

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

Tuesday, 6 September 2005

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Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. P. N. HONEYWOOD

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Mr P. J. RYAN

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Tuesday, 6 September 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.02 p.m. and read the prayer.

RULINGS BY THE CHAIR**Unparliamentary and offensive remarks**

The SPEAKER — Order! Before we get to parliamentary business I will quickly give the ruling on parliamentary remarks that I foreshadowed during the week.

It appears to me that there has been an increasing tendency for members to use the words ‘lied’ and ‘lying’ in the house during debate. I am concerned that the use of those words may infringe the rules of the house. Standing orders 118 and 119 prevent the use of offensive words, imputations of improper motives and personal reflections against other members of the house. *May* classifies ‘the imputation of false or unavowed motives’ and ‘charges of uttering a deliberate falsehood’ as being unparliamentary.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

In the Australian Senate and House of Representatives an accusation that a member has lied has been held to be unparliamentary, as has the term ‘lying’ in the New Zealand House of Representatives. An accusation that a member has lied or is lying is an imputation of an improper motive and clearly a contravention of our standing orders. I advise members that the use of those words in the house will no longer be acceptable.

I remind members before we go into question time that questions and also answers should be heard in silence.

DISSENT FROM SPEAKER’S RULING

Mr HONEYWOOD (Warrandyte) — I desire to move, by leave:

That this house dissents from the Speaker’s ruling as it unnecessarily narrows the rights of a member of Parliament to speak against dishonesty — telling a lie — and it will serve to completely reverse the universally applied ruling differentiating personal insult from condemning dishonesty — that is, the ruling of former Speaker Reid that depending upon the manner in which the term is used, it is not unparliamentary to use the expression ‘that is a lie’, but it is an entirely different matter to say that a member is a ‘liar’.

Leave refused.

Mr HONEYWOOD — I then request that the item be put on notice.

**UNITED STATES OF AMERICA:
HURRICANE KATRINA**

Mr BRACKS (Premier) — I seek leave to make a short statement in relation to the devastating effects of Hurricane Katrina in the United States of America.

Leave granted.

Mr BRACKS — I thank the Leader of the Opposition and the Leader of The Nationals for granting leave.

I would like to make a few remarks about Hurricane Katrina which recently hit the American states of Louisiana, Mississippi and Alabama and devastated a landmass the size of Britain. In some cases the size was indicated to be the same as the whole of Victoria. It is a shocking event. Hurricane Katrina is the largest single natural disaster the United States of America has ever encountered and has caused horrific damage and human suffering on a scale that has not been seen before in America. All of us who have seen the shocking images of New Orleans under water and the total devastation along the Mississippi Coast know that Katrina is a terrible blow to the men, women and children of the Gulf region in the United States of America.

Thousands of people around the world are still waiting to discover whether their friends and relatives survived the carnage. I do not have authoritative information about how many Victorians were caught up in the hurricane, but I am sure everyone in this house hopes they have all survived the disaster and have made it to safety by now. I note that two Victorians returned safely from that disaster today; one is currently being sought after. I would like to extend the deepest sympathy from the government and the members of this house to all those affected by Hurricane Katrina and hope the recovery effort will rapidly gain momentum and that the communities of the Gulf Coast will be rapidly restored.

The SPEAKER — Order! Before I call the Leader of the Opposition, the Premier only actually asked for leave for himself. With the agreement of the house, I will seek leave for the Leader of the Opposition and the Leader of The Nationals as well. There is no objection.

Mr DOYLE (Leader of the Opposition) (By leave) — I cannot say I am pleased, but I join with the

Premier in speaking on yet another natural disaster. As we know, New Orleans was thrown into chaos when Hurricane Katrina struck last week, leaving behind a trail of destruction which was unfortunately reminiscent of the Boxing Day tsunami which swept through South-East Asia. The very future of New Orleans is now in doubt as the United States of America deals with the largest and deadliest natural disaster in its history.

The photographs and news images that have dominated our media over the last few days paint a frightening picture of suffering, desperation and death. Reports of decomposing bodies scattered in the flooded streets and footpaths packed with people begging for food, water and medical supplies have been laced with heart-rending broadcasts of hundreds of messages from people trying to contact loved ones. We always like to think on the optimistic side of these disasters that they can bring out the very best in people. Unfortunately so far we have seen the other darker and perhaps the worst side of people during the response to this natural disaster.

Almost 1 million people have been displaced. There have been perhaps tens of thousands killed and hundreds of thousands of refugees have already been evacuated. I offer my deepest condolences to the American people, particularly those directly affected by this tragedy. We believe up to 50 Australians were in New Orleans when Hurricane Katrina struck eight days ago. More than 30 Australians have been rescued. Australian consular officials who are on the ground in New Orleans are searching for the 11 Australians still believed to be in the area. I understand they hold grave concerns over the fate of two of them, including a 30-year-old Victorian man from Narre Warren. Our thoughts and prayers are with his family and the families of all Australians still unaccounted for. The Australian authorities are doing their best to locate them. I hope they are soon reunited with their loved ones.

Although it will take many years for New Orleans and the United States of America to fully recover from this blow, I trust the people of New Orleans have the faith and the strength to start rebuilding their shattered lives. New Orleans has always been an important chapter in the American story. It was crucial to America's development before and after the War of Independence and before and after the Civil War. It has faced many challenges in the past. Its people have always had spirit and a celebrated joy of life. We wish them well in harnessing that spirit to rebuild their families, their lives, their communities and their city.

Mr RYAN (Leader of The Nationals) (*By leave*) — I join with the Leader of the Opposition in supporting the comments of the Premier on this issue. We have all been shocked and appalled by the images that have come into our lounge rooms over these past few days since the occurrence of Hurricane Katrina. It is difficult to think that this has happened in what is largely regarded as being part of the greatest nation on the planet — or certainly one of the greatest nations on the planet. It tempers this thought to see the scenes of suffering this event has unfolded before us.

America, for many reasons, is known as the 'home of the brave'. We express our condolences for those who have died and hope that those who are no longer with us will be buried with dignity, that those who have been injured will be treated with compassion and that the people who have been displaced from their homes will be relocated temporarily. I am sure that New Orleans and the rest of the states that have been affected will rise from the terrible devastation that has been visited upon the region over these past few days.

On behalf of The Nationals I join with the Leader of the Opposition and the Premier in offering support to those who have been affected by these terrible events. I suppose that, if nothing else, this is another reminder that, although we have discussed matters of a similar ilk for different reasons over the past several years, when Mother Nature chooses to take things into her claws there is very little we can do. It is a healthy reminder, perhaps, of our proper place in things. So it is that I join the Leader of the Opposition and the Premier in expressing my condolences.

QUESTIONS WITHOUT NOTICE

Whistleblowers: protection

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer the minister to his press conference of 18 August, when in attempting to explain why he would not release a 20 July briefing note on leaked police files he said, 'I don't want to release information that would disclose the identity of a whistleblower', and I ask: did the this minister's 20 July memo name or identify the prison guard whistleblower?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. The first thing I would say is that the memorandum that was provided to me that I received on 27 July — the memorandum that he has referred

to — did not disclose this person's status as a whistleblower. Secondly — —

Honourable members interjecting.

Mr HOLDING — Secondly, and although it is not relevant in the context of this particular briefing paper, because I have indicated that it did not disclose his status as a whistleblower, the department has received independently of that legal advice which makes it quite clear that it is not unlawful for ministers, in the context of receiving information about developments within their portfolios about whistleblower-related matters, to have that information provided to them. In this case the briefing note did not do so — it did not make any reference to his status as a whistleblower.

Electricity: Hazelwood power station

Mr MAXFIELD (Narracan) — My question is to the Premier. I refer the Premier to the government's commitment to securing Victoria's future energy requirements and to economic development in the Latrobe Valley, and I ask the Premier to detail to the house any recent announcements that demonstrate that commitment.

Mr BRACKS (Premier) — I thank the member for Narracan for his question. I know that he would be very pleased with the government's decision today, along with the member for Morwell and other key members of this house. Today we have announced a landmark greenhouse gas reduction deed with International Power, which is the owner of the Hazelwood power station in the Latrobe Valley. International Power's 1600 megawatt Hazelwood power station contributes about 25 per cent of Victoria's base-load electricity. It is one of the crucial and important generators in this state — and obviously crucial for security of supply in this state also.

The deed announced today provides for the \$400 million Hazelwood Westfield project to proceed, ensuring that Victoria's base-load power needs are secured well into the future. It also secures the future of some 800 Hazelwood workers and their families, which is also extremely important. I am very pleased that this decision enshrines and keeps those workers and their families in place as part of this new development. It also provides for greater stability in and the continued economic development of the Gippsland region of Victoria.

Could I just say that the Latrobe Valley now, compared to what it was six years ago, is a much-improved place, whether through the decision our government took on

Australian Paper — and the production of Reflex paper — or the move to plantation forestry from native forestry or the use of recycled water coming out of the Gippsland project, which is going into that new production process for Australian Paper, or the \$100 million we put into the recovery package for the Latrobe Valley.

When you think of the Latrobe Valley now — with people moving back there, with house prices going up and with unemployment going down — and compare that to how we found it when we came to office, with high unemployment, house prices reducing and people leaving, you can see there has been a significant turnaround. This is just another step along the way of ensuring that that region of Victoria has a robust, strong and very good future.

Under the deed we announced today International Power will be granted access to the 43 million tonnes of coal it was seeking. As a result of that, the government will require some significant greenhouse abatement measures which have been secured in the deed and are legally enforceable and will be applied. They include a cap on greenhouse gas emissions at Hazelwood power station and a reduction in greenhouse gas emissions of some 34 million tonnes. To give a description of that, it is the equivalent of taking 7.8 million cars off the road for one year. That is the equivalent of a reduction of 34 million tonnes in greenhouse gas emissions.

This was reached following a finding in April by an independent planning panel that Hazelwood should be granted access to this new coal. That was the independent panel's recommendation. In fact the independent panel said that you should seek to have greenhouse gas emissions reduced by about 25 million tonnes. We have achieved more by negotiations and discussions with the company. We have exceeded that panel recommendation, and we will now have 34 million tonnes in reductions.

I believe this agreement gets the balance right between the environment and the economy, securing our economic future and providing for a sustainable environment in Victoria. We are working hard to make the transition to a low-carbon economy. Part of that is the leadership we are showing in working for a national emissions trading scheme, which Victoria has signed on to and which other states and territories, I am pleased to say, have signed on to. We are continually pushing, hoping that the Australian government will agree to that as well.

Encouragingly I note that the Council of Australian Governments has a working party, formed out of the

last COAG meeting, which is looking at some of these matters for the first time ever. That is a significant breakthrough. Nevertheless, we would like to see that happen sooner rather than later. That is why we are also facilitating the development of up to 1000 megawatts of electricity generation by wind power by 2006. It is also why we are encouraging investment in new, cleaner power stations as well in the future. However, in the short term Victoria's industries, our schools, our hospitals and our families still need power and some significant security in their power.

Mr Plowman — On a point of order, Speaker, the Premier has now been speaking for well over 4 minutes, and I ask you to ask him to conclude his answer.

The SPEAKER — Order! I ask the Premier to draw to a close.

Mr BRACKS — I will finish by indicating that this achieves the balance required to ensure that Hazelwood's greenhouse emission milestones are met as part of this agreement, requiring regular reports on greenhouse performance and incentives for Hazelwood to also invest in renewable energy. All that is encompassed in the deed. This project will go ahead, but importantly it will go ahead with cleaner technology, resulting in better emissions and a reduction in greenhouse gases in Victoria.

Small business: funding

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Small Business. I refer to the Premier's decision, taken without cabinet consultation, to spend \$50 million to bail out the Premier's mate, the Minister for Police and Emergency Services, and I ask: how many additional small business initiatives could the government fund if that \$50 million were available to the minister's department?

Honourable members interjecting.

The SPEAKER — Order! It would seem to me that the question is bordering on the hypothetical. I will pass it over to the minister to answer insofar as he can within the bounds of his portfolio.

Mr HAERMEYER (Minister for Small Business) — I suppose the question could be phrased another way: how many small business initiatives can be brought up for \$7 billion?

Honourable members interjecting.

Mr HAERMEYER — Let me say that it is good to finally receive a question about small business from the other side of the house. I note the opposition has a small business spokesperson who spends most of his time publishing a newsletter rather than being the spokesperson on small business.

Small business in Victoria is in a very healthy state. Victoria shows the highest level of confidence among small businesses as exemplified by the level of preparedness to invest capital in the future. It is performing very well indeed. We have the lowest rate of exit of small businesses of any state in the country, and we also have a small business survival rate well above the national average. The small business sector in this state is very healthy indeed. I thank the Leader of The Nationals for finally giving me this opportunity to talk about something that means something for the people of Victoria.

Australian Paper: Maryvale mill

Mr JENKINS (Morwell) — My question is to the Minister for State and Regional Development. I refer the minister to the government's commitment to driving economic development and creating jobs in Gippsland, and I ask him to detail to the house the recent major new investment in the paper industry in the Latrobe Valley and the benefits this will have for economic development in the region.

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Morwell for his question and for his strong support of more investment in Gippsland and the Latrobe Valley. Last week — with the Premier and the Minister for Environment — the government announced the new investment by Australian Paper in its Maryvale mill. This was a sensational announcement not just for the Latrobe Valley but for Victoria as a whole. Just to put this investment announcement into perspective, Australian Paper has committed \$258 million for a new bleach pulper, which is a very substantial investment indeed.

On top of that it is committed to \$300 million through the Macquarie Infrastructure Group for about 3000 hectares of plantations, which will make the mill, which is entirely for the production of high-quality paper, plantation driven from 2017. On top of all that there is the first stage of the Gippsland water factory, supported with a contribution of \$50 million from the government, \$25 million from the water trust and \$25 million from the Regional Infrastructure Development Fund — \$140 million in total — bringing

an aggregate investment in the Latrobe Valley and Gippsland to \$698 million.

This not only secures the existing jobs already in the region, but will generate something like 400 construction jobs over the next three to four years and also secure 200 ongoing jobs in timber harvesting in those plantation areas. This is the largest investment that area of the state has seen for many years.

If you think of today's announcement, as well as the Hazelwood announcement today which secures in excess of \$400 million of investment, last week's announcement facilitated by the Bracks government of the Anzon oil development off the Gippsland coast with \$260 million of development producing up to a quarter of the daily oil consumption of the Victorian economy, and the announcement less than a month ago of the connection of natural gas in South Gippsland — in Leongatha, Wonthaggi, Korumburra and so on — you see that the total investment going into Gippsland and the Latrobe Valley from these four investments is in excess of \$1.4 billion.

The Australian Paper investment is great for the economy, as I have said, but also great for the environment — transitioning to plantation paper, eliminating liquid chlorine and replacing it with elemental chlorine free, and reducing the consumption of sulphur oxides by a massive 80 per cent. In addition the Gippsland water factory will recycle something like 35 megalitres of water a day, and that will free up potable water for other uses or for returning to the environment. It is a great package. In conclusion, if you look at the economy of the Latrobe Valley and Gippsland over the close to six years that the Bracks government has been in office, employment in Gippsland has increased by 35 per cent to a record high of 114 000, and the average unemployment rate in Gippsland has declined from — —

Dr Napthine — The unemployment rate is going up. You know it is.

Mr BRUMBY — You are a complete idiot! Seriously, you are a complete — —

Honourable members interjecting.

The SPEAKER — Order!

An honourable member — You are a bloody goose!

The SPEAKER — Order! I ask the member for South-West Coast to stop interjecting, and I ask the minister to address his questions through the Chair.

Mr Perton — Calling a member a goose is parliamentary, is it?

The SPEAKER — Order! If the member for Doncaster has a point of order, he may rise to his feet and put it in a proper manner.

Mr BRUMBY — Do you want to own up to that?

Dr Napthine — You are an absolute rabbit! You are a rabbit.

The SPEAKER — Order! The Minister for State and Regional Development will address his response through the Chair or I will sit him down.

Mr BRUMBY — We have had extraordinary growth in employment and a significant reduction in unemployment. The average unemployment rate across Victoria has been declining dramatically, and anybody who does not see that is a complete goose.

In addition in the Latrobe Valley and Gippsland building approvals have increased by 183 per cent to 737 million since we have been in government, and I am pleased to say that the participation rate — the number of people in the labour force — has increased by 6.3 per cent in Gippsland since we have been in government, which I know is the highest in Victoria, and I suspect it is the highest in Australia. This was an area of the state — Gippsland and Latrobe Valley — which was totally neglected by the former Kennett government. It was a blot on the landscape in Victoria.

Mr Ryan — On a point of order, Speaker, the minister has been speaking for in excess of 5 minutes, and I would ask you to have him conclude his answer.

The SPEAKER — Order! I uphold the point of order. I ask the minister to conclude his answer.

Mr BRUMBY — We have rebuilt hospitals. We have rebuilt schools. We have invested in roads and public infrastructure. We have secured \$1.4 billion investment. We have seen a dramatic reduction in the unemployment rate. We are seeing population growth again return to positive. This is a great success story for our state. I want to thank the members for Narracan and Morwell in particular for the great support that they have shown towards rejuvenating the lifestyle prospects of people in the Latrobe Valley and Gippsland.

Whistleblowers: protection

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services.

Honourable members interjecting.

The SPEAKER — Order! The member for Ripon! I remind members again that members should be able to ask questions without interjection.

Mr DOYLE — I refer the minister to his previous answer, and I further refer the minister to his radio interview of 18 August when he said of the 20 July memo:

... the brief was providing me with information about the ... deletion of an email of a corrections officer who made allegations as a whistleblower ...

I ask: is the minister aware that such disclosure of a whistleblower to him or by him is an offence carrying a term of six months imprisonment?

Mr Thwaites — He already answered that — you cannot even change your questions.

Mr HOLDING (Minister for Police and Emergency Services) — As the Deputy Premier has just indicated by way of interjection, I have already answered the question. I have not in any way disclosed the identity of a whistleblower. To be quite clear about this: I was provided with a brief, and the brief did not in any way disclose this person's status as a whistleblower. The front page of the *Herald Sun* said that — —

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat for a moment. I ask members to allow the minister to answer the question without that high level of interjection.

Mr HOLDING — It said this person was a corrections officer turned whistleblower.

Australian Paper: Maryvale mill

Ms LOBATO (Gembrook) — My question is to the Minister for Water. I refer the minister to the government's recent announcement involving Australian Paper in the Latrobe Valley, and I ask: how are the government and Australian Paper improving water management in the Latrobe Valley and Gippsland?

Mr THWAITES (Minister for Water) — I thank the member for Gembrook for her question. The partnership between the Bracks government and Australian Paper will bring about huge benefits to water management throughout the Latrobe Valley and Gippsland. As part of that project the Bracks government is contributing \$50 million toward the

\$150 million Gippsland water factory. The Gippsland water factory will be built near Morwell with \$25 million from the Victorian Water Trust and \$25 million from the Regional Infrastructure Development Fund. This will provide some 100 jobs in construction. Importantly the Gippsland water factory — —

Mr Honeywood interjected.

Mr THWAITES — You cannot — —

The SPEAKER — Order! The Deputy Leader of the Opposition! The minister, to continue through the Chair.

Mr Honeywood — On a point of order, Speaker, I cannot use the word 'liar', but a moment ago the Treasurer talked about 400 construction jobs for this project and the minister has now talked about only 100 jobs. Can we have this misrepresentation of the truth explained to the Parliament?

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

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr THWAITES — It is good to see members opposite are arguing about how many extra jobs the Bracks government is producing.

Honourable members interjecting.

Mr THWAITES — Members opposite clearly do not understand that the Gippsland water factory — —

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr THWAITES — They do not understand that, as large as it is, the Gippsland water factory is just one component of a still bigger project — the whole expansion of the Australian Paper mill. We are very proud to be contributing to the Gippsland water factory as part of that.

This water factory will treat 35 million litres of effluent to class A standard every day. Up to 10 million litres of water a day will be recycled and further upgraded for Australian Paper to use in its industrial processes. This represents some 3.5 billion litres of recycled water a year to be used by Australian Paper in industry in the

Latrobe Valley. This is the biggest industrial recycling project in Victoria's history. It will lift Gippsland Water's recycling from 6 per cent to 25 per cent. This will free up water from the rivers which is currently used by Australian Paper and put more water back into Gippsland rivers and reservoirs.

The development of the Gippsland water factory will also mean that the odour problems in Gippsland Water's regional outfall sewer will be a thing of the past. I am sure this is something the Leader of The Nationals wished he could have achieved when he was in government. For 50 years that sewer has delivered completely untreated sewage — 44 kilometres of open, untreated sewage! It took a Bracks government to fix it. Absolutely nothing was done in seven years despite all the protestations now; nothing was done by The Nationals or the Liberal Party.

Mr Plowman — On a point of order, Speaker, the minister now is clearly debating the question and I ask you to bring him back to government business.

The SPEAKER — Order! The minister was on the borderline but perhaps he could please come back to the question.

Mr THWAITES — This is a visionary scheme that will boost economic growth. It will provide jobs, it will improve water management and it will remove the system of untreated sewage which The Nationals and the Liberal Party allowed to exist for their whole time in office.

Honourable members interjecting.

The SPEAKER — Order! Could the Minister for Environment and the Leader of The Nationals stop having that discussion across the table.

Whistleblowers: protection

Mr WELLS (Scoresby) — My question without notice is for the Minister for Police and Emergency Services. If the minister or any member of his staff claim that they did not know the whistleblower's identity or status, why was the whistleblower contacted by the minister's senior adviser on 11 July, only 2 hours after he requested a meeting with the minister regarding serious corruption in Victoria Police and corrections?

Mr Honeywood interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition!

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Scoresby for his question. It is based on a whole series of heroic assumptions about how — —

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr HOLDING — It in no way invalidates or undermines any of the information that I have offered previously.

Australian Paper: Maryvale mill

Ms DUNCAN (Macedon) — My question is to the Minister for Agriculture. I refer the minister to the government's recent announcement involving Australian Paper in the Latrobe Valley and ask the minister to detail for the house how this will drive the growth of plantation forestry in Victoria.

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for her question. She, as do other members on this side, recognises the important work of the members for Narracan and Morwell in enabling the government to turn around the Latrobe Valley and Gippsland from those seven dark, dismal years.

Victoria is the largest plantations state. We have 383 000 hectares under plantation.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr CAMERON — Ding, ding! I will give you an example. There are plantations all around Australia and guess what? Victoria is the largest plantations state. Some 22 per cent of the country's plantations are right here in Victoria. If we have a look at the latest figures for 2004, we see that Victoria also had the largest increase in new plantations — an increase of over 12 000 hectares or 23 per cent of plantations in Australia during that year. The major increase of over 11 000 hectares was in the form of hardwood plantations. That is more logs than there are — —

An honourable member — Than there are in the opposition!

Mr CAMERON — I was going to say than all Liberals in Australia, but you are right, in the opposition!

In the last five years we have seen an additional 98 000 hectares of plantations across Victoria. Plantations are a sustainable resource and that is where they are very important. They are also very important in relation to the Australian Paper announcement about which we have heard today and which the Premier, the Deputy Premier and the Treasurer have spoken about. How many jobs?

Mr Wells — How many new jobs?

Mr CAMERON — I am glad the honourable member for Scoresby has picked up on that, because Macquarie Bank is going to do the investment plantation strategy and its expectation is that there will be an investment of over \$300 million over the next 20 years, and that is going to be 200 jobs. There will be the purchase, there will be the management and there will be the harvesting. Those jobs also underpin the existing jobs. Have a look at the 950 jobs at Australian Paper. People want job security, and without this announcement there would not be that job security. The simple reality is that can come about only because we have a Bracks government that cares about country Victoria. Victoria is a great place to grow a tree, it is a great place for sustainable industries, and it is a great place to raise a family.

Whistleblowers: protection

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services and I ask: when was the minister — —

Honourable members interjecting.

The SPEAKER — Order! I ask members on my right to be quiet.

Mr DOYLE — When was the minister made aware of the whistleblower's name, identity and status, and by whom?

Mr HOLDING (Minister for Police and Emergency Services) — It was Professor Plum in the library with a candlestick! This is the opposition's attempt to look under each rock and to try to work out what it is that might have occurred. I repeat what I said to this house earlier this afternoon — that is, the brief did not indicate this person's status as a whistleblower, firstly.

Secondly, I became aware of the person's status as a whistleblower when I was contacted by a media outlet, and that advice — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby will be quiet.

Mr HOLDING — That advice has subsequently been confirmed for me by my department. I would make this clear: as I informed the house earlier this afternoon, it is not unlawful for a department to provide a minister with information about whistleblower-related matters or the status of those individuals.

Latrobe Valley: health services

Ms BUCHANAN (Hastings) — My question is to the Minister for Health. I refer the minister to the government's commitment to governing for all Victorians and ask the minister to detail for the house how the Bracks government is ensuring people living in the Latrobe Valley are able to access top-quality health care.

Ms PIKE (Minister for Health) — I thank the member for Hastings for her question. Latrobe Regional Hospital was the first cab off the rank in a major health privatisation agenda of the previous Liberal government. The Austin Hospital would have been next, and, of course, there are a whole range of nursing homes and hostels rights across country Victoria that were in the firing line. They were slated and identified for privatisation. The Bracks government's position on privatisation is crystal clear. We have said that we do not believe it is appropriate that health services are privatised. What is not clear of course is the Liberals' privatisation agenda. We do not know and, of course, evidence this week tells us that those in the Liberal Party — —

Mr Plowman — On a point of order, Speaker, the minister is clearly debating the question, and I ask her to come back to government business.

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

Ms PIKE — The privatisation of the Latrobe Regional Hospital very quickly proved to be unsuccessful. In 2000 the company handed back the keys to the government after sustaining huge losses, perhaps of the order of \$25 million. The rest is history, as they say, because since that time the Bracks government has been sustaining investment and building services for the people of the valley, and the Latrobe Regional Hospital has gone from strength to strength. Funding is up by around 50 per cent, and now \$77.7 million will be spent this year on the Latrobe Regional Hospital, and that means more services for the

people of the Latrobe Valley. Of course as the community is growing and developing, buoyed along by the sustained economic development that has been a feature of this government, those services are very needed.

Not only have we put additional recurrent funding into the Latrobe Regional Hospital, but we are now currently building a new cancer treatment centre in Traralgon — two radiotherapy bunkers, one radiotherapy machine, day chemotherapy facilities and clinic areas. It is a \$21 million project that is due to be completed in the middle of next year.

Not only that, we have also built and embarked on a major redevelopment of mental health services within the Latrobe Valley, and we are due to complete a new 14-bed community residential unit. So we are rebuilding health services in the valley. We, of course, can only hope that there is no further conversation about potentially privatising these services. We do not really know what is going to happen. The reason we are concerned is that both the federal health minister, Tony Abbott, and the federal finance minister, Senator Nick Minchin, have in fact put the views of the Liberals on the table regarding the privatisation of our health services.

Mr Honeywood — On a point of order, Speaker, the minister is now clearly debating the question, and I ask that she be brought back to order.

The SPEAKER — Order! I think the minister has concluded her answer. Has the minister concluded her answer?

Ms PIKE — No.

The SPEAKER — Order! The minister was debating the question, and I ask her to return to answering it.

Ms PIKE — This is our legacy over the last six years, and it will continue to be our contribution into the future. We will build and sustain high-quality health services for the people of the Latrobe Valley. Those services will belong to the people, because they are run by the government of Victoria. I would like to hear what the Liberal view is on the privatisation of our essential services.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 17 to 176 and 330 to 343 will be removed from the notice paper on the next sitting day. Any member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

TREASURY LEGISLATION (REPEAL) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to repeal various redundant acts, to repeal redundant provisions from the Gas Industry (Residual Provisions) Act 1994 and to make consequential amendments to that act and other acts and for other purposes.

Read first time.

LAND TAX BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to re-enact and modernise the law relating to land tax, to repeal the Land Tax Act 1958, to amend the Taxation Administration Act 1997 and other acts and for other purposes.

Mr HONEYWOOD (Warrandyte) — Could I ask the Treasurer for a brief explanation of the bill?

Mr BRUMBY (Treasurer) — As I have explained to the house, the purpose of this bill is to re-enact and modernise the law relating to land tax, on a no-policy-change basis.

Motion agreed to.

Read first time.

NOTICES OF MOTION

Notices of motion having previously been given:

The SPEAKER — Order! Before calling the Attorney-General, the second part of the notice of motion put forward by the member for Sandringham is

out of order. I will explain that to him later, if he wants me to.

DEFAMATION BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to enact in Victoria provisions to promote uniform laws of defamation in Australia, to amend the Wrongs Act 1958 and the Limitation of Actions Act 1958, to make consequential amendments to certain acts and for other purposes.

Read first time.

CRIMES (CONTAMINATION OF GOODS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Crimes Act 1958 to specify recklessness as a fault element of contamination of goods offences and for other purposes.

Read first time.

PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) introduced a bill to amend the Domestic (Feral and Nuisance) Animals Act 1994 and the Prevention of Cruelty to Animals Act 1986 and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian government schools and to provide additional funding for school chaplains.

By Mr LOCKWOOD (Bayswater) (72 signatures)
Mr CAMERON (Bendigo West) (40 signatures)
Mr LANGUILLER (Derrimut) (38 signatures)
Mr RYAN (Gippsland South) (108 signatures)
Mr DELAHUNTY (Lowan) (16 signatures)
Ms DUNCAN (Macedon) (24 signatures)
Ms PIKE (Melbourne) (23 signatures)
Mr JENKINS (Morwell) (24 signatures)
Ms MORAND (Mount Waverley) (95 signatures)
Mr JASPER (Murray Valley) (41 signatures)
Mr MAUGHAN (Rodney) (51 signatures)
Mr HARDMAN (Seymour) (24 signatures)
Ms GILLET (Tarneit) (15 signatures)

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001 which restrict the basic rights of freedom of religious discussion.

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

By Dr SYKES (Benalla) (99 signatures)
Mr SAVAGE (Mildura) (447 signatures)

Aquatic centres: Frankston

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

The humble petition of undersigned citizens of the state of Victoria sheweth that a regional aquatic centre be established in Frankston to serve the people of the southern region. Your petitioners therefore pray that the government of Victoria in consultation with Frankston City Council and local community groups facilitate the building of an aquatic centre in Frankston.

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

By Mr HARKNESS (Frankston) (26 signatures)

Crown land: management

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that they are deeply aggrieved at the government's failure to justly manage land use disputes relating to the environment.

Short-sighted decisions: locking up fire-dependent ecosystems ignores the need for intervention and sound multiple use activities that help share management responsibilities, reduce risk and ensure long-term biodiversity, use and resource protection. Prohibiting our own custodians from carefully managing resources in our own backyard increases the footprint in someone else's, and this too is not environmentally responsible.

Lockouts and lockups: custodianship is increasingly being denied even though it is a sound, cost-effective option for looking after the large areas and the biodiversity involved.

Unjust treatment of land managers: those who care directly for natural resources in this country (e.g., rural custodians) are not receiving justice because environmental abuse and risk claims by non-custodial neighbours are often not being properly heard.

Your petitioners therefore pray that this government stop locking up resources and locking out its people from their own land. We call on the government to leave open the issue of future uses for our reserves, as our forefathers intended. We also call on Parliament to not create any more large parks and concentrate immediately on improving the means to resolve conflict equitably so that just and sound decisions for long-term resource protection and genuine sustainability are more evident to all Victorians.

By Mr DELAHUNTY (Lowan) (14 signatures)

Police: schools program

To the Legislative Assembly of Victoria:

The petition of certain citizens in the state of Victoria draws to the attention of the house that the police schools involvement program has been a successful, proactive policing program operating since 1989 which, with the school resource officers, has worked closely with school communities in many constructive ways including to:

develop a positive relationship between police and the community;

develop an understanding of the role of police in society; and

reduce the incidence of crime in society.

In 2005 approximately 200 000 students statewide have benefited from this program which has served as a model for similar programs in other states and, indeed, is recognised

internationally as a positive model for police and school partnerships.

The proposed termination of the program, when law and order issues are of particular concern within Victorian communities, is not in the best interest of our children or the Victoria Police.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria support the continuation of this most worthwhile police school involvement program in its present form for the year 2006 and beyond.

By Mr SAVAGE (Mildura) (245 signatures)

Taxis: rural and regional

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the crisis with country taxis and the need for recognition that country taxis are a proxy form of public transport and provide an essential service in country communities.

The petitioners therefore request that the Legislative Assembly of Victoria immediately implement commonsense changes to reduce country taxi operator costs — e.g., allow flexible hours of service — and make available to country taxi operators the same subsidies as Melbourne taxis and public transport — e.g., subsidies for the provision of wheelchair-friendly taxi services.

By Mr MAUGHAN (Rodney) (56 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools draws out to the house that under the Bracks Labor government review of education legislation the future of religious education in Victorian schools is in question, and the petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, require the government to provide additional funding for chaplaincy services in Victorian state schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious education in Victorian schools.

By Mr WELLS (Scoresby) (25 signatures)

Tabled.

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

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

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

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

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

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

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Ms D'AMBROSIO (Mill Park) presented *Alert Digest No. 10 of 2005* on:

Crimes (Contamination of Goods Offences) Bill
Groundwater (Border Agreement) (Amendment) Bill
Local Government (Further Amendment) Bill
Magistrates' Court (Judicial Registrars and Court Rules) Bill
Melbourne Lands (Yarra River North Bank) (Amendment) Bill
Pipelines Bill
Radiation Bill
Royal Victorian Institute for the Blind and other Agencies (Merger) Bill
Sentencing and Mental Health Acts (Amendment) Bill
Sports Anti-doping Bill
Sustainability Victoria Bill
 together with appendices.

Tabled.

Ordered to be printed.

Discrimination in the law

Ms D'AMBROSIO (Mill Park) presented report, together with appendices, extract from proceedings, minority report and minutes of evidence.

Tabled.

Ordered that report, appendices, extract from proceedings and minority report be printed.

DOCUMENTS

Tabled by Clerk:

Commissioner for Environmental Sustainability Act 2003 — Framework for environmental reporting

National Parks Act 1975 — Notice of consent from the Minister for Environment to explore for petroleum under Exploration Permit No VIC/P39(v)

Parliamentary Committees Act 2003 — Response of the Premier on the action taken with respect to the recommendations made by the Education and Training Committee's inquiry into the Suitability of Pre-Service Teacher Training in Victoria

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

- Bass Coast Planning Scheme — Nos C36, C42
- Darebin Planning Scheme — No C59
- East Gippsland Planning Scheme — No C45
- Glenelg Planning Scheme — No C18
- Golden Plains Planning Scheme — No C26
- Greater Dandenong Planning Scheme — No C65
- Greater Shepparton Planning Scheme — Nos C48, C56, C59
- Hepburn Planning Scheme — No C25
- Indigo Planning Scheme — No C28
- Knox Planning Scheme — No C44
- Loddon Planning Scheme — No C14
- Manningham Planning Scheme — No C37
- Moonee Valley Planning Scheme — No C71
- Queenscliffe Planning Scheme — No C16
- South Gippsland Planning Scheme — No C33
- Stonnington Planning Scheme — Nos C11 Part 2B, C41
- Surf Coast Planning Scheme — No C25
- Victoria Planning Provisions — No VC33
- Wellington Planning Scheme — No C25

Rural Finance Act 1988 — Directions by the Treasurer to the Rural Finance Corporation to administer Financial Assistance Schemes to:

AAA — FARMBIS

Moira East Statistical Local Area, Murray Valley and Mallee/Northern Wimmera

South-East Mallee

Statutory Rules under the following Acts:

Children's Services Act 1996 — SR No 100

Corrections Act 1986 — SR No 101

Magistrates' Court Act 1989 — SR No 99

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 99

Terrorism (Community Protection) Act 2003 — Report by the Chief Commissioner for the year 2003–04.

ROYAL ASSENT

Message read advising royal assent on 24 August to:

Accident Compensation and Transport Accident Acts (Ombudsman) Bill
Casino Control (Amendment) Bill
Environment and Water Legislation (Miscellaneous Amendments) Bill
Owner Drivers and Forestry Contractors Bill
Primary Industries Acts (Amendment) Bill
Victoria State Emergency Service Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 8 September 2005:

Land (Miscellaneous Matters) Bill

Local Government (Further Amendment) Bill

National Parks (Otways and other Amendments) Bill

Pipelines Bill

Radiation Bill

Sustainability Victoria Bill.

This motion provides a government business program of six pieces of legislation. It is the view of the government that this is an adequate legislative program for this parliamentary week. The bills are on the notice

paper and it is the government's intention to deal with them sequentially, starting with the Local Government (Further Amendment) Bill and working our way down the list with successive bills over the remainder of this week. I anticipate that it will provide a parliamentary debating workload that will both sufficiently engage the members of the house and also provide opportunities for members to contribute.

Mr PLOWMAN (Benambra) — The opposition will not be opposing this program. We believe the program is pretty thin, but again, as I suggested, if we can get away early on Thursday afternoon it is all to the good.

Mr MAUGHAN (Rodney) — The Nationals will also not be opposing the government business program. It is a reasonable business program: six bills to be debated this week. While at first sight you could say that there is not a great deal of substance there, in reality there is plenty of material for debate. The local government bill is a very important —

Mr Wynne — What about the Otways?

The SPEAKER — Order! Without the assistance of the member for Richmond!

Mr MAUGHAN — I have heard about that many times before, and at long last the Otways legislation is being debated. It is an important piece of legislation and I am sure there will be some very good debate on it. Likewise the sustainability one is important. Irrespective of our views on the environment it gives us an opportunity to discuss those issues. The Pipelines Bill again is an important piece of legislation, but this week is not going to tax us too much. It is a reasonable business program and therefore The Nationals will not be opposing the program put forward by the Leader of the House.

Motion agreed to.

MEMBERS STATEMENTS

FReeZA program: Bacchus Marsh and Melton concerts

Mr NARDELLA (Melton) — I wish to thank all the volunteers who organised the FReeZA concerts at Bacchus Marsh on 26 August and at Melton on 27 August, especially the front-of-house and backstage people. I also thank all the terrific musicians who performed on those nights.

The Bacchus Marsh bands were First Saves All, A Teen Car Garage and Superfine, which won on the night. The headlining bands were Liquid Memory and Big City Seven — from whom I purchased a CD. They are very good.

I send a big thankyou to the Bacchus Marsh YMCA, the Moorabool Shire Council and MY Voice, the Moorabool Youth advocacy group. The Melton concert was so popular that young people had to be turned away. The bands at Melton were Misanthropic Death March; First Saves All, which came third; Diztortd; Perfect Sin; Scattered; Under Narcotic Flesh; Feracia, which is an all-woman band and which came second; and 17th Whole, which won the competition. The headlining band was Vile Preaching, which won the competition last year and which has grown musically over the last 12 months.

The judges at the Melton venue were Eddie, from Melton Music, and Cara Hamilton, who was a Melton Idol winner and who I think is a star of the future. I want to thank the Melton youth advisory committee, the Melton Shire Council and the Bracks Labor government for the FReeZA funding. The young people who do all the work and organise all the bands do a great job, and I thank them very much.

Ministers: conduct

Mr COOPER (Mornington) — It has become apparent over the last three to four weeks that in the interests of good government the Premier needs to take strong action about a flood of accusations that are severely damaging the reputation of one of his ministers. The fiasco of the police files affair has seen a rash of devastatingly accurate leaks to the media and the opposition emanating from within the ranks of the government. It is now obvious that all of this is being unfairly attributed to the Minister for Manufacturing and Export. This minister is being portrayed by some of his party colleagues as bitter and vengeful over being dumped from the police and emergency services portfolio. These Labor Party members have escalated the finger pointing by openly referring to the minister as ‘the colander’ or ‘the sieve’.

While it is true that the Minister for Manufacturing and Export has been looking a lot more cheerful in recent weeks — who could blame him for that? — most are well aware that the stream of leaks to the opposition and the media about the present Minister for Police and Emergency Services are coming from three ministers in the government, so it is grossly unfair for anyone to sheet the entire blame home to the Minister for Manufacturing and Export.

In the interests of fair play and good governance I ask the Premier to make sure that all his ministerial leakers are given equal billing within the ranks of the Labor Party.

Brimbank: initiatives

Mr LANGUILLER (Derrimut) — Congratulations to the Brimbank City Council and its mayor, Cr Suleyman, for their vision and their commitment to their community. Today at 3.00 p.m. traffic lights at the intersection of Tilburn and Fitzgerald roads and Forrest Street, Ardeer, will be switched on by councillors Ian Douglas and Sam David and community activist Costas Socrates. They have all strongly advocated for these lights to be turned on, and I commend them.

The Sydenham interactive learning centre is one of the good projects undertaken by Brimbank, and it will invest \$5 million in a state-of-the-art facility. The Hoon Line community safety project commenced in April 2005. This project, run in partnership by the council and Victoria Police, is aimed at reducing the level of hoon driving in Brimbank. Other projects include the walking school bus and Keys Please, as well as a graffiti art project.

Construction will commence on the Sunshine youth centre later this year. It is a joint project between the council, the state government and the private sector, and it is valued at \$1.8 million. The centre will provide opportunities for youth at risk and offer a number of programs to assist them to have a real future in Brimbank. The Sunshine swimming and leisure centre redevelopment is an example of a good partnership between the state government and a council. The total project cost will be \$7.6 million. The Brimbank community festival, to be held in September, will celebrate cultural diversity in Brimbank. It is another good project in this municipality.

Taxation: reduction

Mr JASPER (Murray Valley) — The Victorian government must immediately reduce the stamp duty and other charges it imposes, considering the huge revenue generated for the state — in excess of \$600 million per month — by the goods and services tax collected by the federal government, all of which is returned to the state. The government has an obligation not only to reduce and progressively remove a range of taxes, charges and duties but also to address anomalies in the system. It should be recognised that in recent years the government has had a windfall, given the huge revenue generation in areas such as land tax, property transfer duties, motor vehicle stamp duties and

speeding fines. Despite budget revenue exploding from \$20 billion to \$30 billion in five years, it is well known that only three state taxes have been removed since the introduction of the GST.

There must be not only further revenue reductions by the state government but also changes to remove anomalies. Typical examples of this are the fire insurance charges and the fire insurance levy, where there are not only great discrepancies between the applicable rates and a proportion not paying insurance at all but also the imposition of a tax on a tax, with a 10 per cent GST being charged on the insurance levy and a further 10 per cent stamp duty. My constituents are justifiably angry with the state government charges, with the taxes on taxes and the automatic increases each year. We call on the government to review all charges and to make them more equitable for all Victorians.

House of the Gentle Bunyip

Mr WYNNE (Richmond) — I rise to inform the house of the opening of the restored House of the Gentle Bunyip on 21 August by the Minister for Housing in the other place, Ms Broad. The historic farmhouse, which was built in the 1860s, had fallen into disrepair and was slated for demolition and redevelopment as units. This decision sparked a major community campaign that will long be remembered by Clifton Hill residents. For 427 days residents picketed the site and staged a union-backed 24-hour vigil to keep developers out. It was particularly led by Mary Kenneally and her husband, Rod Quantock, whom I commend for their extraordinary efforts.

The Bracks government then stepped in to save the building and joined with the community to ensure that the house was converted into supported low-income accommodation. I am proud to be part of a community and a government that have worked together to achieve this double victory. Not only have we increased affordable housing in the area, but we have also preserved a significant part of Victoria's heritage.

Coming on the heels of the action of the Bracks government in saving the Abbotsford convent and reopening Fitzroy High School, the House of the Gentle Bunyip completes the trifecta and further demonstrates this government is committed to preserving our priceless social and community assets.

Melbourne University: Glenormiston campus

Mr MULDER (Polwarth) — The announcement by the Bracks government last week of its rejection of Glenormiston's bid for TAFE hours is an act of utter

treachery committed against the Terang and Glenormiston communities. It is quite apparent that the government made this decision over 12 months ago but kept the charade going until after its community cabinet visit to Warrnambool in July. The views of the community, local shires and industry, the Victorian Farmers Federation, local MPs and many other bodies were all rejected. An institution that is delivering some of the best courses in agriculture has been changed forever.

It is absolutely vital that an overall policy position in relation to agricultural education be given a priority in this state — indeed throughout Australia — and that governments support institutions such as Glenormiston to strengthen this position through structuring innovative careers in agriculture to take us into the future.

The Bracks Labor government continues to present a negative view of the farming industry, in both its legislative program and its advertising program. As example of this is the Child Employment Act which implies that farms are places which are too dangerous for young people to visit let alone work on. The view of farming is increasingly being presented as focusing around the environment rather than agriculture. This view is perpetuated by this government through the blurring of the lines between the Department of Sustainability and Environment and the Department of Primary Industries and is reflected in the courses being offered by our institutions with the more agriculture-based courses being increasingly seen as non-viable.

The Bracks government's city-centric mates are increasingly pushing the government in the direction of locking up large tracts of land in the south-west and effectively diminishing the area of land available for farming.

Maramba and Harkaway primary schools: stage productions

Mr DONNELLAN (Narre Warren North) — I rise to congratulate members from two school communities in my electorate. The first group is the year 5 and 6 students at Maramba Primary School. On Thursday last week I went to see a play called *Jimmy Neutron*. It was ably led by a young man called Matt Young. It was something a bit like *Star Wars*, *Malcolm in the Middle* and *The Jetsons* thrown into one play. It was incredibly amusing, and I congratulate the principal, Darrell Mullins, the teachers, the parents and the students who were all involved.

I also want to congratulate the second school, Harkaway Primary School. On Friday, 2 September, I saw its play which was called *Gell*. It was a bit like *Grease* and *West Side Story*, although it was slicker than *Grease*. I congratulate Fred Hess, the staff, the parents and the students for putting on a wonderful play as well.

The best thing about these events is that it gives the students enormous confidence in public speaking and hopefully it will provide many good Labor politicians in the future.

Minister for Police and Emergency Services: performance

Mr WELLS (Scoresby) — This statement condemns the Premier for continuing to keep his head in the sand and failing the people of Victoria when it comes to dealing with his incompetent Minister for Police and Emergency Services. From one police crisis to the next, the Premier's minister has shown that he is not up to the job and not across his portfolio responsibilities.

Firstly, we had the fiasco relating to the release of the law enforcement assistance program (LEAP) files by the Office of Police Integrity to a woman in country Victoria, which contained the personal details of over 450 individuals. What was the response of the police minister? He said that he did not know about it and it was not his responsibility. Then we had the revelation of problems within the Office of Police Integrity that led to the release of the confidential LEAP files that had been highlighted by Detective Acting Inspector Jim Conomy in a memo last December. We then had the case of the whistleblower prison officer being sent 22 000 pages of LEAP files. What did the minister do? Laughably, and without reading it thoroughly, he sent the memo back to the department for redrafting because of errors, despite the seriousness of the subject matter detailed in the title of the email, and then had his staff sent on writing courses to mend their supposedly errant ways.

We also know that the minister's office had arranged a meeting with the whistleblower well before the issue became public, yet the minister deceptively claims that he was not aware of the seriousness of the LEAP files disclosure. If the minister did not know and did nothing, then he should resign because of gross incompetence; if he did know, then the Premier should sack him for misleading the Victorian community and the Parliament. Either way, the minister must go.

Hospitals: federal policy

Mr MAXFIELD (Narracan) — It was extremely disturbing to hear that federal government senior ministers Tony Abbott and Nick Minchin propose to move back to the old failed ways of selling off our hospitals and, it appears, our nursing homes as well — a shameful proposal. In the Latrobe Valley we have seen what happens when nursing homes and hospitals are sold off. We saw the closure of the Moe hospital, the Traralgon hospital and the mental health facility, Hobsons Park — also in Traralgon. This has not worked in the valley. When I was elected as a local member my office used to get a complaint about the privatised hospital once every fortnight. I would be lucky to get a complaint every six months now that the hospital is back in government hands. This highlights once again where the pursuit of profit — where you inspect your wallet before you give the service — does not work. Privatisation has failed.

I want to know the views of the Leader of The Nationals, the member for Bass and those two members from Gippsland Province in the other place, Mr Davis and Mr Hall. What are their views? Do they support the return to selling off our hospitals and our nursing homes? Will they tell us whether they want to return to those days? Is this really their way of saving money so they can fund the buy-out of the tolls? Do they want to sell off our hospitals and our nursing homes to get some money to spend in Melbourne to remove our tolls? This is a shameful policy. I want to know if the Liberal Party and The Nationals in this house support their federal colleagues in the selling off of our health services in this state.

Police: schools program

Dr SYKES (Benalla) — Last week I was given letters from 38 grade 5 and 6 students from Euroa Primary School asking me not to let the police schools involvement program be stopped. The students clearly value the program, and I will read some of the letters:

Dear Mr Sykes,

I'm writing this letter to you to keep [the] police in schools program. People in grade 5/6B really like the program. It's educational, it teaches us about the law, it's been at our school for over 11 years and the police who do it are very nice. So please keep [the] police in schools program.

Thanks if this happens.

From Rebecca Amos.

Another says:

Dear Mr Bill Sykes,

I believe that if you want to take the police in schools program [it is] fine, if you want to let all of the kids grow up learning not to know the effects of drugs and alcohol. So when you go into your retirement ... you see kids who could have been Prime Minister or a member of Parliament but instead they will be robbing stores, having drugs and speeding. So please, please, keep the police in schools program for the sake of all young people.

Yours sincerely,

James Dean

Yet another one said:

I think that stopping the program is dumb and dangerous, because if kids don't know the consequences of crime, then more crime will arise.

...

Cody Gordon.

I ask the Premier to listen to the students of Euroa Primary School and support the continuation and expansion of the police schools involvement program, and in doing so live up to his claim of making Victoria a great place to live and raise a family.

Hawthorn Football Club: vice-president

Mr MERLINO (Monbulk) — Although it pains me to do so my love for the Hawthorn Football Club compels me to put on record my congratulations to Jeff Kennett on his appointment as vice-president of the Hawthorn Football Club and his likely elevation to the presidency on 14 December. As a proud, passionate and longstanding member I wish him every success in leading this great club to on-field success in the years ahead. I hope that he understands that leading a football club is very different from leading a political party of a state.

I trust that he will treat his board members with respect and will not bully them and reduce them to tears, as he was known to do to his former colleagues here in Parliament; that respect is shown to everyone involved at Hawthorn — the boot studders, trainers and admin staff, who will be not be referred to as the toenails of the club; that he will not strip the club of its capital assets in order to make a quick financial gain to the long-term detriment of the club; that there will be no mass sackings of our physios, dieticians, masseurs or doctors; that he accepts there is no room for megalomania; that the club's web site will not change from hawthornfc.com to Jeff.com; that the coaching staff and the playing group will not be gagged from making public comments to the media; that the turf at Glenferrie, Waverley or the Melbourne Cricket Ground will not be desecrated by any shovel he wields and the

contents thrown at sports journalists; and, above all, that the board is strongly united and Jeff understands that the Hawthorn Football Club is not a plaything for ex-politicians.

Ministers: accessibility

Mr KOTSIRAS (Bulleen) — It appears not only that Labor backbenchers have to be told what to wear, what to say and when to say it but that they are also provided every week with a survival kit, because they have only limited access to their ministers. Their ministers are refusing to see them. The Bracks government is now organising an ICE — not an ice cube, but an integrated campaign effort — to provide local Labor members of Parliament with resources and advice to make them appear intelligent to their constituents. This is followed up by what some Labor members call intelligence clinics which enable them to line up outside a minister's office on specific days, between certain hours, to speak to a minister.

I am advised that if the time expires members are sent away and that Labor backbenchers are unable to speak to ministers outside these times. I have also been advised that when the Minister for Police and Emergency Services made himself available for an intelligence clinic, he had no-one knock on his door — perhaps they thought he had enough on his plate and was in no position to give advice to others. Perhaps the Labor MPs can now use their 90-second statements to demand action from ministers rather than sending cheerios.

I do not need anyone to tell me what the main issues are in Bulleen — the urgent upgrading of King Street and Templestowe Road, for instance. My local primary schools are hurting because this Labor government does not care about the eastern suburbs. No amount of spin and propaganda will forgive this government.

Schools: report cards

Mr HARKNESS (Frankston) — Congratulations and commendations are due to the Victorian Minister for Education and Training for the introduction of new report cards into Victorian schools from next year. They will describe students progress on an A to E scale against statewide levels, as well as comparing their performance with how they were going a year ago. The new reports will also tell parents what the school and the teachers will do to improve the child's progress at school and how they can help at home.

The federal education minister, Brendan Nelson, stands condemned for threatening to take away \$2.6 billion

from our students if Victoria did not comply with quartile reporting. Notwithstanding his embarrassing and humiliating backdown, this draconian measure of comparing students with others in their class would have absolutely no meaning. A group of students will always have to be in the bottom quartile — even if they are doing well in comparison to other students in the state. Parents want to know if their child is achieving the standards that are expected in the particular year, which the new report cards will show but which quartile reporting would not. While the Bracks government is introducing the innovative Victorian essential learning standards, which promote self-esteem amongst students, the Howard government wants to take self-esteem away from students.

Many parents, teachers and principals within the Frankston area have expressed their concern to me about the possible introduction of quartile reporting and the dramatic, adverse effects this would have had on students, with limited gains. It comes as no surprise that the member for Doncaster and the Victorian Liberal Party have once again shown that they are prepared to stand up for their mates in Canberra ahead of the needs of Victorians. The member for Doncaster is a man who proclaims to be the champion of Victorian education but who would prefer to pander to his colleagues in Canberra instead of listening to the needs of Victorian teachers, parents and students. I will continue to stand up for Frankston and for Frankston families.

Business: economic outlook

Ms ASHER (Brighton) — I wish to refer to the latest survey of business trends and prospects conducted by the Victorian Employers Chamber of Commerce and Industry (VECCI). Yet again we see an alarming trend that shows that the Victorian outlook is not as strong as the Australian economic outlook overall. I refer to tables on pages 4 and 5 of the report which look at expected performance for the 12 months to June 2006. In Australia overall, 15 per cent of businesses thought the economic outlook would be stronger, 56 per cent thought it would be about the same and 29 per cent thought the outlook would be weaker. Of real concern for Victorians is that the respective figures are far worse in this state. Only 13 per cent of Victorian businesses thought economic performance in this state would be stronger, 50 per cent thought it would be about the same and 38 per cent thought it would be weaker.

In every single itemised category in the VECCI report, including agriculture, forestry and fishing, manufacturing, wholesale and retail trade — the whole lot — the performance to the June 2006 quarter is

worse for Victoria than it is for Australia. For example, in agriculture, forestry and fishing, 62 per cent of Victorian businesses reported a weaker outlook compared with 39 per cent in Australia overall. Likewise in manufacturing — and I am sure this would be of concern to the Minister for Small Business, who is at the table — 43 per cent of Victorian businesses reported a weaker outlook compared with 33 per cent overall.

Norm Stephens

Ms LINDELL (Carrum) — Sixty years ago yesterday, on 5 September 1945, Norm Stephens joined the Carrum Country Fire Authority (CFA) brigade. For 60 years Norm has been an active member of the brigade, responding to fire calls, fundraising and attending meetings and competitions. In 1993, when Norm turned 65, he transferred to operational support membership, but he has continued his active support of the brigade. Norm was awarded a national medal in 1987. He has been a member of the acclaimed and very successful Carrum discipline squad for more than 35 years, and he still competes with the squad. He has been awarded first and second clasps for his national medal.

On Saturday, 27 August, at the annual brigade presentation dinner the deputy chief officer of the CFA, Geoff Evans, awarded Norm a CFA medal for 60 years service to the Carrum brigade. The medal awarded to Norm was the first ever 60-year service medal presented. On behalf of the Carrum electorate I would like to thank Norm for his enduring contribution to the protection and safety of our community.

Health: organ donation

Mr HERBERT (Eltham) — On Saturday, 17 September, I will be hosting a major organ donation information and sign-up day at the Eltham library in my electorate. This event comes as part of my community campaign to increase organ donation awareness and encourage more people to sign up to the national organ donor register. About 20 per cent of people waiting for a donor organ in 2004 died without receiving their life-saving transplant. This sad circumstance can be dramatically improved if more Australians, and particularly Victorians, join the growing ranks of organ donors.

Major organ donation in Australia has an impressive record. Around 90 per cent of donations, whether they be heart, liver, kidney or lung, are successful. However, while Australia enjoys some of the highest transplant success rates in the world, the number of people who

donate remain sadly low. I have recently sent information out to almost 21 000 families in my electorate inviting them to come along and learn more about organ and tissue donation. I will also be joined by organisations involved in organ donation and transplantation. I have invited a range of celebrities and community members to join me in promoting this event.

The event represents a unique opportunity for local people not only to learn about organ and tissue donation but to provide a convenient place for them to sign up to the national organ donation register, if they choose. I invite all members of Parliament to come along to the Eltham library between 10.00 a.m. and 3.00 p.m. on Saturday, 17 September, and help support this cause.

Fairhills Primary School: Principal for a Day

Ms ECKSTEIN (Ferntree Gully) — On 22 August I had the privilege of being principal for a day at Fairhills Primary School, in my electorate. I would like to thank the principal, Mr Phillip White, as well as the staff, students and school council members for allowing me to spend the day at the school and making it such an enjoyable and valuable experience.

I would like to thank school captains Samantha and Andrew for ably assisting me with the morning assembly, where I presented the weekly student awards. As a former teacher I very much enjoyed reading the story *Under the Bed* to the prep children and sharing scary spider stories with them. The year 5 and year 6 classes asked me some very thoughtful and sometimes challenging questions about being a member of Parliament.

The three best questions were from Georgia: ‘What are your opinions on high-density housing?’; from Dylan: ‘What have you battled for, like cruelty to animals or animal testing?’; and from Nickki: ‘When you give free injections for kids under seven years of age so they don’t get some sickness, how much money do you lose?’. The visit enabled me to experience first hand some of the issues confronting principals and schools on a regular basis, and these can be quite challenging at times.

I would like to acknowledge the very important and often unappreciated work that principals and teachers do in our schools every day in relation to caring for, educating and developing to their fullest potential the children in our schools. I also attended the staff and school council meetings, and I would like to acknowledge the tireless efforts of parents in supporting and raising funds for our schools. Again, thanks to

everyone at Fairhills Primary School for a wonderful day.

Thomastown East Primary School: Book Week

Ms D’AMBROSIO (Mill Park) — I wish to inform the house of my attendance at Thomastown East Primary School on 25 August during Book Week. I was pleased to receive the news that the students were encouraged to write stories for the school competition and to come dressed in their favourite storybook characters. Even the teachers joined in the fun of dressing up for the day. Students, teachers, staff and parents gathered in the hall to congratulate all those who participated in the writing competition.

I wish to congratulate the following students as winners of the schools writing competition: Lily Ward, for her story *The Monster Ball*; Reannan Rossi, for *Secret Friends*; Hellal Abbas, for *The Wishing Chair Again*; Mark Constantinou, for *The Search of the Phoenix*; Luken Talarico, for *Tank Attack*; and Tamika Fitzgerald, for *Jessica Jones*. Each of these students received a book prize. Other activities planned for the day included students mixing in with different year levels so as to gain a greater appreciation of each other and their learning environments. The school provides a wonderful environment for the students in encouraging them to aim for their highest and aspire beyond the norm.

I wish to also congratulate the teachers and the very supportive parents who make Thomastown East Primary School a terrific nurturing school for all children. It is always a pleasure to visit TEPS.

Country Fire Authority: Hastings fire

Ms BUCHANAN (Hastings) — What was potentially a major catastrophe affecting both property and life was averted in the Hastings electorate on 22 August. I would like to pay tribute to the dedicated efforts of the Country Fire Authority (CFA) volunteers and the emergency fire and rescue teams at the BlueScope Steel plant at Hastings.

When an electrical panel in the control room of the hot strip mill ignited a fire at about 10.00 p.m. on Monday the 35 staff on the roster were swiftly evacuated. I commend the cool-headed action that ensured no one was injured. Working with BlueScope Steel’s fire and rescue teams, CFA brigades from Hastings, Bittern, Tyabb, Somerville and Frankston worked solidly for over 5 hours to put out the fire as quickly and as safely as possible, preventing further damage to the plant, which produces Colorbond steel and related products

and employs more than 1100 workers. As Greg Waters, the plant president, stated:

Although the fire has come as a blow to us all, I want to stress that while we can replace equipment, we can't replace people, and I am extremely grateful that no one was injured during this incident.

Like Greg I pay tribute to the local CFA brigades that worked hand in hand with the Western Port emergency response group to contain this incident.

To the great women and men of these local CFA brigades I say thank you for such a good outcome. This industrial fire was particularly challenging because of the type of equipment involved, such as electrical switching gear. I also acknowledge the many hours of specialised training members undertook in readiness for this type of situation. To each emergency services member there is only one more thing to say — the next shout is on me!

Gembrook electorate: emergency services complex

Ms LOBATO (Gembrook) — On 25 August infrastructure in the electorate of Gembrook took another huge step forward with the commencement of a new \$11 million police and emergency services complex, with the Minister for Police and Emergency Services turning the first sod. As well as a 24-hour police station the complex will house a fire station, a Country Fire Authority incident control centre and new headquarters for the Pakenham State Emergency Service unit. This is a major and much welcomed initiative for Pakenham and surrounding areas. As well as giving emergency service workers and volunteers a state-of-the-art facility, it is providing for the current and future needs of families in the south-eastern growth corridor.

Another major infrastructure milestone has been the first connection of natural gas to a property in Woori Yallock, which happened last week. Members opposite should be listening to this, because it is true that natural gas has been connected to Woori Yallock. The Minister for State and Regional Development was one of the first to taste the great food at the Woori Yallock hotel being cooked on natural gas, thanks to the \$70 million natural gas extension program. The pub will save thousands of dollars per year in the switch from liquid petroleum gas.

Woori Yallock is also set to benefit from a \$2.17 million upgrade to bridges along the Warburton Highway, ensuring that transport routes for the freight industry become safer and more efficient. These

investments in the Gembrook electorate are indicative of the willingness and commitment of this government to think big and deliver the services and infrastructure that is needed by families, businesses and communities.

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 17 August; motion of Mr THWAITES (Minister for Environment).

Mr SMITH (Bass) — It is a pleasure to speak on the Local Government (Further Amendment) Bill. It is a small but significant piece of legislation about local government, the way the Bracks government deals at a political level with democratically elected councillors, and how it uses its position as a Labor government in dealing with Liberal-leaning councils and with Labor-leaning councils.

I will firstly deal with the facts. This council, as with many councils, could be seen to be dysfunctional, given the evidence of significant animosity over several years between councillors and councillors, between councillors and the chief executive officer (CEO) and other officers, and between some councillors and the general public. Although the Glen Eira council has developed a reputation for this type of poor governance, most of the other councils are Labor councils. It is difficult for this government to act against them, or even against some of the Labor councillors who are moving from working for ratepayers to pushing their own barrows — but more on that later.

The Glen Eira City Council called on the minister to set up an inquiry. I want to read into *Hansard* the opening paragraph of the report of Merv Whelan, the inspector of municipal administration, on his investigation into Glen Eira City Council. He stated in the first paragraph of his introduction on page 1:

On 28 September 2004 the Glen Eira City Council requested the Minister for Local Government, the Hon. Candy Broad, MLC, to appoint an inspector of municipal administration to investigate and report on matters arising out of an audit of councillors expenses by its internal auditor, PricewaterhouseCoopers (PwC), in particular breaches by councillors of the policy relating to the use of council-supplied telephones.

The councillors turned on themselves and asked the minister to do something about other councillors, none of them thinking they were the guilty party, but in the end each and every one of them copped it.

This is not the first time that Glen Eira council has been investigated. In 1998 then Minister Maclellan appointed Dr Greg Walsh to undertake a review of the Glen Eira City Council, which he duly did, and his report about the previous Glen Eira council said in part:

There are some inadequacies in governance practices at Glen Eira.

It is a well-managed but not so well-governed municipality.

It is of paramount importance that steps are taken immediately to improve these [governance] practices ... there is some evidence that poor governance practices at Glen Eira over recent months are beginning to impact negatively on the management and overall performance of the council.

It goes on to say:

governance difficulties 'require detailed attention ... and involve changes not just to structures and processes but also to relationships, attitudes and mindsets.

The report's recommendations included that the council:

... develop and adopt a 'code of governance' involving behavioural protocols and a shared understanding of roles and responsibilities;

appoint a governance adviser to facilitate the implementation of the 'code of governance' ...

The following paragraph from the Walsh report, the previous report into the local council, is pertinent:

In the early stages of the review, the inspector's endeavours to understand what had happened at Glen Eira were inhibited by divisions among councillors, profound difficulties in the relationships between some councillors and senior officers and the widespread use of innuendo, hyperbole and the psychology of suggestibility in discussions and correspondence about the matters under review.

One would have to wonder whether this council was ever going to learn anything about running a council for the ratepayers and not for themselves. You really have to wonder why some of these people wanted to go back to being councillors and working under this type of arrangement. Obviously the council did not listen because less than seven years later it, with new councillors, has problems again. The councillors have now paid the price of being sacked from their positions as senior members of the community. This legislation formalises the councillors demise and will allow an election to take place on 26 November 2005 to elect a new council to run the Glen Eira City Council.

The report tabled in July 2005, known as the Whelan report, recommended two courses of action. The first was that the minister try to correct:

the council's unproductive and divisive behavioural practices ...

focusing its attention on addressing the major issues ... and

monitoring the results achieved through an inspector of municipal administration —

who could be —

appointed for the purpose.

The minister rejected that idea and went for the second suggestion — that is, that the Governor in Council make an order to:

suspend all councillors of the council ...

appoint an administrator for the council. The administrator would hold office for approximately four months until a general election of councillors ...

was in place. That is what the minister did, and it was probably the type of action that should have been taken.

Having said all that about the council, the minister expects the bill to be rushed through both houses of Parliament to satisfy her political position. Then each councillor will carry the stigma of having been sacked not by the minister but by Parliament, which the minister will see as an advantage to the Labor Party when it preselects its candidates for election to the Glen Eira council. Her motives must be questioned, when the report had been tabled and the council was about to go into caretaker mode. Should the council have been sacked or just suspended so that it could then stand for election in November? As I will show in a moment, it is hard to believe that the minister has been so hypocritical.

In answer to a question from the Honourable Peter Hall, a member for Gippsland Province in another place, on 30 April 2003, the Minister for Local Government is reported as saying:

If the member thought that my previous response was a brush-off, let it be even more clear in my response. Unlike the former government, this government does not intervene to sack councils, to install preferred commissioners, to direct councils. This government supports elected councils in taking decisions which they are fully entitled to make.

Hang on! She just sacked that council but said, 'No, that is not the sort of thing we do'. I wonder about the hypocrisy of the minister in what she says and what she does. She has proved her hypocrisy in the way she has gone about everything.

How things change. The minister is prepared to use both houses of Parliament to take this action, but one must ask what she did with the old Surf Coast Shire

Council that wasted nearly \$12 million of ratepayers money and was as dysfunctional as Glen Eira council. It was not just that the Surf Coast council was not getting on — that is, not the new Surf Coast council but the old Surf Coast council. They also would not accept mediation and effectively threw out the facilitator.

Their disunity was led by councillors Beth Davidson and Julie Hansen, who were corrupting processes, and when questioned by Merv they 'lawyered up' and protected themselves under the Whistleblowers Protection Act. Distinctively different in that case was that the Surf Coast council misrepresented its financial position to the minister. The debt at the time was discovered to be \$12.5 million. However, it was actually worse. Following the discovery of the debt, an additional \$1.5 million debt was discovered in the way of a superannuation charge and the discovery of a reserve fund that had been milked to the tune of over \$700 000.

If ever there were a case to sack a council, that was it. Was it because it was a Green-Labor council that it did not get the flick? Maybe that council should have gotten the flick far quicker than Glen Eira. You must question the motives of the minister. The Minister for Local Government in the other place did nothing about the Surf Coast council. You would have thought she might have done something but she did nothing because it was a Green-Labor council. However, as I said a moment ago, it has changed and for the better. There is a new council in place and it is running things properly, but that is no thanks to this Labor minister, who was not prepared to act against her party.

The Liberal Party has concerns about the Whelan report and its selective quotes which alter the direction of the report. I would like to quote from pages 68 and 69 of the report.

Mr Hudson — We will quote from it too, Ken.

Mr SMITH — I will get to you soon, Robert.

The ACTING SPEAKER (Mr Savage) — Order! Members should not refer to members by their first name, neither the member for Bentleigh nor the member for Bass.

Mr SMITH — I thought you might have had a go at him for interjecting a little, Acting Speaker, instead of having a go at me.

Page 68 of the report states:

On 14 July 2003 he —

the chief executive officer, Mr Andrew Newton —

wrote to the then mayor Cr Marwick, stating that:

I am seeking a proper process of performance feedback in which each councillor and the council collectively tell me how he/she/they consider I have performed against the KRAs —

key result areas —

In my more than three years as CEO that has never happened.

I have been given an overall percentage score but without any feedback on any individual key result area and without any discussion with councillors either collectively or individually.

The author of the report, Mr Whelan, states:

According to Mr Newton, he has not, during his five year term as a CEO, been involved in any consultation with the councillors to discuss performance at a meeting, or been provided with any feedback.

However, it just so happens that on 14 July — the same day he supposedly wrote that to Cr Dorothy Marwick — Mr Newton wrote a letter using much the same words about seeking a proper process of performance feedback in which each councillor and the council collectively told him how he/she/they consider he performed against the KRAs. It states:

In my more than three years as CEO this has never happened, until the current dialogue which you kindly have initiated.

The report says there was no dialogue, no discussion yet, in fact, Andrew Newton wrote to the mayor saying there had been dialogue. The issue I am putting forward is either Mr Newton has misled Mr Whelan or Mr Whelan has withheld some of that information. I do not think Mr Whelan would have done that sort of thing but it is something others can guess about.

I could go a little further and refer to page 96 of the report, which talks about the late appointment of the director of assets and facilities. Under the heading 'Allegation' it states:

The CEO has been warned by the chairman of the audit committee ... that keeping Mr Kerry Martin in an acting position as director of infrastructure for well over 1.5 years was not in keeping with the LG act and was a risk management issue.

The CEO did not act on the chairman's advice until pressure by certain councillors was constantly placed to advertise and appoint a permanent director infrastructure.

Further on it states:

... the mayor declared she would not participate because the selection criteria did not stipulate that the occupant must be an engineer.

In fact they were looking for an engineer. Mr Newton has indicated that he was not told to do anything about the appointment of a director of infrastructure. The report states:

In June 2003 Cr Marwick advised the CEO that council preferred the appointment be deferred, pending discussions with him about some aspects of the process —

that is, they wanted an engineer. It goes on to say:

No further progress was made until March 2004 by which time Cr Bury had been elected as mayor.

There is a letter here to Andrew Newton from the mayor dated 8 December saying that the council wanted the appointment of a director of infrastructure to be done very quickly and that it wanted an engineer. Once again, the report is misleading in the way it has been written. Some of the things that have been included have reflected badly on the council but should not have reflected on the council at all.

My party is concerned about the actions of the appointed administrator, Mr John Lester. We are wondering whether he is there as an independent arbitrator or just as a puppet of the Bracks government. One of the democratic decisions made by the council in May of this year concerned attendance and postal and pre-poll voting yet Mr Lester took it upon himself to overturn that decision last night. It was written into the council agenda of 5 September 2005. Under 'Recommendation' it states:

1. That council note that additional information has come to light since council made its earlier decision of 2 May 2005.
2. That all voting at the general election for the Glen Eira City Council to be held in November 2005 be by means of postal voting, pursuant to section 41A of the Local Government Act 1989.
3. That the previous decision on the method of voting at the above election made by council at its meeting on 2 May 2005, viz:

That all voting in the Glen Eira City Council election to be held in November 2005 be a combination of attendance voting (plus postal voting on application) and pre-poll voting (where voters may cast their vote personally at a polling place during a set period prior to election day ...

be revoked.

In one of its rare get-togethers the council agreed to doing it one way. Mr Lester has come in to do this government's bidding, which is to bring in postal

voting and which it is trying to force on all local governments across Victoria, and has overturned a decision made by the council. One has to question a little bit his reasons for wanting to do something like that.

It is nice to see that the Victorian Local Governance Association (VLGA) has put out a press release. It is headed 'Community and principles betrayed: Glen Eira council administrator fails good governance test'. It states:

'The overturning of a significant decision of the Glen Eira council by state government-appointed administrator, John Lester, ignores democratic principles, snubs its nose at the duly made decisions of the elected council and is counter to all proper and well-understood conventions of short-term administration', said VLGA president, Cr Warren Maloney.

We all know that Cr Maloney is a very good friend of the Minister for Local Government in another place and here he is talking about the overturning of the right decision. Cr Maloney is from Hepburn Shire council and at least he is fair dinkum enough to stand up and say this is wrong. He goes on:

'This decision reeks of party political influence and takes us back 10 years when unaccountable administrators and commissioners ran roughshod over local decisions and interests. This action fails any test of good governance.

I am really concerned that local members have involved themselves with the administrator. The VLGA press release goes on to say:

'We are highly critical of the ALP member for Bentleigh, Rob Hudson, who has unduly interfered in this process by urging for this change of decision, this tactic empowers party-specific candidates in the forthcoming elections. I think the prospect of very large fields in each ward fuelled by party-specific interests will open the sector up to substantial criticism on the use of 'dummy' candidates —

we could also probably say dummy members from Bentleigh —

and will do nothing to support the communities of Glen Eira in electing a new council', said Cr Maloney.

One has to wonder whether he is going to get a bit of a pull-through by the minister for speaking out about the decision made by Mr Lester. I would say he probably will; he will probably find he will not have that position for much longer.

Mr Hudson interjected.

Mr SMITH — You have to wonder about the involvement of the local member. Why would he involve himself in going to a council administrator who is supposed to be an independent person?

Mr Hudson interjected.

Mr SMITH — Why would he influence him to change?

The ACTING SPEAKER (Mr Savage) — Order! The member for Bentleigh on four occasions now has made a reference to the first name of the member for Bass. He will not do that again.

Mr SMITH — I must question what Local Government Victoria has done about some of the other dysfunctional councillors who have been reported to it where no action has been taken. One has to wonder about a couple of the councillors that I am familiar with. Cr Kelly Simrajh from the Bass Coast council assaulted another councillor; he leaks information and confidential documents to the local press; and he has threatened other councillors. He has been reported by the council to the local government office, but still no action has been taken against him. It would be nice if someone in this chamber were taking notes in regard to that particular councillor because we all know he is a Labor councillor. Maybe that is the reason that no action has been taken against him.

In Cardinia council Cr Bill Ronald has been reported for assaulting the chief executive officer. He has been reported to Local Government Victoria 13 times since 5 July 2004. I should highlight some of the allegations that have been made. On 5 July 2004 council resolved to submit Cr Ronald's activities to the local government office for investigation. On 3 August council lodged a letter outlining three issues for investigation. On 17 August the local government office requested further information. On 2 September council provided a written response to the request for information. On 7 September council lodged a complaint regarding four further instances of breaches to the Local Government Act.

On 21 October council lodged a further allegation of one breach of the Local Government Act. On 22 October council lodged a further allegation of one breach of the Local Government Act. On 25 October council lodged a further allegation of five breaches of the Local Government Act. On 26 October council lodged a further allegation of five breaches of the Local Government Act. On 19 November council lodged further allegation of three breaches of the Local Government Act.

On 31 January this year the mayor, Cr Garry Runge, wrote to the director, governance and legislation, expressing concern at the delay. On 7 June the mayor wrote to Cr Ronald after an alleged assault on the chief

executive officer asking Cr Ronald to stand down. On 20 June Cr Runge wrote to the director, governance and legislation, asking for senior legal expertise in investigation and urging an early completion. I understand Cr Ronald has not responded to the local government office which has resorted to taking Supreme Court action.

Why has it taken since 5 July 2004, probably 15 months, for it to take some action against this councillor? He is quite a dysfunctional councillor. He was a good councillor, but he seems to have turned on the other councillors and has turned them against him by trying to always take a populist line which is not always the right line. Anyone can be popular, but not everyone can be a good councillor. Bill Ronald has found it better and easier to attack rather than work with other councillors. I again ask what action has been taken to see whether he is going to be dealt with under the Local Government Act for the number of breaches of the act he has been involved in? A number of them involve pecuniary interest by him as a councillor on decisions on land that has been sold in the Pakenham area.

The Liberal Party does not oppose this legislation, but it sees it as a bit of a witch-hunt against what is a dysfunctional council — there is no doubt about that. Probably a majority of its members are Liberal-leaning people. That is the make-up of the local area. Yet this witch-hunt is being driven by a very politically driven minister who is trying to influence the local council elections in the area that is governed by Glen Eira.

Local government is a very important level of government not only here in Victoria but across Australia. It delivers at the grassroots level to the community. A lot of people who are elected to council are great community members; they put in a lot of good, hard work for their local community for very little money. I do not think any of them actually go into it for the money. Yet the minister will not act against some councils, which without doubt causes great grief to a large number of other councillors who just want to work very hard and to ratepayers who see actions working against them.

This is a small but significant piece of legislation regarding local government. It is dealing with a council that no doubt is dysfunctional in a very tough, hard way. It is probably a bit out of line because the council election is due in the next few months and as the opportunities for those councillors to make decisions run out, the minister is just making a fuss so she can place a stigma upon the councillors who have been sacked.

Mrs POWELL (Shepparton) — The Nationals do not oppose the Local Government (Further Amendment) Bill. However I would also like to put on record our very strong concerns about the appalling way this government has handled the issues surrounding the Glen Eira City Council over the past six years. The Minister for Local Government suspended the Glen Eira councillors on 9 August 2005 and appointed Mr John Lester as the administrator. This bill effectively dismisses the councillors, and it will now be rushed through Parliament because there will be a council election on 26 November this year. It needs to be debated in both houses of Parliament and passed. Also, the bill does not come into operation until after it has received royal assent, so in effect we could be four or five weeks out from a general election when the Glen Eira council would have had to go to election anyway. The fact that this government has sat on its hands for all of those years, not giving any support to the council or to the community, is reprehensible.

As I said, the Minister for Local Government in the other place, Ms Candy Broad, sat on her hands, as did the former Minister for Local Government, now the Minister for Agriculture. The bill also amends section 219(7) of the Local Government Act 1989 so that orders in council can be made for a period of less than one year. That actually changes the current act, which states that an order in council expires one year after the date of its publication. Again, that is because the election is on 26 November this year. There are a number of reasons that The Nationals are not opposing this bill. We have researched it thoroughly. We have gone through all the data we have had, we have had a discussion on it in our party room and we have decided to not oppose the bill. One reason is that we need to send a strong message to councillors of Glen Eira, but also to other councillors across the state and to impending councillors — those wishing to become councillors at the November election — that this sort of behaviour will not be condoned. It cannot be condoned, not by the Parliament and not by the community.

The Glen Eira council itself asked for the review, so now it needs to abide by the umpire's decision. Section 219(1) of the Local Government Act 1989 states that a council may be suspended if there has been a serious failure to provide good government. I think there is a tick on that one — the council has certainly failed to provide good government. It also says that a council may be suspended if it has acted unlawfully in a serious respect. While it may not have acted unlawfully in all cases, there certainly are some serious breaches of the Local Government Act and some misuse of councillor resources, as was identified in the Whelan review.

A report, which has been tabled, by Merv Whelan, the inspector of municipal administration, was finalised in July 2005. It was damning of the councillors of Glen Eira council, but also it was damning of this government. I believe what it says is that the government has done nothing to support the councillors of Glen Eira. It did not initiate any penalties for breaches of conduct against the Local Government Act, and certainly it was not supportive of the community. The investigations reveal that these problems have occurred since 1998, when the former coalition government appointed an inspector of municipal administration, Dr Greg Walsh, who also identified poor governance and recommended that a code of governance be implemented and that a mediator be engaged.

In 2002 a mediator was appointed by the council, but his services were terminated after four months. The councillors could not work with the mediator. In fact they said the reason they terminated his employment was that it was too costly and also they believed they needed a code of conduct which they would bring forward themselves. So seven years and two elections later there has been no progress. In fact it is worse than that: the performance has declined.

Mr Whelan advised that the elected council failed and continues to fail to provide good government, primarily due to a serious breakdown in the working relationship between councillors and the incapacity and unwillingness by councillors to put in place any remedial action. Mr Whelan says in his report that their conduct was hostile and acrimonious, that there was a denigration of colleagues and a lack of mutual respect and goodwill and that that behaviour seriously inhibited their decision-making capacity. The report also states that Glen Eira council was recognised as a high-performing municipality which was due to the professionalism and the expertise of the chief executive officer and the administration. He also said that their competence has concealed the inadequacy of the councillor performance.

We know the council has received a number of major awards for outstanding performance and it has a very strong financial position. I am a former councillor and a former commissioner. Although the inspector says that it was due to the staff and the administration, some credit must be given to the councillors because councillors do bring forward budgets and approve them. They also approve policy directions. We cannot say the councillors in all areas have done the wrong thing. Obviously there was some time in the life of that council when the councillors themselves have actually rallied together and made some good decisions.

Mr Whelan recommended that the councillors be suspended and an administrator be put in place pending the next election. The report made some specific findings, and some of those described what went on at some council meetings. They described unruly behaviour, dysfunctional decision-making and disruptive conduct, with meetings having to be adjourned. It is appalling that those sorts of things happen in the public domain because you have the media there and you have the public there. Councillors behaving in that way should not be tolerated.

There is a need for a code of conduct for those councillors, but that has not happened. In 1998 Dr Walsh recommended that the code of governance be adopted and a governance adviser be appointed. As was said earlier, no code has been adopted. In March 2003 the councillors signed a code which had been prepared by the former commissioners stating that they would act honestly and with courtesy towards colleagues and staff, and they abandoned that code commitment.

In December 2004 the council, having to comply with section 76C of the Local Government Act, adopted a minimalist code that included processes for resolving disputes between councillors. This was after months of bitter, divisive exchanges, including an altercation between two councillors who then took action in the Magistrates Court against each other for assault.

The requirement for a code of conduct was introduced by this government in the Local Government (Democratic Reform) Bill, which was passed in 2003, but that bill did not address penalties for breaches of the codes of conduct or indeed penalties for not adopting one. That was an oversight that should have been addressed. In fact the issue was raised in the Local Government (Update) Bill introduced in 2002, but that bill did not proceed because Parliament was prorogued when this government called an early election. That bill became the Local Government (Democratic Reform) Bill, which was passed in 2003. I raised the issue then of the lack of penalties for breaches of codes of conduct. During the committee stage — this was in the upper house when I was a member for North Eastern Province — when Minister Madden was asked about penalties and enforcement of codes of conduct he stated that he was advised that codes of conduct would be incorporated into local laws.

If I can read section 76B, which deals with rules of conduct, certainly the type of behaviour we have seen from this council could have been considered as breaches under this act. It states:

- (1) In performing the role of a Councillor or a member of a special committee, a person —
 - (a) must act honestly;
 - (b) must exercise reasonable care and diligence.

and subsection (3) states:

A person who is, or has been, a Councillor or member of a special committee ...

should not:

... cause, or attempt to cause, detriment to the Council;

- (b) must not make improper use of information acquired because of their position —
 - (i) to gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person;
 - (ii) to cause, or attempt to cause, detriment to the Council.
- (4) A person who fails to comply with sub-section (3) is guilty of an offence.

And there is a penalty of 100 penalty units. Again there were certainly breaches of the rules of conduct under the Local Government Act, but I do not believe any penalties were inflicted on this council. Under section 76C, which deals with codes of conduct, subsection (1) states:

A Council must develop and approve a Code of Conduct for the Council within the period of 6 months after the commencement of section 57 of the Local Government (Democratic Reform) Act 2003.

It goes on to say:

- (3) A Code of Conduct —

...

 - (b) must set out processes for the purpose of resolving an internal dispute between Councillors ...

And it also:

- (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.

It needs to ensure that the resources of the council are not inappropriately applied during an election period; and a copy of the code must be given to each councillor and must be available for inspection. As members can see, there are already laws in place that this council could have been found to have breached and had penalties applied. But that certainly was not done. The government is to be condemned for not making sure

that the people of the Glen Eira community were not made aware that this could have happened to the councillors and that in fact they could have been disciplined and brought into line.

There were breaches of the Local Government Act. Cr Goudge stood as a candidate at the state election and made 20 000 calls at a cost of \$12 000. There is also now an investigation into his qualification to hold office as a councillor. There are also allegations against the chief executive officer (CEO) made in the Whelan report. I will read part of the report:

The inspectors received a substantial number of written allegations from Crs Grossbard and Marwick, questioning the credibility and integrity of the CEO. An analysis of these allegations revealed that their assertions were groundless.

It goes on to say:

These persistent attempts by the two councillors to discredit the performance of the CEO raise questions about the motives for their actions, the negative implications for CEO/councillor relationships, and the adverse impact on the capacity of the council to provide good government.

I will read section 94C, which goes to the employment principles under the Local Government Act, which say that a council must establish employment processes that will ensure that:

- (b) employees are treated fairly and reasonably ...
- (d) employees have a reasonable avenue of redress against unfair or unreasonable treatment.

Again there are parts of the act that the council could have been penalised under, and none of that happened.

The Nationals have recently released a policy directions paper, and one of the provisions in that directions paper says that we will establish a local government bureau. I will read part of what we believe that local government bureau would be able to look at:

The local government bureau will also assist councils with the process for appointing chief executive officers and managing the important relationship between councils and their CEOs.

It goes on to say it will:

... provide a low-cost and independent mediator of disputes between councils and disaffected ratepayers.

It will also:

... provide ongoing training and advice to councillors. The commission could also provide training and encouragement to persons considering standing for council. The Nationals would establish within the local government bureau an ombudsman with the specific role of investigating complaints against local government

So this was a council in crisis. The government has sat on its hands and let it happen. We can compare that with the former government's handling of the Nillumbik Shire Council. It suspended the council for five months in 1998 for similar reasons to those for which the Glen Eira council was suspended. There were problems between councillors and council officers, with the deterioration of corporate governance; there was no general goodwill towards achieving a positive outcome; and there was impact on staff morale. The former government acted swiftly after receiving Commissioner David Abraham's report on 18 August 1998. It introduced a bill into Parliament in October 1998 and dismissed the councillors. Darebin councillors were also suspended for similar reasons. So there was a process in place whereby, if you found there was a failure of good governance, you could act quickly and make sure that failure of good governance was completely fixed up.

The member for Bass raised the issue of a council meeting that happened last night with the administrator, John Lester. The concern was that some major policy-making changes were being made before this bill had been passed. So before this bill has gone through both houses of this Parliament the administrator is already making major policy changes. There has been some criticism from the Victorian Local Governance Association (VLGA). I know the member for Bass has read out some parts of it, but I believe it is so important that some more parts of it need to be read into *Hansard* so that people understand what happened at the meeting last night, including the lack of governance. I will read part of what the VLGA said in its media release of Monday, 5 September. It is headed 'Community and principles betrayed: Glen Eira council administrator fails good governance test' and goes on to say:

At the Glen Eira council meeting on Monday night, 5 September, administrator John Lester, sitting as the council, overturned a duly made decision dating back to May to have the 26 November elections conducted by the mix of attendance and postal voting to now provide for postal voting. 'This issue is a most serious issue of governance and a betrayal of the conventions of temporary administration and caretaker arrangements. How ironic it is to have the Glen Eira councillors suspended for poor governance to then see this travesty of proper process'.

It goes on to say:

The decision reached in May by the council for attendance voting was reached democratically and with open, public and transparent deliberations. These councillors conducted this debate in the public arena and were accountable to their community. In contrast, the decision by the administrator to overturn the former position is a decision that has been reached privately, in consultation with officers from Local

Government Victoria and by an administrator whose only accountability is to the Minister for Local Government.

If the administrator is making these decisions weeks out from election, there is a bit of concern about the hands-on approach now of this government and some of the other decisions that it might try to push through this council before the elections in November this year. I have a copy of the agenda for that ordinary council meeting, and on the reason for the change to the council's voting process it says:

That council note that additional information has come to light since council made its earlier decision of 2 May 2005.

The reason given for that was:

The arguments for and against the attendance versus postal methods of voting were outlined extensively in the previous report to council. In addition to the above cost factor, the following points are reiterated which should be borne in mind if the merits of one system over the other are to be reconsidered ...

It also says that the reason they were bringing in this change is that they found it would be cheaper by about \$75 000 to conduct the election by postal voting alone.

The community should be quite concerned that a government-appointed administrator is making changes to an election process that was put in place by a democratically elected council which it was purely entitled to put in place and did so in the public arena. The current councillors can stand for re-election, and those councillors who have done the wrong thing can still stand for re-election. Unfortunately all councillors have been tarred with the same brush as having perhaps done the wrong thing. Hopefully we will find that councillors with honesty and integrity will put up their hands for election to the council. We need to get the right people for the job.

The Nationals look forward to democratically elected councillors being re-elected. We hope this government gives support to the council in the future, if needed, and that the appropriate training for newly elected councillors is put in place. We wish the bill a speedy passage.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of this bill, which basically finalises the dismissal of the Glen Eira City Council and allows for elections to be held on 26 November 2005. I support the dismissal of the council. This was a council that requested that a municipal inspector be appointed. The municipal inspector recommended that the council be dismissed, and it was dismissed. To quote the report of the municipal inspector:

The elected council has failed, and continues to fail, to provide good government. This is primarily due to a serious breakdown in working relationships between councillors and an incapacity and unwillingness by them to positively pursue any remedial action. Their conduct is characterised by hostile, acrimonious behaviour, denigration of colleagues and a lack of mutual respect and goodwill — behaviour which seriously inhibits their decision-making capacity.

The council had degenerated to this point because of the failure of some councillors to understand their public responsibilities and the codes of conduct that go with holding public office. It had also degenerated because certain members of the Liberal Party had for a long time run a concerted campaign to get rid of the chief executive officer (CEO), Mr Andrew Newton. This includes the former member for Bentleigh, Inga Peulich, and the members of the Liberal Party elected to the council.

Andrew Newton is widely known as a very effective administrator and a stickler for the rules and for the requirements of the Local Government Act. That was too much for Inga Peulich and the Liberal councillors on the Glen Eira council. In the first instance it led to a particularly outrageous claim by the former member for Bentleigh in this house on 9 October 2002 that somehow Mr Newton was involved in a conspiracy with me to introduce high-density housing into the city of Glen Eira, even though at that point I had met Mr Newton only once. That was at the beginning of a sustained campaign against him to destabilise and ultimately remove him. It was a sustained campaign by the Liberal Party to take complete control of the council. Of course it could not do that if it had a CEO who provided advice on its merits. The Liberals wanted an administration that was compliant and that would do what they wanted; they did not want someone who insisted on a code of conduct for councillors and who was a stickler for the rules.

He, together with other councillors, had raised concerns about the use of council mobile phones in contravention of the council's expenses policy. In particular the inspector found that Cr Goudge had made over 20 000 calls in 30 months at a cost in excess of \$12 000. PricewaterhouseCoopers concluded that Cr Goudge had used his phone extensively for private purposes, particularly during the state election campaign in November 2002 and also during the council election campaign in February and March 2003.

Then there was Cr Grossbard's phone, which would ring mysteriously at Crown Casino in the middle of the night while he was in council meetings. Phones seem to be a particular problem for the Liberal Party. Members will recall former federal minister Peter Reith, who

gave his mobile phone to one of his children? Cr Grossbard had the same problem. Other councillors would ring Cr Grossbard, only to find that his son would answer the phone. He would then ring his father and say, 'Oh, such and such a councillor rang you', and he would ring back. Everyone knew that the phone was basically with the son for his private use and that if they had to get onto Cr Grossbard they should not ring his mobile phone because they would only get the son. These councillors did not like being called to account and plainly had it in for the CEO.

Then we saw the council elections in March 2003. What we basically saw was the Liberal Party — orchestrated by the former member for Bentleigh and the member for Caulfield — organising a whole raft of people who had an axe to grind against the current administration to run for council and be put up as dummy candidates.

Mrs Shardey — On a point of order, Acting Speaker, the member for Bentleigh has just impugned my reputation. He has asserted something which is blatantly untrue, and I ask him to withdraw.

Mr HUDSON — I withdraw.

The sole purpose of running these dummy candidates was to funnel preferences to Liberal councillors. Then there was the campaign by Crs Grossbard and Marwick to undermine the CEO. They made a number of unsubstantiated allegations, all of which are documented in the inspector's report, designed to undermine and destroy the credibility of the CEO. They had made these allegations to Local Government Victoria previously, and they had made them to the Ombudsman previously. They had been found to be unsubstantiated, and yet these councillors continued to make these allegations against the CEO to the municipal inspector, who also found them to be groundless.

The problem for the Liberal Party in trying to get rid of the CEO was that he was a darn good performer. The Glen Eira City Council was recognised as a high-performing municipality with a focus on financial stability, customer service and accountability, and a commitment to excellence. When Mr Newton's five-year term was up they could not find a reason not to reappoint him, so they decided to offer him another five-year contract.

On 22 November a public notice, which council agreed to publish, was placed in the *Caulfield Glen Eira Leader* and *Moorabbin Leader* newspapers advertising the reappointment. A resolution to reappoint the CEO

was passed at a council meeting on 13 December 2004. But it did not happen. He was not reappointed. He was not reappointed because Inga Peulich and the local Liberals were working on their Liberal councillors feverishly to overturn the reappointment. They saw it as their chance to get rid of the CEO, who would not bend to their rules and do what he was told. Four councillors — Crs Bury, Sapir, Martens and Erlich — to their credit, consistently supported the reappointment, and I want to acknowledge their role in bringing these issues to the attention of Local Government Victoria and of the municipal inspector.

When the inspector asked the other five councillors why they had decided to unanimously reappoint the CEO and had then over the Christmas break decided to change their positions completely, none of them could give a credible explanation as to why they had done that. They could not give a credible explanation, because to do so would be to admit that they were beholden to the former member for Bentleigh and to outside influences in trying to get rid of the CEO.

The member for Caulfield also has some explaining to do. The member claimed in the *Caulfield Glen Eira Leader* of 16 August that:

The sacking was politically motivated because the council was perceived as Liberal. I think it smacks of hypocrisy.

The member for Caulfield knows very well that the council was not sacked because it was Liberal dominated, it was sacked because the council itself had called for the appointment of a municipal inspector — and an inspector was appointed. Merv Whelan, an experienced inspector, did a very comprehensive investigation of the City of Glen Eira and came up with a damning report. He raised a wide-ranging number of issues which are of great concern and which show breaches of the code of conduct and breaches of the Local Government Act. Merv Whelan recommended that the council be sacked, and the minister, to her credit, accepted and implemented his report in full.

To say this was a council that did not deserve to be sacked is to ignore what has been going on in Glen Eira for the last three years — and in fact longer. It ignores the fact that there has been a sustained campaign to undermine the administration of the council and attack the chief executive officer, Andrew Newton, and the director of community relations, Paul Burke. It also ignores the number of unsubstantiated allegations that have been made, all of which have been found to be groundless by the local government office, the Ombudsman and the municipal inspector.

The sole purpose of making those allegations was to get rid of the CEO and to find another CEO who was prepared to be more compliant. That did not work. The torch was shone on them, and they were found out. They were caught out running a local campaign directed by the Liberal Party to get rid of the CEO in order to assume greater control of the council. It did not work, and they have been dismissed. I commend the bill to the house.

Mrs SHARDEY (Caulfield) — That any democratically elected council could be sacked and prevented from continuing to hold office and governing on behalf of the residents who elected it is a sad situation. Most members of this house would agree with that. At the state level, the next tier of government, that type of activity would be unthinkable. For those of us who serve as local members in the Glen Eira municipality, the tensions and the sacking of the council have created a challenge and in a sense have made it a very difficult and unpleasant time. The local residents to whom I speak — and I speak to many of them — are concerned about how the city will be governed and how stability will be returned to Glen Eira.

Apart from a newsletter which seemed to focus on denigrating councillors as much as possible and praising council officers, there has been little information about the way in which the council or the municipality will operate in the interim in the run-up to the election in November. The front page of the Glen Eira newsletter is covered in information which endeavours to paint the worst possible picture. In fact there is a layout showing the supposed good deeds of the council officers on the left-hand side, together with ticks in boxes, and the supposed bad deeds of councillors on the other, together with crosses in boxes. I suppose we need to ask whether ratepayers paid for this. Being a ratepayer myself, I do not think that was the best use of my ratepayer dollars.

Mr Nardella — Who wrote it?

Mrs SHARDEY — There is a small message from the administrator, John Lester, whom I am sure is a very decent man, inside the cover. In any event, the municipality is wanting solid information about how it is to be governed and what is to occur. At the same time I believe it is necessary for members of Parliament to be able to raise issues of importance with councillors and council officers, and vice versa. I have always appreciated the opportunity of being able to do this, and there have been only rare occasions when I have chosen to talk publicly about an issue of concern. One such occasion was the raising of rates, which I thought at the

time was excessive. That was not under the current council but under a previous administration, although some of the current councillors were in office at that time.

At this point I would like to remind the house that the Liberal Party does not endorse candidates for local government, unlike the Australian Labor Party. Nor does the Liberal Party fund individuals to run for council. That does not mean members of the Liberal Party do not run for election to councils in Victoria, because they do. Nor does it mean that the people who support them are not of the same views politically, because of course they are. But I have to say that it is improper for the member for Bentleigh to try to implicate me in council election campaigns, because I do not involve myself in council elections. I try to keep a very independent stance in relation to councils.

The policy of the Liberal Party provides me, and always has provided me, with the rationale for my belief in the need for councils and councillors to exercise political independence and not be manipulated by political parties, even if they are sometimes criticised by them — and of course that has occurred on numerous occasions.

One issue that is of concern to me is the rescinding of the council decision to hold voting by attendance and to instead revert to postal voting. The decision made by council was democratic and independent and should be honoured. I suspect overwhelming reasons would be needed for any such decision to be rescinded by an administrator. I am not sure whether those reasons have been made clear, but I think they need to be made clear.

It is my personal view that postal voting — which appears to attract large numbers of candidates which many view as stooges — lacks the democratic integrity of attendance voting. In a campaign purely based on postal voting it is very easy for people to put up their name and photo and never have to personally show up for anything. Unlike attendance voting, which is the traditional way of voting, people have to show their strong intention by running a campaign, making themselves known, showing up on polling day and manning polling booths. All these things show if a person is serious and not merely allowing their name and photo to be used as part of a team to get someone elected in the postal voting system.

The argument about the possibility of a higher rate of participation in the election is insufficient, particularly if postal voting and pre-poll voting are offered alternatives, which they were going to be in this case. Certainly the Glen Eira area is very used to pre-poll and

postal voting. A large number of Glen Eira residents would already be registered with the Victorian Electoral Commission for that sort of voting. In fact, a very high proportion of my electorate votes by postal or pre-poll voting. Many members of the Jewish community have been doing this for decades because they cannot attend polling day on Saturdays. They are well used to it.

I have not heard anyone within the electorate say that they want postal voting instead of attendance voting. They are well used to attendance voting. They do it in federal and state elections. I cannot imagine for a minute that the member for Bentleigh would be suggesting that Victorian general elections and federal elections should be held by postal voting. That would be considered ridiculous and out of court. Therefore I do not really support his notion that attendance voting is not the right way to go. In fact a number of members have referred to a press release put out by the Victorian Local Governance Association (VLGA). It is important that we all refer to this press release because it makes it very clear what the Victorian Local Governance Association feels about what has occurred in Glen Eira in relation to this issue.

Firstly, the press release states:

'The overturning of a significant decision of the Glen Eira council by state government appointed administrator John Lester ignores democratic principles, snubs its nose at the duly made decisions of the elected council and is counter to all proper and well understood conventions of short-term administration'.

That was said by the president of the VLGA, Cr Warren Maloney. Of course he refers to the member for Bentleigh and is reported as saying:

We are highly critical of the ALP member for Bentleigh, Rob Hudson, who has unduly interfered in this process by urging for this change of decision. This tactic empowers party-specific candidates in the forthcoming elections. I think the prospect of very large fields in each ward fuelled by party-specific interests will open the sector up to substantial criticism on the use of 'dummy' candidates and will do nothing to support the communities of Glen Eira in electing a new council ...

In relation to his claim that the Jewish community is asking for non-attendance voting — postal voting — the president of the Jewish Community Council of Victoria, Michael Lipshutz, said the Saturday election posed 'no problems whatsoever' and that state and federal elections were held on Saturdays. He is reported as also saying:

Anyone who can't attend for religious reasons can apply for a postal vote ...

I would like to have said many other things in relation to this debate. I will just close by saying that serving as a local councillor is a bit of a thankless task. It is a very difficult role to play, and while we are saddened by what has occurred, we hope the new elections will bring us a good council.

Ms BARKER (Oakleigh) — I am very pleased to rise in support of the Local Government (Further Amendment) Bill. This bill is a consequence of the Minister for Local Government's accepting the recommendation of the municipal inspector, Merv Whelan, that Glen Eira Council be suspended. The suspension was undertaken on 9 August 2005.

At the outset I note the suggestions that the minister could have taken some sort of an alternative course of action. I would like to point out that in order to restore effective, responsible government to the City of Glen Eira the municipal inspector, Mr Whelan put forward two alternatives, and I refer to page 9 of the report. The first strategy is for the Minister for Local Government to set performance objectives designed to restore good government. He outlines a number of points in terms of doing that, which I will not detail. I am sure many people would like to read that part of the report. Again I refer to page 9, where he went on to say:

Successful implementation of this proposal is totally dependent on councillors' willingness to genuinely commit to mediation and to manage their behaviour through a code of conduct.

He continued:

Given the disruptive and undisciplined behaviour witnessed by the inspectors during the investigation, there is no reason to believe that this method of addressing council's deficiencies will have any impact. This strategy is not recommended.

The second strategy put forward by the inspector was to recommend to the Governor in Council that an order be made to suspend all the councillors and appoint an administrator. Mr Whelan went on to say:

Councillors have abdicated their responsibility to provide leadership and good governance. Concerns have arisen about the destabilising impact which unruly council behaviour is having on the performance and wellbeing of council staff and ultimately on service standards and will have in future if allowed to continue.

He recommended further that:

A break in electoral representation at Glen Eira council is required to send a clear message that a serious failure by councillors to provide good government, coupled with an incapacity or unwillingness to address the underlying causes, is unacceptable. It will be a positive step towards restoring responsible elected representation to the city.

I would like to point out, therefore, that the minister accepted the only recommendation made by the inspector. On page 9 the municipal inspector recommended that the administrator hold office for approximately four months until a general election could be held on the last Saturday in November. He went on to say that while a longer suspension would have been more appropriate, this was not possible because section 31 of the act required the general election in November. Although the municipal inspector indicated that a longer suspension would be more appropriate, this government is committed to ensuring the existence of democratic principles in local government. In order to ensure that the people of Glen Eira have the opportunity to vote for council representation in November, this bill is before the house.

As outlined in the second-reading speech, orders in council currently expire one year after publication. It is therefore necessary to put forward this amendment to the act to allow an order in council to be made for a period of less than 12 months. There has been a further suggestion that somehow or other this suspension of the councillors of Glen Eira means that the minister should intervene in other councils. This is quite ridiculous. Other members have mentioned it, but I want to clearly put on the record how this suspension came about. This group of councillors voted to write to the minister and request that a municipal inspector be appointed.

Obviously the minister gave this request serious consideration, and after that serious consideration she appointed Merv Whelan, who conducted a very thorough review. The inspector then made his recommendation — and again, after a serious consideration of the content of this report, the minister accepted that recommendation. The member for Bass referred to the Surf Coast Shire Council and said he could not understand why the minister did not suspend that council. It is my understanding that in the report on the Surf Coast shire no recommendation was made to suspend the council. This report recommends suspending the council.

It should also be noted that this is not the first time attempts have been made to ensure good governance at Glen Eira, and much of that has been outlined by previous speakers. It goes back, as has been indicated, to 1998, when Dr Greg Walsh was appointed, and he subsequently reported to the previous government. Again poor governance practices were identified and the adoption of a code of government was recommended. There have also been many attempts at mediation, and these are outlined on page 25 of the municipal inspector's report. As was referred to by a

previous speaker, in November 2002 an experienced mediator was appointed, but only for four months. That was prior to the election of this current council.

Following the elections held in March 2003 three new councillors were elected. I note in the report following the election in March 2003 that each councillor signed a code that had been prepared six years earlier by the commissioners. In March 2005 the council agreed to again engage the services of a mediator, but as noted in the inspector's report, as at 4 July 2005 no further progress had been made on the appointment of a mediator. The councillors signed a code of conduct but then did not abide by it. They then thought they should appoint another mediator and moved to do that, but when the inspector noted it on 4 July they still had not made any progress. It is obvious that things just kept on going. They said they would do it, but they did not do it. It just became progressively worse.

As noted on page 7 of the inspector's report:

The act requires that the council perform its functions for the good government of the municipality and ... provide leadership for the good governance of the municipal district and the local community.

This report clearly establishes that Glen Eira councillors have consistently failed over several years to satisfactorily discharge their responsibility. The report goes on to detail the way in which they have not discharged their responsibility to provide good government. I do not have the time to go through it, but I draw people's attention to page 8 of the municipal inspector's report. It makes for good reading.

There has been a great deal of media coverage of this matter, particularly highlighting the council's civic expenses policy. I do not intend to go into that. What I find most concerning in this inspector's report are the breaches of confidentiality and the relationships — or rather the lack of them — between some councillors and council officers. On page 28 of the report, the conclusion about confidentiality is quite concerning. While the report states that 'all councillors denied under oath having disclosed confidential information', it was quite clear that there had been breaches. The inspector goes on to say:

The prevalence of this practice inhibits the capacity of councillors to discuss confidential information, creates a climate of mistrust and is indicative of a serious governance problem.

Leaking confidential information is just outrageous.

In conclusion, the other area I found very concerning, as I said, was that of the allegations made by some

councillors against council officers. These are detailed at some length from page 87 onwards, where issues were raised by councillors Grossbard and Marwick. The member for Bass referred to one of those allegations in which a councillor referred to the appointment of the engineer — and I might say that all of these allegations were found to be unfounded by the inspector. That was an allegation made by Cr Grossbard. The inspector found:

The allegation by Cr Grossbard that the CEO acted to fill the position in response to constant pressure applied by ‘... certain councillors ...’ is incorrect. In fact the delay was due, in part, to unnecessary interference by the council in the process.

As I say, from page 87 onwards there are allegations raised by councillors Grossbard and Marwick, some of them quite concerning. All of them were found to be unfounded. I cannot understand why they would continue to raise these sorts of matters when Cr Grossbard had previously raised them with others. I find this report absolutely condemning of some of the actions taken. It is not just about council or telephone expenses; it is about a whole range of other matters. People should read the report in depth before they allege that it is about one thing or another.

I have not had one negative comment from the people I represent about the actions taken by the government in this respect. At bowling clubs and other places I have attended over the last two weeks everybody thinks this is the best thing that could have been done. This legislation will ensure democratic elections in November in Glen Eira, and I look forward to them. I commend the bill to the house.

Mr COOPER (Mornington) — This bill formalises the dismissal of the Glen Eira City Council. Other people who have spoken in this debate have canvassed at length the report that has led to that dismissal. I do not intend to go over the same ground at all. I note the member for Oakleigh said she had not had any complaints from any people in her electorate about the actions of the government.

Mr Nardella — Tell us the ones you have had.

Mr COOPER — No, as a matter of fact I have not had any at all. Nobody in my electorate has bothered to comment on it at all. But I did want to make the comment that when it comes to a handy victim, local councils are usually pretty good victims. If you are looking for an easy target, the local council is not a bad one to select. People quite often do that.

The matters I want to raise in this debate relate to the concerns of the Municipal Association of Victoria and

the Victorian Local Governance Association about this dismissal. Their view is that this is not an impartial act; this is a partial act, an act that smacks of partiality in that Glen Eira council appears to have been selected when there are many other councils in this state that could easily be described as dysfunctional. Certainly, in my part of the world we have one major dysfunctional council — that is, the Frankston City Council. This is a council that has had its name mentioned in this chamber and the other place many, many times. In fact it was the subject of a select committee report of the Legislative Council only a couple of years ago in regard to some of its real estate dealings down there. It has got to the stage where the Frankston City Council has become a local government mess of almost giant proportions.

A number of people have called for the Frankston council to be sacked. A number of people have called for the minister to take action, and I am one of them. In April last year I called for the council to be sacked and for the minister to appoint an administrator. I said in my press release at that time:

... until such time as a united and functional group of councillors can be elected.

In saying that I pointed out that the council was hopelessly divided and had lost the confidence of most Frankston residents and virtually every part of the commercial and industrial sectors within the municipality. I went on to say there were two or three good councillors in Frankston who were trying their best for the municipality, but their work was being destroyed by others who were intent in pursuing another agenda. Those people pursuing that other agenda are led by that well-known Labor Party figure, Cr Mark Conroy, who ran for federal Parliament as the endorsed Labor candidate for Dunkley not all that long ago. Cr Conroy and his Labor mates both within and outside the council have been and still are intent on doing deals and getting up to all kinds of mischief, and in doing that are intent on destroying good local government in the Frankston area.

It is remarkable that despite all the calls for the sacking of the council, despite the demands that have come not just from me as a member of Parliament and from people in the community, the minister has stood well back from it and said that she does not believe there is anything that could or should be done in regard to local government in Frankston. I find that extraordinary when you consider the alacrity with which the minister leapt upon the Glen Eira City Council and commissioned an inquiry and, following the recommendations of the inquiry, dismissed the council with the result being the bill we are debating today.

There are two courses of action that have been followed by this government. There are courses of action it takes with its political enemies — the majority of people on the Glen Eira council would be seen as political enemies of this government — and those that are seen as political friends. The people causing chaos, disrupting local government whenever they feel like it and doing everything they can to pursue political agendas at Frankston, are not only dealt with with kid gloves but are allowed to continue, their actions untouched and uncommented upon by this government. This is the point that the opposition is making.

Here we have a political agenda by this government. Its actions have been determined by politics and not by the best interests of local government. That is the complaint that has been lodged by the Municipal Association of Victoria and the Victorian Local Governance Association and the complaint we are taking up here in saying that this government has dirt on its hands regarding this piece of legislation. It is not clean. If it were clean it would have taken action against the Frankston City Council a year ago when it became clear that council was dysfunctional, racked by party politics and its reputation was being ruined by three councillors in particular who have a political agenda and are determined to pursue that political agenda regardless of the best interests of the people who pay the rates in the city of Frankston.

They are not the only ones. I suggest the house could have a look at the current shenanigans going on at the Waverley council where there has been a public major falling out between the Labor Party endorsed councillors that has hit the television screens in the last fortnight. What is this government doing about that? It is turning its back and walking away, hoping it will all go away. That has become a scandal of major proportions within the area administered by the Waverley City Council. The Minister for Police and Emergency Services might comment on that as he has had some experience with that particular part of Melbourne. We could learn something from hearing from the minister about what is going on at the Waverley council.

I will now raise the issue about what is going on in my part of the world with the Mornington Peninsula Shire Council. That council is in many instances charging along, pursuing its agenda without any regard for the community or community demands. One has only to look at the council's determination in March 2002 to unanimously sell-off the Mount Martha quarry for high-rise residential development despite large community concerns being expressed about that. Those community concerns resulted in the previous Minister

for Planning appointing a review panel that recommended, after hearing from the community and the council, the council abandon its planning permit. The council refused to agree to that and decided to continue with its original objective of selling the site for development.

The community has now become aware that the council appointed consultants Biosis Research Pty Ltd to report on the potential impacts on biodiversity of development of this site. That report was presented to the council in August 2004, and the council has been sitting on it ever since. Particular pressure applied by some people in the community forced the council to reluctantly release the report in August this year. A reading of the report reveals that the reason it was rejected was that it failed to tell council what it wanted to hear. These consultants delivered a professional, honest view and for that they are now publicly described as unprofessional by some council officers. The report stated that the proposed development would have serious adverse environmental impacts on the site, the Mount Martha foreshore, the National Trust-classified landscape and on Mount Martha generally.

It goes on to state that the loss of the site would significantly undermine the purpose and intent of the Mornington Peninsula and Western Port biosphere reserve and that the proposed residential development is not ecologically sustainable. That did not matter to the Mornington Peninsula Shire Council, which decided it would continue to pursue its objectives and told the consultants they wanted it to change its statements, action which borders on the scandalous and demands action from the Minister for Planning. Again, we have another council that has an agenda that drives it on, to the detriment of the community.

You can point to the Frankston council, perhaps the Waverley council — I only know about the ructions that are occurring there — and certainly Glen Eira City Council and ask why Glen Eira has been singled out by this minister when all these councils have got similar problems and the government has done nothing about them.

Ms MUNT (Mordialloc) — I am pleased to rise in support of the Local Government (Further Amendment) Bill which relates to the dismissal of the Glen Eira City Council and has four main purposes. Firstly, the bill provides for the election of councillors to the Glen Eira City Council on 26 November 2005. It is the same day as 53 other councils in Victoria go to the polls. It provides a small break in elected representation of a couple of months.

Secondly, the bill formally dismisses the Glen Eira council. On 9 August the Governor in Council suspended the councillors, and an administrator, Mr John Lester, the former chair of the Victoria Grants Commission and chief commissioner of Darebin City Council, was appointed effective from 11 August. Again there is a short time frame between the appointment of Mr Lester and the passing of this bill to formalise those arrangements. Thirdly, the bill provides for the expiry of the Governor in Council order that suspended the councillors and appointed Mr John Lester. Fourthly, the bill puts in place the ability for section 219 of the act to have the flexibility of orders of council to operate for up to a year.

The action to suspend and subsequently to dismiss Glen Eira council had its genesis in late September 2004, when the mayor of Glen Eira wrote to the Minister for Local Government requesting that she appoint an inspector to investigate and report on matters of concern to council. Rather than being a political act, as has been said by some speakers today, it was an act of the council itself to ask for an investigation of the council because it knew it was not operating with good governance for the people of Glen Eira.

The council was particularly concerned about breaches of the expenses policy by councillors, about the governance of the council and about dissension amongst councillors. Merv Whelan was appointed as the investigator. I have read his report and am fairly amazed by it. Most reports are couched in moderate language, but this one sets out in a straightforward way exactly what was wrong with the council. I have a summary here that lists some of his findings. The key findings are:

The council is very badly governed.

He said there was:

... a serious failure to provide good government ... councillors were not providing effective leadership, showed no inclination to focus on strategic direction —

and so forth. He said the council was well managed but that that was due to the performance of the council officers and of no great credit to the councillors themselves. He found there was unruly behaviour and a lack of effective debate at council meetings, with the mayor having been unable to preserve order, which indicated deep divisions within the council. He said councillors had failed to work cooperatively and had engaged in disruptive conduct, misuse of sensitive information and harassment of colleagues. He said the council failed to adopt a code of conduct, and mediation had not been successful. The chief executive

officer had been the victim of harassment by councillors, and his reappointment took eight months. Confidential information was breached, and consultation and communication processes were found to be ineffective. He also found that:

Several councillors appear to have breached the council's civic expenses policy.

They participated in the preparation of the policy but still did not uphold it. The report recommends that action be taken to recover the costs incurred by some of these councillors. There has been a serious failure to provide good government, as the report says:

... councillors have consistently failed over several years to satisfactorily discharge their responsibility to provide good government.

No action was taken by councillors to remedy these deficiencies. Eventually the inspector recommended to the minister that the council be dismissed.

I recommend that before they go to the polls in November all the voting residents of Glen Eira should read this report. It is fairly straightforward, and it details with great accuracy all the problems with Glen Eira City Council. It can be found on the Internet at http://www.dvc.vic.gov.au/local_gov_gec_report.htm. The key recommendation of the inspector was to suspend the councillors and appoint an administrator. This recommendation was accepted by the minister. Once again I would like to say it was not a political recommendation but a recommendation made by the inspector as a matter of good governance.

I will give members a local perspective. My electorate does not cover Glen Eira but comes close to it. The overwhelming response of residents that I have either heard or read about in the newspapers which cover both areas is that they are very relieved to see the Glen Eira council go. Some councillors have been hardworking, but some have been an absolute disgrace. Ninety per cent of the constituents who come through my electorate office door have problems with council. Luckily I have good relationships with the Kingston and Greater Dandenong councils, as well as the Bayside council, which also comes close to my electorate, and many times we have been able to work collaboratively to solve problems for local residents. But the citizens of Glen Eira have not been able to enjoy that sort of relationship with their councillors. They have not had councillors who have been interested in solving their problems.

Local government is one of three democratically elected levels of government in our three-tiered system, and long-suffering residents should expect the highest

levels of governance from their elected representatives in the expenditure of their rates and taxpayer dollars. When that does not occur it is simply not good enough. Democracy has not been removed from Glen Eira, it has been reinforced. The elections will be held in a couple of months, and residents will be able to deliver their verdict on the old councillors and elect new councillors. I hope that all local councils take careful note of this action and this legislation, because they put us all on notice that local councillors and every member of the other tiers of government are expected to behave with the highest propriety and work towards good governance for our residents and voters. The people pay us, and it is really not too much to ask. It is our duty as elected representatives to provide that service to our residents. I commend this bill to the house.

Mr MULDER (Polwarth) — I rise to make a contribution to the debate on the Local Government (Further Amendment) Bill. The Liberal Party has indicated that it is not opposed to the legislation, but I will, however, make some comments in relation to the inconsistency of this legislation and the utter hypocrisy of the government in bringing it before the Parliament. In particular I would like to comment on the work that has been carried out on this bill by the Honourable John Vogels in another place, an ex-mayor and ex-councillor of the Shire of Corangamite, who has been welcomed by local government everywhere he has gone. He is one shadow spokesperson who knows his work and knows his business. This contrasts with what councils say about the minister, who is not across the portfolio area and does not understand the issues facing local government. It is no wonder John Vogels is welcomed by councils with open arms when he turns up to discuss issues that concern them.

At the outset I point to the matters of inconsistency and hypocrisy by this government. I quote from *Hansard* of 18 November 2004 and a question the Honourable Bill Baxter in another place asked of the Minister for Local Government. The minister replied:

Councils and shires across Victoria can have confidence that the Bracks government regards local government as an equal partner with the state government. That is why we have recognised local government in the state constitution. Councils and shires across Victoria can have every confidence that unlike the former National-Liberal government we will not sack councils ...

Is that a misleading statement? Is it an out-and-out lie? It is certainly a terribly misleading statement when the minister who made it turns around and introduces this bill into the Parliament to do exactly that — to sack a council.

The main provisions of the bill deal with a date for a general election and amend the Local Government Act 1989 to allow an order for the suspension of a council to expire at the end of a specified period that is less than one year. The major reason given by the minister and the Bracks Labor government for the introduction of the bill relates to two issues to do with the Glen Eira City Council: infighting and an \$8000 phone bill for a particular councillor.

I will come back to this later in my contribution but \$8000, together with infighting, has brought about the sacking of a council. If you have a look at what is happening with the government and its cabinet meetings at the moment, in particular with the Premier trying to fend off attacks from his ministers over his support for the inept Minister for Police and Emergency Services and the \$50 million of taxpayers money going down the drain for the update of the law enforcement assistance program database — denied to the previous Minister for Police and Emergency Services but provided to the Premier's pet, to his shining star — plus another \$150 million in potential compensation payments because of this inept minister and his absolute failure to recognise and understand his portfolio —

Ms Overington — On a point of order, Speaker, I ask that you direct the member for Polwarth to come back to the bill. I know it is a very broad bill but it concerns Glen Eira, it does not concern other aspects of government.

The SPEAKER — Order! In relation to the point of order, other members have spoken about other councils in relation to this bill but it definitely refers to local government and specifically to Glen Eira City Council.

Mr MULDER — The difference in the approach adopted by the minister in relation to the Glen Eira City Council to that adopted in relation to the old Surf Coast Shire Council is amazing. I came across it when I was at the Surf Coast Shire Council when I was first elected. We were not talking about \$8000 with the Surf Coast Shire Council — we were talking about \$12 million plus that disappeared into a massive black hole. On top of that, another \$1.5 million in superannuation charges were not identified in the council's accounts and a further \$700 000 had been milked from a reserve fund. In total, something of the order of \$14 million had somehow disappeared into a massive black hole.

The Whelan report into the Surf Coast Shire Council contained some significant findings. I would like to quote from it as I believe the house will then get an understanding of what I consider to be double standards

and an utter act of inconsistency by the minister. Under the heading 'Findings and recommendations' the report states:

1. The council is not in a sound financial position in terms of liquidity and debt liability.

Borrowings, finance leases and overdraft commitments as at 30 June 2002 totalled \$12.127 million, this being well in excess of the prudential borrowing guidelines.

Working capital has remained consistently low, raising questions about the adequacy of cash or near cash assets to meet short-term obligations. Cash resources are insufficient to fund discretionary reserves.

Council has sustained a series of operating deficits and has generated insufficient cash from operating activities to adequately contribute to financing of the capital works program.

2. In recent years, council has placed considerable reliance on three main sources of funds —

rates and charges increases (96 per cent from 1997–98 to 2002–03);

borrowing; and

asset sales.

As quick as they could find titles, they were getting rid of assets — assets that belonged to ratepayers.

The amounts obtainable from these sources are now limited.

In other words, they had sold off everything they possibly could to try to stay afloat and still ended up with a debt of nearly \$14 million.

3. Council's financial position has been adversely affected by:

losses totalling \$1.98 million sustained by the council's trading enterprise, Surflink Corporate Services, during its period of operation from 1995 to 2002: including a loss of \$0.8 million sustained by the commercial business operations; and

the decisions in 1999–2000 and 2000–01 to spend \$2.0 million set aside for loan redemption and \$2.0 million in borrowed funds, without any plan in place to ascertain the future financial impact of such decisions.

4. Expenditure on capital works is insufficient to meet needs, this being acknowledged by council in the budget for 2002–03.

Infrastructure asset maintenance requires an additional allocation of funds from operating revenue to address the 'backlog' of urgently required works.

5. Council has not prepared a general resource allocation plan, covering both financial and non-financial resources, as required under section 153A(d) of the Local Government Act 1989 and has not done so for

several years. Financial decisions have been made on a year-to-year basis.

This is what the Whelan report said about the Surf Coast Shire Council. I called on the government to sack the Surf Coast Shire Council. There were councillors on the Surf Coast Shire Council at the time who called for the council to be sacked and to start all over again. The community was calling on the government to sack the Surf Coast Shire Council of the day but the government failed to act. I am not talking about the new council which is struggling to deal with the debt that is a legacy of previous administrations. The government would not act because Labor and Green mayors over three successive periods built up this debt for the Surf Coast shire.

The minister would not act to remove the council and the mayor from their positions. Every time I spoke to the council and every time I sat down with the chief executive officer at the time and asked what was happening with the council, with the debt reduction, with the finances, I was painted a glowing picture of everything being under control, of debt levels coming down and of the council surviving. It was not until Merv Whelan was appointed to carry out his investigation that we got to the bottom of how serious the problems with the Surf Coast Shire Council were.

It went beyond Merv Whelan's municipal inspector's report. That report was considered to be so damning that a commission of inquiry was established, but still the Minister for Local Government did not move to sack the council and get rid of the Labor mayor at the time. However, on this occasion, when the government believes councillors have been associated with the Liberal Party, in comes the minister to introduce legislation into the Parliament and out goes the council — despite her previous comments in the upper house.

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

Mr LONEY (Lara) — Although I was listening intently I think I must have misheard the member for Polwarth at the start of his remarks — I thought he said he was supporting this legislation but that did not seem to be the case during his contribution.

The member for Polwarth raises an interesting point. He spent a lot of time talking about the Surf Coast Shire Council and about reports into it and why it was not sacked. He said a lot about the report into the Surf Coast Shire Council but he left out one important fact — that is, the report into the Surf Coast Shire Council did not recommend the dismissal of the

council. The Whelan report into the Glen Eira City Council does recommend the dismissal of the council. In fact, the report into Glen Eira by Merv Whelan is the only report by a local government inspector received by this government which has recommended the dismissal of the council being inquired into.

They are the facts of the matter. The member for Polwarth might want to dress it up in some other way, but that is the fact. The Surf Coast report did not recommend dismissal; this report does. The member for Polwarth talked about the forced sale of assets at Surf Coast. I guess he was not around then, but I know I was. I might have to remind him of some things.

The previous government had some fairly draconian policies in relation to local government including rate capping and restricting the amount of income. It led to the current situation of that great infrastructure black hole that councils and local governments are facing. The member for Polwarth glossed over and did not bother to mention things like legislated rate capping and how that affected council income, including Surf Coast's, and those draconian policies which presumably he supported at the time. When he talks about Surf Coast, he needs to put it into the right context. I reiterate, the Surf Coast report did not recommend the sacking of the council. The Whelan report into Glen Eira did recommend the dismissal of the council.

This bill puts in place the provisions for the dismissal of the Glen Eira council as recommended by the Whelan report. It is a very simple fact. It follows the Whelan report to the minister, which chronicled serious failures of governance by the councillors at Glen Eira. The important issue here is the breakdown of governance within that council. Whelan chronicled the failure to provide good governance at that council for a period, he says, of up to seven years — a quite serious situation.

It is interesting that when you look at local government generally you see that it has for some years now jealously guarded its place in the tripartite system of government in this country. It was this government that gave some constitutional acknowledgment to the place of local government; no previous government bothered to do that. It was this government that gave some acknowledgment to the place of local government within the tripartite system. That was a very important provision. This government has acknowledged the rightful place of local government. Whelan's report chronicles a number of aspects of failure by a particular council — not by local government as a whole, but by a particular council.

The remarks of the minister in the second-reading speech go to what Whelan said in his report, that these councillors have demonstrated themselves:

unable or unwilling to properly carry out the responsibilities conferred on them by the Local Government Act;

unable or unwilling to show leadership for the good government of the municipality;

unable or unwilling to put their personal animosity aside for the sake of good decision-making and strategic planning;

unable to set a code of conduct and expenses policy that they are willing to abide by; and

unable or unwilling to participate in meaningful mediation to address their problems.

To me the most disturbing aspect of those comments is that Whelan said maybe they were simply unwilling to do these things. It is a severe indictment of a council if in fact it is mainly about an unwillingness to do the right things and follow those procedures.

That chronicle as shown by Whelan should be a lesson for other councils to ensure that their behaviour is not similar and they are not characterised by the same unwillingness to properly carry out the responsibilities conferred on them by the Local Government Act. I look at my local council, the City of Greater Geelong, which finds itself riddled with accusations about the majority councillors bullying other councillors; high-handedness in behaviour; selective decision making outside the council chambers; and the failure to listen to the community on development proposals and other important decisions. These sorts of things are regularly being chronicled in my community. It does not take much to go beyond that, if councillors are not wary of these things, and to proceed towards the sort of situation that Whelan chronicles in Glen Eira.

It is incumbent on councils, particularly the leadership of councils, to ensure that all councillors and their local community are in some way incorporated in the way in which they behave and in the decision making that takes place in that municipality. That is not to say that you will get every ratepayer to agree with every decision of council. You will not get every councillor to agree with every decision of council. But the processes should be such that they believe they have had an adequate opportunity to be involved. Unfortunately we keep getting disturbing reports out of the City of Greater Geelong that not all councillors feel that way in relation to the behaviour of that council.

All councils need to be aware of the things Whelan chronicles, the ramifications of their behaviour and that they are under community scrutiny. This bill shows that

this government is committed to the attainment of high standards in local government and that they will be pursued. This bill shows that this commitment is actually real and that local government does need to ensure for itself that its standards and commitments to its community are high. If that is the case then it certainly has nothing to fear from this government.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on this important bill, as local government plays an important role in the electorate I represent. There are seven councils in that area. Obviously they are taking an interest in what is going on with this bill. I just want to remind the house of the size of my electorate. It covers four councils — Hindmarsh, West Wimmera and Southern Grampians shires and Horsham Rural City Council — and parts of Glenelg and Moyne shires and Ararat Rural City Council. I had 10 years experience in local government, including some time as a councillor and mayor of Horsham City Council and two years as a commissioner with Mildura Rural City Council, and I was the first elected mayor of a newly formed Horsham Rural City Council. That 10 years was a great time in my public life. I learnt a lot from that period of working with local communities and working with other councillors, not only from my own council but also within the area.

This bill addresses the Glen Eira council. We know the purpose is to dismiss — or what we often know as to sack — the Glen Eira council. The bill also makes provision for the general election, and it makes some other amendments. My colleague the member for Shepparton has indicated that from the point of view of The Nationals we will not be opposing this legislation.

Mr Jenkins interjected.

Mr DELAHUNTY — She was an excellent commissioner too, and she is a very good member for the electorate of Shepparton now. But the reality is that we discussed this bill on Monday night. There was a lot of discussion around the table, because as we know this bill does sack a local council. From The Nationals' point of view we need to have good grounds to be able to do that. We know that previous governments have done it. And we know this government has done it — it sacked the Melbourne City Council not long after it arrived in office. I think it was back in 2001 that it stood down the Melbourne City Council. But the reality is that since this government has been in office it has sacked councils.

We know that local government is a most important tier of government, because it is very close to the

community and its people. In country areas I think most community people would know the names of their councillors, much more so than people in Melbourne would know the names of their councillors — they would not even know the names of their local members of Parliament in a lot of cases! But councils do work very closely with state and federal governments. They also work very closely with their adjoining councils. They do play an important role and it is important we get the best people for the job. They are closest to the people, and as I say from the point of view of rural and regional Victoria it is important that they do work well together. This legislation sends a bad message, particularly as we go towards elections in only four months time. It has been highlighted by many other members in this Parliament that there have been problems with many councils in Victoria, particularly metropolitan councils that I know have been having some troubles.

The issue we are concerned about is that we know the Glen Eira council was suspended in August — that is, last month — after the inspector of municipal administration, Merv Whelan, found — and he produced a very detailed report which I have had a very quick look at — chronic infighting within the council, misuse of council resources and the breakdown in the council's ability to govern. We know that that infighting goes back to 1998. It has not been mentioned too much in the debate here tonight, but it started in 1998. Two elections and seven years ago the previous government commissioned a council inspector by the name of Dr Greg Walsh to do a report, which made recommendations. Obviously there was a change of government and this government, if anything, has been sitting on its hands and not doing anything. We know there have been two ministers in that time, one in this house and one in the other house. They have taken no action. If anything, this government has got its hands dirty by the fact that it has not done enough in relation to a lot of local government issues.

We have put through a couple of bills. We had the City of Melbourne Bill in April 2001, which sacked the then council. The government also brought in the Local Government (Amendment) Bill. The purpose of that was to give recognition to local government, improving the accountability and transparency of local government, and changing the electoral processes and functioning of local government. We know that that bill came into Parliament through the upper house, even though we had the then Minister for Local Government, Mr Bob Cameron, in this house. Twenty-two amendments were needed to that legislation. We do not know why the government brought it into the upper house first when the responsible minister was in this

house, but even when it finally got debated there were 22 house amendments. We also had the Local Government (Democratic Reform) Bill in October 2003. The government has brought in a lot of legislation, but in relation to actually dealing with local government it has not done enough and from that point of view it ought to be condemned for what has happened at Glen Eira.

Some newspaper articles have highlighted the fact that in January the municipal inspector, Merv Whelan, was appointed. It was interesting to note that in March this year councillors asked this state government to use ratepayers funds for legal representation when interviewed by the inspector, so there was a lot of action going on. But it was important that the inspector did start his work in March 2005. It was interesting that he also demanded councillors' phone records after a leak to one of the newspapers. As we know, it was in August this year that the inspector's report was delivered to the Parliament, and the government sacked the council on that day.

In considering this legislation I look at it from the point of view of my involvement with local government. I believe the people should be the ones who control who is elected to those positions. But importantly we must recognise that local government is still a creature of the state. Whichever way you want to marry it up and massage it, it is still a creature of the state and a creature of the Minister for Local Government.

We had a great deal of angst in relation to the sacking of councils. We do not treat it lightly. You can yabber on about the fact of standing down 200 councils across Victoria, but most people in the community would say it was a good thing — a majority would say it was a good thing — because we now have more dynamic councils and improved staffing of councils. Not only that, I believe we have more respect given to local government within the majority of councils in Victoria. But they also have other problems, and I will come back to that later.

From an examination of the report produced by Merv Whelan we know that he scrutinised council documents and councillors' phone records and investigated the leaking of confidential information. The leaking of confidential information really discredits the council, but we know the investigation's terms of reference included relationships between councillors and staff and the use of council resources, and whether council policies had been followed.

In looking through newspaper articles I see a photo of the nine councillors. It is amazing that even though

democratic processes were in place they could not work together. They had been elected to work together for the benefit of Glen Eira. We know Mr Whelan's 134-page report highlighted that the councillors harassed colleagues and council staff and were unwilling to fix entrenched bitterness; the mayor was unable to preside over orderly council meetings; and confidential council information had been leaked. Also, as I said before, council resources were misused. I think it is important to acknowledge that in Glen Eira the relationships between council staff were a major problem. It is unfortunate that it took this government so long to address those issues.

I know the member for Shepparton spoke about the fact that a code of conduct was not adopted, so it failed even to get to the position of putting together a code of conduct for its own council. We know the Victorian Local Governance Association is concerned about governance and the Municipal Association of Victoria is not supporting this decision. But we need to go back to the fact that the situation needed some action. Obviously it was a non-functional council, and from the point of view of getting on with the action it is amazing that it has taken since 1998 for the government to take action on this matter.

Ms Allan interjected.

Mr DELAHUNTY — In 1998 the first report was undertaken on the Glen Eira council. The new government would have had copies of that, and it has taken it until this time to take action.

The Nationals have put out a new local government discussion paper. It covers many issues and I am looking forward to the input from councils across my electorate, particularly on the role of local government in relation to other governments, both state and federal, and also in relation to the financial viability of councils in particular, and also the cost shifting. We have seen this Labor government push about \$40 million onto local government since it has been in power. It is an important discussion paper. We look forward to input on it. I indicate with those few words that we will not be opposing this legislation.

Ms OVERINGTON (Ballarat West) — It also gives me great pleasure to speak on the Local Government (Further Amendment) Bill 2005. This bill allows for the formal dismissal of the councillors of the City of Glen Eira, who, though suspended, would without this legislation remain as sitting councillors with no provision for them to go out of office. The councillors were suspended on 9 August 2005 following a report of an investigation into Glen Eira

City Council by Merv Whelan, the inspector of municipal administration. The Minister for Local Government asked Mr Whelan to conduct this investigation, having been asked by the councillors themselves — so they knew they were in trouble. The report is highly critical of the elected council and says that the council failed to provide good governance for its local community for up to seven years. It has been dragging on for seven years. The words keep reminding me of those seven long dark years every time I hear them! The councillors did not provide effective leadership, did not focus on strategic direction and were too concerned with scoring points off one another. There was a complete breakdown in working relationships and no trust or respect shown between councillors.

The report also says that the council demonstrated unruly behaviour and lacked effective debate. It also says that the mayor was unable to preserve order — though I know of some other councils where that occurs, so we will not blame just Glen Eira for that. It misused sensitive information, which is unforgivable, and there were cases of councillor harassment of colleagues. There was much worse behaviour, but I will not go into that now, because I think what went on at that council has been fairly well covered this afternoon.

The action to dismiss any elected council is not taken lightly. The inspector recommended that the divisions were too deep and the abuse of position too strong for the council to continue. Ratepayers of all municipal councils have a right to expect those elected by them to represent them and to act in a respectable, honest and reliable manner on their behalf. In this case the ratepayers of Glen Eira deserve better. The ratepayers will have an opportunity on 26 November 2005 to again elect councillors. I hope they give serious consideration to who the councillors shall be. I commend the bill to the house.

Mr BAILLIEU (Hawthorn) — I rise to speak on the Local Government (Further Amendment) Bill, or the Glen Eira Bill, as it is being portrayed. As has been said by other members, the opposition is not opposing this bill, but I want to make a few comments on it. I recall vividly, when the government was in opposition, the campaign that was run against the previous government on the basis of the amalgamation of councils that was undertaken at the time. This was portrayed as antidemocratic and as involving the sacking of those councillors. It was not about that, but that was the campaign that was run politically. So be it — and no doubt it had some success for the current government, otherwise it would not have pursued it. But I think there is a measure of hypocrisy in this.

I recall the government portraying itself when it came to office as the great friend of local government and local democracy. I listened with interest to the member for Lara referring to what I regard as the myth of the insertion of local government in the Constitution Act. Local government was already mentioned in the Constitution Act, and that myth is still being perpetuated by the government. Nevertheless, I also heard the member for Lara talking about how councils jealously guard their positions — as they should — and jealously guard local democracy. I heard him say that this legislation is a demonstration of the government's commitment to high standards. I welcome that: I really hope the government is committed to high standards in local government. But I am afraid that is at odds with the experience I have had and the observations we have made.

It is certainly at odds with the Minister for Local Government's behaviour prior to the recent Municipal Association of Victoria conference, when she called an exclusive caucus meeting of all Labor councillors. The minister's statements are also at odds with reports of a government caucus meeting earlier this year, where members of Parliament were encouraged and in fact exhorted to ensure that Labor members controlled all councils in Victoria at the forthcoming elections.

In addition, I note on many occasions this government has removed local government powers, whether it be through prior approval now being required for planning scheme amendments; the removal of the responsible authority status of wind farms; the application of Melbourne 2030; the Mitcham towers — ask the Whitehorse City Council about that; the secrecy provisions in regional housing working groups and the intimidatory tactics of local government in regard to height limits for activity centres; the resourcing of councils; and issues such as Royal Park, Burnley Gardens, Kew Residential Services and even the Flemington flood wall. Now the priority development panel is again usurping local government powers.

My observation, and I think the observation of the community, is that most of the government's rhetoric about being a friend to local government is indeed just rhetoric. But if a council deserves to be dismissed because its behaviour is not up to scratch, then so be it — but there needs to be good reason and there needs to be appropriate timing, and when it comes to the Glen Eira council you have to question both the hypocrisy and the timing of this. The reality is that we are suspending and formally sacking a council, only for that council to be reinstated in a few months time. There may have been other ways to handle that, and

other ways have been embraced by the government previously.

Previous speakers have spoken about issues to do with the Frankston City Council and the hypocrisy involved with that. In forthcoming days I think we are about to hear some more about the Frankston City Council. And we have heard about the Surf Coast Shire Council and the Melbourne City Council and the investigation there of a leak — I have never seen such an extraordinary investigation lead to such little outcome. We also heard about the Auditor-General's report on the East Gippsland Shire Council activity just recently — again hypocrisy — and about the Hume City Council and donations that were received by the then mayor and a staffer of the current Treasurer, which was an extraordinary situation of not declaring donations from a development interest.

I now come to the Brimbank City Council. Extraordinary activity was involved with the Brimbank City Council over recent years, such that it led to five government members — the members for Keilor, Footscray, Sunshine, and Kororoit, and the Minister for Sport and Recreation in the other place, Justin Madden — calling for the Brimbank council to be sacked. Was it sacked? No, it was not. Why were they calling for the council to be sacked? They were calling for the council to be sacked because of outrageous activity that was being conducted by the Brimbank City Council, particularly associated with the development at lot 1, Wentworth Drive, Taylors Lakes.

Lot 1, Wentworth Drive, Taylors Lakes, was an extraordinary proposition. It went from a development of 30 units to one of 60 units almost overnight. Height limits were exceeding local controls; secret deals were done with developers; and to cap it all off donations were provided to councillors, which were only revealed after the election for which they used those donations by those developers. That led to those five members of Parliament calling for the council to be sacked, and it led to federal member Bob Sercombe calling for the council to be sacked.

Interestingly, those involved from the Brimbank council were the former mayor and assistant secretary of the ALP, Andres Puig, and Cr Charlie Apap, a former mayor who made some extraordinary claims at the time. Government members of Parliament were involved, and the office of the Minister for Sport and Recreation was used for those meetings and he was involved in those deals. The President of the Legislative Council sought to intervene and was rebuffed; the member for Keilor sought to intervene and was rebuffed; and the member for Northcote, who was then

the Minister for Planning, refused to intervene because, and I quote a letter dated 4 December 2002, the matter 'is not considered one of state or regional significance'.

Given recent events with the Hilton Hotel and with the Brunswick Ronnie Whitmore case, that is an extraordinary proposition. The Minister for Agriculture, who was then the Minister for Local Government, declined to investigate, despite repeated letters from constituents, and the Premier personally promised objectors that they would get a full and fair hearing from the Victorian Civil and Administrative Tribunal. That is absolutely not the case. He suggested that allegations be directed elsewhere — again he would not investigate. The then Minister for Planning, now the Minister for Environment, was party to this as well.

It is an extraordinary tale in an extraordinary situation. It is a demonstration of the hypocrisy of the words of the member for Lara when he said that the government is committed to high standards. The evidence is in fact that the government is committed to anything but high standards when it comes to local government. But, as I said before, if councillors misbehave they should be held to account. In that respect, despite the bizarre timing of this, I am sure that many people in the Glen Eira community will welcome a fresh start, at best. But let us not have words of piety from members of the government on this subject.

Mr LANGDON (Ivanhoe) — I rise to support the Local Government (Further Amendment) Bill. Whilst this bill refers directly to the Glen Eira City Council I am well aware that other members have referred to other elected councils. Like other government members before me — the members for Bentleigh, Oakleigh, Mordialloc, Lara and Ballarat West — I want to point out to the house the history of this bill. The Glen Eira City Council wrote to the Minister for Local Government requesting the appointment of an inspector to investigate and report back to the minister. The bill acts on those recommendations. But some of the findings — and it is important that I detail this to the house, as they are fundamental to why this government acted — say:

The relationship between councillors and the chief executive officer (CEO) has been undermined by the antagonism and vindictiveness displayed by several councillors, whose actions have the potential to threaten the excellent performance of the organisation.

The findings also refer to unruly behaviour at council meetings and the lack of effective debate, the mayor being unable to preserve order, deep divisions within the council, a failure to work cooperatively, disruptive

conduct, misuse of sensitive information and councillor harassment of colleagues.

Many things have been pointed out to this house which may refer to other councils, but fundamentally the Glen Eira council was affecting the officers and the performance of the officers, and the council wrote to the Minister for Local Government requesting an investigation. We are acting on those recommendations.

The opposition and The Nationals like to refer to other councils as being dysfunctional. The word 'dysfunctional' is often being used here. We have to take great care with the word 'dysfunctional' because some members of Parliament like to refer to councillors individually as being dysfunctional, and that implies that all councillors of that particular council have therefore been dysfunctional. I take exception to this in the sense that many members of the public would possibly describe some members of this house as equally dysfunctional as some councillors, but I do not for one moment think that this Parliament and the vast majority of the members within it are dysfunctional, so we have to take a great deal of care.

I know a member for Templestowe Province in the other place, my colleague Bill Forwood, feels that his and my local council, the Banyule City Council, is dysfunctional. Time and again he has used the protection of parliamentary privilege to criticise and abuse individual councillors, to raise doubts in the public mind, and to use the press to denounce particular councillors. I would say to this house that I believe the member for Templestowe Province, Bill Forwood, is actually dysfunctional, that he may well be dismissed with those councillors he is endeavouring to also call on.

Mr Baillieu — On a point of order, Acting Speaker, the member is reflecting on another member of this Parliament.

The ACTING SPEAKER (Mr Seitz) — Order! He is not reflecting on a member in this chamber, so I do not uphold the point of order. He is not making any assertion about him.

Mr LANGDON — The word 'dysfunctional' has to be very carefully used, taking up the point of the interjection. Again, members of Parliament do not like being described as dysfunctional, but they use parliamentary privilege to accuse some councillors of being dysfunctional, where they have the protection of this house or the other house.

As I said, Mr Forwood, a member for Templestowe Province in the other place, has time and time again

used parliamentary privilege to abuse councillors. To give some dates, on 20 April, 21 April, 21 July, 9 August, 11 August and 16 August he raised issues to do with that council. For example, he referred to a newsletter put out by a local group which said that readers should ring their local councillor and then gave the council phone number. Mr Forwood took exception to this. One could and perhaps should do that, but to come into the Legislative Council chamber and say that the council was dysfunctional and should be sacked when it had no knowledge of that newsletter is an abuse of power. I have put out leaflets asking people to call Mr Forwood as a member for Templestowe Province. Under his rules, if I put his name and phone number in a leaflet, he is responsible for it. If you take his logic to the extreme, any leaflet that gives a person's name and phone number is the responsibility of the person whose name has been provided. It is absurd!

Again I point out to the house that I do not use parliamentary privilege lightly. Mr Forwood will have a chance to respond, not like those councillors he has constantly criticised in the other place. He may certainly use the debate on this bill, and I have no doubt the member for Templestowe Province will, to raise concerns about the City of Banyule. Let me state for the record that the City of Banyule is a well-run council. It has what one could describe as disruptive councillors. These councillors are on the record as having gone to see Mr Forwood on a regular basis to keep him fully informed, so his information is coming from councillors he describes as dysfunctional.

As I said earlier, it is a sad state of affairs when parliamentary privilege is used to raise the matters of concern Mr Forwood has raised. They are so horrendous that I do not want to elaborate on them. For example, he has attacked good and decent persons on the council. He has criticised them again and again — —

The ACTING SPEAKER (Mr Seitz) — Order! I ask the honourable member to come back to the bill.

Mr LANGDON — This bill refers to a dysfunctional council which caused enormous hassles for the staff and management of the council and which itself called for a report. That report's recommendations have been followed by this government. The same things cannot be said of the City of Banyule. It has very good councillors, and four in particular — Cr Brooks, Cr Mulholland, Cr Melican and the mayor, Cr Ryan. Those four, who are in the majority, are acting reasonably. The council has made some major announcements recently — for example, a \$400 million redevelopment of the Greensborough area, not a feat that would be achieved by a so-called dysfunctional

council. You do not go into those sorts of great expansions, entrepreneurial activities, cooperative ventures and public-private partnerships if you are a dysfunctional council.

I stand by the City of Banyule and its overall work. I am concerned that there are some councillors, whom I will not name, who are putting their own self-interest ahead of the electors' interests and who are perhaps using Bill Forwood as a sounding board for their grievances. He seems to be taking them as lackeys, and I do not know whether he is foolish in doing so. But I commend this bill to the house because it acts in the best interests of the Glen Eira council, as it had requested. Again, I say to the house finally that this is a bill that has come from the Glen Eira council's own actions. The council asked for an investigation; the government got a report, and these are its recommendations. I again commend the bill to the house.

Mr WALSH (Swan Hill) — When we talk about the Local Government (Further Amendment) Bill we are talking about the symptom, not the cause. In the life of the Bracks government we have had two ministers for local government who have not been engaged with their portfolio and who have not been champions of local government or the ratepayers. I will give some examples. I represent six councils, and there are some classic examples of both the previous minister and the current minister not fulfilling their roles as ministers for and champions of local government.

The previous Minister for Local Government, the present Minister for Agriculture — —

An honourable member interjected.

Mr WALSH — An outstanding minister? Some would say not! The then Minister for Local Government was in office when we had an issue with the Gannawarra shire. We had a dispute between the ratepayers action group and the council over whether there should be a differential rate for agricultural land. The chief executive officer (CEO) made a recommendation to council that there be a small differential. If the council had chosen to adopt the CEO's recommendation we would not have had the huge problem we ended up with.

I can remember, as the president of the VFF at that time, going to see the then Minister for Local Government and asking him to intervene and bring some sanity to the debate before it got out of hand. He chose not to; he believed that it was not his role as

minister to get involved in hands-on issues involving local government.

We then had a number of well-attended public meetings following which a war chest was started to commence legal action between the ratepayers group and the Gannawarra council. It was very sad that that flowed on to court action, where about \$1 million from the ratepayers and the shire council went into lining the pockets of some already very rich lawyers. Something like half a million dollars from the council and half a million dollars from the community went into that court case, which could have been averted if the then minister had got involved, brought some reason to it and banged a few heads together to get a reasonable outcome. We saw \$1 million disappear out of the Gannawarra shire, all because the minister chose not to get involved or to try to put some commonsense into it. In the end that \$1 million did not achieve an outcome. It was a nil-sum game in some ways, except that the community lost all that money.

We now come to the current Minister for Local Government. Everyone talks about councils not getting on and not working well together. The way a council functions is in some ways akin to human nature. The previous speaker spoke about dysfunctionality at the Northern Grampians Shire Council. There were differing views and conflict between different segments of the council as to how well it was serving its ratepayers. A group of councillors petitioned the Minister for Local Government in the other house to intervene and put some sense back into the council. I tabled a petition bearing something like 18 000 signatures from residents of the township of St Arnaud who wanted it to secede from the shire because they were not happy with the way it was functioning. The minister chose to do nothing. Fortunately commonsense has prevailed in that case and, with some changes of staff and councillor positions, the council is again working well. It has worked through its issues and come to a result. However, the minister could have made it a lot less painful for the community if she had intervened at the time.

The other council in my electorate that is currently not working well is the Buloke Shire Council. The government has appointed Merv Whelan to do a report, but if the minister were a champion for making sure local government worked well, the government would be a lot more proactive in making sure the council overcomes some of its issues. Some councillors believe the only way it could be resolved is for an administrator to be appointed, but the minister is choosing not to be engaged in that debate.

The Local Government Act contains powers for councils to be held accountable for doing some of the things we have heard a lot of other members speak about. There are rules of conduct in section 76B under which councillors have to do some things. We have heard a lot of speakers from the government saying that the councillors were not doing those things, but there is a penalty of 100 penalty units for councillors who do not adhere to the rules of conduct. I have not seen the minister enforce her own act to try to get some sense into Glen Eira City Council before it got to the stage where she sacked it.

The other side of the house has talked a lot about the disclosure of sensitive or confidential information. Again, there is a relevant section in the Local Government Act, and if councillors breach it there is a penalty of 100 penalty units. I have not heard of any examples of that provision being used before taking the draconian step of sacking the council.

I have some reservations about the state government taking the big stick to local government in this situation because it creates a dangerous precedent. The minister has the opportunity to be a lot more proactive in working with councils to make sure they function better. She would then be seen as a champion for local government, instead of being seen as someone who is very hands off and laissez faire in the way that she is overseeing the portfolio.

Debate adjourned on motion of Mr JENKINS (Morwell).

Debate adjourned until later this day.

LAND (MISCELLANEOUS MATTERS) BILL

Second reading

Debate resumed from 19 May; motion of Mr HULLS (Minister for Planning).

Mr BAILLIEU (Hawthorn) — I rise to make the opposition's lead contribution on the Land (Miscellaneous Matters) Bill. The purpose of this bill is essentially threefold: firstly, to add Crown land to the Sovereign Hill reserve in Ballarat; secondly, to free up Crown land in East Melbourne for sale and development; and thirdly, to remove restrictions on three parcels of land currently granted to charitable institutions. This bill has certainly not been rushed through the house; it was introduced in June and has been laid over for several months.

We strongly support the changes at Sovereign Hill. However, we have significant reservations about the East Melbourne changes. In my considered view it is not possible to make changes to the bill to satisfy those concerns. That leads us to the position where we are not opposed to the bill, but believe the government should give consideration to the issues raised in regard to the East Melbourne matters before the bill goes to the other house, or, if the bill passes, before it commences operation. I note the default commencement date is December 2006. There is time to get this right, and the government should act with care.

In regard to the Ballarat provisions, this bill adds some 6300 square metres to the Sovereign Hill reserve. The land comprises two existing road reservations, part of Robertson Street, the eastern edge of the Sovereign Hill site and, on the north-east corner of the site, some land on an old road reserve at Wainwright Street. Council has discontinued those roads, and it is now proposed that they be transferred to the Sovereign Hill reserve and to the lease held by the Sovereign Hill Museums Association. In doing that a new definition of museum site land is added in clause 9.

Everyone in this state would agree that Sovereign Hill is a great institution, a great facility. It brings educational, cultural and tourism benefits. When I was on the board of Tourism Victoria for a number of years, Sovereign Hill was the feature attraction of Victoria; it still is. It is the biggest tourist drawcard we have. As an individual facility it is an award winner and has maintained its award-winning status. It is an economic driver for tourism and certainly for Ballarat and the region. It warrants the support of all Victorians. Its historical place is unparalleled in this state. The outcome of this bill will be of assistance to the association and the museum. We fully support these changes.

In regard to the East Melbourne matters, there are two separate, restricted grant properties involved. They will effectively become four properties with no restrictions, and one of them will be resumed by the Crown. For those who are less familiar with the sites, they comprise two properties on the west side of Berry Street in East Melbourne at the north-east corner of the Melbourne Cricket Ground and Yarra Park reserves. I am very familiar with the area and the sites in particular. I will separately describe them. One parcel is the northern parcel or the Anglicare site, and the second parcel is the southern parcel or the Berry Street child and family care centre site.

I will deal with the northern parcel first. This parcel is currently a restricted grant to Anglicare and has been in

one guise or another since 1865. There have been various uses of it over the years in terms of those restrictions, whether it was for the training of servants, for the accommodation of trainee servants or for welfare purposes. In the years before 1999 the land was used as a support service for abused women and their children. Since then it has been leased to Bayside Health and the service particularly deals with people who have acquired immune deficiency syndrome, mental health and drug dependencies and other such problems. The property itself comprises some 1870-odd square metres. It includes assorted buildings and a car park on the northern end of the site.

This bill makes some changes through clauses 3 to 5. In the course of the bill Anglicare unconditionally surrenders its rights to the grant. But the Crown then provides an unconditional grant back to Anglicare of approximately 1120 square metres which are free and unencumbered. The Crown then has the capacity to sell off the remaining 750 square metres, including the existing car park, for development. The Anglicare lease to Bayside Health is unaffected and is actually preserved by clause 5 of the bill.

The issues involved here are fairly straightforward and important. The most important issue is perhaps fundamental: is there a consideration for this transaction? Anglicare, as a separate entity in its own right, will be receiving unrestricted land in exchange for the surrendering of its current land. There is a value to the land-holding it currently has, albeit that it is a restricted grant. There is a value to the land it will receive. But we are not party to what that transaction comprises and where the net value equation lies.

Firstly, will the government be receiving money or will the government be spending money in the process? I think there are unexplored issues there which warrant further public attention. We are assured that the Valuer-General will be involved in this transaction and that the land monitor will record this. Nevertheless, the acute interest of the people of East Melbourne warrants that some idea be given as to which way the transaction will go and whether it will be positive or negative for the taxpayer.

Secondly, in transferring the new unconditional grant to Anglicare there is no provision that the land that Anglicare will receive — albeit there will be a preservation of a continuing lease to Bayside Health at least until 2007 — has to be maintained for those purposes any longer. The grant restrictions are gone. Hence in its own right this land will be entirely at the disposal of Anglicare. It may choose to sell it. There remains the possibility of that land being sold and lost

to whatever public purpose may have been deemed to be appropriate to this stage.

In addition to those two fundamental issues, there is an issue that is very important for land-holders in East Melbourne. It is indeed important to the taxpayers of Victoria — and I will make the point later — because on the western side of this property there is a laneway. It is a laneway that is not designed in its original format for the use of motor vehicles. This is an original subdivision in Melbourne. But it can be identified that for over 50 years at least that lane has had a width which has been adequate to access garages of the properties that abut the lane on the western side. Those garages serve properties in Vale Street, the next parallel street.

As a consequence of this transfer, the lane will be reduced in size because it currently incorporates some of the granted land. That granted land will now be restricted and fenced off, and it is intended that the land be sold. As a further consequence access to the garages at the rear of the Vale Street properties will no longer be possible. Indeed, access to the rear of the Berry Street properties on the Anglicare site will be not possible either. The lane will effectively become a useless lane for anything other than for pedestrians. There are consequences to this which I will come back to in a moment when I look at the response from local residents.

I will deal briefly with the southern parcel — the Berry Street child-care centre land — which I referred to before. Currently this is permanently reserved as a site for an infant asylum. Although the words are slightly archaic, they have been used for more than 130 years. It is a restricted Crown grant to Berry Street Inc., which has provided — and I am sure members are familiar with Berry Street's activity and the care it has exercised — for disadvantaged children over the years. Apart from some notorious exceptions, it has done a splendid job. Berry Street is famous for the work it has done for disadvantaged children. The site has been used for training and is currently partly used by the East Melbourne child-care centre, which has a child-care facility on it. The property comprises approximately 1470 square metres.

This bill, through clauses 6 and 8, will lead to some changes as well. Berry Street will surrender its grant entirely, just as Anglicare has entirely surrendered its grant through clause 6, which revokes the reservation and Crown grant of 1881, and as a consequence the Crown will then provide an unconditional grant of 609 square metres back to Berry Street. It is the southernmost section of this parcel of land.

Interestingly, the grant back is not referred to in the bill but will be done presumably by an act of the minister and will most likely be recorded in terms of Berry Street's position in some sort of heads of agreement which the government must clearly have signed with Berry Street. This is in effect an act of faith, because we are passing a bill which will result in Berry Street surrendering its grant on a promise that the government will, in the future, grant it back a lesser portion of land, unrestrictedly and unconditionally. The remaining 979 square metres will then be reserved. I note that it is only going to be reserved temporarily for public purposes child care, which is in clause 8.

As I said, there is a child-care facility on the property run by East Melbourne child care. The local community would like to think that it is more than a temporary reserve, albeit that reserves can be removed and changed, and we see that happening all the time. It would be my view that the people of East Melbourne would like to see that as more of a permanent site.

The issues here are the same as they are for Anglicare. There is a transaction which involves land with a property interest with a current value being relinquished, and in exchange a property right with another value is being received, albeit down the track. The net equation there is unknown. Once again we are in a situation where the grant that will go back to Berry Street will be unconditional. It will remain possible for Berry Street to sell that land in its own right, and whatever public purpose may have been deemed fit in the general community for the continuation of that land could be lost. As I said before there is a concern about the temporary reserve.

All these changes in Berry Street, East Melbourne, will result in restricted grants becoming unrestricted; that is the first point. The second point is that public land will be made available for sale and development. I note that this is happening under the guise of the name of charitable institutions. As a consequence there will be less public control of these sites and less public land in metropolitan Melbourne. That is to some extent a sad thing. I say 'to some extent', because it further adds to the pile of public land sales which this government has committed, whether it be Royal Park, Burnley Gardens, Kew Residential Services, Frankston, Werribee or other areas, and we are not getting any public land replacement for that. Given the constraints of Melbourne 2030, that is to be regretted.

There are genuine concerns in the community about what is going on here, and these are the concerns that the government needs to address. I quote from a letter to the Treasurer dated 16 May from the East Melbourne

Group written by the president and convener, Margaret Wood, and the coordinator, Judith Batrouney:

The Department of Treasury and Finance has developed a proposal to progressively sell off the land for residential purposes. In the first instance it is proposed to sell off four contiguous house blocks at the northern end of the government land.

That refers to the Anglicare site:

It is contemplated that further sales be made as land becomes available. There is some confusion between your department and its consultants on exactly what the sale proposal is.

The East Melbourne Group makes further comments:

... your department has not put in place any consultation process with the community and seems indifferent to two issues of concern to all of the affected residents.

The first issue concerns the elimination of eight car spaces that are located on the first four blocks to be sold. These off-road spaces are currently used by the staff and visitors to the AIDS hospice and it is now being suggested that only two spaces are required. The local residents believe this is a underestimate of the parking needs of staff, nursing visitors and patients and their visitors.

The second issue concerns the access lane at the rear of the Vale and Berry streets properties. The current lane width is an artefact of the early surveys made before the motor car was invented. For the Vale Street blocks at the rear of the first four Berry Street blocks to be sold, there has been some give and take that has resulted in a right of way being created to make it possible for the owners of the properties concerned to manoeuvre their cars into off-street garages at the rear of their properties.

In preparing the first four blocks for sale your department has applied to demolish a garage and re-establish fences on the exact lane boundary. An unintended consequence of this will be to make it impossible for three Vale Street residents to maintain access to garages at the rear of their blocks.

In our view both issues could be addressed by small modifications to the overall development plan that would have little or no impact on the economic return to your department.

The East Melbourne Group then goes on to make three suggestions. The first suggestion is that the department meet:

... with local residents and representatives of Melbourne City Council to explain the long-term proposal in detail and to consult with the community and the city planners on how to optimise the proposed sale arrangements.

The second point is that the southernmost of the four blocks to be sold — that is, the southernmost blocks of the northern portion of the Anglicare site — should be

... retained to accommodate adequate parking spaces for the AIDS hospice until such time as the hospice is vacated and the second-stage blocks released for sale.

That is effectively suggesting that a portion of the site be held back until that lease of Bayside Health expires. The group's third point is to recommend that the government:

... adopt a design principle that would see the length of all the nine Crown blocks reduced by the small length that would be needed to widen the back lane to the extent needed to create an adequate turning circle into both the Vale and Berry Street blocks.

The group makes a final comment:

The alternative is to sterilise existing off-street car parks at the rear of some Vale Street blocks and force more cars onto already congested local street parking. This is hardly a sound planning outcome.

I have received commentary from others in Vale Street. I mention Alan and Deirdre Basham of 114 Vale Street, who make this point in a letter dated 1 June:

The Anglicare-Berry Street proposal to fence this Crown land off, including the 'setback' mentioned, prior to its sale immediately forces all cars at number 110, 112 and 114 Vale Street out of their garages and onto the street. Parking, as you may be aware in this inner city precinct with such close proximity to the Melbourne Cricket Ground, is constantly a problem. Not to mention that the removal of all three properties' off-street parking substantially devalues their worth by an estimated \$50 000 each.

This is having a significant potential impact on these properties. I have some further correspondence in regard to these East Melbourne changes. This correspondence is dated 31 May and addressed to the Minister for Planning, the Treasurer and the local member — the Minister for Health — and is copied to me. It is from John Walker, Val Walker, Professor Graeme Cocks, Professor Henry Burger, AO, and Jennifer Burger. They are residents of Berry Street, and they are writing to add their support to the submissions made by the East Melbourne Group. They note:

In excess of 50 residents have signed a petition voicing their disapproval of the planned alterations to the current parking arrangements and are seeking a sensible solution to the problem.

They say further:

The Vale Street problem is the planned reduction of the rear ROW. This will prevent existing residents accessing their garages. It will also prevent the future owners of the planned four-block subdivision having rear access. The combined result of this folly is to force another 14 cars into street parking. So we are seeking your support to ensure that community concerns are addressed and that sensible planning outcomes are achieved.

This is an entirely rational response from decent people not seeking to obstruct the government's agenda but

seeking to get a sensible outcome. I am sorry to say we have not had a sensible response from the government.

I understand that the member for Melbourne, who is also the Minister for Health, either personally or through her staff — I think it was through her staff — organised a meeting with residents. The problem was looked at, and subsequent to that there was some hope among those residents that the problems that had befallen them, pretty unreasonably I think one would conclude, would be addressed. Sadly, following a letter from Mr Lenders, the Minister for Finance in the other place, to the East Melbourne Group on 15 July 2005 the residents' hopes were dashed. Mr Lenders said in regard to the right of way:

In respect to reducing the length of the lots to widen the laneway, this will reduce the land size which will result in the undesirable ramification of decreasing the value of the land —

which the government intends to sell.

The tragedy of all this is that the government has failed to recognise that it will be diminishing the value of the land it is going to sell by not having rear access when it could have it. You do not have to be an architectural or planning genius to know that if you provide the potential to have rear access to a garage, then you are increasing the value of the land. Not only will the Vale Street residents be suffering a substantial devaluation of their homes, the government will be effectively devaluing the land it is intending to sell. It is an absurdity to continue down this path. I hope and pray that the development plan involved with the sale of this land is amended accordingly, because the reality is that this will do no-one any good and it is a great shame.

I have concerns in a general sense about the sale of public land in this state. We seem to be engaged in an exercise of maximising a cash grab from the sale of public land. I have mentioned Royal Park and I will not go into the detail of that. I have mentioned Burnley Gardens, Werribee, Kew Residential Services and land at Frankston. I am also concerned about the cavalier attitude the government demonstrates for East Melbourne as a precinct. I speak as somebody who lived in East Melbourne for 20 years and who knows it well. The government has failed dismally to recognise the special character of East Melbourne, and this has the potential again simply to lead to public land and public use being diminished for the sake of development, which it would seem is not to anyone's benefit and will ignore obvious better solutions.

The government has a cavalier attitude to East Melbourne, just as it has a cavalier attitude to Burnley

Gardens, the Jolimont Towers, the Hilton hotel towers and the extraordinary recent proposition that the Minister for the Arts had of painting trees blue in East Melbourne, despite the fact there was a heritage overlay in the Melbourne planning scheme. The Melbourne planning scheme requires a permit to paint all external surfaces, but no permit was sought, government money was spent, and no care or attention was afforded and the community and the guardians of a very special precinct were ignored in the process.

Curiously the government, in seeking to maximise, it alleges, its return on the properties it intends to sell in Berry Street, despite the fact that it will devalue them by not providing right-of-way access at the rear, has already spent a fair slab of the money it is going to receive on a failed and discredited proposal to paint trees blue in the adjacent reserve. That in itself is the sort of absurdity which becomes the stuff of the media, and the media rightly drew appropriate attention to it. Equally they might conclude the government is engaged in a folly here in selling land without maximising its value by having rear access to those properties when it can while at the same time devaluing land that currently enjoys rear access by removing that rear access.

There is another recent phenomenon I want to mention that seems to me to be an increasing exercise of the government. The phenomenon might be described as development under the guise of charitable institutions or development by charities. This is where development is undertaken under the veil of charitable or community institutions and hence it becomes a distraction from material issues as to whether development should proceed. I again mention Royal Park which will be developed under the guise of the Commonwealth Games village.

The reality is that 90 per cent of the development will occur after the games and the development bears precious little relationship to the games. Kew Residential Services is proceeding under the guise of care services for those who for more than 100 years used that Kew site as the location of its facilities. The reality is that the development has nothing to do other than for a handful of units with the provision of that care, but that has become a feature of that development for the purposes of public discussion and advocacy on behalf of the government. That is to be regretted.

We are doing it again with Anglicare and Berry Street. The reality is that these sites will now become available for sale and development by those institutions. That may be a good thing. I am not reflecting on Anglicare or Berry Street. Good luck to them, they do a good job.

I am aware of a further development in Drill Street, Hawthorn, off Burwood Road. It is not an activity centre but an out-of-centre development and a proposal for a seven-storey residential apartment block abutting a single-storey residential area. It is strongly opposed by local residents; it is inconsistent with Melbourne 2030, although Melbourne 2030 will overrule it when it comes to a decision to be made at Victorian Civil and Administrative Tribunal. That will occur because council has rejected it.

This proposal is by the Salvation Army, which is a fabulous institution. But this is materially a development and once the permit is available the Salvation Army is at liberty to sell the property and pass the development on to another body. I suspect the Salvation Army itself would concede it is not skilled in the actual development of the property, but this is proceeding in the name of the Salvation Army. All these developments in my view must be considered on their merits, regardless of their ownership. They should be considered regardless of any charitable association or community association; they should be considered on their merits. The association may only be fleeting. I am aware that there are others to come. There is a report in the press today about the Mercy Hospital for Women in East Melbourne. That development ought to be considered on its merits without considering the associations.

As I said at the start, the opposition is not opposed to the bill, but thinks there are significant problems which will lead to the unfair treatment of individuals in East Melbourne and the loss of public land. We think the government should be addressing those issues and addressing them ideally while the bill is between here and the other place by changing the development plan. Having said that, the opposition is not opposed to the passage of the bill and thoroughly supports the Sovereign Hill measures.

Sitting suspended 6.30 p.m. until 8.01 p.m.

Mrs POWELL (Shepparton) — I am pleased to speak on the Land (Miscellaneous Matters) Bill on behalf of The Nationals as the spokesperson for planning and to put it on record that The Nationals do not oppose the bill. Its purpose is to revoke the reservations and grants of Crown land at East Melbourne and Ballarat and to amend the Ballarat (Sovereign Hill) Land Act 1970 to allow additional land to be included in the re-reserved land — that is, parts of Robertson Street and Wainwright Street, Ballarat. It will also re-reserve part of the land at East Melbourne for public purposes — that is, for temporary rather than permanent use as a child-care centre.

The bill provides for the addition of approximately 6360 square metres of Crown land to the Sovereign Hill tourist reserve at Ballarat. As the spokesperson for planning for The Nationals I spoke to representatives of the Ballarat City Council and asked if the council supported this legislation. I received an email from David Keenan, acting manager of city development at Ballarat council, who stated that the land in question was part of an unused road that was closed three years ago at the request of the Sovereign Hill Museums Association. This acquisition will complete the association's request to have the Crown land reserved as part of the Sovereign Hill Museum Association's Crown reserve and included in its existing lease, which is current until 2050. Mr Keenan said the City of Ballarat fully supports this acquisition of the unused road reservation, as it will enable the further sustainable development of the Sovereign Hill facility, which is a major piece of tourism infrastructure in Ballarat.

Most members of this house would acknowledge that Sovereign Hill is a Victorian icon. It was officially opened to the public on Sunday, 29 November 1970, in recognition of the need to preserve the unique historic buildings of Ballarat, many of which were built around the time of the gold rush, and to capture the diversity and vibrancy of the gold rush era. Sovereign Hill is now an internationally renowned, award-winning outdoor museum operated by the Sovereign Hill Museums Association, a not-for-profit, community-based organisation. Sovereign Hill has an equivalent full-time staff of 200 and has access to another 300 volunteers, who call themselves the Friends of Sovereign Hill. They occupy many of the tents, huts and cottages scattered throughout the recreated diggings and township.

This re-creation is an important part of the Sovereign Hill development. It provides exposure to what it was like in the gold rush era. My husband and I have enjoyed visiting Sovereign Hill a number of times with our two sons, walking back in time to the gold rush days, seeing people dressed in period costume and being able to pan for gold in the little stream. It is very exciting for young children to be able to recreate that part of history and to have an understanding of what it was like in those days, the types of people who lived in those towns and the conditions they lived under. It is not recreated exactly, but it is a fairly historic and unique experience.

Sovereign Hill also provides a major boost to the local economy, contributing \$35 million annually. It has won a number of Victoria's major awards, including the 2003 and 2004 Victorian tourism awards. It attracts half a million tourists from right across the world each year,

including about 80 000 Asian visitors. It allows people access to what it was like in Australia during those early years. The extra land that will be acquired will allow the museum to expand and development to be increased. I know the council is quite excited about the extra acquisition.

The other part of the bill relates to Crown land at the Anglicare site in East Melbourne which was first reserved in 1865. It has been changed a number of times and has had a number of uses over the years. It was a site for a servants training asylum and a place of accommodation for girls undergoing any domestic or technical training, and more recently it has been used for welfare purposes.

Anglicare Victoria has great respect throughout the welfare industry. It is one of the state's largest providers of care and support to children, young people and families in crisis. It has agreed to surrender to the Crown its interest in the Berry Street property, which has been let to Bayside Health since 2000 as a care facility for people living with HIV/AIDS, mental health issues, drug and alcohol dependency or physical disabilities. It is an establishment for people with some fairly high needs in our community.

I received an email from Jacqui Riters at Berry Street. She is the executive assistant to the chief executive officer (CEO), Sandie de Wolf, who is away on long service leave. I have met Sandie a number of times and I know first-hand the wonderful work that Berry Street is doing in Victoria, especially in country Victoria. The assistant executive to the CEO says they are happy with the bill and support it fully. They hope the bill passes quickly and allows them to get on with providing services to people in need.

The bill preserves the existing lease between Anglicare Victoria and Bayside Health. It allows Berry Street Victoria to strengthen its capacity to provide high-quality health services. As I said earlier, Berry Street is a great organisation which looks after the most vulnerable children in our society — those who cannot live safely at home because of abuse or neglect. They said that at any time they are looking after about 700 children, most of whom are in foster care. The staff told me about the need for more foster care parents. With people working now there has been a reduction in the number of foster care parents so they are always on the lookout for good quality foster care parents and will train those people up. The value of their providing a level of care to those children is twofold, as I understand that those children give back to the parents who look after them. They feel very strongly about the service they provide and the love and care they give to

children who are the most in need and the most vulnerable in our community.

Anita Pell is the manager of Berry Street in Shepparton and she does a great job. She cares for very at-risk young people and families in the region. I think there is a particular need for these sorts of services in country Victoria. I know Anita and the staff do a great job of providing programs in country Victoria, where we have a lot more needs, where perhaps there are not as many foster carers and where perhaps the services are not as easy to access. They work extremely well in conjunction with all the other welfare organisations we have in Shepparton. I put on the record my great respect for Anita Pell.

Berry Street was established in 1877 as an infants' asylum and babies' home. It has a long history of doing great work and providing services. It was also a training centre for all mothercraft nurses in Victoria for nearly 70 years. It was a home for unwanted or illegitimate babies and a shelter for their mothers who were supported and given care. Many years ago women were encouraged to put their children up for adoption. There was a lack of information for and education of those girls who had illegitimate babies. Some of those women were thrown out of home because they were pregnant and they knew their babies were going to be illegitimate. It was important that somebody in the community cared for those women and provided them with some training, education and support while they were having their babies and after the babies were born. They gave these women information about what they could do — whether they could keep their babies and how to do that, or whether they should give them up for adoption, which is probably one of the hardest things a young mother could have to do.

There is a lot of counselling associated with those services. If a young girl decides to give her child up, there are a lot of recriminations for that person and a lot of care and counselling is needed over many years.

The member for Hawthorn raised some concerns about the Anglicare site which have been expressed by residents who live around the site in East Melbourne. Those concerns include parking issues and street access. The member for Hawthorn gave me copies of the letters he has received. One of them is from the East Melbourne Group and dated 16 May 2005. It is a letter addressed to the Honourable John Brumby in his role as Treasurer. It states:

Both the East Melbourne Group and the local residents welcome the proposal to foster sensitive residential redevelopment in this important heritage area.

Apart from a limited briefing on the details of an ancillary planning application to demolish a garage and erect a boundary fence, your department has not put in place any consultation process with the community and seems indifferent to two issues of concern to all of the affected residents.

The first issue concerns elimination of eight car spaces that are located on the first four blocks to be sold. These off-road spaces are currently used by the staff and visitors to the AIDS hospice and it is now being suggested that only two spaces are required. The local residents believe this is an underestimate of the parking needs of staff, nursing visitors and patients and their visitors.

The second issue concerns the access via the rear of the Vale and Berry streets properties. The current lane width is an artefact of the early surveys made before the motorcar was invented. For the Vale Street blocks at the rear of the first four Berry Street blocks to be sold there has been some give and take that has resulted in a right of way being created to make it possible for the owners of the properties concerned to manoeuvre their cars into off-street garages at the rear of their properties.

In preparing the first four blocks for sale your department has applied to demolish a garage and re-establish fences on the exact lane boundary. An unintended consequence of this will be to make it impossible for three Vale Street residents to maintain access to garages at the rear of their blocks.

The letter goes on to talk about the need for consultation and perhaps some modification. In a response to the East Melbourne Group, John Lenders, the Minister for Finance in another place, stated:

Thank you for your letter ...

... I also understand that a planning consultant acting on behalf of the department has met with your group and some local residents on the evening of 4 May to discuss the planning application and the residents' concerns.

In regards to the southern allotment adjacent to the Anglicare buildings, Anglicare have advised the department that the land is not required for car parking and therefore it does not need to be retained for their current use. In addition, the parking issues in relation to the use of the Anglicare buildings were considered by Melbourne City Council as part of the planning application and they have issued a planning permit conditional on the provision of four car spaces on the Anglicare land.

In respect to reducing the length of the lots to widen the laneway, this will reduce the land size which will result in the undesirable ramification of decreasing the value of the land.

He goes on to name somebody they can contact. I do not think the East Melbourne Group has had much comfort from the Minister for Finance.

A letter from a number of constituents in the East Melbourne area who will be directly affected by the proposal to redevelop this site states:

The Anglicare Berry Street proposal to fence this Crown land off, including the 'setback' mentioned, prior to its sale immediately forces all cars at number 110, 112 and 114 Vale Street out of their garages and onto the street. Parking, as you may be aware in this inner city precinct with such close proximity to the Melbourne Cricket Ground, is constantly a problem. Not to mention that the removal of all three properties' off-street parking substantially devalues their worth by an estimated \$50 000 each.

I understand first-hand that parking is at a premium in East Melbourne and around the Melbourne Cricket Ground (MCG). I have a flat in George Street, East Melbourne, and I have a parking permit. I come down when Parliament is sitting and sometimes it is impossible for me to get a car park in George Street and I have to use the adjacent streets. The diminution of any car parking in East Melbourne, particularly around the MCG, will cause huge concern to residents. I have been there for six years and I have noticed the development going on in East Melbourne. It is a heritage area, but there continues to be development, and car parking is at a premium. I urge the minister to ensure that car parking, particularly in that area, and access to people's garages are not compromised. I further urge him to act on the member for Hawthorn's lobbying and ensure that those issues are addressed.

Another letter talks about residents in the East Melbourne Group. It says 50 residents have signed a petition voicing their disapproval of the planned alterations to the current parking arrangements and are seeking a sensible solution to the problem. As you can see, a number of residents are concerned. They are not against the development of the site because they understand it is a needed and good development but they have a number of concerns about car parking and access to their properties.

With the passing of this bill The Nationals look forward to Berry Street Victoria continuing its important work in protecting and caring for our most vulnerable with counselling programs and training that those young children and families need. We also hope Sovereign Hill continues to be a great tourist attraction, because with the passing of this bill and the extra land it will be able to expand its operations. Again, reiterating the contribution of the member for Hawthorn, we also hope sensible planning outcomes for the East Melbourne residents can be achieved.

Debate adjourned on motion of Mr CARLI (Brunswick).

Debate adjourned until later this day.

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Environment).

Mr JENKINS (Morwell) — It gives me great pleasure to rise to speak in support of the Local Government (Further Amendment) Bill. Local government is a very important part of the governance of our community. The third tier of government is most important. Members of the opposition have talked about the importance of local government, but let us not forget that when in government they wiped the board clean of local government. They wiped out every local government authority in Victoria except for the Borough of Queenscliffe, without regard for how well those local government authorities were being operated or for how much hard work local government councillors had done. It wiped them out right across the board.

We hear members opposite cry crocodile tears once again about one council after an exhaustive process under the auspices of the Minister for Local Government in the other place to try to give the Glen Eira council every opportunity to turn around. One of the members of the opposition actually spoke about the first report that indicated the difficulties Glen Eira was having in 1998. Some members may be able to remind me, because I was not here, who actually was in government in 1998 and who should have taken responsibility. In 1998 it must have been the Kennett government, not the first Bracks government, which for a full 12 months failed to act on what the member for Polwarth described as a Liberal council. There is no reason to be surprised as to why the Kennett government failed to act against a Liberal council which year after year seemed not to be able to get its act right.

The overwhelming majority of local councils throughout this state and probably the rest of the nation have been extremely responsible. The overwhelming majority of councillors and councils have displayed the sort of responsibility and maturity that we need to foster in local government, and certainly that is what this government fosters in local government. I remind the house how long it took and how exhaustive the process was to try to give Glen Eira council an opportunity to lift its game and adopt the sorts of responsibilities that every other council in Victoria has adopted. The overwhelming number of councillors work well

through their communities and make sure we continue to have great local government in Victoria.

Local government operates in a different way to state governments. There is no government and opposition. As the member for Shepparton would no doubt understand, my experience comes as an elected councillor. I do not have any experience as an appointee of government after the sacking of councils. People giving their time after being elected by their community make sure that they govern on behalf of the community. It operates in a consensus way, not as government and opposition. It tries to ensure that the responsibilities of local government remain focused on local issues.

In Glen Eira the council will be disqualified for three and a half months. The councillors have suspended themselves. We see again the crocodile tears on the other side over the sacking of councils. You sack councils when you knock out over 200 local well-run councils. In Glen Eira it was a case purely and simply of a council doing away with itself. In three and a half months there will be an election and a new and hopefully responsible council will be in place. That is in stark contrast to what happened when those in opposition were in government. When they were in government some local governments were wiped out for over two years and people were appointed. No doubt they were supporters of the conservative government and some of them have found their way to this chamber, which is no surprise. It was a great sinecure for two and a half years. It was good pay. They were unrepresentative. In this case Glen Eira council has failed its community; it has failed to provide good government and effective leadership. The councillors showed no indication — and this is important — that they were prepared to focus on a strategic direction.

The councillors were almost completely immersed — these are the terms used by the local government report — in divisive point scoring and interpersonal conflict. They found themselves facing a breakdown in working relationships, not only amongst councillors but between the council and its chief executive officer. Importantly, this Liberal-dominated council was unable or unwilling to accept any remedial action. That was probably the biggest downfall of the Glen Eira council: its councillors were unable or unwilling to take any remedial action.

Over the month or so since the Minister for Local Government made the decision to suspend the Glen Eira council we have heard about other councils that have had problems from time to time. We have heard of a number of councillors who could not quite live up to

expectations and could not quite put aside personal or political differences to work on behalf of their communities. We have also heard of a couple of individual councillors who from time to time — every council seems to have one, and some have two and maybe even three — just seem unable to rise to the level of maturity that you need in this important part of local government.

I can go back to my experiences on the Latrobe City Council. That council is a wonderful group of dedicated people. The first Latrobe City Council had people like Helen Hoppner, Tony Hanning and Lorraine Bartling. I do not think you could have had people who were further away from my personal political beliefs; but they shared a common belief in the people and community of Latrobe Valley, and they shared an understanding that you have to work together to overcome your difficulties. When from time to time you differed, you debated, got the facts and moved on. But this did not occur all the time. The last couple of terms of the Latrobe City Council have seen one or two — or three — councillors using divisive tactics to try to bring down their own local council instead of making sure they work for the community of Latrobe. But the overwhelming majority, and that is important, have decided to move on.

In the case of the Latrobe City Council the councillors put in place the first good governance protocol in local government, and it became a trendsetter. They made sure it covered the full range of the council's activities, so it required councillors to turn up not only to council meetings but also to briefing meetings. It also required councillors not to use the tactics that a lot of councils use in moving rescission motions to stall decisions but to actually work through the process. In the case of the Latrobe council, six of the nine councillors continued to work effectively. As distinct from the Liberal-dominated Glen Eira council, like most councils in the state the Latrobe City Council made sure the people it represented — the people of the City of Latrobe — were well served.

For the last five or six years it has worked with this government to make sure Commonwealth Games events take place in Traralgon, in the City of Latrobe. It has worked with this state government to make sure the City of Latrobe has had investments such as the brown coal investment of \$400 million announced today. There have been announcements of investments amounting to \$600 million through Australian Paper, and also investments in forestation and timber. That is what this local council has done: it has worked with the state government for the good of all Victorians.

Mr WILSON (Narre Warren South) — I am pleased to speak on the bill, which in addition to dismissing the Glen Eira councillors seeks a speedy restoration of good governance to the City of Glen Eira by making the necessary arrangements for the Glen Eira council elections to be held on time, as previously planned, on 26 November this year. The Glen Eira councillors were suspended during August this year following the report and recommendations of the inspector of municipal administration, Merv Whelan. Many speakers today have spoken of the serious nature of councillors' activities. I simply note that Mr Whelan's report highlights a number of serious points, including the inability or unwillingness of councillors to properly carry out the responsibilities conferred on them by the Local Government Act or to put aside or in any way address their personal animosities for the sake of the municipality they were elected to serve.

It is essential for councillors to become actively involved in the strategic long-term planning of their city. As a former councillor of the City of Springvale and the City of Greater Dandenong, I can testify to the importance of councillors not only serving their community but also putting aside their personal differences in the interests of good governance and constructive debate. Rigorous debate is to be welcomed both in this chamber and in council chambers. It is a healthy sign of democracy at work. But it is when this debate ceases to be conducted in the best interests of those being represented that problems arise.

As I have previously noted in this place, many of the services local government provides are funded by this Parliament's appropriations, as well as by the rates and charges levied by councils. Residents' views of local government are shaped by the effectiveness and responsiveness of the services provided by this level of government and also by the actions and leadership of councillors. Constant squabbling between councillors, as noted in the municipal inspector's report, does nothing to encourage residents' confidence in their local council, and their obvious inability to adhere to the principle of good government loses that confidence completely.

The demands for services can be very high. Whenever local residents see councillors squabbling between themselves or with their officers, it can lead to a serious loss of confidence, even though the services are often provided effectively. It is testament to this government's support of local government that despite calls to sack several councillors on occasion this power is exercised only as a last resort. Since the decision in August to sack Glen Eira council there have been

front-page stories in the city of Casey about the need to sack the Casey council. That is not a situation I would agree with, because as a supporter of local government I think we should allow the elections to continue. That is what this government is doing in this bill: it is dismissing the councillors, but it is also ensuring that people have their say on 26 November. I note, as other speakers have noted, that the mayor of this council wrote to the Minister for Local Government requesting an investigation by the inspector of municipal administration. I note that the problems span up to seven years and two state governments. We took action as it was required, unlike other governments.

This bill ensures that good governance and democracy are returned to Glen Eira as soon as possible, avoiding the loss of democracy suffered by residents statewide when the former government sacked all the councillors and installed commissioners for three years. During the time of those commissioners there was little local government democracy and little recognition of local views, and the slash-and-burn policies of many commissioners removed valuable council assets and resulted in the retrenchment of many valuable local staff. Under this bill the councillors of the Glen Eira City Council will be dismissed. The necessary adjustments are being made to the election timetable to ensure that Glen Eira residents can vote for councillors when the 53 other local municipalities go to elections on 26 November.

This bill also amends the Local Government Act to ensure that in future councils can be suspended for less than the current 12-month minimum. At the expiry of the suspension the current Local Government Act provides for three options: firstly, to reinstate the councillors as a council; secondly, to fix a date for new elections for all the councillors for that council; and thirdly, to introduce a bill into Parliament to dismiss the councillors. I have some sympathy for the views of the Victorian Local Governance Association and the Municipal Association of Victoria. I note particularly the comments made by the president of the MAV at the time the councillors were suspended. They included the comment that 'this is a decision that should be made by the people at the ballot box'.

This bill ensures that the disruption to democracy will last only a few months. I hope it will provide the incentive to ensure that the failure to act in the best interests of the community, as mentioned in the municipal inspector's report, will not be repeated in our state for many years to come.

Following consideration of this bill I expect that the Glen Eira residents will have the opportunity to select

their local representatives yet again in November, and that is a very important task. Following the elections the CEO of the council will be required within 14 days to call a meeting of the new councillors. This will end the period of administration and will, hopefully, return the Glen Eira council to being a fully functioning, efficient democracy. I commend the bill to the house.

Ms BEATTIE (Yuroke) — I rise to support this legislation and offer my congratulations to the minister on taking such a courageous decision to sack the council. It must have been very tempting for the minister to receive the report, pop it in the bottom draw and let the people of Glen Eira deal with this fiasco in November this year. But, of course, the minister was courageous and could not ignore the facts. The facts are that in late September 2004 the mayor of Glen Eira wrote to the Minister for Local Government in the other place, the Honourable Candy Broad, requesting the appointment of an inspector of municipal administration to investigate and report on matters arising out of the audits of councillors' expenses by the internal auditor, PricewaterhouseCoopers — in particular, breaches by councillors of the council's own expenses policy relating to the use of council-supplied telephones.

In September 2004 the minister decided to have an inspector conduct an investigation into Glen Eira City Council and framed some terms of reference for that to happen. Of course it was very important for this to happen. I note that other members have talked about the sacking of democratically elected councillors by the previous Kennett government, and we are still experiencing some of the aftershocks and the disfranchisement people felt when that happened. I certainly remember those years when I was living in Sunbury and the commission decided to put a fence down the middle of a public park so that the children's playground was on one side and the adult's barbecue area was on the other side. The ratepayers of Sunbury at that time had no input into that decision and demonstrated quite actively that they did not want that to happen. The commissioners would not listen at that stage and so there was a public campaign. We are pleased to have democratically elected councils back this time around.

It was a very serious decision for the minister to make, but it was the right decision. There could be no other decision because Glen Eira council was governed very badly. We on this side of the house see local government as an important third tier of government, but we could not ignore what was going on in Glen Eira. Right up until the end there had been a serious failure to provide good government. Councillors were

not providing leadership to their community; they were abrogating their responsibilities. They showed no inclination whatsoever to focus on strategic direction. They were almost completely immersed in divisive point-scoring and personal attacks on each other rather than providing leadership and good governance to their ratepayers. It must have been horrible for the ratepayers in Glen Eira. There was a breakdown in good working relationships and a total absence of goodwill, respect and trust between the councillors. They were unable to seriously attempt any resolution or conduct remedial or mediation-type matters, and they placed a tremendous burden on council staff. The council staff must have been particularly horrified to see what was going on.

However, the council was well managed during that time. The chief executive officer is held with a great deal of respect in that area, as are the directors and the management team, and the council is in a strong financial position. But the council meetings were noted by unruly behaviour and no good effective debate, the mayor was unable to preserve good order, there were deep divisions, there was a failure to work cooperatively, sensitive information was misused, and there were harassment allegations. It was a terrible time.

I am very lucky; I am in the city of Hume and I have quite a good relationship with the council. I have to say that there have been some problems out in the city of Hume, not caused by the council itself but by a small group outside the council called the Sunbury Residents Association, which decided many years ago that because of its lack of control over the Sunbury area it wanted a separate Sunbury shire. That is the most ridiculous thing I have ever heard, but the Bracks government conducted an investigation and found that if Sunbury were to separate from the city of Hume there would be a rate increase of 63 per cent — not 63 per cent over a number of years, but 63 per cent in one go and successive increases after that — and that the 63 per cent increase would be on top of the normal rate rises that occur through inflation. The association just refuses to accept that and says that the report is flawed. It does not tell you how it is flawed; it just says that it is flawed. The report is not flawed; it is just that the association does not like the outcome and refuses to accept it.

It is about its loss of power in the area rather than any lack of good governance. The association says that it would outsource its requirements, but outsource to the council's current contractors. If there is not good service now, how will outsourcing to the very same people who provide the service now result in good service? That is nonsense. I urge those people within

the city of Hume to just get on with the job of working with the Hume City Council. They should forget about a separate Sunbury; Sunbury can be a vital part of and actually enhance the city of Hume. I urge them to get on with it and to not go to their graves with 'Sunbury out of Hume' stamped on their headstones. They should get on with the job of supporting the provision of good governance and supporting the council.

I congratulate the minister for her courage in bringing this to the Parliament. It must have been a very difficult decision, but it is the right decision. I urge the people of Glen Eira to get behind their new council when it is elected, and I urge the new council to get on with the job and serve the people of Glen Eira well. I wish them all the best for the council elections.

Ms DUNCAN (Macedon) — I cannot say that it gives me pleasure to speak on the Local Government (Further Amendment) Bill because it is a pity this bill needed to be introduced and this action needed to be taken. But, like the member for Yuroke, I commend the minister for acting courageously. It would have been a lot easier to have just let this continue on for a few more months and wait for the normal election cycle. It is clear from the report that has arisen from what was a request by the council itself that this was a completely dysfunctional council and it would have been inappropriate to have left it to continue on its way.

As someone who was a bit separated from and not too au fait with the goings on at Glen Eira, I realise, after reading parts of this report and information about this bill, that it really was an extraordinary situation that had clearly existed for many years. I think in 1998 under the Kennett government a report was done which demonstrated some of the problems with the way in which the council was operating.

This is an action that this government has not taken lightly. As a government we have been committed to preserving the third tier of government. In fact in 2003 we inserted new provisions into the Victorian Constitution Act 1975 to better recognise local government as a distinct and essential tier of government. In complete contrast to the previous government, which sacked councils across the state and appointed administrators to all of them, this government has sought to strengthen local councils and recognise them in the constitution. We have also made some additional amendments to the act which have improved the governance of councils and the transparency and probity of financial reporting to communities so that local communities can have more confidence in their councils. For this reason this decision has been a very difficult one for the minister

and for the government, because it goes against what the government would have hoped to achieve — that is, that councils could administer good governance under their own steam without steps having to be taken in order to dismiss a council.

The Local Government Act provides for this situation and outlines very carefully the actions that need to be taken where there is a serious failure to provide good governance by council. The act sets out the procedures for the suspension of councillors, and that the minister must be satisfied on reasonable grounds that the council has failed to provide good governance in a serious respect.

The further safeguard in all of this is the amendment made in 2003 inserting an additional requirement that before making a recommendation to the Governor in Council to make an order, the minister must consider and provide an opportunity for councils to address and remedy the problems they are facing. The minister must consider what steps the council itself has taken to address and remedy the difficulties underlying the failure to provide good governance. This was done on numerous occasions for the Glen Eira City Council, and one of the most startling features with the report, as far as I am concerned, was that even after the report had commenced, the council was still unable to conduct itself in a manner which would accord with good governance. The fact that the council was either unwilling or unable to remedy the situation itself left this government with no choice but to make a decision — a hard decision that was not taken lightly, but a decision that was necessary under all the circumstances. It is an unfortunate situation for the Glen Eira city that this has had to occur. Nonetheless, it has occurred, and I commend the bill to the house.

Mr LOCKWOOD (Bayswater) — I, too, will make a brief contribution to the Local Government (Further Amendment) Bill relating to the dismissal of the Glen Eira City Council and its proposed election on 26 November. A re-election of the council is a proper thing, and I support other government speakers in their support of this bill. The council needed to be removed and the only way that could have been done was to remove it immediately and leave the way open for elections in November, and have the council administered properly by someone who would actually get on with the job.

I have been interested to hear the contributions of some of the Liberal members. I was a local government councillor in 1994 when councils were removed across the state. Democracy was suspended in Victoria at the local government level at that time. The amalgamations

and the reduction in the number of councils worked out to be a good thing, as the fire sale of assets, the reduction of services and the legacy of unsustainable budgets just could not keep going. That was certainly bad for local government; it was a disgrace, and it was the community that paid the price for all of that.

Local government is ultimately accountable to its voters once every — soon to be — four years, and it is also accountable to the state government, although it is still less accountable than state and federal governments are. For example, the state government has an opposition, two houses of Parliament and the media daily feeding off everything it does, but local government does not have that. It usually has — suburban councils, do, anyway — only the suburban media. They lack the scrutiny we have now.

Mr Nardella — A bit more passion!

Mr LOCKWOOD — A bit more passion? I am trying to get through it quickly and you are slowing me down.

On the subject of scrutiny, we also have the Scrutiny of Acts and Regulations Committee to scrutinise all the bills for trespass on certain rights. Perhaps local councils could do with a scrutiny process or committee to check out what they do from time to time. For the moment though the accountability is twofold: at the ballot box; and to the state government.

I have two councils in my electorate, Knox and Maroondah. They are going along fairly well; they are not riven by conflict as Glen Eira was. Knox was a fairly new council in 2003 and took the risk to raise its rates and change to capital improved value and caused huge rate rises for some people. I guess they took a risk at that time, but in November they will see how that is going to affect them and hit them in their own backyard.

Most of the councillors get along fairly well, although Cr Gill seems to be building a reputation for being sought here and there and not being found, because he seems to disappear and not turn up at the various Bayswater community or traders meetings. Some want to treat him like Caesar, either to praise him or to bury him, but I am sure he will turn up at election time. Again, I say I support this bill. The council was very badly governed, as the Whelan report says, but it was very well managed. I commend the bill to the house.

Ms NEVILLE (Bellarine) — I rise tonight to support the bill. Sacking a council is clearly a very serious decision that is not taken lightly. Local government is very important to Victorians, and I

remember very well how distressed many Victorian communities were during the previous government's decision to force amalgamations and put in place commissioners. I remember travelling around to many communities at that time and being told that people felt the heart of their community had been taken away. Perhaps what was most distressing for people was not that they saw local government as some perfect instrument of government but that there was no consultation or discussion about it. We saw in many cases some very strange outcomes as a result of the forced amalgamations. There are now strange boundaries. I have one in my area where a boundary which runs down one street certainly causes some confusion about what people identify with.

In this case the decision by the minister to remove the Glen Eira council was the result of some very serious breaches that ultimately reduced public confidence in that local council. I am sure that the suspension of the council was a very serious decision for the minister to take, but in order to protect the future of local government it was a decision that absolutely needed to be made.

As I said before, people do not necessarily see local government as always being perfect and members of local communities are still struggling with some of the outcomes of amalgamations. I know that at times in my electorate of Bellarine there has been a movement for Bellarine to split from the City of Greater Geelong. In my electorate I have the irony of having the smallest council in the state, which is the Borough of Queenscliffe, and one of the largest, which is the City of Greater Geelong. Both have their benefits and negative sides, but it is crucial that the government play a role in ensuring that people have as much public confidence as possible in local government. It is important that the government legitimise that and enable councils to make decisions and say to the public that where there are serious breaches it clearly has a role to step in to secure the future of local government.

It has been a very clear decision. If we look at the reasons for the decision to remove the Glen Eira council we find there is no issue — and I think all parties support this — about the basis for that decision. It is not just about a bit of conflict that existed between a few councillors. These were serious breaches. We have conflict in all councils because their nature is political. There will be conflict internally, all the time, or often, between people of the same persuasion. The issue is not just about conflict. It is about very serious breaches. I commend the bill to the house.

Mr SEITZ (Keilor) — First of all I congratulate the Minister for Local Government in the other place for taking this step. I am sure it was not a step taken lightly by her or by the local government inspector who made the recommendations. I have read the report and have passed it around far and wide for western suburbs councillors to read so that they might learn how to behave and how to act as responsible public figures. I have personal experience of having stood on a platform to sack the Keilor council at a time when this house said it was impossible, that there was no law for it and that it could not be done. But after 12 months we achieved it. The local government minister then was Alan Hunt.

I know what the ratepayers of Glen Eira and some other municipalities have gone through when their elected representatives have not acted responsibly or worked together for the benefit of their city or shire, but have been nitpicking, attacking personalities and scoring points for their own benefit. That does not help a city or shire to grow and it does not help the community. Too often these people forget that they are there to represent their city or shire and to develop their communities. They forget that they are competing with other municipalities. I have watched how other cities progress and how funds are made available to the city, and how the business interests in the community look to invest and establish their centres there, whether they are charitable organisations or any other. All those things go with it. That is the responsibility of local government. In the Keilor council's case we wanted to get the Spastic Society of Victoria, now called Scope, to set up a centre in St Albans. The organisation was offered the land free and many other things to entice it out there to provide this service to our community, but the area had a bad name and it was reluctant to come.

Eventually we got it to come out there, but we had to put a clause in the bill. We had to give it the land. The titles were free. But we told the association that it could not sell until 10 years after the Queen Mother's death, because it was interested in selling the land. We heard earlier in the debate comments about charities turning into businesses. They acquire land for nothing from local or state governments, and later on they turn into businesses. I was involved in putting that clause into the bill. There was also an issue involving the Multiple Sclerosis Society of Victoria. We attracted the society to the western suburbs to provide a service, and I played a part in that. The society has since shifted. It is important that we look not at personalities but at the image we give to communities and areas. For these reasons I say that the report should be compulsory

reading for every would-be councillor and executive officer.

When we re-established democracy in Keilor I lobbied everyone, saying that all the protagonists should not renominate and run for council. I thought we should give the then City of Keilor a fresh start with new faces so that the Hatfield and McCoy feud would not continue. That is the important message I give to the former Glen Eira councillors as well. They only have three months to go until the next election. If the same people turn up they will get elected, because they have their own bands of followers and voters. But then the whole thing will start over again. The best thing I did for the former City of Keilor at the time — because the Liberal Party was watching what the Labor Party was doing — was to get the parties together and say, 'None of the old candidates are going to run from our side or your side'. That was discussed in the corridors around this house. An understanding was reached in order to give Keilor a fresh start, and from there on it went forward. When the Kennett government abolished the then City of Keilor it was flush with money. The community was very pleased with the way the council was run. Therefore I commend the minister on the steps she has taken. I hope this bill sends a message to the rest of the councils to read the code of conduct and know why they are elected.

Mr NARDELLA (Melton) — I support the Local Government (Further Amendment) Bill, because it is about reinstating the Glen Eira council, which this government had to get rid of. It was a courageous decision by the Minister for Local Government in the other place, Ms Broad. It arose out of an investigation that the council itself called for. It asked us in to sort out the problems of the Liberal Party — they are all Liberal Party members out there — because unfortunately it could not sort them out itself. A commissioner has only been appointed for three and a half months, which is in stark contrast to what happened in the past. Today we have seen the Liberals cry crocodile tears because we have had to appoint a commissioner to do their dirty work for them. The Liberal Party could not do it because it is so hopeless.

You can contrast the situation now with the seven long, dark years during which the Liberal Party was in government. I remember 1993 and 1994, when it summarily sacked 210 councils. There were 211, but it did not sack the Queenscliffe council, where the Baillieus were in office. What did it do? It appointed Kennett's commissioners, or collaborators, to put in place the abysmal and appalling policies they were told to put in place. They were collaborators because they got paid 30 gold coins. If you were a commissioner,

you got \$60 000 a year. If you were chief commissioner, you got \$80 000 a year because you had collaborated.

Liberal Party members went in and sold off all the assets. They went in and put in place compulsory competitive tendering. They destroyed those communities. If it had not been for the Labor government, they would still have commissioners in Melton, who were not going to be there just for three and a half months or three and a half years. If the Liberal Party had had anything to do with it, they would have been there for three and a half decades. They would have sold off every bit of land they could have laid their hands on, and all of our other assets. We are still paying for it now. It was just appalling. The Liberal Party is hypocritical. Crying crocodile tears about the fact that we have appointed a commissioner to fix up its mess is just amazing.

The last thing I want to say is that Ms Broad's decision is consistent with the ALP's policy when in opposition in 1993–94. A former member for Jika Jika in the other place, the Honourable Pat Power, consistently put to the house a position where there should be short-term appointments — six months at the maximum — and then there should be elections for all amalgamated councils. That was not followed by the Kennett government at the time; it was just appalling. This is very good legislation because it is about re-electing a new council at Glen Eira. I support the bill before the house.

Ms MORAND (Mount Waverley) — I would like to speak briefly in support of this local government legislation and commend the minister in her administration of the Local Government Act. Councils across Victoria play an incredibly important role in our community and provide a diverse range of services and programs. I wish to speak for a few minutes about Monash council, in which my electorate lies. The chief executive officer and his staff do a great job in administering the city of Monash. I also want to comment on the current focus of the dispute between one councillor and the other Labor councillors on the City of Monash. I know quite well each of the councillors that are being accused — Joy Banerji, Geoff Lake and Stephen Dimopoulos — and I have never seen them behave in any way that could be described as bullying. I believe they all do an outstanding job representing their wards.

I acknowledge that I have not worked with them directly, but I have worked with them in areas that overlap with state government programs and services. Monash council seems to be working effectively

despite this current dispute and I am sure that the council will be able to continue to apply good governance to the city of Monash. I commend the bill to the house.

Ms DELAHUNTY (Minister for the Arts) — I am delighted to sum up on the Local Government (Further Amendment) Bill. It is often said that local government is the layer of government closest to the people, and certainly if you look at the number of MPs in this house who have spoken on this bill, you would have to say that is so. It is sometimes dismissed as the arbiter of roads and rubbish, which really underestimates the sophisticated and complex challenges of local government in the 21st century, particularly in a city and a state which has a growing and ageing population, and all the challenges in the world's most livable city and state. There are huge challenges in fact. We have highly paid, highly educated and experienced chief executive officers in council offices and there are high expectations by the community of the calibre of our councillors. When the performance of those councillors sinks to what was clearly defined in the Glen Eira council's own investigation as 'unacceptably low', the Minister for Local Government has no alternative but to act.

This is a simple bill; it is not complex or obtuse. It is simply to dismiss the Glen Eira City Council, to set a date for a general election and to amend the Local Government Act 1989 to allow for an order for the suspension of the councillors of the council to expire at the end of a specified period that is less than one year. It is evidence of the proximity of local government to the work of state MPs that we have seen a veritable bevy of speakers on both sides of the house giving us their understanding of the workings of their own local councils, and making comment on the dysfunctional state of the Glen Eira council and the alarming breaches of governance that were clearly evident in the investigation sought by the council itself.

I thank all members who spoke on this bill for their contributions: the members for Bass, Shepparton, Bentleigh, Caulfield, Oakleigh, Mornington, Mordialloc, Polwarth, Lara, Lowan, Ballarat West, Hawthorn and Ivanhoe, the Deputy Leader of The Nationals and the members for Morwell, Narre Warren South, Yuroke, Macedon, Bayswater, Bellarine, Keilor, Melton and Mount Waverley. I wish this bill a speedy passage.

Motion agreed to.

Read second time.

*Remaining stages***Passed remaining stages.****LAND (MISCELLANEOUS MATTERS)
BILL***Second reading***Debate resumed from earlier this day; motion of
Mr HULLS (Minister for Planning).**

Mr CARLI (Brunswick) — I rise to speak on this bill which changes the status of three areas of Crown land through different parts of Victoria. They are very important changes, small in nature yet still critical and an important demonstration of the strength of the Bracks government in terms of its ability to negotiate with various stakeholders to their benefit and also that of Victorians.

The first change of land status is the releasing of an additional 6360 square metres of Crown land to the Sovereign Hill Tourist Reserve in Ballarat. This is a major site and a very important reserve for tourism in this state. This land was made available by two disused roads that ran around Sovereign Hill reservation. This bill will simply ensure that this land is consolidated into the overall reservation size of Sovereign Hill and strengthen a very important tourist centre of this state. Of course the Ballarat council is very supportive of this, as is Sovereign Hill itself. Clearly it is a very important area.

The other two changes of status deal with land in East Melbourne that is basically used by community service providers. Again these changes demonstrate the strength of the Bracks government's ability to work with community service providers to ensure their viability and their continued ability to provide quality services and to ensure that the community benefits from those services.

One of the two pieces of land undergoing a land status change is the Anglicare site in East Melbourne. The bill takes a bit of Crown land and removes the permanent reservation on it. There will be an unrestricted Crown grant issuing part of that land to Anglicare, and there is \$550 000 for that part of the land. Any excess balance will be sold by public auction. The city of Melbourne and Anglicare are very supportive of this bill.

The other part of the bill deals with the Berry Street child-care and family care centre land in East Melbourne. Here also it changes the current status of that Crown land. The permanent reservation will be

revoked, and the site will be made available for public purposes under the control of the Department of Human Services. The importance of both those sites is that they strengthen important areas of community service.

I was a bit taken aback by the contribution of the member for Hawthorn, who took up some important issues raised by East Melbourne residents that they no doubt feel very strongly about. The member used those to try to undermine this whole transfer process, particularly in the case of the Berry Street site.

The issues raised by residents concern car parking and access to garages. In fact the Minister for Finance has responded to those residents, indicating that a planning consultant had been out there and had met with them. He basically found that the area was not needed for car parking and that access to the garages would still be available and would still be provided. Anglicare did not demand or did not need the current eight car parking spots; it says it could be looked after by the three car parking spaces off Berry Street and one additional car space at the rear. It was unnecessary, therefore, to try to preserve that car parking land. The land could become available as part of the five freehold sites that would go over to Anglicare. That is a very critical part of this whole process, because it allows Anglicare to develop part of the site for residential purposes. That issue was raised by residents and has been dealt with. Basically car parking was not necessary.

The other claim that has been made about the Anglicare site is that the three garages which provide access to the Vale Street properties will now become inaccessible. That is not the case. Certainly, there will be a change. At present the residents use a concrete apron that is currently on the Crown land opposite the garages. That will not be available, because it will be part of the land that will be available as freehold to Anglicare. Those residents do not have any legal entitlement to the use of that land. They will continue to have access to the garages, but they just will not have the same access they have had previously.

It is important to recognise that the government has dealt with the concerns of local residents — and it has gone, in the case of the Anglicare land, to the local residents. It has not satisfied them completely, but it is unfortunate that the member for Hawthorn should use that as a pretext for undermining this very important process to strengthen the community service provider.

The other issues raised by the member for Hawthorn generally concern what he saw as a loss of public land in Melbourne that is currently being used for a number

of different functions. It would be fair to say that public land is bought and sold and that its use changes over time. This bill is a good example of where the status of Crown land has changed for a major public benefit. The member for Hawthorn used the Royal Park psychiatric hospital site in Parkville as an example of public land that was being badly utilised or sold off and not being used for public benefit. I was there on Monday and I can say that what is now the Commonwealth Games site is a terrific development. Not only is it a terrific development for the Commonwealth Games, but it will supply 200 units of public housing which the area around the Brunswick–Parkville area desperately needs. This house should recognise the importance of bills like this, which basically work with the community sector and find ways of changing current land uses but in a way to provide for the benefit of local communities.

I am very supportive of the bill. We should be aware of the agreements entered into. In the case of Berry Street the concern was raised by the member for Hawthorn that the granting of the land back to Berry Street is not provided for in the bill. That is not true. A formal agreement has been made between Berry Street Victoria and the Department of Treasury and Finance. That land will be reserved for public purposes, in this case child care, and the Department of Human Services will be appointed as the committee of management of that land and grant a lease of 21 years to the East Melbourne child-care centre. Child care is being preserved in East Melbourne and no doubt that is very important for the East Melbourne community.

In the case of Anglicare, land has been made available in the terms of five freehold titles, some of which is leased to Bayside Health. It undertakes a very important health function. The Sovereign Hill, Ballarat, provision entails two former roads being incorporated into the reservation for the Sovereign Hill tourist area. They will be of great benefit to Victoria. This demonstrates that the Bracks government has a very strong commitment to working with communities, particularly supporting community service providers, and to ensuring that old Crown land uses are updated, that the reservations better serve Victorians and extend the land made available, in the case of the Sovereign Hill reservation, and the reservations of Berry Street Victoria and Anglicare.

I commend this small but important bill. I commend the work done by all the stakeholders who have realised these are important changes in the current status of Crown land.

Ms ASHER (Brighton) — I wish to make a couple of brief observations on the Land (Miscellaneous

Matters) Bill. The Opposition does not oppose the bill. The first element of the bill upon which the opposition has a more positive view is as it applies to the expansion of Sovereign Hill. This bill when enacted will see the addition of 6360 square metres of Crown land to the Sovereign Hill tourist reserve. In my capacity as Minister for Tourism under the previous administration this facility was one of the leading examples of tourism in regional Victoria. I am reminded that it still is, although there are more competitors in terms of tourism product these days. It was one of the first in regional Victoria and it has been actively supported by governments of both political persuasions.

Under the previous government I recall very generous amounts of money coming from the Community Support Fund to constantly refresh the tourism product in that area. The expansion is supported by the City of Ballarat and the Sovereign Hill Museums Association, which is in charge of running it. As I indicated earlier, the opposition is pleased to see this element of the bill.

There are another two elements of the bill before the house and I want to briefly touch on them before going on to make some additional comments on the matter before the house. The bill covers some Anglicare land at East Melbourne. The status of that land has been changed on many occasions, and that was adequately documented in the second-reading speech and referred to extensively by the previous speaker. Anglicare will surrender to the Crown 1871 square metres and this land will be sold at public auction. Anglicare in return will receive an unconditional Crown grant for the rest of the site. There are some changes to the arrangements for Berry Street and they are clearly documented in the second-reading speech.

I make the brief observation that the manner in which the government proposes to handle the land surrendered by Anglicare — that is, handling the land by way of a public auction sale, a very open process — is not the way this government always handles its public land. I wish to refer to land known as Lot 97 Beach Road, Hampton, where the government is proposing to sell 240 square metres of land currently owned by VicTrack. Unfortunately the government has entered into very secret negotiations with the owner of the next-door property, a developer. I will not name the developer in this place. However, in contrast to the manner in which the bill proposes a public auction sale in relation to this particular piece of land, the government entered into what can only be described as secret negotiations with the owner of the adjoining block of land. I suspect if it had not been discovered by

residents the government may well have progressed further with an impending sale of that land.

I have written to the minister in response to some justifiable objections by my constituents in relation to the negotiations concerning Lot 97 Beach Road, Hampton, and have received a letter from the acting chief of staff, Jim Stevenson, dated 17 August 2005. The minister's chief of staff assures me that while VicTrack has held discussions with the adjoining owner, no agreement has been reached. I certainly hope that is the case. The land is currently zoned for public use and I support the land being used for community purposes. I have indicated to the minister that is my strong view and is the strong view of my constituents.

At the minimum I would have thought that with public land, particularly valuable foreshore public land, there should be advertising or indeed a public auction of the type flagged in the bill before the house. Some of my constituents are so angry about the manner in which the government has conducted these negotiations that they have themselves offered as a group to buy the land for public use. That is an action that should not need to be contemplated because the government has a responsibility to properly and openly handle the sale of land. While I note the acting chief of staff's assurance to me that the government has so far handled this sale of land in accordance with the policy and instructions for the purchase, compulsory acquisition and sale of land dated August 2000, I do not think that was the government's original intent in the way it embarked on the original negotiations for this land.

I support the residents of Holyrood Street and I would suggest perhaps that the government, given that it has been found out with these clandestine negotiations — negotiations that it sought to hide from my constituents — may wish to embark on some negotiations with Bayside council and may bear in mind that this land would be best used for public purposes. Indeed, as I have indicated, it is zoned public use anyway.

I support the residents, one of whom has written to me:

There will be extreme public dissatisfaction with the possibility of a secret sale of public open space to a property developer to construct a two-storey wall that will undoubtedly become covered in graffiti like every other similar surface along the railway line.

I have already indicated the strength of feeling that my residents have about this. Another comment is:

It is very important to the visual amenity of Bayside that careful attention be given to the planning of this landmark

site. Secretly selling Crown land intended at one time to be parkland to a property developer is not the way.

As I indicated earlier, whilst the opposition does not oppose the bill before the house, I note with particular interest that the government has flagged a public auction sale. The manner in which the government has been handling negotiations so far in relation to Lot 97 Beach Road in Hampton is not the way I would expect any government to proceed with negotiations on the sale of land, and I call on the government to have an approach to the sale of this land that is consistent with this bill before the house. If that is the case, I would hope the end result of this will be that the land is made available for community purposes to my constituents. That is their desire, it is a legitimate desire, and I call on the government to fulfil it.

Ms GILLETT (Tarnait) — It is my privilege to make a contribution on the Land (Miscellaneous Matters) Bill. In doing so can I at the outset acknowledge some of the outstanding work that Anglicare Victoria does generally all over the state of Victoria and that Berry Street child and family centre also contributes to the care and wellbeing of our children and our families. There can be no more important work in the community than that done by these two organisations. Whilst Sovereign Hill undertakes different sorts of work it nonetheless makes a terribly important contribution to the community of the member for Ballarat West.

This bill provides a rationalisation of some arrangements with regard to Crown land in Melbourne and Victoria. This government is committed to working with community service providers such as Berry Street Victoria and Anglicare to support them in providing services to the most vulnerable in our community. With this bill the government is updating old Crown land reservations to better serve Victorians by extending the area of land available to Sovereign Hill and importantly reserving land for Berry Street Victoria and Anglicare to assist them in their provision of service for the future. The Anglicare site is in Berry Street, East Melbourne. It occupies Crown land that has been permanently reserved as a site for a servants training asylum. Those words probably illustrate the need for this particular piece of legislation, so that we can deal with Crown land in the 21st century.

There has been extensive discussion between government and service providers, in particular Anglicare Victoria, and they have agreed to surrender their interest in the land to enable the Minister for Finance in the other place to issue to it an unrestricted Crown grant for part of that site. The balance of the site

is to be sold by public auction, and I have to say that I am a bit bemused by the opposition's concern about the sale of Crown land by public auction. I would suggest to the house that is probably — —

Dr Sykes — What about the sale of Telstra?

Ms GILLETT — The sale of Telstra is a disgrace.

Dr Sykes — Why is that?

Ms GILLETT — I need to remain on the bill, and interjections are unruly, so I will not respond.

As I said, the balance of the site is to be sold by public auction, which in my opinion is the most honourable and straightforward way to go about the sale of any public or Crown land. As part of the surrender of the interest a financial adjustment in favour of the Crown has been made by the Valuer-General for Victoria and will be paid by Anglicare Victoria. The site to be granted to Anglicare is subject to a lease between Anglicare Victoria as trustee of the site and Bayside Health. The legislation provides for the lease to be saved. It is most important for Anglicare into the future to have certainty about its site and its home in terms of the provision of the services that it has to offer.

Berry Street child and family care centre, also located in East Melbourne, is on Crown land which has been permanently reserved as a site for an infant asylum. There are times when I wonder how far we have progressed, but when I read descriptions such as this it has to be said that as a community we have moved a considerable distance. It is vested in Berry Street Inc., known as Berry Street Victoria, which has agreed to surrender its interest in the land to enable the Minister for Finance to issue an unrestricted Crown grant to it for part of that area. As part of the surrender of interest a financial adjustment in favour of Berry Street Victoria has been made by the Valuer-General. The balance of the site occupied by the East Melbourne child-care centre will remain as Crown land and will be temporarily reserved for public purposes such as child care under the control of the Department of Human Services and its committee of management. It cannot be stressed enough that the services, care and support provided by agencies such as Anglicare and Berry Street are of enormous value to this community and to the most valuable in our community.

When we turn to look at the bill in terms of its provisions for Sovereign Hill we change gear, as it were. Sovereign Hill is a most important site in Victoria. It recalls, remembers and celebrates some of the most important parts of Victorian and Australian history.

The Sovereign Hill Museums Association is responsible for the management of Sovereign Hill tourist facilities under a lease issued under the Ballarat (Sovereign Hill) Land Act 1970. The City of Ballarat and the association have identified two disused government roads, being part of Robertson and Wainwright streets, that abut the reserve and would complement and consolidate the boundaries of the Sovereign Hill museum Crown land reserve. The City of Ballarat formally closed the road reserves under the provisions of the Local Government Act 1989, thus making those road reserves available to be reallocated to the Sovereign Hill site. This legislation adds the two discontinued roads to the museum precinct and the lease.

I think it is important to understand that this piece of legislation is almost like housekeeping — it is about tidying up and acknowledging those organisations and service providers who occupy Crown land and who provide invaluable services and cultural understanding to Victoria as a whole. With these brief remarks, I commend the government for demonstrating its commitment to working with community service providers and our local cultural and tourism industries to provide this sort of tidying up and housekeeping legislation which means Victorian legislation and Victorian environments stay current in the 21st century. I commend the bill to the house.

Ms OVERINGTON (Ballarat West) — I too am pleased to speak on the Land (Miscellaneous Matters) Bill. The main purpose of the bill is to revoke reservations relating to various parcels of land and the Crown grants in relation to some of those parcels, to reserve part of one of those parcels of land, and to amend the Ballarat (Sovereign Hill) Land Act 1970 to provide for additional land to be included in the reserve land to which that act applies. That all sounds very technical but that is basically what this bill is about — we are talking about Crown land reserves being put to the best community use for the future.

While the bill refers to Anglicare in East Melbourne and the Berry Street and Family Care Centre, I will limit my comments to Sovereign Hill in Ballarat. This bill will add 6360 square metres of Crown land to the Sovereign Hill tourist park. The additional land has become available through the discontinuation of two old road reservations. As we all know, the Sovereign Hill tourist park is world renown, attracting over 1 million visitors per year. These visitors come from overseas, interstate and all around Victoria to enjoy and participate in the many attractions and activities provided. From gold panning to deep lead mines, Sovereign Hill gives its visitors an experience of real

life on the Ballarat goldfields. We know that Ballarat was built on gold, and it remains the birthplace of Australian democracy.

An honourable member — Hear, hear!

Ms OVERINGTON — Thank you. Ballarat was the site of the Eureka rebellion, which is re-enacted nightly at Sovereign Hill through its superb sound and light show. This is an attraction in itself and it brings thousands and thousands of people to Sovereign Hill each year. Sovereign Hill also provides numerous employment opportunities for the Ballarat community. Those staff are supported by hundreds of volunteers, many of whom have been there since the park began. I want to take this opportunity to congratulate firstly those staff and secondly the volunteers who provide so much benefit and give so much pleasure to all of these visitors to Ballarat. The park could not operate without those dedicated volunteers. The new chief executive officer, Jeremy Johnson, has been there for about 12 months now. He is doing a superb job of providing a new focus and a new direction for Sovereign Hill and I congratulate him for that.

This additional 6360 square metres of Crown land will allow Sovereign Hill to move forward with plans to provide an entrance precinct. At the moment you go into Sovereign Hill off the main road. This new reservation of this Crown land and a couple of private houses — —

Mr Pandazopoulos — Mention the Gold Museum.

Ms OVERINGTON — I will mention the Gold Museum, Minister for Tourism. They need to upgrade part of the access to Sovereign Hill and the provision of this land will allow them to do that from a main area. There is also talk of providing motel space at some time in the future. While we have school space and camp space, which a lot of people enjoy, there is a need to provide more upgraded overnight stay facilities on the premises.

In addition to the Sovereign Hill precinct, which takes in the historic aspects of Ballarat and Victoria, we have the Gold Museum. It is a magnificent building which not only showcases the history of Ballarat and the goldfields but also allows the community exhibition space in this Ballarat icon to show off the Ballarat community. Last Thursday I opened an exhibition from the Wendouree West community called Everchanging Faces. The Wendouree West community, in conjunction with Sovereign Hill and the Gold Museum, had this exhibition showcasing Wendouree West over the past 56 years. As we know, Wendouree West was

established in 1956. It was a camp which originally housed immigrants. When those immigrants were moved out into the new suburb of Wendouree West, the housing that had been provided for them became housing for the 1956 Olympians participating in rowing in Ballarat.

This is a good bill. As I said, it is a technical bill but it is a good bill in that it provides community benefit through these three organisations. Being able to improve its entrance precinct will enable Sovereign Hill to attract more visitors, which in turn will provide huge economic benefits to Ballarat and the state. This bill has the support of both the City of Ballarat and the Sovereign Hill board, and I commend it to the house.

Ms D'AMBROSIO (Mill Park) — Like the member for Ballarat West, I am very pleased to rise in support of the Land (Miscellaneous Matters) Bill. Again like the member for Ballarat West, I would like to make some comments about Sovereign Hill and how this bill, while perfunctory in nature, helps to modernise certain Crown land reserves for the benefit of the community. Of particular note as far as I am concerned is the Sovereign Hill precinct.

I remember with fondness many trips made to Sovereign Hill, which I believe opened in 1970 when I was a fairly young child. My first visit was during my primary school years in the early 1970s, when Sovereign Hill first opened its doors. That was followed by a second visit in my teenage years, and in recent months I have had the great opportunity to visit it with my own children. Sovereign Hill still impresses, unlike many childhood memories, which when visited in adult years are so greatly diminished that often they are best left in the past. Sovereign Hill is not one of those memories. This bill, while perfunctory, allows for the growth of the Sovereign Hill precinct.

On my first visit Sovereign Hill represented a general movement in the Australian community, which was experiencing a reinterpretation or re-analysis of the past. It was not without coincidence that when the Sovereign Hill precinct was first established, Australian cinema began its modern phase, with new interpretations of our past. Films such as *Storm Boy* and *The Chant of Jimmie Blacksmith* and television series such as *Rush* burst onto our screens. As a young child I had all that before me as well as the great joy of visiting an area such as Sovereign Hill. Those things were not coincidental. They happened at a very important phase in the development of Australian culture, which has necessarily led to our current interpretations of our place in Australia, the role of our Aboriginal communities, what it means to be a multicultural

society and so on. I will leave those thoughts there. If I say that visiting Sovereign Hill was a necessary rite of passage in general, I would not meet too much disagreement from other members in the house.

Getting back to its more mechanical parts, the bill adds two discontinued, old road reservations to the lease granted to the Sovereign Hill Museums Association. Not only do the association and the City of Ballarat support it, but also the association initiated the proposal which is before us by way of legislation. It allows Sovereign Hill to move up a notch in terms of its ability to keep pleasing people from Melbourne, Victoria, interstate and overseas. It is important that the Sovereign Hill precinct maintains its exemption from rates. Even though land is being added, it does not alter the equation. That is an endorsement of the place Sovereign Hill has in Ballarat and in the economic prosperity of the region.

The bill deals with other management matters involving Crown land. Two service providers that are very different to Sovereign Hill are affected. They are very important to the types of community benefits that are derived from their place in Victoria. This has to do with land affecting Anglicare Victoria and the Berry Street child and family care centre. Modernising arrangements pertaining to Crown land is an important function of the bill. It rationalises the provision of Crown land reservations to those two important stakeholders in our community.

I do not wish to say any more, because time is moving away, except to say that I am very pleased to have been able to speak on the bill, and I commend it to the house.

Ms BEATTIE (Yuroke) — I am delighted to speak on the Land (Miscellaneous Matters) Bill, and it gives me great pleasure to follow the member for the Mill Park. In regard to the Sovereign Hill land, I am pleased that the member for Ballarat West is in the house and taking a great interest in this debate and that the Minister for Tourism is at the table.

The main purposes of the bill are:

... to revoke the reservations relating to various parcels of land and the Crown grants in relation to some of those parcels and to re-reserve part of one of those parcels of land; and

to amend the Ballarat (Sovereign Hill) Land Act 1970 to provide for additional land to be included in the reserved land to which that act applies.

The Bracks government has worked with community service providers such as the Berry Street child and family care centre and Anglicare Victoria to support

them in providing valuable services to the community. We are updating the old Crown reservations to better serve Victorians by extending the area of land available to Sovereign Hill and reserving land for Berry Street and Anglicare.

I want to talk a little about Sovereign Hill, because I know other members want to talk on this bill and time is moving on. This bill will add an additional 6360 square metres of land to the Sovereign Hill tourist reserve at Ballarat. The additional land has become available through the discontinuance of two old road reservations. The consolidation of this land will further enhance the Sovereign Hill reservation. Both the local council and Sovereign Hill support this bill. It was delightful to hear the reflections of the member for Mill Park on her time at Sovereign Hill. If I might just reflect for a moment, I note that Sovereign Hill has rekindled people's passion for that area and its history. We saw that last year during the Eureka celebrations. Certainly I wrote to the local schools in my area offering to supply them with a Eureka flag and to talk about the Eureka celebrations. I see the member for Brighton is yawning. Perhaps she should have an early night.

Ms Asher — I'd love to.

Ms BEATTIE — I wrote to all the schools in my area, offering a flag. I thought there would probably be about a 40 to 50 per cent take-up rate and interest in that flag, and to my surprise and delight every school responded saying they wanted a Eureka flag and they wanted to talk about the Eureka rebellion to their students. So I was delighted about that.

We all know of the great work that Anglicare Victoria does, and I commend it on that great work. The bill amends the status of Crown land. Currently that land has a permanent reservation. That status will be revoked and an unrestricted Crown grant will be issued to Anglicare for part of the site and the excess balance will be sold by public auction. Both the local council and Anglicare support this bill.

The member for Shepparton has already spoken extensively about the Berry Street child and family care centre in East Melbourne, so in the short time available to me in this debate I do not propose to go over that. This is a good bill. It has the hallmarks of the Bracks government's belief in consultation. I commend the bill to the house.

Mr LOCKWOOD (Bayswater) — I too will make a brief contribution on the Land (Miscellaneous Matters) Bill. As has been discussed already, the bill

makes arrangements for Anglicare Victoria land, the Berry Street child and family care centre land and the Ballarat Sovereign Hill land. As has just been discussed, Sovereign Hill is a well-known tourist centre. I do not know anyone who has not been there. I remember taking my children there many years ago when they were a lot younger and dressing them up in period costume and watching the gold diggings.

Ms Asher — Did you get some gold?

Mr LOCKWOOD — No, nothing real, but I remember hunting for gold and generally enjoying the 1850s of Australia. Apparently I have that in common with many of my neighbours in the south-east. I am told that the biggest group of visitors to Sovereign Hill are from the eastern and south-eastern suburbs of Melbourne, so we in the east certainly like Sovereign Hill and do not mind the trip out there to dig for gold, pan for gold in the creek and watch the Eureka display. As has also been mentioned, Eureka is quite important to us and our democracy. The Eureka stockade event led to significant changes in Victoria and ultimately to representative government. It is a very important thing and something we have certainly told the schools about when making Eureka flags available to them.

I shall briefly mention the other bits of land. Berry Street is an organisation well worth supporting. This bill will assist it with the management of the land in East Melbourne. Each year Berry Street works with over 5000 children, young people and families who have experienced abuse, neglect and disadvantage — for example, a child who might have had parents who used drugs and were violent with each other throughout the relationship. The child would be turning up for school with bruises and other signs of maltreatment. That child could then go into Berry Street for foster parent care and start a new journey in life feeling safer and more secure and being treated the way children should be. Berry Street does a huge amount of work with young children to help them if they are going through that particularly difficult part of life.

I will just talk about the Anglicare site briefly. Anglicare is one of the largest providers of care for children and families. It has an office in the suburb of Bayswater. I regularly meet with the Anglicare people to see how they are getting on. The representative of Anglicare participates in other worthwhile activities around the suburb of Bayswater in my electorate. Anglicare representatives are visible at the local schools, and they even put up a proposal to the community cabinet meeting in Bayswater in my electorate to extend a program for further treatment of children who suffer with disabilities and their ability to

learn. So whether it is foster care, food and material aid, care for children with disabilities, family and financial counselling or victims of abuse and neglect, Anglicare is there to support and provide help for people in need.

Mr Langdon — You can wind up if you like.

Mr LOCKWOOD — Wind up? Okay.

Ms Asher — What about the tolls?

Mr LOCKWOOD — There are no tolls in Berry Street! The community cabinet, I hope, travelled out on a tollway — the CityLink tollway.

I have talked about Berry Street, Anglicare and Sovereign Hill and how I even visited Sovereign Hill. Since I am being wound up, on that note I should commend the bill to the house.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank all members for participating in this debate. I guess it is a small bill, but it is a very important one obviously for Anglicare and Berry Street, which are much-loved community welfare organisations here in Victoria, as well as for Sovereign Hill, which is much loved for other reasons. It is amazing just how much of an iconic tourist destination Sovereign Hill has become. It is a reflection of our past, but really it is a living museum, located on one of the actual sites where goldmining occurred. There are not many living museums or theme parks around the world that are actually located on an historic site.

It is very pleasing that members are supporting this bill and both those organisations. As Minister for Tourism I would like to say a few additional words about Sovereign Hill and agree about the important role Sovereign Hill plays, not just in helping to provide tourism opportunities for Victorians. As the member for Bayswater said — and he is absolutely right — the biggest number of its customers actually comes from Victoria, and in Victoria the majority comes from the eastern and south-eastern suburbs. So that shows you that Sovereign Hill has total support from across Victoria.

Obviously, as the member for Ballarat West said, it has huge and continuous support from the Ballarat community, but for this icon to continue to grow it needs that ongoing support from Victorians. The reality is that the future of Sovereign Hill will be based not only on encouraging continued visitation by Victorians but increasingly on international and interstate visitors. Tourism growth is now aimed at the international market, and Sovereign Hill is out there representing us at important trade shows and other events overseas and

interstate to allow those markets to be very much aware of the product. It is great to see it is working very well, particularly in China, the fastest growing market.

I too want to commend Jeremy Johnson and all the team at Sovereign Hill. They are the custodians of a lot of the great work of people in the past who have helped Sovereign Hill get to this stage. What this bill allows on the land issue is for the competitiveness of Sovereign Hill to continue so that it can continue to evolve to meet the needs of the community. It is important to note that it is a not-for-profit organisation. It really makes only 50 cents profit per customer; everything else goes back into running and upgrading the facilities. I thank members for their support of this bill.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Melbourne convention centre: progress

Ms ASHER (Brighton) — The issue I have is for the Minister for Major Projects. The action I am asking of the minister is to take control of one of his major projects to ensure that it is delivered without further embarrassment to the government. I am speaking of the convention centre project, where the tenderer has not even been chosen and the project has already been delayed by almost two years.

Under freedom of information in March 2004 I requested the feasibility study for this particular project, which, as usual, was refused. Allegedly the feasibility study was a cabinet document. Oddly enough, the minister said in this place on 4 May 2004 that the document was available. However, Trevor Lloyd, the highly paid consultant who has been the subject of much media commentary, informed me that simply because the minister said in this place that the document was available did not mean that it was available to the opposition. The government has already lost one case in relation to cabinet in confidence, with the Victorian Civil and Administrative Tribunal

(VCAT) ruling that you cannot simply whack a 'cabinet in confidence' heading on something and claim that that makes it a cabinet document.

So, three days before the VCAT hearing the government handed to me the feasibility study on the convention centre. As an aside, the document makes it clear that it was not a cabinet document and that it was prepared for Major Projects Victoria and the Melbourne Convention and Exhibition Centre Trust. However, the key document, which I might also add was mainly only pictures and sketches, which conjures up an interesting view of cabinet's deliberations — —

Mr Perton — Crayons?

Ms ASHER — No, crayons are just the police minister! The document itself, and clearly the aspect that the government did not wish the opposition to see, had a timetable. The project was originally meant to open in June 2007. It says on page 61 that the project is to open in 2007; and construction was meant to commence, according to this document, in January 2005.

In the government's economic statement of 2004 — —

Mr Pandazopoulos interjected.

Ms ASHER — There is provision for stopping construction during the Commonwealth Games, so you are making it worse!

In the economic statement the completion date was 2008. The *Building One Victoria* document — the glossy document put out by the Minister for Major Projects in the other place, Minister Lenders — says that the commencement date is 2009. So according to a press release put out by the minister in April we basically have a project for which the builder has not yet been chosen, and according to the so-called cabinet document it is already two years behind schedule. It is a disgraceful handling of an important project for Victoria, and I call on the minister to regain control of the project.

Kangaroo Ground Primary School: resource centre

Ms GREEN (Yan Yean) — Tonight I wish to raise a matter for the attention of the Minister for Education Services. The action I seek is for the minister to do all in her power to fund the establishment of a children's resource centre to be co-located with the Kangaroo Ground Primary School.

Kangaroo Ground Primary School has submitted an application under the Community Facilities Fund in conjunction with the school's before-school and after-school care, the Andrew Ross Museum committee of management, Kangaroo Ground preschool and the Nillumbik Shire Council, which are all committed to the establishment of this children's resource centre on land currently owned by Nillumbik Shire Council next to the school.

The establishment of a children's resource centre would allow for co-location of services provided by the Kangaroo Ground Primary School before-school and after-school care and Kangaroo Ground preschool. The preschool is currently a pack-away facility operating out of a community hall which was not designed for children's activities. The children's learning experience is inhibited by having to pack away artwork, and Julie and her staff have to undertake unnecessary heavy lifting of furniture and equipment. Pack-up kindergartens are an anachronistic way of offering preschool services in today's modern climate, and I would like to commend the shire of Nillumbik for providing in the last three to four years, in cooperation with the state government, permanent homes for such kindergartens in Diamond Creek and Yarrambat.

It is now Kangaroo Ground's turn. Kangaroo Ground is a somewhat isolated but vibrant community only 30 kilometres from Melbourne's central business district, and it would greatly benefit from a coordinated children's services facility. The obvious advantages of co-locating services are safe access to the school grounds and safe access to other school facilities such as the library, art room, sports grounds and playground. The community and I have been working to set up this centre since before I was elected in 2002. I would like to acknowledge the hard work and advocacy of Kangaroo Ground principals Graeme and Evan, pre-school director Julie and many parent advocates, including Liz and Karen. The current ward councillor, Warwick Leeson, has also been extremely supportive, as has his predecessor, Bob Stubbings.

Kangaroo Ground is a great community which exhibits a great spirit of cooperation. I know it will make a great success of a children's resource centre, which will provide a local service to local children in a one-stop shop. I look forward to soon celebrating the establishment of such a centre in the Kangaroo Ground Primary School grounds. I urge the minister to do all in her power to deliver this outcome.

Storms: north-eastern Victoria

Dr SYKES (Benalla) — I wish to raise a matter for the Treasurer. I ask him to give prompt and favourable consideration to a request for financial assistance by the Mansfield Shire Council and nearby councils to meet the costs associated with the damage caused by extreme storms last week. The storms struck parts of the Alpine, Wangaratta, Mansfield, Benalla, Murrindindi and Strathbogie shires. Thousands of trees were blown over, and many creeks and rivers were flooded. Power supplies to many communities were cut off, and many of the more isolated communities such as Woods Point, Jamieson and Eildon were without power for a couple of days.

Last Friday I toured the Tolmie area of the Mansfield shire with chief executive officer Gary Gaffney and a member for Central Highlands in the other place, Graeme Stoney. We were both amazed and grateful that there was limited damage to private property, although one farmer, Chris Stoney, had a couple of new sheds blown over, and a hydroponic tomato grower, Russell Murphy, had two sheds badly damaged, incurring costs in excess of \$250 000. Locals said wind speeds were in excess of 150 kilometres per hour, and they described the storm as being like the tail end of Hurricane Katrina. One-hundred-year-old gum trees were blown over and broken like matchsticks.

I am asking the Treasurer to assist local government to meet its recovery costs of up to \$1 million. These costs are due to clean-up activity, flood damage to roads and bridges, and consequential damage as a result of the heavy machinery needed to clean up the fallen trees. The Mansfield Shire Council has borne the brunt of it, incurring estimated costs of about \$500 000. The costs incurred by the Murrindindi Shire Council are estimated to be about \$300 000; by the Alpine Shire Council, \$100 000; by the Strathbogie Shire Council, \$60 000; by the Wangaratta Rural City Council, \$50 000; and by the Benalla Rural City Council, \$40 000. The cost breakdowns are mainly associated with the clean-up costs, but in addition the Mansfield Shire Council anticipates costs of up to \$400 000 for road and bridge repairs, and the Murrindindi Shire Council expects its road and bridge repairs to cost \$120 000.

As the Treasurer would be well aware, many of these small country councils are unable to maintain roads and bridges now, so they will not be able to meet unbudgeted costs of hundreds of thousands of dollars without that impacting on maintenance and capital works programs. Before closing I would like to commend the many people who pitched in and helped

with the clean-up. In particular I commend the council staff, the State Emergency Service and Country Fire Authority staff and volunteers, and the SP AusNet staff for their efforts in cleaning up the mess. Well done and thank you.

Now I ask the Treasurer to pitch in and the state government to do its bit to help our small country communities recover from the damage.

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

Wallan Secondary College: funding

Mr HARDMAN (Seymour) — I wish to raise a matter for the Minister for Education Services. The action I require of the minister is that she deliver on a 2002 election promise that \$300 000 from the Community Facilities Fund would go to the Wallan Secondary College so that the new college can provide facilities that will not only benefit the students but after hours benefit the whole of the Wallan community.

During the 2002 election campaign the Minister for Education and Training came to Wallan and promised to build a new school catering for years 7 and 8 that would provide local education for the many students who travelled out of town. At the time the minister also announced that \$300 000 from the promised Community Facilities Fund would provide the community with a library or other community facilities that could be shared by the school and the whole Wallan community.

This was in response to a report on the Wallan Secondary College by the committee I chaired on behalf of the Premier and the education minister. It identified the need and recommended that the secondary college provide the community with facilities that could be utilised after hours so that the rapidly growing Wallan community had some of the facilities that other larger towns have. They are greatly needed, and the Wallan community deserves the best facilities that can possibly be provided. The committee thought that building a secondary college was a great opportunity to provide not just secondary education but the facilities Wallan did not have.

Since that time Wallan has continued to grow, and \$8 million has been provided to build a secondary college. It will start with year 7 in 2006, and a year level will be added each year until 2011, when year 12 will be reached. This is much more than was promised, and I thank the Minister for Education and Training for listening to the Wallan community and for providing

what it needs. Since the announcement the council has also received a generous offer from a local developer, Wally Mott of Crystal Developments, to provide space for a library free of rent for 10 years in a new shopping development. The library is now up and running. So stage 1 of the Wallan Secondary College is now under construction, and stage 2 planning is well under way. The current problem is that without the \$300 000 from the Community Facilities Fund the Wallan Secondary College planning committee cannot continue to plan for stage 2, including the important shared community facilities at Wallan.

It is now urgent that a decision on the success of the secondary college planning committee's application be forthcoming. I ask the minister to urgently approve that application so that the Wallan Secondary College can be built to provide great shared facilities for the future.

Greenvale secondary college: funding

Mr PERTON (Doncaster) — My matter is for the Minister for Education and Training. I urge the minister to back down on plans to sell off land at Greenvale, which has long been earmarked for a secondary school. The land on the corner of Barrymore Road and Glencairn Drive, Greenvale, has been held by the education department for more than 20 years. Parents have been protesting that this land is desperately needed for a new secondary school. Last year, as members might be aware, several hundred people met in a hall with the aim of seeking to have the school built on the site. Several thousand people signed a petition urging that the school be built on the site because of the population pressures on existing schools and the expected growth of surrounding suburbs.

Currently children from this area are sent to 20 secondary schools as far afield as Keilor, Niddrie, Sunbury, Gladstone Park, Roxburgh Park, Essendon, Strathmore and even Kilmore. Local bus operators tell me that the cost of bussing children out of Greenvale may be \$200 000 to \$300 000 a year. Of course the addition to traffic congestion in the area indicates that you could certainly run a substantial school based just on the savings in public transport and traffic congestion. However, the Department of Education and Training has taken a very narrow view of the project and has rejected the submissions by locals. It has said that it will proceed with plans to sell off the land now. Following a meeting in Greenvale a couple of weeks ago, which I and local councillors attended, it is clear that this decision to sell is against the desires of the community and the local council and is based on a very narrow view of the needs of government rather than the needs of the community.

Parents have said to me that the department has failed to consider Greenvale's booming population. They believe new developments such as Greenvale Lakes, Cambridge Gardens and Shannon Rise will add thousands of houses to the area. They are outraged at the department's new intention of reviewing educational land needs to the north of Greenvale once the Hume City Council has considered its Committee for Smart Growth outcomes study. It is unbelievable that the government can argue that this land is surplus yet at the same time acknowledge that there may be a need for a further review of educational land in the area within a few months.

Some of the schools in the area have very small populations, and some of the principals have indicated that they would be quite happy to have their schools move into the Greenvale area to service the needs of Greenvale and to build a sustainable school community. The motives of the education department and the member for Yuroke are very odd indeed. This decision is almost inexplicable. I ask the minister to take a rational decision and reverse it.

Port of Melbourne: traffic

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Transport. I ask him to take further measures to ameliorate the impact of growing road freight movement around the port of Melbourne by improving rail connections into the port and traffic management strategies in residential areas. Over the last five years the Bracks government has initiated a large number of measures to manage the growth in traffic generated by the port of Melbourne — in stark contrast to the silence and inactivity of the previous seven years.

The port has generated strong growth over the past few years and the number of containers is expected to grow fourfold over the next 25 years. The growth has increased employment and sparked economic growth in the port precinct and surrounding areas, but that success has put strains on the capacity of access roads to cope with that growth. One of the assertive strategies adopted by the Bracks government has been to move a greater percentage of freight by rail. This has resulted in the minister and the government generally pursuing increased funding under AusLink and taking greater state-based initiatives as well. I request that the minister continue the pace of these initiatives.

Another range of options centres on traffic management measures to ameliorate that growth. The Bracks government has placed night and weekend curfews on trucks that have neither an origin nor a destination in

the local area on Somerville Road and Francis Street and has implemented a number of intersection works to ease congestion. A related request has come from a resident in Dempster Street, West Footscray, seeking a 50-kilometre speed limit in that street as a result of increased truck traffic. Residents of that street have raised this issue in the past and I know VicRoads has been examining it, so I ask the minister to implement new measures to continue the pace of strategies used by the Bracks government to address the issue of the amenity impacts of freight traffic.

The Yarraville working group that I chair in the city of Maribyrnong, which includes representation from VicRoads, the City of Hobsons Bay, the Environment Protection Authority, the Department of Infrastructure, the port of Melbourne and local residents, has been working and liaising on a number of these issues over the years and has produced a number of suggestions. However, ultimately it is a matter for executive action by the government to implement these proposals. I urge the minister to examine the suggestions coming forward and to take appropriate action.

Electricity: Hazelwood power station

Mr HONEYWOOD (Warrandyte) — The matter I raise is for the Minister for Environment. I wish him to take action to better inform and satisfy this Parliament and indeed the public of Victoria about the actual legal requirements, if any, that will be placed on International Power Hazelwood (IPRH) as a result of today's signing of the so-called greenhouse gas reduction deed for the continuance of the Hazelwood power station in the Latrobe Valley. We all know the Labor Party spin doctors will work overtime to come up with the latest legalistic jingoistic word — in this case, the word 'deed' — to camouflage the lack of genuine commitment to environmental enforcement. In this case the very junior Minister for Energy Industries has had a clear win over the supposedly more senior Minister for Environment. In fact the only document publicly available to explore the nature of this deed leaves more questions up in the air than it answers. According to fact sheet 1, published today on the Department of Infrastructure's web page, there are a number of issues.

Firstly, it states that within three months of each reporting date, commencing in December 2010 and from then on every six years, IPRH must provide a written report to the Minister for Energy Industries on the level of emissions from the power station. The question here is: who will audit these emission levels and reports? Will the Environment Protection Authority have any role at all? Will any other government authority have any auditing role on these emission

levels, or will it be left to the company unilaterally to publish when it chooses?

Secondly, under the deed IPRH will have its greenhouse gas emissions capped at 445 million tonnes, a supposed reduction of 34 million tonnes on the business's usual output. The questions then raised are: is it a fact that this cap is subject to offsets anyway; how have these 34 million tonnes been calculated; how is the cap enforceable; what is the penalty or enforcement regime if it is missed; and if it is correct that Hazelwood has 445 million tonnes of coal and is allowed to extract and burn all of that, how would the 34 million tonnes reduction be arrived at?

Thirdly, IPRH must report its internal research and development into new fuel drying technology and other greenhouse abatement technologies, but what budget, if any, would be required of the company for such research? Could this just involve the employment of a parliamentary intern rather than 1 scientist, 10 scientists or 100 scientists?

There are many questions left unanswered. We hope this government will come forward with something better than a two-page so-called fact sheet. We want the deed to be made public and we want to understand whether this is a legalistic deed or just another buzz word to camouflage lack of environmental enforcement. We want to know what role the Environment Protection Authority, which has been publicly scrutinised and criticised for its lack of objectivity, will play in this exercise.

Eastern Health: Knox health facility

Mr LOCKWOOD (Bayswater) — Tonight I am raising a matter for the Minister for Health. The action I am seeking relates to the new 60-bed health facility to be built in Knox following a \$30 million commitment in the state budget. The action I am seeking is for the minister to establish a community advisory group as part of community consultation. The site for the new facility is on Mountain Highway, Wantirna, locally known as the old drive-in site, and currently the site of the Wantirna trash and treasure market. Construction is expected to start early next year. Tree clearing is expected to occur shortly. The facility will house a 30-bed palliative care section for those dying from a terminal illness and a 30-bed aged care rehabilitation centre to work with older residents who have been discharged from hospital but still need help to get back on their feet.

The Eastern Palliative Care team will be relocated from Bayswater to work from the new facility to be run by

Eastern Health and expected to be open by mid-2007. There is a need for palliative care beds in the eastern suburbs as residents with a terminal illness who cannot be cared for in their homes now have to travel to Kew. With a growing and ageing population in the outer eastern suburbs, the government has recognised a need to have palliative care services closer to home. A local hospice will allow patients to be closer to their families in their last days and allow families greater involvement in their loved ones' care at the time when it is needed most.

The preference of most terminally ill people is to stay in their own homes as long as possible. As the new facility is built, it would be a positive move to involve the local health community as well as the community generally. I see such a committee involving the following: health professionals in the Knox area; Knox Private Hospital which is just across the road; Eastern Health; Knox City Council and local residents. The council representative is usually the ward councillor. The ward councillor in this instance is Garry Scates. If this committee is established and Cr Scates is the council's representative, I certainly look forward to working with him. He is a great supporter of this project and has been an advocate of greater health facilities in Knox for a long time, although I have to say he has been an occasional sparring partner.

Consultation is very important regarding any new facility and especially so with health facilities. The community is looking forward to this project and is keen to be involved. There is also a range of services for people who are unable to stay living in the community in their last months. The new service at Wantirna will provide those people with the chance to have their care closer to their own community. The rehabilitation beds will help older people who require hospitalisation and who still need a greater level of care while they recover from an illness or injury. Once they are well enough to go home, they can continue their rehabilitation through the community facilities attached to the new centre.

This is a new hospital for Knox. The Bracks government is taking a caring and proactive role in the delivery of quality services in the outer east which is obviously part of making Victoria a great place to work, raise a family and — as I have heard today — to grow trees.

Firearms: central registry

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Police and Emergency Services. The matter relates to the transaction reports of

licensed firearm dealers who use the online computer entry system of the licensing services division of Victoria Police, which is referred to as the stand-alone system. The action I seek is for the minister to provide resources to ensure the system is brought up to modern standards to enable licensed dealers to use their computer online system again to report their firearm sales, registrations and correct information such as incorrect serial numbers.

This matter has been brought to my attention by Mr Russell Robinson of Robinsons Sports scene, a licensed dealer in Hamilton in my electorate. I quote from a letter he gave to me, addressed to the firearm licensing services branch, regarding the transaction reports of firearm dealers:

This week we installed an updated computer system and have attempted to run our weekly firearm sales and registrations into your 'stand-alone' system. To our dismay the stand-alone system cannot be opened or run in our new system.

It said that after discussions with the division:

... the only suggestion was that we return to doing our returns manually. This is simply unacceptable.

...

The stand-alone system was introduced to speed up and reduce errors in returns to your department. We believe that your system is of great mutual benefit but require the systems to be IT compatible and current.

With your department requesting expressions of interest in dealers going live online you can hardly blame us for being sceptical about how this will work.

We need this matter rectified now.

Could you please give it your most urgent attention?

I have been informed that there are nearly 250 licensed firearm dealers in Victoria. Mr Robinson also said the stand-alone system was put in place in 2002. His dealership started using the system in 2003. The stand-alone computer system was put in place to reduce errors regarding guns sales and transfers. Also, as I have said, it could correct information. Mr Robinson said that prior to this online system his business had to handwrite forms and fax them to Melbourne. Data entry people put the information into the system. He said mistakes were made and Victoria got 15 dealers to trial the stand-alone online system, which he believes is a fantastic system.

Mr Robinson informs me that the stand-alone system is a Windows access system, is computer compatible only up to Windows 97 and that any operating system that is dated later than that is not compatible. He has only just updated his computer system to Windows Access 2002

which is not the modern system that most people are using. But he has been told that he has to go back to completing the returns manually and sending them in by fax.

He informs me that four other dealers also have to go back to this system. Two of them are Allen and Lane Guns in Bendigo and Schwartz Gunsmithing in Bannockburn, which is near Geelong. These dealers all have large turnovers and sales of firearms. I also have a large number of concerned gun dealers in my electorate.

Primary Industries: Frankston Centre

Mr PERERA (Cranbourne) — I wish to raise a matter for the Minister for Agriculture. I ask the minister to take action to ensure that he and the Victorian government continue to acknowledge and promote the great work undertaken by its scientists in the Department of Primary Industries (DPI), particularly those in the former Keith Turnbull Research Institute, now called the Frankston Centre, which is in my electorate of Cranbourne.

I would ask him to ensure that the link between the work done by these outstanding scientists and the profitable and sustainable basis for the development of Victoria's primary resources continues to be a focus of government effort. By way of background I point to the recent science week and the focus on this work. I know that the Bracks government paid tribute to the fine work done by Department of Primary Industries scientists right across the state including that done by Ms Raelene Kwong who works at the DPI science research facility in Frankston North, which is part of my electorate. As part of the biological service team in DPI science, Ms Kwong was recognised by the minister as a leader in her field and as making a significant contribution to the state.

Ms Kwong has led a program that focuses on the use of biological control programs for invasive weeds and invertebrate pests. She has been instrumental in developing a science education and awareness program, Weed Warriors, which takes the issues of weeds and pest management into the schools and community. This program has proven to be so successful that other states have picked up the model. I understand that this model has even seen significant interest internationally. The Weed Warriors program has been a remarkable success in taking the important message of pest and weed control to communities in both the city and the country. I quote Ms Kwong's own statements on this important program:

Tell them and they will know; involve them and they will understand.

Weed Warriors is a community education and awareness project which harnesses the enthusiasm of students and the general community in jointly learning about weed management.

For many people, weeds may seem like an unlikely subject for a classroom focus. After all, just how interesting can your average thistle be to a 13-year-old?

The fact remains, however, that weeds rate as a major threat to global biodiversity; they cost us millions of dollars each year; they affect human health, contaminate water supplies and increase fire hazards. Weeds affect us all, but one of the main obstacles to addressing weed problems is that not everyone realises that they have vital role to play.

A more weed-aware community is our best chance of reducing the impact — —

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

Responses

Mr BATCHELOR (Minister for Transport) — The member for Footscray raised an ongoing and important problem that he, together with other representatives in the western suburbs, has been dealing with for a long time. I pay tribute to the member for Footscray for his work and to people like Ashley McInnes from the Williamstown electorate office. They have been a dynamic pair in — —

Mr Perton interjected.

Mr BATCHELOR — They have worked very well in looking after the interests of their respective communities. This is a difficult issue; it is an issue where we have a very successfully growing port and where international trade is increasing. The Victorian economy is part of the international economy and as a consequence trade and the containers, both full and empty, that are a part of that trade, are issues which need efficient handling within the port. Also, they should be transported in the suburbs in a much more friendly and neighbourly way. The cornerstone of our strategy is to increase the amount of trade in and out of our commercial ports and in and out of the port of Melbourne by rail.

We want to reduce the dependency on trucks as the only form of transportation and we have systematically undertaken measures to increase the number and volume of containers going in and out of the ports. The most recent of these measures has been the completion of the rail upgrade into Appleton Dock. This upgrade is part of the port of Melbourne's long-term strategic plan to improve rail infrastructure at Appleton and Swanson

docks to achieve those objectives of more freight on trains and reduction of dependency on trucks. We want to reduce the rate of growth in truck traffic in particular.

The Appleton Dock rail upgrade will cost nearly \$6 million, which has been provided by the Port of Melbourne Corporation. It has involved the laying of some 1700 metres of new common-user track, signalling and sidings at Appleton Dock. The feature of this has been the dedicated construction of tracks for both Patrick and the Australian Bulk Alliance with their facilities at Appleton Dock. This has enabled Patrick to construct two 616-metre rail sidings, the associated hard stand areas, and an office building at a cost of some \$10 million. A further stage 2 investment of \$7.8 million is also planned by Patrick, which will involve warehousing and support infrastructure on land leased from the Port of Melbourne Corporation within the port precinct.

Once again this demonstrates the government's strategy of providing seed infrastructure capital expenditure which then triggers private investment; it is done in an integrated and planned way, designed to increase port efficiency and to reduce freight movements outside the port. This rail upgrade has that objective and it will achieve that objective. Patrick will be able to increase the length of its trains to some 1300 metres, and that will provide an extra 10 containers per train. The Australian Bulk Alliance will be able to increase the length of its trains to some 690 metres, which is six extra grain wagons per train. This will provide an improvement for the efficiencies of Patrick and the Australian Bulk Alliance terminals that are located at the port through the use of longer trains, and both companies will have the ability to expand their facilities within the port in the future. Patrick has already indicated that it will do that.

They will be able to do that because trains will be able to cross the Enterprise Avenue level crossing without stopping, eliminating the need to break the trains into two sections and move locomotives up and down the tracks, then move the balance of the train length into the port. This will not only increase that rail efficiency but also reduce the delays to port traffic within the port area. The time also taken for trains to cross Footscray Road will be significantly less, which is really important for reducing the delays to road users outside the port — all that through traffic that is currently using Footscray Road.

This is really important, because the number of train crossings per day is predicted to increase from around 12 at the moment to around 38 by 2010. Anything that we can do now in anticipation of this extra growth in

freight demand will improve the impact not only within the port area but in the surrounding neighbourhood areas.

This Appleton Dock rail upgrade at the port is complementary to the Melbourne Port@1 initiative, where the cornerstone will be the Dynon Road rail link project. The Melbourne Port@1 is an initiative design to develop long-term strategic framework integrating the port of Melbourne and the adjacent Dynon rail terminals into a cutting-edge intermodal precinct that will cater for the movement of freight between the various transport modes, whether that be road, rail or, of course, being located at the port, by sea.

The Swanston–Dynon precinct really has the potential to provide Victoria with a world-class freight facility, and by integrating this it will enable the port and the adjacent Dynon rail area to become a much better neighbour to the surrounding residential areas. That is the sort of work that the member for Footscray and Ashley McInnes have been undertaking for a long time. It is because of their hard work that these sorts of initiatives are culminating in very substantial expenditure being made not only by the government but by the Port of Melbourne Corporation and now by private companies such as Patrick to bring forward this concept that we have in the Melbourne Port@1 vision into the reality of an integrated rail terminal. This will reduce the conflict between road and rail users in the port of Melbourne, and it will be a great boost to international trade. I thank the member for Footscray for his leadership.

Ms ALLAN (Minister for Education Services) — I am very pleased tonight to respond to matters raised by the members for Yan Yean and Seymour. Both members raised matters regarding funding for schools in their electorates from the Bracks government's Community Facilities Fund, which is a terrific \$30 million fund whereby we have been opening up schools and their facilities to the wider communities. We have seen some great and innovative partnerships developed with schools, local councils and community organisations right across the state. Being the good local members they are, both are interested in the particular applications that have been put forward in their electorates.

I turn first to the matter raised by the member for Yan Yean regarding Kangaroo Ground Primary School. The member for Yan Yean has been a terrific advocate for this project and for this school, as she is for all schools across her electorate. The Kangaroo Ground Primary School has put in an application to me and to the department for a children's centre that will provide

resources for the school but also for the broader community, the proposal being that Nillumbik shire be the partner organisation. I am very pleased to announce to the house and to the member for Yan Yean that Kangaroo Ground Primary School has been successful in its application for the Community Facilities Fund grant, and will receive \$189 500 to go towards this much-needed facility in the local community. I congratulate the school and its leadership in putting this proposal forward. I also congratulate the local member, who has done a great job in advocating for this project and for her school community.

The member for Seymour is also a terrific advocate for schools in his electorate, and he has been a particular advocate for the Wallan Secondary College. He is very close to the college project, which, as the member said to the house earlier, has been a significant building project in Wallan for some time now. It is great to see the way the member for Seymour has pushed for that project and continues to support his school community. The proposal is for the development of a sporting and recreational arts precinct. Wallan is a growing community and needs these sorts of facilities. The Mitchell shire is an important partner in the application by the school community. It is also my pleasure tonight to inform the member for Seymour that Wallan Secondary College has been successful. I have approved its application for funding of \$300 000 from the Community Facilities Fund grant. I would also like to congratulate the school community and the member for Seymour for their leadership on this project. I wish both school communities all the very best as they develop these vital facilities for their communities.

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Cranbourne for raising the issue about the promotion of science and what it means to our communities. If you have a look at the Department of Primary Industries, you will see that it really affects so much of what we do in our every day lives, whether it is — —

An honourable member interjected.

Mr CAMERON — Exactly, it affects what we eat and it affects what we grow. It affects a whole range of things. If you have a look in the resources area, you can see what that means as well.

The honourable member for Cranbourne certainly pointed out the importance of promoting science and of Science Week, and I can assure the honourable member that that is what we will continue to advance. He mentioned in particular Raelene Kwong, an outstanding scientist here in Victoria. The work she and other

scientists do means we will have a better Victoria in the future and an even better place to raise a family.

The honourable member for Brighton raised a matter for the Minister for Major Projects concerning the convention centre. My understanding is that an expression-of-interest process commenced in October 2004 and that the government committed to the project in last year's economic statement, with the contract close being on schedule for the end of this year. Again what we are seeing with this fantastic project is the government getting on with the job.

The honourable members for Benalla, Doncaster, Warrandyte, Bayswater and Lowan have raised matters for ministers, and I will refer those matters to them.

The ACTING SPEAKER (Mr Nardella) —
Order! The house now stands adjourned.

House adjourned 10.42 p.m.

