary be ratified:

Frankston planning scheme — no. C35

Wyndham planning scheme — no. C71

Whittlesea planning scheme — nos C86, C91

I have recently approved four planning scheme amendments which, under section 46AH of the Planning and Environment Act, require ratification by both houses of Parliament. Three of these planning scheme amendments require minor modifications to the urban growth boundary, while the other allows land in a green wedge area to be subdivided into smaller lots than are currently allowed in the planning scheme.

Amendment C71 to the Wyndham planning scheme facilitates a marina complex with adjacent residential and commercial facilities at the southern end of Duncans Road, Werribee South. This planning scheme amendment does not affect the urban growth boundary. Parliamentary ratification of this amendment is required as the residential component of the amendment alters the controls over the subdivision of green wedge land to allow the land to be subdivided into more lots than are currently allowed under the planning scheme.

Members of the house should note for the record that this matter could not be dealt with as part of the changes that were made last year because the proposed planning scheme amendment and environmental impact processes had not been completed at that time. It was only after the consultation process was completed and the local council gave consideration to the independent panel findings that this matter could be put before the government for further consideration. I remind the house that there is currently no appropriately safe harbour facility between Williamstown and Geelong. It has been a long-held aspiration of residents in Melbourne’s west to see a safe boat harbour built in Werribee South.

Securing a marina facility at Werribee South has been the policy of both state governments and local councils over the past two decades. The site is identified for a boat harbour in the Victorian coastal strategy in Melbourne 2030 and also in the local planning scheme. The Werribee South site was first rezoned for a boat harbour way back in 1989, yet despite repeated efforts Wyndham council has not been able to attract a commercially viable project for the site. This proposal

has been subjected to a rigorous environmental impact assessment process. This assessment has confirmed that the project would have no significant effects on Port Phillip Bay or the adjoining land area. The proposal has gone through a full public exhibition process. It attracted some 145 submissions, 129 of which were in full support of the proposal.

The project has been thoroughly assessed by an independent panel, which strongly supported the proposal. The panel concluded that the proposal would deliver a range of recreational, social and economic benefits not only to the Wyndham community but overall to the state of Victoria. The panel said the development was an exciting concept which will provide a much-needed boating facility on the western side of Port Phillip Bay. The panel also concluded that the realignment of the current special use and green wedge zones was relatively minor and was strongly justified, with minimal detrimental long-term impacts for the area. The project has strong support among the local community, the Wyndham council, local businesses and boating and tourism groups.

Amendment C35 to the Frankston planning scheme applies to what is known as the Burdett's quarry site, which is about 101 hectares at Cranbourne-Frankston Road, Langwarrin. The amendment rezones the majority of the land from a special use zone 2, extractive industry, to a rural conservation zone. Members of this house should note for the record that this matter could not be dealt with as part of changes made last year because the proposed planning scheme amendment processes had not been completed at that time. Approximately 7.7 hectares of the site is currently zoned residential 1 and is within the urban growth boundary. This portion of the land contains native vegetation of state significance.

The amendment will allow a land swap, with the area of land containing significant native vegetation being rezoned to rural conservation zone and placed outside the urban growth boundary, while a similar-sized area of land will be rezoned from special use zone 2 to residential 1 and will be included within the urban growth boundary. This will ensure the protection and management of around 52 hectares of state significant vegetation. The limited residential development that is allowed as part of the rezoning arrangements will not compromise Melbourne 2030 green wedge and urban growth boundary principles. This proposal went through a full public exhibition process. There are no outstanding objections to it. The proposal enjoys strong support from both the local council and the Defenders of the South-East Green Wedge Inc.

There are two amendments that affect the Whittlesea planning scheme. The first, amendment C86, realigns the urban growth boundary to properly recognise that three small parcels of land — approximately 5.5 hectares in total — form part of the Plenty Gorge Regional Park. This amendment will alter the existing urban growth boundary so that it corresponds with the title boundaries.

The second amendment, C91, simply corrects a mapping error which arose at the time of gazetting the last urban growth boundary changes last November.

Mr Kotsiras interjected.

Mr HULLS — I will take up that interjection. The change that was gazetted last November established a new boundary between the urban area and the Quarry Hills Regional Park. However, the exact location of the urban growth boundary was plotted to an incorrect contour at the time and now needs to be corrected. Both these changes are technical corrections by nature but they need to be addressed to ensure the orderly planning and management of land in the Whittlesea corridor. Both changes have the support of the City of Whittlesea.

I will conclude by saying that the process we are engaged in today comes about as a result of the urban growth boundaries setting limits on urban development around the Melbourne metropolitan area. We believe that, together with the landmark green wedge legislation, these are important tools for the delivery of the Melbourne 2030 plan. Of course the legislation we have introduced means that any changes to the urban growth boundary have to be scrutinised by the Parliament.

In moving this motion I can inform the house that there has been a transparent process. Obviously there has been public consultation. Each of the amendments is supported by local councils and other stakeholders. I commend the motion to the house.

Mr THOMPSON (Sandringham) — There are four amendments to the Planning and Environment Act which require ratification in relation to the urban growth boundary. When he was addressing them I was interested in the comment by the Minister for Planning that the amendments were technical corrections by nature — I was wondering whether the contours of the landscape had changed or he meant they were technical corrections in nature.

One of the difficulties in taking up this brief to respond to the remarks of the Minister for Planning is the brevity of time since the briefing on the amendments,

which was provided this morning. The ability of the opposition to effectively scrutinise the material and be in a position to constructively respond has been limited.

Urban growth boundary issues are controversial, as are the green wedges that have been developed for Melbourne. It is important that as part of the planning process appropriate assurances and undertakings are given to ensure that the interests of Victorians are properly protected. These changes to the urban growth boundary and the green wedges occur at a time when the issue of planning is a matter of great controversy. This includes the Melbourne 2030 planning policy, which the opposition has strongly indicated it will withdraw upon its election to office. It is a policy which is unloved, unworkable and not accepted by many different sectors within Melbourne. My own area of Bayside has seen a separate interest or lobby group activated solely over the issue of planning as a consequence of the concerns of residents about the impact of 2030 on the amenity of Melbourne.

I note that the Frankston planning scheme amendment had as its interest the retention of significant remnant vegetation. In the Bayside area, which is in many ways a segment of the lungs of Melbourne, vegetation is a very important issue that is being eroded through the 2030 policies of the Bracks Labor government, the increased levels of density and the — —

The ACTING SPEAKER (Mr Savage) — Order! The time has arrived for the luncheon break. The member will have the call when this motion is again before the house.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Gaming: public lotteries licence

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer him to a media release from the Minister for Gaming in regard to the postponement of the government's public lotteries licence tender, in which he claims that the government 'will not compromise the highest standards of probity', and I ask: what are the undisclosed probity reasons for the failure of this tender?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The independent interdepartmental committee and the gaming authority have both advised the minister that more time is

required. We accept that advice, and more time will be given to make sure we have a proper and appropriate selection from those tenders.

Drought: government assistance

Ms OVERINGTON (Ballarat West) — My question is to the Premier. I refer the Premier to the government's commitment to doing all it can to assist regional Victoria during the current drought, and I ask him to detail for the house the most recent government initiatives that deliver on that commitment.

Mr BRACKS (Premier) — I thank the member for Ballarat West for her question. Victoria, as most members of this house would know, has experienced one of its worst and driest winters on record. We are just coming out of seven to eight years of extraordinarily dry periods across Victoria, and we are now heading into a further drought period. Whilst some optimism was occurring around autumn, that optimism has been dashed because during winter and the early weeks of spring we have seen some of the lowest rainfall periods on record. The greatest impact of these continuous dry spells and drought conditions has been on our farming communities, on our small towns and on the small regional centres right around Victoria.

Last week I was in Birchip alongside the Minister for State and Regional Development, who is also the Treasurer, and the Minister for Agriculture. The Minister for Community Services previously visited some of the drought-affected areas, as did the Minister for Water. I was pleased to announce at an early stage that we would be providing a further \$2.2 million for additional rural counsellors to assist and support families around Victoria in these very difficult times. We will also be providing additional support through the Department of Primary Industries for extension services that will provide one-to-one contact with farmers around Victoria to assist them with the decisions they need to make about stock and other matters during these drought conditions.

Twelve months ago we embarked on a process for exceptional circumstances (EC) declared areas — that is, areas declared to be drought-affected by the federal government on advice from the state and from local communities — that involves our contributing, over and above our obligations to the commonwealth contribution, a 50 per cent rate reduction by a grant to affected councils in those EC-declared areas. That has been enormously successful. We have spent about \$4 million in addition on that project. It was based on advice that came from the Shire of Buloke and the mayor at the time, Cr Reid Mather, who is currently

still the mayor. He said that for small councils that had fixed costs on rates but reducing revenue and increasing load repayments, one of the additional things a state government can do is look at rate relief and make sure it is provided in the period while we are waiting for recovery to occur.

Today I also announced, as a result of the work that our ministers have done, which I have been leading through our drought task force, a further \$8.3 million in assistance. This includes \$3 million for emergency bores and water supply networks, upgrading the existing system and drilling for new bores close to where farmers need them so that the cost of cartage can be reduced as a result. We will be allocating that \$3 million to assist with better information, more drilling and the location of water close to where it is required.

Today I have also allocated and announced a further \$5.3 million for domestic and stock water tanks in the Grampians Wimmera Mallee Water region. The money is for two 30 000-litre tanks, for which the government will be offering a subsidy of \$1500 per tank to assist in ensuring that, as water is carted, it is stored with less seepage and less evaporation by being stored on site. Of course the benefit of this is also long lasting, and that is because of the Wimmera–Mallee pipeline — the \$500 million project jointly funded by the state and commonwealth governments. Water tanks will be required for access from the pipeline, and that means that the investment happening now in drought-affected areas will also assist in the long term in accessing water from the Wimmera–Mallee pipeline itself.

We have also announced today — and the Deputy Premier and Minister for Water will amplify this further — that environmental flows which were designed for the Wimmera River will now not proceed and that that water will be kept for emergency use and also for firefighting, which is also required for the future.

Mr Cooper — On a point of order, Speaker, the Premier has now been speaking for close on 5 minutes. This is now the equivalent of a ministerial statement. The opposition invites the Premier to give the rest of his dissertation as a ministerial statement so that we can then debate this very important issue.

The SPEAKER — Order! The Premier has been speaking for some time now. I ask him to draw to a conclusion.

Mr BRACKS — I will draw to conclusion by saying that this is one of the driest periods that Victoria

has ever faced. It is in common with what is happening on the eastern seaboard of Australia and comes on the back of severe drought conditions over a number of years. It is not only the drought but also low water reserves which are a contribution to the problem, not just now but in the future. The ministerial drought task force will be not only announcing the matters that I have mentioned today in the house but also looking at projects to be brought forward for councils.

We are working with the small towns and regions. We had a meeting with the 38 affected councils today, and we are working in partnership with them to look at projects which can generate economic activity as well. This is a severe and ongoing issue and one that our government is prepared to tackle alongside councils, communities and our rural producers in Victoria.

Water: Latrobe Valley feasibility study

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to page 83 of the government's draft *Sustainable Water Strategy* — *Central Region*, and I quote:

In the long term West Gippsland may need to access additional urban water from the eastern water recycling proposal.

Will the minister detail to the house any plans by the government which would see Gippslanders, or indeed any Victorians, drinking water derived from recycled effluent?

Mr THWAITES (Minister for Water) — I am very happy to respond to the question asked by the Leader of The Nationals. As we pointed out in the draft strategy, the government is undertaking a feasibility study of the eastern water recycling plan. The government has not committed to that plan but believes it is important to determine whether it is the sort of project that we should be undertaking. Under that proposal power stations that currently use fresh water from those rivers would instead use recycled water from the eastern treatment plant. That then would free up around 130 billion litres of water a year that would be available to be taken from those rivers — that is, pure water. Just to be clear, the total amount of water used by the power stations is equivalent to about a quarter of all the water that Melbourne uses.

If this project were to go ahead, what would occur is that the power stations would use the recycled water and the freed-up river water would then be available partly for Melbourne but partly also for Gippsland, so this would be a major boost for Gippsland. The Nationals clearly want information, and I want to assist,

because I do not want any confusion about the proposal.

Last week The Nationals came out opposing the Gippsland water factory in their water policy. They said they opposed the water factory, then they had to back down on that — they had to do a complete backflip — and now they support it. I hope that they learn over time that if you do the work and look at proposals, you will not make mistakes like that.

Water: Wimmera-Mallee

Mr HELPER (Ripon) — I refer my question to the Minister for Water. I refer to the current drought in the Wimmera-Mallee region and the low water levels in the Wimmera-Mallee storages, and I ask what action the government is taking to increase the availability of water for emergencies.

Mr THWAITES (Minister for Water) — I thank the member for Ripon for his question and for his ongoing concern for his region. The current storage levels in the Grampians Wimmera Mallee Water reservoirs are about 7 per cent, or around 53 000 megalitres. The real impact, though, is on stream flow. From January to August just 16 000 megalitres of water flowed into the Wimmera storages. That can be compared to the long-term average for the same period of 238 000 megalitres, so we are getting only a mere fraction of average stream flows.

Given the current storage levels there is, under the bulk entitlements, an allocation of some 3000 megalitres for the Wimmera River as an environmental reserve. This would usually be released at this time of year, in August or September. It is worth noting that normally in a full season there would be around 40 gegalitres — 40 000 megalitres — of water for the environment, but with the low level of the reservoirs it has been specified at 3000. However, because of the extremely low stream flows, the government is concerned not only about this year but about future years, and particularly about emergencies that may arise. Such emergencies include bushfires and algal blooms, and we are already experiencing an incidence of algal blooms in the region.

The Premier, the Treasurer and the Minister for Agriculture all visited the region last week — and I did just prior to that — and met with the Grampians Wimmera Mallee Water authority and the catchment management authority. I would like to place on record my congratulations to the authorities, to the council and to the community, who are working together through what is an extremely tough time.

As a result of the consultation and advice that I have received, I have determined that this year the environmental flow should not be released but rather held in reserve for emergencies such as fire or algal blooms. Of course with the dry conditions we also have a much greater risk of fire this year, and that is a major concern to the government and to the community. It makes it appropriate that we keep an additional amount in reserve to assist with that effort, and if we need it, of course water will be available from the storages directly or could be accessed from mobile tankers or from standpipes. So this will give some additional assistance to that.

Today the Premier has also announced new initiatives, including \$3 million to fund extra emergency bores and water supplies, and that will also provide an additional access point for firefighting if it is required. We are moving on fuel reduction burning earlier than we have in the past because of the dry conditions. Subject to the weather we will be expanding that program and will be employing more project firefighters and employing them earlier. I am advised that today, subject to the weather, we are undertaking a fuel reduction burn at Mount Sturgeon.

In the medium and longer term we do have a very significant plan to boost security through the Wimmera–Mallee pipeline. That will provide a very major boost for the environment as well as for farms and towns, but in the short term with this very low inflow it is our view that it is appropriate to keep this small environmental reserve in reserve for emergencies.

Gaming: public lotteries licence

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Does the Premier agree with the claims by Tattersall's in its media release of 7 September that Tattersall's 'cannot be the subject of' any undisclosed probity concerns regarding the lotteries tender. If so, who is the subject of those concerns?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. I reject the imputation in the question. The reality is that the interdepartmental committee is advising the minister and the gaming authority. The gaming authority has said it is assessing the matter and would like more time to assess it. We accept that advice.

Water: irrigators

Mr HOWARD (Ballarat East) — My question is to the Minister for Agriculture. Will the minister advise the house of measures the government is taking to assist

drought-affected Coliban horticulture irrigators in Central Victoria and has the government considered any alternative policies?

Mr CAMERON (Minister for Agriculture) — Horticulture irrigators in the Coliban system, like the Harcourt apple growers, face a very hard year this year. That is a result of record low inflows and the extremely dry winter that we have experienced across Victoria this year.

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast will cease interjecting.

Mr CAMERON — This is a bit rich for a mob that two years ago wanted to totally drain Lake Eppalock.

The Department of Primary Industries will be holding workshops for people such as apple growers, other fruit tree growers and grapevine growers — —

Honourable members interjecting.

Mr CAMERON — Ms Lovell, a member for North Eastern Province in the other place, said it. The growers will examine the issues they have to confront in this particular drought situation. With climate change impacting on central Victoria there is a need for alternative water.

The house would be aware that we have water trading arrangements in this state, which means that water from the Goulburn Valley can be sold to horticulturalists in Mildura, or that water in the Sunraysia can be sold to people who grow peaches in the electorate of the honourable member for Swan Hill. The Premier and the Prime Minister have signed the national water initiative which envisages that this program will expand, but hopefully there will also be interlinking catchments. At the moment that does not occur in the Coliban system because it is self-contained.

Last year the Minister for Water released the water framework, which allowed Coliban Water to develop options that resulted in the super-pipe announcement this year to bring water from the Goulburn Valley to the Coliban system. That super-pipe plan was to build a pipe and buy water from willing sellers so that water could be transferred across into the Coliban system. Harcourt apple growers get their water from the Coliban reservoirs, which are near Malmsbury. Those reservoirs also provide water to Bendigo, because Bendigo cannot be dependent on Lake Eppalock at the present time. Coliban Water has flagged that there will probably be a zero water entitlement in its rural system,

although it has flagged that it hopes to use a small amount of water to keep permanent plantings alive.

Dr Napthine interjected.

Mr CAMERON — As the member for South-West Coast said, and I thank him very much, ‘To keep the apples alive’. If the super-pipe had not been announced and the planning had not been in place so that it could be built, without that certainty Coliban Water would have to ration water this year on the basis of water not coming into the system and that would mean the apple trees would have to die. We know there are alternative policies

Honourable members interjecting.

The SPEAKER — Order! If the Minister for Environment and the member for South-West Coast wish to discuss the matter at that level, I suggest they leave by the end door.

Mr CAMERON — We do know that there are very senior people in political life in this state who say that the super-pipe should be ditched. A proposition was put forward by the member for Rodney yesterday that water should not be allowed to leave the Goulburn Valley and go into this area, and there was also a proposition that the only water that should go into the super-pipe should come from water savings, even though no savings are available before the summer of 2007. An official of the Liberal Party, when asked about water savings today, said if that were the case, ‘We won’t bring water across to Bendigo. We will leave the Harcourt Valley to die — —

Mr Cooper — On a point of order, Speaker, the minister is now using the question as a vehicle to attack the opposition. That is contrary to your rulings, and I ask you to bring the minister back to answering the question and concentrating on government administration.

The SPEAKER — Order! I ask the minister to return to addressing his comments to Victorian government business.

Mr CAMERON — Certainly I apologise if that is the case. While the Liberals and The Nationals oppose the super-pipeline and oppose the water coming across, that would mean the end of the Harcourt Valley, and that is rejected by the government.

Dr Napthine — On a point of order, Speaker, I am happy to debate this issue anywhere any time, but the minister cannot continue to mislead the house on this issue.

The SPEAKER — Order! The member for South-West Coast continues to abuse the rules of the Parliament. I advise him that if he does so in future I will remove him from the chamber. The minister will address his comments to Victorian government business or I will sit him down.

Mr CAMERON — In conclusion, I can say for the Harcourt apple growers: thank God for the super-pipe.

Gaming: public lotteries licence

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given that probity process reasons have caused a restart of the lotteries tender, will the Premier explain why the St Kilda triangle tender has not been similarly affected, when government representatives have on several occasions given evidence that probity on this project would collapse if clear access to the site, which is still not available, had not been established by August 2006?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. In relation to the first part of his question, the reality is that the advice given to the minister is that this matter is ongoing and continuing, so the suggestion by the opposition leader is in fact wrong. In relation to the second part of the question, I understand that the St Kilda triangle matter is before the Victorian Civil and Administrative Tribunal, the independent umpire and the very body the opposition wants to rule out of the playing process altogether.

Rail: regional links

Mr HARDMAN (Seymour) — My question is to the Minister for Transport. I refer the minister to the government's commitment to making regional Victoria a great place to live, work and raise a family. I ask the minister to detail to the house how the new expanded V/Line timetable is delivering on that commitment.

Mr BATCHELOR (Minister for Transport) — If you cannot get a question up, we will give you one.

Mr Mulder interjected.

Mr BATCHELOR — I am told that you are not allowed to ask questions. Your questions are so hopeless that they have wiped you.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Transport will address his comments through the Chair.

Mr BATCHELOR — The Bracks government is committed to improving transport throughout regional Victoria. We are committed to improving public transport services right across our provincial towns.

Honourable members interjecting.

The SPEAKER — Order! The level of conversation is far too high. The minister has been asked a question, and I ask members to show him courtesy and enable him to answer it at a volume that can be heard.

Mr BATCHELOR — On Sunday, 3 September, we introduced a massive increase in regional rail services — an extra 40 per cent each week across country Victoria, each and every week, and on the weekends the level of service is almost double what we were previously providing. This is a massive increase, and it is part of our long-term program to completely revitalise rail in country Victoria.

We have brought in a new V/Line timetable as well as made significant changes to the Connex metropolitan timetable. I am advised that in the first week of operations the uptake of these regional services has been very impressive. More people are using the services, and they are thrilled with the quality — —

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr BATCHELOR — The people who are using our new services are absolutely thrilled, but they remember how the Liberal Party closed down railway lines right across country Victoria. They have never forgotten that. They understand that the return of services — —

Mr Mulder — On a point of order, Speaker, in line with your previous rulings the minister should return to government business and not use question time as a means of attacking the opposition — and maybe he should expand on his timetable, given — —

The SPEAKER — Order! The member for Polwarth should take matters in the house seriously and address points of order in a sensible manner. The Minister for Transport, to address his comments to Victorian government business.

Mr BATCHELOR — The new timetable ushers in an extra 401 services. This is some 4500 — —

Honourable members interjecting.

The SPEAKER — Order! The member for Pascoe Vale will cease interjecting in that manner, and I ask members on my left to do so accordingly.

Mr BATCHELOR — The new timetable ushers in an extra 401 services, and that translates to an extra 4500 seats across the network each and every week. The new timetable for Gippsland will deliver more trains on the weekend than the previous government delivered during the week. We are growing the regional rail network, we are not closing it down. We know that it is harder — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BATCHELOR — We know that it is harder to reopen rail lines than to close them down, as the previous government did. It is interesting to note in the *Age* today a quote from Mr Peter Gibson, the V/Line manager for these big projects out to the west. The article states:

He likened the fast-rail project to ‘renovating every room in your house at the same time while having all the family over for Christmas’.

The interesting thing to note is that Mr Gibson was the station master at Ararat when the Liberal Party closed down that train line.

Mr Smith interjected.

Mr BATCHELOR — He is the fish that John West rejects!

Honourable members interjecting.

The SPEAKER — Order! The minister will return to answering the question.

Mr BATCHELOR — That is a bit cryptic, Speaker, but if you read the *Portland Observer and Guardian*, you will understand that comment. I invite all members to read the *Portland Observer and Guardian*, and if they do, they will understand the comment about the fish that John West rejects and the problem that the Liberal Party is having when it brings shadows — —

The SPEAKER — Order! I think it would be an appropriate time for the minister to return to answering the question.

Mr BATCHELOR — Speaker, I was not attacking the Liberal Party in question time. It is the people in Portland — —

The SPEAKER — Order! The minister will address his comments to Victorian government business.

Mr BATCHELOR — Patronage across the V/Line network is growing, and it appears that the flagship services are being very heavily used. Clearly regional Victorians are voting with their feet and coming back to train services.

The *Age* today also reports that it is becoming easier to sell properties along the train line corridors. There is a lot more interest, particularly from Melbourne buyers, in purchasing properties that are close to the rail corridors, and that is true on all locations between the central business district and the end destinations. Our strategy was to revitalise regional rail. We want to provide a first-class service, and it appears that all the activity, all the investment and all the hard work that we have been undertaking in recent times are beginning to bear fruit. Alternative approaches that have been put forward, such as referring to country Victoria as the toenail of the state, stand — —

Mr Cooper — On a point of order, Speaker, even with several interruptions, the minister has now been speaking for in excess of 5 minutes. I ask you to sit him down.

The SPEAKER — Order! I ask the minister to conclude his answer.

Mr BATCHELOR — I am concluding, Speaker. We are providing the sort of commitment, the sort of investment and the sort of upgrade of services that country Victoria appreciates. It appears that country Victorians are reciprocating by using the services in ever greater numbers.

Hospitals: annual reports

Mrs SHARDEY (Caulfield) — My question is to the Minister for Health. Will the minister advise the house why her office has demanded that public hospitals submit draft annual reports to her office for political censorship to avoid embarrassment for the government in the lead-up to the November election?

Ms PIKE (Minister for Health) — The annual reports within our public hospitals have a very good story to tell. They tell the story of what kind of health service you can deliver when you increase funding by 83 per cent over seven years. They tell the story of what kind of services you can deliver to the community

when you hire nearly 7000 extra nurses. They tell the story of what kind of health service you can deliver when you invest in reform, when you are committed to innovation and when you look at the most appropriate ways you can treat patients in a whole variety of contexts. They tell a story of committed local committees of management that work closely with their local communities, that care about their communities and that work closely with the government.

Over the last seven years the government has committed tremendous additional resources, innovation and expertise to our health system, and that is recognised now by a number of significant national and international reports.

The annual reports that are produced by local committees of management are forwarded to the Auditor-General. When those annual reports have been dealt with by the Auditor-General, they come back to the Department of Human Services and are then tabled in this house. I must say that when they are tabled, people will recognise that our health system is in good financial shape. It has a lot of challenges but we are rising to meet those.

Rural and regional Victoria: small towns

Ms DUNCAN (Macedon) — My question is to the Minister for State and Regional Development. I refer the minister to the government’s commitment to making regional Victoria a great place to work, live and raise a family, and I ask the minister to detail for the house what the government is doing for small Victorian towns.

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Macedon for her question. We are determined to make provincial Victoria a great place to work, live, invest and raise a family.

This morning the Premier, the Minister for Agriculture and I had the pleasure of welcoming representatives of Victoria’s 38 rural and regional shires to the inaugural Small Towns Victoria summit. This is something that came out of the mayors summit that we had last year and which was announced in the provincial statement *Moving Forward* in November last year. Today we had all the 38 rural councils together. They have now formed an official group with the Municipal Association of Victoria (MAV), courtesy of funding support through the Bracks government. The Premier officially opened this inaugural meeting today.

As I said, the government is providing \$1.8 million to the MAV from the \$100 million Provincial Victoria Growth Fund. The initiative will do a number of things: firstly, it will support cross-regional and other projects, so there is funding with which the MAV can work directly with small shires to create new economic opportunities; and secondly, it will enable another round of initiatives to develop community enterprises in small towns.

There is a great story to tell about small towns in provincial Victoria. If you look at building approvals across the state, I have some figures here for south-west — —

Mr Mulder interjected.

Mr BRUMBY — This will be of interest to you in south-western Victoria — and I thank you for the interjection, because I happen to have some figures on your area.

In the shire of Corangamite, for the year ended October 1999, building approvals amounted to \$13.5 million; for the year ended June 2006 the figure was \$33.7 million. Two and a half times — that’s not bad! I thank the member for Polwarth very much for the interjection. What about the Colac Otway shire? The figures there were \$30 million and \$59 million. So it goes across the state, with 100 000 new jobs during the Bracks government compared with 40 000 during the Kennett government. All across the state we are seeing good population growth as well.

We have supported a lot of that through our Small Towns Development Fund, with \$23.7 million being made available for more than 280 projects. There have been a lot of comments made about the government’s performance in provincial Victoria. I have one here from the Warrnambool *Standard*, which I think could be described as an unbiased assessment of the performance of the government. I will read what this person says.

An honourable member interjected.

Mr BRUMBY — No, you will be interested in this quote:

There have been two new hospitals built in the electorate.

It goes on:

We’ve had aged care facilities upgraded, natural gas connected to Colac and —

about to be connected to —

Camperdown and new police stations built throughout the electorate.

This is an article headed 'Cheeseman' — he is the Labor candidate down there — 'to roll back Kennett cuts'. You might be excused for thinking that that was said by the Labor candidate, Darren Cheeseman. But do you know who made that glowing endorsement of the Bracks government? The member for Polwarth. Come on over!

Mr Batchelor interjected.

Mr BRUMBY — I am told he would come over here except he wants to be Deputy Leader of the Liberal Party. This is a regular job application, and we had one yesterday from the former leader. He wants to come and work; now the member for Polwarth wants to come and work, to sing the government's tune!

There is a serious point about this because the growth we have seen in this area stands in very stark contrast to the 1990s. During the 1990s in the electorate of Polwarth the following schools were closed: Dixie, Bookaar, Buckley, Chocelyn, Connewarre, Derrinallum, Gnotuk, Marcus Hill, Mortlake, Purrumbete South, Weerite, Yeodene, Carpendeit and Colac South West. They closed about one every month. The hospital closures included Mortlake and Lismore. I remember being in Lismore when they closed the hospital.

Mr Cooper — On a point of order, Speaker, the minister has now been speaking for well over 4 minutes. I suggest you bring him back to talking about government administration and ask him to conclude his answer.

The SPEAKER — Order! I ask the Minister for State and Regional Development to draw to a conclusion.

Mr BRUMBY — As I say, the inaugural meeting this morning with the small towns group was a very positive initiative which came from the rural shires and was agreed to by the government. We had the first meeting today, which was a very positive meeting, and I think it just goes to reinforce the transformation which has occurred in provincial Victoria compared with the 1990s. We are seeing growth; we are seeing a government that leads and listens. We are seeing strong population growth, which is in very stark contrast to the dim, dark toenails days of the 1990s.

URBAN GROWTH BOUNDARY: AMENDMENTS

Debate resumed.

Mr THOMPSON (Sandringham) — Before the luncheon adjournment I was making a number of comments in relation to the motion by the Minister for Planning. His motion was that:

Pursuant to section 46AH of the Planning and Environment Act 1987, the following four amendments to modify the urban growth boundary be ratified:

Frankston planning scheme — no. C35

Wyndham planning scheme — no. C71

Whittlesea planning scheme — nos C86, C91.

I made a number of remarks regarding the context of the amendments and the importance of the wider issues, being the urban growth boundary and the green wedge.

These are very significant issues for Victorians. The opposition only received its briefing at 9.00 a.m. today, just before Parliament commenced. Therefore, I desire to move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the house on 12 September 2006 until Tuesday, 3 October 2006, to enable all such amendments to be placed on public exhibition and all affected communities to be notified of the proposed changes and provided with an opportunity to comment'.

The reason for that is, as I indicated, that urban growth boundaries and green wedges are very significant to a number of stakeholder groups, and it is important that these matters be appropriately considered not only by members of Parliament but by other interest groups that may not necessarily have been directly involved in the processes in Frankston, Wyndham and Whittlesea.

Planning is a subject on which the people of Melbourne would now be developing a stronger view that the Bracks government is out of touch. If one reads the media of late and the comments in relation to Melbourne 2030, one can go from Mitcham to Northcote to Fitzroy and even to Richmond in the inner part of Melbourne where there is serious concern. It is interesting that the member for Richmond is opposing a particular proposal that would fall within the Bracks government's 2030 model. I understand that a public protest is imminent or has already been held in relation to the Richmond development, where a number of people have raised objections.

The other issues about planning across Melbourne include a view that scrutiny is being averted by the short time frame allowed for the consideration or ratification of legislation. We have had only a very short time to consider it, which is characteristic of an arrogant government that is not prepared to listen to the concerns of local communities as they raise issues regarding amenity and neighbourhood character and as they raise issues of importance to them in relation to the conservation of public open space and the importance of preserving neighbourhood character for future generations.

An example was reported in the press yesterday regarding 2030 being seen as a reversal of Labor's earlier planning position. An article written by Rachel Kleinman states:

Traditionally planning issues have inspired resident activism in Melbourne's inner suburbs — Fitzroy, Richmond, St Kilda, Camberwell. But, according to a branch of the Liberal Party, Melbourne 2030 has provoked outer suburbanites' anger too, and could increase the heat on marginal Labor seats such as Bayswater, Kilsyth and Mount Waverley.

There is no doubt, according to one of my colleagues in the other place, that Melbourne 2030 has increased anxiety about planning in the suburbs. It is impacting upon the livability of the city, it is impacting upon the choices people make and it is impacting upon the character of suburbs. The Minister for Planning's response is to suggest that he is 'sick of the ridiculous scaremongering'. I happily invite the minister to visit the Sandringham electorate in the next couple of months to defend the Melbourne 2030 proposals for the city of Bayside. There is strong angst, strong unrest and community disapproval of the impact of the Bracks Labor government's 2030 policy and the changes that are likely to be brought to bear on a neighbourhood and a community that likes the existing residential streetscapes.

Over a period of time an advocate in my electorate has expressed concern about the Elwoodisation of the local area. A key characteristic of the bayside area which local residents seek to protect is backyards, trees and low density development. Rachel Kleinman's article in the *Age* yesterday reported:

... Richmond residents are fighting Salta Properties' proposal for 10 and 7-storey towers opposite Victoria Gardens shopping centre and near the Yarra River.

The SPEAKER — Order! I remind the member for Sandringham that the motion refers to the urban growth boundary and the three planning schemes of Frankston, Wyndham and Whittlesea. Talking about planning

matters in Richmond may be wandering a little from the subject of the motion.

Mr THOMPSON — Thank you, Speaker. There is a correlation between the green wedge and the urban growth boundaries in the impact of those policies which are placing the member for Richmond under increased pressure in his electorate, and he — —

The SPEAKER — Order! I would like the member to move a little closer to the motion than Richmond.

Mr THOMPSON — The constituents of the Richmond electorate would like the planning minister and their local member to move a little closer to their aspirations.

The SPEAKER — Order! The member for Sandringham will address the motion before the house. If he wishes to discuss Richmond, he can do it in a members statement tomorrow.

Mr THOMPSON — The Liberal Party has a very clearly enunciated policy and strategy in relation to Melbourne 2030 — that is, it regards the policy as a dud. It will withdraw Melbourne 2030 and seek to redevelop the policy based upon retaining the aspiration for Melbourne to be the garden state once again. It will take into account local neighbourhood character, and it will take into account the opportunity for amenity to be preserved. It will be governed by a number of important principles which will determine the outcomes of planning — namely, respect for property rights, maximum use of existing infrastructure and shared responsibility for new infrastructure.

One of the key elements that pertains to many areas of Melbourne is the maximum provision of open space and sustainability. It also supports retention of green wedges as sustainable breaks between urban developments. They are the guiding principles which will govern it. It also includes the range of issues that would be strongly advocated by the Liberal Party as a new framework is prepared, so it will not lead to the issues of controversy that have occurred in wider parts of Melbourne.

The motion that we have moved asks this house to refuse to consider the ratification of the planning scheme amendments to modify the urban growth boundary in order to enable all such amendments to be placed on public exhibition and all affected communities to be notified of the proposed changes and provided with an opportunity to comment.

One of the amendments concerns the Frankston planning scheme. This particular amendment rezones

7.7 hectares of the land adjacent to Potts Road and 8.8 hectares of the land adjacent to Cranbourne-Frankston Road. It rezones the balance of the land from an extractive industry special use zone 2 to a rural conservation zone. It introduces and applies to part of the land a new schedule 4 of the rural conservation zone that specifies minimum subdivision sizes of 0.4 hectares. It also introduces and applies to the land a new schedule 7 of the development plan overlay that specifies that certain requirements are to be met, including the transfer of remnant bushland to the Crown.

The schedule also details requirements in relation to low-density residential lots, including that no more than 25 lots may be created within the cleared area that is proposed to be rezoned as a rural conservation zone. It deletes the environmental significance overlay that applies to the land, as well as the development plan overlay. It introduces and applies to the land a new schedule to clause 52.17 that provides for the removal of a limited amount of vegetation. It also realigns the urban growth boundary to accord with the new zoning of the land.

I understand that planning is a very significant issue along the Mornington Peninsula and that as a result there is community angst and outrage in areas such as Mornington, which is regarded as part of the Melbourne 2030 precinct. Indeed government members have made statements that the Mornington Peninsula should be considered as part of metropolitan Melbourne. That is an outrageous proposition, certainly for those people who understand the peninsula and have elected to live there to enjoy the ambience of the area. They will strongly reject the remarks of Labor government members in arguing for the proposition that Melbourne 2030 should apply to areas like Mornington and other places further down the peninsula such as Hastings and, as I understand it, Rosebud. Pushing for high-rise developments at Rosebud of the scale and magnitude proposed by the part-time Minister for Planning is the height of arrogance and disregards the views of the members of the local community as to what they regard as a suitable amenity and environment in which to live and the heritage which they would like to pass on to their families.

The first planning scheme amendment is C35 and relates to Frankston, which is really the gateway to the peninsula. The object of the motion I moved earlier is to enable the planning scheme amendments, which modify the urban growth boundary, to be held over until Tuesday, 3 October, to enable them to be placed on public exhibition and to give all affected

communities the opportunity to examine the proposed changes and comment properly.

The next amendments I wish to turn to are those being made to the Whittlesea planning scheme. I understand they relate to some mapping errors. Again, I think it is very important that those amendments be available within the Parliament so that members have the opportunity to more carefully peruse them and consider their implications. There has been some conjecture as to the reasons for the amendments being made to the urban growth boundary. That includes speculation about which stakeholder interests might be said to benefit from the changes and which stakeholder interests might be said to be adversely affected. I am advised that Whittlesea planning scheme amendment 91 is a mapping area adjustment, but that is a matter which members of Parliament rightly deserve the opportunity to spend more time considering.

Amendment C86 affects a number of blocks of land, including 740C Bridge Inn Road, Doreen, which is a wonderful part of Victoria; 640 Bridge Inn Road, Mernda; and part of 115 Wilton Vale Road, South Morang. I am advised that it corrects an anomaly in the urban growth boundary within the Whittlesea planning scheme to exclude 5.5 hectares of land that is currently shown inside the urban growth boundary within the Plenty Gorge parklands. The amendment also rezones the portion of land between the title boundary and the former urban growth boundary for the above parcels of land so that they are in the same zones as the adjoining land — that is, the public park and recreation zone and the rural conservation zone.

A strategic assessment of the amendment has been undertaken. It would be of value if these documents were available to all members so they could consider and evaluate the detailed maps that are being prepared to ensure that the principles underlying the urban growth boundary and the green wedges are maintained in the public interest and that there are not any short-term interests that may be advanced by the changes.

The final amendment I wish to comment on is the amendment to the Wyndham planning scheme. I understand that the local member may have had the opportunity to consider the proposals for the marina at Wyndham. I understand it is a matter that has occupied the interests of many people in the local community, including people at the local government level and the stakeholder level, such as the local boating organisations, which have a keen interest in having a safe harbour on that side of Port Phillip Bay. Recreational boating is very important to Victoria, and

noting the dangers in Victorian coastal waters and the dangers caused by changing wind conditions, there are good arguments for having safe harbours around the bay.

I note that in the case of the Sandringham electorate the development of the local harbour took place not under a Labor government but under a Liberal government. That involved good leasehold arrangements being facilitated to enable the development of a world first-class marina facility, which greatly assisted boating activity in the lead-up to the Sydney Olympics. The infrastructure that was made available supported boating and yachting activities.

It is important that these amendments be made available to members and the wider community so that a range of stakeholder views can be evaluated and taken into account and so that this house can form a view as to whether the amendments are in the interests of the respective communities and should therefore be passed. I go back to the point that rushing these amendments through within 24 hours gives rise to the prospect of minimising scrutiny. It may be a reflection of the fact that some of them are being made to fix up mistakes. Rushing through these amendments may be the product of too much haste in the past. The government may have been forced to revisit these amendments as a result of not spending enough time on them in the first place.

I note that the last time amendments to the urban growth boundary were made was in the closing days of the parliamentary sittings last year, when we were at another place at Geelong. On the very last day of the sitting period amendments were presented to the house without allowing sufficient time for them to be suitably commented upon. It could be argued that the Bracks government is out of touch with community feeling in relation to its planning policies. There has been an increase in both density and height levels right across metropolitan Melbourne. I come back to the inclusion of places like Mornington, Hastings and Rosebud within the realm of Melbourne 2030. We will see how strongly such proposals are rejected by the voters of Victoria when Victoria goes to the polls on 25 November this year.

Mrs POWELL (Shepparton) — I am happy to speak on the motion, but I want to say how disappointed I am, as The Nationals spokesperson on planning, about the lack of notice. I found out from The Nationals Whip at about 11.20 last night that we were going to be debating this motion today.

He gave me a copy of the motion. Then I went to the papers office of the Legislative Assembly to try to get copies of the amendments, but it was closed. The first thing I did this morning was to go to the papers office. There were no copies of the amendments in the Legislative Assembly, but I was able to get them because the office staff kindly found copies for me. I was not offered any briefing. I understand that the Liberals had a briefing this morning.

Mr Thompson interjected.

The SPEAKER — Order! The member for Sandringham!

Mrs POWELL — This issue has arisen before. Notices of motion for the ratification of amendments have come into this house without prior notice having been given to The Nationals or the Liberal Party. The last time it happened was in November last year. We sent a message in November that this was a contempt of the Parliament. We are put here to scrutinise legislation. We feel strongly about this. The current minister has not learnt his lesson, because this issue has arisen again. We have four sitting days to go until the end of the Parliament and before the election, and we are now expected to scrutinise these amendments, to understand them and to put our stamp of approval on them because these amendments have to be ratified by both houses of Parliament. Again, this is a discourtesy. It is also an abuse of the parliamentary system, because members of Parliament take their positions seriously. We want to sit down and make sure the legislation that goes before the houses of the Parliament of Victoria is scrutinised in depth.

As a member of Parliament I find that the information that I have received does not give me enough confidence to say that I could ratify these four amendments before they go to the other house. Again, I note the importance of planning issues. I have been a councillor; I have been a commissioner; and I have been a chairman of a planning committee. I understand that councils go through a lot of soul-searching and they discover what their community thinks before they bring a plan before the council to be opposed or accepted. To bring this before members at the last minute is an abuse of this Parliament. I say again that this government should start taking heed of the importance of planning to this state, particularly since we have a part-time Minister for Planning. Planning is very important. The Minister for Planning has a number of important portfolios. He is the Attorney-General of this state, which is an important portfolio, and he is also the Minister for Industrial Relations. I do not want to see the planning of the state of Victoria being put into a

basket so that he actually deals with these issues only if he has enough time. That is what we think is happening today.

It has been happening under the planning ministers over the last few years. This is the third planning minister of this government, and all of them have been part-time ministers with other important portfolios. It is time this government understood the importance of planning to the good governance of this state. It is time this government took planning seriously and made its ministers for planning more accountable to their communities, to their local councils and, just as importantly, to members of Parliament.

As I said earlier, staff from the papers office kindly gave me copies of the amendments. They are fairly substantial. I will go through some of them, but not all. I will touch on the four amendments. I acknowledge that the member for Sandringham has brought in a reasoned amendment. The Nationals will support that reasoned amendment which states in part:

... this house refuses to consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the house on 12 September 2006 until Tuesday, 3 October 2006, to enable all such amendments to be placed on public exhibition and all affected communities to be notified of the proposed changes and provided with an opportunity to comment.

From the interjections of a number of members of Parliament, I note that these amendments have already been put on exhibition. We were not made aware of that in these documents. We do not know what some of the issues were that came before those councils and what some of those community issues were. It would be helpful to have that information before us.

When speaking to the motion that came before members today, the minister said that all of the councils agreed with these amendments. I am sure those councils have had a chance to look at the amendments. I am not aware of some of the surrounding issues. I understand that about 150 submissions were made with respect to one of those amendments — which I will talk about later — and that a large portion of those were in support of it but some were opposed to it. The amendment was considered by an independent panel.

I would like to know what those community concerns were and whether they have actually been dealt with, because we do not know. Again, as a member of Parliament I find it difficult to ratify something when I know that some members of the community may be totally opposed to something that is going on in their community. I am not aware of whether this is the case. I would have liked to have known that before I was

asked to make a decision to ratify these amendments on behalf of The Nationals.

I would like to go through some of the amendments. As I said, I am reading from documents which were provided to me and the member for Sandringham by the papers office staff. The first document is entitled 'Wyndham planning scheme: amendment C71'. The amendment will allow a marina complex in that region. The Minister for Planning spoke about that, and I have some information with me. The minister said there were a number of submissions to this amendment, and it was referred to an independent panel. I have read the information that was given to me. I cannot find any mention in the documentation on the scheme of the number of submissions. I tried to remember what the minister had said. I could not discover which submissions were in support or against the plan or whether those which were against the plan opposed it on environmental, social or green wedge grounds. I would have liked to have had that information before me.

The planning authority for the amendment is the Wyndham City Council. The amendment has been made at the request of Wyndham Cove Marina Pty Ltd. The area in question actually deals with some land and the seabed. It is a fairly substantial parcel of land. The amendments states that it makes a number of changes to the Wyndham planning scheme. It says it:

changes the zoning configurations of the special use zone, green wedge zone and public park and recreation zone on the land

moves the seabed component of the special use zone 80 metres northwards and extends the area of the special use zone to include all of the offshore marina infrastructure ...

It goes on to talk about the background of this amendment. It says:

In 1988 the former City of Werribee commissioned the preparation of an environment effects statement to investigate the potential environmental effects of a 300-berth marina within a sheltered harbour at Werribee South. The development also included tourist accommodation, commercial, recreation and entertainment facilities. No permanent residential development was proposed.

The City of Werribee was the proponent of the marina at that time and was acting in support of a state government policy to investigate a suitable location for a harbour development.

This explanatory report talks about a long history of 16 years of legislative and statutory support and the fact that the land still remains undeveloped. There are a number of reasons for that. One of them was that it was found to be not economically viable. It also talks about the change to the layout of the special use zone, which

would consequently change the layout and area of the adjoining green wedge zone by 11 hectares. That is not a small amount of land to be removed from a green wedge zone.

Further in the document it states:

Melbourne 2030 also refers to the need for the protection of agricultural land in the green wedges (directions 2, 3 and 4). The Wyndham Cove marina proposal will result in the loss of 20 hectares of currently underutilised agricultural land, which is equivalent of 0.6 per cent of the Werribee South irrigation district.

This government is again rushing in legislation and rushing projects through. There was discussion in Melbourne 2030 about the land that is locked up in green wedges. There was discussion about whether there was enough consultation with the community on whether it was appropriate that viable agricultural land was locked up in those green wedges. We should be having another look at Melbourne 2030 and seriously considering having a land audit or a land capability study to find out whether the land that is encompassed in the green wedges is underutilised viable agricultural land. Let us find out what the definition of 'underutilised agricultural land' is in the Wyndham planning scheme and whether the council agrees with that and whether the people in the green wedge zone agree with that as well.

With respect to the Frankston planning scheme amendment C35, the minister said this had the strong support of the council. This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment. This proposal has been put at the request of Burdett Nominees Pty Ltd. The amendment deals with the Burdett quarry site on Cranbourne-Frankston Road, Langwarrin. The report says:

This is an irregular shaped parcel of land that is bounded by Cranbourne-Frankston Road to the south, Potts Road to the west and Valley Road to the north. The land has an approximate area of 101 hectares and is contained in Crown allotment nos 31, 34, part 34A and 34C, parish of Langwarrin.

This amendment actually has a huge impact on that land. It rezones 7.7 hectares of land adjacent to Potts Road from a residential 1 zone to a rural conservation zone. It rezones 8.8 hectares of the land adjacent to the Cranbourne-Frankston Road from a special use zone — in this case, extractive industry — to a residential 1 zone. It rezones the balance of the land from a special use zone to a rural conservation zone. It also says:

Realigns the urban growth boundary ... to accord with the new zoning of the land.

...

The amendment provides for a sustainable and beneficial end use for the Burdett's quarry site. The amendment facilitates the retention, protection and proper management of approximately 50 hectares of environmentally significant remnant vegetation as well as provides for limited residential development to enable the rehabilitation of the remainder of the site.

In the discussion of the green wedge zone in Melbourne 2030, there was talk about the urban growth boundaries, whether there was enough consultation with people about urban growth boundaries and whether there was enough land put aside for residential purposes. The community felt that there was not enough land and that the limited land would increase housing prices and decrease the availability of land for people to build houses.

This is the case, because time and again in this house we are seeing changes and amendments to Melbourne 2030, the green wedge zone and the urban growth zone. We say to the government, 'Get it right the first time, and let us have another look at it'.

Whittlesea planning zone amendment C86 was prepared by the Minister for Planning, who is the planning authority for this amendment. It deals with an anomaly in the urban growth boundary in the Whittlesea planning scheme to exclude 5.5 hectares of land currently shown inside the urban growth boundary within the Plenty Gorge Parklands. The amendment also rezones a portion of land between the title boundary and the former urban growth boundary for the above parcels of land in the same zone as the adjoining land. It discusses public park and recreation zones, and the rural conservation zone. The report says:

In relation to all three parcels of land, the urban growth boundary does not correspond with Parks Victoria boundaries for the Plenty Gorge Parklands. The amendment will realign the urban growth boundary to follow the title boundaries in each of the above land parcels as agreed to by Parks Victoria and the City of Whittlesea.

Like the Whittlesea urban amendments that came forward in November last year, we are again being told that this an area that was found to have an anomaly and it is now going to be fixed up. The last time these amendments were rushed through was in November last year. We were given one day's notice again to deal with six amendments to six planning schemes. I understand the Liberal Party brought in an amendment to ensure that those amendments could go on public exhibition, but it was not supported by the government.

I urge the government to look at all these issues and make sure not just that the councils and the Parliament

have enough time to deal with these issues but, more importantly, that communities have an opportunity to have a really good look to see how the amendments will affect them.

The final amendment is the Whittlesea planning scheme amendment C91. The minister said earlier today that the reason this has been brought forward is to correct a mapping error which was gazetted last year. It was plotted to an incorrect contour, and there were some technical changes. He also said that there is support from the City of Whittlesea. These sorts of issues should not be coming before Parliament. They should be fixed up on the drawing board before they come here. These issues, if they had been scrutinised in detail, would have been picked up before the changes came to the Victorian Parliament for us to ratify. This amendment is prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment applies to land south of Hunters Lane and north of Meridian Drive, South Morang. The amendment makes some minor adjustments to the urban growth boundary so it follows the 185-metre contour and aligns with the existing subdivision boundary. It moves the areas of land from the rural conservation zone to residential 1 zone and from residential 1 to the rural conservation zone to ensure the land inside the urban growth remains in a rural conservation zone. As I said earlier, the amendment corrects a mapping error and will result in a net gain of about 2.4 hectares of green wedge land.

In some of these amendments we see some green wedge land being lost and in some of them we see some land being put into the green wedges. If the government had truly consulted when it was dealing with Melbourne 2030, hopefully these sorts of issues would not have arisen. The Nationals are disappointed that this government is bringing forward these sorts of changes again and again. I am not just talking about November last year, although that was the last time, when we dealt with six amendments. This has happened again and again under different ministers.

In response to a question from the Leader of the Opposition yesterday the Premier said he stood by Melbourne 2030. When you have a look at some of the things that are happening, the community does not stand by Melbourne 2030. There has been much criticism of Melbourne 2030, not just from members of Parliament but from all of those people who had some say in it. In some of those green wedge areas there has been much criticism from the Victorian Farmers Federation, which was not consulted in the early stages about what land is prime agricultural land and what

land could be put into the urban growth corridors. We need to ensure that we have enough land available for housing and that we have enough prime agricultural land which is protected. We need to be looking at that.

The planning scheme amendments which have come before this house prove that the system needs amendment. The Nationals just say that we hope the Minister for Planning takes his portfolio seriously and we do not keep seeing these amendments being brought in at the last minute.

Ms D'AMBROSIO (Mill Park) — I am very pleased to rise in support of the motion moved by the Minister for Planning to amend the urban growth boundary with respect to several planning schemes — planning scheme amendment C35 for the City of Frankston, planning scheme amendment C71 for the City of Wyndham and planning scheme amendments C86 and C91 for the City of Whittlesea. Three of these four amendments are minor in consequence. The contributions of those on the opposite side today have demonstrated perfectly the inconsequence of these amendments.

Three of the four amendments are minor. All four amendments have full community support. It is bewildering that the opposition has attempted to paint this motion as something of a travesty of proper procedures and community expectations and a travesty of proper process. You only have to look at the planning policies of this government which put back into the hands of the community the ability to have proper consultation and input into planning, as opposed to the days when planning controls were totally taken away not just from the community but also from local councils and given to a minister's office for determination time and again. Hearing members opposite talk about processes and consultation and not being in touch with the community leaves me profoundly bewildered.

Let us be clear just what these changes are about. With respect to the City of Whittlesea, within which my electorate lies, amendment C86 realigns three small portions of land totalling 5.5 hectares. They are part of the Plenty Gorge parklands. The amendment merely remedies an administrative anomaly to ensure that the existing urban growth boundaries correspond with the title boundaries.

An honourable member — Whose fault is that?

Ms D'AMBROSIO — That is what it does, purely and simply. The sky is not falling down. Amendment C91 remedies an administrative error in

mapping so that it corresponds with the boundary of a residential subdivision approved by the City of Whittlesea.

A member on the other side threw in a comment about whose fault it is. If you want to talk about fault, what we are on about is ensuring that we are responsive as a government to this community and that we take adequate steps when administrative errors arise. Administrative errors created by local councils are brought to this house and are able to be rectified without pomp and ceremony, without people running around talking about the sky falling in when that is not the case. For members opposite to paint this as anything other than that shows they are really out of touch.

The two amendments relating to the City of Whittlesea are perfunctory in nature. They have been raised by the City of Whittlesea, as I have said, as a result of its purely administrative errors. To suggest otherwise is mischievous at best.

Let us look at amendment C35 to the Frankston planning scheme. The Burdett's quarry amendment provides a benefit to the community. It offers a land swap so that an area of native vegetation can be protected, pure and simple. The area containing native vegetation will be rezoned and placed outside the urban growth boundary, pure and simple. It is very easy to understand. The net loss of land through this swap will be zero. This planning amendment was put through a public exhibition and there are no outstanding objections. I am bewildered by the opposition's attempts to convey this as some kind of catastrophe or a travesty of processes on the part of this government.

Let us look at amendment C71 for the City of Wyndham. This facilitates a residential, commercial and marina complex in Werribee South — a safe boat harbour facility. Let us look at that. It has been on the public agenda for almost 20 years. Since 1989 the state government and the City of Wyndham have had an in-principle policy of support for the provision of a safe boat harbour in Werribee South. I find it very hard to take seriously the member for Sandringham's assertion that this government is out of touch.

Wherever I go in the community I hear people talking about Melbourne 2030. We hear postulations from members on the other side that somehow Melbourne 2030 does not have community support. I challenge members of the other side to show me that that is the case. That explains to me the Leader of the Opposition's quivering and hesitation on the issue of Melbourne 2030. When speaking to one audience he says he supports green wedges in terms of protecting

the natural environment surrounding Melbourne. To another audience he says to forget the green wedges, that he is about sprawl, that he is about encroaching on green wedges by allowing residential sprawl to overcome them. The question I pose is when bringing these communities together what answer will the Leader of the Opposition give to them in terms of his support for green wedges and urban sprawl? How will that be justified? How will it be reconciled? I have yet to hear the reconciliation of those two policy objectives, which are totally contradictory.

I find it extremely hard to take seriously the amendment to the motion before us. This government has provided, within Melbourne 2030, clear processes for community consultation. It has provided clear processes, certainty on exactly what the urban growth boundary is and certainty on our green wedges. It gives the go-ahead for residential development in five key growth areas, including the ones which are the subject of the planning scheme amendments being considered here today. Looking at these amendments specifically gives you a very clear indication of the policy framework within which this government behaves and responds to the community. Every single phase, every single planning scheme amendment, has come about after public consultation and public exhibition. Where the amendments are simply a matter of correcting administrative error, they have been raised by that local government itself for amendment. We do not hesitate at that.

We are about helping the community to plan its own development within the confines of urban growth boundaries. We are proud of that, we are proud that we are giving certainty, and certainty continues to be reflected through the amendments that are before the house today.

I return briefly to the issue concerning the Werribee South boat harbour. That development was subject to the environment effects statement process which confirmed that the project would have no significant ill effects on the bay or on adjoining land. As I said earlier, the project was subject to public exhibition; of the 145 submissions received in response, 125 expressed full support. If that is not the community speaking, I do not know what is. If that is not government responding to community opinion, I do not know what is, and I daresay that members on the other side do not understand what it means either. An independent panel wholeheartedly supported the proposal and concluded that the realignment of the existing special use zone and green wedge zone would have an insignificant effect and not detrimentally impact on the area in the long term.

I am very pleased to be able to join this debate. I do so quite proudly, and I do it in the full knowledge that we have a very solid policy framework within which we are able to support this notice of motion. The reasoned amendment moved by the member for Sandringham demonstrates that those opposing this notice of motion are behind the game. They are always behind the game when it comes to planning — and they are not just behind the game, they are swimming against the tide of community support for Melbourne 2030.

It is a tide that says yes, we want to be consulted on planning in our own neighbourhoods, and this government takes that on board enthusiastically. It will not let that community down. Whatever members of the opposition have to say about what they regard as a travesty now before the house, they are wrong, and I daresay they will be proven wrong about planning in the long term.

Mr COOPER (Mornington) — The member for Mill Park gave the house her definition of ‘proper process’, and I would now like to give my definition: ‘proper process’ means taking into account the views of everybody; it means keeping everybody informed.

A briefing was given to the shadow Minister for Planning in the other place only this morning, following the notice of motion by the Minister for Planning in this place yesterday. We heard from the member for Shepparton, who is the spokesperson for The Nationals on planning matters, that she has received no briefing at all. I would have thought that that might have rung an alarm bell about ‘proper process’ and there would at least have been an acknowledgment that proper process has not been followed, at least in regard to keeping members of the opposition and of The Nationals up to date and informed about what we were going to be debating today.

We heard from the member for Shepparton about the extraordinary lengths to which she had to go to get some basic information on this matter. When she heard at 11.30 last night that the motion was going to be debated, the parliamentary papers office was closed. She had to wait until this morning and the papers office had to search out documents for her so that she could understand what the house was going to be debating today. She was not given the benefit of a briefing, whereas the shadow Minister for Planning, the Honourable David Davis in the other place, got a briefing this morning — but that is really like shutting the door after the horse has bolted.

Really and truly, does any government member believe that that is genuine consultation? I do not believe it is. I

think it is arrogance; I think it is more a situation where the minister and perhaps the government — certainly the Minister for Planning — are not interested in hearing the views of this side of the house on this issue or any other issue. Therefore the question of consultation or of a briefing does not even enter the minister’s head, which shows how arrogant he has become.

The reality is that there are some issues that need to be addressed, and they need to be addressed in a calm way by having a look at the situation rather than in the rush with which we are dealing with the motion now. That is the reason the member for Sandringham moved his reasoned amendment; he is saying we just want some time, and we do not think that is unreasonable. We will have the time available to address the issues involved in the motion before the next sitting week commencing on 3 October, which is also to be the last sitting week of this Parliament. That is only some three weeks away, but during that time we can be examining these amendments. It could well be that after we have had time to look at them, we would support them, as the member for Mill Park has entreated us to do. But the fact of the matter is that we are now being asked to make a decision on the run. That is a very difficult thing for members of the opposition to do when we have had neither the proper briefings we are entitled to nor the time for proper consideration.

I draw the attention of the member for Mill Park to matters relating to her electorate; amendments are to be made to the Whittlesea planning scheme. These changes are necessary because of errors made by the government when it originally introduced the legislation here. To put them to one side and say that they are administrative errors is really just pushing the public servants to the front and saying, ‘You take the blame for our mistake’. That is what the government is saying. The fact is that the government brought the matter into the Parliament when this house sat last year in Geelong. That was when the error was made, and now the legislation is being brought back here for correction. That is all very fine and dandy, but it was the government that made the error.

This is not new. This government has a track record of rushing things through; it has a track record of not listening to what is said on this side of the house and finding out later to its chagrin that it has made errors. It then has to go into reverse gear and bring legislation back into this place for correction. The latest example of that practice is the Murray–Darling Basin bill that must be dealt with by the house. As you, Acting Speaker, would well know as you are usually involved in any legislation dealing with water, the first bill was

passed by the government without it being properly checked by the government. Now the house has to pass new Murray–Darling Basin legislation.

This situation has arisen many times before. It is an issue of arrogance, and I use that word advisedly. It is the arrogance of the government saying, ‘We know what is best, and you people in the opposition or in the third party do not know anything. What you might know is not worth listening to and we are not going to listen’.

This is contrary to the proper way a Parliament should operate. People in government should have not just the humility but the commonsense and intelligence to listen to what members say in debate, no matter what political party they come from. In this instance we again say to government members — and I have said it in this place before — ‘Slow down and have a think about this. Slow down and make sure that what you have here is in fact right and meets all the criteria you say it does and deals with all those things you are now assuring the house it does’. Opposition members want to have the time between now and 3 October to make sure, as far as they can, that these amendments are in fact right.

In the short time I have left to me I want to make a couple of points. The first is about the challenge extended by the member for Mill Park to members on this side of the house to show her an area where Melbourne 2030 has no support. I suggest that the member for Mill Park and any other government member who is interested should get in their car and drive down to the Mornington Peninsula. In fact they should just come down to Mornington — they do not have to go anywhere else — because there they will find massive resistance to Melbourne 2030. It is on the front pages of the local papers, and it is there because the community does not support it.

The reason the community does not support it is that the Minister for Planning, again in his arrogance, has come out and said that the Mornington Peninsula is another suburb of Melbourne. He has said, ‘That’s it. Take your medicine. That’s what is going to happen’. He is supported in that by the Labor candidate for Mornington, who has been out there saying, ‘We know what is best for you, and we are not going to listen to what you say. The Mornington Peninsula will be just another suburb of Melbourne’.

The reality is that the people of the Mornington Peninsula — certainly down along the Port Phillip Bay side of the peninsula, but I would suggest it goes much further afield than that — are saying to this government that they are not willing to accept Melbourne 2030, do

not agree with it and do not want it. They want a separate planning scheme for the Mornington Peninsula, and that is what they are demanding. They do not want what this government is dishing out.

Ms D’Ambrosio interjected.

Mr COOPER — The member for Mill Park made the challenge.

The ACTING SPEAKER (Mr Plowman) — Order! The member for Mill Park has had her opportunity and will stay silent.

Mr COOPER — I listened to her in silence while she made the challenge, and now that I am responding to it she does not want to listen. She epitomises exactly the Minister for Planning’s approach. She does not want to listen and he does not want to listen. He wants to ram down the throats of the people on the Mornington Peninsula his views on planning, saying that the peninsula will be part — a suburb — of metropolitan Melbourne. The people of the Mornington Peninsula are saying to the minister, ‘You had better think again, because there will be retribution over this on 25 November’ — and it will come hot and fast. As anyone who lives on the Mornington Peninsula will know, this is a big issue, but it is not just restricted to the Mornington Peninsula. I suggest to those zealots on the Labor side who believe that the Melbourne 2030 plan is the answer to everyone’s prayers that they get out there and start talking to their communities and others, particularly those around the outer ring of Melbourne. They might get a horrible shock when they find out what those communities actually think about it.

This is a very sensible amendment that deserves to be supported. It calls for a three-week delay so the opposition and The Nationals can have a good look at these amendments, and I think it should be supported by every member in this house.

Ms GILLETT (Tarneit) — I regret to say that the culmination of almost 20 years of hard work by my local council and my community in bringing a fabulous marina development to fruition after a long wait has been somewhat spoilt by people who are complaining about a parliamentary process rather than working on a big vision of what needs to happen with the management of the growth and development of this sensational state. However, I can assure all members in the chamber that in my wonderful community — where I live and work and where my children go to school and play sport — this motion, which deals with planning scheme amendment C71 of the City of Wyndham, is going to be wonderfully received.

It is with some relief that I am reassured that, in the lower house at least, the Labor government will ensure that this motion, and therefore the planning scheme amendment, is passed. If it were not passed, my community would suffer at every level. I endorse all the remarks made by the member for Mill Park. She is quite right: of the 145 submissions that were made to the independent panel that assessed the proposal for the development of the marina, 129 were fully in support. I do not know if the house knows about my community of Werribee South, but usually when issues arise in that area you never get such a clear direction one way or the other. Normally the community is divided, with half wanting to go in one direction and half wanting to go in another, but on this occasion our jaws all dropped when we realised the level of support and enthusiasm for this marina development.

That support is explained by the fact that legislation came into this Parliament in 1988 to excise a portion of land for the creation of a safe boat harbour. When I was elected in 1996 I had briefings with council about the pertinent issues in the community, and I was candidly told not to hold my breath waiting for the successful development of a marina, because although a lot of work had been done and a lot of interest had been shown, the parcel of land was inadequate in terms of being financially viable.

I can tell you, Acting Speaker, that over the last 10 years I have had a number of snake oil salesmen come through my office promising this and that about the development and claiming to be able to do all sorts of marvellous things. But it was not until 2003 that some very capable people came to my office to talk about the marina development. With a history of seven years of being disappointed by one proposal after another, it was with a heavy heart that I thought, 'Oh well, I will listen to this one, and we will see how it goes'.

The credentials of the people presenting their case checked out impeccably. They had vision and imagination, and they were prepared to look at the use of recycled water and grey water systems. I tried not to get particularly excited, having been let down several times before. The council and I said to the proponents, 'It is fine for you to tell us that you are going to do all these marvellous things, but we will make you go through another environment effects statement process. We want the whole proposal to go on public display, and then you will be subjected to an independent panel process'. We told them, 'If you are here for the long run, that is great and we will support you, but it is going to be a long run'.

To the members on the other side of the house who are saying that this is being done with undue haste, I say that I beg to differ. At least in terms of Wyndham's planning amendment, this process has been painstaking, rigorous and open. It is a most sensational project.

Werribee South already has a recreational tourism and sporting-type development. I ask members to think for 2 minutes about my wonderful Wyndham coastguard service, which has the worst tin shed of a home you can imagine. Members of that service are now looking forward to being part of a fantastic marina development, where they will finally have a decent home to work from and facilities to work with.

That parcel of land has not been well looked after for a number of years because it was seen as something that we were not going to make any progress with, but it is exciting to look at the plans and hear the vision these people have for this marina development. I have to remark upon their persistence and stoicism. I know a few developers because we deal with a lot of them in growth corridor matters, but I do not know that many who would keep going forward and facing every challenge, yet still maintaining their patience. They are to be congratulated.

The proponent is Wyndham Cove Marina Pty Ltd. I put on the record that the company is owned by Prudentia Investments Pty Ltd and Jagen Pty Ltd. The directors are Angus Reed, John Roysmith and Justin Liberman. I have had a lot of dealings with Angus Reed in particular over the last few years and have found him to be the most optimistic, thorough, competent and persistent person I have had the pleasure of meeting.

The proposal looks to create 164 dwellings, 60 apartments, a safe boat harbour of up to 1000 wet berths, a dry boat storage, a coast guard base, berthing facilities for the aquaculture industry, and a marine servicing area. All I can say to the house is that as members may know I will not be contesting the next election and there have been times in the last 10 years when I thought I would be a very old lady or be dead before I saw this marina proposal come to fruition.

It is my absolute pleasure to say that in the last couple of sitting days left in this Parliament that it has been my privilege to speak on a motion which takes the community I live in one step forward to having a world-class facility — a facility that will enhance the environment and create a good-quality beach where the kids can play. We will be able to sit down there at some stage as the sun goes down over the bay and have a very pleasant glass of wine in our retirement. We will

have a facility that would have only been regarded as appropriate in places like Brighton or Sandringham.

Ms Buchanan interjected.

Ms GILLETT — Exactly. I am not pleased to say that there have been times when I have been envious of the member for Sandringham for having wonderful facilities in his electorate and of the member for Brighton for having sensational facilities in her electorate, but do not deny my community the capacity to move that one step forward that this notice of motion brings to the creation of a facility that is not just about the built environment but about preserving, enhancing and creating a natural environment.

It is my hope and the hope of the Wyndham council that, having established such a long and close working relationship with the developers, we can work together to produce a world-class marina and environmental facility — a term that is often over used. Members know how proud I am of having a sewage treatment plant near my electorate, but on this occasion that allows us to marry working with the environment, using recycled water and developing grey water systems for an entire community, including commercial and residential developments.

I wish the motion a speedy and successful passage and on behalf of the vast majority of residents of Wyndham, I will be most grateful when this motion passes successfully.

Ms GREEN (Yan Yean) — It gives me great pleasure to support the motion moved by the Minister for Planning to make a number of amendments to a variety of planning schemes. Given the amount of time available to me, I will confine my comments to those that affect my electorate — that is, amendments C86 and C91 to the Whittlesea planning scheme. Both of these minor changes reconfirm the intention of the proposals put last November and appropriately create a line to form part of the Plenty Gorge Regional Park and the magnificent Quarry Hills Regional Park, to which development I am pleased to say the government has contributed \$250 000. It shows that the government is committed to open space in the growth corridor.

The fact we have put these amendments before the house today is indicative of the fact that the Bracks government takes seriously its planning policies and its scrutiny of planning scheme amendments which impact on the urban growth boundaries and green wedge provisions. That is the complete opposite of what occurred under the previous government. We are a government that has introduced an urban growth

boundary that allows a 30-year supply of land, which is appropriate and a world first in introducing green wedge legislation. It is something I am very proud of.

I am very concerned about our opponents on the other side of the house, especially with the departure of the members for Warrandyte and Doncaster at the upcoming election, that we will see the last of the Hamerite Liberals walking out, turning the lights off and leaving a green-tinged Liberal Party that will become a brown rump. The member for Warrandyte has publicly said he had to fight tooth and nail to get the Liberal Party to support green wedges. With him departing this place, we know the Liberal Party will not support green wedges.

The opposition has gone a little too far and let the cat out of the bag in a report in the *Sunday Age* a few weeks ago, when the Leader of the Opposition controversially confirmed that the growth wedges he is proposing to release in the north, south-east and Werribee corridor now fall in areas designated as green wedges. That is what he said on page 5 of the *Sunday Age* of 3 September.

This week the opposition realises it has gone too far and let the cat out of the bag, so it is trying to cover itself in the *Whittlesea Leader* this week under the heading 'Liberals to keep green wedges'. I do not believe them. Our community wants to retain the green wedges, which are the lungs of Melbourne. My community welcomes the fact that there is a hard edge or an urban growth boundary around South Morang, at the northern edge of Mernda and a township boundary around townships like Whittlesea. They want to retain that green wedge land into the future.

What would happen if this lot opposite got the keys to office? The community should be very afraid. It would be unbridled growth and they would never invest in infrastructure in the north. They have never done it before and we know they will not do it again. If they were in charge, you would have unbridled growth from South Morang through to Mernda and Whittlesea. They would not put money into roads, public transport, schools or hospitals. We know their form — they closed all those things.

The ACTING SPEAKER (Mr Plowman) — Order! I ask the member to come back to the notion.

Ms GREEN — I wholeheartedly support the changes. I am implacably opposed to the reasoned amendment moved by the member for Sandringham. It is indicative that the Liberal Party would return to its old ways and would not have proper parliamentary

scrutiny. I am absolutely proud that we have parliamentary scrutiny of this process, and I will fight to the death to retain places like Kangaroo Ground, Arthurs Creek, Nutfield, Cottles Bridge, and Yan Yean in the green wedge to be the lungs of Melbourne. We are the only government that will do it — the Liberal Party will not. I commend the motion to the house.

Ms BUCHANAN (Hastings) — It gives me great pleasure to speak on this motion before the house. I categorically want to put on the record my total lack of support for the reasoned amendment moved by the member for Sandringham. I want to direct my comments to the amendments as they deal with Frankston and talk about some of the issues referred to by the member for Sandringham regarding the Mornington Peninsula.

I start by saying that the member for Sandringham needs to get out more; he cannot stay in the Sandringham marina all his life. He wants to get out there if he is to take his shadow portfolio seriously. If the work had been done, the opposition would know the detail behind each one of these planning scheme amendments before the house today.

If we are talking about the example of the Frankston planning scheme amendment and about the location known to locals for many years as the Burdett quarries, opposition members would know that there has already been a very inclusive community consultative process. From the outset I want to publicly endorse the great work done over the last two years by the member for Cranbourne, who in that period has dealt with a sensitive planning issue in a very competent and inclusive manner.

It is also important to note that during the whole of this process, which has been going on for about four years, anybody who bothered to have a look at it would have known that there was a record of what had been happening in relation to this planning scheme amendment. This has been supported by Defenders of the South East Green Wedge. I put on the record my support for the great work done by people like Barry Ross and Rosemary West and by the relevant levels of government, particularly the Frankston council, the developer and the local residents, who have been part of this process from the start. They endorse this process because they have been actively involved with it from the start.

I say to those in opposition to this motion: 'Do not be so lazy!'. As for the assumption that Langwarrin is part of Frankston, I ask them to get their *Melway* out and have a look at it. Do not treat the people of Langwarrin

with such disrespect as to consider them part of Frankston. Langwarrin is a township with its own rich history and with an individuality that is quite separate from the coastal suburb of Frankston. I ask them not to treat the people of Langwarrin with such disrespect in the future.

Members opposite have talked about Hastings and about the Melbourne 2030 focus on the Mornington Peninsula. I have heard only selective deafness and selective memory loss in this regard. No mention has been made of the fact that when Melbourne 2030 was first mooted by this government and was put out for a comprehensive and conclusive community consultative process, it had the full support of the Mornington Peninsula Shire Council. The councillors consulted across the lines, went out to the community and undertook an inclusive process. Not one of them was a member of the Labor Party; they were what we call conservatives. They wholeheartedly endorsed the process that was undertaken when the urban growth boundaries were set for the area. That is very important to note.

The member for Mornington said we should slow down. I thought perhaps he might have been referring to the time when the planning minister was the Honourable Rob Maclellan. When it came to planning scheme amendments he was more commonly known down my way as the minister who called it in quick when a mate called him. I think he holds the track record for the amount of call-ins without community consultation on planning scheme amendments.

The ACTING SPEAKER (Mr Plowman) — Order! I bring the member back to the issue before the house.

Ms BUCHANAN — If you look at the Mornington Peninsula on the Port Phillip side before Melbourne 2030 came in, you find that we had strip development all the way from Frankston to Sorrento. Looking at that, no-one can tell me where Safety Beach starts or finishes, where Rosebud starts and finishes or where Rye or Blairgowrie or anywhere else starts and finishes, because there is no gap between those townships. When we look for the difference between Mornington and Mornington East during the 1990s we find there is none. Before Melbourne 2030 all we saw was massive urban development down that way. We, the members of this government, are the ones responsible for picking up the pieces resulting from the lack of infrastructure that went into those townships under the Liberal government planning process. It was disgraceful. We are catching up now on all the mess it made in that area over its time in government.

The opposition alludes to the fact that its policy is to wipe off Melbourne 2030 and take roughly two years to work things out again, but that is not a plan for all, it is a plan for sprawl. The amendments in front of us have been ongoing over a substantial period of time. They have involved some of the most inclusive community consultative processes ever undertaken, because this government wanted to make sure that that happened. These are fantastic amendments. I support them and commend them to the house.

Ms LOBATO (Gembrook) — I rise in support of this motion, which provides for amendments to the urban growth boundary to allow a couple of much-needed projects to proceed with a couple of technical alterations. We have heard from previous government speakers about the positive response that these amendments have received. They will facilitate projects in their electorates that have received overwhelming support and have been through exhaustive consultation processes.

There are four amendments to the planning schemes of three municipalities — Whittlesea, Frankston and Wyndham. Other contributors have discussed the details of these amendments, which have also been through thorough consultative processes, including environmental effects investigations, and have received overwhelming support from their local communities and councils.

I wish to take this opportunity to reiterate my support for our innovative, progressive and leading position on protecting our green wedges. As the house is aware, I represent an electorate which has both a massive population growth area towards the southern end and highly environmentally significant areas throughout the hills and the Upper Yarra. Therefore I well understand the importance of allowing for growth in the south-east area of my electorate while also providing the protection that our natural environment needs to ensure its longevity.

The concept of boundaries that divide a protected area from an area where development is best placed is not radical. It is one that makes perfect sense, and it also considers all interests. Along the Warburton Highway in particular we have areas around small rural and regional townships that still allow for sustainable development, which is important to those townships, but in between we also have the protection of the green wedges, which are also so important.

I want to briefly comment on the disturbing policy that the Liberal Party has released, because it creates unwarranted scaremongering and is unsettling to a

community that is at present feeling secure that its environment is going to be protected. The Liberal Party's plan is to abolish Melbourne 2030 and to get rid of that protection. The title of its plan is *Metropolitan Planning — A Plan for All*. The Minister for Planning on radio this morning called it a plan for sprawl, and there is no doubt that it will ultimately become a plan for sprawl.

I would also like to take this opportunity to comment on the fact that the Leader of the Opposition was on the radio this morning condemning the Bracks government for introducing this notice of motion last night and saying that there was no consultation and making a big song and dance about it. But where is he? Where is the Leader of the Opposition? He is certainly not in here taking any sort of interest in this matter whatsoever. There have been only two or three members on the other side of the house speaking on this motion, so there is obviously very little opposition to this.

The amendment moved by the opposition is ridiculous. It is a demonstration of the laziness of the Liberal Party, its dislike of hard work and research in favour of simply opposing everything that is presented to this house for the sake of it. The opposition's amendment calls for more consultation. If opposition members had done any sort of research, they would have discovered that that has been done very thoroughly, with full public exhibition processes and support by all concerned. In conclusion, I support the planning amendments, I support the motion, and I certainly support the green wedges.

Mr PERERA (Cranbourne) — I rise to support the motion and will focus on the Frankston planning scheme amendment C35. The amendment applies to the Burdett's quarry site on 101 hectares of land on Cranbourne-Frankston Road, Langwarrin. Approximately 7.7 hectares of the site is currently zoned residential 1 and within the urban growth boundary (UGB). This area has the Potts Road frontage. About half the land, including the 7.7 hectares, contains native vegetation of state significance and the owner has the extractive industry approvals.

In October 2003 I received and tabled in this house a petition with 572 signatures from the residents of Langwarrin asking to support the park and residential subdivision on the Burdett's quarry site situated on the corner of Potts Road and Frankston-Cranbourne Road in Langwarrin. This is what my constituents want. This is what the local community wants. It was indicated in the petition that this would seem a logical option against further loss of native vegetation and years of

noise, sand blowing, dust, continuous heavy trucks, more loaders and dump trucks, and then at the end of the day a potential landfill site. As the member for Hastings suggested, opposition members should take a drive to Langwarrin and speak to those communities before making comments. A few weeks after I tabled the petition, I doorknocked the surrounding areas of the property, and the same sentiments were expressed by my constituents.

The Bracks government worked proactively in negotiating with the owners to find an amicable solution that was in the best interests of the environment and the community. The amendment rezones the majority of the land from special use zone 2 to rural conservation zone. The amendment facilitates the retention, protection and proper management of approximately 52 hectares of environmentally significant remnant vegetation which should be vested in the Crown for protection.

The amendment will include 7.7 hectares of the site currently zoned residential in a rural conservation zone to protect native vegetation. This will be in exchange for an area of land of equal size with no native vegetation and outside UGB will be rezoned residential 1. The new rural conservation zone will allow subdivision of the remainder of the land of approximately 50 hectares and will be cleared into lots having a minimum size of 0.4 hectares. No more than 25 lots will be cleared within the area. This will not compromise the Melbourne 2030 green wedge and urban growth boundary. The proposal went through a full public exhibition process, and there are no outstanding objections. This was supported by the Frankston council, the Defenders of the South East Green Wedge and the Environment Defenders Office. It is a bit rich for the opposition to say that the proper consultation process was not followed.

By putting these amendments before the house today, the Bracks government is demonstrating that it takes its planning policies seriously. The opposition has to declare where it stands. It cannot have it both ways. The Liberals plan is a plan for sprawl, and the Liberals are history. I would like to congratulate the Minister for Planning for clearly showing the leadership and tackling this issue head on to deliver the best outcome for the state of Victoria. I commend the motion to the house.

Dr NAPHTHINE (South-West Coast) — I wish to speak to the motion before the house and support the amendment proposed by the member for Sandringham to seek further time for the community to consider the

proposed amendments, because they are significant planning amendments.

I also seek your guidance, Acting Speaker, before I go too far into my contribution, because we have on the legislative notice paper the Water (Governance) Bill, which is due to be debated at some stage in the future. Part 5 of the Water (Governance) Bill refers specifically to amendments to the Werribee South Land Act 1991, and there are two significant amendments there that relate directly to the Wyndham Cove Marina Pty Ltd development, which is the subject of one of these planning amendments. Not wanting to breach the rule of anticipation with regard to the bill before the house, I seek your guidance as to how far I can proceed with discussing matters relating to the planning amendment which are exactly the same issues that are involved in a bill on the notice paper.

The ACTING SPEAKER (Mr Plowman) — Order! The member for South-West Coast should proceed and, as is the case with other members, if I believe he has exceeded his opportunity or transgresses the anticipation rule I will certainly pull him up on it.

Dr NAPHTHINE — I refer to the part 5 amendments in the Water (Governance) Bill. Clause 173 of the bill proposes to amend the long-term marina development leases for Werribee South land from 50 to 99 years, and clause 174 proposes to increase the size of the land provided for the marina. They are very significant to the development of this project.

Because, as shadow Minister for Water, I am responsible for the Water (Governance) Bill, quite aside from the fact that I am also interested in this planning amendment, I have had some briefings on the Wyndham Cove marina. I would like to thank Angus Reid, the managing director of Prudential Investments Pty Ltd, and Carolyn Elliott, the financial consultant with Prudential Investments, who are involved in the Wyndham Cove marina development.

Just to set the scene, the Wyndham Cove marina development is described as follows:

Melbourne's newest marina complex, the Wyndham marina on the west side of Melbourne's Port Phillip Bay, will combine a state-of-the-art marina with world-class waterfront residential housing, retail, commercial, entertainment and marine service facilities.

The \$275 million development will be a world-leading water-based facility incorporating a marina attached to a 5-star ecologically sustainable residential community, and it will create a benchmark in sustainable coastal design.

Located 25 minutes drive from Melbourne's CBD, this purpose-built marina will have capacity for 1000 wet berths, a

300-boat dry store and will provide a much-needed boating destination and facilities on the western side of Port Phillip Bay.

It will be the largest and only safe boating harbour on the western side of Port Phillip Bay. It is a project that, as speakers have said, has had a long gestation and a number of different configurations. It has only been the recent involvement of the Wyndham Cove marina people that has brought forward a proposal that seems to be viable.

But the amendments proposed in the Water (Governance) Bill are integral to the viability of the project, as are these planning amendments. Given the significant changes they make, it is only reasonable that perhaps we should adjourn this motion, leave it for two weeks and then debate it. It will not slow the process down. The project depends on both the amendments contained in the Water (Governance) Bill and these planning amendments being passed; the earliest the Water (Governance) Bill can be passed is when Parliament resumes sitting on 3 and 4 October. Any delay to the passage of the planning amendments will not delay the whole process. I fail to see why the government would not accede to that request.

The Wyndham planning scheme amendment C71 is quite comprehensive, and it is important that people in that area have a chance to look at it. It is interesting to note that while there would be an increase of 9.5 hectares in the special-use zone of the land, there would be a decrease of 11.2 hectares in the green wedge zone and a 3.2-hectare increase in the public park and recreation zone. Overall I think the Wyndham Cove development seems to be a very positive one which has real economic, environmental and social benefits for Werribee, the city of Wyndham, Port Phillip Bay and for Victoria as a whole. Overall I am very supportive of the project, but I believe the process, which has been a complex one, still needs to make sure that people in the area have every opportunity to have their say.

I have driven down to have a look at the project and have actually knocked on the doors of some of the vegetable growers in the area. They still have ongoing concerns about some of the issues here with regard to the potential impact of a multimillion-dollar, high-class residential development on the doorstep of what is a vegetable growing area in the green wedge zone that cannot be used for anything other than high-value agricultural or horticultural production. They have some concerns that the people who spend significant money buying apartments and units in this marine development may very quickly complain about the use of poultry manure and the heavy truck traffic early in

the morning picking up vegetables to take to market, particularly if they have to take them all the way to Epping. The pickers would have to start work much earlier than if they were going to the current, more conveniently located market in Footscray Road, where it should remain.

If there are truck movements at midnight and 2.00 a.m., if there are gas guns and scare guns and if there is fertiliser and tractor usage, all those things may impinge on the amenity of the residents in the marina development. It is important that those residents fully understand that they are moving into an area which is fundamentally a farming zone so that there can be ongoing compatibility between the two. Most of the vegetable growers are not opposed to the development. They see the benefits for the community of the development, but they want to make it very clear that part of this development process should be the establishment of the rights of vegetable growers and that their right to undertake their normal farm activities should be protected in that process.

The other thing I wish to say is that, while there is broad support for this development, it is by no means universal. I have a letter from Cr Heather Marcus of Wyndham City Council, who wrote on 21 August:

In relation to your question about the attitude of local vegetable growers, I asked the planning staff to provide me with a summary of objections and my reading of this document suggests that only one local objector expressed doubts in relation to the development. These doubts range from the potential to contaminate the aquifer, the impact on valuations, potential traffic conflicts, the alignment of any sewer pipe, the general amenity of the area and the potential to conflict with agricultural activity.

The chief executive officer of the city council, Ian Robins, also wrote to me on 21 August about the planning amendments and any objections to them. He wrote:

When the matter was finally exhibited, 89 submissions were received on behalf of around 300 people, 2 clearly objected to the proposal and 1 noted the potential for conflict between the agricultural pursuits in Werribee South and marina residents, tenants and visitors.

While the council concludes — and I would agree with the council's conclusion — that the vast majority support this proposal, and therefore I support it and the Liberal Party would support it, this Parliament has a responsibility to make sure that all people involved have an opportunity to see the planning amendments that are currently before the house. As I have explained, the process will not be delayed if those planning amendments are held over for two weeks so they can be debated in the same week as we debate the Water

(Governance) Bill which contains amendments that are integral to this development. That would be a proper, fair and reasonable process.

The final comment I will make is that this development does reduce the green wedge zone by 11.2 hectares but provides a lot of other environmental benefits which I support and applaud. But it goes to show that the green wedge is not sacrosanct for the Labor Party, nor should it be sacrosanct, because there are ways you can use the green wedge in an appropriate way. The Labor Party itself is decreasing the size of the green wedge with these amendments. The Labor Party does not treat the green wedge as sacrosanct, and it is incumbent upon the Labor Party to be honest with the people of Victoria who should know that when the government wants to, it will change the green wedge and the growth boundaries.

Mr NARDELLA (Melton) — That contribution from the honourable member for South-West Coast absolutely demonstrates why the Liberals are not ready to govern this state. His contribution has put on the table that a change in the boundary of a measly couple of hectares out of hundreds of thousands of hectares is the reason why we should abandon Melbourne 2030 and why we should abandon the urban growth boundaries. The house has just heard the honourable member for South-West Coast say he agrees with these changes, yet he suggests the motion before the house should be delayed for another two weeks. Why?

Dr Napthine — For proper consultation.

Mr NARDELLA — There he goes — for more consultation! For example, one of these changes for Werribee has been on the books for 17 years. The consultation occurred prior to those 17 years.

Dr Napthine interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The member for South-West Coast!

Mr NARDELLA — The honourable member for South-West Coast then said there has been no consultation, yet we have empirical evidence that the council itself has received objections within this process and that those objections have been noted by the council, which is the appropriate authority. The only people within Parliament who do not agree with the consultation process or with any of these processes whatsoever are opposition members, because their policy is to get rid of the urban growth boundary. They are crying crocodile tears when they say the government is changing the urban growth boundary, but of course the government is changing the urban

growth boundary through the appropriate process — that is, through Parliament.

We have had submission after submission on Werribee, Burdett's quarry and the other matters before the house. I would like to see the Liberal Party's submissions to any of the inquiries and the other consultations made at the local community level, but I can tell the house, Acting Speaker, that we will not get any because the Liberals are too lazy. They have never put in a submission in their lives, just like they did not with Melbourne 2030 when we went through the consultation process for a couple of years. Can the Liberal Party produce one single, solitary submission on Melbourne 2030? Of course it cannot, because it was too hard for it. Liberal members would have had to put their thinking caps on; in fact, they may have put on their thinking caps, but there is nothing between the ears when it comes to the Liberal Party.

That is why the lazy opposition has moved this reasoned amendment. What does it mean? It means the planning scheme amendments, the subject of the motion, will be delayed for two weeks. Are opposition members suggesting a process by which any of the existing objectors can come back to this house, to the opposition or to the appropriate planning authorities which have put the amendments before the government? No, they have no idea what they are talking about; they just want to delay it. They just want to say to Parliament that the government does not have the right — but only because they are lazy, because they cannot do the work and because they have not been involved in the consultative process in any way whatsoever.

The honourable member for South-West Coast might have taken a leisurely drive down through Werribee and past the zoo, but he has not done the hard work down at Werribee South. He does not understand what has occurred in Werribee or with the Wyndham City Council, yet he comes into the house and wants a two-week delay.

Dr Napthine interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The member for South-West!

Mr NARDELLA — Acting Speaker, let me just put a couple of facts to the house. The Werribee boat harbour proposal went through an independent panel, which received submission after submission. It attracted 145 submissions, of which 129 were in full support. It was first rezoned as a boat harbour — get this! — in

1989, yet members on the opposite side of the house come in here and say they want a further delay.

Then we have Burdetts quarry. A full exhibition process for that was put in place, and there was strong support. Who supported this proposal? Was it the Liberal Party? No, because it has no idea. It was the council, and even the Defenders of the South East Green Wedge group. Yet opposition members have the gall to come in here and argue, when their policy is to abolish the urban growth boundary; their policy is to throw it away and go through some other sham process, like they did during their seven long, dark years in government. That is why their amendment should be opposed strongly by the house, as I am sure it will be.

House divided on omission (members in favour vote no):

Ayes, 55

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lobato, Ms
Bracks, Mr	Lockwood, Mr
Brumby, Mr	Loney, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wynne, Mr
Jenkins, Mr	

Noes, 24

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Ingram, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr
Kotsiras, Mr	Sykes, Dr
McIntosh, Mr	Thompson, Mr
Maughan, Mr	Walsh, Mr
Mulder, Mr	Wells, Mr

Amendment defeated.

Motion agreed to.

FUNERALS BILL

Second reading

Debate resumed from 10 August; motion of Mr HULLS (Attorney-General).

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Funerals Bill. The bill basically attempts to do a number of things. Firstly, the bill attempts to introduce regulations, a code of conduct and complaint handling procedures. Secondly, it allows for the establishment of two registries: one will register all funeral providers and the second allows for the establishment of a registry for prepaid funerals. Thirdly, it establishes an industry ministerial advisory council.

I would like to thank the Honourable Wendy Lovell in the other place for the consultation process that she undertook. It was first class and she consulted widely. She spoke to the key stakeholders and received feedback from the industry.

The opposition will not be opposing this bill because it attempts to safeguard and assist families at difficult times. However, there are a number of concerns that we have with the bill which I will outline later.

The minister's second-reading speech says:

The majority of funeral providers operate professionally and ethically, treating the deceased and their family with dignity and respect. There are, however, examples where people have had their vulnerability and inexperience taken advantage of, and it is this type of exploitation that this bill aims to address.

The reason for the introduction of this bill is to ensure that people's generosity and weakness at difficult times is not abused. The majority of the industry is doing a good job and is looking after the interests of people.

Sometimes one has to question the government's motives for introducing legislation — often it has nothing to do with the interests of Victoria, and it has nothing to do with the interests of Victorians. Sometimes it is more about self-preservation, more about their union mates and more about jobs for the boys. I hope this bill is about protecting Victorians and looking after the interests of Victorians, not about the Australian Workers Union and looking after its AWU mates.

I hope this legislation is for the people of Victoria, because sometimes this government is one-eyed on

certain issues. It is about simply staying in office; that it is all this government is interested in. The Labor Party will do anything it can to ensure it stays in government. Perhaps the Premier is hoping he will reach 3000 days in office so he can get his statue outside 1 Treasury Place! I look forward to ensuring that that does not occur.

There is a service that everyone will require at some stage regardless of who they are or what they do. That special service is provided by the funeral industry. Each person and each family has their own style and requirements when it comes to funerals. This is the case in Australia, because we are home to people who are from over 180 different countries, who have different languages and practise different religions. It is important that funeral providers understand people's cultural and religious needs. It is important that the industry provides these services. But over the years the industry has had a number of problems. There have been many allegations made about the industry. An article in the *BRW* of 12–18 May 2005 states:

... the industry lacks transparency in their pricing —

and it claims that —

prices have escalated to unacceptable levels because of consolidation, and funeral homes cynically exploit the vulnerability and lack of knowledge of their clients.

The article goes on to say that the association is:

concerned about the cost of funerals and practices funeral directors use. The association's general manager ... says funeral directors are cagey about prices, do not explain add-on costs, do not disclose large mark-ups on essential costs such as coffins, flowers and advertisements, and try to make the bereaved feel guilty if they do not want to spend much on their loved one.

The funeral industry has had some negative publicity in the past. The *Bulletin* has said that today's funeral industry is complex, with complaints of corruption, monopolies, overpricing, shoddy service and the collapse of several 'buy now, die later' funeral funds. It also says that tales are rampant of kickbacks from funeral homes for nursing home employees.

It is also true to say that when a small player comes into the industry and cuts the prices, sometimes the larger players take over, buy out the smaller player, and therefore prices continue to increase. Changes are needed to ensure that there is transparency and a fair go for all consumers.

The Association of Independent Retirees and Consumer Law Centre Victoria are two groups that have called for

changes. The Association of Independent Retirees has sent a letter to the opposition which states:

The members of the Association of Independent Retirees would favour any requirements necessitating the provision of detailed information by funeral companies to prospective customers, particularly concerning costs. It is important that people receive full information about the type of choices available to them — e.g., cheap burial versus cremation, forms of ritual, celebrants, caskets and coffins ... My own experience has been that it is helpful for people to be given package prices, with appropriate information as to the varying components. After all, it is often the overall cost which is the determining figure in decision making.

Consumer Law Centre Victoria says it is its view that funeral providers deal with consumers who are highly vulnerable. In those circumstances it is appropriate that there be substantial protection provided to such consumers.

The bill before the house attempts to ensure that consumers are protected, the whole industry is open and transparent and people know what they are buying into and know where their money is going. The purpose of the bill is to provide for the regulation of the funeral industry, to regulate prepaid contracts, to establish an Industry Ministerial Advisory Council, to provide for codes of practice and to repeal the Funerals (Pre-Paid Money) Act 1993. The bill establishes the Funeral Industry Ministerial Advisory Council, whose responsibility will include the monitoring of the operation of this act and its regulations, the provision of services and developments in the industry and to provide advice on recommendations to the minister.

The bill also establishes a register of providers to record the details of persons who carry out the business of a provider in Victoria. It provides that the director 'may' establish a register of prepaid funeral contracts. People I have spoken to have told me that it is a good idea and that there should be a register of prepaid funeral contracts so that people will be able to find out if one of their loved ones have actually paid for a funeral service, as at the present moment they are unable to find out. Sometimes people might pay twice, simply because they do not have that information. The bill also requires the providers to offer basic services for which the goods and services to be included will be prescribed.

The bill requires the providers to provide a price list of all goods and services and also provides that if this list does not contain the full range of coffins available for purchase, a separate price list of coffins must be provided. The providers must also provide a statement of costs to the customer. It also provides that the minister may recommend that the Governor in Council make regulations, prescribing a code of practice, which

may be prepared either by the director or by the providers in consultation with other interested persons to regulate fair trading.

The bill also provides that funeral providers must establish a written document that outlines the procedures for dealing with customer complaints and must include the complaint procedure on a statement of cost. Inspection powers will be increased by the implementation of this bill, including powers for the inspection of the provider's premises when an offence against this bill is believed to have occurred.

At the moment the industry is self-regulated through a number of such associations. These include the Victorian Independent Funeral Directors Association, the Australian Funeral Directors Association and the National Funeral Directors Association. They all have their own code of ethics which they expect their members to adhere to. However, providers are not forced to join any of these associations.

There are a number of concerns, and I would like to go through the bill with the clauses that I have questions and concerns about. Clause 4 in part 2 of the bill, regarding the Funeral Industry Ministerial Advisory Council, states:

- (1) There is established a Funeral Industry Ministerial Advisory Council.
- (2) The Council consists of 9 members appointed by the Minister ...

Why do they have to be appointed by the minister? I will bet with anyone that those nine members will be members of the union movement and that they will be prepared simply to do what the minister asks them to do. It will not be an independent board; it will be there to ensure that they do what the minister wants them to do. If this is a council in name only and does not achieve anything, if it is there simply to please a few people, it would be a shame because they are not looking after the interests of Victorians.

Clause 12 in division 2 of part 3 of the bill, headed 'Register of pre-paid funeral contracts' states:

- (1) The Director may establish a register of pre-paid funeral contracts.

I asked this question earlier: why the word 'may'? If this was such a good idea, why does the government not just implement it and say that the director 'will' establish a register of prepaid funeral contracts? I think it is a good idea. It is important for people to know if someone has already paid for a funeral contract.

Therefore I do not know why the government has used the word 'may'.

Clause 17, headed 'Application to remove contract from register', states:

- (1) A purchaser under a pre-paid funeral contract may apply to the Director to remove the information relating to that contract from the register of pre-paid funeral contracts.

That is fine. What happens if 90 per cent decide to withdraw their names? Does this not then become an expensive exercise in futility? Whilst I support people's choices and believe people should have a right to decide whether their names are listed, one has to ask: what happens if the vast majority of people decide to be exempt under this clause?

Clause 45 in part 6 of the bill, under code of practice, headed 'Preparation of draft code of practice by the Director' states:

The Director may, with the approval of the Minister, and must, if the Minister so directs, prepare for submission to the Minister a draft code of practice for funeral providers and persons employed or engaged by funeral providers ...

Without knowing the detail, it is very hard to question or to argue about the code of practice. The government talks about openness and transparency, yet often it introduces bills without the regulations or codes of conduct or other information that is vital to having a clear understanding of what the bill is attempting to do. Because we do not know what this code of conduct will include, we have no idea whether it will have an impact on smaller operators. If it does, some of them might close. Increased regulation might also increase costs. Who pays for that? The families. It would have been beneficial to have that information together with the bill.

Clause 45(b) refers to storage and handling. Some have argued that this might force embalming on the industry, which is costly, and many will close because they simply do not have the facilities or the money. There was a minority report on the Family and Community Development Committee's inquiry. It said that if you regulate, there is a high probability you will increase costs, and that if you increase costs, those increased costs will be borne by families. The government agreed with that point in its submission. The minority report states:

In general terms, many of the findings and recommendations are supported. However, we do not believe the case was made for the further regulation of the funeral industry and we believe that increased regulation will lead to increased costs, which will ultimately be borne by families.

We also believe that such regulation will disadvantage small funeral director operators, particularly in rural and regional areas. In our view this may well lead to business closures and funeral services not being readily available in country areas as a consequence.

Part 7 of the bill relates to complaints handling. Clause 49 is headed 'Procedure for dealing with complaints'. It states:

- (1) A funeral provider must establish and maintain a procedure for dealing with customer complaints which complies with this section.

It goes on to list the requirements. There is a question here of cost. This will involve a cost and who is going to bear that cost? Again, it will come down to the families. Where are the guidelines? The minister spoke about guidelines but they are nowhere to be found. It is very difficult to discuss a bill when you do not have the full picture. The guidelines should have been developed while the bill was being done but being so lazy this government prefers to bring in the bill now and worry about the details after. In the second-reading speech the minister said:

Complaint-handling guidelines for funeral providers will be developed ...

How long will it take him to develop them? I am assuming they will done after the election should Labor be in government.

Part 8 of the bill deals with enforcement. Clause 53 is headed 'Director may require information'. It states:

- (1) The Director may require a person to give to the Director any information or documents that the Director reasonably considers necessary to determine whether that person or any other person —
 - (a) has complied with a provision of this Act ...

What is the time frame? There is nothing in the bill that tells me the director will request some documents and the operator has 2 days, 5 days, 7 days or they have to hand them over immediately. What happens to those documents? The second issue I want to raise is will Consumer Affairs Victoria have enough resources and qualified persons to ensure this is done professionally and properly? It is important that there is some dignity and some cultural and religious understanding in the exercise of some of the powers of these officers.

Division 3 of part 8 refers to the powers of inspectors. Clause 56 states:

- (2) An inspector may enter any relevant premises at any reasonable hour in the daytime and at any time that the premises are open for business and may —

- (a) inspect the premises and any thing on the premises ...

This does not take into account the sensitivity of some of the services. The last thing you want is for an officer to walk in on a service without any understanding of the cultural significance of doing that. It is important that there is some understanding and some guidelines as to when officers should be allowed to walk into premises and demand documents.

Clause 66 relates to damage caused during inspections. It states:

- (1) Subject to sub-section (2), the Minister must pay compensation for any damage caused by an inspector, or a person assisting an inspector, in exercising or purporting to exercise any power conferred by this Act.

That is fine, and I support that. The question I have is what happens if they take away a number of items and a number of pieces of equipment, and some things which do not belong to the operator are damaged in the process? Would the owner of that equipment be compensated? Or would they not be compensated because the equipment was found in the premises of a person who had done something wrong? I would appreciate the government making it clear as to whether this applies to all equipment regardless of whether it belongs to the operator.

We have all received some correspondence from F. W. Barnes and Son in which the director of that company calls for a greater right to choose. In the letter he sent to everyone he stated:

There are numerous reasons a consumer may wish to change funeral directors and these might include:

1. The funeral director they selected has sold the business or died and is therefore no longer able to handle the funeral arrangements.
2. The funeral director originally chosen has for some reason developed a bad reputation and the consumer no longer has confidence in him/her.
3. A new funeral company has established in the consumer's local area and they feel they prefer the new director for reasons which may include better facilities and/or reputation.

Did the government take this into account when it was drafting this legislation? Some have argued that if you do this, it will encourage poaching, and therefore they do not support it. However, I think that if you were able to do it in such a way that you gave only the bare minimum information, then poaching would not be possible.

I support any attempt by the government to try to clean up the funeral industry. As I said at the start, the vast majority of operators are hardworking and do a professional job. However, there are a few who try to take money at a time when families are hurting and are not considering the financial implications. It is important that we put in regulations and legislation to ensure that the consumer is protected. However, at the same time I think it is important that we do not put in place so much regulation and legislation that small businesses close and monopolies are the order of the day. We have to ensure that everyone is looked after; the consumer has to be looked after first. We have to ensure that there is competition and that people have choice.

I was interested to see the submission the government made to the Family and Community Development Committee inquiry. It states on the last page:

There are areas where the existing regulatory framework could be strengthened and possibly expanded to provide additional protection of the interests of the community, consumers and employees involved with the funeral industry. However, increased regulation also means increased costs, and the government would have to be convinced that increased regulation would produce outcomes that would justify those costs.

In summary, the Victorian government would support measures to improve the protection of consumers and service provision in the funeral industry, however, it is important that these objectives are not pursued at the expense of promoting vigorous competition between suppliers in the funeral industry.

Yes, we need to look after consumers but we have to be very careful how we do it because we have to ensure that the industry is strong, that it survives and that there is competition and choice for all Victorians.

We will not be opposing this legislation. It is a step towards openness and transparency. I just hope, as I said, the government is a bit more active in terms of ensuring that the regulations are drafted quickly so the industry has a chance to look at them. The industry should have a chance to look at the code of conduct and provide its views so we can come up with something which works for everyone. It is a time when people are sad and depressed, it is a time when people do not look at what they can afford, and it is a time when others can take advantage. The Liberal Party will not be opposing this legislation. I look forward to seeing the regulations and the code of conduct when they are prepared by this government.

Mrs POWELL (Shepparton) — I am pleased to contribute to the debate on the Funerals Bill on behalf of The Nationals and to advise that we will not be

opposing this legislation. The bill implements a number of recommendations made by the Family and Community Development Committee following its inquiry into the regulation of the funeral industry. I believe this bill strikes the right balance between consumer protection and regulation as well as self-regulation.

Mr Bob Smith, a member for Chelsea Province in the other place, was the chair of the inquiry, I was very proud to be the deputy chair, and Mr David Davis, a member for East Yarra Province in the other place, was also one of the committee members. A number of committee members in this house are obviously going to make a contribution on the bill. They are the member for Evelyn, the member for Bellarine, the member for Narre Warren South and the member for Caulfield. I would like to put on the record my thanks to the committee staff: the executive officer, Mr Paul Bourke; the acting executive officer, Ms Iona Annett; the office manager, Ms Lara Howe; and the research officer, Ms Elizabeth Creed.

The terms of reference for the inquiry were given to the Family and Community Development Committee on 20 January 2004, and the report was adopted on 31 October 2005. One of the contentious issues was that, on the day it was adopted, no Liberal Party members were present. I moved that the report not be adopted due to their absence, but unfortunately I was not able to win that debate.

The report was tabled on 17 November 2005 after extensive consultations. Members of the committee would remember that we travelled a fair bit around Victoria. We spoke to many people, including funeral directors, people who had been through funerals and organisations that support the funeral industry. We found that, all in all, most people were pleased with what had happened when they had organised a funeral. We learnt first-hand that the time when people are trying to arrange funerals is the time when they are at their most vulnerable, so it is up to the Parliament to make sure those people are protected.

The first term of reference asked the committee to identify all existing regulations and self-regulatory arrangements applying to the funeral industry in Victoria. As I said earlier, we spoke to a number of people to find out whether the regulations were too onerous or whether there were some gaps and, if there were gaps, whether the committee could look at them and see whether there was a way of making sure the community was protected.

Another term of reference asked us to examine the quantity and severity of complaints, the community's perceptions of the ethical standards in the funeral industry, any public and environmental health concerns, any occupational health and safety issues for employees, and in particular any consumer protection and fair trading issues. We were also asked to examine whether there were problems in the industry and whether we could consider options to address those problems.

We also had to look at how funerals were conducted, including such things as the storage and transportation of bodies and the physical treatment of deceased persons. We were a little bit hesitant about going into some of the funeral parlours and having a look at some of the areas, because it is not something you want to be a part of. Most people, when they have to become involved in the industry, are usually experiencing a very stressful and sad time in their lives. From speaking to those funeral directors we learnt that they indeed treat the bodies of deceased persons with dignity, with respect and with a lot of empathy for the family.

We also looked at the standards of training for employees and workplace support. We looked at whether the standards were adequate or whether they could be made more stringent and better for employees. We looked at the planning requirements, administered through local government, for the establishment of funeral parlours. We saw where the waste water went to and how bodies were cleaned down and so forth. We found that the system works well and that local councils were not aware of any huge problems in the industry.

We were also asked to consider any non-legislative options such as codes of conduct, accreditation schemes and education and training schemes. The committee received a large number of submissions from organisations and from people who had had experience of the funeral industry and wanted to make some comments. At one funeral parlour we visited in Bendigo we met Mr Simon Mulqueen, who has a family business and is very well respected in the industry. The committee found that many of the funeral parlours in the industry around Victoria were family businesses. Often the funeral director trained their son or daughter, and they passed on their expertise to the next family member. It was very much a family industry in country Victoria, where many people have been in the industry for generations. They have become very much part and well-respected members of those communities.

We also conducted a number of forums around Victoria. We went to Geelong, and we conducted a

number in Melbourne. We had one in Shepparton, the area I represent, on 3 August 2004. Most of the funeral directors in that area and the surrounding districts were very well represented at the forum. A number of religious groups also came to the forum to put forward their suggestions on making the legislation better and more reflective of the types of rituals they use in their funerals. We met with Filipino organisations, with Muslims and with Tongans, who told us about the different rituals they practise when they bury their dead loved ones. Some of them have all-night vigils, and some funeral parlours were not able to accommodate that requirement. We heard about the many different ways in which people bury their dead.

We also heard from members of the Brethren. They attended with the other groups and stayed for the whole day, so it was very much an inclusive occasion. Committee members were able to spend some time with them off the record as well, when they had cups of coffee and stayed for lunch. We were very impressed with the level of assistance they wanted to give the committee. They wanted to make sure we understood the issues they wanted to raise with us.

The Brethren had a number of concerns about the way they bury their dead. They were concerned that some of the regulations that the committee may bring forward might be detrimental to the way in which they bury their loved ones. They hold very few funerals; in fact they are not a commercial entity at all. Some advice I have from the Brethren says that up to 30 June 2006 only 13 Brethren burials had occurred in Victoria, and involved five of the members. The Brethren is a not-for-profit organisation and has been in existence for about the past 30 years. Our understanding is that there have been very few complaints, if any, from the way the Brethren bury their people.

There were some concerns about prepaid funerals and the right to change your mind about where a prepaid funeral is held. There were also some discussions about more inspections of the prepaid funerals register, and the bill does provide for that. I will read a letter from a member of the Brethren. David Shemilt sent a letter on behalf of the Brethren. His letter of 5 September says in part:

As you would know the prospect of new legislation on the funeral industry left us with some areas of anxiety — however, a close examination of the draft bill now to hand does not appear to present any requirements that would prevent us from continuing to 'bury our own'.

However, we do feel strongly that the service we render to our departed loved ones which is a gratuitous one scarcely warrants our inclusion in the legislation covering the activities of commercial funeral directors who derive an income from

their services. This aspect of our activities was fully gone into at the time the NSW government granted an exemption to our NSW colleagues in 1995. I firmly believe that our operation in Victoria should be exempted from the legislation as was done in NSW.

I spoke to the Minister for Consumer Affairs after receiving this letter, and I gave her copies of letters that I had received before and also some information from the New South Wales government about how its legislation exempted the Brethren from the funerals legislation. The minister said to me that she believed that when the legislation was passed it would not be too onerous and would still allow them to bury their own people. She said she would have another look at it. Hopefully if the minister believes it would be detrimental to the Brethren to bury some of their own people, then the minister would make some concessions in this bill.

I also received a letter from F. W. Barnes and Son, funeral directors at Ballarat. The letter was sent to all members of Parliament and expresses some concerns about the bill before the house. It says in part:

The new bill will encompass the old Funerals (Pre-Paid Money) Act 1993. The old act had no provision to allow consumers who prepaid their funeral to change their mind and transfer their prepaid funeral to another funeral company unless that right was specified in their original prepaid funeral contract. I know of no funeral directors who have put this provision in their contracts.

The letter goes on:

It is my view that consumers should always retain the freedom of choice and the right to change their mind, and given that a prepaid funeral could be in place for anything from a few weeks to 20-plus years, consumers should not be locked into a decision on such a delicate matter and should retain the right to choose; after all prepaid funerals are principally about peace of mind.

The letter goes into some of the reasons that people might want to change their minds. Some of those reasons might be that if you had paid for a funeral 20 years ago or even 10 years ago, the business was sold and you did not get on with the new director, then you may want to choose to have another funeral director conduct your funeral. Also, that funeral director over the years may develop a bad reputation, and the person arranging the funeral might want to remove the funeral to another establishment. The case might also be that a new funeral director has come into the town or the area who has very good facilities. That funeral director might have a relationship with the person who is burying their loved one, and the person might want to move the funeral to there.

From talking to funeral directors, I do understand that a fee should remain with the original funeral director, because a consultation to talk about coffins and price lists and all those things can take about 4 hours. I understand that the whole of the money cannot be transferred, but perhaps the government could look at removing some of that money or leaving an establishment fee with the original prepaid funeral director.

The bill repeals the Funerals (Pre-Paid Money) Act, the provisions of which now come into this bill. That act regulates the investment of prepaid funeral funds. It also enhances the inspection powers to improve protection for prepaid funeral funds. It also ensures that the information on the register is correct.

I received an email from Bruce Valpied of Horsham and District Funerals. It was passed on to me by the member for Lowan's office. Mr Valpied suggested putting in place some very strict guidelines for prepaid funerals and funeral bonds. He would like to have prices stated on the contract for regular services rather than what the bill provides for, which is for minimum services. A number of people who spoke to the committee were concerned about the price list. In particular they were concerned that some people could ask one funeral director to give them the cost of a funeral, and another funeral director might give another cost.

There might be different price options, where one of the funeral directors might leave out some of the other things that would go into the contract, such as a person playing the organ or some flowers. Comparing one funeral with another, those people might not get the same quality of funeral. There needs to be a contract which specifies all of the services a funeral director is going to provide so that, if the funeral is transferred, the next funeral director can put down the prices of the same services. That way consumers will know they are getting the same quality funeral they originally purchased. I am quite pleased to see that that is in the legislation.

Mr Valpied also thinks that funeral directors in country Victoria are not the problem, and he did not want to see country funeral directors overregulated, because it would be a cost burden. The committee did take that into account, and we heard similar comments from other funeral directors in regional Victoria. Some of them might only do 10, 15 or 20 funerals a year and may have other jobs. They see themselves as providing a service to their community, and if the government were to make the regulations too onerous, then any increase in costs to the funeral directors would be

passed onto the families. I am pleased to see the regulations are not too onerous.

Clause 7 of the bill establishes in Victoria a register of funeral providers which is accessible to the public, and the information can be made available to people. That was an important issue. We did not know how many funeral directors there are in Victoria because there was no register. The bill provides for the creation of a register, and it also provides that the director of Consumer Affairs Victoria can establish a register of prepaid funeral contracts. The member for Bulleen has said that the bill says that consumer affairs 'may' provide it. The Nationals think that it should. The committee talked about a national register of prepaid funerals so people who travel through the states can know that if they move from Victoria to Western Australia that they would know that their prepaid funeral has been paid for in either of those states. It is important to get that information out to people who are organising a funeral.

The bill also establishes a Funeral Industry Ministerial Advisory Council. The reason for that is that not all funeral directors are members of a funeral industry organisation, so they may not get all the information that should go to them about new regulations on occupational health and safety and codes of conduct. A number of funeral directors out there are perhaps working in isolation, are not regulated and perhaps do not have the same up-to-date information that is received by funeral directors who belong to the Victorian and national bodies.

We were very pleased to see that the creation of a funeral industry council was not supported by the government. Government members wanted to create a funeral industry council because they felt the industry should be more regulated, but non-government members of the committee opposed that and presented their opposition in the form of a minority report. We did so because we do not want to see an overarching body having too much of a regulatory role in licensing funeral premises and on-site members and applying penalties to people who do not comply with conditions imposed under a code of conduct.

Our minority report said that the regulation should not be too onerous. Not everyone wants to be a funeral director; if you make the regulations too onerous, you may not encourage the people who should be in the funeral industry and who have the empathy and people skills to deal with people at their most vulnerable. We wanted to have the balance so that consumers were protected but not overregulated to the extent that people

who would be good funeral directors are stopped from going into the industry.

No case was made for further regulation. We believe increased regulation would lead to increased costs which ultimately would be borne by families. We believed overregulation would disadvantage small funeral directors, particularly in country Victoria, which could lead to business closures. Funeral operators said they would not keep going if they were regulated out of business. We did hear that only a small number of complaints had been made, and Consumer Affairs Victoria advised us that from January 2000 to January 2004, only 53 complaints were made against the funeral industry. They were effectively all resolved through conciliation.

It is important to note that while there have been only a few complaints, most of those have been dealt with. We were told some of the complaints ranged from not liking the colour of the funeral directors shoes to 'That is not my mother's body'. There were some minute complaints but also some very important complaints were made. Some people just did not like the funeral director or thought the funeral parlour was not up to scratch.

Funeral directors are now to put in place a complaints process, which is important. It is important that people who sign a contract understand that, if they are not happy with it, there is a complaints process in place and the bill allows for that. I am pleased the government has taken notice of the committee's report. Most funeral directors are professional, courteous, ethical and empathetic and most people are satisfied with the funeral arrangements they put in place.

Ms NEVILLE (Bellarine) — I am very pleased to have the opportunity to speak today in support of the Funerals Bill 2006. Like the member for Shepparton I had the pleasure of being involved in the parliamentary committee that inquired into the funeral industry. It was a great opportunity to better understand what is one of our most important, but perhaps not very talked about industries in Victoria.

I want to pick up on the comments of the member for Shepparton that there were some concerns about the parliamentary inquiry report being passed without the two Liberal members. I put it on the record that part of the issue was that the Liberal Party members were rarely there. It would have brought the whole thing to a standstill, and we would not have been able to proceed. We had a lot of investment by the industry, consumers and workers in the process. We felt it was important to continue to move forward.

I also heard the contribution of the member for Bulleen — and I want to pick up on it briefly — who questioned the motives behind the development of this legislation; he implied it was something to do with looking after mates. I can say from my perspective that the people involved in this inquiry and the people on the parliamentary committee where the recommendations come from embraced the opportunity to understand the industry, to talk to industry leaders, to understand their needs; and to balance that against the needs of consumers and workers in the industry. The recommendations were worked through intensively, with the best interests of the consumer and the community at the heart of our recommendations.

As the member for Shepparton alluded to, we had the opportunity to meet with funeral directors, peak bodies, consumers, consumer organisations, workers and unions across Victoria. We received both written submissions and held public hearings in Shepparton, Geelong and Melbourne. We had an extensive community input into that process. As the report indicates, funeral directors spoke passionately about their communities and their dedication to the work. The committee found that overwhelmingly the majority of members of the industry operate within a supportive and ethical environment, which regards providing a service to families and the community as a privilege.

That is a good starting point for my contribution and a good starting point to understand the provisions contained in the bill. I have made a number of contributions this year about the findings of the parliamentary inquiry report. In all those contributions I have highlighted the fact that the committee found that the majority of the providers do an incredible job and treat the families of the deceased with great respect and dignity. I want to acknowledge that dedication on the public record.

However, against that backdrop the industry and community highlighted concerns to the committee. There was evidence of consumers being taken advantage of or where there were what we would call 'questionable practices'. Unfortunately one of the most disturbing was a submission provided by the Royal Children's Hospital in relation to disrespectful and inappropriate behaviour relating to the collection and transport of three deceased children. The first baby had been collected from the Royal Women's Hospital in a cloth carry bag, the second was collected from a mortuary refrigerator and placed in the same bag on top of the first baby and the third baby was collected from the intensive care unit, with the parents in attendance, and placed in the same bag as the two other deceased babies.

Despite a request from the Royal Children's Hospital staff pointing out that this was causing enormous distress to parents and staff, this practice continued. Despite its attempts the industry body was not able to regulate the practice because the responsible person was no longer a member of that industry association. That is obviously something we considered to be poor and inappropriate behaviour, but it was not illegal and there were no regulations of any form.

Although some people have pointed to the low number of complaints to Consumer Affairs Victoria, suggesting there are no issues within the industry, it was clear to the committee that people are required to arrange funerals at distressing times, when they are very vulnerable. Not only do consumers feel emotionally unable to follow through on complaints but it is also true to say that consumers who may have had a complaint were not really aware what to do with that complaint.

The USA has a funeral ethics association and I quote a comment contained in the committee's report:

I believe it is absolutely naive to see the level of complaints as a significant indicator in whether you need registration or some sort of processing of the industry. People do not make complaints.

More importantly, if families are aggrieved and cannot resolve a complaint, they are unlikely to progress it any further. What they tend to say is, 'Let's put it behind us and move on and not go back there for the next one'. That is the reality of the situation in relation to complaints.

As is the case with all other industries where complaint resolution systems have been put in place, often it is not until consumers are informed of the process that they start to take their complaints forward. It is not that I am expecting we will be inundated with complaints, but I think people need to understand where they can go and how they can do it. Hopefully most of those can be resolved between the parties. However, in cases like the one I talked about at the Royal Children's Hospital, the people involved probably needed some formal procedure as part of their grieving process to deal with that practice.

This bill also has some key changes for the industry. Most of them focus around how we can better protect consumers and the role of government in that protection process. They include such things as disclosing the prices of funeral goods and services. This occurred within the banking industry when I was involved in the consumer affairs area. It is often hard to compare prices and to make a realistic choice about costings.

This provision in the bill provides for detail item by item, as well as service fee costs and the total cost of the funeral. Consumers will be able to compare, if they choose to, but even if there are not a lot of options in terms of shopping around in their communities, at least they will be very clear about the total cost of the funeral. A lot of complaints are due to a lack of understanding about the cost of the funeral and what people were quoted. It may provide a benefit to the industry, but obviously it will also provide a benefit to consumers. The bill also requires funeral directors to maintain a written complaint-handling system and to ensure that consumers are notified of those procedures.

Other important changes include the establishment of a public register of funeral providers. One of the local funeral industry services contacted me about this and said that it welcomed this and that if nothing else people would be able to see where services were registered and where they operated from. The committee saw that there could be a bit of misleading advertising about where companies were based or about their relationship to particular communities. That has caused problems for some local funeral directors, and one in my electorate was particularly pleased to see this provision in the bill.

One of the other key changes relates to prepaid funerals. I notice that the opposition has pointed to some correspondence saying that the change should have been extended to provide for choice in moving a policy from one fund to another. The member for Shepparton realised this. I remind the house that this was not part of the inquiry's terms of reference, but the issue of a prepaid register came up as part of that and we took that up and consulted on it. The issue of choice and of moving a policy from one place to another did not come up; it has only subsequently been raised. It may be something that, for example, the advisory committee could look at or consider. There are obviously some issues that would come up about, say, costs, but no consultation occurred on that issue, whereas all the other issues had a level of consultation.

In conclusion, I believe that this bill provides a balance. It is not about putting too many costs on the industry, it is about balancing the rights and interests of consumers at a very vulnerable time in their lives. Most funerals that occur day to day in Victoria are fantastic, and people are well supported. This is about protecting those consumers who are most vulnerable in a time of grief.

Mr DIXON (Nepean) — I too express the Liberal Party's support for the Funerals Bill because it contains many overdue provisions, which speakers before me

have spoken about. One of the main reasons I wish to talk about the bill is that I have a large proportion of elderly residents in my electorate — it probably has the oldest age profile of any electorate — and this is an issue that certainly concerns a lot of them. But I must say that in my 10 years as the member for Nepean and Dromana I have never received any complaints in my office regarding any funerals that my constituents have been involved in. That says something about the industry on the whole and especially about the local directors, whom I will mention a bit later.

I have a concern about the protection of smaller operators. We have some massive operators — they are nearly conglomerates — in the funeral industry in Australia. That is not a problem, because we live in a society that allows market forces to work that way. However, we also have a lot of small organisations and family companies that service country towns and small regions. It is important to recognise that they have provided and continue to provide an excellent service and that they are supported through this legislation without being overly regulated. We have to keep that balance. Once the regulations become too onerous they become an expense that a small company cannot bear and passes on to the consumer, which can therefore mean that the consumer is unable to afford the funeral for their loved one that they would like to provide. It is like walking a tightrope, and this legislation has got it right.

It is interesting to note the complaints that have been talked about when you think of the thousands of deaths that occur in our state each year and the small number of people who complain. The member for Shepparton mentioned that the complaints range from the very minor — as most of them are — to some that are serious. The member for Bellarine spoke about an issue regarding the collection of the bodies of babies who have died. We cannot have a system that allows anyone to get away with those sorts of things, whether they are registered or not. We have a huge variation in complaints, but as I said they are few and far between and most of them are luckily at a minor level.

Funerals are emotional occasions. Most people, especially if it is the first funeral they have had to arrange, do not know what to expect and do not know what is expected of them, at a time when they are consumed with grief. Sometimes small issues are blown out of proportion and consumers make poor choices. But at the same time sometimes very dishonest business people have taken advantage of that and have not provided the services the community would reasonably expect.

The small operators therefore must be represented on the ministerial advisory council. As I said, they bring a very different perspective from the larger operators, because to a certain extent they serve a different clientele. They are often based in small country towns and regional areas, and they have problems that would be more easily dealt with by a larger company. It is important that they are always represented in any changes to the legislation or the regulations that the government of the day might make.

As I mentioned at the start, in 10 years as the member for Nepean and Dromana I have had no complaints. Two funeral directors serve the Mornington Peninsula, and their companies conduct the vast majority of funerals in my electorate. I recently spoke at the 25-year anniversary of Rosebud Funerals, a completely Australian-owned local company. In fact I have organised three funerals of close family members through Rosebud Funerals, and the people there have done a marvellous job. Rosebud Funerals has a very good name in the community.

It was interesting when I spoke at the 25th anniversary of its establishment. It was a rather sombre occasion, and I did not know whether I should make light of it in any way. I talked about the changes in Australians' attitudes to funerals over the years. One of the new phenomena at that time was the prepaid funeral. I related the story of my elderly parents, who are in their 80s and 90s. They were talking, and I think it was Dad who asked Mum, 'What would you like on your headstone?'. Mum thought about it for a moment and said, 'I'd like "Wife of the above"'. That got a bit of a laugh and lightened the mood at what was meant to be a celebration. I have a lot of jokes like that, but I will not relate them here.

The other company I would like to mention is a very small company made up of two families. Morningside Funerals has been struggling at times over the past three years. It is two doors down from my electorate office, so I have got to know the people there very well. They are great members of the community. They are out there sponsoring events, and they join in the activities of our local traders group. They struggle at times. They have busy weeks sometimes and then they have some very quiet weeks, but they are a wonderful group of people who have decided to take on what I think is an important but very difficult business to establish themselves in. As I said, they have persevered for the last number of years.

I will relate a story that exemplifies their community spirit. At the end of each year I have a morning tea for about 100 ladies who come along and donate wool and

knitted goods that we send off to various charities around the area. One year my office was being renovated and the renovations were running over time, so I was stuck for a venue. I went into Morningside Funerals and said, 'Would you have any spare space?', and they said, 'Yes, not a worry. You can have your morning tea in here'. They showed me the room that we could use, which was wonderful. We certainly kept the drinks cool. There were a number of coffins on display in there, so I said, 'Perhaps it might be appropriate if we take the coffins out of the room so we can enjoy the morning tea a bit more', which they did. Everyone enjoyed having morning tea in a different sort of scenario. Many of the volunteer knitting ladies took away a show bag each and were very impressed with the service shown by this company.

Rosebud Funerals and Morningside Funerals are a couple of companies that serve my community very well. I think this bill will go a long way towards protecting those very important small businesses.

Debate adjourned on motion of Ms McTAGGART (Evelyn).

Debate adjourned until later this day.

CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL

Second reading

Debate resumed from 24 August; motion of Mr THWAITES (Minister for Environment).

Mr SMITH (Bass) — It gives me pleasure to be involved in the debate on the City of Melbourne and Docklands Acts (Governance) Bill. I was interested to read the earlier debates on the setting up of the Docklands Authority, because the second-reading speech seems to fall back on saying, 'It was the Kennett government that did this' — but in fact it was not. The Docklands Authority was set up by the Labor government some years ago. I reflected on the bill and remembered back to the time when I was involved as a member of the other house. We had a Labor government that had reached its use-by date and was looking for anything it could do.

Labor was looking for a site for the casino, and a number of ministers at the time, including David White and Jim Kennan, spoke about the Docklands only as a site to build a casino, saying what a great success it was going to be. The truth of the matter is that it did not happen down there. Not long after that the Kennett government took power, and it was very good about

directing the development of the Docklands. The Kirner Labor government was in no position financially to do anything. Anyway, it was absolutely bereft of ideas of what to do down at Docklands. It had concerns about some polluted land that needed to be cleaned up but did not know how to go about it. The Kirner government was not able to comprehend what could actually happen down there, apart from saying that it could put a casino on the site and claiming that it was going to be terrific.

I say at this stage that we will not oppose this piece of legislation, but we have some concerns about what is in the bill and what it allows. When you read it you think, 'Okay, they are going to give the Docklands back to the Melbourne City Council, because they think that is probably where it should have been'. Labor abused the Kennett government for taking the Docklands out of the hands of the Melbourne City Council and, I think, the South Melbourne and Maribyrnong councils, as they were at the time. Nevertheless, Labor promised back in 1999 in its policy document that it would:

... bring the Docklands precinct under the control of democratically elected local government.

It went on to say it would:

Clearly define and protect local government planning powers and allow fewer areas for unilateral ministerial intervention.

I will come back to that in a minute. It then went on to say:

In removing the Docklands precinct from normal democratic processes the Kennett government is condemning the residents of Docklands to a system that is backward looking, undemocratic and obsessively focused on purely commercial considerations. It is bad public policy.

Labor believes that democracy and development can go hand in hand.

Labor will bring the Docklands precinct under the control of the democratically elected local government.

Hallelujah! Anyone would think that the whole thing had fallen into a hole in the meantime, but the truth is that when it was rejigged under the Kennett government the Docklands Authority was a very progressive organisation that went out seeking investment to develop that magnificent area down there — and I think what it did was very good. What we have down there is a reflection of Melbourne that will be there for many years to come. It is something that we will look back on and realise what a magnificent structure that whole area has become.

As I read through a lot of the things that were said about the Docklands, I marvelled at the Honourable

Mark Birrell's vision for the Docklands as reported on 7 May 1991. What he said was terrific. I see the former Lord Mayor, the member for Richmond, over there. I can remember standing down on the Docklands watching speed boats racing around. He in fact was very generous in extending to me the courtesies of the Melbourne City Council that day. I remember him for his generosity and his pleasant nature as a member of the other tribe, and I was very grateful for it. He did not push me into the river, and for that I was also grateful.

I would like to read a little of what Mark Birrell had looked at. In debate on the Docklands Authority Bill in 1991 he said:

In simple terms, the Docklands development is Australia's greatest urban renewal opportunity. It is an exciting development prospect on spectacular land which is currently underutilised. The Spencer Street rail yards and part of the port of Melbourne will, with innovative thinking and private enterprise involvement, be turned into a magnificent site for commercial, retail, residential and other activities.

That is how it has turned out. At that stage we were in opposition under the Kirner government. He went on:

The features we have in mind for the Docklands are as follows. The wharves and old railway yards provide a magnificent site and they demand premium quality development with an emphasis on aesthetic appeal and an outstandingly built environment.

The area should combine overlapping residential, commercial, retail, office and service zones. It should be developed in stages and it must be driven by private sector investment and support.

That is the way it has worked out. That is the way it has actually happened, and I think we can all be very proud of how it has finished up down there. The Kirner government, thinking it could do something but not having the money or the understanding of the way the whole thing would work, set up this committee, and then the Kennett government generated great support for what happened. Then, what happened there, as I said, was very good.

The bill has some areas of concern. It will establish a coordination committee of seven members. Three will be from the Melbourne City Council, three will be from VicUrban and one will be appointed by the minister. We all know — there is no doubt about it — that VicUrban is a creature of this government. The people who will be on that committee will be people to whom the minister says, with a bit of a nod and a wink, 'We want you to go on that committee because you will do exactly what we want'. Also the minister has to appoint one person, who will be the chairman of that committee. So whatever happens, whether or not every committee member attends the meetings, it may well be

that the minister will still have total control over the committee. That will not really be a handing back of the control of Docklands to Melbourne City Council.

The minister has handed back the roads, the drains, the rates and the rubbish, but he has not handed back control. He has not given back to Melbourne City Council any of the planning powers, which was something the council did not want to lose at the time, and it would have liked to have been part of the development.

The Docklands Authority was overtaken by VicUrban, and I must say those two groups — VicUrban and the Docklands Authority — have done a good job in the development of Docklands. I do not have any complaints about that, but this bill indicates that there is to be a hand-back to Melbourne City Council of Docklands and all the areas related to it.

The coordination committee that will be set up, as I described earlier, is supposed to be a special committee of the Melbourne City Council. However, the council only has the power to remove its own nominees. If it is a creature of Melbourne City Council, one would think the council would have at least some control over who will sit on the committee. As I said before, three of them will be from VicUrban, one will be appointed by the minister and three will be from Melbourne City Council. The council will only be able to remove or change its own three people, so it makes no difference.

There will still be four people who can vote in a block. We know the ALP is very good at doing these sorts of numbers. Those people could vote in a block and still have control of what happens down at Docklands. That concerns us on this side of the house.

The bill provides for a quorum of five members on the committee, and when the minister's appointee, the chairman, is absent, all decisions have to be unanimous. They talk about giving democracy back to Melbourne City Council and to the people, but there is no democracy when you have got loaded dice, when you have got more people on the committee who will vote the way the minister wants than those who might want to vote in an independent way and maybe vote against what the minister decides. I find that a little strange, but I suppose in dealing with the Labor Party you have to expect it will play some tricks to keep some sort of control over what is going on in that area.

The committee will be required to approve any management or finance and infrastructure plan prepared for the coordination area. The fact is that the committee will still have complete control not just over the

planning but over what goes on there. It does not make sense that the government has said it is going to give control and democratic rights back to Melbourne City Council, that it is agreeing to hand back Docklands. It is going to say, 'Here, this is all yours. There is an \$8.3 million deficit. We are giving you \$200 million worth of assets', in roads, gutters, streets and whatever else is involved. But they are \$8.3 million behind to start off with. The council can collect about \$8.4 million in rates as it does currently, so it is not going to be able to pay the debt off immediately. It will have to be phased over a number of years.

They say that in 2021 some \$43 million per year will be coming in, so there is probably some security for Melbourne City Council, but the whole area has to be developed at that stage to allow this development to continue to go ahead. There are going to be more people, there is going to be more rubbish to collect, there are going to be more streets that have to be swept, there are going to be more services having to be provided to the people, and there will be people who have an expectation of what services are going to be provided for them.

The City of Melbourne is going to find that it is responsible for the provision of those services. It was interesting that Kevin Chamberlin, another former Lord Mayor and Labor Party man through and through —

An honourable member — A pinko!

Mr SMITH — A pinko? No, I would not describe him as a pinko.

Mr Wynne — What did he say?

Mr SMITH — I will tell you what he said. It was in the *Herald Sun* of 9 September. Kevin is a nice bloke. He does a lot of fishing at Cape Paterson and often passes my office at Wonthaggi. He has commented on my photograph in the window and about how good looking I am, so he must be a very good man! The article states:

... Mr Chamberlin warned the costs of providing services to meet the high expectations from Docklands residents and businesses would far outweigh rates.

'Because of poor planning in the Docklands by the state government, the expectations of the people now living there are very high', he said.

The cost of meeting some of these expectations will exceed the rates revenue received from the entire area by a considerable amount.

The municipal infrastructure in Docklands is non-existent — child care, high-quality open space, aged care facilities, libraries, roads, footpaths.

Their attitude is they've paid big figures for their units, they've been let down by the government and now they expect the council to have to fill the gap.

That is what the expectations of the people are. I am sure Kevin Chamberlin has reflected very much the feeling of the people down there. As a councillor he would know what the feeling of the people is down there. I look forward to the member for Richmond's contribution, as I am sure it will be something earth shattering. He may have a different feeling about what this is all about.

Mr Wynne — Don't hold your breath, Ken.

Mr SMITH — I won't hold my breath, no. The Docklands Coordination Committee, which I mentioned before, is responsible for place management services. They are the services that relate to site preparation or presentation; waterways management, which is basically keeping the waterways clean and free and ensuring that boats have places to pull in and that only the right boats pull in, and so forth; the safety and security of the area; the marketing and promotion of the Docklands area; the attraction and staging of events in the Docklands area; and any other prescribed matters that go on there.

You would have thought some of this would have gone back to the Melbourne City Council, but it has not. It is with a coordination committee — the one that is probably loaded up with Labor Party people. It is going to be in the position of having control over all of those things. The Minister for Planning will still have control of all the planning that goes on at Docklands. I have to say again that you would not have expected anyone to say, 'Look, after 10 or 15 years we will be giving you back this area, but you are not going to get involved in any planning, and you are not going to have any say in the promotion of any of these areas or have any say about the way the areas are looked after because they are going to be looked after by this coordination committee, and the minister has control of that committee. You are not going to have a say in the staging of any events'. The Melbourne City Council will probably finish up being lumbered with the cost of cleaning up events that are held down there.

The Docklands development is terrific, and some fantastic events are held there. It is a great place to promote, but the Melbourne City Council will probably find that it will get the bill for cleaning up after all of these events. The Melbourne City Council may supply the security for these events, it may have control over the parking for these events and some other problems may be lumped in with that, but it will have no say in the planning or in anything else to do with any of the

events that will be going on. I just do not see this as being good; I do not see this as being practical for the City of Melbourne.

The minister finished up his second-reading speech by saying:

The City of Melbourne has agreed to accept the return of the Docklands precinct.

That is funny, because a letter that was sent from Cr John So, the Lord Mayor of Melbourne, to the Minister for Local Government in the other place, Ms Broad, on 31 August 2006 says that the minutes of the council meeting on 29 August show that on item 5.1, 'Docklands transition — status report', referring to the Docklands legislation which had been introduced into Parliament, the council resolved that it:

... note the information in the report —

one would have thought the council should have known what was going to be in it —

... note that the Docklands legislation tabled in the Victorian Parliament was without detailed consultation with the council.

The government was not even having proper consultation with the council when it was deciding that it was going to hand this area back. It was not talking to the council about who was going to have control over planning matters or who was going to have control over the precinct itself, insofar as what this coordination committee was going to have.

I wonder what the poor old City of Melbourne is actually being lumbered with. The government is going to have all of the say, and all the council will do is the cleaning up — it is going to clean the drains and everything else. It has been handed a debt of \$8.3 million and told, 'This is yours, baby. In a few years time you might be able to pay it back'. From what former Lord Mayor Kevin Chamberlin said it appears he has a concern that there is not going to be enough money. The *Herald Sun* of 9 August states:

Former Lord Mayor Kevin Chamberlin warned ratepayers would be hit hard by the debt and the cost of providing new services for Docklands.

'This debt will result in a further cut in services and a further increase in rates', he said —

that is something for the people of Docklands to look forward to — further rate increases —

given the perilous financial situation of the council, it is not capable of taking on any more state government debt or obligation.

The \$8.4 million operating deficit has arisen as the cost of providing services to the growing suburb has outweighed rates revenue.

It is leading up to being a bit of a disaster, and it will be handed back to the City of Melbourne. I think the council has had it lumped on it. I am not too sure whether it has had much input into what is being provided to it by the government with regard to this piece of legislation and what it is actually going to pick up.

In conclusion I would like to say that I can think back to the early debates that went on in regard to Docklands and reflect on what we eventually got at Docklands, which is a great asset for Melbourne and for the rest of Victoria. I remember some years ago I went to London on a Commonwealth Parliamentary Association tour. The current Premier has stopped other members going on similar tours. During that tour I went to the Docklands Corporation in London and had a look at the way some of the area was developed over there. I thought it was a great asset. It was a little different because it stretched over a long distance — —

An honourable member interjected.

Mr SMITH — What river is it?

Mr McIntosh — The Thames.

Mr SMITH — The Thames, of course it is.

Mr McIntosh — On the bill!

Mr SMITH — It is on the bill because there is also a docklands development there. A lot of the major cities have docklands developments. If I am not mistaken Toronto also has a docklands development. They can be great assets to countries, and they can most certainly be great assets for cities. We now have one of those great assets in Melbourne. Yes, it has to be further developed. Yes, we have brought people in to live in Melbourne. Certainly at one stage I read that the Honourable David White — or the Dishonourable David White, whatever way you like to look at it — —

An honourable member — Wealthy!

Mr SMITH — Yes, David White is wealthy — Dishonourable David White. He works for Tattersall's so I suppose he has to be rich. Most of the people who work there are rich. His concept was that there would be no high-rise developments there. His concept was that it would all be low level and commercial, with more entertainment and more of everything except what we have now with the residential development,

which just adds to the whole understanding of what a docklands is all about.

We do not reject or oppose this piece of legislation, but we have some reservations about some issues. We will be keeping our eye on this legislation as it passes through Parliament. This legislation will go through after a period in this government's term of office similar to the time in office of the Kirner government when another piece of legislation was passed by Parliament. We may well have a change of government in the not-too-distant future. It may well be that the Baillieu government will be in a position where it is able to take some control back for the Melbourne City Council and allow it to have some say about the way its city and its part of Melbourne Docklands is developed.

Mrs POWELL (Shepparton) — I am pleased to speak on the City of Melbourne and Docklands Acts (Governance) Bill on behalf of The Nationals, who will not be opposing the legislation.

As the member for Bass said in his opening remarks, the former coalition government had intended to return the Docklands to local government. It also put in place a consultative process to ensure that that happened. The Docklands Authority was only put in place for the transitional period. A decision had been taken, and was always in place — and I will speak about this later — by the then Minister for Planning and Local Government, the Honourable Rob Maclellan, to return the Docklands to the City of Melbourne.

The purpose of this bill is to amend the City of Melbourne Act 2001 to return the Docklands area to the municipal district of the City of Melbourne; to establish the Docklands Coordination Committee; and to amend the Docklands Act 1991 and other relevant acts.

The government's decision to return the Docklands to the City of Melbourne was in response to a recommendation from a 2003 report about the governance of Melbourne's Docklands and its adjacent areas entitled 'IDC report on governance of Melbourne Docklands'. That report was compiled by the interdepartmental committee (IDC). There are a number of recommendations from that committee, some of which are listed in the second-reading speech. The recommendation on page 1 of the second-reading speech states:

the restoration of the Docklands precinct and its municipal management functions, with the exception of statutory planning, to the City of Melbourne;

That is important to understand. While government spin says that the government is going to return the

Docklands to the Melbourne City Council and restore democracy, it only means to do that in part. While the planning authority of the Docklands will be huge, it still has a number of areas to be developed. This will be the responsibility of VicUrban or the state government rather than the City of Melbourne being the planning authority.

The bill has been introduced to reflect the work of the IDC. Pages 2 and 3 of the second-reading speech actually highlight the work of the IDC. The bill has been introduced to:

divest VicUrban of the powers to exercise municipal functions in the Docklands area;

provide for a transfer date prior to the November 2008 city elections (commencement by proclamation, default date being 1 January 2008);

provide for the temporary reservation of Victoria Harbour and a number of other public access areas in Docklands, and the appointment of the City of Melbourne as committee of management (where appropriate) for those areas.

provide for the addition of other areas of Docklands to the Crown land reserve upon completion of their development;

the creation of a special committee of the Melbourne City Council ('the Docklands Coordination Committee') to coordinate place management for the temporary reservations in Docklands.

The former coalition government, as I said earlier in my contribution, always intended to return the Docklands area to local government. Even the IDC report acknowledges that. Paragraph 2.2 in the introduction of the report states:

The excision of Docklands precinct from the city of Melbourne, in order to quarantine its development from potential interference by local political and planning agendas, removed local democratic processes and representation from Docklands property owners as well in residential and business population.

Paragraph 2.5 in the introduction states:

The Docklands and adjacent areas interdepartmental committee (IDC) was established in April 2002 to recommend options to the government for implementing the government's commitment to return the Docklands precinct to the control of democratically elected local government.

I will also read from the second-reading speech of the Local Government (Governance and Melton) Bill, which sought to remove the Docklands from the responsibility of Melbourne City Council. It was a speech read by the then Minister for Planning and Local Government, the Honourable Rob Maclellan, in the Legislative Assembly on 8 October 1998. It states:

The government proposes to review these transitional municipal arrangements in the year 2002, when the residential population is not likely to have reached 1000. How the authority is managing municipal services and how occupiers feel about the governance options will be examined. I anticipate that the government would commission a report analysing progress and recommending any finetuning, or indeed, overall change, if this is warranted.

The IDC report came into being in the same year — that is, 2002. The recommendations before Parliament are from the IDC. The concept was put in place by the then coalition government Minister for Planning and Local Government.

The Docklands Authority, which is now VicUrban, had the powers, functions and duties of a municipal council in the Docklands area. Mr Maclellan at that time also said that the legislation develops and refines the framework that was contemplated in 1991 by the previous government. The initial bill, the Local Government (Governance and Melton) Bill, allowed the then Docklands Authority to establish an advisory committee, comprising representatives of residents, occupiers and businesses and other interested persons, to advise on the authority's new municipal functions in the area.

Rather than the previous government taking away democracy — as the government is saying — it in fact put forward an advisory committee which spoke to the government and the Docklands Authority on issues affecting people who lived at the Docklands. We need to understand that in those days Docklands really was more or less a work site with only very few people living there. Most of the people who were living there were living on boats. Others, while waiting for the construction of the apartments and some of the retail and commercial areas, were not actually living there; they were living elsewhere and just going to the Docklands to work. Obviously there was not a need for many of the municipal services, such as street sweeping and garbage collection. That was the reason for the Docklands removal from the Melbourne City Council — to allow it to grow from the work site it was at that time.

The authority's focus was on the facilitating, contracting and purchasing of services, rather than directly providing municipal services, although the City of Melbourne did provide the services that were needed on a contractual basis. In effect the City of Melbourne was very much involved with working at the Docklands and providing a lot of those municipal services that were needed, but were not needed as much, because there was not the number of people that there are now. I

understand that there are about 6000 people now. When it first commenced the Docklands was very much a work site and very much a work in progress.

In 1998 the Docklands separated from the Melbourne City Council. As I said, there was a review to be conducted in 2002 to determine the future governance, which actually did happen under the previous government. I have in front of me the interdepartmental committee report, which says that the Docklands can now be returned to the City of Melbourne but obviously not in its entirety. The IDC report was concerned about the Melbourne City Council's capability to govern. It also states that has now been strengthened by electoral reform during 2001–02, with the subsequent election of a committed and cohesive council.

I think it is important to put on record that the Labor government, while it talks about restoring democracy, was the government that actually dismissed the Melbourne City Council, even though there was a committee which was established by the government to have a look at problems in the Melbourne City Council. In fact there was a committee of three people, and the person who chaired that committee was Joan Kirner. We all remember that Joan Kirner put a report to the government saying that there should be some recommendations about working with the council rather than dismissing it. In fact the very day that Joan Kirner presented her report to Parliament was the day that the press release went out from this government to say that it was virtually going to disband the Melbourne City Council. The government can talk about returning people to democracy, but it also has blood on its own hands, because what it did was automatically dismiss the Melbourne City Council.

The government had, and still has, a strained relationship with the Melbourne City Council. I have actually been to a Melbourne City Council meeting at which it tried to have a partnership between the state government and the Melbourne City Council, as was happening in New South Wales. Obviously that did not happen because what they wanted was a high profile board that the Melbourne City Council and the state government could be part of, to look at issues of tourism and so forth for the benefit of the whole state. Hopefully the government will listen to the Docklands Coordination Committee, which is being established by this bill. It will have seven members, six of whom must be appointed by the council. Three must be persons nominated by the council, and three must be persons nominated by the authority.

It is interesting — and the member for Bass touched on this in his presentation — that the chairperson of that

committee is to be a person who is appointed by the minister. That will be seen in Melbourne as not being totally independent, because there will be a state government appointee who will be making decisions, and that person will have a casting vote as well as the ordinary vote of a member. Hopefully the Docklands Coordination Committee will be seen as committee that will bind all of those areas together so that it will be of benefit to the Docklands area. We wish that committee all the best.

I would like to mention VicUrban. Docklands is the largest urban project in Australia's history. I have had some dealings with VicUrban insofar as it was involved in a development in Shepparton. I know that VicUrban was formed in 2004 during a merger of the Docklands Authority and the Urban and Regional Land Corporation. We have to remember that VicUrban is not an independent development authority; it is the state government's own development arm. It is supposed to develop affordable housing. VicUrban has the contract to develop some housing in Shepparton. We have been waiting for years: the money is there, the contracts have been signed and we are still waiting. I would hope that VicUrban, with the continuing interest it is going to have in provisions at the Docklands, will get in there, listen to the people, listen to the City of Melbourne and provide the development that needs to go ahead.

VicUrban will still have a very big role to play in the Docklands precinct and the development of the Docklands. While the state government says that it has given all of this back to the City of Melbourne and that it has now given democracy back to Melbourne, it still has very much a hands-on approach, particularly with VicUrban. The place management services VicUrban will oversee in certain parts of the Docklands will have huge ramifications for the way that site develops. It will deal with site presentation, waterways management, the safety and security of the Docklands, any marketing and promotion, any attracting and staging of events at Docklands, and any other matters the government sees fit to pass onto it. The government is not completely handing Docklands back to local democracy.

I urge the state government to listen to the City of Melbourne and the people of the city of Melbourne, to listen to the people who have homes at Docklands and ensure it provides for the housing, tourism, retail and commercial industries that will be there. I wish the bill a speedy passage.

Mr WYNNE (Richmond) — I rise to support the City of Melbourne and Docklands Acts (Governance) Bill. In doing so I say with some modesty that perhaps I can bring some unique experiences to this debate

tonight, having had the honour of serving the City of Melbourne for six years, including one year as the lord mayor of our great city.

I think it has been an aspiration of successive state governments and indeed successive Melbourne City Councils to see the Docklands developed, to see that area flourish and to see a world-class development. As we reflect on what has been 12 or 13 years of development of the Docklands, it has been a remarkable journey. If we reflect now on the level of development and indeed the demand for housing in the Docklands area, I think it would be fair to say by any measure that it has been an outstanding success story.

This is a success story that can be shared by the previous government and this government, and by successive Melbourne City Councils, which have played an important role, particularly in the urban design area and in terms of ensuring that the quality of open space and facilities VicUrban was putting on the ground there was informed by council processes. The land was excised from the Melbourne City Council and independently managed for successive Victorian governments by VicUrban. However, it would be wrong to characterise it as not being very much influenced by the urban design, open space and parks staff at the Melbourne City Council, who have very highly developed expertise in these areas. We reap the benefits of that work.

That is not to say that the journey is complete. By no means is the Docklands development fully complete. Indeed, there are important areas of infrastructure that will need to be addressed as the future development and future population of Docklands emerges over the next 5 to 10 years. There will be important issues for the state government and Melbourne City Council around questions of education. I can predict that in the future there will be issues around primary school education which will probably need to be addressed. There will certainly be issues around child care.

However, I must say that the quality of the open space which has been developed in the Docklands has been a significant challenge. As a point of comparison, it is very difficult for us to emulate the extraordinary work of our forefathers who ringed the city of Melbourne with those magnificent parks. Nonetheless by any fair judgment the open space that has been provided in the Docklands development is very fine, high-quality open space. It is beautifully complemented by the public art works that adorn so many aspects of the public spaces within Docklands. Some of them are very challenging, certainly they are all contemporary, but nonetheless they are a focus and a talking point. I think they are a

unique point of difference as a precinct in this city. When you wander down there and look around the place or visit the Docklands stadium, you are confronted with quite a spectacular setting.

I want to briefly turn to a couple of aspects of the bill. It is true that a Docklands Coordination Committee has been established. It is proper that that is so because this is a partnership. It is a partnership between the City of Melbourne and the state government through its development arm, VicUrban. There will be seven members of the committee — three from VicUrban, three from the Melbourne City Council and an independent chair to be appointed by the government of the day. In that respect I think that is a proper balance and a respectful balance of the partnership between those two spheres of government.

The Docklands Coordination Committee will assume functions in relation to the Docklands centring around place management in public areas that were formerly managed by VicUrban exclusively. As has been indicated, this includes site presentation, waterways management, safety and security, the marketing and promotion of Docklands, the attraction and staging of events, and giving advice in these areas.

I want to briefly touch on waterways management because I have enjoyed the waterways facilities on many occasions. I am in fact a boatie. On occasions I boat up the Maribyrnong with my sons. We enjoy the very high-class marina facilities that have been established at Docklands. I am delighted to inform the house that very recently the Docklands authority has made very clear indications for those who are coming in by boat where the public moorings are. There are a significant number of public moorings where you can pull up in your little boat, tie off and go and have a coffee or enjoy the amenities of the area. We have done that on numerous occasions.

We are not necessarily competing with some of the more developed ocean liners, ours is a more modest second-hand craft but nonetheless it does the job for us. To come up the Yarra and boat into Victoria Harbour gives one a spectacular perspective on the Docklands development. I strongly recommend it to any members who may want to take up that opportunity. It is a fantastic sight as you come under the Bolte Bridge and motor your way up to the docks. It really is spectacular.

I want to briefly turn to two issues. The member for — —

Mr Cameron — Shepparton? Brighton? Bass?

Mr WYNNE — The member for Bass, sorry.

Ms Asher — How can you forget the member for Bass?

Mr WYNNE — Indeed, how could I forget the member for Bass? He suggested there had not been consultation between the state government and the City of Melbourne in relation to the framing of this bill. That is in fact incorrect. The member read into the record a letter from Lord Mayor John So. I want to clearly indicate to the house that in a letter in response to that letter the Minister for Local Government in another place indicated:

As a result, the CEO of the city and relevant council staff (and VicUrban staff) were extensively consulted. They were provided with the approved drafting instructions and drafts of the bill during its development by staff of Local Government Victoria. Written and verbal comments from them on the bill were taken into account in the drafting of the bill.

The minister said earlier in the letter:

... cabinet expressly approved consultation with VicUrban and Melbourne City Council during the drafting of the bill.

To suggest that in any way the Melbourne City Council was shut out of the drafting process in the development of this bill is simply wrong. That was simply not the case. There were allegations made in relation to rate rises that are not correct. The rates will be dealt with in the same way that the Melbourne City Council normally strikes its rate across the municipality.

This is a good day for democracy. It is a very good day for the Melbourne City Council. I say sincerely that it had quite legitimate aspirations to have this land brought back under the control of a democratically elected council. That will happen, and it is something we ought to celebrate. The council will get a very significant rate return in the out years from this development — many millions of dollars. The Docklands Coordination Committee is an important element of the project, and I sincerely commend this bill to the house.

Ms ASHER (Brighton) — The Liberal Party does not oppose the City of Melbourne and Docklands Acts (Governance) Bill, and I also want to make a couple of comments about the legislation.

The bill transfers the Docklands to the City of Melbourne. That commitment had previously been given, and it is part of the reason the Liberal Party is not opposing the legislation. The bill establishes the Docklands Coordination Committee which will have up to seven members, and issues concerning its membership have been covered by other speakers. In addition, that committee will provide what is referred to

as ‘place management services’ which are outlined in the definitions section of the bill, and the member for Shepparton clearly outlined the specifics of those services.

Of course there are clearly limits to this transfer, and the government has been up front about this. Planning powers have not been transferred, just municipal functions. In terms of proclamation, at the latest this bill will take effect from 1 January 2008, although we have been advised that the intention is to make the transfer on 1 July 2007.

I want to make a couple of brief comments about the bill in the time available to me. Firstly, I want to say that VicUrban should never have been responsible for the Docklands. You would have expected a member of the Liberal Party to say this because we opposed the bill that foisted us with the merger in the first instance. The reason for the merger between Docklands and the former Urban and Regional Land Corporation was retribution. Jim Reeves, the Premier’s mate, did not get the job of head of the Urban and Regional Land Corporation, so as punishment that particular body was merged with the Docklands.

In addition to the issue of retribution, members on this side of the house had a number of policy observations to make on the money available to the former Urban and Regional Land Corporation and the debt at Docklands. We have made that point. The bill before the house will remove a number of those objections — the effluxion of time has changed things — but it should be placed on record that Docklands should never have come under VicUrban in the first instance.

Secondly, I refer to the fact that VicUrban still has an interest in the Docklands through the coordinating committee and land yet to be developed. I also want to echo the sentiments of the member for Bass. It is all very well for the member for Richmond to say that the City of Melbourne was consulted: it may well have been consulted, but our advice from the council is that it did not get detailed consultation opportunities. It also believes that representation on the Docklands Coordination Committee is not quite right. The council’s preferred option is for three VicUrban representatives and three council representatives, and of course there is also a ministerial chair as part of that committee. I just want to put that on the record.

The Melbourne City Council will take up the Docklands debt of \$8.4 million, but it will get long-term rate revenues so we completely understand why the council wants that. It is estimated to be \$8.3 million per annum early on, and I understand that

it is expected in 10 years time to be \$37 million per annum. We will be interested to see if those calculations eventuate.

I wanted to refer to the Docklands vision. In my research I came across a brochure on Docklands, dated August 1995, which contained a picture of a very youthful Mark Birrell, the then Minister for Major Projects in the Kennett government. In the brochure he articulated the previous government's vision for Docklands and called it a 'private sector enterprise'. Under that heading the brochure reads:

While Docklands Authority has the task of coordinating the development of Melbourne Docklands, it is the private sector that will build it and make it work.

I want to again place on record my comment: if only that had been so! This government has reverted to type. For example, in the end the Collins Street extension was funded by the taxpayer. Under the former planning minister, the Minister for Environment, Mr Thwaites, it was originally to be funded by the private sector at a cost of \$35 million, but in the end there was a budget blow-out of \$3 million. I think it would have been preferable to have kept the entire development private.

I am conscious of the fact that we have a number of agreements in relation to the passage of this bill. Our position as a party is clear: we do not oppose the bill.

Mr CAMERON (Minister for Agriculture) — I thank the honourable members for Bass, Shepparton and Brighton, and the member for Richmond who is a former Lord Mayor of the City of Melbourne, for their contributions to debate on the bill. Ultimately, this means that a local democracy will come about at Docklands so that when the next City of Melbourne council elections occur, the people living at Docklands will be out voting at those elections.

I thank the Liberal Party and The Nationals for their support and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.30 p.m. until 8.02 p.m.

ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL

Second reading

Debate resumed from 24 August; motion of Mr CAMERON (Minister for Agriculture).

Amendments circulated by Mr PERTON (Doncaster) pursuant to standing orders.

Mr MULDER (Polwarth) — I rise to join the debate on the Road Legislation (Projects and Road Safety) Bill. Opposition members recognise that this omnibus bill has a number of parts, some of which we support. We have some concerns about other parts of the bill, but given that its main provisions deal with issues surrounding younger drivers, road safety, increased penalties for drink and drug-driving and heavy vehicle safety, we will not oppose it. Nevertheless, I will put on the record the fact that it is always more desirable to have the opportunity to debate bills such as this in a manner that enables us to register our concerns rather than just opposing any legislation that comes before the Parliament that we have difficulty with.

The main provisions of the bill deal with increased penalties for drink and drug-driving and the introduction of an intelligent access program to track the movements of heavy vehicles. The bill provides new powers to make regulations for a graduated probationary licence period for younger drivers under 21 years; deals with operator-onus amendments for CityLink parking fines and speeding fines; prevents the registration of vehicles impounded under the hoon legislation from being transferred whilst impounded; transfers water infrastructure assets from road managers back to water authorities, which I understand was an unintended consequence of the Road Management Act; deals with issues of land compensation; has provisions relating to alpine resorts; and finally, has provisions that deal with the M1 Freeway redevelopment project.

The first real concern members of the Liberal Party have about this legislation is its provision for a graduated licensing system, with drivers aged under 21 having to complete a compulsory 120 hours of supervised driving in applying for a probationary licence. At this point in time there are enabling provisions within this legislation that deal with the regulations, but the government has not worked out how they will be policed. At our briefing the indications were that there would be some form of statement made by the driver applying for a licence but nothing from

the person who had given that person driving instruction.

This was always going to be a fairly contentious issue, and this provision was picked up by the government from the Liberal Party's policy on young drivers — that is, the requirement that drivers aged under 21 have to complete a compulsory 120 hours of driver instruction. Our policy is that that instruction should be carried out under all sorts of driving conditions, such as night driving, driving in the rain, driving in foggy conditions and driving on country and metropolitan roads. Given the attitude and understanding that younger people have to their responsibilities to other people on the road, I have some concerns that the statements from some young drivers — not all — could be falsified.

At this point in time I query why it appears that no form of statement or other evidence will be required from the person who provides driving instruction to a young driver. I am not sure, but there may be some problems about the legalities of the matter. However, there is no doubt in my mind that this will be abused by some younger drivers, and unfortunately they are probably the ones who are going to cause problems on the roads. As we move forward and the regulations for this bill are developed, I ask that that matter be given real consideration, because I believe it is very important.

You only have to look at the Liberal Party's policy on driver education to see that we take the issue very seriously. We picked up the policy of requiring 120 hours of compulsory, supervised driving experience. The Liberal Party has also committed significant amounts of money to driver education in terms of providing three professional driver training lessons to younger drivers and financial assistance for younger drivers to take an advanced driver training course. We are also committed to establishing driver education centres around the state, not just for younger drivers but also for older drivers who require refresher courses. Older drivers may find themselves in some difficulty — for example, they may have lost some of their skills as they have got older — so we think driver education is just as important for them as it is for young drivers. This initiative will make sure that older drivers are safe and can re-hone their skills if they need to.

As I say, I have real concerns about the government going down the path of the P1 and P2 probationary driving periods. The government has introduced a bill with a requirement for 120 hours of supervised driving, but it does not really go to the crux of the issue, which is about trying to change attitudes, trying to deal with behavioural matters and trying to get younger people to understand that when they obtain a driver's licence and

get out on the road they have a duty of care to others. They have to understand that they are sharing a road surface with other people and that their actions could result in the death of or serious injury to others.

I know that a number of members of the Liberal Party who visited the Charlton driving centre in the north of the state were most impressed with the attitude of a lot of young drivers who had gone through that centre and the skills they developed at an early age. We think that is very important. The government has been prepared to take up in part the driver training elements of the Liberal Party's policy, but I think it has missed a great opportunity to do something more to assist younger drivers and make sure they are responsible when they get their licence.

I note also that clause 47 will allow for the indexation of parking infringement notices. The Liberal Party has indicated its opposition to the indexation of government fees and charges in the past and opposes it very strongly. There are already enough pressures on families who are struggling with day-to-day issues such as educating children, providing enough food for the household and paying house mortgages and leases on cars. I know this has gone under the public's radar, but I need to highlight the whole issue of the indexation of government fees and charges, because it means that every year, irrespective of whether they are being provided adequately or professionally, the costs of services go up.

With a stroke of the pen costs go up and nothing comes before the Parliament. It does not matter whether it involves a funeral plot, a fishing licence or a driver's licence, anything at all that is associated with doing business with the Victorian government attracts an automatic fee increase. There is no competition, because you cannot take your business elsewhere. This also applies to fines. The Liberal Party is not opposed to it applying to fines, because it believes people who break the law should be penalised; but when it goes beyond that and runs to the indexation of other government fees and charges, we have some real difficulty with it.

In relation to some of the other provisions in the legislation, the Victorian Police Association notes that, with the proposed amendments to the section 49(1) offences relating to people driving while under the influence of a drug, a term of imprisonment is not proposed as a penalty. The rationale behind that proposal is unclear. I know that we raised this issue when we had our briefing and that we were told it gets back to the level of impairment. Random drug testing on the side of the road is done to detect whether people

have taken cannabis, speed or ecstasy and still have it in their system, but it does not deal with levels of impairment. I understand that that is the reason why it has not gone further in terms of proposing imprisonment as a penalty for people who drive while under the influence of a drug.

Members will recall that I spoke on the bill that introduced the drug-testing process. I also predicted on the day before it started that it would be all about bells and whistles with cameras present and that it would be turned into a media circus. How right I was in relation to that matter. In fact, the entire drug-testing procedure and its implementation as an important road safety measure were sent off the rails because the minister responsible, the Minister for Police and Emergency Services, decided to turn it into an out and out circus. The drug bust set-up was leaked to the media, which arrived on the scene on cue. A person who had been tested and had provided what police thought was a positive test was marched before the cameras and identified to the public. He was then taken into the drug bus and tested again, but as we now know the second test was sent away and registered a false positive. I am not sure what the cost to the state has been, but I understand the gentleman concerned has sought compensation and that that is currently being negotiated with the government.

Road safety is a very important issue, and people driving under the influence of drugs are a serious risk to the public. A clear message should be sent that people will be caught if they drive under the influence of drugs, but if you are going to have these types of testing events you should do them professionally and not turn them into a circus, because after that episode it took a long time for the community to regain its confidence in the drug-testing procedures. The police were put under enormous pressure, and obviously the media spin that the government got out of it was not worth it. The way it was handled damaged our reputation as a state.

Some provisions in the legislation deal with the M1 Freeway redevelopment project, which was widely criticised by the media and the opposition, with the government agreeing to surrender concession notes due and payable to future governments in order to fund it. Under the agreement the state transferred to Transurban all the remaining and future concession note liabilities incurred under the provisions of the Melbourne CityLink concession deed. Those liabilities amounted to \$2.9 billion in face-value terms and were replaced by payments over the next four years totalling \$609 million. We gave up \$2.9 billion in future revenue and got \$609 million back on a current road project. In the event that the tax office is successful in its appeal

regarding the tax deductibility of the concession fees, the payment will be reduced back to \$557 million. The concession notes are being repurchased at a discount rate of 9.7 per cent and are proposed to be funded from a new subordinate loan facility, at a cost to Transurban of 6.8 per cent.

Terry McCrann, a highly respected financial reporter, tore to shreds the deal relating to what the Victorian government had given up and what Transurban had got in return. There was a lot of toing-and-froing involved in trying to identify whether probity auditors had been involved in the discussions that took place. We understand that there were no probity auditors in place and that it was a deal where Transurban sat down behind closed doors with the government representatives and thrashed out what it thought was fair. As we know, having commercial negotiators sit down with a group of public servants and the Treasurer, who prior to entering Parliament had never really been involved in any commercial form of negotiation, meant that the government got absolutely flogged in the deal, and Victorian taxpayers lost out badly as a result.

The Liberal Party is still waiting for responses to a number of freedom of information requests that relate to finding out what advice was given to the government. We understand that behind closed doors Maunsell's was providing advice to Transurban and the government as to how the deal could be structured, particularly around traffic modelling matters. Rothschild claimed it did not give advice on how to fund the deal. In trying to come to grips with a \$2.9 billion deal that ended up providing a \$600 million benefit to the state, we are trying to find out where the advice came from, who provided the advice, why we actually got such a lousy deal and why taxpayers are being forced to foot the bill for what otherwise could have been a project funded at a much lower rate. That \$2.9 billion belonged to future governments and future generations of Victorians. The deal was widely criticised.

We do not know about the true extent of the behind-closed-doors deal, but I can assure you that Victorian taxpayers got taken for one hell of a ride. The Victorian Treasurer and the Victorian government were outsmarted, as they always are when they sit down in these types of negotiations with the private sector. But in the long run the Victorian taxpayers foot the bill.

It is interesting to look at some of the statements that were made surrounding that particular arrangement, as we were led to believe Transurban brought the deal to the government. That being the case you would have to say that Transurban would have had a fair bit to do in

relation to traffic modelling and the reasons why it said it would work so well for the Victorian public. Some of the promises made about the M1 Freeway project were that traffic flow would increase by 55 per cent, crashes would be cut by 20 per cent, peak-hour travel times would reduce by up to 50 per cent and there would be \$737 million of government works on the untolled parts of these roads.

We all know about untolled roads and roads that are proclaimed to be untolled and how with this government very quickly and overnight they can suddenly turn into fully tolled roads. Victoria will have an election on 25 November. If the Labor government is returned to office it well may be that the people who use that road will get treated in exactly the same manner as the people of the south-eastern suburbs of Melbourne were treated with the Scoresby so-called freeway that turned into a tollway.

It is also interesting when you look at these figures and claims in relation to the M1 Freeway project that the same company organisation, Transurban, is heavily involved in the M7 project in Sydney. When you look at the company's projections for that road you find that less than 100 000 vehicles are using the M7 each day compared to a forecast usage of about 140 000. As a result the company has cut its M7 revenue target of 2005–06 to \$52 million from \$67 million — a 23 per cent chop. These people claim to be the experts on roads, particularly toll roads, but if they can make such a drastic error in relation to traffic volume forecasts on their M7 project in Sydney, how could you possibly be expected to believe they have it right in relation to the M1 Freeway project in Melbourne. If the company is out by those amounts in terms of benefits to the community — somewhere of the order of 23 per cent — then once again it makes this a shocking, disgraceful deal for the people of Victoria.

As I said earlier, this legislation also deals with a number of other issues that the Liberal Party is supportive of, particularly in relation to heavy vehicles and heavy vehicle safety. I refer in this case to the Intelligent Access Program heavy vehicle utilisation telematics scheme whereby the use of global positioning system (GPS) in vehicles is used in conjunction with an IAP agent for an opt-in system for operators to have their vehicles monitored and for them to be able to use this new technology to find the best particular route — roads that are available to those types of vehicles. Within this program there is also the issue of monitoring that takes place and there are provisions that deal with the issue of privacy in that if a driver of a vehicle operating under the IAP system is to

be monitored then the driver is to be told that his whereabouts are to be monitored.

I have seen a number of these types of operations in place. In my home town of Colac I visited a large transport company with a GPS operation. While I was there I observed with interest when the operator received a call from someone on the Princes Highway to say that they had been passed by one of his vehicles and it was speeding. Within a matter of seconds he picked up that vehicle on the screen and the person was hanging on the other end. The operator said, 'That vehicle is just passing the BP rest station between Geelong and Melbourne and is travelling at 98 kilometres an hour', and the person at the other end of the line hung up.

We are going to have more trucks on the highways as we move forward. Having this form of technology in terms of ensuring that drivers for large transport operators behave in an appropriate manner on the highway can only improve road safety. I just wonder, as we now have a voluntary, opt-in system, how long it will take for some of the smaller operators to come on board and what consideration is going to be taken in relation to their ability to finance their way into these types of operations.

The transport industry in particular is a very competitive industry. Some of the major companies have great buying and tremendous negotiating power, and they operate on slim margins. The ability of smaller operators to survive revolves around trying to find niche markets and doing things differently to what the bigger companies do, but particularly trying to find niche smaller customers who are prepared to work with a higher level of personal service and pay a little bit more for it. There are still opportunities out there for some smaller operators. I know a number of them, and they do a great job.

I think that, as this moves forward, it will become compulsory for large vehicle operators on the road to have this type of technology and to be part of the system. I can imagine that, as we move further forward, bills will come before the house that strengthen the provisions within this legislation. Consideration needs to be given to cost and to whether the IAP is going to end up with a host of other competitors in the industry to make sure not only that that type of technology is made available but also that it is competitive and that you do not have a single operator running that type of system and having full control over market share.

I will touch on the operator-onus amendments dealing with CityLink traffic infringement notices. Having run

a small business and having had a dozen vehicles in that small business, and having had family cars registered in my name and family members living all around the state, this in the past has been an area of contention. Speeding fines would turn up at your business address or at your home address, and when you turned the document over you would see there was a statutory declaration for you to sign, nominating who the driver of the vehicle was.

Quite often you had to go through two or three parties to find out who that driver was, and often you were relying on second or third-hand information about someone being prepared to say they were driving that vehicle at the time. In that case, as the person signing it, I would be saying that what was in that declaration was true and correct, yet I would not be doing that based on what I had seen or what I absolutely knew to be correct; I would be doing it based on what I had been told by some other party. That has always been an area of grave concern.

As I understand it, the reason behind these changes to the legislation deals with the fact that someone who makes a false statutory declaration over, say, a \$125 fine commits perjury. Are they going to find themselves before a judge and jury? I think not, and possibly that has not been happening. I do not think the matter is then pursued, and I do not believe it is policed.

These provisions allow for the creation of a new offence in relation to making false statements and operator onus. Those matters will go before a magistrate. Rather than have this system that we had in the past — of signing and writing on a statutory declaration, ‘I believe the person driving the car was Joe Bloggs of 25 Calvert Street, Geelong’ — there is now a greater emphasis on more information being required from the nominated person or the operator of the vehicle in that what they want is for you to show the licence number and the date of birth, so that that person can be clearly identified as the person responsible for driving that vehicle.

There are a number of statements in relation to the operator onus system that can work. Those statement types are that, ‘I am not responsible in that, firstly, I have sold the vehicle. In other words, the vehicle no longer belongs to me. Therefore I do not accept responsibility’. The second statement could be, ‘There is a known user. This is the person. This is his name; address; licence number and date of birth’. He would be regarded as an illegal user in that you would be claiming the vehicle was stolen. There is a provision there for an ‘unknown user’ and for a ‘nomination rejected’. In these cases you would be expected to

cooperate wholly and solely with the police should they knock on your door and say, ‘You are claiming here that this is an unknown user’, and you would want to be able to justify the circumstances under which you made those particular claims.

There is a new offence of making a false statement, but I wonder if there are still going to be problems in relation to this because of the ‘unknown user’ or ‘nomination rejected’ categories. I can understand the changes that have been made. It is a great relief to be able to operate under a system like this — if I ever have to do it again. I have been contacted by people who have said to me, ‘I am being asked perhaps to perjure myself if I have not got this information right’, and indeed they do not feel comfortable with that at all.

With those final remarks I indicate that the Liberal Party does not oppose the legislation, but I point to the fact that the bill has a number of highly contentious issues in it. We put on the record our concerns in relation to the M1 Freeway development deal. We have also expressed our concerns in relation to the compulsory 120 hours of driver training. I ask the government to look at that.

I still think there are opportunities to ask the person sitting alongside someone driving on L-plates to put a signature to a statement or to a little booklet to say, ‘I provided 3 or 4 hours driving instruction under those particular conditions’, because, as I say, it will be the rebellious wild child or young person who will get on the road and cause a problem and later possibly falsify that document, with the young person, as I understand it, being the only one who will sign off. On that note, I wish the bill a speedy passage.

Mr WALSH (Swan Hill) — I rise to make a contribution on the Road Legislation (Projects and Road Safety) Bill. In starting, I think we have again a range of issues in this house that are geared to making travelling on the road safer. If you look back in history, you will see that over time there has been great bipartisan support in Victoria for making sure that our roads are safe to travel on. I think I have said it previously, but driving on a road anywhere, but in particular driving on a road in Victoria, because this is where we live, is a privilege, not a right. People have to make sure that they abide by the laws, because it is not only themselves who can be injured, it is other people — and there can be severe ramifications if something goes wrong.

When the seatbelt legislation was introduced it was no doubt regarded as quite controversial. I was only young at the time, but a lot of people felt it was an

infringement on their civil rights to have to wear a seatbelt, but I think history has proven us correct that the seatbelt legislation and the compulsory wearing of seatbelts — —

Mr Mulder interjected.

Mr WALSH — No, I did not. I was too young when seatbelts were first introduced to have my girlfriend sitting next to me, but the seatbelt legislation has stood the test of time in that the roads are safer, and we have less injuries and deaths because of our seatbelt legislation.

Members may remember the controversy that arose after the introduction of the .05 laws and of random breath testing. Victoria then had laws about the amount of alcohol someone could have in their system when they drove. Again, those measures have proven that we have made the roads safer: there are now less deaths and less injuries on the road.

We used to have a road toll above 1000 people a year. Now the numbers are getting down to somewhere around 300. That has been a great change. The bipartisan support in this place has done that. If you can remember when the road toll was high compared to what it is now, and if you can relate the number of deaths and injuries to the numbers of cars on the road, the change compared to the raw numbers has been quite substantial.

This bill does a range of things to quite a few pieces of legislation. It was interesting when I walked into our party room to be part of the briefing session on the bill to see that we were faced with a cricket team to brief us, because the bill covers so many specific areas of legislation. The Nationals support the number of things it does to improve road safety. We believe some things could be done better, and I will come back to discuss those; but given that we are looking at road legislation again, some things that are not in here should have been included.

The bill talks about tougher penalties to deal with the ongoing problem of drink-driving and drug-driving, which is becoming more of an issue; the greater use of alcohol interlocks; a range of measures to improve safety for young and inexperienced drivers; and the implementation of a National Transport Commission model bill on the intelligent access program for heavy vehicles. I will come back later to the difference between model bills and template bills, which we have some concerns with.

The bill addresses deficiencies in the owner-onus system in relation to traffic cameras, parking and tolling

offences; it provides notification of a vehicle security register and blocking of registration transfers where vehicles are impounded. There are better measures to protect the rebirthing of stolen motor vehicles, and — surprise, surprise! — it transfers the responsibility for water structures on roads from local government back to the water authorities, which is an issue that was debated very vigorously in this house when the Road Management Bill was introduced in 2004.

Part 2 of the bill, which concerns alcohol and drugs, increases the level of penalties for offences in that part of the Road Safety Act, which The Nationals support, because, as I said, driving is a privilege and not a right. If people break the law — and particularly in breaking the law, endanger other people — they deserve to have as severe a penalty as this bill is putting in place.

The bill contains amendments in relation to heavy vehicles. The intelligent access program was put into trucks so they can be tracked with a global positioning system, so anyone at any time can know where a truck is and what it is doing. A couple of years ago an interstate truck driver — and I know of several trucking companies who had this facility — was parked in outback New South Wales on a very hot night. He thought, ‘No-one knows what I am doing, so I think I’ll leave the truck idling, have the airconditioner on so it is cooler when I start driving again’. He was asleep in the truck and all of a sudden he got a phone call from the owner of that business, saying, ‘What are you doing? You’ve got the truck running and you are stopped. Turn the engine off and have a sleep without the engine running. You are using fuel for no benefit’. All of a sudden you find you have Big Brother up in the sky watching everyone to make sure they are doing the right thing and that the trucks are running efficiently and safely on the road.

This bill implements model legislation. We believe it would be far better if we went back to the concept of template legislation, where effectively the federal government sets up the legislation and every state bases its legislation on that template, and there is not the risk of slight variations between states. When we go to model bills, as we did with the mass accreditation legislation, there is a risk of some slight differences between states, and very small differences between states, particularly with regard to heavy transport, can have quite significant costs for transport businesses.

I have used the example in this place before of Pickering Transport at Swan Hill, which operates across the river at Murray Downs and runs in excess of 100 trucks. It was carting a B-double load of its own fuel from Adelaide to Murray Downs across the river at

Swan Hill. That truck with its load of fuel was legal in Victoria and in South Australia, but for the 500 metres it drove in New South Wales it was regarded as operating illegally, and the company got booked for that. I find it crazy that we have these differences between states.

The other example I would like to put on the record occurred last year. I had an urgent phone call from Emmett Motors. They were carting a header and comb from Swan Hill to Moree in New South Wales. In Victoria it was legal to have the header and comb on the truck, but when it crossed the river, apparently it was illegal for the truck to have a load that could be separated and put on two different trucks. The truck was pulled up between Swan Hill and Balranald; it had to remain on the side of the road while they brought out a big forklift and another truck to remove the comb and put it on the second truck, then to continue the trip to Moree. Not only did that cause a major inconvenience, but running two trucks all the way to Moree became a significant cost. I put on the record that we believe there should be template legislation rather than model legislation to make sure we do not have those slight discrepancies between states.

Clause 14 talks about upgrading mass, dimension and load restraint offences particularly for width and height breaches and particularly if they are committed at night or on roads in zones where those trucks are not permitted to operate. The Nationals support that concept in the sense that we do not want people thinking that just because the sun has gone down, they can get away with breaking the law. As most of the country MPs from both sides of the house would know, as we travel the highways late at night it comes as quite a shock to see a truck that is regarded as oversize or over-dimension. That puts people at more risk and the law governing that needs to be enforced. Anyone who does the wrong thing needs to have the heavy hand of the law come down on them.

The other issue in this part of the bill is clause 15, which talks about 'reasonable steps' defence. Clause 15 starts to correct some of the things we felt were wrong with the mass accreditation legislation. There are some reasonable steps defences for minor breaches where a transport operator relies on the container weight declaration made by the person who is packing that container. That goes some of the way to correcting the concerns that we had when we dealt with the mass accreditation legislation, but I do not believe it goes far enough. The legislation developed in some of the other states to fit in with the national concept had 'reasonable steps' defences for both drivers and transport operators, but that was not included in the Victorian legislation.

Something which was not included when this legislation came back to Parliament, and which is very disappointing, is a grain harvest transport scheme. The debate in this place on the mass accreditation legislation in mid-2005 was very vigorous, and The Nationals moved amendments to include a grain harvest transport scheme in the legislation. Those amendments were subsequently lost in this house.

Our colleagues in the upper house moved similar amendments, which again were lost, but there was a commitment from the minister representing the Minister for Transport in the other place, the Minister for Local Government, Ms Broad, that there was no need to have it in the legislation and that it would be put in place for the 2005–06 harvest. Subsequently nothing happened about that. It is very disappointing that we now have the road safety legislation back in this house, yet nothing has been done to honour that commitment from Minister Broad to put in place a grain harvest transport scheme.

As we all know, following the extensive mass accreditation debate, a farmer out in the paddock with variable grain weights and variable conditions only has to run the auger and the header for 2 minutes more and all of a sudden he is overloaded. We believe there should have been a slight — 10 per cent — variation built into the scheme so that people who are loading trucks at harvest in the paddock would have a bit of flexibility with the amount they put on the truck. I would put it to the Parliamentary Secretary for Innovation and Industry in the other place, which covers the transport portfolio, to suggest to his minister that in his summing up this debate he should tell the house where is that commitment from the government to introduce a harvest transport scheme for people who are carting grain direct out of the paddock.

Part 4 of the bill deals with graduated licences for young drivers, which is something that The Nationals have put quite a bit of thought into, and it is one of the areas where we believe the legislation probably does not go quite far enough. This legislation extends the minimum learner period from six months to 12 months. It requires 120 hours of supervised driving experience, which we support. It brings into place a two-stage licence, with a one-year P1 period and a three-year P2 period.

It bans the use of mobile phones during the P1 period and puts in place a good driving record process so that one can progress through the licence stages. It sets out the different coloured P-plates for P1 and P2, some support programs for new drivers and supervising drivers, and some restrictions on high-powered

vehicles, which is a good thing. It also introduces an alcohol interlock offence for first-time offenders under the age of 26. The difference is that we would like this to go a little bit further in some of the areas of training. Adolescents and young adults are overrepresented in the Victorian road toll, and we believe there are further measures that could be taken to reduce that overrepresentation of young people.

We believe that a comprehensive road safety education program which deals with safe-driving practices, the risks of driving and the effects of alcohol and drugs should be incorporated in the primary school curriculum. There is one very good way of getting through to parents, and that is through the children. If the kids are in the back seat and have been taught at school that it is wrong for people to drink or use drugs and drive or otherwise drive illegally, they will say to mum and dad that they should not be doing that. It not only teaches the kids well, it is also a way of enforcing it with the parents.

The other thing The Nationals would like to see is mandatory participation in pre-licence driver education and training programs. I have spoken at length many times in this place about an excellent program in my electorate, the Charlton driving school. There are other driving schools at Alexandria, Shepparton and Mildura.

Mr Langdon interjected.

Mr WALSH — The Charlton driving school is an excellent program. It is something that has been developed by the community of Charlton over time with the secondary college and the cluster schools around there. It has had excellent community support in its development. It has reached the stage now where something like 1300 year 9 and 10 students go through that facility each year. A closed road is part of the school. The chair of the Road Safety Committee is an excellent supporter of the program. He just needs to put his hand to his cheque book and actually put some money into the Charlton driving school. The program is a mixture of classroom education and closed-road driving so people understand the basics of driving before they actually get their L-plates and go out onto the road with their parents.

It is interesting that in the life of the first Bracks government \$30 000 was put in each year for three years to assist the driving school. Obviously complacency as a result of its larger electoral margin meant that the government did not feel it had to fund that program into the future, and it was cancelled. We have had an interesting and ongoing written debate with the Minister for Transport and the Treasurer to try to

get funding for that school. A gentleman in industry is putting in \$25 000 a year, which is helping to keep down the cost to the kids going there. The issue is how you can keep costs down given the long distances travelled by the children to attend the school. Many have to travel by bus 100 to 200 kilometres to get there, and because it is usually a two or three-day course they have to stay overnight at a motel. It is about keeping the costs down to make sure we get as many people through it as possible.

The other issue which The Nationals would like to see addressed in the future is the need to lower the P1 driving age to 17. That would align it with our neighbouring states of New South Wales and South Australia. If you did that in conjunction with restrictions on the number of passengers P1 drivers can have when they are aged between 17 and 18 years, and if you had some curfews and restrictions on their driving high-powered vehicles, as has been talked about with this legislation, we believe it would be a good thing for the future. If you think when someone turns 18 they can drink legally, that they have usually left school — —

An honourable member — They can vote!

Mr WALSH — And they can vote. Everything happens at 18. We believe there is very good logic in starting young people driving at 17 when it is illegal for them to drink and when some of the other social pressures are not on them, particularly if the number of passengers they can have for that time is restricted. We are not disadvantaging anyone, because under the current laws they are not able to have a licence at all. If we made sure that they spent some time on the road before they were able to have a carload of their peers egging them on or distracting them while they were driving, we would find that we had safer drivers in the future. It would be a significant bonus for 17-year-old people to be able to drive to work.

In the short time I have left, one issue I would quickly like to cover is the fact that the Road Management Act now transfers the responsibility for irrigation infrastructure back to the water authorities. It is an issue that was pointed out when the Road Management Act was debated previously in the house. It takes us back to the former position. At the time the then National Party opposed the whole of the Road Management Bill because it did not believe the bill would deliver anything for country Victoria. All it has done is increase the administration costs for shires, given that they have to employ more staff so they can document the roads and set in place a road hierarchy. It does not necessarily deliver better roads.

I would like to touch on another issue which has not been covered in this legislation — it is something that we have continually raised — and that is the issue of wide machinery on northern Victoria roads, particularly the Calder Highway. We have an issue with the fact that no-one with machinery that is wider than 6 metres can go on the highway north of Charlton. There has been a lot of contact between my office and people who find they have to have not only flashing lights on the machinery they are shifting, which everyone can understand, but also two pilot vehicles — a pilot vehicle at the front and another one behind. That is a real impost on a family business that does not have three licensed drivers. You have to go out and ask a neighbour or friend or employ someone to help you shift your over-dimensional machinery.

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

Mr CARLI (Brunswick) — I am very pleased to rise in support of the Road Legislation (Projects and Road Safety) Bill. This is a true omnibus bill in the sense that there are many parts and it amends numerous pieces of legislation. Clearly the focus is on road safety and road management. As previous speakers have emphasised, it will ensure greater road safety by increasing penalties for drink-driving and driving under the influence of drugs and through the greater use of alcohol interlock devices. It was pleasing to hear that both the Liberal Party and The Nationals are not opposing this bill and are demonstrating support for the measures taken by this government in its fight against road deaths and road injuries.

I want to pick up a couple of concerns raised by the member for Polwarth. He raised a concern about the 120 hours requirement and graduated plates for new drivers. His concern is that there is no penalty if someone falsely says they have completed the 120 hours or the requirement to move up from learning to P1. Clearly there should be a major penalty if new drivers or people seeking L-plates or P-plates falsify the required documents and fill forms in incorrectly. I want to emphasise that there is a major penalty as well as a big emphasis on ensuring that we have a graduated system and that drivers are recognised as they complete their levels of learning and driving hours and make progress.

Another issue concerns the M1 Freeway and the financing of that road. The member for Polwarth was critical of the agreement that was reached. If the Liberals were in government, where would they find \$737 million? A series of promises has been made by the Liberal opposition. It proposes to spend more

money in a whole lot of different areas, but where is the money going to come from? I must say that we have looked at whether we are getting value for money, and the answer is yes. The independent assessment of this has shown that the state is getting value for money.

The state is using these concession deeds and IOUs for its benefit. In 1996 the Melbourne City Link Authority estimated that the value of those concession deeds — assuming they were paid in 2013 — was \$269 million. We have received considerably more from the authority, which has been of great benefit to the state. Not only do we have the \$737 million, which will be used to upgrade the Monash and Westgate freeways, but we also have improvements being made to the interchange between the Tullamarine and the Calder freeways. We have effectively used those concession deeds when we have needed the investments — and these are major investments for Victoria.

More importantly, we have built a cooperative arrangement with Transurban which will ensure there is a mechanism to calculate the state's share of the increased revenue which will be created as a result of that project. There will be a maximisation of the benefit to the community, because Transurban will pay for the southern link on its own. That is over and above the \$737 million and is estimated to cost \$166 million. Further upsides for the state will be retained in the form of the additional concession fees which are expected to come from the improvement in traffic flows created by those projects. There is a revenue stream which will essentially be created for the state as a result of increasing the capacity of these roads. The major increase in the capacity of the West Gate Freeway will be a great benefit to the state and the community. The concession deeds are value for money. Questions have to be asked about the opposition's position on the extra \$737 million that it is going to have to find to support the use of the concession deeds in this way. Those two projects are important and are big wins for the state.

Issues will also be raised about the merits of the template legislation versus the model legislation. I had some experience with this issue during my time on the Scrutiny of Acts and Regulations Committee, and I note that the member for Doncaster is nodding. A number of years ago, when we were both on that committee, we had template legislation to consider. There are a couple of major, practical concerns about template legislation, and one involves the issues of state rights and scrutiny. The problem with template legislation is that the state is unable to scrutinise the process because it is basically written for you and the scrutiny is therefore weak. The other issue is that when we are dealing with such legislation, we are not dealing

with a greenfields situation. There are no other pieces of legislation that can be compared in context.

We found that template legislation created variations that we did not expect. Those variations occurred because of different legislative settings amongst the states, and as the templates were exactly the same, we found that that created anomalies and differences. While model legislation should not but can create its own anomalies, I do not think the answer is template legislation. It is something we still have to work on, but it is a difficult exercise. I appreciate what has been said in the debate about our trying to ensure consistency among the different states. That is crucial for heavy vehicle users because of the cost and investment involved. Again I do not think the answer is template legislation. Model legislation has its own problems, but we just have to work out ways of finetuning it.

I also want to talk about issues which have been raised privately, and I understand that the member for Doncaster will raise them in his contribution to this debate. They are about trying to create more discretion for learner drivers regarding the types of motorcycles they can ride. That is something that obviously has policy implications. There is a need to return to the road safety partnership in Victoria between VicRoads, the police and the Transport Accident Commission. That is a process that will occur. We will take on road safety issues and then take them back to the stakeholders, who ultimately act as the filters of this Parliament. They are the people who have been crucial in establishing the policy settings for road safety legislation. I appreciate the member's concerns, and we need to consider the policy implications. It seems possible, if there is a need for further discretion and flexibility, to do it by regulation. But clearly there are policy implications that need to be carefully considered, and that will happen.

I will conclude by saying that this is a big piece of legislation that has many parts. It is a document that grew by the week before it came into the Parliament. In essence it demonstrates a strong commitment of the Bracks Labor government to road safety and to dealing with the major issues involving young drivers, particularly drug-driving and drink-driving. The bill draws upon some of the innovations we have seen in the last few years, particularly the introduction of alcohol interlocks. As members know, Victoria is one of the first places in which they were introduced. We are now looking at continuing their use — —

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

Mr PERTON (Doncaster) — I appreciate that this is a very large bill and, as the member for Brunswick has just indicated, an omnibus piece of legislation that has grown through each draft as different parties have moved needed amendments. My comments will be addressed to a very narrow portion of the bill which relates to the licence restrictions on learner and probationary riders.

My office staff were recently approached by a constituent who is a very tall and large man. He is a probationary motorcycle rider. He is of such a size that a 250-cubic-centimetre motorbike is not an appropriate vehicle for him. It is unsafe in terms of balance and underpowered in terms of the safety of other road users. We all appreciate that motorcycle riders have a higher level of injury than other road users, and Victoria, along with other states and countries, has sought to impose restrictions that make things safer for them. The restriction on engine capacity of 250 cubic centimetres was introduced in 1979 as a result of the work by the then all-party Road Safety Committee. What it has left us with it is an anomaly.

Acting Speaker, the member for Brunswick talked about your work together on the Scrutiny of Acts and Regulations Committee, and I have served with you on the Legal and Constitutional Committee. It was always our thought that inflexible legislation was not necessarily good legislation. The problem my constituent suffers from is the result of a lack of discretion for VicRoads in this sort of situation. VicRoads has been very sympathetic to my constituent, but it has responded to him and said it has no discretion. This is anomalous because, in respect of a motor vehicle, there is a discretion on the part of VicRoads to exempt the driver from the restrictions in relation to the power and capacity of a motor vehicle a learner driver or a probationary driver can drive.

The relevant statutory provision that my constituent falls foul of is regulation 211(4) of the Road Safety (Drivers) Regulation 1999, which reads:

The holder of a motorcycle licence that has been held less than 12 months or a motorcycle learner permit must not drive a motorcycle with an engine capacity exceeding 260 cubic centimetres or drive a motorcycle on which there is a pillion passenger.

There is no discretion for VicRoads to exempt a person from this limit. That was put to us in a letter, and as a result of my discussions with the honourable member for Brunswick and the minister I have had very fruitful discussions this evening with the senior legal officers and road safety officers from VicRoads, who have again demonstrated sympathy about the problem raised

by my constituent. They have verified the fact that there is no discretion in respect of this provision.

The contrasting provision that prohibits probationary drivers from driving high-powered motor vehicles provides an exemption power from that limit, which is as follows:

The corporation, by instrument in writing, may exempt a person from the requirements of sub-regulation (1) [i.e., driver cannot drive a high-powered motor vehicle] if the nature of the person's employment or family circumstances is such that compliance with the regulation would impose undue hardship on the person or the person's family having regard to the likely effect of the exemption on safe, efficient and equitable road use in Victoria.

It was fortuitous that this bill came to the house. I recognised that an amendment could be moved to this bill quite late in the piece, so it has not been able to go through the policy processes of my party, nor indeed that of the governing party. I will move the amendments as a private member looking after the interests of my constituent and other members of the community.

The amendments that I have circulated in the house provide a discretion for VicRoads where this sort of prohibition would be impracticable. In discussions with VicRoads officers, and indeed with the shadow Minister for Transport, one of the solutions we came up with is the fact that this does not necessarily need an amendment to the bill. We can actually resolve this problem with an amendment to the regulations; it does not need to be a substantial or expensive change to regulations. Because we are providing a discretion to VicRoads — indeed an exemption — from these regulations, it can be done by a fairly simple regulatory change. I thank the member for Brunswick for his undertaking that the government will take it back through the policy processes to see if the relatively simple regulatory change can be made whilst my constituent is still a probationary rider and for the benefit of other people in that situation. There is a model in the regulations —

Honourable members interjecting.

Mr PERTON — The point made by both the Leader of the Opposition and the shadow Minister for Transport is that what we do not want is a discretion to open the floodgates — such that everyone who wants to ride a Harley can put on weight and make an application.

The equivalent provision provides that VicRoads can have discretion in relation to the regulations that are imposed on seatbelts. For instance, where a doctor

certifies that for body condition or health reasons someone ought to be exempted from wearing a seatbelt, VicRoads will generally provide that exemption, because it has found that doctors are very responsible in their use of that certification, and it is fairly easy for VicRoads to be able to monitor it.

This was not an area of policy that I had really looked at with any great interest prior to my constituent coming to me, but what is interesting is that there is a solid argument to be made that the 1979 Road Safety Committee's recommendation and, indeed, the whole provision are probably not well put — that is, imposing a restriction in relation to engine capacity actually does not make sense.

In a report headed *Review of Motorcycle Licensing and Training*, dated June 2005, the Monash University Accident Research Centre, and I am sure the government will be taking this to it for its advice, cited three studies — one Australian, one from New Zealand and one Swedish — which indicate that the engine capacity is not a good indicator of the likelihood of an accident. Given the time constraints I will not read the full report but it quotes from three studies. It states:

An early study by Mayhew and Simpson (1989) examined the relation between motorcycle engine size and safety. They concluded that the relationship between motorcycle engine size and collision involvement remains inconclusive, largely due to difficulties in obtaining adequate measures of amount of riding. However, the evidence overall showed that size was not a risk factor for accident involvement.

Langley, Mullin, Jackson and Norton (2000) examined whether the risk of an injury increases with increasing engine capacity of the motorcycle. This New Zealand study was better than many earlier studies because it controlled for amount of riding ...

Again, it found that there was not a strong relationship between increased engine capacity and increased risk of crashing.

The most recent study is the one commissioned by the Swedish National Road Administration. It concluded:

... that it appears that there are no safety benefits of combining power restrictions with age limitations (graduated licensing). While the number of crashes with powerful motorcycles decreases after power restrictions are introduced, this positive effect is outnumbered by an increase in crashes involving light motorcycles.

My suspicion is that if you are a very tall man or woman weighing in excess of, perhaps, 120 to 130 kilograms, a 250-cubic-centimetre bike is probably more of a danger to you and other road users than a matter of safety.

I am grateful for the opportunity my constituent gave me to foreshadow this amendment on his behalf. I am grateful for the response of the government, and in particular its legal officers and safety specialists, in acknowledging that there may be a problem but that it can be resolved by way of regulation. Perhaps this problem can be solved within the probationary licence period of my constituent, but certainly it can be resolved for other road users.

Mr TREZISE (Geelong) — I am very pleased to again be supporting a Bracks government road safety bill which is being enacted solely to lower the number of deaths on Victorian roads. It is not only about lowering the number of deaths, it also aims to reduce the hidden tragedy which is the number of serious injuries which occur on our roads each year. These serious injuries destroy the lives of the drivers and passengers in the vehicles and the lives of the families who love these people who are involved in those accidents.

The Road Legislation (Projects and Road Safety) Bill is a very important road safety bill because it implements a number of very important initiatives which, as I said, when put in place will save more lives on our roads. Given that I only have a couple of minutes I will restrict myself to a number of the points I feel are more important, especially in the area of P-plate and learner drivers. The fact of the matter is, as the Acting Speaker is well and truly aware, too many young people are killed on our roads. Even though only 15 per cent of drivers are young drivers, more than 33 per cent of the crashes which cause death involve young drivers. Because of this overrepresentation it is absolutely essential that more be done to lower this tragic rate among the youth of our state.

This bill takes important steps in making our roads safer for all road users but especially the young. In regard to the new initiatives for probationary drivers, may I say as chairman of the Road Safety Committee that I provide my full support to the new laws being introduced in this bill. I support the implementation of a two-tier, four-year probationary period with a one-year P1 period and a three-year P2 period. Probationary 1 drivers will not be able to use any mobile phone. Of course no driver can use a handheld mobile phone while driving but P1 drivers will not be able to use hands-free phones while driving.

Importantly they will be restricted from towing another vehicle except when under work instruction. The issue of inexperienced drivers towing vehicles is very important. As someone whose daughters have been involved in a pony club, I would turn up to the pony

club on a Sunday morning and see an 18-year-old rider come along in a big four-wheel drive — having only just got his or her licence — with a float with perhaps two or three horses behind the vehicle. Anyone who has towed a horse float with horses in it would know they are very unstable as it is. I was concerned that we had inexperienced drivers who were just learning how to drive and who were turning up towing a float containing livestock. In my eyes that was an absolute disaster waiting to happen. Therefore I fully support the restriction. I think we are taking a sensible step, and one that is well overdue. I congratulate those involved for this step forward in this bill.

I fully support the restrictions on mobile phone use for P1 drivers. Because of their inexperience P1 drivers need to concentrate fully on the task of driving and we need to minimise distractions while they are driving. Banning the use of hands-free phones for P1 drivers is a practical step in minimising the distraction to those drivers.

However, in saying that about mobile phones, I must also note that of all the distractions within a car it is commonsense, and has been proven, that the major distraction is passengers. For many young drivers having their mates as passengers is a major distraction. There are too many drivers and passengers being killed on our roads. Many of these drivers are between 18 and 21 years of age, they are male, they get killed late on Friday or Saturday night and not only do they kill themselves but tragically they kill their mates. I would have no problem with this government introducing into this house an initiative to restrict the number of passengers a P-plate driver could have in his or her car.

I also fully support the initiative of ensuring that a P1 driver has a good driving record before progressing to P2 plates. Under the current scheme it is too easy for a P-plate driver to wind their way through their probationary period and drift into having a full licence. There is little or no scrutiny of a P-plate driver's driving record. Therefore I support the initiative of ensuring drivers have good driving records before they move on to their P2 licence or full licence.

I also support the new learner-driver initiative to be implemented as part of this legislation. As a parent who is going through the experience of teaching his 16-year-old daughter to drive — I do not know if it is a trauma or an experience — I believe that doubling the minimum period for a learner driver having to hold a licence from 6 to 12 months is a major step forward, as is the requirement to do 120 hours of supervised training.

Mr Mulder interjected.

Mr TREZISE — We could send her to the Charlton driving school. The Charlton driving school is a very good school, and I have been there a number of times myself. With an eye on the time I will finish by saying this is good legislation. Pardon the pun, but I wish it a speedy passage through this house.

Mr HONEYWOOD (Warrandyte) — I empathise with the plight of the member for Geelong insofar as I have also recently joined the fraternity of parents who are teaching their children how to drive. It can be a very interesting exercise. I think we all say to ourselves that we will never do what our parents did to us, particularly if we had fathers who did not have much patience and would be lecturing us before we got out of the driveway. We all say we will never do that, but of course it is very hard to stick by that promise.

I want to focus this evening on part 3 of the bill, the heavy vehicles amendments. This relates to the commonwealth model bill. Increasingly we seem to have these commonwealth model bills, and in this case I am supporting the amendments because I think the intelligent access program (IAP) has merit for all sorts of reasons. For some of this information I refer to the National Transport Commission and Austroads information bulletin of February 2005, of which I am sure the minister would be well aware. The bulletin explains that the IAP is built around vehicle telematics technology that can remotely monitor heavy vehicle use, and there is good reason to do so.

As the minister would be aware, my electorate of Warrandyte has a large number of local roads that were built as access roads for orchardists and are now de facto major roads. There are far too many narrow de facto major roads with shocking bends in them in my electorate, and unfortunately a large number of heavy vehicles are using these roads as short cuts to get out to the industrial estates in Bayswater and Lilydale, and so on.

Whilst I appreciate that there are privacy provisions that mean a driver of a heavy vehicle has to be told that he or she will be monitored, I welcome this initiative in my electorate, because we need to know about the damage to roads and the appropriateness of having major heavy vehicles using roads that were built as service roads for orchardists in that Manningham–Doncaster–Warrandyte area.

With two roads in particular, Falconer Road and Stintons Road, there is a desperate need for a major roundabout to be built. Currently there is just an

intersection, although it is extremely dangerous as it is on the top of a steep hill. There have been major accidents there. Interestingly enough, the local council, Manningham council, provided one-third, or \$250 000, of the funding for that roundabout construction, and the federal government's black spot program, which unfortunately this government has not chosen to carry on with at state level, has come to the party with another \$250 000.

To get this appallingly dangerous intersection fixed, all we need is the state government to put in its one-third of the funding, but that is where we have the problem. For the 18 years that I have been the local member it has been a major problem, and it has got worse, particularly because heavy vehicles are now traversing it, which is due to the expansion of the industrial estates further out in Bayswater and other areas.

Then there is Ringwood–Warrandyte Road, which again was built as a service road for orchards. There are some appallingly dangerous bends in that road. In that case the federal government came to the party through the black spot program and provided full funding for this project six months ago. But VicRoads is the road construction authority and has chosen not to utilise that federal government money, so the project has not gone ahead.

We have had any number of accidents in the last six months where cars have run off the road. In fact one constituent owns a property which has some horse paddocks on it, and they are constantly being woken up in the middle of the night by cars running off that road and finishing up in the horse paddock adjacent to their home. We can all say, 'So what?', but at the end of the day this is traumatic for everyone concerned, and it has been occurring far too often.

The bill is concerned with two very important road safety projects. Heavy vehicles are using these roads when they should not be using them. I guess no party is going to come out in favour of the outer ring-road for some time to come. I certainly would not want to see the outer ring-road go through my area of pristine bushland. The member for Yan Yean may have other opinions — I am not sure — but certainly I would not want to see the outer ring-road go through the state park in that area.

If my electorate is any example, clearly we need to have a solution to the problem of heavy vehicles using roads that are inappropriate both for the weight of the load that the vehicles carry and the type of vehicles being driven on them. An intelligent access program (IAP) will enable us to know where these vehicles go

and how many are traversing these roads. We will then have a database of information so that we can gauge the full extent of the problem.

The only concern I have is that because the IAP is a voluntary program, how many people are going to take it up and how many companies will want their drivers participating in the use of this technology? I guess we will discover that as the years go by, but because the program is voluntary I am sceptical about how effective it will be. Nevertheless, it is one step in the right direction.

Mr LANGDON (Ivanhoe) — I rise to support the Road Legislation (Projects and Road Safety) Bill, and after hearing the contributions made by the members for Geelong and Warrandyte, I do so with some apprehension, because my 15-year-old daughter turns 16 in 16 days time, so I can see I have a lot to look forward to.

An honourable member — Charlton driving school!

Mr LANGDON — I suspect that sending her up there for a couple of years would be a good option for me. As a longstanding member of the parliamentary Road Safety Committee, which is chaired very well by the member for Geelong and on which the shadow transport minister also serves, I know that that committee deals with many of these issues and that its members work very well together on road safety issues.

This bill is part of a process that has come out of that committee. I am sure that any, if not all, governments in the past have always taken the Road Safety Committee's recommendations seriously, and I am pleased that we have a Minister for Transport and a parliamentary secretary who know a lot about road safety and try to implement as many Road Safety Committee recommendations as possible.

The main objective of the bill is to reduce the trauma and increase penalties for drink-driving and drug-driving offences. A particular emphasis should be placed on reducing road crashes involving young drivers. As the member for Geelong has pointed out, unfortunately over the years a high proportion of people killed on our roads have been young. As I said earlier, children undertaking driver education can be very trying for all parents, and I am about to experience that. The bill also supports the effective operation of hoon driving legislation that was passed by this Parliament in 2005.

My office has been getting more and more phone calls regarding the hoon legislation and how we can put it

into effect, and I will be endeavouring to do that in my local area in the next couple of months. I am also concerned about the policing aspect of that legislation. It will be of great benefit to us all, because hoon driving can lead to an increase in the number of young people being killed on our roads. Unfortunately hoon driving and young people tend to go together.

The bill also involves many other aspects of the Road Safety Committee's recommendations. I could speak at great length to them, but I am aware that a large number of members want to speak on this bill, and I am trying to wish the bill a speedy passage as well. I commend the bill and all those supporting it, and I note that the opposition and The Nationals have expressed their reservations but do support the bill.

Dr SYKES (Benalla) — I rise to speak on the Road Legislation (Projects and Road Safety Bill), and I wish to concentrate on three aspects of it. The first is the issue of drink-driving and drug-driving penalties. The Nationals welcome the government's intention to toughen penalties. Our support comes from a background of seeing, particularly in northern Victoria, magistrates administering penalties that they have considered appropriate for drink-driving and drug-driving charges, only to have those penalties appealed.

When heard in the County Court in most cases the penalties have been substantially reduced or removed. Clearly communities in northern Victoria are concerned that the current administration of penalties is resulting in insufficient penalties to deter people from drink-driving or drug-driving, and therefore any toughening up on the penalty aspect is welcomed by me and by the community that I represent.

Another recent and very tragic example of what appears to be an inappropriate penalty that this bill may accommodate was drawn to my attention by Lorraine Short, whose daughter was tragically killed in a car accident. She was the designated driver for the evening and was driving her friends home at 3.00 a.m. after a night of the other friends partying. Her vehicle was run into by another vehicle that went through a stop sign without any evidence of braking, and the person who ran into and killed Lorraine Short's daughter and another passenger had a blood alcohol content in excess of .07 and excessive fatigue.

However, much of the evidence that was accumulated in the interview process was deemed to be inadmissible by the judge presiding over the case, and the net result was that, tragically, the person who appeared to have been responsible for the deaths of Lorraine Short's

daughter and her friend got off scot-free. Tightening up the penalties and ensuring that people who do wrong are appropriately penalised would be much appreciated by Lorraine Short and many other people in northern Victoria.

The second issue that I want to focus on is lowering the blood alcohol tolerances. I understand this bill provides for the cancellation of a driver's licence in the event that their blood alcohol concentration exceeds .07 and if the driver is under the age of 26 years. This is interesting in the context of the Drugs and Crime Prevention Committee's inquiry into the harmful effects of alcohol.

One of our recommendations was to consider applying a zero blood alcohol tolerance for drivers under the age of 26 years. That is because a very large proportion — I think it is in excess of 30 per cent — of young drivers involved in accidents have a blood alcohol reading. Therefore reducing the blood alcohol tolerance to zero for drivers aged 26 and below, in the opinion of police and others involved in road trauma, would have a positive effect in reducing road deaths and casualties. The move towards .07 is a step in the right direction, but I flag that fortune favours the brave, so it is worth considering going to zero tolerance for drivers under the age of 26 years.

I refer to the general issue of young driver safety and the series of initiatives introduced in this bill that revolve around the principle of a graduated licence and a series of base requirements before a person can first get the licence — for example, 12 months for learner drivers and a minimum of 120 hours of supervised driving, with a graduated approach beyond the P1 restricted licence to the P2 licence. As the member for Swan Hill mentioned, The Nationals do not think this legislation has gone far enough. We believe it is appropriate to bring the age of P-plate drivers to 17 years, but with additional restrictions.

As the member for Swan Hill said, we believe that would break the nexus between turning 18 and being legally able to drink and drive at the same time. We believe being able to drive ahead of the legal age of being able to drink would have a positive effect. Others have spoken about their children approaching 16 or 17 years. Some time ago our eldest daughter was approaching the age of 16 years. We had moved up to the Northern Territory at that stage and were not expecting her to be getting her driving learners permit for some time, but we were confronted with our daughter coming home one night from school saying, 'Dad and mum, I am eligible to get my learner driver's permit'.

At age 16 years our daughter started to learn to drive. Fortunately she is a very responsible young lady and the only fearful experience she had was when I took her for some skid control steering practice on a soaked field in the Northern Territory near Darwin, but she handled that remarkably well. There was absolutely no downside to her learning to drive at age 16 because she is a responsible person. With a graduated approach, I believe the same principle can be applied to all our young people.

The other issue raised by the member for Swan Hill that I wish to endorse is the principle of pre-licence driver education and training. There appears to be continued government resistance or at best inaction in relation to the encouragement of a number of pre-licence driver education and training initiatives available in country Victoria to help keep our young people alive — that is, to keep the future of country Victoria alive.

I am talking about initiatives such as the Alexandra Rotary Club pre-licence driver education and training program. It was initiated because of the tragic loss of young people that was occurring in the Alexandra community as they turned 18. I think about 10 young people from the Alexandra college died in the space of 10 years around the 1970s, but since the implementation of the pre-licence driving education and training program there has been only one death among the cohort of young people.

The Myrtleford Rotary Club has a similar program that teaches young people in the Alpine shire. The Driver Education Centre of Australia programs operate at Shepparton with, as previous speakers mentioned, similar programs being run at Charlton and Mildura. A couple of individuals run programs near Benalla. One is Martin Doxey, a young lad who is a very capable racing driver in his own right and who has a passion for keeping his young friends and their younger brothers and sisters alive. He provides driver education and training. More recently a former Bathurst 1000 winner, John McIlroy, started a similar program with tremendous community support. We all have a passion for keeping our young people alive. I seek government support for these initiatives because they are sound, they are supported by the community and it is the opinion of the community that they work.

One other issue I want to touch on that was touched on by the member for Doncaster is a learner-approved motorcycle scheme and the principle of coming up with an appropriate system of motorcycling size depending on the learner rider rather than having a very simplistic approach to a maximum number of horsepower. The advice I have arising from a Victorian motorcycling

industry forum held in March 2006 is that the wish of the motorcycle riders is to adopt the New South Wales or South Australian model for a learner-approved motorcycle scheme with the power-to-weight ratio being calculated at 150 kilowatts per tonne, capped at 660 cubic centimetres, which would be the basis of the scheme. If that scheme were introduced along with allowing learner drivers to learn at an earlier age, consistent with the approach for four-wheel vehicles, it is believed that would be very helpful in keeping our young motorcycle riders alive.

With those remarks, I indicate that The Nationals do not oppose the bill. We see merit in the general intention of having our younger people better trained before they become fully licensed. We think there is an opportunity to go further by introducing a lower age to obtain a learner driving permit and, related to that, a more stringent graduated licence scheme and a learner approved motorcycle scheme.

Ms MORAND (Mount Waverley) — It is a pleasure to join in the debate on the Road Legislation (Projects and Road Safety) Bill. It is a very important bill with a large range of amendments, but I want to speak particularly about two aspects of it, starting with the amendments aimed at reducing death and injury on our roads. This government's Arrive Alive strategy has been very successful in reducing road trauma, and the range of strategies already in place has had a very real impact on the road toll.

Reducing speed reduces road trauma. It is very simple. Unfortunately the new Liberal leader has continued to commit to the Liberal Party's reckless policy of a 10 per cent speed tolerance, which is a policy it should dump straightaway. If that policy is ever implemented, lives will be lost and other lives will be forever impacted by increased road trauma. Reducing speed on our roads is an effective way to reduce road trauma, but we also need additional strategies to deal with drink-driving.

The bill implements recommendations made by the independent Sentencing Advisory Council, which recommended substantially increasing the maximum penalty for drink-driving. I totally support the increased penalties, as we need to address this serious problem. If you drink and drive, you are putting not only your own life at risk but the lives of any passengers who may be in your car or of people in other vehicles with whom you come into contact. Probably the greatest tragedy of drink-driving is that people who are innocently going about their daily lives come in contact with a drink-driver who is recklessly endangering the lives of complete strangers.

The new maximum penalty for a drink-driving offence will increase from 3 months to between 6 months and 18 months. This increase reflects the seriousness with which the community views this type of offence and behaviour. The report by the Sentencing Advisory Council contains some very interesting information. It says at the outset that drink-driving is a complex social problem.

I refer briefly to some of the data in the report. The data shows that the number of drivers killed in road crashes in Australia who were over the alcohol limit has decreased from a high of 44 per cent in 1981 to 26 per cent in 1998. However, alcohol remains the leading recorded factor in fatal crashes in Australia. Recent Victorian data indicates that Victoria Police receive 5000 samples a year taken from drivers who attended hospital after road accidents; of those, 35 per cent were positive for alcohol and 8 per cent had a blood alcohol reading over .25 — that is, five times the legal limit, which is an absolutely staggering figure. I repeat: 8 per cent had a blood alcohol content over .25.

Also of great concern is the number of drivers who reoffend. The data in the report indicates that, in 2000, 28 per cent of the 11 800 drink-drivers were repeat offenders. In other words, one quarter of the drivers had had at least one previous conviction for drink-driving. The overwhelming number of offences were committed by men. In 2000, 80 per cent of first-time offenders were men, and 90 per cent of repeat offenders were men. Drink-driving is also known to be a particular problem among young drivers aged between 21 and 29, so it is a problem for young men. We need to try to address this serious problem and save young lives. The increased penalties will allow the courts to deal with the worst cases of drink-driving and repeat drink-drivers. It is also good to see that the Transport Accident Commission and Victoria Police are working on a new drink-driving public education campaign to complement these new laws.

Protecting young drivers is also a very important aspect of this bill. Like other members in the place, the member for Geelong and the member for Warrandyte, I too have a 16-year-old son who has just got his learner's permit. I welcome any changes that will better protect our young drivers. I will not go through the comprehensive range of changes, because other members have already detailed them, but any strategies that reduce the road toll should be supported by everybody in this house.

Finally I want to make a brief comment on a new part to be inserted into the Alpine Resorts (Management) Act that will facilitate a development at Mount Hotham

and allow for the redirection of the road to the alpine village at Hotham. Unfortunately it has not been a great snow season. There has not been much snow up at Hotham, and this is the first time I have not been up there in seven years, which is a bit sad. Moving the road that runs through the alpine village makes a huge amount of sense, and it is something that has been talked about on the mountain for, some people say, 20 years. Currently the road runs right through the middle of the village. You have lifts that run on either side of the village, there are buildings on either side of the road and people ski across the road in between the cars. It is a very unsafe environment. Anything that improves the level of safety is a good thing, and I definitely support that change. I commend the bill to the house.

Mr PLOWMAN (Benambra) — There are just three issues that I would like to touch on. One of them is an issue which the member for Mount Waverley spoke about a moment ago and which I know is close to your heart, Acting Speaker, and it involves the commonsense arrangement that will come out of that change. Anyone who has skied at Mount Hotham understands the justification for it. Hotham is undoubtedly Victoria's best mountain for skiing. It is not the best mountain for socialising, but it is certainly the best mountain for skiing — —

The ACTING SPEAKER (Mr Jasper) — Order!

Mr PLOWMAN — I do not think I need to be brought to order about that comment, Acting Speaker! What is really interesting about this aspect of the legislation is that it also gives the opportunity to the operators of the other mountains, including the mountain that you and I have a close association with, Falls Creek, to incorporate the same sort of development. This legislation looks at how road structures might be redeveloped, so there is a greater opportunity for the ownership and development of car parking facilities, which need not necessarily be on the land owned by the developer if the developer has a role in the construction of the road appropriate to those resorts. Anything we do to improve the lot of the ski industry will be good for the high country. The skiing industry has a big impact on the tourism industry, and I am sure it will be of great value to Mount Hotham and to those people who enjoy skiing there.

The second issue is something that I think very few people in this house would know anything about — that is, airbag suspensions for heavy vehicles. A small company in Wodonga owned by the Haire family has developed an airbag suspension system for heavy vehicles. I would like to compliment Ted Vincent of

VicRoads, who has gone to great lengths to ensure that this company is given a fair opportunity to get endorsement of its suspension system, which is quite novel and has outstanding performance characteristics, including a greatly reduced wear factor on the road.

The reason for that is that in a normal suspension system there is a connecting tube between the airbags on each wheel that follows another. The tube is so small that the air cannot move from one airbag to the other, so when the front wheel hits a bump the second wheel does not have the same weight transferred from it when it in turn hits the bump. The new air suspension means that the line between those airbags is about as thick as your arm. That in turn means that the air can pass through almost immediately and you actually get movement, because the airbags can transfer their loads between the axles. The company has now developed a tri-axle drive, which is rarely used in Australia; and that tri-axle drive develops the same airbag suspension, which is of real significance. I compliment Ted Vincent on ensuring that this small business in Wodonga is given every opportunity to develop its suspension system.

As you might recognise, this goes against the big boys — the big trucking companies from America — which dominate heavy vehicle transport. It is about giving a small company a chance to show its excellence. It will not only enhance the road-friendly suspension of heavy vehicles but also in many respects vastly improve road safety. Bruce Sweet, a man whom you will also know, Acting Speaker, is the regional manager for VicRoads in the north-east, and he has also been immensely helpful in trying to ensure that this company gets the opportunity to develop this suspension system.

The last issue I want to talk about briefly is the amendment that deals with the unintended consequence of the Road Management Act 2004. Section 3 of the act states in part:

“road infrastructure” means —

- (a) the infrastructure which forms part of a roadway, pathway or shoulder, including —
 - (i) structures forming part of the roadway, pathway or shoulder;
 - (ii) materials from which a roadway, pathway or shoulder is made;
- (b) the road-related infrastructure ...

The examples used in this legislation say that a bridge, culvert or ford would be a structure forming part of a roadway. What happened as a result of this legislation

coming in was that all the culverts and all the bridges over irrigation channels, instead of being the responsibility of the water authorities which had built those structures and maintained them and whose responsibility they had always been, passed across to local government or, in some cases, to VicRoads, and clearly this was unintended. I can just say one might be critical and say it is sloppy legislation, but I think it is, like so many other things in legislation, a situation where you cannot be sure that you are going to do every i and cross every t. I think it was a legitimate mistake, but I was pleased to see that the new definition under section 51 of the act now says:

- (a) in the definition of “road infrastructure” —
...
- (ii) after paragraph (b) insert —
‘but does not include —
- (c) if the irrigation channel, sewer or drain is “works” within the meaning of the Water Act 1989, any bridge or culvert over an irrigation channel, sewer or drain, other than a bridge or culvert constructed by a road authority —

et cetera. It is pleasing to note that the consequence which was unintended and certainly undesired has been picked up in this legislation.

The interesting thing there was that the Essential Services Commission in determining the price structure that water authorities can charge had to take into account whether this was going to add or reduce the cost to those water authorities, and clearly in this case it would substantially reduce their costs. On this occasion I give credit to the ESC for its determination, because this was something that was unintended. Certainly it was considered even before this legislation was drafted, and it was determined that it should not become part of the pricing structure of the water authorities. I commend the commission for that, but equally I commend the government for picking this up so that it could be changed and bring some sense back into this part of the legislation. It is with pleasure that I support this legislation.

Mr LOCKWOOD (Bayswater) — I rise to also support the Road Legislation (Projects and Road Safety) Bill, which has a number of road safety measures in it. There are increased penalties for drink-driving and drug-driving. There are measures to reduce road crashes by young drivers. There are measures to improve the owner-onus provisions and to support the effective operation of the hoon driving laws enacted last year. There are also improved safety measures for heavy

vehicles, some land compensation changes and some facilitation of the M1 Doveton–Yarraville link.

I am certainly interested in the amendment proposed by the member for Doncaster in terms of motorcycles. As a long-time motorcycle owner and rider I always find it interesting that a limit of 250 cubic centimetres is in place, because a 250-cubic-centimetre motorcycle can be quite a powerful motorcycle and have an enormous power-to-weight ratio. I think on the racing track a 250-cubic-centimetre motorcycle is fairly close behind a MotoGP motorcycle in terms of lap times. They can be very fast machines, and they are certainly built these days to be larger and to fit a larger person, although I hesitate to think of somebody weighing 130 kilos sitting on one. It could be a bit of an effort.

In terms of our offspring driving and riding, my son not long ago bought a 250-cubic-centimetre motorbike and found out what it is like to ride around on the road — and he found out what it is like to be run off the road as well. He has had that experience. He has certainly found the bike can move along a bit. I liked the comment earlier that we do not want people riding Harleys. In the days when I rode around with a group of people on motorbikes, we always regarded the Harley as not being a motorbike. There were cars, trucks, motorbikes and Harleys. Whenever we went out in a group we had to wait half a day for the Harleys to catch up. They were a bit slow and did not go around corners, but of course we admired their form. They were always a collector’s item, something to admire, but they were never a fast bike. Perhaps they would not be too bad as a beginner’s bike given their weight and stability, but they are seen as more of a status symbol than a bike these days.

A lot of the bill is also aimed at young drivers and learners. I remember going through the experience as well of my two children learning to drive. I spent a lot of time in the passenger seat with them trying to be patient, with difficulty, but they succeeded, and they are now both good drivers. I fully support the changes that provide for a graduated licensing system. We need to constantly monitor the licensing system and other measures to make our young drivers safer on the road, and this change I am sure will further improve road safety for our young drivers. We need to respect their ability and to put obligations on them to drive responsibly.

The provision for alcohol interlocks for young drivers is a good thing. I have generally found young drivers to be very responsible. The ones who I know have always nominated a designated driver, who has not imbibed on the night and who has then driven the others home

when they have perhaps over imbibed. They have always been fairly responsible, but of course there are the few who are not. I have known a couple who have popped pills and swigged alcohol and still got behind the wheel of a car, so these devices will be very useful in that respect. It is not just young drivers to whom that applies. There is also provision for repeat offenders to have an alcohol interlock fitted if they exceed .07, or for a first offence, over .15, which I think is a great change.

I certainly support changes to reduce drink-driving. Over the years I have been touched in my life by people who have lost their lives on the road due to the drink-driving of others. There were one or two instances in particular when I was quite young. Four people that I knew quite well died in one go because of a drunk driver, and that has always stuck with me. I have never had a great deal of sympathy for people who drink and drive. They always deserve to feel the full weight of the law if they are caught, which is only right.

There are a number of other measures in the bill. Obviously the facilitation of the M1 Freeway — the expansion of the link from Doveton to Yarraville — is something I fully support. I commend the bill to the house.

Ms MUNT (Mordialloc) — I am very proud to make a contribution this evening to the debate on the Road Legislation (Projects and Road Safety) Bill because I think it is a really good piece of legislation. As I was reading through the bill, I came to that conclusion more and more. There is a lot in this bill, which is a big and very important piece of legislation.

I am going to deal with particular aspects of the bill, the first of which relates to drink-driving and drug-driving. I agree with the bill increasing the penalties for repeat offenders for drink-driving and drug-driving. For repeat drink-driving offences the penalty has been increased from 3 months to between 6 months and 18 months, depending on the breath or blood alcohol concentration of the offender and the number of prior offences they have committed. The maximum for driving while impaired by a drug will be increased from 3 months imprisonment to 12 months imprisonment for a second offence and 18 months for a third or subsequent offence. This reflects the gravity and seriousness with which we view repeat drink-driving and drug-driving offences.

I was cleaned up by a drink-driver on the way home from Parliament about 18 months ago, and the first thing I thought was, 'What do we have to do to get it through people's heads that they cannot drink and

drive?'. This was a man in his mid-40s, old enough to know better, yet he drank alcohol, got in his car and then drove and hurt someone. If it is a matter of education or whatever, in the end you have to increase the penalties to try to get the message to these people. I wish they would get it through their heads instead of going out and hurting people.

The second part of the bill I would like to speak on is young driver safety. Like other members, I too have P-plate drivers in my household. When the bill was first mooted and the proposed measures went out for community consultation, I sent this out to my electorate, and I got a very big response from parents who wanted the P-plate process strengthened and improved. I am very pleased with the range of measures that have been put in place for P-plate drivers. I will not go through all of them, but some are: the more hours that you have on an L-plate, learning how to drive, the better; and a four-year probationary licence is better than a three-year one, because it gives young drivers time to learn, mature and prove themselves to be responsible drivers.

I would also like to quickly mention that Victoria has led Australia and the world in bringing into place road safety measures — seatbelts, .05, drug testing — and this has resulted in Victoria's having the best road safety performance in Australia. In 2003, 2004 and 2005 Victoria recorded its three lowest road tolls since records began. This piece of legislation will save lives. It will make our roads safer for our children and for us. It is a very important piece of legislation, and I am very proud to be part of a government that is putting it into place. I commend the bill to the house.

Ms MARSHALL (Forest Hill) — I am pleased to rise to support the Road Legislation (Projects and Road Safety) Bill, which again shows the commitment that the Bracks government has to ensuring that the vital steps a government must take to reduce the factors that contribute to death and trauma on our roads are being made. This bill makes a number of amendments to the Road Safety Act 1986, including providing for tougher penalties to deal with the ongoing problem of drink-driving.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr HAERMAYER (Minister for Manufacturing and Export).

Ms MARSHALL (Forest Hill) — The amendments to the Road Safety Act 1986 include tougher penalties to deal with the ongoing problem of drink-driving and drug-driving, a topic that has been highlighted through

the media of late and most recently in the last week. The bill includes a range of measures to improve the safety of young and inexperienced drivers, a group which from all the statistical evidence available to us is disproportionately represented as an age group to which fatalities are attributed.

This bill makes some amendments to the land compensation provisions in the Land Acquisition and Compensation Act 1986 and the Planning and Environment Act 1987 to facilitate development at Mount Hotham alpine resort and the redevelopment of the M1 Freeway including those parts of the Melbourne CityLink that form part of the M1.

As significant time has been spent on contributions already made about the many aspects of this bill, I will focus briefly in this last point on the matter of land compensation where, when a landowner's land is acquired, it is done with compensation that properly reflects the value of their loss. The bill provides for compensation to be paid for land actually acquired. Conversely, when only part of the land is acquired, compensation is also paid for the impact of the acquisition on the balance of the land remaining in the landowner's possession.

The member for Mount Waverley mentioned that she had not been to Mount Hotham this year, which I think was a first for seven years, whereas having spent a significant portion of my life following winter season after winter season and skipping the summers, quite happily, I might add, I had not been to Mount Hotham for at least seven years. But I am very proud to say that this year I did go there and was absolutely impressed by the enormous changes that have been made to the infrastructure since my last visit. I was very aware, having travelled the world and having been to some of its most well-regarded ski resorts, that the steps that have been taken to invest in the infrastructure at Mount Hotham are moving it into the same category.

This bill amends the Alpine Resorts (Management) Act to enable VicRoads to grant the board a 99-year right of access to road infrastructure underneath a new section of the Great Alpine Road as a part of the development proposal. The benefits to the Mount Hotham village redevelopment project, which is a \$280 million construction project, are the expected generation of an additional \$316 million in spending, over 3000 direct and indirect full-time equivalent jobs and almost \$150 million in wages. The ongoing benefit is estimated to be an increase in annual expenditure of over \$58 million per annum in Mount Hotham and over \$37 million in other alpine regions. The alpine regions are a beautiful destination for all Australians regardless

of the time of year and regardless of a person's age or gender, their ability to ski or for some people in this house probably their inability to ski or snowboard —

An honourable member interjected.

Ms MARSHALL — Not on this side of the house, of course, only on the opposition side. It is with great pleasure that I commend this bill to the house.

Ms ECKSTEIN (Ferntree Gully) — I, too, wish to briefly speak in support of the Road Legislation (Projects and Road Safety) Bill. In the brief time available I want to focus on the changes envisaged in relation to road safety, particularly the increased penalties for drink-driving and driving while under the influence of drugs, and also the increased phase-in for younger drivers.

Although we have made significant inroads into the road toll — and the toll has been at all-time record lows in recent years — we still need to do better. We need to bring the toll down further, particularly the hidden road toll, which is still far too high. People who are seriously injured often have to live with the consequences for the rest of their lives. It is a huge cost to them personally, to their future quality of life and to their future potential. It is also a huge cost to the community, both in the initial emergency treatment and in ongoing hospital and/or medical care. Therefore anything we can do is very important.

Regrettably drink-driving continues to contribute significantly to the trauma on our roads. I must say I agree with the member for Bayswater, who said he believes young people these days are more responsible where alcohol and driving is concerned, and that the designated driver scheme has been very successful. I have to agree with him; I think they are generally more responsible than perhaps my generation or other generations were. We did some very silly things in our younger days when we were on the road when we should not have been.

That is not to say that there are still no people who drink to excess, get into their cars, and drive, putting everybody else on the road at considerable risk. Not only that, they do it over and over again. It is dangerous, it is irresponsible, and it is highly selfish. The significantly strengthened penalties for repeat drink-driving and drug-driving offenders are highly appropriate, and I very strongly support them.

I also want to briefly comment on younger drivers. Recently I had the Minister for WorkCover and the TAC in the other place, Mr Lenders, talk to year 10 students at one of the schools in my electorate. It is very

important that we get to younger people before they go out on the roads and that we give them increased support while they are out on the roads and in the initial stages of their driving. I very strongly endorse those changes that support young learner drivers in their initial few years and also the penalties that will be imposed if they get it wrong and are caught drink-driving. It sends a clear message. I support the bill and commend it to the house.

Mr BATCHELOR (Minister for Transport) — I thank members of the chamber who have contributed to the debate this evening, particularly the members for Polwarth, Swan Hill, Brunswick, Doncaster, Geelong, Warrandyte, Ivanhoe, Benalla, Mount Waverley, Benambra, Bayswater, Mordialloc, Forest Hill and Ferntree Gully. I thank them for their contributions.

This is another roads amendment bill that deals largely with road safety issues and a number of other important road management issues. I am pleased to acknowledge the widespread support that has been given to this legislation by all members. A number of issues have been raised here tonight, but, by and large, the comments made by members across the chamber have been supportive of the legislation. I guess it is an acknowledgment of the traditions within this chamber that a number of road safety initiatives — particularly those generated from the road safety agencies, our road safety partners, if you like, which have brought forward suggestions to governments, and governments have had sponsorship of them — have generally been acknowledged by the individual members of the house to be worthy of support. I thank those people for their support.

This is an omnibus bill. It covers a large range of separate and diverse issues. It is worthwhile trying to restate what the objectives of this bill are. Its first objective is to reduce road trauma. It will do that by increasing the penalties for drink-driving and drug-driving offences and expanding the use of the alcohol interlock scheme.

We have led the way — and when I say ‘we’, I really mean the Victorian Parliament, although the government has the carriage of and responsibility for the introduction of legislation. All of the major significant road safety changes that have been implemented in this Parliament have generally had the support of the political parties and the Independents. That has been witnessed today. The first objective of reducing trauma by increasing penalties for drink-driving and drug-driving offences and expanding the alcohol interlock scheme is a manifestation of that

broad support. We all want to do the right thing and achieve those objectives.

Another objective of this legislation is to reduce the number of road crashes, particularly those involving young drivers. We also want to improve the enforcement of road safety laws by amending the owner-onus provisions, increasing the penalties for unlicensed driving and amendments to the evidentiary laws.

Another objective of this bill is to support the effective operation of the hoon-driving laws, which were originally passed in 2005. These hoon-driving laws have been very widely supported and have made a new tool available to the police to bring about safe conditions on our roads, making people feel more comfortable in their suburbs, particularly the residential parts of those suburbs. The member for Warrandyte indicated his support for the implementation of the intelligent access program for heavy vehicles. The bill is designed to discourage motor vehicle theft and rebirthing. It seeks to do this by introducing the offence of forging or tampering with vehicle identifiers.

We also seek with this bill to transfer responsibilities for structures on the roads that go over irrigation and drainage channels from the road authorities to the water authorities. This is an issue that has been raised particularly in country Victoria and is widely supported by country municipalities and road authorities.

The bill also seeks to clarify the compensation rights in relation to VicRoads’ powers to restrict access to arterial roads. It also seeks to correct the operation of the legislation to ensure that landowners whose land is acquired are given compensation that properly reflects their losses. The bill also seeks to facilitate the Mount Hotham Alpine Village development project. This is to be done by enabling legal arrangements to provide up to 99 years clear tenure of the car park, which is an integral part of the development proposal.

Lastly, the bill deals with the M1 Freeway redevelopment project. The bill authorises the redevelopment of this freeway from Doveton to Yarraville to alleviate congestion on this most important of all roads within the transport network. It is a real economic lifeline.

In addition to authorising that redevelopment of the M1 Freeway project, the bill will facilitate planning approvals and land acquisition in relation to the CityLink section. The bill will authorise the amendment of the concession deed and the upgrading of the road by CityLink Melbourne Ltd consistent with the existing

concession terms. As you can see, Speaker, this is a comprehensive piece of legislation which deals with a whole host of separate issues which all relate to improving our road network and the infrastructure that supports it and improving road safety and the enforcement of the laws that support that.

During the course of the debate on the bill, the member for Doncaster foreshadowed his proposed amendments, but we are not able to support them tonight. The member for Doncaster raised his amendments with me only today, and I indicated to him that the government's way of initiating or dealing with road safety issues was to seek the understanding and support of our road safety partner agencies, which are VicRoads, Victoria Police and the Transport Accident Commission. There was simply not enough time to canvass the intent of the member for Doncaster's proposed amendments with those agencies and receive a credible response by tonight.

However, I indicated to him that the issues he raised in his discussion with me before the bill came into the chamber would be referred to those road safety agencies for their consideration and their advice to the incoming government. Whatever the result of the election of 25 November, one thing is for certain: there will be a government after that date and it will be the responsibility of that government to take up those issues.

Mr Mulder interjected.

Mr BATCHELOR — The member for Polwarth says he will take them up for the member for Doncaster after the election. He will certainly have to do that, because as all members know, the member for Doncaster will not be here after the election. The member for Polwarth of course assumes that he will be re-elected. I am not making any personal assumption about the result of the election. But the member for Polwarth seems certain that he will be re-elected, and he is certain that the member for Doncaster will not be here, so he says he will take up both those issues for the member for Doncaster.

Honourable members interjecting.

Mr BATCHELOR — I do not assume I will be here. Elections are hard fought out in Thomastown!

An honourable member interjected.

Mr BATCHELOR — No, we do not take it for granted. It is not easy getting over 80 per cent of the two-party preferred vote! We only get over 80 per cent of the vote in Thomastown because elections are hard

fought. We do not take it for granted. We chase down every vote in Thomastown, and we will continue to do that.

I thank members for their contributions. As I said, we cannot accept the amendments proposed by the member for Doncaster, but we have indicated that there is an administrative process that will give them due consideration and that a future government, whatever its complexion, will be able to deal with them at some time during the next parliamentary term, if that is its wish.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1 agreed to.

Clause 2

Mr PERTON (Doncaster) — I move:

1. Clause 2, line 12, before "section 27(1)" insert "section 16(2) and (3)."
2. Clause 2, line 19, omit "section 16" and insert "section 16(1)".

I thank the minister for his comments at the end of the second-reading debate. I do not propose to divide on these amendments, but obviously I indicated in my contribution to the second-reading debate that this clause relates to a narrow group of people for whom — —

Mr Plowman interjected.

Mr PERTON — As the member of Benambra puts it, perhaps that was a poor choice of words! But these are people for whom a 250-cubic-centimetre bike is not appropriate. The legal officers and safety officers at VicRoads have indicated that there is a good model for amending a regulation, and that involves the regulation relating to the wearing of seatbelts and the exemption from that provision. So that can be done without a regulatory impact statement.

I thank all the members of the house who support the amendments I have put. I accept that this needs to be considered by the various authorities that look at these matters, but I hope it can be done in a speedy fashion so that my constituents can benefit from the reform, as can others in the same position. I again thank all members who support these amendments and certainly the sentiments relating to them and the ultimate reform.

Amendments defeated; clause agreed to; clauses 3 to 15 agreed to.**Clause 16**

The ACTING SPEAKER (Mr Languiller) — Order! I call the member for Doncaster to move amendments 3 to 5 in his name.

Mr PERTON (Doncaster) — Given that amendments 1 and 2 failed, I will not be proceeding with the other amendments on the basis of the undertaking that has been given by the member for Brunswick and the Minister for Transport that these matters will be taken through the appropriate authorities with some expedition as changes to regulations should be made.

Clause agreed to; clauses 17 to 58 agreed to.**Clause 59**

Mr MULDER (Polwarth) — In the briefing I asked a question in relation to the situation where a public reserve is used by an instrumentality for the creation of a new zone, where that zone does not necessarily reflect what the reservation was put there for in the first place. I am just wondering whether the minister has any examples, because the legislation actually rules out compensation in those cases. Are there any examples that have come before the government in which a situation has arisen where a zoning change has taken place, using a road reserve or a rail reserve as a boundary, and compensation been sought by a party deemed to be disadvantaged by the zoning decision?

Mr BATCHELOR (Minister for Transport) — This is part of a series of amendments to the Land Acquisition and Compensation Act which sets out the circumstances in assessing compensation for compulsorily acquired land. Regard may be given to the zoning of the land in which the acquired interest subsists. What we are trying to do, particularly in the outer areas of Melbourne where road reservations or infrastructure reservations — but typically road reservations; it could be a road, a railway line or some other form of infrastructure — have been in place for some time, where the planning authority changes the land zoning after the infrastructure has been put in place to align the new zonal boundaries and decides to use the infrastructure already in place for some time as a matter of convenience to determine a logical boundary for a new set of zoning arrangements.

We think it is appropriate that the compensation arrangements ought to be set out in acknowledging the reality that the infrastructure has been in place for some

time, and it should not distort the outcome of the compensation arrangements. That is the thrust of these amendments to the Land Acquisition and Compensation Act. There may well be examples, but in all honesty I do not have them with me, off the top of my head. That is the intent of it.

Clause agreed to; clauses 60 to 75 agreed to.**Bill agreed to without amendment.**

Remaining stages

Passed remaining stages.**FUNERALS BILL**

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Ms McTAGGART (Evelyn) — I am pleased to make a brief contribution on the Funerals Bill. As a member of the Family and Community Development Committee I had the opportunity to consult with funeral directors, embalmers, consumers and industry representatives on this bill. The bill implements a number of the commitments made in the government's response to the parliamentary inquiry.

The committee found that the funeral industry providers overall operate and conduct their business in a professional and ethical manner. However, there are some unscrupulous business operators conducting funerals in this state and beyond. The committee was asked to assess the nature and extent of problems in the funeral industry and to consider options to address these issues.

The final report was released in November last year. The committee put forward 18 recommendations to the government for the reform of the regulation of the funeral industry. The most significant reforms include the introduction of price disclosure requirements for funeral providers, the regulation of funeral providers and the development of a register for prepaid funeral contracts.

Members of the house would be aware that arranging a funeral can be a difficult time for family members, as they are coping with the loss of a loved one and are extremely vulnerable. Consumers are required to make arrangements for a funeral within a limited time frame and are not likely to be in a position of knowing the process and costings of a funeral, as it is something that

we deal with only occasionally, thank goodness. This is where consumers rely solely on the funeral director to provide assistance and information to the family.

As I have said, most funeral directors operate professionally and ethically. However, the committee found that some consumers had their vulnerability and inexperience taken advantage of at these difficult times, and it is this type of exploitation that the bill aims to address. One of the recommendations in the committee's report was recommendation 3.8:

That in order to facilitate consumer comparison of products, services and prices, that funeral directors disclose upon request those products, services and prices in a clear and consistent manner across the industry.

Consumers have stated that they have paid more than anticipated for a funeral and that the costs have been quite high. They did not realise or understand the funeral package structure and costings. This has led to the acceptance of non-price-competitive funeral items or the purchase of goods and services that they may not necessarily have needed. This could be avoided with an itemised price list being provided to clients up front at the first meeting to discuss funeral arrangements, or as part of their final account. The list should include a description and the price of coffins offered for sale. We found there were quite large discrepancies in coffin pricing.

The committee found that the number of complaints received by individual funeral directors, industry associations and government agencies does not provide a valid indication of problems existing within the industry, and its hearings showed that consumers are less likely to complain. I guess they are coping with the stress of losing a loved one and think, 'This is a one-off; we won't even bother'. They are quite emotional and probably would not know where to start, and are probably less likely to complain to consumer affairs. For this reason it is very important that funeral providers have appropriate complaint-handling systems in their workplaces to ensure that customer complaints are handled effectively and the consumer is not deterred from seeking further information and redress.

These measures and an information booklet will provide consumers with an understanding of the role and responsibilities of the funeral director, their rights under relevant laws, and where they can seek advice or make a complaint regarding the service.

The committee travelled extensively throughout the state, both regionally and in metropolitan Melbourne. We met with many operators in country areas, where it was highlighted to us that many of the rural funeral

directors ran family businesses that had been handed down through generations learning the trade. We recognised that many of them had concerns about onerous overregulation, costs and other pressures.

We heard from many different religious groups about the needs of their communities. Submissions were made by the Muslim, Buddhist, Tongan and Brethren communities. It was enlightening for the committee to learn about the different cultural and religious practices associated with funeral arrangements in these groups.

In our travels we visited many mortuaries. We talked about embalming and occupational health and safety issues. It was quite interesting to be informed about a lot of these procedures and to get a better understanding of how this could affect their business practices and, more importantly, consumers and families.

Recommendation 3.11 states:

For the purposes of consistency, the committee recommends that a central registry of pre-paid funeral contracts be established to enable consumers and funeral directors to expeditiously verify the details of existing contracts. Such a registry should be administered by Consumer Affairs Victoria and, ideally, should be linked to all the states and territories.

I would like to talk about a couple of funeral directors in my area. It is probably not common for members to know two or three funeral directors in their communities but they provide an excellent service. We are not seeking to cause trouble for them, we are looking to support them in supporting communities at their most vulnerable times.

I would like to thank my parliamentary colleagues on the committee and the staff. I hope this bill will ensure security and safety for families and provide good workplaces for the funeral industry. I wish the bill a speedy passage.

Mr COOPER (Mornington) — I want to make a few remarks on this bill. I have listened to contributions on it with some interest. I was particularly interested in the comments made earlier this evening by the members for Shepparton and Bellarine on one matter I want to touch on.

In general terms the situation that confronts me with this bill is that it enables further regulations to be made to control the industry. Having, like many members, seen on current affairs programs in particular some of the horror stories that have come out of the funeral industry, not necessarily in Victoria but elsewhere in Australia, you can easily come to the conclusion that severe regulation is needed to control this industry. I think in fact probably the reverse is the case and we are

looking at a situation where most of the funeral industry is run responsibly, decently and compassionately. Just like a whole lot of other industries, you have a few ne'er-do-wells who are trying to take advantage of people in vulnerable situations. They give the entire industry a very poor reputation, which is a bit of a shame.

We have to bear in mind that a significant number of people who are in the funeral industry are small business people in family firms who will certainly be burdened by overzealous regulation. I would hope that as the government starts to look at regulations in regard to matters such as codes of conduct and other areas it will understand that these regulations come with a cost. Small companies can least bear these costs and will have to pass them on to consumers. The reality is that overzealous regulation could put some of these businesses at risk from some of the bigger players. There are some very large players in the funeral industry. It is important that this Parliament and the government always bear in mind that we do not want to destroy the small players in the industry, because they are the ones which provide the competition and through that provide benefits to consumers.

I want to stand here and be a cheer squad for the small operators in the funeral industry. Some of those small operators are in my electorate and further afield on the Mornington Peninsula. I know all of them do a very good job. Like the member for Nepean, who made his contribution earlier today, I have yet to receive a complaint about a funeral director operating in my electorate. That speaks volumes, although I pay some heed to the point made by the member for Evelyn that a lot of people who are in a very grief-stricken state might feel they simply could not bear to go ahead and make a complaint. The incidence of that would probably be very much the minority of cases.

I hope those people who feel aggrieved by something that happens with a funeral director would not be too shy but would come forward and ensure that this is made known, firstly, to the operator to see whether it is prepared to correct whatever mistake has been made, and secondly, if that does not occur, to the higher authorities who can bring some pressure to bear. It is important that we protect the consumer in this area because they are, as has been said by a number of members, people who are grieving; therefore they are vulnerable and should not be beset upon by greedy, avaricious, incompetent or otherwise illegal operators.

Finally, I want to touch on a point on which I am grateful to the members for Bellarine and Shepparton for giving some further details on. It relates to a letter

written to all members of this house from F. W. Barnes and Son, funeral directors in Ballarat. The issue raised is about prepaid funerals and the right of people who have prepaid funerals to change their minds at some stage and move from one funeral director to another. I understand, from what I have heard during the debate, that this is an issue which the committee was not able to look at but which it believes should be addressed.

I hope it will be looked at, because it is important in terms of competition and the ability of people who may in all fairness make an arrangement with a funeral director to at some stage — and it might be many years later — change their minds and go to another funeral director for very valid reasons. It could well be that the funeral director has gone out of business, therefore they have no option other than to change funeral directors, but there could be other good and valid reasons as well. I do not believe people who have made an arrangement and many years later want to change their minds should be prevented from doing so.

I am aware that this is an issue that the member for Bellarine said is certainly going to be looked at, and I thank her for giving that assurance. I am assuming she has given that assurance on behalf of the government. With that in mind I urge all members to support the approach that has been made by F. W. Barnes and Son because it is a fair and reasonable approach. It said in its letter that there are numerous reasons why the consumer may wish to change funeral directors. These may include the funeral director selected having sold the business or died, so no longer being able to handle the arrangements. Perhaps the funeral director originally chosen has for some reason developed a bad reputation and the consumer no longer has confidence in him or her, or a new funeral company has opened in the consumer's local area, and they as consumers prefer the new director for reasons which may include better facilities or reputation.

These are all very valid points that have been made by F. W. Barnes and Son. Some people would say it might open the door to poaching, but it will not open the door to poaching in the funeral industry any more than it would in any other industry. It is reasonable and fair that consumers should have the right to be able to choose who is going to handle the arrangements for their funeral or the funeral of a loved one; and if they want to change their minds, they should be able to do so.

With those few words, I commend the bill and I hope the points I have made with regard to over-zealous regulation and the ability for consumers to be able to change their minds are borne in mind by the

government as the implementation of this legislation proceeds.

Ms DUNCAN (Macedon) — I am pleased to speak this evening on the Funerals Bill. It is quite extraordinary when you think about it that in the past there has not been a bill to regulate the funeral industry. This bill arises out of the inquiry into the regulation of the funeral industry conducted by the parliamentary Family and Community Development Committee, and a great deal of credit should go to members of the committee for their report and for this piece of legislation which has resulted from that report.

People are quite vulnerable at the time when they need to assess the services provided by the funeral industry, because family and friends are grieving and often there is quite a limited time frame in which to organise the funeral. Most of us know very little about the costs and the level of services we should expect. We have had very limited experience, and we only get that experience when someone we know and love dies.

I want to mention a number of key features in this bill. Its main purpose is to provide regulation for an industry which until now has had very little regulation. It has basically been self-regulated by those who are members of the various professional associations. The bill also seeks to regulate prepaid funeral contracts, and that is one of its important features. It establishes a Funeral Industry Ministerial Advisory Council, and one of the main roles of that council will be to introduce a code of practice for the industry.

It also provides for two registers which are very important. Firstly, there is a register of funeral providers, and secondly, there is a register of prepaid funeral contracts. This is particularly important because the family and friends of people who have prepaid for funerals may not be aware that that is the case. There will now be a register where people are able to determine whether or not their family members or friends have prepaid for a funeral.

Another important feature of the bill is that it introduces a complaints-handling procedure. Again this is something that has not been available in the past. The legislation also introduces stronger enforcement measures and outlines the powers that inspectors will have in relation to search and seizure procedures if and when they are required.

This is an important bill. I suspect it has been an omission over the years that such regulation has not been introduced. I take up the point made by the member for Shepparton when she said that this

legislation provides the right balance between having some regulation and ensuring that we do not have overregulation which could damage players in the industry. This is a great piece of legislation. I commend the Family and Community Development Committee for the work it has done, and I commend the bill to the house.

Mrs SHARDEY (Caulfield) — I rise to make a contribution to the debate on the Funerals Bill, the purpose of which is to provide for the regulation of the funeral industry, to regulate prepaid funeral contracts, to establish a Funeral Industry Ministerial Advisory Council, to provide for codes of practice and to repeal the Funerals (Pre-Paid Money) Act 1993.

I too was a member of the Family and Community Development Committee at the time this important industry was examined. In this place I join the members for Shepparton, Evelyn, Narre Warren South and Bellarine, together with Bob Smith, a member for Chelsea Province in the other place, and David Davis, a member for East Yarra Province in the other place. I must say that unlike some of our other committee references, we seemed to get on pretty well during the inquiry into this important area. In particular we were asked to identify all existing regulations and self-regulatory arrangements, to examine the adequacy of the current regulatory framework, to assess the nature and extent of problems in the industry, and if necessary to consider options to address these problems and identify any form of intervention that should take place.

The funeral industry is a very important industry in our state and one we could not do without, with over 30 000 funerals being conducted in the state of Victoria each year to the value of some \$150 million annually. There are said to be some 380 to 400 businesses conducting funerals in Victoria, and of course they vary enormously. We visited some very small funeral directors in country Victoria who would conduct perhaps 20 to 50 funerals a year. There are other medium-sized firms that conduct a couple of hundred funerals a year, and then of course there are the very large companies that conduct some thousands of funerals per year.

During my life I have been responsible for arranging only two funerals. One was a Jewish funeral, which was an interesting experience with the Hevra Kadisha. It was done extremely efficiently, and I have to say that in terms of organising a funeral, you do not have to do much at all. Then earlier this year I was responsible for organising my mother's funeral, along with my brothers. That was a little more difficult emotionally,

but the funeral directors I dealt with were highly professional and were very sensitive to the needs of our family. Indeed, we found throughout the committee hearings that most funeral directors in Victoria behave in a highly professional manner, are very sensitive to the needs of families and in fact do a wonderful job.

What has not been mentioned by some members is the fact that the Liberal Party and The Nationals submitted a minority report on the findings of this committee. In general terms, many of the findings and recommendations we did support. However, we did not believe that the case had been made for further regulation of the funeral industry, and we believed that increased regulation would lead to increased costs, which we believed would ultimately be borne by families.

Funerals today are not cheap. A cost between \$5000 and \$7000 is the norm in Victoria, and some families find that quite difficult to afford. We therefore were very sensitive to the financial impost of funerals on families. We also believed that such regulation would disadvantage small funeral directors and operators, particularly in rural and regional areas. We felt these high costs could lead to business closures and funeral services not being readily available in country areas, and we believe that is a very serious situation.

In particular, the members of the committee from the Liberal Party and The Nationals strongly rejected the establishment of a funeral industry council, which was detailed in recommendations 5.3 to 5.6 in the committee's report. We did that because we believed a funeral industry council would require the licensing of funeral directors and the establishment of a code of practice which would impose an unnecessary level of bureaucracy on the industry. We believed that would prove enormously costly and would impose unnecessary levels of regulation on the sector, and we believed that the cost of licensing compliance would then be passed on to Victorian families. Given that the regulations, the guidelines, the codes of practices and so forth are not actually detailed in this legislation, we still hold some concerns in this area, and we believe this bill could lead to the outcomes we were concerned about.

The other area of concern was that during our deliberations we were not able to examine the operation of cemetery trusts. At that stage, of course, only one cemetery trust had come to light as being in trouble, but since that time a large number of cemetery trusts have been found to be operating in a way which is not compliant with the law. We still feel that the opportunity should have been given to the committee to look at those issues.

I would like to make the comment that the legislative framework and the authority under which Consumer Affairs Victoria (CAV) acts in relation to the funeral industry are provided for in the Fair Trading Act and the Funerals (Pre-Paid Money) Act, which is now to be repealed.

Consumer Affairs Victoria made a submission to the committee through the Victorian government's submission. It was very interesting that the government's own submission revealed that there had been very few complaints about the operation of funerals in Victoria. Therefore we do not believe the case for regulation has been made. In fact in the four years from January 2000 to January 2004 only 53 complaints about the funeral industry were received, which represents only 0.2 per cent of the total number of complaints received by Consumer Affairs Victoria over the period. According to CAV, most complaints were resolved effectively through conciliation.

In its submission CAV concluded:

... the patterns that have emerged from the complaints data do not suggest a significant level of dissatisfaction amongst consumers in relation to funeral directors services and the management of funeral funds.

In addition the complaints received by CAV are at a level where most can be managed through conciliation. This data does not suggest systematic industry problems.

In its submission the CAV said there may be a need for better communication between funeral directors and consumers regarding rights and responsibilities in relation to funerals and funeral funds, and of course this has been addressed in the legislation.

In our minority report we supported the recommendations which promote communication of information to consumers about complaints procedures and comparisons of products, services and prices, et cetera, as well as the further provision of information referred to in recommendation 3.10. We also supported the need for a central registry of prepaid funerals to assist families with information about the existence and details of funeral contracts.

There are probably some other issues that I could go on to discuss, but instead I will raise a couple of issues that have been brought to my attention, including the concerns of the Victorian Independent Funeral Directors. The VIFD has raised concerns about the ministerial advisory council, and nowhere in our deliberations did we suggest the creation of such a council. It is concerned that this merely represents another form of funeral industry council. It is not so in its make-up, but it has raised the issue of why the three

consumer representatives should be replaced at any time by health industry representatives, whose interests would be vastly different to those of consumers.

The VIFD has recorded some concerns about the register of prepaid funeral contracts. It believes that the whole thing could become futile if a large number of consumers take up the right not to have their details included on the register. It has also raised concerns about the code of practice, believing that it may be tantamount to introducing licensing.

In general, while many aspects of this bill are in keeping with our findings — even in our minority report — there are still some concerns about how this bill will be implemented. We believe that while — —

Mr Wynne interjected.

The SPEAKER — Order! Will the member for Richmond take his seat.

Mrs SHARDEY — That is all right. He has not stopped talking for some time. Opposition members believe that these sorts of issues will need to be followed through during the implementation of this legislation. We do not oppose the bill.

Ms OVERINGTON (Ballarat West) — I am pleased to speak in favour of the Funerals Bill. When people are faced with the often daunting task of arranging a funeral for a loved one, it is usually at a time when they feel extremely vulnerable. Most funeral providers offer a professional service and work with dignity and respect for both the family and the deceased person. Unfortunately some providers take advantage of grieving people whilst they are at their most vulnerable. This bill aims to give grieving people peace of mind so that they know exactly what they are paying for and how much it will cost them.

The bill requires funeral providers to have a clear and understandable price list, which includes a description of the goods and services being offered. It also provides that coffins must also be clearly described and their prices included in the description.

I can say from past experience that often when you go to the undertakers to look at the coffins you tend to want to give your loved ones the best. At that time cost is not a consideration. When my mum and dad died we went into the funeral provider that we had chosen — which was Peter Tobin Funerals in Ballarat which firm provided a brilliant service — and I have to say that when you are faced with choosing a coffin there is a tendency to want the best for your loved ones and cost is not a consideration at that time, even though when

you walk away you think, ‘How are we going to pay for that?’. But at the time it is not a reality. You want the best in death as you did in life.

This bill will make sure that, under the contract given to you, details of the cost of the coffin and all other services, whether they be the adverts in the paper or anything else, will be provided to you as a consumer — and unfortunately you are a consumer at the time of the death of someone dear to you. I commend this bill to the house. It will make it easier for bereaved families when someone they dearly love passes away.

Mr MAUGHAN (Rodney) — As previous speakers have already indicated, generally speaking funeral directors provide a very caring, compassionate and ethical service and there are very few complaints. I think it has already been indicated to the house tonight that it is something of the order of 50 complaints for the whole of Victoria, so there is not a major problem with the funeral industry.

The legislation we are debating tonight has four key purposes. It is to provide for some regulation of the funeral industry, to regulate prepaid funeral contracts, to establish a funeral industry ministerial council and to provide for codes of practice. My colleague the honourable member for Shepparton has already indicated The Nationals stance on this particular issue. All I want to do tonight is to read into *Hansard* some comments from one of my local funeral directors, James Ferris from Echuca, and I have a letter here from Alan James who is one of the partners in that firm. In his letter he said:

Basically we would have no problems with the bill. However, it stops short of licensing funeral providers which we would be in favour of.

Generally, members of the Australian Funeral Directors Association already operate under a ‘code of practice’ and must have accredited standards for premises and vehicles in order to maintain membership of the association.

This firm of funeral directors provides an excellent service in Echuca and the surrounding areas. It is very ethical, very caring and very compassionate. The organisation is run by the partners and they provide a great, caring service for the Echuca community. The letter goes on to comment on the funeral industry ministerial council and says:

We would have no problems with this council. However, the creation of further bureaucracy always has a downside, i.e., someone has to pay ...

The member for Caulfield referred to that in her comments earlier tonight. Often a bureaucracy looks for things to justify its existence and that is certainly a

problem. Once you set up a bureaucracy it tends to want to justify its existence and the costs blow out and the consumer pays more for that service.

That part of the letter concludes:

In the second-reading speech (page 1) it states: The majority of funeral providers operate professionally and ethically, treating the deceased and their family with dignity and respect’.

Alan James commented:

I guess what we are saying is ... don't go overboard.

In other words, since the majority of funeral directors provide an excellent, ethical and caring service, he suggests the government not go overboard in regulating the industry. That was what the minority report said in its comments on the inquiry that was conducted.

In terms of funeral services, Alan James commented that Australian Funeral Directors Association (AFDA) members:

... have been complying with this part for some time —

that is, part 4 of the bill —

so it is already our practice to do this.

Mr James says that his company certainly complies, and the vast majority of funeral directors do. However, there are some rogue funeral directors out there, in exactly the same way as there are rogue operators within any other profession, so I think there is a necessity to bring those rogue funeral directors into line to protect consumers. Therefore the legislation is, I think, supported by the vast majority of the community.

In terms of the code of practice, Alan James commented:

Should be brought in. As AFDA members we have had a code of ethics and practice statement for a long time which we must follow.

However, as we know, not all funeral directors are members of the AFDA, so they do not necessarily comply with that code of practice, so I think it is important that those funeral directors be brought into line.

In terms of part 7 of the bill, dealing with complaints handling, Alan James wrote:

More ‘red tape’, but we would not have a problem with it.

It does not concern his company; it is already complying with that. In terms of enforcement — part 8 of the bill — Mr James wrote:

If you operate professionally, you should have nothing to fear from inspection. Our comments above re ‘bureaucracy’ would also apply to this part.

The letter continues:

In conclusion we would have no problems with the bill as proposed. Again thank you for the opportunity to comment.

The letter is signed by Alan James, who is one of the partners of James Ferris Funerals, which incorporates Bromley and Roberts, which is a very old and established firm in Echuca.

With those few comments, I conclude by saying that The Nationals will not be opposing this legislation. It is important. The funeral industry provides a very important service to the community, and I think this legislation will bring into line some of that very small number of funeral directors who are not doing the right thing. I think that out of all of this we will have a better funeral industry.

Mr PLOWMAN (Benambra) — It was with some concern that in the Liberal Party room meeting — and members know we are not allowed to disclose what happens in party room meetings — when it was asked who might like to put their hand up to speak on the Funerals Bill, it was suggested that the oldest retiring member might be well-equipped or ‘well-attributed’ to do that! I was feeling like death warmed up, and at the time I thought maybe that was a double reason why I got the bill.

In one of my few remaining speeches to the house, I would like to say that this is an important issue. The letter that was sent — I think to all of members — by F. W. Barnes and Son gave the reasons why a prepaid funeral should be able to be transferred to another funeral director. I think the member for Mornington clearly indicated what those reasons were. However, I would like to say that the main reason, I think, is that the majority of people who now wish to have a prepaid funeral do so with plenty of time to spare — which makes me realise I have not got that much longer to do it in!

It is something that people do early and for the right reasons; therefore there is every reason why they should be able to make a change if they determine to do so. So I think the letter from F. W. Barnes contains some merit.

What does disappoint me a little bit, though, is that the committee that looked into this issue was not able to look at cemeteries trusts. I will read a short article from the *Border Mail* dated 19 August:

Bereaved families will be forced to pay as much as 600 per cent more to have their ashes placed near their loved ones in Wodonga cemetery.

Resident Lorraine Lawry says the huge price rise, in place from 1 July, is ridiculous.

She can't understand why the cost of having her mother's ashes placed at the family grave site has risen from \$165 to \$935.

We were talking earlier about the fact that this bill regulates the cost in the funeral industry but that it does not do so in the cemeteries trust area. It is an area that this bill overlooked. I think that is a pity. Ms Lawry said:

I'm angry about this and it needed to be highlighted —

I promised her I would do that.

I understand there is a cost involved but surely a 600 per cent increase is too much.

Lorraine Lawry is not on her own. This is happening in many cemeteries across Victoria. There is a need for some limitation on these price increases.

Mr Smith interjected.

Mr PLOWMAN — For those people who are faced by this sort of thing, which I am sure the member for Bass will be before he realises it, I would suggest it is a most important issue. I support the bill and am only disappointed that this aspect was not included.

Ms PIKE (Minister for Health) — I want to thank the members for Bulleen, Shepparton, Bellarine, Nepean, Evelyn, Mornington, Macedon, Caulfield, Ballarat West, Rodney and Benambra for their contribution to debate on the Funerals Bill. Obviously this is a serious issue that is important to members of our community. For that reason people have made serious contributions. I am happy to wish the bill a speedy passage and commend it to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Ms PIKE (Minister for Health).

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Point Nepean: seawall restoration

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Environment regarding the seawall which surrounds Point Nepean. I ask the minister to spend some of the \$10 million that the government said it would commit to works at Point Nepean to restore the seawall around Point Nepean.

This week the local papers reported that the government has committed \$300 000 to some of the built facilities at Point Nepean, but a lot more is needed and none of that is actually allocated to the seawall. The seawall is a vital part of the infrastructure of Point Nepean. It runs from the Port Phillip Bay side of the point right around, pass The Rip and into the ocean. That part of the Mornington Peninsula is exposed to extreme waves and tidal action and the wall in most parts is crumbling — in a lot of parts it has disappeared — and that has left the sandstone formations of Point Nepean open to erosion, which is certainly happening at the moment.

Point Nepean near the point where the seawall is located is only tens of metres wide. Obviously it would be a disaster if the sea broke through, because that would change all the tidal patterns within Port Phillip Bay. But more importantly, it also protects the important heritage gunnery and placements, the magazines and the tunnels and the remains of the barracks in the area. Therefore, if the sea is allowed to encroach on Point Nepean either from the ocean side or from the bay side, those very important heritage values will be lost forever.

Point Nepean has recently been heritage listed by the federal government, which has also allocated a further \$27 million of funding for the rejuvenation of Point Nepean so that it can be used as a maritime college. It will also be used for respite care, an Aboriginal heritage area and the maritime heritage precinct as well. That brings the total to about \$50 million. But the state government obviously has responsibilities down there.

A fair part of Point Nepean is now part of the Point Nepean National Park, and the state government's responsibilities include the weeds, the paths, the number of rangers, Pearce barracks and the fortifications and, as I said, very importantly the wall. That funding is needed desperately, otherwise there will

be no Point Nepean for anyone in Victoria and Australia to enjoy.

Hazardous waste: Mordialloc electorate

Ms MUNT (Mordialloc) — The action I seek is from the Minister for Major Projects in another place. I ask him to give a written guarantee that the government will not even consider building a hazardous waste facility in the south-eastern green wedge in my electorate. I understand that Liberal policy is to locate this facility within 100 kilometres of the Melbourne CBD. I am becoming increasingly concerned for my local community in regard to these plans.

Further, we currently have such a facility close to my electorate, in Lyndhurst. When the Liberal candidate for Lyndhurst was asked whether he thought waste should continue to be dumped at the Taylors Road tip, he refused to answer. Our community would like to see an end to this activity on our doorstep. I was further very concerned, as a member representing an electorate with a metropolitan green wedge, to hear of evidence provided to the planning panel hearing in Mildura from Mr Rob Milner, on behalf of the Mildura council:

... as to the location of new waste disposal facilities.

In particular they —

that is, policy directions —

provide an expectation that new hazardous waste facilities are to be located:

- (a) firstly, around metropolitan areas of Melbourne; and
- (b) more specifically at the fringe of metropolitan areas in identified green wedges.

In light of this evidence, and in light of Liberal policy, I am becoming increasingly concerned that my green wedge — the south-eastern green wedge — may be targeted for this facility under a Liberal government or that, at the very least, Lyndhurst will continue to operate indefinitely.

On behalf of local residents I ask the minister to take immediate action to ask the Liberals to rule out these options. I ask the Liberals to rule out my green wedge as an option under their policy. I also ask the minister to give assurances on behalf of a Labor government that this will not even be considered.

Buses: Echuca–Murchison East service

Mr MAUGHAN (Rodney) — I wish to raise a matter for the Minister for Transport, and I ask that he review the V/Line decision to discontinue the V/Line

coach service from Echuca to Murchison East via Tongala, Kyabram, Merrigum, Tatura and Murchison — that is, stopping at all stops between Echuca and Murchison.

This decision, which was revealed without any consultation with residents of the towns mentioned, has caused widespread anger, concern, disbelief and outrage from residents of Tongala, Kyabram, Merrigum and Tatura, many of whom have either written to me, phoned me, spoken to me in the street or contacted me personally about their anger and concern over this V/Line decision.

I refer to an article in the *Kyabram Free Press* of 5 September headlined ‘V/Line shuns district residents’, which reads:

Tatura and Murchison residents have been left out in the cold by V/Line’s new timetable which began at the weekend.

Former Murchison Action Group president Jan Dunlop has raised concerns about the new timetable saying it would be harder for locals to get to the station at Murchison East from the Murchison township.

She said all coach services which picked up people in Murchison to take them to the station at Murchison East had been removed:

‘Two coach pick ups at Murchison, Monday to Friday takes them to Seymour station to pick up the train, but you can only return on the train to Murchison East, then how do you get home?’

‘My concern with that is what happens to the residents that relied on that service to get to the station because they didn’t have their own form of transport’, she said.

‘I know there are a lot of people who appreciated that service for the simple reason they didn’t have to leave vehicles at the station. When the station was manned it was okay to leave your car there, but I know a lot [of] people don’t feel safe in doing that now ...’

She went on to say:

The present services provided by the State Government aren’t good enough and we have been left out in the cold by the new services ...

The people that make these decisions have not bothered to consult with the users of the current service ...

That is my point: this decision has been made, yet there has been no consultation with the people of Kyabram, the people of Tongala or the people of Tatura. Only yesterday in this house the minister was trumpeting the fact that there are new rail services that go from Melbourne to Shepparton. That is fine, but what about the people of Kyabram, Tongala, Merrigum and Echuca who want to go to Melbourne? Again I quote Jan Dunlop:

From Tatura passengers will be faced with an additional 40 minutes travel time. From Melbourne to Tatura I know that one of the trips will take nearly 3 hours 20 minutes to get home because it has a wait at Shepparton station for 38 minutes for the bus.

This is terrible. I ask the minister to review the decision.

Asylum seekers and refugees: brokerage program

Ms D'AMBROSIO (Mill Park) — I ask the Minister assisting the Premier on Multicultural Affairs to extend the refugee brokerage program to the catchment area of Whittlesea, Darebin and Banyule. The refugee brokerage program is part of the government's \$4.7 million refugee support package. I take the opportunity to congratulate the minister and the government for giving a much-needed hand to recently arrived refugee migrants who now call Victoria their home. Many of us cannot imagine the difficulties that confront refugees who have sought refuge in Australia. What we can do, though, as a caring community is assist them to meet the many challenges that they face while they build a new life for themselves and their families.

The municipality of Whittlesea ranks highly amongst local government areas receiving settlers from the refugee category. The same can be said of Darebin and Banyule. The areas combined have received 7 per cent of all refugees to Victoria in the past five years. I have received representations from the City of Whittlesea, seeking my assistance to secure a local refugee brokerage program. I have written to the minister and met with him to discuss the possibility of extending the program to the Whittlesea, Darebin and Banyule catchment area. By extending the program to this area we would be providing an opportunity to local refugee communities to develop ways of maximising their participation in the broader community. The broad object is to support refugee communities by strengthening their capacity to meet their diverse needs.

I know that the refugee brokerage programs that have been funded in other areas of Victoria to date have been received with great enthusiasm by local communities. They are an example of how local community partnerships can be formed with the common aims of improving the delivery and use of existing services by refugee communities and increasing refugee participation in their local communities.

The refugee brokerage program brings together diverse refugee communities, local government and other community service providers to identify local needs and develop local solutions. This is a critical element of

what I believe will be the demonstrated success of the refugee brokerage program in due course.

I have no doubt that this coming together will enhance community harmony, of which we here in Victoria are very proud. This government has played no small part in this regard. I urge the Minister assisting the Premier on Multicultural Affairs to consider seriously the extension of the refugee brokerage program to the areas I have indicated: Whittlesea, Darebin and Banyule. The communities would eagerly embrace any extension of the program with great enthusiasm.

Preschools: accessibility

Mr PERTON (Doncaster) — The matter that I raise is for the Premier and, in his absence, the minister at the table, the Minister for Health. The action I ask of the Premier is that he listen and urgently act on the wishes of kinder parents, unions and teachers and move responsibility for preschool education into the realm of the Department of Education and Training — indeed, into the hands of the Minister for Education Services, who is also at the table now.

The government's stubborn refusal to move kinders to the education department is putting the future of early learning for many Victorian youngsters at risk. My successor as the Liberal Party candidate for Doncaster, Mary Wooldridge — an excellent candidate, a woman of great intelligence and an excellent listener — has been conducting forums in the Doncaster electorate.

Mr Andrews — Are you looking for a job, Victor?

Mr PERTON — No, not at all, but I thank the honourable member for his interest.

Last week Mary Wooldridge held two excellent preschool forums in Doncaster. The parents who attended are very keen, as are others across the state, to see their children get the best possible start in life. While parents in the Doncaster community have an excellent sense of responsibility, many committee members spoke of their frustrations in relation to having a fair and equitable system of enrolling their children, being able to run a kinder effectively with enough willing parents and retaining staff who are paid less than their primary school counterparts. These sorts of issues ultimately threaten the long-term future of our kinders unless we take steps to resolve them.

As you are aware, Acting Speaker, with the help of the primary principals, the education union and the early childhood foundation, I conducted a number of forums across the state on these issues. The people in Doncaster have talked about the problems in filling

positions. I know that the Minister for Health, who is the member for Melbourne, has kinders in exactly the same situation, as does the Minister for Education Services, who is the member for Bendigo East.

The great benefit of moving kinders into the education department is that the directors have a more secure environment, greater administrative support and a better career structure. The notion of having a council that looks after children from the kinder years to the end of primary school strengthens the administration. It is a great idea. Its time has come. I know the honourable member for Nepean will — —

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

Buses: Eltham electorate

Mr HERBERT (Eltham) — The issue I wish to raise is for the attention of the Minister for Transport. I ask the minister to take action to ensure that a new Sunday 517 bus service begins as soon as possible. A crucial part of our local public transport system in the electorate of Eltham is the provision of bus services. Those services are particularly important for many young people — the Eltham electorate has a large number of school-age children — and for older Victorians who rely on public transport to get around and those who do not have cars to get around in. In an electorate such as mine, which is quite hilly and is spread out, buses play an absolutely crucial role in linking people to work, friends, family, shopping and community services.

One of the key services for constituents in my electorate, particularly for many of the older residents of the 118 self-contained independent living units at Leith Park retirement village, is the 517 bus service from St Helena to Northland shopping centre. Whilst all these older residents are happy about the government's free Sunday travel — in fact they are absolutely delighted about it — they cannot fully utilise these passes because the popular 517 service does not run on a Sunday.

I have undertaken quite substantial consultations on the need for this Sunday service, and I know that many residents, particularly those at the Leith Park retirement village, are eagerly awaiting the start of this Sunday service. Consequently I urge the minister to take action to ensure the speedy delivery of a new Sunday 517 service to residents in my electorate.

Victorian Office of Multicultural Affairs: staffing

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Premier in his capacity as Minister for Multicultural Affairs. I ask the Premier to investigate the spending spree of the Victorian Office of Multicultural Affairs on casual staff and consultants. Thousands of dollars have been spent yet very little service is being provided to Victorians by VOMA.

It seems that VOMA is spending thousands of dollars on employing casual staff to do the work that should be done by full-time public servants. I am also advised that the reason this is happening is that the minister has no faith in the ability of the public servants.

Mr Herbert interjected.

Mr KOTSIRAS — The member for Eltham said I have no faith in and show no support for public servants, but I do. The majority of public servants do a wonderful job, but unfortunately the minister has no faith in VOMA or its director, and if he has no faith in them, he should do something about it.

Over the last six months VOMA has spent over \$51 000 on employing a number of temporary staff. It also spent over \$89 000 on a number of outside consultants — and that brings the total to \$140 000 in six months. I imagine it will be more than \$300 000 over 12 months. We should keep in mind that VOMA has 16 full-time public servants and 2 part-time public servants — that is, a total of 18 public servants — who are costing the taxpayer \$1.04 million per year. So we have a unit within the Department for Victorian Communities that is spending nearly \$1.5 million per year on casual staff, full-time staff and consultants.

If VOMA has to employ casual staff, what are its public servants doing? If the minister has no faith in VOMA, perhaps he should look at employing public servants who can actually write speeches so he will not have to go out and pay someone else \$2000 to write one — that is, at \$2 per word. I ask the Premier to investigate why the Victorian Office of Multicultural Affairs is spending so much money on consultants. It even spent over \$14 000 on a planning program to advise it about what it has to do — —

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

William Angliss Institute of TAFE: Casey Cafe

Mr PERERA (Cranbourne) — I raise a matter for the attention of the very energetic Minister for

Education Services, who is also the Minister for Employment and Youth Affairs. The action I seek is that the minister visit the Casey Cafe, a youth access training venue for the William Angliss Institute of TAFE, right in the heart of my electorate of Cranbourne.

In 2004 the William Angliss Institute established Angliss Youth Learning to meet the growing needs of young people. Specialist programs include vocational education and training in schools; engagement programs such as the youth pathways program, the hospitality and employment training program and work skills programs; and the Victorian certificate of applied learning (VCAL).

For the last four years the William Angliss Institute has been catering to the hospitality training needs of Cranbourne's young and disengaged people at Casey Cafe. The coordinator of the hospitality training programs at Casey Cafe is Mr Phil Sealey, who is a true local community champion. Phil's relationships extend through the local hospitality industry, community and youth sectors, schools and TAFE. Over 60 young people are currently employed in the hospitality industry due to their training at Casey Cafe.

Responding to the growing needs of our local community, Cranbourne now offers a range of specialist programs, including a youth pathways program, certificate II in kitchen operations, a sole parents program in which 30 students partake, a year 10 work skills program, a fee-for-service course, cookery and retail courses, a compliance calendar course and a community Victorian certificate of applied learning program.

The Casey Cafe is a well-oiled organisation that is delivering for youth in Cranbourne in more ways than one. It has big plans for the near future, which include turning the Cranbourne centre into a learning and activity hub for local young people, offering a comprehensive support service for young people, offering a community VCAL program with local schools, delivering accredited hospitality training opportunities for the long-term unemployed with pathways into employment, traineeships and further training, and expanding the short courses at regular intervals, tailoring them to the specific needs of our groups.

In conjunction with the Uniting Church's Connections, William Angliss Institute of TAFE Cranbourne is undertaking a pre-employment program that will benefit young people who struggle at school. This initiative will give a big helping hand to students who

have been told they will struggle in the real world. This initiative will help them finish the course and find jobs.

I am fortunate to be working with this consortium, which includes Phil Sealey, Reverend Paul Creasey and Cr Steve Beardon, in delivering for the young people in Cranbourne events including Christmas in July — —

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

East Loddon P-12 College: multipurpose facility

Mr WALSH (Swan Hill) — A classroom that has served the East Loddon P-12 College as a valuable multipurpose room is to be removed by the Department of Education and Training during the school holidays. This is a huge loss to the school, and there has been an outcry from parents. I share their dismay. I ask the Minister for Education Services to overturn her decision and keep the multipurpose room at East Loddon for the school and the community.

Late last year the minister published a glossy brochure extolling the benefits of school-community partnerships. The brochure said:

Schools are at the heart of local communities ... we want to ensure that communities can also benefit from —

the Bracks government's —

significant investment —

in schools. The brochure continues:

We have been working to strengthen local communities so that they are active, confident and resilient. Government schools have an important role to play in achieving this ... I encourage all government schools and communities to explore opportunities for sharing school facilities so that we can achieve better outcomes for all.

These are the minister's own words.

East Loddon P-12 College is at the centre of the social network of an isolated and remote farming community. There is no town and no other community infrastructure except that provided by the school. The multipurpose room is in constant and heavy use by the school and the Dingee community. A forum on depression was recently held there; the Country Fire Authority trains and meets regularly there; and the Lions Club and Dingee preschool use the room on a regular basis. The room is used for first aid training, kids clubs, community luncheons, Victorian Farmers Federation events — and the list goes on. If the government takes

this room away, it will demoralise a community that is already reeling from drought.

Then there is the important role the room plays in the school's own programs. The room is pivotal to the school for assemblies, staff meetings, guest speakers, cultural performances, music lessons and performances, and the all-important Victorian certificate of education exams. The loss of the multipurpose room will leave a gaping hole in the school's visual amenity and an even bigger hole in the school's morale.

This decision has been met by strong and sustained opposition from parents, who should be congratulated for their commitment. They feel betrayed by the Minister for Education Services, and have called a public meeting to be held at the school at noon this Friday. There is deep suspicion that the removal of the multipurpose room is part of a long-term strategy to close the senior school at East Loddon P-12.

The minister owes it to the parents to front this meeting, explain her actions and look them in the eye, because these are the people whose efforts she is undermining as they strive to give their children a quality education. The minister criticises the previous government for its actions regarding schools, but now she is doing worse. I ask the Minister for Education Services to overturn the decision to remove the multipurpose room from East Loddon P-12 College.

Upper Yarra: forest walk huts

Ms LOBATO (Gembrook) — The matter I raise is for the attention of the Minister for Environment. The action I seek is for the minister to support an ecotourism initiative proposed by a constituent, Grif Ward.

Grif Ward has proposed to me the construction of several huts that he believes would be beneficial to be placed throughout the Upper Yarra forest walk. Covering a distance of 81.5 kilometres, the Upper Yarra track begins at Warburton, 71 kilometres east of Melbourne, amongst tall eucalypt forest and stunning fern gullies. It ends at Mount Whitelaw, which is part of the Baw Baw National Park, among Alpine herb fields. It is an historic track made up of old timber tram tracks and vehicle tracks which are mostly closed to vehicles. The track is appropriate for both novices and experienced bushwalkers, and it can be done as a series of short walks or a continuous walk over approximately five to seven days.

It should also be noted that the trail provides a vital link between a future interstate and territory trail from the

outskirts of Melbourne to Canberra. Currently there are only a small number of campsites situated at different points along the track. I strongly believe that the construction of environmentally friendly huts will encourage and attract people to use this beautiful track, and allow more Victorians to enjoy the stunning natural surroundings.

This proposal can be compared with the Munda Biddi trail in Western Australia. While that is primarily a bike trail, walkers are welcome. Along the trail there are five purpose-built campsites each approximately 35 to 40 kilometres apart. Each of these campsites has a self-composting toilet, camp shelter, water tanks, a bike storage shelter and picnic tables. The existence of these shelters has encouraged people to use the track, and it is envisaged that the huts along the Upper Yarra trail would do the same. Grif has produced a mini model of the hut which he suggests should measure 5 metres by 5 metres. Each hut would sleep up to eight people.

I support the Upper Yarra forest walks and encourage the minister to also support this concept. I am informed that each of the four huts required would cost \$25 000 and believe that the money would be well spent by encouraging further tourism to our most environmentally significant areas.

I also take this opportunity to congratulate Grif Ward for his absolute dedication to preserving local history, for sharing his historical knowledge with me and the rest of the community, and for his commitment to environmentalism. Finding out about the workings of the timber industry through retracing the tracks used by trams that used to deliver timber to the train that once served the region is absolutely fascinating. On behalf of our children I thank him for his ongoing contribution. In conclusion, I ask the minister to consider this most worthy proposition.

Responses

Ms ALLAN (Minister for Education Services) — As the Minister for Employment and Youth Affairs I am pleased to respond to the matter raised by the member for Cranbourne who requested me to visit his electorate to meet with him and representatives from the William Angliss Institute of TAFE. I will take this opportunity to congratulate the member for Cranbourne for the tireless work he does in his community representing the issues of young people in particular. Members can consider the enormous growth in the city of Casey, which the member for Cranbourne represents, and the enormous number of young people and young families who live in that area.

Young people and their educational and employment opportunities are important to this community. It is terrific to see the member for Cranbourne bringing those issues to the floor of this Parliament and requesting action of ministers in this government and their attention to these matters. I am pleased to accept the invitation from the member for Cranbourne to visit his electorate to address these issues in partnership with him and the local community. I look forward to arranging a mutually agreeable date with him to further discuss those matters.

The member for Swan Hill has raised with me, as the Minister for Education Services, a matter regarding the future of a mod 5 relocatable building that has been located at East Loddon P-12 College on the outskirts of Dingee. I must say — and I want to assure the member for Swan Hill and members of this house — that I know that school well. I have visited it on many occasions both as the Minister for Education Services and as the member for Bendigo East. The electorate of Swan Hill is my northern neighbour. Many of the families of this school use Bendigo as the hub of their local community. It is a school that is important to the district of Bendigo and the region. That is why I have also taken particular notice of the issues that have been raised here.

Just by way of background, the issues that arose at East Loddon P-12 College have a bit of a history to them, and I think it is important that we put that on the record. Every year, every week and every day the Department of Education and Training is looking at the facilities in our schools and at the varying needs of school communities. The department's analysis in the Loddon Mallee regional office has identified that, for a number of reasons which I think the member for Swan Hill knows very well, unfortunately due to some declining enrolments in recent years at East Loddon school there has been a significant overentitlement of classroom spaces. About 40 per cent of its teaching spaces are under-utilised. Clearly there are some issues in facility usage at that school.

What has also happened is that a school in Echuca, the Echuca Specialist School, has experienced some significant growth. It needs a room added to the school. The department looked at the needs within the region and identified a space at East Loddon P-12. It is a relocatable building that is a bit outside the norm of our regular relocatable buildings. It is an open room, as I understand it, that best fits the needs of the Echuca Specialist School. I am sure the member for Rodney knows the needs of this school very well. On the basis of what was going on at East Loddon school in terms of its facility needs and the needs of the Echuca Specialist

School, a decision was taken. These are tough decisions. They are not easy decisions and not ones to be taken lightly, and they are certainly not ones to be playing politics with.

The community of East Loddon has lobbied very hard for the retention of this school building, and I understand that. The school community is passionate about retaining this facility, but unfortunately some difficult decisions have had to be taken in this instance, which involves the removal of this building to the Echuca Specialist School to deal with the growth at that school, primarily because there are other spaces identified at East Loddon P-12 that can be used for this purpose.

When this decision was taken and communicated to the school, like the member for Swan Hill I received numerous representations from the community, and indeed from the member for Swan Hill and from parents and the school community. It was in response to those representations that I requested that senior department officials from the regional office and from the Melbourne office travel to East Loddon to meet with the school principal, the school council president and representatives of the parents, so that they understood very clearly the issues associated with the school.

As a result of the meeting that was held just last week an understanding was reached that the school was not utilising all of its teaching spaces. There was also an understanding of the needs of the Echuca Specialist School. Agreement was reached that the building that was identified as being an overentitlement at East Loddon school would be relocated to the Echuca Specialist School for the use of the Echuca community and another space within the school would be able to be used and refurbished. I must say that the refurbishment will be carried out with the assistance of the Department of Education and Training. I have made that very clear to both the department and to the community in my responses on this matter. All the uses of the current room that the member for Swan Hill raised — local Country Fire Authority meetings and health information sessions that are held in that room — will be able to continue at the East Loddon school.

I understand very well that the East Loddon school is the major facility within the Dingee community. The Dingee community is a very small community. There is not a lot of infrastructure in Dingee, and the school it is the absolute heart of that community, which is why this has been a difficult decision. It is for that reason that I have insisted that the department looks very closely at

this issue, considers the opportunities for other uses on the school site and comes to an agreement with the school community. That agreement was reached last week following a meeting with the Department of Education and Training, the school principal, the school council president and the parents association representative. This outcome was communicated to the school community by the principal through the school newsletter, I believe, on Friday of last week.

I must say I was a bit disappointed to hear the member for Swan Hill choosing to play a bit of politics — he has not played a lot of politics, but he has played a bit of politics with this issue — by making reference to this being a closure of the school by stealth and saying that there is a bit of a suspicion that we are looking at closing the school, but that is absolutely not the case. I say very clearly that the only person who is talking about the closure of East Loddon P-12 is the member for Swan Hill.

It is not surprising that the member for Swan Hill is talking about the closure of this school, because it is only through the closure of schools like East Loddon P-12 that The Nationals can pay for the Liberal Party's \$2 billion worth of promises. Before we even get into the election campaign, before we even get into the campaign on the big spending issues like health, education and taxation, the Liberal Party has already made \$2 billion worth of commitments. It is not surprising that it is putting pressure on its mates in The Nationals to come up with schools that it can close, because when the Liberal Party and The Nationals are under pressure in the budget, what is the first thing they turn to in order to make cuts? It is education, closing schools and sacking teachers.

That is why I am particularly disappointed that the member for Swan Hill has gone down that path. He has already shown us that this is on the agenda and that a future Liberal and Nationals government will look at closing East Loddon P-12.

That is absolutely not the case in this instance. We have worked very hard to come to an agreement. I understand very well that this is something that is deeply concerning to the parents, the teachers and the students, which is why we have worked very carefully and very closely with the community. That is why I am very concerned. The member for Swan Hill has an opportunity to work with the local community to help with the identification, which I understand has been undertaken, of another site within the school that can be used for this building. I have already indicated that this room can be refurbished with assistance from the Department of Education and Training.

We give an absolute commitment to the community of East Loddon that this education facility is very important to the local district. I understand that people travel large distances to receive their education at the East Loddon P-12 facility. It is a school that, as I said, I know very well and am very pleased to support. It is a difficult decision, and I am very happy to continue to work with the member for Swan Hill towards an outcome on this issue. But I will not be drawn into a political debate on this issue.

This is clearly an issue decided on the facts, and the facts unfortunately are that due to declining enrolments and the fact that this school has an overentitlement, tough decisions have been made. Those decisions have been made to protect the future of East Loddon P-12, whereas the only future that the member for Swan Hill wants to talk about is one of closure to meet the promises that the Liberal Party and The Nationals want to implement when they are in government.

Ms PIKE (Minister for Health) — The members for Nepean, Mordialloc, Rodney, Mill Park, Doncaster, Eltham, Bulleen and Gembrook have raised matters for either the Premier or other ministers. I will ensure that their matters are passed on to the relevant ministers or the Premier.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 11.54 p.m.

