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JOHN LANDY, AC, MBE

The Lieutenant-Governor
Lady SOUTHEY, AM

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Tuesday, 6 May 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Businesses Licensing Legislation (Amendment) Act
Control of Weapons and Firearms Acts (Search Powers) Act
Crimes (Property Damage and Computer Offences) Act
Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Act
Pay-roll Tax (Maternity and Adoption Leave Exemption) Act
Sentencing (Amendment) Act
Terrorism (Commonwealth Powers) Act

MURRAY-DARLING BASIN (AMENDMENT) BILL

Introduction and first reading

Read first time on motion of Ms BROAD (Minister for Local Government).

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Introduction and first reading

Read first time on motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL

Introduction and first reading

Read first time on motion of Ms BROAD (Minister for Local Government).

MELBOURNE (FLINDERS STREET LAND) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

PORT SERVICES (PORT OF MELBOURNE REFORM) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

QUESTIONS WITHOUT NOTICE

Gas: rural and regional Victoria

Hon. BILL FORWOOD (Templestowe) — I direct my question to the Honourable Theo Theophanous, Minister for Energy Industries. On 19 March the minister informed the house that an interdepartmental working party was developing details of a program for the extension of the natural gas network throughout country Victoria. The minister said, and I quote:

The guidelines will be made available to assist with the rollout of this program.

I ask the minister: what consultation has taken place with stakeholders during the development of these guidelines?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question and for his interest in this area. This is an exciting project which the Bracks government is embarking upon. It involves expenditure of $70 million to run gas into non-commercial areas in country Victoria. It is the largest gas infrastructure project that has been commenced in country Victoria for many years.

It ought to be welcomed by members in this house. I know that members of the Liberal Party are welcoming the government’s actions, but I am not so sure about the National Party — its members may have come on stream with the project, but we wait and hope in that regard.

Hon. P. R. Hall — What makes you unsure?
Hon. T. C. THEOPHANOUS — I am glad you asked me that question. I was recently reading some of the comments made by your leader in another place, Mr Ryan, back in 1995, when he was talking about gas extensions. At that time he made comments in this regard. He said:

If you take their arguments —

that is, those of the then opposition which was arguing for gas extensions, the Labor Party —

...to their natural extension, people could establish their homes anywhere in the state and then ring Gascor and say, ‘Okay, folks, I’m here. Put on the gas!’

That was the attitude of the National Party back then. Mr Ryan went on to say —

Hon. Bill Forwood — On a point of order, President, I am very reluctant to do this because I was enjoying the performance from the minister; however, I do make the point that he is debating an interjection rather than answering the question that I put to him. I would appreciate it if you would tell him to get on with answering the question.

The PRESIDENT — Order! The minister is responding to an interjection and not responding to the question asked by the Honourable Bill Forwood. I ask him to come back to the question rather than the interjection.

Hon. T. C. THEOPHANOUS — It was so much fun, President! In respect of the question, of course there is ongoing consultation in relation to this issue. I was certainly involved in consultation at the community cabinet at Lakes Entrance with local players in that region when we met with people about gas extensions in that region.

The proposals involve the expenditure of a considerable amount of money, and since we are dealing with $70 million of taxpayers money we are not in the business of just throwing it away on a particular project because somebody thinks it is a good idea or wants it. The government is in the business of doing the analysis.

As I have said before, the government is committed to the project for the towns nominated during the election period — that is, Creswick, Bairnsdale and Barwon Heads. However, a range of communities will be considered in this process, and consideration is based on the logic that they have to be shown to be non-commercial developments and therefore public money should be put towards those projects. This is an exciting project. Government members will be talking to as many people as we can in the development of the project, and certainly to the local communities that may be affected.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. I note in his response the minister did not mention that KPMG has got the gig and is doing the work for the government.

I refer the minister to the Victorian Farmers Federation (VFF) submission for the 2003–04 budget, particularly section 8.6 entitled ‘Natural gas extensions to rural communities’ on page 26, and the recommendation on page 27 that:

The government prioritise communities with major and agricultural industries when considering proposals to extend the reticulated natural gas network to rural and regional Victoria.

Is it not a fact that no consultations at all have taken place with the VFF, surely one of the most important stakeholders?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Of course the Victorian Farmers Federation is a major stakeholder in regional Victoria. It has a particular view in relation to gas extensions, which is the view that has been expressed by the member just now in relation to major and agricultural communities. The government will be basing its assessments on the applications of local communities and local councils to access the fund, and in that context of course we will be considering all the views.

The KPMG study which the member mentioned outlined a process for us to follow. It does involve consultation with local communities. I am sure the Victorian Farmers Federation will be able to have its say in relation to it when it comes up.

Sport and recreation: funding

Ms HADDEN (Ballarat) — I direct my question to the Minister for Sport and Recreation, the Honourable Justin Madden. I ask the minister to advise the house of the Bracks government’s achievements in sport and recreation over the last 12 months.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the member for her genuine interest in sport and recreation, particularly in rural and regional Victoria. I could speak at great length, but I will try to make it clear and concise, particularly for the opposition’s sake.
Over the last three years, Sport and Recreation Victoria has allocated approximately $16 million per annum to assist in the development of community sport and recreation facilities across the state. This represents an increase of 30 per cent compared to the previous, coalition government.

Funds are provided across three categories, as members would appreciate and be aware of: Better Pools, major facilities, and planning and minor facilities.

Unlike the opposition, which failed to connect with the Victorian community, the Bracks government continues to connect with the Victorian community and continues to recognise the importance of sport and recreation, particularly in the lives of people in country Victoria. As a result, the Bracks government has, over the past 12 months, provided significant funds to country Victoria. I want to give a couple of examples.

For instance, last year in the minor facilities category three out of five of the grants were diverted to non-metropolitan projects. And last year in the Better Pools program a significant number of projects — appreciating that these pool projects were all fairly major and significant developments — were provided to rural Victoria. The four major projects that contributed to indoor aquatic developments were at Yarra Junction, Leongatha, Gisborne and a metropolitan one in Maribyrnong.

Minor upgrades to swimming pools totalling in the order of $2 million were assisted across Victoria in centres such as Nhill, Mt Beauty, Corryong, Orbost and Minyip just to name a few.

Allocations to major projects included funding to a number of significant single-purpose regional facilities such as the Goldsworthy Reserve athletics track in Geelong, the Golden Plains regional equestrian centre and a new baseball/softball centre in Cardinia shire.

A significant number of playground developments were also assisted in this category in the municipalities of Casey, Darebin, the Mornington Peninsula and the City of Greater Shepparton.

The Bracks government has, over the past 12 months, made significant contributions to the development of community sport and recreation facilities across the state and we will continue to do so. We will continue to commit to Victoria, grow the whole of this state and get on with the job.

I look forward to providing assistance to the Victorian community over the next 12 months and enhancing both the individual and broader community benefits that accrue from the investment in Sport and Recreation Victoria, particularly in regional Victorian facilities.

Commonwealth Games: athletes village

Hon. ANDREW BRIDESON (Waverley) — My question without notice is to the Leader of the Government, Mr Lenders, in his capacity as the Minister for Finance. I refer to a statement made by the Minister for Commonwealth Games on 10 April in an answer to a question from the Honourable Damian Drum — which is in Hansard for everyone to see — that the games village land has been valued at $35 million and that all necessary processes have been followed.

I invite the Minister for Finance to confirm this valuation and that the transfer of that land accords with the government’s asset management policy as well as statutory obligations.

Mr LENDERS (Minister for Finance) — I thank Mr Brideson for his question, the detail of which the Minister for Commonwealth Games has very adequately answered in this place. If there are any further issues that I need to look into I will take them on notice.

Small business: government initiatives

Ms MIKAKOS (Jika Jika) — I refer my question to the Minister for Small Business, the Honourable Marsha Thomson. Can the minister advise why small businesses can expect to find Victoria a fairer place to do business than it was a year ago?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. President, 1 May marked the first day on the job for the Small Business Commissioner, Mark Brennan — a position that is an Australian first. It also marked the commencement date for the new Retail Leases Act. These two initiatives of the Bracks government deliver in full on two important promises Labor made to small business at the last election.

The Small Business Commissioner is already hard at work. In the three days since he took up the position he has received 122 inquiries about retail leases and 29 regarding his role. This has been welcomed by many stakeholders and even the opposition. A press release from the Australian Retailers Association of Victoria (ARAV) said:

According to ARAV executive director, Brian Donegan, the decision to create a Small Business Commissioner (the first in Australia) illustrates the state government’s commitment to supporting the small business sector within Australia.
That is what the ARAV had to say about the position. A press release from the Victorian Automobile Chamber of Commerce said:

'We applaud the Bracks government for responding to the needs of small business and keeping its “Growing small business: getting on with the job” election promise,’ VACC executive director, David Purchase, said.

At the last election we promised to:

… reintroduce the Retail Leases Bill in the first sitting week of the next Parliament. This major reform to Victoria’s retail tenancy laws will give tenants a fairer go and greater certainty in their dealings with landlords.

We have delivered on that promise.

I was pleased to note that the former small business minister, the honourable member for Brighton in the other place, said on 19 March:

Like it or not, the ALP has encapsulated those promises in the bill before the house and clearly has a mandate to do so.

That is support from the former Minister for Small Business. The Victorian Automobile Chamber of Commerce also said that the new act was a step forward in providing a balance between proprietors and franchisees in shopping centres.

These new laws will protect tenants from unfair or unconscionable conduct, prevent landlords from passing on their land tax to retail tenants and empower the Small Business Commissioner to resolve disputes. The Office of the Small Business Commissioner brings together a number of measures which protect small business and provide a simpler, low-cost and informal dispute resolution mechanism.

Unlike the Bracks government, the Liberal Party is out of touch with small business — it has clearly given up on it. The opposition does not even have a shadow minister for small business.

The establishment of the Office of the Small Business Commissioner is another example of the Bracks government delivering and getting on with the job of supporting Victorian small businesses.

Outworkers: prosecutions process

Hon. W. R. BAXTER (North Eastern) — My question is directed to the Minister for Aged Care in his capacity as the minister in this house representing the Minister for Industrial Relations in another place. I refer to the minister’s advice to the committee when the house last met on the Outworkers (Improved Protection) Bill that union officials will not be prosecuting people for offences under the legislation.

Because of the untimely operation of the obnoxious guillotine introduced by this government I was not able to clarify the minister’s remarks at the time. However, is it not a fact, minister, that clause 55 — —

Hon. T. C. Theophanous — On a point of order, President, as I understood it the honourable member was asking a question of a minister in his capacity as representing a minister in another place. That is not allowed under the standing orders because questions must be directed to ministers in terms of the areas for which they have direct responsibility and not those of a minister in another place whom they represent. Otherwise the whole of the precedents established in this place over many years would go out the window.

Hon. W. R. Baxter — Further on the point of order, President, standing orders clearly say that questions can be asked of ministers who have carriage in this house of matters of government administration. The minister clearly has carriage in this house of the issue I am raising.

Hon. Philip Davis — On the point of order, President, I would like to support Mr Baxter in his comments. It is quite clear from the standing orders that a minister — —

Hon. T. C. Theophanous — Which one?

Hon. Philip Davis — Order 6.01. I will quote it:

6.01 Questions may be put to ministers of the Crown relating to public affairs with which the minister is connected or to any matter of administration for which the minister is responsible.

May I put it to the house that the minister to whom the question has been directed is responsible for the carriage of legislation in this house which has been referred to by Mr Baxter. For him not to answer this question would be a complete abdication of ministerial responsibility in the Legislative Council of Victoria.

Mr Gavin Jennings — Further on the point of order, President, regardless of your ruling on this question, I draw the attention of the house to the last line of my contribution to the debate that the honourable member is addressing. I think that will satisfy the nature of his question regardless of how you rule, President.

Hon. T. C. Theophanous — Further on the point of order, President, I think it is important that you make a ruling on this matter because if you read standing order 6.01 — and you have to read it carefully — it refers to ‘any matter of administration for which the
minister is responsible’. The minister in this house is not responsible for the administration of industrial relations in this state; it is held by another minister. It is therefore not part of his administration.

I would further add that even the words ‘is connected to’ do not cover this particular circumstance because the words ‘is connected to’ also refer to a direct connection between the minister and a particular area of responsibility. There is no direct connection. The fact that the minister has to represent another minister in this house from the point of view of legislation does not mean in any way that that minister is responsible for the administration of that area.

Hon. Bill Forwood — On the point of order, President, I make the point that Mr Theophanous is trying to say that in standing order 6.01 the two sections, ‘with which the minister is connected’ and the separate section ‘any matter of administration for which the minister is responsible’, must go hand in hand — in other words, that both tests must be satisfied. That is not the reading of the standing order. The standing order is quite clear: it is either/or; it does not have to be both to meet the test. In this case it is quite clear that the minister is connected because — —

Hon. T. C. Theophanous — He is not connected.

Hon. Bill Forwood — Of course he is connected; he has responsibility in this house, you dodo!

It is important, President, that you not allow Mr Theophanous to get away with a furphy that these two must go hand in hand — in other words, that both tests must be satisfied.

Ms Broad — Briefly on the point of order, President, I put it to you that not only is the wording and the reference to ‘matter of administration’ clear but that, given Mr Baxter’s former responsibilities, he knows full well what the practice of the house has been and that he is simply wasting the time of the house here.

Ms Mikakos — On the point of order, President, I certainly concur with the views that have been put by the various ministers on the matter, but I also wish to draw to your attention a further issue: the rules relating to questions on page 53 of the standing orders supplement standing order 6.01. Rule 1.04 specifically says that:

Questions cannot refer to —

(a) debates in the current session …

I note that the Honourable Bill Baxter in his question referred to a debate that occurred only last week, part of the current sitting. For that reason I draw your attention, President, to the fact that the rule supplements the interpretation of the standing order, and for that reason the question is out of order because it is contrary to this rule.

The PRESIDENT — Order! We have had a number of questions directed to ministers in this sitting of Parliament being ruled out of order because they do not have any connection with the ministers’ responsibilities. The Honourable Bill Baxter, as I understand it, is asking the Minister for Aged Care a question about comments he made in the house last week in the committee stage of a bill for which the minister was responsible.

I am not sure exactly whether the question the honourable member is going to ask is within the minister’s responsibility. He did outline at the initial stages that it was to do with industrial relations and that it was to do with something the minister had stated in the chamber.

The honourable member can help me here: is he asking for clarification? Can I have the full question to assist me? I am still concerned to ensure that a minister is not asked questions about which he or she is not commissioned or responsible for. This principle is upheld in standing order 6.01, but in this case the question may relate to something the minister has already indicated to the house. I need that clarified before I make a final ruling. I ask the member to finish his question.

Hon. W. R. Baxter — It goes to the issue of clarification. Is it not a fact that clause 55 of the Outworkers (Improved Protection) Bill, which the minister was in charge of, is headed ‘Who can be prosecuted under this act?’ and clause 55(1) thereof includes union officials. Does the minister acknowledge that he misled the chamber on Friday?

Ms Mikakos — On a point of order, President, I want to again refer to the fact that the rules relating to questions on page 53 of the standing orders relate to questions without notice, and for that reason rule 1.04 should rule the member’s question out of order, because it relates to advice the minister is alleged to have given during the committee stage last week, and that is part of the debates in the current session.

Hon. Bill Forwood — On the point of order, President, if you decide that you believe rule 1.04(a) applies, then you would be quite entitled to ask Mr Baxter to reword his question along the lines, ‘Did the minister mislead the house last week when he said’
and so on. There is no way Ms Mikakos’s point about debates should be used to stop Mr Baxter asking a question about the fact that last week the minister misled the house in this place.

Mr Gavin Jennings — President, I take exception to the way Mr Forwood expressed his point of order, and I ask him to withdraw because he asserted that I misled the house.

The PRESIDENT — Order! The Honourable Bill Forwood has been asked to withdraw because, as the member would know, members can only make such comments by substantive motion.

Honourable members interjecting.

The PRESIDENT — Order! There are three points of order before the Chair at the moment. The minister has asked Mr Forwood to withdraw. I ask him to withdraw.

Hon. Bill Forwood — I mean, what I was suggesting — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Forwood.

Hon. Philip Davis — Can I take a point of order here?

The PRESIDENT — Order! No, with respect to the request being put to the honourable member to withdraw there will be no other points of order; we have about three of them before the Chair at the moment. I ask the Honourable Bill Forwood to withdraw.

Hon. Bill Forwood — President, on the point of order raised by the Deputy Leader of the Government asking me to withdraw, I make the point that I did not say that. What I said was that it was open to Mr Baxter to rephrase the question along the lines that I suggested. I am not making an accusation. I do not know what he said. How would I know whether he misled the house or not? All I was doing — —

The PRESIDENT — Order! As Mr Forwood would know, when it comes to asking a member to withdraw there is a bit of latitude for the member to explain himself. I think he has done that, and because the member takes offence and has asked Mr Forwood to withdraw, I ask him to withdraw.

Hon. Bill Forwood — Tell me what you want me to withdraw.

The PRESIDENT — Order! The Deputy Leader of the Government has taken offence at Mr Forwood’s implying that he misled the house, and he is asking the member to withdraw; therefore, I am asking him to withdraw.

Hon. Bill Forwood — Since when have people had to withdraw in this place imputations that they did not make?

The PRESIDENT — Order! The member clearly indicated, in posing a question on behalf of Mr Baxter, that the Deputy Leader of the Government had misled the house. The Deputy Leader of the Government has taken offence at that, and he is asking the member to withdraw those comments.

Hon. Philip Davis — On the point of order, President, I believe there is a misunderstanding in the house on the point of order. To try and help everybody, it is absolutely my belief that Mr Forwood tried to paraphrase in relation to making a comment on the point of order. He did not make any accusation himself about misleading the house. It is impossible for him to withdraw because he did not make an accusation.

Hon. T. C. Theophanous — Perhaps I can be of assistance on the point of order, President. A number of comments were made by Mr Forwood. I understand his reasoning in suggesting that he did not directly say that the member had misled the house, but in putting the question in the way he did any member of this place would have to take exception. He himself has taken exception many times in the past on the basis that he did not like the way somebody put something. You cannot use a sneaky way of saying — —

The PRESIDENT — Order! I ask the Minister for Energy Industries not to debate the point of order.

Hon. T. C. Theophanous — President, I call on you to insist that the member withdraw his statement to which exception has been taken.

The PRESIDENT — Order! Again I ask the member to withdraw. In putting to the house his point of order on the question that the Honourable Bill Baxter wanted to ask, Mr Forwood stated that the minister had misled the house. The minister takes exception to that, and I ask Mr Forwood to withdraw.

Hon. Bill Forwood — If the minister has taken offence at anything I said, I withdraw.

Hon. B. N. Atkinson — On a point of order, President, in relation to the original question and the ability of the member to put this question and the ability
of this house to accept that as a valid question within the standing orders, I put it to you that the question that has been put by Mr Baxter is clearly within the competence of the minister because it does not refer to the actions of a minister in another place or events in another place.

The question in fact goes directly to what the minister did or did not say to this house last week with regard to legislation before this house. It is clearly within the minister’s competence, and I think he is fairly keen to answer the question. Therefore, I suggest that the question ought to stand and the minister ought to be given the opportunity to have his say on that question.

Ms Broad — Further to the point of order, President, I put it to the house that there are literally hundreds of hours that ministers have spent in debate and in committee on bills where they are representing ministers in the other place. If this house is to proceed in a way where ministers can subsequently be subjected to questions without notice about those hundreds of hours they have spent in committee representing ministers in another place on bills which relate to administrative matters within the competence of ministers in the other place, that is going to change in a major way the practices this house has followed under the standing orders for a very long time.

President, I put it to you on the point of order that that change is not one which is in accordance with either the wording or the intent of the standing orders. For that reason this matter should be ruled on in terms of the existing practice.

Hon. D. McL. Davis — On the point of order, President, we have just heard an extraordinary contribution from the Minister for Local Government.

The PRESIDENT — Order! What is the member’s point of order?

Hon. D. McL. Davis — It is on the main point of order about the further implications of the situation and the fact that her contribution would invite the house to accept that no minister in future could answer a question about matters which have passed through this house. It would invite the house to come to the conclusion that ministers could say something untruthful in the house in the future and that that would not be subject to further questioning.

The PRESIDENT — Order! On the point of order Ms Mikakos raised with respect to the Standing Orders and Rules of Practice of the Legislative Council, under rules relating to questions, rule 1.04(a) states that questions cannot refer to ‘debates in the current session’. That is a rule of practice of this house. The question the Honourable Bill Baxter has posed to the Minister for Aged Care falls under that. On that basis the question is ruled out of order.

However, I remind all honourable members that if they wish to challenge any comments made by any member in this house they are well aware that they do it by substantive motion and not through questions on notice or questions without notice or at other times in debates. Members know the rules of this house, and I know Mr Baxter is well aware of them. I rule the question out of order.

Hon. W. R. BAXTER — On a further point of order, President, I seek your clarification. I am well aware of the matters you have just raised about substantive motions. But the fact that we now have sessional orders which provide that a guillotine falls at a certain time precluded me clarifying this matter at the time the minister made the statement where I believe he may have misled the house. Perhaps the Standing Orders Committee should examine this. If that is the situation, the guillotine will leave a serious allegation hanging in mid air.

The PRESIDENT — Order! The sessional orders, as the member is well aware, supersede standing orders in various places. The sessional orders were dealt with by the house and adopted by the house and they must be implemented by the Chair. The rules relating to questions were not amended in any way in the sessional orders so they apply in this instance.

Hon. Bill Forwood — On a point of order, President, I put it to you that it is the practice of the house when you rule questions out of order that you give the member the opportunity to rephrase his question.

The PRESIDENT — Order! On some occasions I have given an opportunity and on some occasions I have not, but if Mr Baxter rephrases his question in a way which does not breach the rules of practice, the standing orders or the sessional orders and he can do it in 12 seconds, he is entitled to do so. I give Mr Baxter the opportunity to do so.

Hon. W. R. BAXTER — I ask the minister whether he misled the house last week when he claimed that union officials would not be prosecuting under the outworkers bill?

Ms Mikakos — On a point of order, President, I ask you to rule the question out of order on the same basis — that it is in breach of rule 1.04(a).
The PRESIDENT — Order! I uphold the point of order. The question is in breach of rule 1.04 (a). I call the next question.

Local government: performance

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Local Government. Will the minister inform the house what action the Bracks government has taken in partnership with local government to improve the performance of the sector?

Ms BROAD (Minister for Local Government) — I thank the member for his question, and for his interest in local government. The Bracks government, of course, is committed to working with local government as an equal partner as a key part of our agenda to strengthen and build communities. This is clearly demonstrated by our actions such as enshrining in the constitution the place of local government and these actions by the Bracks government will be built on in the spring sittings with further reforms to the Local Government Act.

I can inform the house that Victorian communities continue to remain satisfied with the performance of their local councils under the Bracks government. This is reflected in the statewide results of the 2003 community satisfaction survey in which 79 per cent of respondents rated the overall performance of councils as excellent through to adequate. This indicates that the very high satisfaction rate of 78 per cent achieved last year has been maintained.

Under the Bracks government the percentage of the community rating the performance of their local council as adequate to excellent on the whole has improved from 69 per cent in 1998 to 79 per cent in 2003 — a huge increase of 10 per cent. What has changed under the Bracks government over that period? Under the previous Liberal-National government there was little incentive for communities to get involved in their local councils, and confidence in the sector was at an all-time low because of policies such as the much loathed compulsory competitive tendering, which literally destroyed thousands of jobs, particularly in rural and regional Victoria.

Since the election of the Bracks government we have acted to abolish compulsory competitive tendering and have introduced our best-value policy, which is backed by delivering a share of the national competition policy payments to councils which comply with best value. I might add that Victoria is the only state government to do so.

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Commonwealth Games. I refer to reports in the Weekend Australian that housing on the Commonwealth Games village site is to be the subject of pre-release sales, with houses costing up to $750,000 each and apartments $450,000 each. Given that the value of housing sales on the village site will exceed $450 million in aggregate, why has the minister been able to negotiate for the state to receive only $58 million through housing sales?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for his question in relation to the Commonwealth Games village site at Parkville. The member may be aware that is the scenario that the government has indicated in terms of revenues to be gained from the site, but there is the potential for partnerships in relation to revenues raised over and above that level. We look forward to the opportunity to ensure that there is a better case scenario to the one presented in relation to the games village. As the information comes to hand, if it does come to hand, I am eager to release it and present it to the Parliament.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The house is hopeful that some information eventually will come from this minister. I find his answer curious at best. What is the time frame for the conclusion of negotiations given that the government has stated it will receive $58 million through housing sales? What is the current status of negotiations with the consortium to develop the site, and when will it be concluded?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I understand that the
relevant documentation in relation to the proposal has been signed off, but the member will appreciate that there is an advisory panel process being undertaken in relation to many of the issues regarding the village, and that process will determine the other areas in relation to the village that will need to be determined to make the village operate better for the surrounding residents in and around Parkville and to make sure the outcome is even better than the one proposed by the appropriate developers.

**Aged care: funding**

Mr PULLEN (Higinbotham) — I direct my question to the Minister for Aged Care. Will the minister advise the house of the Bracks government’s achievements in aged care and the consolidation of those achievements in the last year?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the member for the question, and I thank the Parliament for any opportunity it gives to me to give a fulsome answer to any question that I can actually answer. I encourage any member to read my contribution in *Hansard* on any matter. I stand by comprehensively any matter that I have said before the Parliament of Victoria, and I will continue to do so.

In terms of the important issues the member has raised, there have been some fantastic initiatives that the Bracks government has undertaken with aged care. We are a major provider of residential aged care beds across Victoria, with 6500 residential beds being provided right across rural and regional Victoria and the metropolitan area. Over the last three years we have increased the stock numbers by adding 361 beds as a net increase over that period. It has been a fantastic achievement. There are in fact 200 facilities right across Victoria that we are responsible for, and each and every one of them has obtained accreditation under the commonwealth accreditation process over that period.

There are major challenges for us in terms of complying with commonwealth regulations. We have spent $112 million in the last three years in making sure that we comply with those accreditation processes. We have improved 27 facilities across the state, and we are rolling out further funds in the upcoming budget. I am sure members will be champing at the bit to get over to the Legislative Assembly to hear what is coming in the budget.

In terms of home and community care, we have a significant program that provides hundreds of thousands of services to Victorians across the state each and every year. It is a $320 million joint program between the commonwealth and the state, and we have been pleased to put in an additional $41 million of state government money beyond the matching component to provide increased service delivery to Victorians. The government has taken particular pride in providing $4.5 million to provide additional services to members of the Koori community and people from cultural and linguistically diverse backgrounds.

Personal Alert Victoria is an important preventative health measure to keep people out of hospitals and make sure they can contact emergency services and their families when they need to. It has provided 14,900 units to Victorians, and by the end of the year 16,500 units will have been rolled out to people in the community so that they can contact their loved ones and emergency services when they are in urgent need of care.

Some $1.5 million has been spent annually on falls prevention programs through 31 residential care centres, through homes and a variety of programs to make sure people are not falling over and damaging their hips or collar bones, resulting in the need for hospitalisation. The government has increased support to carers who provide assistance on a daily basis for their loved ones who may be frail aged or disabled. The number of carers who have been assisted in the last year has increased to 20,000.

In terms of the overriding positive ageing agenda, the government has created greater opportunities for senior Victorians to contribute to public consideration and consultation. It has established the Ministerial Advisory Council of Senior Victorians and the Office of Senior Victorians. This is a fantastic suite of initiatives that the government is very proud of, and we look forward to the forthcoming 2003–04 budget.

**Minister for Small Business: conduct**

Hon. PHILIP DAVIS (Gippsland) — I direct my question to the Minister for Small Business. The Ombudsman’s report on the Estate Agents Guarantee Fund found that the minister did not cooperate with the Auditor-General. Did the minister consult with the Premier, or did she make her own decision not to cooperate?

Hon. M. R. THOMSON (Minister for Small Business) — I answered a question in relation to this in the house last week, and I stand by that answer. I take my responsibilities as a minister seriously, and I deal with my portfolio areas appropriately, honestly and responsibly on behalf of Victorian citizens.
Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Will the minister advise if she will cooperate with the inquiry now being considered by the Auditor-General?

Hon. M. R. THOMSON (Minister for Small Business) — It is quite hypocritical having a question like this coming from the opposition, this same opposition that — —

Hon. Philip Davis — On a point of order, President, the minister is debating the question. I ask that you direct her to answer it.

The PRESIDENT — Order! The minister did stray from answering the question. I ask the minister to respond to the question.

Hon. M. R. THOMSON — The government appreciates the role and independence of the Auditor-General and the Ombudsman. That is why it enshrined their positions in the constitution, unlike the opposition that despatched — —

Hon. Philip Davis — On a point of order, President, the minister is debating the question. I ask you to direct her to answer it.

Hon. T. C. Theophanous — On the point of order, President, I was listening very carefully, and the minister was in no way debating the question. Had she attacked the opposition she would have been quite within her rights to do so, considering its record in relation to the Auditor-General. I put it to you that the minister was systematically outlining the government’s position in relation to the Auditor-General, and that in no way represents debating the question.

She had made no reference whatsoever to the opposition but was simply going through and talking about the record of the government in relation to the Auditor-General and the Ombudsman and the government’s support for those two offices. She was being responsive to the question put by the Leader of the Opposition.

The PRESIDENT — Order! The minister was being responsive. I ask her to conclude her answer.

Hon. M. R. THOMSON — Government members respect the independence and the authority of the Auditor-General and will cooperate with the function of the Auditor-General, as we always do.

Commonwealth Games: athletes village

Ms ROMANES (Melbourne) — I refer my question to the Minister for Commonwealth Games. Will the minister inform the house of any recent advice he has received regarding the status of land in Parkville that is to be the site of the Commonwealth Games athletes village?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the honourable member for her keen interest in this issue. I am pleased to inform the house that I have recently received supplementary advice from the Surveyor-General on the status of the Parkville land. This advice confirms the accuracy of his earlier advice that the games village site has never been part of the Royal Park permanent reservation of 1876.

The state government received initial advice from the Surveyor-General in March 2002. There has been some public interest in this issue, including some various misguided claims about the land. As a result the government commissioned a detailed, independent research of historical documentation into the status of land in Royal Park and the surrounding areas. The research, known as the Kellaway and Summerton report, provides a detailed chronology from 1837 regarding Royal Park and the surrounding land. It confirms that the games village site was never part of the Royal Park reservation of 1876. This report was then provided to the Surveyor-General with a request that he determine if this more detailed research impacted on his advice of March 2002.

On 30 April 2003 the Surveyor-General confirmed that his earlier advice was correct — that is, that the games village site in Parkville was never part of the Royal Park permanent reservation of 1876. The government has now made all of this information publicly available on the Office of Commonwealth Games Coordination web site at www.dvc.vic.gov.au.

The government now expects that people can move on this issue, and claims that the games village site is part of Royal Park are patently wrong. The village is to be constructed on the site of the former psychiatric hospital, and any cursory examination of the site clearly demonstrates that it is not Royal Park.

I also take this opportunity to inform the house of the commencement of environmental site remediation works at the games village site. These works will allow the provision of a clean site with a statement of environmental audit to the Village Park Consortium, which is the successful tenderer for the development of
the village prior to construction commencing. The government is requiring that these environmental works be undertaken in a way that will ensure the protection of significant trees and significant heritage buildings on the site. The development of the games village is the subject of ongoing public consultation through the advisory committee process. This process will continue, and the environmental remediation works will not affect the consultative process.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to five questions on notice: 112, 138, 320, 322 and 323.

MEMBERS STATEMENTS

Timber industry: restructure

Hon. E. G. STONEY (Central Highlands) — I wish to read a letter from Lord’s sawmill of Whittlesea, which is in my electorate. The letter states:

Could you please take the time to investigate our plight.

… Lord’s is a family company of 55 years. Together with four of my family members and nine employed personnel we have a very successful … business. It has been with great effort and determination we have grown into a successful company … Now the Bracks government is offering VLRP (voluntary licence reduction packages) which will not clear our debts for machinery and equipment we have so heavily invested in.

The company holds a licence which expired in 2002, and this licence has been given a further two years to operate until 2004. The letter goes on to say that the company has two other licences which are uncertain. The letter continues:

All of the RFAs (regional forestry agreements) set up by the previous government was disregarded by this Bracks government. We cannot gain any details in regard to the renewal of this current licence, and the future is looking very bleak for the remaining quotas.

…

We consider we are, along with all small sawmills, a victim of this government. I along with my sons do not want to be pushed out of an industry we know so well. We eagerly await your —

assistance.

The government should immediately end the uncertainty of all sawmills in this position. It is my opinion that the government treatment of mills with packages and licences is unfair and unbusinesslike.

Mornington Peninsula: careers and employment expo

Hon. J. G. HILTON (Western Port) — I commend Mornington Peninsula shire’s sustainable careers and employment expo, which will take place at Rosebud Secondary College on Thursday, 15 May. The expo is being held to showcase to young people the range of careers available locally.

The expo will give young people opportunities to speak with many businesses about the range of career paths those young people would like to follow. It will also give local businesses opportunities to speak to young people and discuss with them appropriate job vacancies and traineeships. The expo is free to visitors and participating businesses, with more than 50 businesses exhibiting employment opportunities. These businesses include Coles, Safeway, Green Plumbers, BHP and the Australian Defence Force.

I have indicated previously that school retention rates are less than ideal on the Mornington Peninsula, and there are significant pockets of unemployment. These initiatives illustrate the Mornington Peninsula’s commitment to assist young people in their quest for employment and give them opportunities as they consider their future careers.

The cost of the expo is $30 000, and the Bracks Labor government has contributed $9000 to facilitate the event, which further indicates the investment we on this side of the house are prepared to make for the benefit of young people. I intend to attend the expo and wish it every success.

Butterfly Foundation

Hon. ANDREA COOTE (Monash) — I take this opportunity to praise and bring to the attention of the chamber the excellent work of the Butterfly Foundation, which was established by Mrs Claire Vickery to provide financial assistance for the direct relief of sufferers of the eating disorder, anorexia nervosa, and to support education research and early intervention.

Mrs Vickery started the foundation in August 2002 as a result of her experience as a mother of two daughters who suffered from eating disorders. After spending six years seeking appropriate treatment and options for her daughters she uncovered a system of health provision
for eating disorders desperately in need of systematic change.

The Butterfly Foundation is neither a service provider nor a referral service. Funds raised will be directed on the basis of an income and assets test to disadvantaged sufferers of eating disorders so that they may access suitable ongoing treatment options of their choice. Anorexia nervosa has a mortality rate of 15 to 20 per cent, which makes it the third most common disease in 15 to 24-year-old women. Mrs Vickery says:

Body image is not about food, but about feelings. Sufferers of eating disorders express low self-esteem and a lack of self-worth via food and the body. The key to treatment is the creation of trusting relationships between sufferers, health professionals and carers in a no-time-frame and a healing environment.

I congratulate Mrs Vickery and the members and supporters of the Butterfly Foundation, and I wish them success with their launch tonight.

Iraq: conflict

Mr SOMYUREK (Eumemmerring) — I rise to make my second and hopefully my final contribution on the war in Iraq. I take this opportunity to congratulate our soldiers, whom I understand have once again performed their duty with great courage, professionalism and dignity.

On 21 March, a couple of hours before the war commenced, I predicted in this place that the United States of America would achieve its objective of toppling the Hussein regime within one month. I was proven right — the Hussein regime collapsed after three and a half weeks. I also predicted that after the war unless the internal dynamic of Iraq was managed with dexterity the heterogenous composition of the country would mean that Iraq would spiral into civil war.

Apart from a few isolated incidents, large-scale violence among different communities in Iraq has been avoided thus far. It is now time for the international community, through the United Nations, to oversee the formation of a credible and functioning administration to administer the country.

Finally, in my first speech to the house on the situation in Iraq I called on the Victorian Muslim communities to keep a low profile with respect to anti-war protest during the war. Despite considerable efforts by some, who were determined to use the Muslim communities as pawns for their own ends, the Muslim community stayed away in droves from these protests, thus demonstrating overwhelmingly that they did not identify with tyrants such as Saddam Hussein.

Greg Adams

Hon. R. DALLA-RIVA (East Yarra) — Last Monday, 28 April, I had the unfortunate opportunity to attend the funeral of a close friend of mine who was a fellow Rotarian, Mr Greg Adams. Greg and I worked together in Rotary on the membership team. I remember that for a number of years we went about seeking members within North Balwyn, which is within my electorate.

The funeral made me reflect upon the work Rotary does. It is important that on the odd occasion we as a house reflect upon the work Rotary and other service clubs do for humanitarian and like causes. Rotary has a global network of 1.2 million members, and there are about 29 000 clubs in 160 countries. One of these clubs is in North Balwyn — the one I attend — and there are many others within East Yarra.

It is incumbent on us to remind ourselves that these service clubs provide a great contribution in terms of the administrative engine-room, developing projects and similar things, not only throughout each of our electorates in Victoria and throughout Australia but also throughout the world. I would like to place on record my condolences to the family of Mr Greg Adams, to Donna and children, Chloe and Rory.

Inner West Migrant Resource Centre

Hon. KAYE DARVENIZA (Melbourne West) — I want to take this opportunity to congratulate the Inner West Migrant Resource Centre, which is in my electorate, for a forum it plans for 12 May. The forum is for newly arrived African migrant women to inform them about their rights as consumers. This forum will cover issues such as how to understand contracts, credit cards, debt collection notices, City Link payments, private as well as public tenancy issues, along with dealing with door-to-door salespeople and loans and finance brokers.

All those issues are difficult enough to understand if English is our first language, and these issues can be overwhelming if English is not our first language. I particularly acknowledge Mr David Lukudu, the settlement worker with the centre, who is organising the forum. The client services team at the centre does a fantastic job of helping migrants. I wish them every success and congratulate them on their forum.
Minister for State and Regional Development: press release

Hon. BILL FORWOOD (Templestowe) — Last Thursday the Minister for State and Regional Development issued a press release headed ‘Australia’s biggest wind farm project gets go-ahead’. In talking about the project, he said:

It will avoid production of 900 000 tonnes (we use a figure of 1.38 tonnes per MW for brown coal so that would be about around 750 000 tonnes) of carbon dioxide every year — equivalent to taking more than 200 000 (I assume would have to drop this to more than 150 000) cars off the road, or planting around 4 (3) million hectares of plantation forest.

Hon. B. N. Atkinson — Or thereabouts.

Hon. BILL FORWOOD — Or thereabouts! Thank you, Mr Atkinson.

This is a sensible project, but in this document we have absolute proof of the spin doctors at work in the Bracks government. In that paragraph we get two figures — take your pick! — 900 000 tonnes or 750 000 tonnes, or the equivalent of 200 000 cars or 150 000 cars, or the equivalent of 4 million hectares of plantation or 3 million hectares of plantation.

This is very bad editing by the Department of State and Regional Development in that it did not decide which set of figures to choose to use. I know this would not have happened under the Minister for Energy Industries — only under the other guy. Let us put it on the record: we now have them absolutely sprung on lies.

The PRESIDENT — Order! The honourable member’s time has expired.

Hepburn Springs Swiss Italian Festa

Ms HADDEN (Ballarat) — I congratulate the Hepburn Springs Swiss Italian Festa 2003 committee for another very successful annual Swiss Italian Festa held in the townships of Hepburn Springs and Daylesford from 28 April until 4 May. This year the festa was opened by representatives of the Pedretti family, one of the early settlers in the district. The festa celebrates the rich history, culture and lifestyle of the region with a grand opening parade, bocce tournament, musical and theatrical performances, food and wine events, historic tours of the old macaroni factory, and a family history centre with historical records from the Italian Historical Society.

The festa had a fun-filled carnival atmosphere, with involvement from many community groups right across the area, including schools. During the festa last week more than 80 young disabled adults enjoyed a bocce tournament at the Daylesford Town Hall. The contestants came from a variety of services, such as Pinarde Support Services, Ballarat Specialist School and McCallum Disability Services. They had a wonderful time contesting that tournament and during the festa. The Swiss Italian Festa yet again successfully showcased — —

The PRESIDENT — Order! The honourable member’s time has expired.

Ernie Wolfe

Hon. B. W. BISHOP (North Western) — Sunday, 27 April saw the township of Red Cliffs honour one of its favourite sons, Ernie Wolfe. Ernie Wolfe, who passed away in March 2002, served Red Cliffs in every way possible in a long and distinguished career in public life.

The Red Cliffs community formed a committee and, with the generosity of the local people who wished to recognise Ernie’s efforts in a lasting way, erected a plaque in Barclay Square, a beautiful park where most of Red Cliff’s outdoor events are held.

Those present at the unveiling, including of course Ernie’s family, were told by mayor, Cr Peter Byrne that Ernie was the heart and soul of Red Cliffs. Mr John Forrest, the federal member for Mallee, officially unveiled the plaque and was generous in his praise of Ernie’s work and the fact that he was involved in everything bar the Mothers Club.

The plaque faces the famous Red Cliffs landmark, Big Lizzie, a huge machine of Mallee invention used to clear scrub. It is a fitting neighbour, as Ernie fought long and hard to have Big Lizzie returned to Red Cliffs. As an enthusiastic supporter of the National Party, Ernie’s advice, encouragement, friendship and loyalty will always be remembered.

Ernie Wolfe was a great Australian who served his country at war and served his community well. He and his wife, Peg, were extremely generous in the hospitality and friendship they extended to my wife, Brenda, and myself. I honour Ernie Wolf and commend the community of Red Cliffs for the fine way it has recognised his magnificent contribution to the area.

Ann Nichol House, Portarlington

Mrs CARBINES (Geelong) — Almost two years ago the federal government granted Bellarine Community Health an extra 30 bed licences for Ann
Nichol House — an aged care facility in Portarlington — to double its capacity to serve the growing needs of the frail aged on the Bellarine Peninsula. However, it was most disappointing that in making this welcome announcement the federal government refused to allocate any funding to finance the necessary upgrade of Ann Nichol House to cater for the 30 new beds. This left Bellarine Community Health facing the very difficult proposition of having to raise more than $1 million.

In stark contrast to the federal government, last year the Bracks government announced a grant of $250,000 to Bellarine Community Health to launch its fundraising campaign. The government’s demonstrated commitment has been warmly received by all associated with Ann Nichol House.

As a member for Geelong Province, on Saturday night I was delighted to attend with my family and friends a dinner at the Guide Hall in Portarlington to raise more funds. It was catered for by the local guides and an enjoyable evening was had by the more than 100 people present. I understand that the dinner raised some $7000 for Ann Nichol House. I would like to congratulate the organising committee and the local guides for their hard work on behalf of our community.

Seal Rocks Sea Life Centre: managing director

Hon. C. A. STRONG (Higinbotham) — The issue I would like to raise this afternoon deals with the Seal Rocks Sea Life Centre. In the last session of Parliament this house set up a select committee to investigate this shabby deal by the government, a committee which I chaired. Without doubt Seal Rocks was victimised by the government. That is now on the record — established by the courts at a cost to the Victorian taxpayers that could reach $100 million of our hard-earned money.

I particularly wish to pay tribute to Mr Ken Armstrong, the managing director of Seal Rocks. Throughout this sorry saga, and particularly through the select committee hearings, Mr Armstrong was personally vilified and the subject of continued vicious personal attacks on his credibility and honesty, both in business and as a witness. In fact, he came under relentless attack in attack-the-man personal degradation tactics in an attempt to get the government off the hook.

Mr Armstrong has prevailed. He has triumphed over these vicious personal attacks. He was not bowed as the government sought and I am pleased to see that justice has prevailed.

Crime: incidence

Hon. J. H. EREN (Geelong) — I would like to congratulate Victoria Police and the responsible minister in the other place on the recent statistics showing a 40 per cent increase in drug detection in the wider Geelong area. This increase in detecting the cultivation and trafficking of illegal drugs is the result of endless hard work by local police and increased drug awareness in the community.

Members would be well aware of the connection between hard drugs and crime. This increase in illegal drug detection and apprehension of those drug producers and traffickers has resulted in an overall drop in crime in the region. The figures, which include the Geelong and Corio policing districts, show an overall 20 per cent drop in crime, including thefts from and of motor vehicles. Results also show that burglaries are down by nearly 20 per cent — better than the state average of just over 18 per cent. I cite an article on page 5 of the Geelong Advertiser of Monday, 5 May 2003, in which Geelong superintendent Sandra Nicholson said that the figures prove local police are doing their job in the Geelong community.

Once again I must congratulate Geelong members of Victoria Police for their great work and say that this overall drop in crime shows that the Bracks Labor government’s policies regarding community safety are working for our region.

Mitcham–Frankston freeway: property acquisitions

Hon. A. P. OLEXANDER (Silvan) — I rise to make a statement regarding the Bracks government’s continuing indecision on and mismanagement of the Mitcham–Frankston freeway. In doing so I sincerely thank the Liberal Party Whip, Mr Stoney, for this rare opportunity to make a 90-second statement. I would also like to attack the sloppy and unprecedented management practices of the Department of Infrastructure.

Just last week residents of Hillcrest Avenue, Ringwood in my electorate were told that they would have to move out of their homes by next June to make way for the freeway. A resident was told by staff from the Department of Infrastructure that he would be required to move out by mid-2004 at the earliest. These residents were doorknocked by Department of Infrastructure staff. They received no written correspondence from the department or the government before the doorknock took place and previous to this had absolutely no idea that their homes would be compulsorily acquired.
Many of the residents have lived in their homes in this street for more than 25 years and they are most upset at being told that they will be served with notices of compulsory acquisition within a few short months. They have basically just been told to pack up and move somewhere else because the freeway has to be widened and extra on and off ramps need to be built. This is outrageous mismanagement on the part of the government and a sloppy management practice on the part of the Department of Infrastructure.

Centenary Medal: Monash Province recipients

Mr SCHEFFER (Monash) — I would like to congratulate the many people living in Monash Province who have been awarded Centenary Medals. There are, of course, too many to name individually and to single out some and not others would be unfair. Nevertheless I draw attention to the impressive breadth of the contributions made to the community by those who have received these awards.

In Monash Province individuals received Centenary Medals for their outstanding work in education, for representing the community as members of Parliament and as local councillors, for providing support to older members in the community who are in need of care, for community services, and for work in housing. Others have achieved considerable success in media, film and drama as well as journalism and have contributed ideas through their academic work and research. Yet others have achieved significantly in the field of medicine. I see that there are others who have worked overseas making significant contributions to people living in other countries. Medals have also been received by people who have worked very hard to foster multiculturalism in Monash Province, particularly for their work with the Jewish, Greek and Italian communities. I congratulate all those people in Monash Province who received Centenary Medals.

Australian Council of Trade Unions: national wage

Mr SMITH (Chelsea) — I rise to congratulate the Australian Council of Trade Unions (ACTU) on successfully prosecuting its national wage claim today. It was able to deliver a $17 a week increase to those who are currently paid less than $730 a week and $15 to those who currently earn in excess of $730 a week and are award covered. While the conservatives opposite would be disappointed with the outcome, we on this side of the house are quite happy to congratulate the ACTU on once again demonstrating its willingness and capacity to deliver to low-paid workers, whether unionised or not.

For the record, the conservatives opposite actually pursued a claim of no more than a $12 a week increase for low-paid workers, and employers, as usual, claimed that they should be paid nothing. I have to say that this is a change in tactic for the conservatives opposite who normally argue that there should be no increase at all — they have seen the light in some regard. Once again, members on this side of the house and I in particular wish to congratulate the ACTU for its efforts in delivering to ordinary working people.
MURRAY-DARLING BASIN (AMENDMENT) BILL

Second reading

For Ms BROAD (Minister for Local Government), Hon. J. M. Madden (Minister for Sport and Recreation) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation):

The Bracks government previously introduced the Murray-Darling Basin (Amendment) Bill in September 2002, as did the NSW and commonwealth governments as part of finalising and putting into place the arrangements agreed to under the Snowy water inquiry outcomes heads of agreement of December 2000.

In 1999, the Bracks government committed to negotiating with NSW and the commonwealth governments to seek agreement to return 28 per cent of original flows to the Snowy River.

Twelve months later, on the banks of the Snowy River, Premiers Bracks and Carr announced their commitment to revitalise the river. The governments committed to an investment of $300 million over 10 years, with a medium-term target of 21 per cent and a long-term target of 28 per cent of original flows returned to the Snowy.

This is a very significant outcome for the Snowy River and its surrounding communities, providing a major investment in the future of water infrastructure in regions west of the river and a substantial commitment to restoring the health of the river.

On 6 December 2000, the agreement of the commonwealth was secured and the heads of agreement between New South Wales, Victorian and commonwealth governments to the outcome to the Snowy water inquiry was concluded. The commonwealth added $75 million to the $300 million investment of the states. The governments also agreed to allocate an additional 70 gigalitres environmental flows for the River Murray.

The governments further agreed that flows in the Snowy River will only be increased and dedicated environmental flows allocated to the River Murray will only be implemented provided they are offset by water acquired primarily through water saving, environmental improvement and regional development projects in diversions from the River Murray and in the Murrumbidgee and Goulburn-Murray river systems.

This is a key element of the agreement as it maintains the objectives of avoiding adverse impacts on existing irrigators’ water rights, South Australian water security or water quality consistent with water-sharing arrangements in the Murray-Darling Basin Agreement, or existing environmental flows.

It represents a major commitment by the Victorian, New South Wales and commonwealth governments to investment in regional infrastructure projects to achieve the water savings necessary to offset the increased environmental flows to the Snowy River and the River Murray. It will also provide significant benefits to regional communities in northern Victoria in terms of employment and improved water quality.

Achieving corporatisation of the Snowy Mountains Hydro-Electric Authority was the next major hurdle. This was achieved after more than six years of negotiations, with the proclamation of the Snowy Corporation Acts 1997 by the commonwealth, Victorian and NSW governments on 28 June 2002.

The corporatisation of the authority required a review of the arrangements for the operation of the Snowy scheme under the Murray-Darling Basin Agreement as set out in the Murray-Darling Basin Act 1993, to protect Victoria’s water rights and interests and to enable the increased environmental flows to the Snowy River and the River Murray.

This bill gives effect to the Murray-Darling Basin Amending Agreement.

The amending agreement provides for the new arrangements for sharing water made available from the Snowy scheme to the River Murray catchment above Hume Dam.

It has undergone a rigorous approval process:

- The Murray-Darling Basin Ministerial Council approved the amending agreement on 5 October 2001;
- First ministers of the governments of Victoria, New South Wales, South Australia and the commonwealth have signed the amending agreement.
- It has a high level of support from all governments and has already been passed by the NSW Parliament.
- The bill seeks the agreement of the Parliament to the amending agreement. Parliamentary approval in all the relevant jurisdictions is necessary for the amending agreement to be fully effective.
- The amending agreement removes references to the former Snowy Mountains Hydro-Electric Authority in the Murray-Darling Basin Act, it amends part XII of the Murray-Darling Basin Agreement and adds a new schedule G to the agreement. Schedule G provides for the new water sharing arrangements.

The new arrangements will protect Victoria’s rights and interests and enable increased environmental flows to the Snowy River and River Murray. Schedule G also includes provisions for:

(a) the transfer of water savings to environmental entitlements and the subsequent reduction in the respective states’ long-term Murray-Darling Basin caps;

(b) the release by the Murray-Darling Basin Commission of increased environmental flows to the River Murray; and

(c) the necessary additional water accounting, notification, consultation and modelling mechanisms.
It also provides the mechanism to release increased environmental flows to the River Murray, consistent with the outcomes of the Snowy water inquiry. The Murray-Darling Basin Ministerial Council will be required to develop environmental objectives and a strategy for the increased environmental flows to the River Murray.

The allocation of 70 gigalitres of increased environmental flow to the River Murray is an enormous step for the rehabilitation of this mighty river. It also demonstrates the commitment of all River Murray states that we recognise the importance of its environmental sustainability as well as its economic sustainability.

The bill represents a major step forward in achieving improved environmental outcomes for both the Snowy River and the River Murray.

I commend the bill to the house.

Debate adjourned on motion of Hon. E. G. STONEY (Central Highlands).

Debate adjourned until next day.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

For Hon. T. C. THEOPHANOUS (Minister for Energy Industries), Hon. J. M. Madden (Minister for Sport and Recreation) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation):

The purpose of this bill is to provide for better and more certain compensation and civil liability immunity protection for volunteer Country Fire Authority firefighters, and to further improve community safety in times of high fire danger through a number of amendments to the Country Fire Authority Act 1958.

Volunteer protection

The Country Fire Authority Act 1958 has in the past provided limited civil liability immunity protection for volunteers who, through actions authorised under the act, happen to cause damage or injury to a third person. This protection has always been limited to those volunteers who have not acted negligently or in wilful default.

The government is concerned that this protection may not be adequate for protecting Country Fire Authority volunteers in certain limited situations, and hence discourage the outstanding involvement of community members in this fine organisation. In order to encourage continued community involvement in the Country Fire Authority and volunteerism in general the act will be amended to provide stronger civil liability protection for volunteer firefighters and other members of the Country Fire Authority.

The act’s legal protection provisions will be changed to now only require the volunteer to carry out his or her duties in good faith for the civil liability protection to apply. This change will ensure a volunteer will no longer be disqualified from legal protection for a minor negligent act or omission, if this occurs in the conduct of their Country Fire Authority duties. The government believes this improved civil immunity protection is required in an environment that is perceived as being increasingly litigious. This change will greatly improve the current situation where a volunteer firefighter would, for example, only have to forget to close a gate while travelling to a fire for the current legal protection to fail. The current act could leave the volunteer firefighter personally liable to claims from others for any damage (i.e. the loss of livestock) that may result from leaving a gate open.

This amendment will protect volunteer firefighters from claims for civil damages so long as they have acted in good faith in the course of their duties, so even when a volunteer has failed to perform an act (i.e. closing a gate) from which foreseeable damage could emanate they will still be protected under the new provision.

The act will be amended to ensure that all volunteers will be afforded the same civil liability protection. This will include those who perform administrative functions, interstate firefighters assisting CFA members in Victoria, paid firefighters and anyone else acting under an authorisation given under the act (for example, forest officers, persons employed under the Parks Victoria Act 1998 and persons employed by the Department of Sustainability and Environment under the Public Sector Management and Employment Act 1998).

The immunity provision does not prevent people who may have suffered damage or loss from obtaining compensation for damage suffered as a result of activities performed by volunteers on behalf of the Country Fire Authority. The provision merely transfers the liability for such damage to the authority, rather than allowing the individual volunteer to be held personally liable.

Compensation for volunteers

The provision of compensation for volunteers and their families has always been an essential element of volunteer firefighter protection. The government provides volunteers and other Country Fire Authority members with appropriate compensation in the event of death, personal injury and the loss of personal property. The Country Fire Authority Act 1958 will be amended to expand the eligibility of family members, dependents, spouses and domestic partners to receive compensation in the unfortunate event of an incident causing the death of a volunteer whilst on duty.

This change supports the government’s commitment to reducing inequalities and building cohesive communities by providing compensation to those persons most affected by the death of a volunteer — not just dependents. The amended compensation provision will provide a regulation-making power which will enable an expansion of the existing Country Fire Authority compensation scheme to provide compensation for family members, domestic partners and spouses as well as dependents.
An important element of promoting and encouraging volunteerism is to ensure that any expenses or loss incurred by individual volunteers whilst undertaking volunteer duties or other activities associated with volunteer community service are met by the volunteer organisation. The benefits to the community in having a fully supported complement of volunteer firefighters working in country and urban Victoria far outweigh the small cost of providing appropriate compensation for expenses or loss incurred by volunteers in providing this community service.

The act will be amended to increase the maximum amount of compensation payable to volunteers for loss of wearing apparel, personal vehicles or equipment from $600 to an amount determined by the authority (the authority have indicated that the amount will be increased to $1000 in the first instance). The Country Fire Authority will also be able to provide a greater amount if there are extenuating circumstances. This will allow the authority to compensate volunteers who suffer damage or loss in excess of the determined amount where they have, for example, had their own personal protective equipment destroyed while engaged in the suppression of a fire or a road rescue authorised under the act.

Charitable organisations

Our community is fortunate to have charitable organisations that provide support to those members of the community who are experiencing difficulty or are for whatever reason unable to provide for themselves and their families. In order to provide this support charitable organisations often conduct fundraising activities that involve the preparation and sale of food to the public. Many charitable organisations are dependent on the funds raised through these activities to provide daily support to the community.

The act will be amended to ensure that community charity organisations are able to continue with their fundraising work involving the preparation and sale of food even if there is a total fire ban in place. The government has been alerted to an anomaly in the Country Fire Authority Act 1958 which does not allow such organisations to apply for exemption permits to allow cooking of food outdoors on total fire ban days. The act will be amended to ensure that charitable organisations are able to apply for exemption permits under the total fire ban provisions of the act.

It should be noted that the ability for charities to apply for an exemption does not mean that they will automatically be granted an exemption permit. Applications will be assessed by the authority to ensure that there are appropriate safeguards in place to reduce the risk of fire. The exemption permits, if granted, may also contain a number of conditions which the charitable organisation will have to comply with in order to conduct their food-selling activities on a total fire ban day. This amendment will give charitable organisations in our community the same status as private businesses that carry out similar activities on total fire ban days.

Special recognition award

The government has had many inquiries from individuals and community groups regarding recognition of outstanding community work carried out by individual Country Fire Authority brigades. This work has had a very positive impact on families, individuals and the community in general and has largely gone unrecognised. In order to acknowledge and recognise the value of the contributions that Country Fire Authority brigades make to the community and individuals within it the act will be amended to provide the authority with the power to present a statutory special recognition award to deserving brigades.

The Country Fire Authority will have complete discretion to make a special recognition award. In making the award the authority will be able to seek nominations or receive nominations at any time from members of the public. Individuals will be provided with a statutory right to nominate brigades for the award at any time.

Prohibition of high fire risk activities

The Country Fire Authority Act 1958 already provides for the restricted use of some appliances in the country during a fire danger period. There are a number of other activities which may be classified as high fire risk activities because of their nature or the manner in which they are carried out. These activities may include:

- the use of agricultural or industrial equipment;
- the welding, cutting or grinding of metals;
- the use of gas flame-off equipment;
- hot-air ballooning; or
- the use of fireworks.

The act will be amended to allow for the making of regulations to prescribe activities that will be considered high fire risk activities for the purposes of the act. The regulations may prohibit the carrying out of a prescribed high fire risk activity, place conditions on the carrying out of a high fire risk activity or require a person carrying out a high fire risk activity to obtain a permit. Regulations made under this provision would only apply in a declared fire danger period. This provision will ensure that the Country Fire Authority has the powers and tools necessary to more comprehensively protect the community for fire risks during fire danger periods.

Regulations prescribing high fire risk activities will be developed and subject to the public regulatory impact statement (RIS) process before they are made by the Governor in Council.

Miscellaneous

There are in addition a small number of minor amendments of a technical nature which will assist in the management of the Country Fire Authority and assist it to carry out its duties and obligations under the act.

Further reforms

The degree to which the whole community depends on our firefighters has been highlighted again by the recent devastating bushfires that have raged across our state. Our firefighters have done a magnificent job in the most demanding fire season of recent times.

This government’s policy is to give every possible support to the brave men and women in our community who participate as volunteers in the state’s fire and emergency services. The legal immunity provisions and improved compensation
provisions in this bill will give greater certainty to our volunteers so that they can perform their critical tasks effectively.

The improvements contained in this bill are part of a broader strategic reform of volunteer emergency services. The government will introduce additional reforms later this year to further improve the legal protections afforded to emergency service volunteers. New legislation will be prepared to protect emergency service volunteers from employment discrimination. This initiative reflects the government’s November 2002 emergency services policy, and is in line with the outcomes of the September 2002 national meeting of emergency service ministers. The new legislation will be developed in consultation with key stakeholders.

This bill, the first phase of this strategic reform process, demonstrates this government’s commitment to ensuring our fire fighters have the tools necessary to continue to perform their vital role in our community.

I commend the bill to the house.

Debate adjourned for Hon. J. A. VOGELS (Western) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

PORT SERVICES (PORT OF MELBOURNE REFORM) BILL

Second reading

For Ms BROAD (Minister for Local Government), Hon. J. M. Madden (Minister for Sport and Recreation) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation):

This is the first of two bills to be introduced by the government in response to the review of port reform undertaken by Professor Bill Russell.

The focus of this bill, as its short title indicates, is reform of the port of Melbourne.

A second bill, planned for the spring sittings of Parliament, will implement the balance of the legislative reforms announced by the government last year.

It will address the remaining issues arising from the review, including arrangements for the establishment of commercial and local ports, port safety, security and environmental obligations, governance arrangements for the port of Hastings, the management of channels serving the port of Geelong and the holding and licensing of channels generally.

Melbourne is one of the four major commercial trading ports which operate in Victoria. The others are Geelong, Portland and Hastings.

Our commercial trading ports play a crucial role not only in the economy of this state but also nationally. For instance, each year they handle in the order of 28 per cent of Australia’s overall trade and 37 per cent of this country’s container trade.

As well as our trading ports, Victoria also has 13 designated or local ports. These extend from Mallacoota in the east to Port Fairy in the west. Needless to say, in addition to their normal port function, local ports make an important contribution to regional economies through tourism and other recreational activities.

The whole of our existing port system was extensively restructured by the Kennett government during the mid-1990s.

As part of the restructure, the port assets of Geelong and Portland were sold to private operators. The assets of the port of Hastings, also proposed for sale, were ultimately vested in a holding corporation and the management of its operations contracted to the private sector.

Fortuitously, the port of Melbourne — the most strategically important, and the jewel in the crown of our commercial trading ports — was kept in state hands, although its management was split into two.

The split vested responsibility for the management of the port’s land-based assets in the Melbourne Port Corporation while the Victorian Channels Authority was given management responsibility for its channels.

In 2001 Professor Bill Russell was asked to undertake an objective, independent review of the changes to our port system introduced by the previous government.

Professor Russell’s findings and recommendations were subsequently published in his report entitled The Next Wave of Port Reform in Victoria, to which I would invite the attention of the house.

I do not intend to take up the time of the honourable members by discussing that report in detail except to say that one of Professor Russell’s key findings was that:

... it is clear that the 1995 port reforms, while fulfilling competition policy targets, did not deliver widespread economic, social or environmental benefits to Victorians.

As Victoria’s key trading port, the future of the port of Melbourne naturally received a great deal of attention from Professor Russell.

Among other things, he was critical of the division of responsibility for the management of the port. Not only is such a division unique in Australia, and unusual anywhere else in the world, but it means that neither the Melbourne Port Corporation nor the Victorian Channels Authority has had the necessary charter, nor the capacity, to plan, resource and undertake the strategic development needed for the port.

He also criticised the very narrow charter of the Melbourne Port Corporation. This deliberately restricts the role of the corporation to that of a landlord, with the intent that the lessees of the land and berths would be the predominant providers of port infrastructure and services to port users.
Professor Russell has put forward compelling arguments for the establishment of a new corporation vested with wider powers to manage the port.

The nature of the new corporation envisaged by Professor Russell is described in his conclusions and recommendations in the following terms:

Victoria requires in the port of Melbourne a port that can compete vigorously on the national and international stage. This requires a capable and integrated manager and facilitator of both landside and waterside aspects of the port; with an appropriate vision and charter, and the capacity to ensure that the necessary investments in channels, waterside and landside infrastructure occur when needed.

The government acknowledges the problems created by the present management structure for the port of Melbourne. It agrees that there is a need for a new, single integrated corporation for Melbourne vested with a broader charter to deliver a more efficient, competitive and sustainable port.

Such a body will be established by this bill.

The new body will replace the Melbourne Port Corporation. It will be called the Port of Melbourne Corporation.

The overarching mission of the new corporation will be to maximise the contribution of the port of Melbourne to the economic, social and environmental wellbeing of the state and to do so in a manner which is safe, secure and sustainable. Importantly, this will include an explicit requirement to have regard for the interests of communities neighbouring the port which may be impacted by its operations.

The new corporation will be expected to work within and support the government’s policy and strategic frameworks and, as recommended in the Russell report, will be vested with broader functions and powers designed to enable the port to be integrated seamlessly with the wider freight and logistics system and to contribute effectively to the state’s overall trade development effort.

With respect to these latter functions in particular, the corporation will effectively be acting as a key delivery agency of government policy and will be required to work cooperatively with other responsible government and private sector bodies to achieve the best possible outcomes for the state.

In accordance with Professor Russell’s prescriptions, the new corporation will be expected to be a strategic manager of the port. This will involve demonstrating effective leadership and coordination of the activities of service providers and customers in the port and in port linked transport and logistics chains, where this contributes to the overall improved performance of the port.

The new corporation will have the ability, through direct investment or other means, to facilitate improvements in the operation of the port’s external transport and logistics linkages, including intermodal facilities, which facilitates improvement in the efficiency or effectiveness of the port’s operations.

The new corporation will generally be expected to make port land and infrastructure available for use and/or development by private sector service providers on a fair, reasonable and commercial basis, but will retain a clear ability to directly manage and/or invest in port land and infrastructure where this is more efficient or better meets the strategic objectives of the corporation.

In relation to essential port services, again generally responsibility for provision will be left to the private sector. However, the new corporation will have a responsibility to intervene where the market is unable to deliver the required range of services or security of service supply, or where service quality, access or pricing materially detracts from overall port performance

Within this policy and strategic framework, the new corporation will be expected to operate its business in an efficient and effective manner, consistent with prudent commercial practice and the broader economic, social and environmental interests of the state. In this regard the new corporation will be subject to similar financial and accountability mechanisms applying to other government-owned corporations, including adherence to tax equivalence and dividend frameworks and provision of financial statements and corporate planning documents.

In stark contrast to the Melbourne Port Corporation, the legislation will clearly vest in the new Port of Melbourne Corporation management responsibility for the waters which serve the port, including the shipping channels in those waters.

The new corporation will effectively operate as a monopoly provider of port land, waters and infrastructure servicing the Melbourne and Victorian markets for many containerised and general cargoes and will therefore be subject to economic (access and price) regulation by the Essential Services Commission.

It is the government’s clear intention that in allocating management of the port waters of the port of Melbourne to the new Port of Melbourne Corporation, the operators and users of the port of Geelong will not be unfairly disadvantaged relative to the operators and users of the port of Melbourne. This matter will be addressed through the access and pricing regime established by the Essential Services Commission, to which the new corporation will be subject.

The bill contains extensive transitional provisions designed to ensure a smooth transfer of assets and business to the new corporation and that the employment and entitlements of both Melbourne Port Corporation and Victorian Channel Authority staff are protected.

The port of Melbourne is one of the world’s great ports as well as one of Victoria’s major economic assets.

Each year around $68 billion in trade comes through the port of Melbourne. Each year it contributes about $6 billion to Victoria’s gross state product. It secures employment for about 18 000 Victorians.

The reforms proposed in this bill are crucial in ensuring that the port has the capacity to perform and serve the community at the highest level of efficiency.

Indeed, the proposals which it contains, coupled with the legislative changes I have foreshadowed for the spring, will provide a firm foundation for the ongoing development and
progress of an efficient, effective and sustainable port system
for Victoria for the foreseeable future.

I commend the bill to the house.

Debate adjourned for Hon. R. H. BOWDEN (South
Eastern) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

COMMONWEALTH GAMES
ARRANGEMENTS (AMENDMENT) BILL

Second reading

Debate resumed from 30 April; motion of
Hon. J. M. MADDEN (Minister for Commonwealth
Games).

Hon. G. K. RICH-PHILLIPS (Eumemmerring) —
The Liberal Party strongly supports the Melbourne
2006 Commonwealth Games, an icon event for
Melbourne that will draw together 72 nations from the
commonwealth and give Melbourne a profile it has not
had since the 1956 Olympic Games, if at all. It is an
event that the Liberal Party strongly supports and has
supported from the inception of the bid in the
mid-1990s. It was part of a vision of the former
Premier, Jeff Kennett, and formed part of the major
event strategy, which was so successfully executed
under the previous government.

The previous government recognised the need to fill the
major events calendar in this city to provide incentives
for international and interstate visitors to come to
Melbourne for the purposes of developing our tourism
product, and as part of that strategy attracted a range of
events to fill the annual calendar. Some of those events
included the successful Albert Park Grand Prix, the
Phillip Island Grand Prix, the biannual Avalon
international airshow, the Spring Racing Carnival, and
so on. One of the major events that government sought
to attract as part of the major events strategy was the
Commonwealth Games — the Liberal Party supported
it then and continues to support it now.

As I said, the Melbourne 2006 Commonwealth Games
will be an icon event for this city, and for that reason it
is important that its delivery is professionally executed
and delivered on time and on budget. As part of that the
Liberal Party sees and recognises the need for special
facilitating legislation. In 2001 the Commonwealth
Games Arrangements Act was passed with the support
of the Liberal Party in recognition that major events,
like the Commonwealth Games, require facilitating
legislation.

A public interest test can be applied which says that
these events are in the interests of the broader Victorian
community, and their delivery should be facilitated and
aided through special legislation targeted specifically at
the delivery of those events. It is not without precedent;
it has been done with the grand prix and the Sydney
Olympic Games.

Having given it that power under the legislation it is
important that the government gets the delivery of the
project correct. We saw with the Atlanta Olympic
Games in 1996 what happens when a host city does a
botched job in delivering a project. I, and I am sure the
minister, would hate to see that happen with the
Melbourne Commonwealth Games in 2006. If you talk
to anyone about their recollection of the Atlantic
Olympic Games they say that Atlanta did a bad job of
organising and hosting the games. It was surrounded by
controversy. There was a range of logistical and
infrastructure problems, and that has been the legacy of
those Olympic Games — a bad reputation for Atlanta.

We have an opportunity to build a very positive image
of Melbourne, but that will only occur if we have a
successful delivery of the games. The Liberal Party has
some reason for concern and hopes that as the delivery
of the games plays out over the next three years those
concerns will be found to be without reason. The
Commonwealth Games were awarded to Melbourne in
mid-1999, and the government was given an envelope
of six and a half years to deliver the project, yet here we
are at the point halfway through that time frame with
not a lot to be seen in terms of the government’s
delivery of the games.

Earlier this year we had the framework of a budget
announced. It certainly was not a budget in itself; it was
two figures, one being the total cost of the
Commonwealth Games and the other being the extent
of the state’s contribution to the Commonwealth
Games. We are yet to see details of that budget and yet
to know where the $697 million the government will be
spending on the Commonwealth Games is to be spent.

In the summary document produced in today’s budget
we still do not have any idea where the operational
budget will be expended. The people of Victoria can
legitimately question the progress of the organisation of
the games and whether they are on track.

Some of the projects involved with the delivery of the
Commonwealth Games — the Melbourne Cricket
Ground comes to mind — have tight time frames. The
completion of the five-stage redevelopment of the
MCG will only be concluded around the end of 2005,
which leaves a very narrow time frame in which any
problems can be sorted out before the games commence in March 2006. It will mean the government and the minister will be under a great deal of pressure, because any industrial, weather or other delays on that site will put the delivery of the project behind schedule.

It is a project that is too important to the successful delivery of the games to be allowed to fall behind schedule. A great deal of pressure is on the minister to deliver the project. The world will be watching in 2006. It is not a project we can say can be only a month or six weeks late; there is a fixed deadline. If this city is to benefit from the Commonwealth Games and have its international reputation enhanced through the games then the games need to be delivered on time and delivered professionally. I know that is something the minister is aware of. I hope the government is up to the task. Turning to the legislation, despite supporting the Commonwealth Games the Liberal Party will oppose the bill.

Ms Romanes — How can that be? You just said you supported the concept.

Hon. G. K. RICH-PHILLIPS — I am pleased Ms Romanes asks: how can that be? That is the issue I was about to address — that is, the apparent contradiction between that stance and the Liberal Party’s solid support for the Commonwealth Games since day one. I might add that when the Commonwealth Games bid process started back in the mid-1990s it was only with lukewarm support from the Labor Party. It is fine for the government to be converts now but it was not solidly on board or committed to the Commonwealth Games.

Ms Romanes — It was bipartisan agreement.

Hon. G. K. RICH-PHILLIPS — Ultimately there was bipartisan support, but it was lukewarm bipartisan support. I am pleased to see that the Labor Party is now on board with the Commonwealth Games. I can safely say that the Liberal Party has been on board from day one, and continues to be on board.

Why the apparent contradiction between Liberal Party support for the Commonwealth Games and its opposition to the legislation? That issue is simple: the legislation has very little to do with the Commonwealth Games. The bill is about facilitating a private sector housing development on a site in Parkville or Royal Park — which we know the minister does not like it to be called — which will take place in the five years after the Commonwealth Games. That is primarily what the bill is about; facilitating a private residential development after the Commonwealth Games, and it is for that reason that the opposition will not support the legislation.

When the principal legislation was introduced in 2001 the minister in his second-reading speech said in explaining what the legislation was about:

The Commonwealth Games Arrangements Bill is designed to:

ensure a legislative framework to enable preparation for and staging of the Commonwealth Games in Melbourne in 2006;

streamline the planning and approvals processes for the Melbourne Cricket Ground (MCG) redevelopment, games village and Melbourne Sports and Aquatic Centre (MSAC) new competition pool and any other facilities associated with the 2006 Commonwealth Games.

It was clear in the second-reading speech what the government intended the principal legislation to be about.

I refer also to the purpose clause of the principal legislation which states:

The main purpose of this Act is to facilitate preparations for the Commonwealth Games to be held in Melbourne in 2006.

So the bill was introduced for quite a narrow purpose, and it is supported by the minister’s second-reading speech. It is worth going back briefly over what the Commonwealth Games Arrangements Act actually does, because that puts into context what the government is attempting to do with the amendment bill before the house.

In essence the act provides a framework by which Commonwealth Games projects can be developed outside the ordinary planning environment and heritage framework to which other projects developed in Victoria would be subject. Section 14 of the principal act allows the minister to declare a venue to be a Commonwealth Games venue. A couple of declarations of that sort have taken place — most notably the Melbourne Cricket Ground site.

Once the minister has declared a venue to be a Commonwealth Games venue he is then at liberty to declare a Commonwealth Games project, and a Commonwealth Games project must be declared on a Commonwealth Games venue. A couple of declarations of that sort have taken place — most notably the Melbourne Cricket Ground site.

Once the minister has declared a venue to be a Commonwealth Games venue he is then at liberty to declare a Commonwealth Games project, and a Commonwealth Games project must be declared on a Commonwealth Games venue. It is worth looking in some detail at what the act prescribes for a Commonwealth Games project. It states in section 15(1):

(1) The Minister, by Order published in the Government Gazette, may —

(a) declare to be a Commonwealth Games project —
As I said about clause 15, the requirements are that it must be a project to develop facilities, and ‘facilities’ is also defined within the act. It is important to look at just what the principal act regards as facilities, because this changes quite significantly with the proposed bill before the house. Under the definitions in the principal act ‘facilities’ is defined as follows:

‘facilities’ means facilities required for the hosting of the Commonwealth Games including —

and it goes on to list a number of facilities. I will not go through them completely, but by way of example it includes: training facilities for competitors; residential accommodation for competitors, officials and members of the media; storage facilities for sporting, communication and other equipment; helicopter landing facilities; transport facilities, et cetera. So it includes all the types of things you would expect to be facilities related to delivery of the Commonwealth Games.

It then goes on to provide for the minister to make declaration with respect to other things as facilities for the Commonwealth Games, and that is handled at subsection(2), which states:

The Minister, by Order published in the Government Gazette, may declare any facilities to be facilities required for the purposes of hosting the Commonwealth Games.

So again we have a reference to a requirement for a facility for the Commonwealth Games. It is not a blanket open definition of facilities. Something related to the Scoresby freeway cannot be declared a facility under the principal act, because it has to be related to the purpose of hosting the Commonwealth Games. Even the minister would consider that the Scoresby freeway would be a long bow to draw as a facility required for the purpose of hosting the Commonwealth Games — but then perhaps not given the direction we are heading with the proposed legislation.

It is also worth pointing out that the principal act sunsets on 31 December, 2006. Again that is nine months after the end of the Commonwealth Games, and that is entirely logical. The act was introduced for the purposes of delivering the Commonwealth Games, and there is nothing inconsistent in the fact that it expires at the end of 2006 once the Commonwealth Games are over. Why would you need a Commonwealth Games Arrangements Act once the Commonwealth Games were finished? It is logical that the act would expire at the end of the Commonwealth Games — at least it was, until the legislation before the house today.

It was on the basis of the framework I have outlined that the opposition supported the Commonwealth Games Arrangements Act in 2001. In doing so it sought a number of assurances from the minister in the committee stage of the bill that the powers the ministers granted under this act would be used appropriately. But I have to say the legislation before the house today is an abusive process. It is an example of the government using its new-found numbers in this place to turn the principal act on its head. The framework that was put in place for the delivery of the Commonwealth Games is now about to be completely altered to provide a much greater scope for the minister to use this act in all sorts of ways which were never intended when the principal legislation was passed through this place two years ago.

The first example of that that I would like to draw to the house’s attention is the new definition proposed to be inserted relating to the new test for facilities. This new definition on page 5 of the bill again gives ministerial power in nominating facilities. It provides a schedule of the expected facilities that the existing act has — training facilities, accommodation, et cetera — all the things you would normally expect for a Commonwealth Games project; but it also gives the minister power to declare other facilities. As I pointed out before, the test in the principal act for the minister to declare a facility is that it is required for the purposes of hosting the Commonwealth Games. Under the bill proposed today that test is completely turned on its head. The new requirement, which is proposed section 3A, is that:
The Minister, by Order published in the Government Gazette, may declare any works, development, infrastructure or services of any kind to be provided before, during or after the Commonwealth Games to be Games related facilities.

So we have an extraordinary situation where we have gone from the minister being able to declare something which is ‘required for the purposes of hosting the Commonwealth Games’ to be a games-related facility to now being ‘any works, development or infrastructure of any kind to be provided before, during or after the Commonwealth Games’ to be a games-related facility. It is just extraordinary to see the expansion of the definition of ‘facility’ in this act and therefore an increase in the breadth of project that can be given exemptions from the ordinary planning, heritage and environment requirements under the principal act.

With the passage of the proposed bill the scope of this act will be unlimited, because that clause will allow any number of projects which are in no way Commonwealth Games-related facilities to be declared facilities by the minister.

An example is the Basslink project, and I raise that project because it was advanced as a possible example during the briefing provided. With due regard to the adviser, I do not think he was proposing that the government was going to use this amended act for the Basslink project, but he certainly raised the prospect that it could be possible.

The wind farm at Portland has been receiving a bit of attention this week. With the passage of this legislation it could conceivably be declared by the minister to be a games-related facility because there is nothing in the definition of games-related facility that would prevent the minister from declaring that a facility. The test under the existing arrangements in the principal act is whether it is required for the purposes of hosting the Commonwealth Games, so there is no way a wind farm could be declared to be required for the purposes of the Commonwealth Games. It would not qualify under the existing act and neither would the freeway, the Pakenham bypass or Basslink. But with the passage of this legislation any one of those projects could be declared a games-related facility and thus be given an exemption from the heritage, planning, and environmental effects acts.

Another key issue to which this legislation relates is the games village project. Clause 5 on page 5 of the bill inserts a definition which is also worth considering. The proposed definition of ‘games village project’ means:

the project for —

(a) the development of the Commonwealth Games Village and the use of the Games Village land before and during the Commonwealth Games; and

(b) the development, re-development and use of the Games Village land after the Commonwealth Games.

We are seeing a pattern here. Not only is the legislation extended for the purposes of games-related facilities, but the Commonwealth Games village definition is also being extended to an extraordinarily broad definition including developments on the games village land after the Commonwealth Games. How on earth could something that is taking place after the Commonwealth Games be a games village project? Surely the games village project should be delivered on time for the Commonwealth Games? I suggest it would be somewhat redundant to have a Commonwealth Games village completed some time after the Commonwealth Games, out to 2011. I hope the minister would agree that it is farcical to say the Commonwealth Games village project is something that will be completed out to 2011, because were that to be the case, it would be six years too late.

It is clear that the intention, despite the wording of that clause, is for this act to be used for something other than the development of the Commonwealth Games village, and that is simply the development of a 1000-unit housing development on the Parkville-Royal Park site.

The act will mean that that private sector development on that site, which will be covered by the games village project definition by virtue of the fact it is a development on the site taking place after the Commonwealth Games, will also have extended to it the exemptions under the Environmental Effects Act, the Coastal Management Act and the Heritage Act. It will also have special treatment under the Planning and Environment Act, which I will come to shortly.

I wish to touch briefly on the proposal for the site at Royal Park. I should not call it Royal Park because it upsets the minister.

Hon. Andrew Brideson — Then use the term!
Hon. G. K. RICH-PHILLIPS — We will canvass that issue in due course, Mr Brideson. I am sure at a later stage, possibly in committee, we can explore that issue with the minister.

The proposal for the Parkville site is a joint venture proposal between Australand and Citta Property Group, called the Village Park Consortium. The site for that development is a 20.35-hectare area on the former Royal Park Psychiatric Hospital site. Although the title of the hospital was Royal Park, apparently we are not allowed to call it that.

Hon. D. K. Drum — That is interesting!

Hon. G. K. RICH-PHILLIPS — It is interesting, Mr Drum. For however many years the hospital was at that site it was known as the Royal Park Psychiatric Hospital — but apparently it is not Royal Park.

The project is estimated to cost $400 million. By press release issued by the Premier last October we know that the costs to the state of developing that site will be $144 million, of which the state will then somehow recoup $58 million through the sale of housing, for a net cost to the state of $85 million.

There has been an interesting development today because the minister attempted to explain this during question time. I do not know if anything is any clearer, or if in fact things have become more confused, because the minister in his answer during question time today indicated that the government has signed off on the deal but he was unable to explain how the deal would ultimately pan out in terms of the funds the state will recoup through that project.

It is also interesting to note that the minister made it clear the government has signed off on the deal prior to the committee he formed under his own Commonwealth Games Arrangements Act actually reporting to him, because that committee does not report until the end of June. The minister is saying that he has already signed off on the deal with the developers for that site, which suggests that perhaps the committee process is redundant.

The other issue to do with the deal on that site is that the minister has indicated to the house that the land which is to be gifted to the developer once it is declared Crown land is valued at $35 million. That figure seems an extraordinarily low valuation for a 20-hectare piece of real estate located adjacent to the city. If you work that out as a housing development site and subdivide it into blocks, given $35 million for 20 hectares, the cost for an ordinary housing block would only be in the order of $120 000. I know that you cannot buy an ordinary housing block in my electorate out at Berwick for $120 000; they are about $250 000. So for prime real estate to have a cost to the developer of only $120 000 for an ordinary-sized housing block is quite extraordinary. Given precedents with other pieces of real estate sold in the area, I find it extraordinary that the government has come up with a valuation of $35 million for that 20-hectare site.

What is proposed on the site is a 1000-unit residential development. According to the Village Park Consortium’s submission to the advisory committee, in the development’s final form there will be 190 attached, detached townhouses, a further 710 apartments and a 100-bed aged care hostel. We know in theory that this is a development for the Commonwealth Games; we know that the village is to accommodate 6000 people — 4500 athletes and about 1500 officials. On that basis you would think 1000 units of accommodation was not unreasonable.

However, when you read the proposal what comes out is that the 1000 units of accommodation on the site will not be built for the Commonwealth Games, the majority will be built long after the Commonwealth Games. According to the Village Park proposal at the time the Commonwealth Games take place there will only be 135 houses on the site and a further 79 apartments. Of 1000 units of accommodation on the site just over 200 will be provided for the Commonwealth Games — 6000 people will be accommodated in 200 permanent units and apparently a further 210 temporary units on the site.

It strikes me as extraordinary that we are here today debating legislation about a 1000-unit development on the site ostensibly for the Commonwealth Games village, yet only 200 of those units will actually be built for the Commonwealth Games — only 20 per cent!

Hon. P. R. Hall interjected.

Hon. G. K. RICH-PHILLIPS — Mr Hall asked what will happen to the $700 000 units. I suggest to Mr Hall that they will not be there for the Commonwealth Games. They will be built as part of the Commonwealth Games village after the Commonwealth Games. Maybe it is an attempt by the government and the minister to extend the Commonwealth Games. Perhaps the minister would like to keep the Commonwealth Games running until 2011. Perhaps that is the angle that the minister is taking.

Hon. P. R. Hall interjected.
Hon. G. K. RICH-PHILLIPS — That is also a very good question, Mr Hall. I suspect the $700 000 units, which reportedly will be the detached units and townhouses, probably will not be those that will be turned over for social housing. We await with bated breath to hear exactly what will be provided for social housing. That seems to have been tacked onto the proposal as a last-minute consideration.

Ms Romanes interjected.

Hon. G. K. RICH-PHILLIPS — We do not need to read the papers because it is in the proposal put forward by the Village Park Consortium. It is a comprehensive document and makes very interesting reading to see what sort of residential development will take place on the site over the five or six years following the Commonwealth Games.

The proposal sets out how the village will work during the Commonwealth Games. In the specification the developers state athletes will be accommodated with two to three per bedroom and with one bathroom provided for five athletes. That is completely at odds with the requirements of the Commonwealth Games Federation. I invite honourable members to look at the federation’s constitution, which is on its web site. It has quite detailed requirements for the provision of accommodation for athletes. The guidelines specify one to two athletes per bedroom, compared with this proposal of two to three athletes per bedroom; and the provision of three bathroom facilities for eight athletes, compared with this proposal of one bathroom for five athletes. In no way does the Village Park proposal meet the requirements of the Commonwealth Games Federation has laid down. You would not really expect it to because this proposal is not about the Commonwealth Games. In the specification the developers state athletes will be accommodated with two to three per bedroom and with one bathroom provided for five athletes. That is completely at odds with the Commonwealth Games Federation’s constitution, which is on its web site. It has quite detailed requirements for the provision of accommodation for athletes. The guidelines specify one to two athletes per bedroom, compared with this proposal of two to three athletes per bedroom; and the provision of three bathroom facilities for eight athletes, compared with this proposal of one bathroom for five athletes. In no way does the Village Park proposal meet the requirements of the Commonwealth Games Federation has laid down. You would not really expect it to because this proposal is not about the Commonwealth Games.

Another aspect of the legislation that I wish to touch upon is the reintroduction of provisions of the Planning and Environment Act. This is important because it has been thrown in as a bit of a sop to procedural fairness and natural justice. The Planning and Environment Act is only reintroduced in a very limited way. Currently all games projects are exempt from the Planning and Environment Act, and what the bill will do is reintroduce the act but only with respect to the Commonwealth Games village development; and curiously, rather than have the Planning and Environment Act administered by the planning minister, under this legislation it will be operated by the Minister for Commonwealth Games. This is an extraordinary proposal. For every other proposal in the state the Planning and Environment Act is administered by the planning minister but for this one project its powers are vested with the Minister for Commonwealth Games. I look forward to exploring that in some detail with the minister during the committee stage.

The other provision in the bill which is notable in relation to the Planning and Environment Act is new section 48B(2), which is inserted by clause 11 and which states:

Division 5 of Part 6 of the Planning and Environment Act 1987 does not apply to any decision (or failure to make a decision) or matter relating to the Games Village land.

What is division 5 of part 6 of the act? It is the appeal mechanism. It is the mechanism that allows people who are unhappy with planning decisions to take an appeal to the Victorian Civil and Administrative Tribunal. Under this bill that power will be removed. Any decision taken by the Minister for Commonwealth Games, acting as the de facto planning minister, will not be subject to appeal to VCAT. The minister’s extraordinary power as planning minister on that site will not be subject to appeal. The minister’s decision will be final whether he elects to follow the provisions of the act or whether he elects to grant a ministerial exemption on planning decisions in relation to that site.

I reflect on a contribution made in another debate in another place. In October 1994 a member in the other house said regarding the grand prix legislation:

The legislation, together with amendments to be proposed today, is undemocratic. It is not for sort of legislation that Victorians ought to be proud of: it puts ordinary citizens beyond the protection of the law and it removes property rights, common-law rights and the right to natural justice.

The legislation is arrogant and antidemocratic and trespasses upon people’s rights and freedoms.

That contribution was made by none other than the man who is now the Deputy Premier of the state, the very same man who introduced this legislation into the other place. What a hypocrite! In 1994 the hypocritical Deputy Premier, as a shadow minister for the then opposition, complained about the grand prix legislation, which did not do a lot of the things that this legislation proposes to do — at least the grand prix legislation was about the grand prix and not about a private sector housing development. In 2003 he introduced legislation that overrides the normal planning frameworks of the state and is far more draconian than anything that was done back in 1994 in respect of the grand prix legislation.
Given that the legislation reintroduces the Planning and Environment Act with respect to the village land I would like to touch on that issue.

The document prepared by the developers, Village Park Consortium, makes it very clear that the Royal Park site will need to be rezoned. It is currently zoned as public use 3, health and community. According to the document that the consortium has prepared it is proposed to be rezoned as residential 1 zone, residential 2 zone and a mixed-use zone.

Given that the Planning and Environment Act 1987 has been reintroduced into this process, ordinarily that rezoning would need to be in accordance with part 3 of that act. In brief, the requirements of part 3 are that the proposed rezoning be subject to public notice so that local residents, landowners and other people with an interest in the development are aware of the proposed rezoning. It stipulates that local residents and other interested parties be allowed to make public submissions on the proposed rezoning and that the planning authority — in this case it looks like being the rezoning process on that land under the Planning and Environment Act 1987 over which he will soon have power. He completely avoided that issue.

Ms Romanes interjected.

Hon. G. K. RICH-PHILLIPS — I did not quite pick up the interjection of Ms Romanes, but I think it answered the question I am about to ask relating to whether the minister will require a full and proper process under the Planning and Environment Act or whether he will attempt to assert that the committee process that has been established under the current Commonwealth Games Arrangements Act will be a de facto substitute for a proper planning and environment panel process. I know it would give no comfort at all to the residents of Parkville to be told that the committee the minister has established under the Commonwealth Games Arrangements Act is now going to be a de facto planning committee under the Planning and Environment Act. That is something the minister needs to address because submissions for that advisory committee under the Commonwealth Games Arrangements Act closed before local residents and other interested parties were given any indication that the minister was going to use that as a de facto planning panel. It is appropriate, if that is the case —

Ms Romanes — There have been a number of consultations.

Hon. G. K. RICH-PHILLIPS — Ms Romanes through her interjections is making it very clear what the government’s intention is here. It is clear that the government is going to override the requirements of part 3 of the Planning and Environment Act, and the people of Parkville are not going to get a proper planning process under the Planning and Environment Act.

Ms Romanes — There is a panel in place right now.

Hon. G. K. RICH-PHILLIPS — There is no panel under the Planning and Environment Act. There is a mickey mouse panel put in place under the Commonwealth Games Arrangements Act and the terms of reference —

Ms Romanes — Why would you repeat it?

Hon. G. K. RICH-PHILLIPS — Why would you repeat it? That is a very good question. It is a legitimate question. The answer is also legitimate. The reason for repeating the process with a proper planning panel is that the terms of reference that have been given to the advisory committee under the Commonwealth Games Act have nothing to do with planning on that site. There
is barely a mention of planning in the three or four pages the minister has put together as terms of reference for the village site. Planning does not rate much of a mention. The only reference to planning in the terms of reference is:

that the panel will be expected to provide advice to the minister on the following matters.

With relation to planning, appropriate planning scheme provisions to fulfil the government’s objectives for the games village, including both games and post-games elements.

It is about the government’s objectives; it is nothing to do with the appropriateness of rezoning that site as residential. It is not a proper planning process; it is a mickey mouse process and the terms of reference for the advisory committee established by the minister do not relate to the rezoning of that site. In no way does that advisory committee substitute for a proper panel process under the Planning and Environment Act. For Ms Romanes to suggest otherwise is just ridiculous.

Her constituents, the people of Parkville, deserve much better than that. They deserve a proper planning process. They do not deserve to have this minister with the power he is about to get under this bill, and through the Planning and Environment Act as de facto planning minister, overriding the planning process by ministerial intervention.

Questions have even been raised as to the legitimacy of the current advisory committee that has been established to look into this matter. Legal advice that I have received today suggests that under the current act the advisory committee that the minister has established is not empowered to look at the matters he has referred to it, because under the existing act the powers of an advisory committee do not extend to the consideration of the village development after the Commonwealth Games. Yet the minister presumes to issue terms of reference to an advisory committee under the Commonwealth Games Arrangements Act to look into a matter related to post-games development on that site when that is not one of the powers the committee has under the principal legislation. The government knows that and the opposition knows it knows that because it is attempting to amend that part of the legislation today. The question has to be asked: How is the government going to deal with the fact that there is an existing advisory committee under the Commonwealth Games Arrangements Act which has been given terms of reference beyond its power under the existing act?

It is clear the government is aware of this and it is a matter that the government needs to address. But that does not get away from the fact that, despite having an advisory committee with terms of reference which extend beyond the power of the committee under the act, the residents of Parkville, the people Ms Romanes is supposed to represent, are entitled to participate in a proper panel planning process under part 3 of the Planning and Environment Act and not have this advisory committee process, which does not relate to planning and has very little reference to planning in its terms of reference, imposed upon them as a substitute for a proper planning process under the Planning and Environment Act.

One other issue that we need to touch upon is the naming of the site. It is interesting that the minister raised that issue in question time today. It has been contentious for the people of Royal Park and Parkville. The minister is very sensitive on this issue. It is a very simple question. If, as the minister said in question time today, the land on which the village is going to be built is not Royal Park and has never been Royal Park — and that is not what the minister says, he says it is not part of the reservation of 1876 and has never said it never has been Royal Park —

Ms Romanes interjected.

Hon. G. K. RICH-PHILLIPS — Part of the reservation of 1876, to be precise. The crux is the 1876.

If the government legitimately believes that land has never been part of Royal Park, the question has to be asked: Why is there a clause in this bill that revokes all and any reservations on that site, known or unknown, and declares it unalienated land of the Crown?

If the government did not believe there was an issue relating to the reservation of this land, why does it consider it necessary to insert a clause in the bill to revoke all known or unknown reservations on the site? That issue, along with the secrecy of the government in regard to the report into this issue, suggests that the people of Royal Park — and particularly the Royal Park Protection Group, which has been advocating very hard on this issue — are correct. The belief that the site is part of Royal Park may well be correct.

If that were not the case why would the government be going to such lengths to introduce a clause in this bill to revoke any and all reservations, known and unknown?

Ms Romanes interjected.

Hon. G. K. RICH-PHILLIPS — Yes, there are other types of reservations and they are specifically revoked in the legislation, but there is also a clause which revokes any known and unknown or, more to the point, any that the government has told us about.
Ms Romanes is quite right in saying there are other reservations and they are specifically listed in the bill but that does not get around the question of why we need a clause that revokes all known and unknown reservations, if the government does not believe they exist as the Royal Park protection people suggest they do. It only strengthens their case to see the government behaving in such a way.

Briefly in conclusion, I understand the National Party proposes to move a reasoned amendment to this bill and I place on record that the Liberal Party will be supporting the reasoned amendment that my colleague Mr Drum will move.

The Liberal Party supports the Commonwealth Games, has supported them from day one and will continue to support them. We have supported the special legislation which was introduced to assist in the development of Commonwealth Games venues, but this bill has nothing to do with Commonwealth Games venues. It is all about a residential housing development on the site in Parkville.

The best evidence of that is the fact that the government is extending this legislation to 2011. If the legislation had anything to do with the Commonwealth Games, why does it need to be extended to 2011, when the games will be finished in March 2006? The act that was gazetted in 2001 already sunsets in 2006 and if, as the government attempts to suggest, this has anything to do with the Commonwealth Games, why does it need to extend it to 2011? The only reason to do that is to cover the housing development on the Parkville site which has nothing to do with the Commonwealth Games. Absolutely nothing! That housing development should proceed or not proceed under the auspices of the ordinary planning processes.

It should be subject to the ordinary provisions under the Planning and Environment Act, it should be subject to the Environmental Effects Act and it should be subject to the Heritage Act, given the heritage buildings on that site.

A private 1000-unit residential land development on that site should not be given exemptions from those critical acts which apply to every other residential development in this state. If someone wanted to develop a housing estate next to the Commonwealth Games village site they would be subject to the ordinary heritage and environmental effects legislation, yet for some reason this government thinks it is appropriate to exempt this 1000-unit residential development when 80 to 90 per cent of it will be built after the Commonwealth Games.

The principal legislation was supported by the Liberal Party on the basis that it was for Commonwealth Games facilities such as the Melbourne Sports and Aquatic Centre, et cetera.

Ms Romanes — And the games village.

Hon. G. K. RICH-PHILLIPS — And the games village for the Commonwealth Games, not the 800 units of housing that will be built after the Commonwealth Games; that has nothing to do with the Commonwealth Games village, it has nothing to do with the Commonwealth Games project and it has nothing to do with the delivery of the Commonwealth Games in 2006. It is for that reason that the Liberal Party will oppose this legislation.

Hon. D. K. DRUM (North Western) — I would like to pass on the excitement of members of the National Party. We are delighted to think that we will play a very small part in helping Victoria prepare for the games. This specifically concerns Melbourne but also affects regional Victoria. We will be moving a reasoned amendment later on in relation to this bill, but we would like to go to great lengths to show how positive we are about the games coming to Melbourne.

We understand that Melbourne has lobbied extremely hard for major events over a period of time now and has been very successful through numerous governments in attracting major events to Melbourne to enable the city to grow and become known as one of the great sporting and major events capitals of the world. We would like to do everything we possibly can to make sure that reputation is enhanced and that people continue to flock to Melbourne because they know it has the ability to put on significant major events and do it very well.

The National Party supports the Commonwealth Games in its entirety but has some issues with this bill. We expect that events are going to be taken into regional Victoria — rifle shooting events are already going to be held at the Wellsford Rifle Range, just on the outskirts of Bendigo; we are expecting some preliminary basketball events to be held not only in Bendigo but also in Ballarat, Geelong and Traralgon in Gippsland. In addition to the preliminary basketball events there is also scope for other events to be taken into regional Victoria, which we hope the Minister for Commonwealth Games will in time announce. It would be great to see mountain biking events heading off into some of the places in regional Victoria that have proven over a period of time they can cater for such an event.
We are also ready in Bendigo, in my own electorate, for the Youth Commonwealth Games, and recently we helped host certain aspects of the World Masters Games. We are certainly in the grip of the excitement that these major events bring to Victoria and Melbourne.

The National Party expects that athletes from many countries will acclimatise in Victoria in the lead-up to the games by using the facilities in regional Victoria as training venues. Again we think we can play an important and very supportive part in making sure that our respective communities, cities and facilities are readied for the influx of athletes and other sportsmen who will be preparing for the games in 2006. There can be no mistaking the benefits of bringing the games to Melbourne. We congratulate anyone who has had anything to do with that.

Our problem with this bill is that unfortunately it changes the very purpose of the principal act. It allows work to be undertaken on the development of the games site well and truly after the completion of the Commonwealth Games. I reiterate what the Honourable Gordon Rich-Phillips said earlier — this bill has in fact very little to do with the Commonwealth Games. This bill is effectively about a housing development.

We go on the record as supporting the need for the minister in charge of major events to be granted extraordinary powers regarding planning, the environment, heritage and so on. We believe it is necessary for the minister to have these powers to ensure there are no unnecessary delays. We understand and support the minister having these powers so that he can deliver without delay what we expect to be the best Commonwealth Games ever held.

Hon. P. R. Hall — He doesn’t need them after 2006.

Hon. D. K. DRUM — That is a good point, Mr Hall.

However, what does this have to do with a housing development? Construction on this housing development can take place up until 2015. Even though the planning part has to be in by 2011 there is still a lead time available. We are now passing legislation which will see the minister in control of housing developments that may be built as late as 2015 — some nine years after the Commonwealth Games. It is hard to see what relevance buildings being built in 2014 and 2015 would have to a Commonwealth Games of some eight or nine years earlier. I agree that it has absolutely nothing to do with it.

When he was questioned the Premier simply called it as it is — it is a real estate deal. The Premier has said on radio that this is a real estate deal. In fact it is a sweetheart deal for the benefit of a lucky developer who will have an obstacle-free run to develop this site through planning, heritage and environmental issues. There will be trees gone. Appeals to the Victorian Civil and Administrative Tribunal (VCAT) — I do not think so. When I was preparing for this debate I thought a certain Mr J. Kennett would be very proud of the government. I think he would be rubbing his hands and saying, ‘I have taught you well, and you on the other side of the house are learning very well.’

The deal is simply this: to get the village built the Minister for Commonwealth Games has availed himself of extraordinary powers, and we have no issue with that. However, in order to get what we suppose is an even better deal and the best deal possible the minister wants these extraordinary powers extended for an additional five years so he can get together with the Village Park Consortium and say, ‘If we scratch your back, how about scratching ours?’.

Hon. P. R. Hall — He might need that length of time to work out the contract.

Hon. D. K. DRUM — We do not know if there is a contract, Mr Hall. We think there would be one, but it might have been done on a handshake, it might have been done in front of a blackboard or a whiteboard. We are not quite sure.

Hon. P. R. Hall — When the information comes to hand he will let us know.

Hon. D. K. DRUM — We imagine there is a contract, and if we need to know about it we will be told.

There is not a single legitimate or legal reason for the minister to need these powers post the games. Perhaps five or six months through to the end of 2006 is quite reasonable, and we would support that wholeheartedly, but beyond six months post the games we see this for what it is — for what the Premier calls a real estate deal. We must understand that we cannot support a process which will do away with any appeals to VCAT or what we consider to be due process. We are talking simply about a building development which has nothing to do with the Commonwealth Games. Australand Holdings and Citta Property Development Pty Ltd — the Village Park Consortium — will be able to build whatever they like post the games. If they want
to build three storeys, that is fine — six storeys, nine storeys or whatever — —

Ms Romanes interjected.

Hon. D. K. DRUM — They can build whatever they like and change their minds whenever they like. They only have to suit the wishes of the minister. They can change their mind; they can change their design and build whatever they like. All the Village Park Consortium has to do is get the approval of the Minister for Commonwealth Games and what it wants will be pushed through.

Ms Romanes — And a lot more than that.

Hon. D. K. DRUM — It is in the legislation we are now going to vote on, Ms Romanes.

If the consortium partners get the approval of the minister they can build whatever they like. The design does not matter, the density does not matter, the green space available — —

Ms Romanes — Of course it matters.

Hon. D. K. DRUM — It does not matter — providing it gets the approval of the minister the consortium can build whatever it likes. That is what we are voting for.

The ACTING PRESIDENT (Ms Hadden) — Order! Through the Chair, Mr Drum.

Hon. D. K. DRUM — I am extremely sorry, Acting President.

We talk about car parking spaces, road width, cycle paths, disabled access and provision for preschools — all of those elements which would normally be considered in any housing development that we would push for. All of those issues will have to go through one person — the Minister for All Things! The only person the consortium will have to satisfy is the Minister for Commonwealth Games. Provided he is satisfied, away you go. We simply cannot support the extension of the suspension of these planning laws which the existing act already enforces.

As the Premier says, this is a real estate deal on public land, and it has been gifted to the developer to get the government out of the financial trouble it finds itself in. It is common knowledge that the government has already blown its games budget sky high and has been forced to cap its spending and outlay on the games at $1.1 billion. That is still a lot of money, but it is an amount we totally support. However, it begs the question: why would the government stop here? It has got itself into a bit of strife with the Commonwealth Games because some silly person forgot to pay the licence fees of $50 million. We do not worry about that. I hope someone got their bottom smacked for forgetting to include the licence fees in the initial costings. There have been some increased operating costs that were not catered for.

Ms Romanes — I think it was Mr Hallam.


It tends to beg the question: just because the government is in a bit of financial strife with a particular development, why would it stop at the Commonwealth Games? Why would it not have a Frankston freeway-tollway housing development off the side of the freeway so that as the government builds the freeway it can build a housing development and raise a bit of income? Give the minister some special powers and away you go. We could also have some rail standardisation housing developments to raise a bit of money so we get our rail standardisation. Ms Darveniza could possibly chair a housing development to help us raise some money for the health department — that would be fantastic for everybody. We could have a whole range of housing developments going on because all we are talking about is a real estate deal that will raise some money for us and let the government continually tell us how it is going to bring the games in on time and on budget. There is no relevance to the pre and post-game developments; they have nothing to do with each other. Why keep in place secretive and undemocratic laws when there is no legitimate legal need to do so?

Ms Romanes — Have you looked at the plans?

Hon. D. K. DRUM — Yes, I have had a look at the plans. They are not bad. I specifically liked the little footy ground, it is very good. It is about 90 metres long. Surely we would not get duded by these new sleek processes. However, there have already been ambiguous answers from the Minister for Commonwealth Games during question time on village issues. The minister was less than clear about the valuer’s valuation of the housing blocks. We have heard the figure of $35 million mentioned. It initially sounded as though it was clear, but when you read what was said in question time it is less than clear.

The figures have already been done on the amount of housing that will be developed at the village site. I came up with a very conservative 400 house blocks on the
site at $500 000 each for a total of $200 million — still a considerable amount over the $35 million and way under the number of housing blocks proposed to be generated. Whatever way you do it, whichever formula you use, the residential development comes in miles over the $35 million. We wish that the valuation processes could be made available to the opposition and the National Party so we could see exactly what happened in this area. I struggle to work out how they came up with $35 million.

I suppose one of the biggest issues we are concerned about is whether the proper processes were followed. The minister has said in question time that they were put in the context of this bill. I would like to quote from the Government of Victoria — Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land document.

Hon. Bill Forwood — And then ask him whether they have used it.

Hon. D. K. DRUM — I would like to think so.

The document says:

The government land monitor has a fundamental role in assisting the government to achieve appropriate, accountable and transparent transactions — some good words in there, Mr Forwood —

in the sale, purchase and compulsory acquisition of land. It does this by overseeing all sales, purchases and compulsory acquisitions of land by the Victorian government.

The foreword states also:

The Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land is a policy that all government agencies and authorities must use in employing a consistent best-practice approach to their property transactions.

That is just laying down the law.

Here we are talking about a deal that is worth more than $250 000, so it requires the following:

When an agency proposes to purchase, compulsorily acquire or sell land or to grant or take an option over land, GLM approval must be obtained:

Where the amount of the transaction is to be $250 000 or more …

and it goes on.

Submissions are required to be made to the Government Land Monitor:

When a decision is made to purchase or sell land … and that is what we are talking about here.

So a whole range of instructions need to be followed when any type of land is going to be taken, sold, given, gifted, transferred or whatever — we do not know, we are guessing. We would like to know what they have done. Maybe they held a game of two-up for it; I do not know.

Hon. Kaye Darveniza — You do not really believe that, do you?

Hon. D. K. DRUM — No, I do not believe they would be that flippant. The policy states further:

Where exceptional circumstances can be demonstrated and the sale of land is proposed to be conducted by means other than public auction, tender or other public process, the specific approval of the minister is required, irrespective of the value of the land.

This approval is not required where a decision to sell by private treaty has been approved by cabinet or where land is to be sold under the provisions of the Land Act 1958.

Private treaty sales which are subject to the minister’s approval are to be negotiated for a sum not less than market value —

I repeat, ‘not less than market value’ —

assessed by the Valuer-General unless the minister approves otherwise.

Has the minister approved otherwise? That is a good question that we may be able to ask at some point in the future. He has the power in his own document to approve that a price other than what has been agreed to by the Valuer-General be included in the document; but again, we need to understand whether the minister has approved otherwise.

It is very frustrating that the contracts for these works are not available to the public or to members of Parliament. We understand that people have tried under freedom of information processes to obtain a copy of the contracts and they have been unsuccessful in doing so due to claims that they are commercial in confidence.

In relation to evaluations, what vehicle did the government use to dispose of the land? We need to ask these questions. We also need to understand what instructions the government gave the valuers. Were they told to go away and value the land as parkland? Were they told to value it as industrial land or as prime residential land? We do not know. Were they told to value it as a potential prison? There is a prison next door. What instructions were given to the valuers that allowed them to come back with such a cheap price?
Maybe the government will feel generous one day and let us in on its secrets but at the moment we continue to stand in this chamber and argue about issues when we cannot get hold of contracts that clearly state the issues we need to know about.

As the land was transferred to the developer, was the valuer’s valuation for prime residential housing blocks accurately conveyed under the heads of agreement? We assume there is a heads of agreement between the two bodies, Australand and the government, but again we are unsure. We expect it to be the case. The value of the land could again very easily be minimised. We expect it not to be but we also understand it would be very easy for the government to minimise the value of the land so as to minimise the amount of capital investment it is coming clean on in relation to investment in the games. If only we knew this! If only the people of Victoria knew!

The National Party is also concerned about clause 10, which deals mainly with compensation. It is interesting to note after a careful reading of the second-reading speech that the word ‘compensation’ does not appear anywhere in it.

New section 44A(1), which is inserted by clause 10, states in part:

(1) For the purpose of the Commonwealth Games project, the minister may —

(a) construct, realign, relocate, open or close any road; and

(b) carry out or operate works or facilities associated with the powers under paragraph (a).

So he has the power to do whatever he wants about roads in the area. In new section 44A we read also:

(4) If the minister makes a decision to close, realign or relocate a road, the minister must make provision for payment of compensation to —

(a) any person in whom the land comprised in the road or part of the road is vested …

Proposed section 44A(5) states:

The Minister may certify that, having regard to the extent to which any person referred to in sub-section 4(a) or (b) is or is likely to be affected by the closure, realignment or relocation of a road, the compensation payable to that person under sub-section (4) should not exceed the amount stated in the certificate (not being more than $400).

The clause allows the minister, if in his opinion somebody needs compensation — because if they have had a road go through their house, have lost a business or have had their business adversely affected by a road closure or a new road coming through, they have to talk to the responsible minister — the ability to give them compensation, if it suits him, of not more than $400. There must surely be an explanation to cater for people in need of compensation in excess of $400.

Proposed section 44A(8)(b) states:

if agreement is not reached, the amount determined as if the amount of compensation payable were a disputed claim under Part 10 of the Land Acquisition and Compensation Act 1986.

History and research will show that the provisions set out in that act have a history of failing to adequately compensate any of the claimants. The National Party has a real issue with that, and those areas must be cleared up by the minister before the National Party can look seriously at supporting the bill.

It is at this stage I wish to move a reasoned amendment. I move:

That all the words after ‘That’ be omitted with the view of inserting in place thereof ‘this house refuses to read this bill a second time until the government discloses full financial details regarding the fair market value and the agreed price of the games village land and consideration is given to providing proper compensation for persons adversely affected by the implementation of the general powers relating to roads’.

Another area we keep hearing a lot about is social housing. I put on the record that the National Party thinks that it is a fantastic initiative that the Labor government will integrate social housing and an aged care facility into this development. We support that part of the proposal. Two weeks ago the government said that 200 dwellings would be available for social and public housing and that it was an ironclad guarantee. One must understand that this proposal is about building 1000 dwellings at Parkville.
Ms Romanes — Twenty per cent.

Hon. D. K. DRUM — Rightly so. Therefore, 1000 dwellings at 20 per cent is the 200. It will be broken down into a 100-bed aged care facility, which will take care of half of the responsibility of the government, and therefore another 100 dwellings for social housing — I am not sure — integrated — —

Ms Romanes — Yes.

Hon. D. K. DRUM — That is great, because I had doubts. I heard clearly that it would be bundled off and put into an apartment block down — —

Ms Romanes — You were told wrongly!

Hon. D. K. DRUM — I appreciate the fact that you are giving me an ironclad guarantee and promise that the 100 dwellings will be interspersed with the private housing in this development. The worry is that the social housing could be bundled together and pushed up against the freeway. So far as we are still aware it is up to the contractor, the developer and the minister to decide exactly what takes place post the games. There is no ironclad guarantee that 800 dwellings will be built. That is not set in stone, but I hope it will be.

Ms Romanes — It is part of the contract.

Hon. D. K. DRUM — We would like to see the contract. So there is a contract! Can’t we see it?

The ACTING PRESIDENT (Ms Hadden) — Order! Through the Chair, Mr Drum.

Hon. D. K. DRUM — I am sorry, Acting President, I am getting expert advice from my learned colleague. Ms Romanes has been most helpful. I am getting more out of Ms Romanes in this speech than I could get out of the minister during question time a couple of weeks ago. The minister should watch his back because Ms Romanes might be moving. Given the aplomb with which she is handling these questions the minister has some serious opposition.

I put an even more alarming scenario. At a period after the games if it were decided to build 600-odd apartment units was not the best way to go to best maximise the return to the government and the government were to look at, say, spreading out the development and turning it into an A-grade, first-class, high-priced development where it would be able to sell beautiful houses on beautiful blocks of land for maybe $1 million each and do it with only a 500 pre-games and post-games development all up, if we are talking about the need to have 20 per cent of 500, or 100 spots, being made

available for social housing, the question is: can the aged care facility take care of the entire responsibility that the government has put forward to the Victorian community?

If the government changes its mind at a later stage, because the minister has unfettered powers after 2011, to increase its revenue income would it then be able to say, ‘Okay, we still have a commitment for 20 per cent on public housing, sorry, our aged care facility for 100 beds will take care of that responsibility. Unfortunately there is no need now to intersperse any social housing, we have taken care of that with the percentages’? It is very possible.

The environment effects statement (EES) undertaken by the Commonwealth Games advisory committee is still outstanding. The Bracks government promised it would be made available by February 2003. There has been ample time for that study to be examined and analysed, and for recommendations to be made and given back to the community, but there continues to be no answer from the government. We are still awaiting the recommendations in that report to be made available. It is now just on three months after we were told we would have that environment effects statement and its recommendations made public. Again we are waiting on the government to come good on its word.

Hon. Bill Forwood — They are expecting us to wait!

Hon. D. K. DRUM — The government is expecting us to trust it entirely with this project. These powers have never ever been extended beyond a major event. We are expected to trust the government for an additional five to six years after the event has come and gone. Therefore it would help if we were able to see some sense of trust coming back the other way. When the people of the region ask for the recommendations on the environmental effects study we would have liked the report to have been made available a long time ago.

I will make only passing comment on the — I do not like to use the word backflip performed by the Deputy Premier that was mentioned earlier. I go back to 1994 to quote the then opposition member, now the Deputy Premier, Mr Thwaites in the other place. I do not want to linger on the issue except to say that at that time Mr Thwaites was concerned with the way the then government was going about readying itself for the Australian Formula One Grand Prix to be held in Melbourne. I do not expect to have the government members changing their votes when they listen to the backflip made by Mr Thwaites at that time, but it makes good listening. Some of it has already been read out by
the Honourable Gordon Rich-Phillips. In 1994 Mr Thwaites said that this legislation:

… sets up the Australian Grand Prix Corporation … and puts them above the laws which apply to the ordinary citizens. It creates, in effect, a state within a state — a state where there are laws that you would not expect in a democracy.

It goes on:

They are the sorts of laws that a tin-pot dictator would be proud of, yet it appears the Parliament will pass them in the next couple of weeks.

If the laws for the grand prix were what a tin-pot dictator would be proud of — can you help me out, Mr Forwood? — who would this make you proud of?

A bloke who was dodging bombs over in Iraq? He would be proud of this! Who would be proud of this legislation?

Surely his own words will cause embarrassment. I suppose we always have to be careful in opposition that our words will not come back to haunt us. We have to be prepared for the embarrassment when we are doing exactly what we said we would not do when we lambast people who are in government and then when we get the opportunity to be in government we do exactly the same — in this case the government is doing about 30 per cent worse with the things it said it would never do. Some embarrassment has to come back the other way.

Hon. B. W. Bishop — They need a bit of humility. They are not strong enough, Mr Drum.

Hon. D. K. DRUM — The words that are getting bandied about here are in short supply.

Hon. Bill Forwood — What about hypocrisy?

Hon. D. K. DRUM — Oh, please don’t! This is why we clearly state that we have no problem with the Minister for Commonwealth Games having extraordinary planning powers leading up to the games. We are totally supportive of that, but once the games are over we believe those powers should be rescinded, as was initially planned.

The other question that I and others on this side of the house have relates to the other tenderers for the village. Were Grocon and Lend Lease each able to tender in the knowledge that this absolute free kick would be given to the successful developer after the games? We believe that not to be the case. We believe they tendered for the building of the games village on the pre-games village content alone. We do not believe they had the opportunity to tender in the same way that Australand was which allowed it to eventually come through with this two-stage development: the initial stage, which will cost a lot of money; and the second-stage will recoup the company 20 times that amount down the track.

I will refer to other issues I have about the village in the hope that the government will take them on board and have a good think about them. The traffic issue in this area is one that needs to be mentioned; it is already at gridlock proportions.

Ms Romanes — Hardly!

Hon. D. K. DRUM — I have some reports here stating that it is already a known rat-run for people who are trying to avoid paying the tolls.

Ms Romanes — It is not gridlocked.

Hon. D. K. DRUM — I have reports saying it is gridlocked already, without the extra traffic. We have Oak Street, a well known rat-run through the Parkville area, with people trying to dodge paying the tolls on City Link on the Tullamarine Freeway. It is estimated conservatively — we are talking on top of the already congested traffic — that it will have to take another 6500 to 8000 car movements per day. I can tell Ms Romanes that if I ever want to come into Parliament early in the morning it is a battle until I get past the Bulla Road exit from the freeway. After that the traffic speeds up, only to stop again at the end of the freeway as I try to get on to Flemington Road right in the vicinity of where all these extra 6500 to 8000 car movements per day will be attempting to go.

Mr Smith — You should go all the way round!

Hon. D. K. DRUM — You are right. I probably should go to Geelong and come back in over the West Gate Bridge!

In closing, I refer to the issue of the athletes’ comfort. The minister often says in this house that he will deliver a world-class games, games we will be proud of, games that will be delivered on time and on budget. Well, on time and on budget have been spoken about for a long time now, and the first ‘on budget’ did not quite work out so now we have a new ‘on budget’. The ‘on time’ has to work because the date is already set, and the government has its own bid document which makes great reading. When the bid document refers to the athletes’ village and the comfort levels and facilities that will be available for the athletes, it describes the village as a home away from home for athletes and team officials.

Some figures being bandied around mention about 190 houses accommodating 4000 to 4500 athletes and
The estimates are that it will house 27 people per dwelling. These people will be spending their time in Melbourne at these Commonwealth Games. Where are they going to sleep?

Ms Romanes — Together!

Hon. D. K. DRUM — They could be very friendly games! The constitution of the Commonwealth Games Federation has already stated a requirement of one bathroom per five people, so are we going to build dwellings with nine bathrooms and nine toilets? Where are these people going to sleep? Where are they going to shower? What sort of recreation facilities are they going to have? How are you going to have 27 people sitting down to watch the football?

I hope they do not want to forget their time in Melbourne. The main dining hall is said to be in a marquee; I hope it does not rain. There will be health and safety issues, and there will undoubtedly be headaches in store for all of us who have anything to do with these games.

We certainly hope these issues can be resolved. We understand it will always be a headache for whichever government is in place at the time running these games. We reiterate that we support the minister wholeheartedly in everything he does in trying to bring these games to fruition and to make them the best possible games that Melbourne can supply on behalf of the people of Victoria. We also understand that the post-games housing development has nothing at all to do with what happens at the housing development before the games.

We therefore cannot support this bill. We urge members to look very closely at the reasoned amendment and vote for it so that the government can then go away and fix up some of the areas that have been mentioned in the reasoned amendment.

The ACTING PRESIDENT (Ms Hadden) — Order! The debate will now be on the second-reading speech and the reasoned amendment moved by the Honourable Damian Drum.

Mr SMITH (Chelsea) — I rise to speak in support of the Commonwealth Games Arrangements (Amendment) Bill and against the reasoned amendment moved by the National Party.

I assure the previous speaker that he can be comforted in the knowledge that the games will not only be delivered on budget and on time, but the government is prepared to say it can guarantee that the officials and athletes will all be accommodated.

Hon. Bill Forwood — That is guaranteed, is it?

Mr SMITH — Yes, guaranteed, Mr Forwood. There will be no-one sleeping out in the park; they will all be under cover.

Hon. G. K. Rich-Phillips — The village is already behind schedule, according to today’s budget papers.

Mr SMITH — I know the members opposite interject almost in glee and hope that the games will not be delivered on time. They seem to take some satisfaction in that — that it might not be a success. It is a bit ordinary on their part. I do not think it would be as far behind as the Greeks are with the Olympics — and let’s hope we do not get to that stage.

The purposes of this bill are to broaden the act to link it more explicitly with post-games developments and to determine the games village land and lift any reservations on that land. It will also broaden the definition of facilities by amending the definition of facilities. It will specifically provide for the definition of the games village project to include the pre-games, games-time and post-games components of the development.

The bill provides that the exemption from the Planning and Environment Act 1987 does not apply to the games village land. It also provides the minister with the relevant powers under the Planning and Environment Act to amend the planning scheme in relation to the games village land. It provides that division 5 of part 6 of the Planning and Environment Act 1987 dealing with applications to the Victorian Civil and Administrative Tribunal does not apply to any decision or matter in relation to the games village land, and has other purposes.

Australian citizens, particularly Victorians, know exactly what the Commonwealth Games are about. We have a strong and proud history of support for international games and we are all aware of the previous major games held here in 1956, the Olympics, fondly known as the friendly games. It is the intent of the government to ensure that international athletes and visitors, officials and indeed Victorians will have fond memories of the 2006 Commonwealth Games and will refer to them also as the friendly games. When we reflect on the 1956 Olympics and their success in an international sense, we can only hope that the same international goodwill will result from these games.

The Commonwealth Games are the second-most prestigious games in the world. Some might argue that the world championships are in fact second but I contend that the Commonwealth Games are. Sydney
have strong views and opinions on that.

The games will start on 15 March and conclude on 26 March 2006, covering 12 days including the opening. There will be 72 countries attending those games. They will send 4500 athletes, 1500 officials, 1200 technical officials, and 1400 media personnel. There will be 16 sports and 24 disciplines. As I said earlier, the Commonwealth Games are clearly the second-most important sporting event in the world.

I can only imagine how exciting it will be here in Melbourne. We know that not only the Victorian but the Melbourne population turns out in very large numbers to anything that relates to a sporting event. I doubt whether any of the disciplines or sports will be disappointed — and let’s hope they are not.

The games village will be open for 25 days for the games — that is, from 5 March to 29 March — and obviously will be located at Parkville, which is 3 kilometres from the central business district — just a warm-up run for some to the actual games venue.

I am aware of some discontent from locals and green activists in the Parkville area, which will be the site of these games. They are entitled to that, obviously. They have strong views and opinions on that.

Hon. Bill Forwood — There is not much they can do about it.

Mr SMITH — Mr Forwood interjects and says, ‘There is not much they can do about it’. I could suggest there was a thing called the state election. They ran their race: they ran candidates and they had their say in democracy. They were listened to and the government has taken into account the views of the locals to a large extent, and I will get to that later.

The games village will cover a 20-hectare site. It will be of medium-density design and will accommodate 6000 people. One of the most pleasing aspects for members on this side of the house is the fact that post games 20 per cent of the residences built will be allocated as public housing, which is consistent with state government policy and views about public housing, et cetera.

Hon. Bill Forwood — Tell us about the other 80 per cent going to your developer mate.

Mr SMITH — We will deal with the 20 per cent first and I will ignore Mr Forwood’s interjection for the moment. Twenty per cent of a project like this is quite significant. I will go into the detail of who they will accommodate. Let me just say this: does anyone in this house genuinely believe that those opposite would have provided any public housing in this sort of estate? I think not. I do not seem to have got an interjection from Mr Forwood on that one!

The state government is contributing $15.6 million towards environmental design and benefits for this village. The village will be the largest green inner urban residential development in Victoria. I find it hard to think of one bigger in Australia. Having read a description of what is being designed, I have to say that I would not mind living there myself. Environmental effects include roof water collection for use in toilets, solar hot water systems, the recycling of grey water and surface run-off, the retention of significant trees and vegetation, 4 hectares of new parkland, five-star energy rating for all homes on the estate, and other environmentally friendly operational practices.

It just sounds like it would be an ideal place for anyone to live. I would have thought that residents currently residing in the area would be ecstatic to have something like that built in their area. I guarantee it will do nothing other than enhance the property values that currently exist in that area.

The housing project includes 14 four-bedroom townhouses close to public transport and 27 one and two-bedroom units scattered for single adults and couples. I have already mentioned that 20 per cent of the units will be set aside for public housing. To allow this to happen the minister has appointed the Commonwealth Games Planning Advisory Committee (Games Village) to advise him on developments. Flexibility will be built into the agreements to enable the independent advisory committee to recommend how things may need to be changed as the ebb and flow of the development takes place.

Hon. G. K. Rich-Phillips — Has or will? You don’t know what you’re talking about!

Mr SMITH — Let’s see how the vote goes.

We will also be providing a 100-bed aged care facility in a heritage precinct to address the shortage of aged care facilities in Melbourne. Maybe there is not a shortage of aged care facilities in Melbourne, I do not know. Maybe the Liberals have a different view. It seems to me that there is a hell of a shortage of aged care facilities not just in this state but in the whole
country. Members opposite may not agree with that, hence their federal policies and the problems they create for the rest of us. There will be 59 one and two-bedroom units in a small, low-rise design with a maximum of three to four-storey buildings built on the corner of Oak and Park streets specifically designed to accommodate elderly singles and couples. That will be very close to public transport.

I am getting to the point where I will discuss very quickly the flow-on benefits post games. The value of the land has been an issue that has been raised on a number of occasions. Those opposite argue that the land is extremely undervalued by the government, and there are rumours that it is worth between $250 million and $300 million. For the record, the unimproved village land site was valued by the Valuer-General at $33 million at the commencement of the government’s request for proposals! I am looking at what we are actually selling it for. We do not seem to be doing too bad! Both parties will share in the revenue from the development. Of course, when you ask the private sector to do these things it is not going to do it for nothing. It wants a return on its investment. We understand that on this side of the house, but those opposite may have a different point of view.

The state will receive in excess of $59 million in revenue and will retain over $50 million in assets. To me that is sounding better and better. We are providing an outstanding facility for the general public post games and an outstanding facility for the athletes and the officials. We are providing public housing and housing for a great mix of our society, including the elderly, aged, singles, couples and so on. I think we are doing a great job here, the minister is in particular.

A great deal of public communication and consultation has taken place, and a planning advisory committee has been established to do just that. On 19 February this year it conducted a comprehensive process of community consultation on the games village and development and will continue to do so over the next few months. On 7 March the planning advisory committee called for written submissions on the games village proposal from the community and stakeholders. The closing date to put in submissions was 16 April, with public hearings to be held from mid to late May. It will be interesting to see what happens in those public sessions. I guess there will be some ongoing opposition to the proposals, and people will demand explanations on various matters. But I am confident that the government will be able to provide answers to those queries. Notice of the process will be given through advertisements in the metropolitan and local newspapers with two public information sessions planned, a letter-box drop of 10 000 households in the area and formal notice to government agencies, councils, utility authorities, organisations and in the surrounding area absentee landowners.

**The ACTING PRESIDENT**

(Hon. J. G. Hilton) — Order! The honourable member’s time has expired.

**Hon. BILL FORWOOD** (Templestowe) — I rise to speak on the Commonwealth Games Arrangements (Amendment) Bill. At the outset I wish, of course, to reiterate the huge support that we on this side of the house have for the Commonwealth Games. We were, of course, the initiators of the Commonwealth Games bid and were delighted that Victoria and Melbourne in particular were successful in that. We are committed to working as closely as we can with the government to ensure that the Commonwealth Games is a really prestigious event in international terms, an outstanding success and one of great economic and social value to Victoria. However, that said, one should not take our wholehearted support to be qualified approval for all the actions of the government.

The bill before the house is not about the Commonwealth Games; it is about a shonky real estate deal. It is extraordinary that we are here today dealing with this piece of legislation. No matter what spin the minister and the government try to put on the bill, what we have got is a shonky real estate deal. If members wanted any indication of that they need only look in the *Weekend Australian* of 3 May. An article by Maurice Dunlevy under the heading ‘Games village pre-release whets appetite’ states:

> Former Lend Lease property group CEO Stephen McMillan is again centre stage, this time in Melbourne through a Commonwealth Games village housing pre-release …

> Now their Village Park Consortium has revealed details of the first housing pre-sales, inner Melbourne’s most awaited housing and land release since Mirvac’s Beacon Cove development …

> Although the games are three years away houses should be on sale as early as the second half of next year. Costing around $750 000, they will include stand-alone houses. The real estate industry says it is a one-off opportunity to buy conventional house and land packages on the edge of the CBD.

> It talks about the sort of houses there will be. The apartments are expected to sell for around $450 000. It then states:

> The master plan, which is still to get the final nod from the Victorian government, includes a 200-home public housing component …
Other honourable members have talked about that.

If members want to know what reaction that caused I suggest they go to the web site and read the press release put out by the Royal Park Protection Group headed ‘Games village property scam confirmed’. I know the honourable member who will be following me, Ms Romanes, who is a long-time opponent of the games village in that area, will explain to us how, before the bill has passed this house, we are in a situation where Mr McMillan’s Citta Property Group and Australand are able to move down this path at such a rate. I suggest honourable member’s read the press release put out by Julianne Bell, the convener of the Royal Park Protection Group.

It is extraordinary how these people have been conned.

When we first debated this legislation in this place in October 2001, the Liberal Party supported it. Despite putting on the record the hypocrisy of the government in bringing forward the legislation it did support it because it believed that the only way of getting the Commonwealth Games delivered on time was to facilitate this legislation. The purpose of that bill was:

(a) To facilitate preparations for the Commonwealth Games to be held in Melbourne in 2006 ...

I recommend that honourable members who are interested in our position at that time read in particular the contributions of Mr Ian Cover, who was the shadow minister at that time, and the Honourable Mark Birrell, who had a lot to do with the original bid proposal. Both of these members put on record that the Liberal Party believed that this sort of legislation was appropriate if the Commonwealth Games were to be delivered on time to the standard we desired.

The Liberal Party did make a point about hypocrisy, and like other members I am happy to put on record quotes from the Honourable John Thwaites in the other place in 1994 in relation to a similar piece of legislation, the grand prix legislation. On 7 October 1994 he said:

The legislation, together with amendments to be proposed today, is undemocratic … not the sort of legislation that Victorians ought to be proud of; it puts ordinary citizens beyond the protection of the law, and it removes property rights, common-law rights and the right to natural justice …

He goes on to say that the legislation is arrogant, undemocratic and trespasses upon people’s rights and freedoms. As I said, the Liberal Party has pinned the government down for hypocrisy, if nothing else. We did support the original piece of legislation, although —

I am sure the minister will remember this well — we did spend quite some time in committee.

Hon. J. M. Madden — And loved it!

Hon. BILL FORWOOD — The minister says he loved it. My recollection is that the minister spent a lot of time walking from his seat at the committee table to the adviser’s box in the left-hand corner of the chamber. He did miles that night!


Hon. BILL FORWOOD — We could get the travel meter they use for the footballers and see how many kilometres he did going backwards and forwards as he tried to assure members of this house that we did not need to be concerned. To use the words Mr Drum used in his contribution a few moments ago, the minister used the line, ‘Trust us’. That is what the government wants us to do. Again, we look forward to seeing the minister in committee later on this evening when we discuss some of the aspects of the bill. In particular I think we will be dealing with some of the issues raised by Kenneth Davidson in his article published in the Age on 14 April 2003, which is titled ‘The best real estate deal in the state’s history?’

I am happy to go on the record and say I have never been a particularly great fan of Kenneth Davidson — I reckon that most of the time he is an unreconstructed socialist living behind the Berlin Wall before it came down — but on this occasion I fully agree with the words in his article. I make the point that the Liberal Party supported the original act, and it wants to see the Commonwealth Games delivered on time, but this is not about the Commonwealth Games. This is a real estate deal, and that is what Kenneth Davidson says in his article on 14 April under the headline ‘The best real estate deal in the state’s history?’.

The Bracks government is handing over, gratis, 20 hectares of inner city parkland to a developer for a housing development, plus $85 million in cash. Why?

It is a good question. Why? the article continues:

The land alone, as a development site, is worth $250 million at least, based on a recent sale of a vacant lot in the immediate vicinity. And it gets better. Last week the government rushed legislation through the Legislative Assembly that effectively makes the development immune until 2011 from heritage, environmental and planning legislation that would govern any similar real estate development.

This goes back to the issue of the advisory committee, which the minister dealt with at length in the previous committee debate in October 2001. What we know is, and the minister confirmed it at the time, he can
establish an advisory committee and can ask it to do some work, but he does not have to take any notice of it at all. There is absolutely no indication from the government that at any stage in this process it has taken the least bit of notice of the advisory committee. I look forward to the Minister for Commonwealth Games assuring us in committee about what has been done with the advisory committee.

**Hon. J. M. Madden** — I lie awake all night thinking about the recommendations, Bill, you know that.

**Hon. BILL FORWOOD** — Let Hansard show that the minister lies awake at night thinking about the recommendations of the advisory committee.

**Hon. J. M. Madden** — Advisory committees.

**Hon. BILL FORWOOD** — Committees — plural. Would you care to make those recommendations available to the chamber?

**Hon. J. M. Madden** — There is a public record of the advisory committees.

**Hon. BILL FORWOOD** — All the recommendations?

*The ACTING PRESIDENT (Hon. J. G. Hilton)* — Order! Gentlemen, through the Chair.

**Hon. J. M. Madden** interjected.

**Hon. BILL FORWOOD** — Okay. Well I had better get a copy and see what they actually say. I will get a copy after dinner.

**Ms Romanes** — They are still in process.

**Hon. BILL FORWOOD** — The recommendations?

**Ms Romanes** interjected.

**Hon. BILL FORWOOD** — Yes, I know, but the recommendations are not. Have the recommendations been accepted or refused?

*The ACTING PRESIDENT (Hon. J. G. Hilton)* — Order! Through the Chair, gentlemen!

**Hon. J. M. Madden** — We are talking about different — —

**Hon. BILL FORWOOD** — I think you are.

**Hon. J. M. Madden** — I am talking generally.

**Hon. BILL FORWOOD** — I see you are ducking and weaving as usual. You are scouting around like a rover rather than a big, up-front ruckman with an elbow.

**Hon. J. M. Madden** — Speak to the bill.

**Hon. BILL FORWOOD** — I am happy to speak to the bill. Let me pick up the point made by Mr Davidson in his article. He says:

… effectively makes the development immune until 2011 …

2011! This house is dealing with a piece of legislation to facilitate the Commonwealth Games to be held in 2006 so why are we facilitating a real estate development to the year 2011? There is no point in allowing this to happen. If there is any reason at all why we should really consider our position on this bill it is to take out this clause about the act expiring on 31 December 2011 — clause 19, which substitutes section 58.

Opposition members are happy to support legislation that enables an easy process towards delivering the Commonwealth Games. We supported the original bill, but we oppose this bill because it is not about that; it is about a real estate development. The minister really needs to explain to the house the necessity for having this act expire on 31 December 2011. It seems to me to be absolutely fundamental to the issue before the house.

I should also say something about the opposition’s support for the National Party’s reasoned amendment — that is, that:

… ‘this house refuses to read this bill a second time until the government discloses full financial details regarding the fair market value and the agreed price of the games village land, and consideration is given to providing proper compensation …

As I read it, this is not designed to delay this bill other than for one day. One day! All we need do is not read this bill today. The minister can go back to his department tonight. He can come in here tomorrow and give the information to the chamber. He knows and I know that the information exists. It is just part of this commercial-in-confidence stuff that these guys have a real problem with. They have a problem about being open, honest, frank and transparent in what they are doing.

This information exists, the minister knows it exists and it would be very simple for the house to defer this bill and for the cannon fodder that belongs on the back
bench of the government to say for once — just once! — that the government should say, ‘Okay, in 24 hours we will agree with the National Party amendment. We will give the minister the chance to show that he is open, honest, transparent and accountable. We will give the minister the opportunity to come into this place and disclose full financial details regarding the fair market value. We will get and make available to you a copy of, for example, the land monitor’s report or the property valuation’.

Opposition members might even get to see some of the details that the minister announced in question time today when he said that, although the deal had already been signed, the government was still doing some work on the division of the profits. What does that actually mean? Perhaps the minister could inform the house what it means.

In those 24 hours the minister could come into this place with a program for providing proper compensation for persons adversely affected by the implementation of the general powers relating to roads. It is not possible that this bill could be before the house today without that work having been done. So I say to the cannon fodder up the back, ‘You have the opportunity in the interest of democracy, transparency and accountability to support the reasoned amendment put by the National Party today and, given that, then to enable all of us to debate this bill tomorrow’. As Mr Smith indicated in his contribution, I am sure this bill will ultimately be passed. The provision of — —

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! The member’s time has expired.

Ms ROMANES (Melbourne) — It is very interesting to sit through the debate and to listen to the opposition and to see political opportunism in evidence. Both the Liberal and National parties have expressed solid support for the Commonwealth Games, have supported the 2001 Commonwealth Games Arrangements Act and acknowledge the need to facilitate the delivery of the games on time and on budget, but they will not support the bill before the house.

This bill facilitates the development of the Commonwealth Games village land. Not only that, it facilitates the development, the redevelopment and the use of this land after the Commonwealth Games, because there will be retro-fitting of the site, and other sites, after the games.

The bill is designed to help to make that happen. As I said, it applies not only to the Commonwealth Games village land but also to all the projects being used and to the facilities that will be involved in the presentation of the Commonwealth Games in March 2006.

The opposition needs to understand that the Royal Park Protection Group’s opposition is fundamentally to the use of the Parkville site for the Commonwealth Games village. We have been talking about a lot of the details this afternoon, but the group’s opposition is fundamentally to the site.

Let us go back and look at the history of this project and remind ourselves that it was the former Kennett coalition government that put forward the idea and made the agreement with the Commonwealth Games committee to put the Commonwealth Games village at Parkville on the 20-hectare site of the former psychiatric hospital and other public services. It was part of the games bid. It was written into the agreement, which was a bipartisan agreement — or should we say a tripartisan agreement? — to support the Commonwealth Games in Melbourne in 2006.

It was only after the 1999 election in response to community concerns and to the concerns of local members of Parliament, like Bronwyn Pike from the other place and me, about whether the Kennett government had made the best choice of site for the Commonwealth Games village, that the Bracks government at the end of 2001 sought expressions of interest and called for those expressions of interest in order to test the proposition as to whether this was the best site, and to find out how Parkville stacked up against other possible sites within a 7-kilometre radius of the centre of the city.

We saw at the end of 2001 and for most of 2002 quite a long process starting. Seven bidders came forward with proposals for the three different sites. Members may remember the other two sites were the Jolimont rail yards and Docklands. A short list was then made. There were tenders, an arms-length process and an assessment of the relative benefits and disbenefits of the different proposals. At the end of that, in about October last year, a cabinet decision was made to go with the Parkville site and to award the tender to Village Park Consortium, which comprises Australand and the Citta Property Group.

Parkville was selected, in the words of the minister in his press release at the time, because the project there would provide the greatest legacy to the people of Victoria. The way the Bracks government will deliver the Commonwealth Games village at Parkville will be
very different to the way a Liberal government would have delivered it.


Ms ROMANES — I will give you one very good example of that. The former Liberal government was going to give away to the developer as compensation and payment for undertaking the Commonwealth Games village on the site the land a few hectares up the road — the land currently used by the Foundation for the Survivors of Torture and the section of the health department which provides psychiatric support for adolescents. The Bracks government is retaining that land to use for public purposes.

In moving ahead to put the Commonwealth Games village on the Parkville site the government is determined to leave a legacy and to incorporate community benefits in the proposal. My colleague Mr Smith has outlined a number of ways in which this development will set new standards for environmental benchmarks in urban development. He mentioned a whole range of environmental features that would be part of the development, but there are a couple of things he did not mention. One is the retention of heritage buildings, which will become the centre of the village, the centre of community activities, and will be close to the hostel and open space that will be able to be used by people who live there.

Also, the Commonwealth Games village development is an opportunity to boost public transport into the area of the development. The government is committed to connecting future residents of the site by bus to the nearby train and tram lines and therefore to encouraging people to leave cars at home and use the very good public transport system of the inner city. Also, there are proposals to enhance bike paths and pedestrian access.

The bill clearly defines the games village site. The Surveyor-General advises that there are no permanent reservations, and that the current temporary reservations will be extinguished by the bill. The bill broadens the purpose of the Commonwealth Games Arrangements Act, the principal act, to link it more explicitly to post-games developments. I think Mr Rich-Phillips was a bit rich — he got carried away about this provision. In fact, there is a need, between March 2006, when the games happen, and 31 December 2006, when the sunset clause applies, for a lot of retro-fitting of various games venues and facilities around the state. So there is a need for the minister to have the power to oversight some of the changes that will happen after the games. But the expiry date for the application of the bill to the games village is the only one that will be extended beyond 31 December 2006 until 31 December 2011. That allows for the post-games developments on the site.

Mr Drum and Mr Rich-Phillips expressed a lot of alarmism about whether the shape of the development after the games will be the same as that proposed at this stage. When I look at the proposal that is being considered by the advisory panel, and through all the submissions from the public, I see that most of the site — 75 to 80 per cent of the site by geographical area — will be fixed in place by the time of the games. That will be in terms of detached houses, town houses, open space and heritage buildings. Why is housing on the remaining 20 per cent not being built at that stage? Because that space is required for a range of facilities needed as part of a games village: dining rooms, food preparation, media and communications, transport, administration, temporary accommodation and open space. After the games those temporary buildings will be removed and apartments will be built along the western edge, alongside the City Link area.

Clause 11 of the bill inserts new part 4A and provides the Minister for Commonwealth Games with the relevant powers under the Planning and Environment Act 1987 to amend the planning scheme with regard to the games village. But under the principal act the minister has to have regard to the recommendations of the Commonwealth Games advisory committee. Think about that, and contrast that provision for consultation with the community for a fuller, proper consultation planning process that is happening right now with the way the Liberal government handled the grand prix and put in place a section 85, which precluded the payment of compensation for any adverse effects of the development of the grand prix.

The consultation process the Commonwealth Games village advisory committee is conducting currently has involved lots of meetings in the community, briefings on the proposed development plan by the village consortium, plans on exhibition in key local areas, and an opportunity for community groups, individuals and local governments to put in written submissions. Hearings are also about to happen.

This is a full and proper planning process. The committee members have been selected for their knowledge of environment, design, transport, planning and heritage matters as well as their considerable experience in major projects in the past.
There is nothing different about this major project compared to many other major housing developments. The development plan overlay, which will eventually be approved by the minister, and the appropriate planning controls that will be in place will lock the developer into contractual arrangements which will be implemented over the course of the next few years. They will be managed contractually under the supervision of the Secretary of the Department for Victorian Communities who will for this purpose be a body corporate but who will report to and be under the direction of the Minister for Commonwealth Games. It is not an unusual process in terms of putting in place a development plan overlay to guide a development. The government has made it very clear that it is its intention to transfer the administration of these planning controls back to the Minister for Planning at the end of the games and then eventually, at an appropriate time, to the Melbourne City Council.

I should say that in terms of the comments Mr Forwood made about the pre-release and forward sale of many of the houses on the site, this is not unusual — it is exactly what happened in regard to the Sydney Olympics. Those buildings were sold to help to finance the building of the village for the Sydney Olympics.

I believe the Royal Park Protection Group (RPPG) needs to accept the government’s decision because it is going to be reality. It should stop making misleading statements about the proposal, for example, misinformation about where the public housing will be, which Mr Drum questioned. I can assure him that it is government policy to have a salt-and-pepper effect in mixed public and private housing developments and not to congregate public housing all in one area.

The RPPG must accept the fact that the site is not a piece of parkland. As the Surveyor-General confirmed in the advice the Minister for Commonwealth Games put forward earlier today, the site has never been part of a permanent reservation of what was Royal Park as reserved in 1876. It was a model farm in 1872 and a public park in 1886 before the reservation was revoked in 1906 for a hospital. This is a ministerial planning intervention, and it is justified in these circumstances. It is a very important bill, and I commend it to the house.

Hon. R. DALLA-RIVA (East Yarra) — I have pleasure in debating the Commonwealth Games Arrangements (Amendment) Bill 2003. I would like to say from the outset that I support the Commonwealth Games but in doing so will oppose this bill and support the reasoned amendment. As I have been sitting here it has been interesting to listen to the arguments to and fro. Members of the opposition and the National Party have argued solidly as to why we think this bill is inappropriate. There are a number of reasons — as members will hear later — relating to the fact that these issues should be handled within the constraints of the ordinary planning arrangements, and yet all we have heard from the government side is spin. The Victorian community will eventually tire of the spin. We have had nearly four years of it, and eventually people will get sick of it. We heard it today in terms of the budget. The government can spin as much as it likes, but the reality is that people will see through the veneer of this bill.

I am interested in the fact that the purpose of the bill is to amend the Commonwealth Games Arrangements Act 2001. In the second-reading speech the Minister for Commonwealth Games said:

This is the first legislative amendment to the principal act required for the Commonwealth Games and —

more importantly —

there will be further amendments to the act as we move into the pre-games and games-time phases of planning and delivery.

The minister said there will be further amendments to the act. We have an amendment before us, so why has the minister said in the second-reading speech that there will be further amendments to the act? I put it to the house that if we know there will be further amendments to the act, if the minister mentions it in the second-reading speech, let us present them here and now and debate them. What other areas of amendment will we face in this Parliament down the track? If the minister has mentioned this in his second-reading speech then I put it to him and the house that he should present these amendments forthwith. To say in a second-reading speech on an amendment bill that you are going to present further amendments means you have not got these amendments right in the first place.

Hon. G. K. Rich-Phillips — They make it up as they go along!

Hon. R. DALLA-RIVA — They do make it up as they go along, and what will happen is the Victorian community will be subjected to more spin when further and better particulars come along in relation to the Commonwealth Games.

It is interesting to note that under part 2 the amendment bill refers to the development of facilities and the Commonwealth Games village. It says that the government will develop and use the Commonwealth Games facilities after the Commonwealth Games. We know that. Clause 5 substitutes a new definition:
“facilities” means —

(a) facilities required for, convenient for or ancillary to the hosting of the Commonwealth Games, including but not limited to —

The bill then lists a range of details. Clause 5(2) inserts a new definition of games-related facilities. It says:

“Games related facilities” means any works, development, infrastructure or services declared under section 3A to be Games related facilities;

What are declared games-related facilities? Proposed section 3A says:

The Minister, by Order published in the Government Gazette, may declare any works, development, infrastructure or services of any kind ...

That is basically an open cheque. Under this new section, in the future the minister will be able to declare any works, any development, any infrastructure or any services of any kind.

Hon. D. K. Drum — A good deal.

Hon. R. DALLA-RIVA — As Mr Drum rightly points out, it is a good deal. Obviously this piece of legislation is not aimed at protecting the rights of Victorians, and it is not about what is fair and equitable in the Commonwealth Games. Honourable members of the opposition side and the National Party have reported this in a fairly reasoned and rational debate as opposed to the spin given by the government.

It is interesting to note the application of the Planning and Environment Act 1987 under clause 9. The bill inserts a new subsection (2), which says:

This section does not apply to the Games Village land.

Proposed sections 44A and 44B state that the minister must not exercise a power in relation to roads unless he has consulted the minister administering the Transport Act 1983.

This is dumb legislation. This is to be an act of Parliament — they are not regulations. Remember that as I say this. Proposed section 44A(3) says:

Before making a decision to close, realign or relocate a road, the Minister must ensure that provision is made with respect to pipes, wires, apparatus, sewers, drains, tunnels, conduits, poles, posts and fixtures lawfully on, over, under or across the road or part of the road.

That is a regulation and here it is within the bill. Why do we have a clear regulatory requirement within a proposed act of Parliament? As you go on you can see that there is a pecking order among the ministers. That is displayed in clause 11 which inserts new part 4A headed ‘Commonwealth Games Village’.

Proposed section 48B(1) says:

The Minister has and may exercise in relation to the Games Village land all of the powers, functions and duties of the Minister under the Planning and Environment Act 1987.

So we have the factions within the Labor Party hard at work on this bill. It is not about fairness; the government is trying to provide spin to cover up its factions and its back-room deals — unlike the Liberal Party where there are no factions. On the other side there are clearly many factions and it is disappointing that the factions have spilt over. We should realise that within the bill this problem has been clearly laid out.

The pecking order is like this; the Minister for Transport is higher on the pecking order, he has a say; and the next one down the order is the Minister for Commonwealth Games, who can in turn override the Minister for Planning. All this is clearly laid out by our side in the reasoned amendment and the clear and fair debate we are putting forward.

Part 2 of the bill includes provisions for the revocation of reservations and Commonwealth Games land. These provisions have been brought forward in debate by the Honourable Damian Drum, the Honourable Bill Forwood and others, who talked about how property developers will in turn receive substantial parcels of land that were once reserved for the games village. That is indeed a shame.

I will not speak on part 3 of the bill, which is about the machinery of government. I will speak no further on it. Clause 19 of part 4 has been discussed before. We heard from Ms Romanes across the road — —

Hon. Kaye Darveniza interjected.

Hon. R. DALLA-RIVA — I mean on the government side — perhaps for the next three and a half years, not more! That clause talks about the length of time before projects expire. They will expire on 31 December, 2011. All Victorians should be made aware that this is a bill that, despite the fact that Commonwealth Games will finish in 2006, will continue on for another five years. I do not care what spin is put on this by the government, the reality is that this will become an act of Parliament that relates to an issue that will expire five years before the end of the life of the legislation. Why five years? Because of the deals that have apparently been put forward in some back room. That is of major concern.
We will oppose the bill and support the reasoned amendment put forward by the Honourable Damian Drum. All Victorians should be aware of the spin that is applied to this and every piece of legislation in this house.

Mr SCHEFFER (Monash) — One could be forgiven while listening to this debate for thinking, as Ms Romanes pointed out, that the entire focus of the facilities provisions of the Commonwealth Games Arrangements (Amendment) Bill was concentrated on the developments in Parkville. In point of fact there is a very major development in Albert Park around the Melbourne Sports and Aquatic Centre, which I have had the pleasure of visiting a number of times. I have looked at detailed sets of plans. The Commonwealth Games are extremely popular. I would have thought that by this stage of development we would not be arguing about this sort of detail but getting behind the projects.

The main steps of the bill define the decision-making process so the government has control over it. That is entirely appropriate given the huge scale and complexity of events such as the Commonwealth Games. The experience of the Olympic Games showed what Australia can do in mounting events of this order, and I think that is in large measure a result of the strong hand that government has placed on the bringing about of those events.

I pay tribute to the enormous efforts of the minister and the government to negotiate with the community in Monash Province, and particularly around the City of Port Phillip, both with the council itself and with numerous groups who have felt very rightly that their concerns need to be taken into account. They have perceptions about how their communities work and about how infrastructure needs to develop, and they want to contribute to the way things are unfolding in their areas.

As recently as last week the Minister for Commonwealth Games met with a delegation that I brought to meet him about concerns over hydrotherapy facilities within the larger complex. I think it would be fair to say that people are not entirely happy with the outcome, but they understand and respect that this is a government that listens and takes their views about development into account. They understand that while they do not win everything they can see it is a collective process moving the developments forward.

Coming from the area as I do, I cannot help but compare this process with the process we saw in the 1990s to establish the Melbourne grand prix. There was huge community disruption in the city of Port Phillip and right across Victoria. People saw exposed for the first time the anatomy of the Kennett government’s operations in developing major projects. Most notably, besides the dissension over how the grand prix would affect the park, there was no compensation for people whose properties were, in some cases, quite severely damaged. As Ms Romanes pointed out, very fair arrangements are set out in this bill.

I commend the bill to the house. It is reasonable legislation, and overwhelmingly people in Monash Province would understand why the arrangements are made the way they are.

Hon. C. A. STRONG (Higinbotham) — I add my total opposition to the bill, because having listened to some of the contributions from other members they are talking about the Commonwealth Games.

Ms Romanes — You have not been here.

Hon. C. A. STRONG — I have a loudspeaker in my office, Ms Romanes, and I am able to listen without being here. I have heard you talking about the Commonwealth Games. This bill is not about the Commonwealth Games, it is a real estate scam — that is all it is, a real estate scandal.

Hon. J. M. Madden interjected.

Hon. C. A. STRONG — The minister knows it is because he has been involved in real estate. We read about his involvement in real estate, and we have read about the companies that he has had in real estate.

Hon. J. M. Madden — On a point of order, President, I put to you that if the member wants to make accusations about my character then there are forms of the house by which he may do that. He should speak to the bill and stick to the bill.

The PRESIDENT — Order! The member should return to the bill. In line with the rulings at question time, if the member wants to make accusations about a member he knows that he has to do that by substantive motion.

Hon. C. A. STRONG — I am on the bill, and the bill is a real estate scam. If the minister is so thin-skinned that he cannot face up to what this is all about then he has the problem, not the opposition. He knows about real estate scams because he has been involved in them from what we have read in the newspapers. This is a continuation of bringing a real estate scam officially into the government ambit, which is an absolute crime and an absolute shame. It brings us
as a state to the lowest of the low. We are going back hundreds of years to the land boomers time, where members used this place to enrich themselves in real estate deals. This is no more or less than a real estate deal.

The act that this bill seeks to amend talks about the Commonwealth Games, but this is about allowing developers to simply bypass all the normal practices, principles and procedures that have grown up over many years to protect the community and people from developers who want to go ahead without any regard for the amenity of local areas and what people desire. Why?

We have a whole set of planning arrangements which have grown up over many years which provide that procedures have to be gone through and issues ultimately go to the Victorian Civil and Administrative Tribunal (VCAT) for it to make any decision on the final arrangements. There are planning procedures and planning overlays. There is a whole series of procedures that have to be gone through, such as letting adjoining owners know what is going on, advertising, and planning overlays that say how high a building can be, the amount of density, plot ratios, setbacks — the whole lot — but this bill allows for those to be wiped away.

The minister can say, ‘Well, we will just put all these normal planning procedures to one side for this development, and we will not worry about any of that, and if you’ve got a problem then we won’t worry about that either because we’re taking away your right to go to VCAT to appeal against the decisions’. We fundamentally have no more or less than the planning scheme being dictated to by the minister. It will be the minister’s planning scheme. What the minister will do, who knows! I suspect the minister does not even know; it will be whoever walks through his door with the latest great idea. One is left to wonder whether former minister David White is mixed up in all of this with some success fee somewhere along the line. Why not; why should it not be?

All this does is allow this to happen. It strips away all the protections that the planning processes have put in place to see that these grubby deals could not happen. It strips all those away so that the grubby deals can happen. Who is to say that the grubby deals may not happen? I am not suggesting for one moment that they will, but this strips away the protections that the planning schemes have had in place to ensure that they do not, and that has to be a very retrograde step.

Hon. R. G. Mitchell interjected.

Hon. C. A. STRONG — It is amazing that members opposite, like the honourable member interjecting, have been conned by their own people into allowing this to happen. How could members of the Labor Party caucus stand there and let their ministers tell them to just pull the plug on all the protections that are there for the community? How come they let it go through? How irresponsible are they to have let this go through their caucus? They ought to be ashamed that they did not stick up for the rights of the average Victorian. They should be ashamed.

Honourable members interjecting.

The PRESIDENT — Order!

Hon. C. A. STRONG — Thank you, President. I think those opposite need to be brought to order. I am glad you stepped in to bring them to order because, by God, they need to be brought to order.

In conclusion, because I do not want to say any more, this bill stands on its own. There is no need for people on this side of the house to say a lot on the bill because there is absolutely no doubt that when the impacts of this are known in the community, when the developments take place overruling all local concern; when there is no process involved, and when there is no opportunity to get back to VCAT, it will not be necessary for us to be involved.

This is not about the Commonwealth Games, about suspending the normal planning processes to build the Commonwealth Games village. The Liberal Party agreed to the previous bill, which allowed the suspension of these normal powers to bring about the construction of the Commonwealth Games village without unnecessary disruption. We have no problem with that. This bill deals with the situation when the Commonwealth Games are finished allowing a developer untrammelled access without the need to go through any of the standard procedures of probity to develop the site in any way the developer sees fit, in any way in which it can influence the minister, and in any way in which it can kid the minister into doing what it wants to its personal benefit. It is a disgrace. I oppose the bill in the strongest possible sense.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I shall give a preamble before I make my remarks in reply regarding the contributions, particularly of opposition members. I am concerned that the opposition is ill informed in relation to many of these matters. I am happy to relay to the opposition that if at any time in the future it needs further briefings on any of these matters I am happy to
have members of my staff or members of the department further brief its members on matters in relation to any of the Commonwealth Games facilities, or even the operation of the Commonwealth Games Arrangements Act, in whatever form that might take from time to time.

In relation to this act, it has been highlighted in the second-reading speech and also as part of the model on which it was based — that is the framework under which the Sydney Olympic Games was delivered — that various matters in the legislative framework need to be amended from time to time, and they are matters to do with the delivery of the games that will come on stream in the lead-up to the games. Through this debate we have indicated that we are searching for support for these amendments. Unfortunately the opposition has chosen not to support them, but we look forward to its support when other amendments are made to the Commonwealth Games Arrangements Act in the future leading up to the delivery of the games. Other aspects will require amendment to make sure that the structures ensure that the games are delivered in a way that is consistent with both the legislative framework and the requirements for the Commonwealth Games in 2006.

I will comment on a number of the matters raised by members of the opposition, in particular some allegations about the value of the games site and the post-games developments and comments by the media and certain opposition members about those allegations.

Firstly, members would be aware that we are currently involved in a process whereby the Commonwealth Games advisory panel will give advice to the Minister for Commonwealth Games about the Commonwealth Games village. Once this legislation is passed — I do not want to pre-empt that, but in the expectation that the legislation will be passed — the games advisory panel will continue to report on issues relevant to the Commonwealth Games village, not only about the games but also about matters beyond the games.

The government has spoken on a number of occasions about the importance of the legacy of the games and about the fact that it has contributed substantial sums of money towards environmental initiatives and towards the social housing that will be afforded by the games village. It would be only right and proper to ensure that the advisory committee, whether it be now or at the introduction of this legislation, reports on matters beyond the games so that the village development, a significant piece of infrastructure, will have a long-term and lasting benefit as an inner urban development in Melbourne.

I want to clarify some of the issues raised about the operation of the village itself. The components to be built after the games will be based very much on the higher density models. In the lead-up to the games the village will be developed as medium-density housing. To clarify the issues that some members seem not to fully appreciate, the model used is not dissimilar to that used for the Sydney Olympics — some of the houses will have three or four bedrooms and a number of living areas and will be designed to eventually have a kitchen, a laundry, and a garage, perhaps even a double garage. The intention is that during the games all those spaces in the houses except for one living area will be used as bedrooms for the athletes with the appropriate number of bathrooms and amenities.

In addition, some temporary buildings will be plugged into the rear of those buildings to ensure that the athletes are housed in conditions that are comparable to what was available in Sydney and in conditions that well and truly suit the games agreement and with which the Commonwealth Games Federation and the Australian Commonwealth Games Association are comfortable and satisfied. In and around games time the key priorities will be the interests of the athletes, their comfort and amenities.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Hon. J. M. MADDEN — I want to clarify a few issues. I reiterate that I am concerned by the lack of understanding of this bill that members of the opposition have shown in a number of ways. I make my clarification not so much for the opposition as for the general public because I would hate to think that the opposition was being mischievous in relation to this bill or the Commonwealth Games.

To the suggestion that the games village development is a real estate deal in disguise, of course real estate is involved in this and I am not exactly sure what the opposition is trying to present by its comments. The government is not disguising anything. In fact the government’s development strategy is very similar to the successful Sydney Olympic Games model and the government has announced that previously. This process has been judged to be the most cost-effective way to provide a village to the required games standard while realising very valuable environmental and social legacies for the community.

The process involves a simple arrangement with a developer to build housing that can be used for the games and sold post games with a share of revenue to be provided to government to offset its village provision costs. We looked at a range of options but
found this to be the most cost-effective way of providing the games village while ensuring valuable legacies. I am not sure what the opposition and others opposing this development would suggest as a better, more cost-effective alternative that would meet the obligation that we have to the Commonwealth Games Federation in the provision of the games village.

We have already been to the market and chosen the best option it can provide. A substantial amount of consideration was given to alternatives and I will run though those very quickly. University accommodation — no campus was big enough; temporary village — too expensive; reconfigured public housing estate — huge social impacts and risky delivery program; cruise ships — too expensive and risky; Docklands — more expensive; Jolimont rail yards — more expensive and too risky. This was the site that the opposition nominated as part of the original games bid and now it is criticising us for delivering a village which it would have delivered.

It is worth highlighting that the opposition has been mischievous in its portrayal of land value. I note Mr Forwood has quoted prominent Melbourne journalists in relation to this issue. They have purported that the land could have been worth as much as $250 million and $300 million, and that the Commonwealth Games village site is a gift to the developer.

It must be understood that this is not simply a sale of land to a developer who then develops and sells the land and keeps all the revenue for itself. The project structure has been put in place to provide the state with a substantial share of the revenue — as I mentioned earlier today — from the development to offset the government’s costs in providing the games village. This allows the government to provide an appropriately functioning games village to Melbourne 2006, maximising the legacy value of the development at minimal cost and risk.

This structure is similar to the arrangements involved with the Sydney Olympic village and for major public land developments such as Kensington Banks and Beacon Cove. The process for establishing these arrangements have included advice from both the Valuer-General and the Land Monitor and have been overseen by independent probity auditors, Stephen G. Marks and Company. Both parties will share in the revenue from the development. The state will receive in excess of $55 million in revenue and retain over $50 million in assets in public ownership following the development. This has already been announced.

For the record, the unimproved games village land was valued at $33 million by the Valuer-General at the commencement of the government’s request for proposals process based on likely development scenarios. For transparency this value will be paid as an intra-government transfer payment into the consolidated fund. The assets retained by the state, which will clearly be improved through the development, will be valued and reported in the final balance sheet of the village development. It is expected the state will retain more than $50 million of assets following the development.

Just to give the house a little more of an overview in terms of how the arrangement with the Village Park Consortium will work — and this will be of interest to members given my comments earlier today — the Land Monitor does not come into this equation until the land is transferred, so the Land Monitor will not be directly involved in the transfer of that land until parcels of that land are freed up throughout the process of the development of the games village. That is when revenues will flow back into government coffers in relation to this proposal.

As members would appreciate, $33 million has been provided in the Commonwealth Games budget for the purposes of a transfer payment within the government for the games village land to ensure that costs are transparent and captured within the Commonwealth Games budget, reinforcing that the budget figures we have nominated are there for all to see but also to ensure that over the course of the delivery of the games they are transparent, particularly in relation to government services and costs to government, and hence issues about the village itself.

In relation to some of the planning matters that members raised, while the games site will continue to be developed up until 2011 and the minister will be responsible until the end of 2006, as in any planning scheme amendment the amendment will be the responsibility of the planning minister post the sunsetting of the Commonwealth Games legislation. Any changes to that planning scheme amendment would have to take place through a normal planning process through either the local government authority that is in charge of that planning scheme, or through the planning minister who will have responsibility on the sunsetting of that legislation.

As I mentioned earlier in my comments, I look for support from the opposition for this bill and for any amendments we may need to make in future years to this legislation, because further amendments will need
to come before this house in the preparations for the games. I look forward to its support.

Credit must be given where credit is due in that the former Liberal-National coalition government secured the Commonwealth Games for Melbourne. We are sure that the games will be delivered responsibly in a manner in which we can all be proud. We look forward to the continued support of the opposition parties in the lead-up to, during and post the games. Significant social and infrastructure legacies will be delivered through the course of the games development.

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

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Noes, 19

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| Baxter, Mr | Hall, Mr |
| Bishop, Mr (Teller) | Koch, Mr |
| Bowden, Mr | Lovell, Ms |
| Brideson, Mr | Olexander, Mr |
| Coote, Mrs | Rich-Phillips, Mr |
| Dalla-Riva, Mr | Stoney, Mr |
| Davis, Mr D. McL. | Strong, Mr (Teller) |
| Davis, Mr P. R. | Vogels, Mr |
| Drum, Mr | |

Amendment negatived.

House divided on motion:

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| Coote, Mrs | |
| Dalla-Riva, Mr | |
| Davis, Mr D. McL. | |
| Davis, Mr P. R. | |
| Drum, Mr | |

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister for his detailed response to the second-reading debate. That went a long way to explaining some of the issues surrounding the village development and provided a large amount of information that the opposition has been seeking for quite some time.

I take up some of the issues the minister raised during the course of his concluding remarks in the second-reading debate and ask him for a further explanation of the agreement that exists between the government and the consortium for the site. In particular the minister referred to the revenue-sharing agreement, to use the minister’s term. Will the minister confirm the basis of that agreement? Earlier today he indicated that the government expected a return of $58 million; however, it could be more. Could the minister outline on what basis that would be? What is the mechanism that underpins that agreement?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to answer general questions before we get into the specifics of the bill, if members are eager to talk about some of the more technical issues in relation to clauses of the bill.

Without going into too much technical detail, and there is probably a substantial amount of this which I probably could not answer in this context, I am happy to relay in one form or another within my abilities the commercial agreements with the relevant parties and provide as much briefing information as possible now or in the future to members of the opposition parties.

As I have outlined in some of the comments I have made there is a revenue share over and above $58 million in relation to the Commonwealth Games village. My understanding is that that figure is a minimum based on the heads of agreement that has recently been signed. Keeping in mind that there is
potential for the market to improve — although the real estate market may well plateau — there is a potential for developments to derive greater income than the current market expectations and earn revenue over and above the $58 million, which would be shared with the government based on a formula related to specific types of dwellings. The games site will have apartments, semi-detached and detached dwellings. There is no single formula across the whole site, but some of those dwellings will have the potential to earn greater income than others. Some of them are premium properties and are therefore likely to derive greater revenue than others that are marketed in and around the central business district.

To cut a long story short, the revenue share ratios for unit developments may not offer as great a potential for revenue share as there might be in semi-detached or detached dwellings because, as I understand it and without being too technical, they are more of a premium product and have a potential for a greater revenue share than some of the dwellings that will come onto the market post the Commonwealth Games.

Hon. D. K. DRUM (North Western) — On that point, has the design and construction of the village pre and post the games been set yet — in other words, does the government have the ability, in line with market fluctuations, to change its strategy post the games if it can see an opportunity to provide a better financial return to Victoria?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — My understanding is that heads of agreement have been signed in relation to the development. Whilst plans for the development have not been cast in stone there is a public consultation process through the planning advisory panel, and there may be a little bit of room to move based on the recommendations of that panel, but by and large the development will proceed according to the manner which has been proposed. It should also be appreciated that there is a planning panel process under way which may make recommendations which I, as the relevant minister, will take on board and make determinations on. Without having seen any of those recommendations it is hard for me to comment on what they could be, but as members would be aware, the government has to deliver a games village that is within the confines of what is required for the games, and it will therefore be very much as has been nominated by the developer.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister for his earlier response, and I acknowledge his offer of briefings. He has already been very accommodating in the time that I have had this portfolio in providing briefings on various elements of the games under his portfolio.

To follow up on the minister’s earlier answer, will the minister confirm that the sharing arrangements are based on gross revenues and not on net profits and proceeds, that it is revenue rather than a profit share?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I understand that the share is based on the supply of the land component. I am not sure if that answers the member’s question according to the definitions he has used, but it is a profit share in a sense of the land value. I understand there is a sliding scale of percentages in relation to the buildings themselves, but the revenue share is more based on the land component of whatever the sale of those individual properties is.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — It is based on the sale value of the individual properties not on the net proceeds to the developer after it has taken out its cost?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I understand it is based on the sale of each of the individual properties. As I said before, given some of the land components of this there is a higher density in some parts of the land than others. Without getting into the technical details of the formula, my understanding is that it is based on the land because that is what is being supplied by the government in this case rather than what is constructed, which is being provided by the developer.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — In relation to the heads of agreement which has been signed between the government and developer, who has that been executed by on behalf of the government? I take it the minister is not the signatory to that.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Mr Rich-Phillips is correct, I am not the signatory to that. I understand it is the secretary of the Office of Commonwealth Games Coordination, but I will confirm that with my advisers. I do not want to mislead the house on this matter.

I can confirm that when the final documents are to be executed they will be executed by the secretary with the relevant responsibility for Office of Commonwealth Games Coordination, but I have signed the heads of agreement in relation to the development at the Commonwealth Games village.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The minister said earlier in his response in the
second-reading debate that the benefits to the state would include $58 million through the revenue-sharing arrangement plus whatever accrued above that baseline, as well as the transfer of $50 million in assets. Is that $50 million the social housing component of the development or are there other aspects to it?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — There is a number of components to it. There is approximately $35 million worth of social housing and in the order of $15 million that relates to the environmental aspects of the development. We should appreciate that the new suburb will not be of high density across the site and that there is a substantial component of open space. As well as the open space there will be parkland within the suburb, so you will have the likes of roads and footpaths and some wetlands and waterways. Existing heritage buildings will be refurbished.

To cut a long story short, there will be a number of elements which are not part and parcel of somebody’s home; there will be public elements as well as $35 million of social housing. There are some substantial elements which will be retained by the government or will be referred to other authorities which might take on their appropriate management, either local government authorities or other government-related authorities which would have the responsibility for the management of those elements, including roads and other things.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The budget papers, and indeed the press releases announcing the village, indicate that $144 million will flow from the state for the development of the village of which $58 million will be clawed back through the revenue-sharing arrangements with the net cost to the state being approximately $85 million in round figures. Can you explain to the committee what that initial cash outflow is going towards — that $144 million that has been appropriated in the budget today? What is the purpose of that cash flow, and how do you arrive at the net $85 million cost to the state?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I do not have those figures in front of me, but I can refer to them in a moment. In relation to those figures about the games village, I think one of them may well be asterisked in the budget papers, if I remember rightly, and the asterisk refers to the fact that there is in the order of $17 million, if I am quoting correctly, that is not in those forward estimates as part of the social housing component because that expenditure will take place beyond those forward estimate years that will provide the social housing for the games village beyond the games.

That means there is a slight difference in how the figures are portrayed from what were, in the earlier case, the overall figures, and the breakdown of those figures in government press releases. So the figures are still consistent, but in the budget papers presented today there is a slight difference of $17 million which is not in the forward estimates because it is expenditure that had already been determined for the Commonwealth Games, but would occur outside those forward estimate years.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister. That is correct: of the $35 million mentioned in the investment initiatives, only $18 million is recorded in the budget period in these papers. I will take the $17 million balance as social housing.

Under the output initiatives, there is a $109 million allocation. I wonder if you could explain to the committee what that is used for. Is that working capital for the development? I assume that does not include the value of the land — that is a cash appropriation, not the transfer of the land. Can you first confirm that that figure does not include the land?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I ask the member to repeat the question.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The allocation in the budget papers and press releases today indicates that there will be $140-odd million flowing from the state as the cost of this development. I am wondering, firstly, does that include the cost of the land?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am advised that that $109 million figure breaks down to something in the order of $48.8 million of working capital, $4 million in relation to heritage buildings, $15.6 million in relation to environmental initiatives, $33 million in land and $10 million in project management. That should bring it to in the order of $109 million. That excludes the $35.1 million in social housing.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister. That is very helpful. Just on the valuation of the land, can we confirm that that figure is $33 million, because I think previously the minister said $35 million. Can the minister clarify that the figure is $33 million?
Hon. J. M. Madden (Minister for Commonwealth Games) — To clarify that, I am advised that it is $33 million. I think where $35 million has been referred to it was to round all the figures up — —

Hon. Bill Forwood — Into fives?

Hon. J. M. Madden — Yes, generally into fives.

Hon. G. K. Rich-Phillips (Eumemmerring) — I am happy to accept the rounding error from the minister, and I thank him for that.

The contribution of working capital — $48.8 million — is an interesting one. Under the heads of agreement, what is the capital contribution to this project of the consortium? Is it making a capital contribution?

Hon. J. M. Madden (Minister for Commonwealth Games) — In terms of the technical details of this matter, I am advised that it is probably not appropriate for me to make comment on what the working capital contribution of the developer is. It is no doubt making a fairly substantial contribution just in building the village itself, in terms of the cost to build components of the village and to deliver the infrastructure required in the village, whether it be trunk infrastructure or road infrastructure — all those components. So a fairly sizeable contribution is being made in terms of that development.

Hon. D. K. Drum (North Western) — Going back to the valuation and the figure of $33 million, would the minister be able to tell us what type of instructions were given to the valuers? There have been some pretty fat figures flying around from the opposition parties, and one of the obvious questions that could possibly explain the disparity is what instructions were given to the valuers in relation to park, industrial, residential and recreational land. Could the minister help us?

Hon. J. M. Madden (Minister for Commonwealth Games) — I thank the member for his interest. I did mention that in my summing up remarks I will refer to some of these issues, but I am happy to either refer to them again or elaborate, as much as I can, on the matter.

My understanding is that the land was valued at $33 million by the Valuer-General at the commencement of the government’s request-for-proposals process, based upon the likely development scenarios.

Given that, I understand that the likely development scenarios were based on residential land within a number of confines — the requirements for a Commonwealth Games village. A number of those are technical elements based on the degree of density. What is at issue here is that one of the key criteria for the games village was that it could not be high density in terms of multistorey towers. That was a major issue for Melbourne 2006, the Australian Commonwealth Games Association and the international Commonwealth Games Federation. A strict and key criteria was that the village had to be of medium-to-low-level density for an array of reasons. If you are to develop a site in that sense, that will place limits on the value of the land. Any land will be worth more if you can develop it as high density but that is not the case with this site because confines are delivered by the fact that there are requirements in relation to the Commonwealth Games village for the Commonwealth Games.

Hon. D. K. Drum (North Western) — I appreciate the answers. While we are talking generally about the post-games development, does the Minister for Commonwealth Games know if the Grocon at Jolimont and Lend Lease at Docklands bids were made with the knowledge that there would be a reasonably lucrative post-games agreement between the government and the respective developer, as is the case with this? Does the minister know if those bids were made with that knowledge in hand?

Hon. J. M. Madden (Minister for Commonwealth Games) — In relation to the question I am advised that all the proposals indicated an element of post-games development on the respective sites. I understand that there was a general understanding of the opportunity for post-games development in one form or another.

The Grocon plan for development of the site over the rail yards was a particularly interesting one because it was quite visionary and quite ambitious. It was highlighted in the media and by some community groups as a proposal worth considering. I understand it was considered at great length but at the end of the day there were fairly significant concerns about the ability to deliver that development on time because of the technical issues associated with building platforms over the rail yards. In addition, there was no allowance for the compensation that might have been required to be paid to the public transport companies which might have incurred difficulties because of the associated technicalities of building over the rail yards.

However, the critical issue that is worth bearing in mind and which has probably not been discussed in great detail publicly is that in order to fund the building of the
platforms for the village it was proposed that land be made available between the City Link bridge that goes down towards Olympic Park and Federation Square — that is, that land over the railway yards be given as a contribution to the developer to allow it to build above that area, not for the village but for it to make a profit to offset the cost of building the platforms over the rail yards. Hence, there was a degree of technical difficulty and cost in relation to that project, but also it would have proved to be of concern in relation to any multistorey development in that part of the city interfering with views and having the potential to cast shadows across the Yarra River. That has not been discussed greatly in the media, but it is worth noting bringing to the attention of members in the chamber tonight.

Hon. C. A. STRONG (Higinbotham) — In answer to one of the questions asked by my colleague Mr Rich-Phillips on the appropriation the government is making, the Minister for Commonwealth Games highlighted that $48 million is going in working capital to the developers and there is a further $10 million in a project management fee for the developers. I wonder if the minister is able to share with us what sort of relationship that means the state has with the developers? The minister would be aware that normally a project management fee would not necessarily go to the developer but to someone managing the project. We are providing working capital to the developers when normally a developer would be responsible for its own working capital. Is the minister able to share with us a little bit more detail about the arrangements?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for his interest in this matter and all things relating to construction and engineering; I know he is interested in that area. I am advised that that $10 million relates to the government’s own project management costs through Major Projects Victoria. It is the cost to government itself to deliver its end.

Hon. C. A. STRONG (Higinbotham) — I have one more question: in terms of this $48 million, is that an up-front payment or will it be a progress payment as the village is delivered?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Without going into the technical details, I am advised that there will be some form of progress-related payments.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his cooperation in the committee stage. During my contribution to the second-reading debate he and I had an exchange across the chamber about whether or not the environmental report recommendations had been made available to the public. My impression was that they had not been; I thought the minister said they had. In the end I suspect they have not, and I would like the minister to clarify that.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to clarify that for the member. The minister’s response to the environmental advisory panel’s report — or its recommendations, I should say, because the panel makes recommendations to me and I consider those and then release my determinations in relation to those substantial sums in working capital. That is also to be considered in the light of its being used to bring back revenue to the government in relation to matters I have mentioned previously. I am not sure if that accommodates the member. I am happy to take further questions.

Hon. C. A. STRONG (Higinbotham) — I really would like to pursue that working capital. In other words, the government is making a contribution — presumably a gratis contribution — to the developer to provide it with working capital to undertake the construction. We are, as it were, providing an interest-free loan for the development.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Put it this way: I am advised that we are paying for a games village and that this is one of the ways we are doing that. One of the other ways is making a land contribution. We are paying for the delivery of the games village, but as has also been highlighted there will be quite substantial revenues coming to the government with reasonable potential for an upside on that over and above what has already been indicated given the contribution of government in having the games village ready for the games.

Hon. C. A. STRONG (Higinbotham) — I am happy to clarify that for the member. The minister for his cooperation in the committee stage. During my contribution to the second-reading debate he and I had an exchange across the chamber about whether or not the environmental report recommendations had been made available to the public. My impression was that they had not been; I thought the minister said they had. In the end I suspect they have not, and I would like the minister to clarify that.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to clarify that for the member. The minister’s response to the environmental advisory panel’s report — or its recommendations, I should say, because the panel makes recommendations to me and I consider those and then release my determinations in relation to those
matters — has not been released but is not far from being released. I am keen to have it released as soon as possible.

In reference to the remarks we were making, I was talking more generally about advisory panel reports that are made to the minister based on panels that have been established. We have established a number: one for the Melbourne Cricket Ground, one for the Melbourne Sports and Aquatic Centre and one for more generic environmental initiatives. There is also one currently established for the games village.

I did say flippantly across the chamber that I lie awake at night considering those reports, but there is always some truth to jest in this place.

**Hon. BILL FORWOOD** (Templestowe) — I thank the minister.

**Hon. D. K. DRUM** (North Western) — Just on that, has there been any specific reason why that report has not been released seeing that the government had indicated it would have those recommendations ready by, possibly, February of this year? We are still waiting for them.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I am happy to answer that question. The report was fairly extensive, and we are very keen to make sure that determinations made in relation to the recommendations by the committee are substantial and well received across government. They require cooperation of a number of government departments in terms of the implementation of the initiatives. I appreciate that while the Commonwealth Games unit and the Commonwealth Games minister have been involved in bringing the report together, a fairly substantial degree of consultation with other arms of government and other ministers has been required to ensure that we get a significant outcome in relation to these initiatives.

We also draw upon some of the experiences of the Sydney Olympic Games. Sydney organisers went out and said they were running green games — and they were very successful. There was much to learn also, however, from the way they provided leadership to industry as well as on the environmental issues.

It has taken more work than initially anticipated, but considering that the announcement is not far away I hope all members of this chamber will recognise the significance of the initiatives and themes to be announced in the report and agree that they will reflect well on the games.

The Commonwealth Games are unique: their scale, the fact that many of the facilities have already been developed and the fact that many opportunities present themselves for environmental leadership.

**Hon. D. K. DRUM** (North Western) — I have one question of general concern before we move on to the specifics. It is about the two phases of the public transport plan — pre-games and during the games, and then again after the games. How would you describe the two different aspects? Do you think the recommendations that are in place at present, which will be there for the games, are adequate? And do you think that after the games, sites will be well served by some form of public transport?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — There are a number of issues in that question. The fact that the site is relatively close to the central business district (CBD) makes it very attractive for potential for ownership. Also, it is not very close to existing public transport; it is a healthy walk to some of the local public transport points. Tramlines run close to the zoo further up Poplar Drive from the site, and there are trams in Flemington Road, which is also not far from the site. Bus routes also run along Park Street, which is in the general vicinity.

I expect that one of the significant issues that will be brought forward to the advisory panel, which will consider issues relating to the village during and after games, will be traffic management and public transport issues combined and the offsets to be gained by using one or the other. I expect, without pre-empting anything, to see some recommendations made to the minister in one form or another. They will be considered accordingly.

I am confident that the location of the site lends itself to reasonable access to public transport, and as well as that the site is significantly well disposed to appropriate transport for the athletes during the games. There are plans in place to make sure that that will operate effectively.

**Hon. D. McL. DAVIS** (East Yarra) — In earlier comments on the purposes section of the bill the minister made reference to the history of the site. I am aware of a historical research study into the status of the Royal Park land, a document produced by Michael Taylor and his associates. I wonder if that was the study he referred to in this chamber earlier today and whether it is a document that he could make available.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I am advised that in a sense...
it is the same report. I understand Mr Taylor is the heritage consultant in relation to the site and sought the advice of those other parties, Summerton and Kellaway. Hence in a sense it is the same report known by different names. That report has been made available on the web site today, and I have given the web site address, which is the Office of Commonwealth Games coordination. I understand it is the same report.

Hon. D. McL. DAVIS (East Yarra) — I want to pursue a matter. One area of clause 1 talks about the development, re-development and use of the Commonwealth Games land after the Commonwealth Games. In the second-reading speech the minister talked about particular provisions of the games for the project and the need to integrate that development with the statewide planning scheme system in the post-games phase.

Given the relatively greater density of this area compared with other areas in and around there, the government’s plan to increase density in many parts of the city — that is, the Melbourne 2030 plan — and the government’s proposals that are being implemented in other areas — for example, Kew Residential Services and other sites around the city — how does the minister see this proposal integrating with the Melbourne 2030 plan and the government’s broader planning objectives?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I do not wish to comment in great detail in relation to another minister’s portfolio, but I understand this will complement the Melbourne 2030 outlook regarding residential development in and around the suburbs of Melbourne. There is a degree of uniqueness about this site, because it will have significant levels of investment for many of those environmental initiatives that have been highlighted in this chamber on a number of occasions.

It is worth bearing in mind that many of the environmental initiatives that will be built into the residences themselves may well provide an opportunity to inspire, facilitate or help lead the building sector in the way in which it might consider incorporating environmental initiatives into some of the developments that might take place in and around Melbourne regarding the Melbourne 2030 plan. It is also worth bearing in mind that this site will have semi-detached dwellings and a number of heritage buildings as well as a degree of medium density.

It is quite a contrast in styles, and there is also the integration of social housing with some significant premium-type housing as well. It provides an opportunity to deliver an urban development model which is slightly different from that which currently exists and which will hopefully promote different ways of developing suburbs and allow developers to take up opportunities which may be the outcome of the games’ development and the games village.

It is not only a legacy in terms of the village itself but it also provides an opportunity for legacies regarding inspirations and opportunities in other developments that might take place in and around Melbourne as we head towards 2030.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Clause 4 changes the purpose of the principal act and greatly expands the scope of the purpose. I am conscious of the time, and I am keen to see us wind this up tonight, as I am sure the minister is. I also know Mr Drum has further areas in the bill he wishes to focus on.

Under the scope of the general issue of broadening the legislation in the way the government is proposing, is the minister happy for us to look at this issue under clause 6, which is probably the heart of where the legislation is broadened, and explore that with some vigour perhaps?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to talk of that in detail with regard to clause 6.

Clause for agreed to; clause 5 agreed to.

Clause 6

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Clause 6 inserts new section 3A into the principal act and through various mechanisms of the bill replaces the existing section 3(2), which relates to the minister’s power to declare facilities to be facilities required under the act. The principal legislation states that:

The Minister, by Order published in the Government Gazette, may declare any facilities to be facilities required under the purposes of hosting the Commonwealth Games.

New section 3A of the bill dramatically expands the scope of the minister’s power to declare facilities to be facilities under the act and therefore subject to the exemptions. The new section states that:

The minister, by order published in the Government Gazette, may declare any works, development, infrastructure or
Why has the government elected to give the minister such broad powers on what can be declared as a Commonwealth Games facility?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — It was deemed necessary to broaden those powers to enable the delivery of a number of the facilities, in particular the Commonwealth Games village, as the member would appreciate, and particularly the components that will be delivered after the Commonwealth Games themselves. It does not only relate to the Commonwealth Games village. What had been appreciated regarding the development of the games village itself was that a number of the other facilities may also have issues that relate to post games. They might relate to not only infrastructure but the way in which the developments take place and the provision of services for those. For example, some of the temporary overlay is probably more substantial than the word ‘temporary’ indicates.

An example of that might be, say, the Melbourne Sports and Aquatic Centre, where we have a seating capacity of the order of 10 000 to 12 000 at the swimming venue, but it will be built for a long-term capacity of about 3000 people.

There will be immediate post-games work to disassemble the temporary overlay, and that is not just fencing, bunting or any of those things; it might involve the sorts of building works that require the removal of substantial structures. No doubt some of the structures to be removed from in and around the park venues will relate to the media, and the manner in which they are removed will have to be considered.

In a sense the removal of some of these temporary works is as much a concern as their installation. Not only the village or the Melbourne Sports and Aquatic Centre but also the issues relating to the removal of some of the temporary overlays are critical in terms of the management and the responsibility of the minister per se. Hence I will have to consider appropriate measures to ensure that the manner in which much of that overlay is disassembled does not contravene the normal requirements or upset those stakeholders who might have an interest, particularly those who live or work in or near those Commonwealth Games venues or commute to or travel in and around them.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister for that answer. I accept that to a point. My first issue with that answer, and the minister will appreciate why I ask the question, is: does he anticipate that deconstruction work will extend beyond the end of 2006?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — While I have not received high levels of technical information about these matters because they are still being determined, I would not expect them to extend beyond 2006. However, it is worth bearing in mind that consideration might be given to the way in which some of the temporary overlay is removed and when it is removed. They will be things I will have to consider accordingly.

I do not expect much will need to be removed, or that any would need to be removed post-2006 — I mean the year, not the games — but it is worth having those options open. The key issue is probably to reduce the cost of the games village to the taxpayer, as has been discussed, and to ensure that we have an inner suburban development that is a benchmark development well into the future. This is a key opportunity to make sure that all those issues are delivered through the one process so as not to delay the potential to have the best possible outcome in the shortest space of time.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Given that the minister’s answer relates primarily to the deconstruction of temporary overlays, can he explain why this proposed clause was expanded in such a way that it got away from the essence of the clause it replaces? In the principal act the key test by which the minister can declare facilities is ‘facilities required for the purposes of hosting the Commonwealth Games’. Everything the minister explained in his previous answer about deconstructing overlays would have been covered by a clause which still retained the words ‘required for the purposes of hosting the Commonwealth Games’. However, the clause we are considering this evening does not have that test in it. In fact, there is no test whatsoever constraining what the minister can declare as a games-related facility, and we will come to that example briefly in a minute.

Can the minister explain why he no longer has that test and why he has removed the test of it being a facility required for the purposes of hosting the Commonwealth Games?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to explain that to the member. Two areas in particular highlight the fact that that definition is probably not sufficient to deliver the infrastructure for the games and beyond, given the extent of the development and the use of that infrastructure post games, and they are the Melbourne Sports and Aquatic Centre and the games village.
developments. The previous clause was deemed appropriate, but because the Commonwealth Games is as much about opportunity, not only in delivering the games but also in delivering substantial benefits in and around the games, initiatives were also deemed to be worthy of consideration as part of the delivery of the Commonwealth Games and in and around the Commonwealth Games. Hence there are opportunities to build social housing into the village as part of the development in the short and long term, pre and post games. As well as that there are opportunities to build components in the Melbourne Sports and Aquatic Centre, in particular hydrotherapy.

When it was initially advertised, the proposal for the Melbourne Sports and Aquatic Centre contained a leisure water component. The City of Port Phillip was concerned at the extensive nature of the development, particularly the leisure water component. The advisory panel made recommendations about the leisure water facility, I considered it accordingly and determined that it would not be included as a Commonwealth Games development item; but at the same time I recommended that hydrotherapy might be considered while building the facility. There was a risk that the hydrotherapy could not have been delivered if the definition had been so narrow.

So while the games provide a key opportunity to deliver long-term legacies during the build-up to and post the games, to do that with certainty required us as a government to broaden the definition to allow certainty. No doubt that has made that definition substantially broader, but at the end of the day we as a government believe that will allow us to deliver a significant positive legacy post games through additional housing at the village site, but also additional components as part of those facilities such as the hydrotherapy at the Melbourne Sports and Aquatic Centre.

**Hon. G. K. RICH-PHILLIPS (Eumemmerring)** — I take on board the minister’s answer. However, with this clause that is proposed to be inserted into the principal act it seems the government has gone to the other extreme, and there is now no project that would be excluded from this definition. In essence I am seeking a commitment from the minister on behalf of the government that declarations under proposed section 3A in the principal act will only be made with respect to facilities for the Commonwealth Games and not with respect to facilities unrelated to the Commonwealth Games. Can the minister give that assurance?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — Yes, I am advised that it was based on legal advice. I understand there was conflicting legal advice — some believed the scope of the previous definition was extensive enough, but legal advice at a later date indicated that while the original definition was considered appropriate, in order to be able to deliver those additional components with certainty it was worth while broadening the definition.

Again, to cut a long story short, we were advised that the initial definition was probably appropriate, but we wanted to ensure that there was no opportunity to delay the delivery of any of these facilities by challenges to that definition in one form or another. Hence we have brought a new definition into the bill to ensure certainty. Broadly that is what the bill is about — that is the streamlined delivery of facilities and requirements with certainty in preparation for the games — hence these changes to the legislation, particularly in this definition, which, as the member has said, is probably the nub. We have made these changes to ensure we get absolute certainty not only in the legislation but in terms of the delivery.

**Hon. G. K. RICH-PHILLIPS (Eumemmerring)** —
I take on board the minister’s answer. However, with this clause that is proposed to be inserted into the principal act it seems the government has gone to the other extreme, and there is now no project that would be excluded from this definition. In essence I am seeking a commitment from the minister on behalf of the government that declarations under proposed section 3A in the principal act will only be made with respect to facilities for the Commonwealth Games and not with respect to facilities unrelated to the Commonwealth Games. Can the minister give that assurance?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome the member’s inquiry. I have to be careful what I say here because while I have nominated games village components and also Melbourne Sports and Aquatic Centre components, which are slightly outside the previous definition of games-related facilities, I do not want to rule out the opportunity where it may arise. I can indicate that the declaration of those games-related facilities would be presented to the Parliament in some way so that — —

**Hon. G. K. Rich-Phillips** — But they are not subject to disallowance.

**Hon. J. M. MADDEN** — The member is correct; they are not subject to disallowance, but by having them brought to the Parliament they become
completely public, and it allows the opportunity for the normal processes of the Parliament to bring those to the public attention accordingly, whether it is the government or the opposition.

Can I assist the member by saying that I would not expect to have to make a declaration of games-related facilities outside those that have already been highlighted to the Parliament at this point in time. I would not declare any to the Parliament that are not relevant to the games. I will put it this way: any declaration of any games-related facilities would be of particular relevance to the games.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister for his answer. It goes a long way to providing reassurance that this clause will not be used to allow the government to build an airport, rail link, a Scoresby freeway or similar infrastructure. I am satisfied with the minister’s statement that it would only be used in the context of games-related developments, however we choose to define ‘games-related’.

Clause agreed to; clauses 7 to 9 agreed to.

Clause 10

Hon. D. K. DRUM (North Western) — I mentioned this matter earlier in the debate, and thought I might have the opportunity to question the way the bill looks. Clause 10 inserts proposed section 44A(5):

The Minister may certify that, having regard … not being more than $400).

Does the minister have an understanding that this is simply for minor compensations, an occasional crack in the plaster or some roadworks? It seems to be a paltry sum for what I would imagine would be some reasonably serious compensation that would need to be paid due to a road going through a house or around a house, a road blocked off, a business that may have been viable previously being no longer viable and the area of lessees.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for his inquiry in relation to the matter. I note the point the member is trying to highlight. I understand this clause is a model provision from the Land Acquisition and Compensation Act. While I appreciate the member’s intent I indicate that this standard provision has been inserted to ensure consistency with the act from which this clause derives.

Hon. D. K. DRUM (North Western) — Is the minister talking about new section 44A(4)(b) or new section 44A(8)(b) on page 8?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Will Mr Drum highlight that again?

Hon. D. K. DRUM (North Western) — I was referring to new section 44A(4)(b), which states:

any owner of property which in the opinion of the Minister is likely to be substantially affected by that closure, realignment or relocation.

Does the minister agree that that does not cater for lessees? I know the minister is talking predominantly about minor alterations to the road to fit in a cycling race, but there seems to have been an oversight in this bill to give due compensation or even due consideration to people who may be working from home in a rented apartment or a rented house. Such people may be operating a small business and, for one reason or another, that business may be thrown into disarray for maybe 6, 8 or 12 months leading up to the games.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for his answer. The previous paragraph, which comes under proposed section 44A(4)(b), says:

… any owner of property which in the opinion of the Minister is likely to be substantially affected by that closure, realignment or relocation.

Can I clarify for the member that it is not anticipated that there would be major or significant roadworks. This clause is in the bill not so much for roads in relation to car movement — although there may be some closures that might be required — but it relates more to works on roads that might be needed for some of the cycling events where on occasions some elements might have to be adjusted or removed to ensure that the cycling track — that is, the road track — is of appropriate standard so that the cyclists can compete safely.

...
Hon. J. M. MADDEN (Minister for Commonwealth Games) — I appreciate the member’s intent, but I am informed that the intent of this bill was not to change the provisions of the Land Acquisition and Compensation Act. While I appreciate the concern of the member, we are confined to the definition which relates to the owners of property rather than the lessees.

Hon. D. K. DRUM (North Western) — Is the minister in a position to accept advice, because it is a large responsibility to take on when the matter is entirely up to the opinion of the minister regarding compensation. I imagine the minister has people who would give him advice about adequate compensation.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I take advice from my department, and I would expect the department to take legal advice on this matter. We would also consider consulting with advocates in relation to those who may feel aggrieved about road closures or roadworks which may affect them in one form or another.

Clause agreed to.

Clause 11

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Clause 11 outlines the powers the minister will have under the Planning and Environment Act in relation to the Commonwealth Games project. I ask the minister to clarify to the committee why the powers under the Planning and Environment Act with respect to the games village will be exercised by the Minister for Commonwealth Games and not by the Minister for Planning.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — The powers and responsibilities that the Minister for Commonwealth Games takes on is a worthy issue for the member to raise. As has been indicated on a number of occasions, because there has to be certainty in the delivery of so many components, particularly the infrastructure components of the games, it was thought necessary to bring all the disparate elements which require either different processes or different ways of undertaking those processes under the one umbrella and to have an act such as the Commonwealth Games Arrangements Act and a Minister for Commonwealth Games to streamline the processes to make sure we can give certainty to the process and to the time frame outcomes to make sure we deliver the games on time.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — It is an unusual situation, because when the principal legislation was passed it was on the basis that the Commonwealth Games projects would be exempt from the Planning and Environment Act and heritage provisions. Now we are seeing the government reintroduce the Planning and Environment Act with respect to this development, and giving authority not to the Minister for Planning but to the Minister for Commonwealth Games. Why is this one project being made subject to the Planning and Environment Act under the Minister for Commonwealth Games, whereas two years ago when the principal legislation was passed Commonwealth Games projects were exempt from the act?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — It is worth highlighting again the issues of certainty regarding the games. Many of the provisions of the Planning and Environment Act are appropriate provisions to be used by the Minister for Commonwealth Games to ensure certainty, particularly in terms of the village development. It is probably most important to have those powers in place because of the works that will be necessary post games.

Hon. G. K. Rich-Phillips — The housing project?

Hon. J. M. MADDEN — Yes. It is a process designed to bring those things together to reflect the fact that planning responsibilities will eventually return to the Minister for Planning on the sunsetting of this legislation. I mentioned that in summarising the second-reading debate.

I shall clarify that further. When the bill sunsets, the Commonwealth Games development will continue to take place up until 2011. The planning powers in relation to any planning scheme amendments that may occur, by virtue of this legislation not existing, will come under the normal planning process. So while it is not articulated directly in the bill, other than in the statement the member has referred to, at the sunsetting of the bill, whether it is the Minister for Planning, the local government authority or both in what is the established processes for making planning scheme amendments, if they need to take place, decisions in relation to planning matters can be considered in the normal way.

In a sense it transfers those processes back to normal, but you have to have those processes established in the first place. While it is a bit technical, I hope it clarifies the issue in some way.

I shall clarify one point. The legislation will sunset at the end of 2006, but the games development and the planning scheme amendments that might come out of
any process relating to the legislation relating to the games village will continue until 2011.

So this legislation will sunset in 2006, but the planning scheme amendments that come out of the legislation will continue until 2011. Therefore, if you do not have legislation post-2006 I expect you would not need the role of Minister for Commonwealth Games to continue. This role could then be subsumed into the roles of other departments or other ministers per se. One of those responsibilities would be planning and environment, which would then be assumed by the Minister for Planning in the normal way, or in conjunction with that the local governing authority, which at present is the City of Melbourne, which has in a sense coverage of that site.

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — Briefly, and to make it absolutely clear, by way of example will the Minister for Commonwealth Games have planning authority in 2010 in respect of the games village project?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I will be able to make a determination or an amendment until that time but I would expect that the role of the Minister for Commonwealth Games —

**Hon. G. K. Rich-Phillips** — Or successor?

**Hon. J. M. MADDEN** — Or successor, in whatever form that might be.

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — That clause also removes an appeal under division 5 of part 6 of the Planning and Environment Act, which I understand to be the appeal provisions to the Victorian Civil and Administrative Tribunal. What is the basis for removing that mechanism?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — Again this relates to certainty. There are a number of mechanisms within this legislation which not only concertina or streamline the process but which also ensure that appeal mechanisms are not used in a frivolous or vexatious way to hold up the delivery of infrastructure elements such as the Commonwealth Games village.

Clause agreed to.

Clause 12

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — Clauses 12 to 17 codify a lot of the powers et cetera of the secretary far beyond what was in the principal act. I am happy for the minister to talk to the bill generally. I am wondering why he has added all those codified powers in relation to the secretary far beyond what was in the principal act.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I understand that this is basically a change to the machinery of government. Mr Rich-Phillips would appreciate that the establishment of the Department for Victorian Communities has taken place since the original Commonwealth Games (Arrangements) Act was introduced and hence it is basically a change to the machinery of government to ensure that the Secretary for the Department for Victorian Communities takes on those roles in relation to many of these matters.

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I understand the need for machinery of government changes with the Department for Victorian Communities; however, these provisions go far beyond that and do not simply reflect a change of department. They codify and expand quite explicitly the provisions in relation to the secretary — for example, perpetual succession, official seal, capacity to sue and be sued, none of which were codified in the principal act. I am wondering why they are being codified now, notwithstanding the change of department.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — My understanding is that basically it was an opportunity to give more clarity to the role of the secretary. Whilst it is often assumed that the role and responsibilities are relatively clear it is not or has not been, certainly under the previous act, clearly articulated. I think this is more an opportunity to clearly articulate the role of the secretary in relation to this bill rather than to present anything new. It is meant to make it clearer to not only the general public but also the public service per se.

Clause agreed to; clauses 13 to 18 agreed to.

Clause 19

**Hon. D. K. DRUM** (North Western) — Clause 19 is the issue that we have spent the majority of the day debating, particularly in relation to the continuation of the minister’s powers in relation to the post-Commonwealth Games building developments at the games village. Understanding that all of the minister’s other powers are going to expire in 2006 under, if you like, a natural expiration clause — the minister’s powers to end all powers will finish in 2006 — this clause enables those powers to continue. Remembering that the minister has already said today that the pulling down of buildings and scaffolding and
the clean-up of the village will be completed by the end of 2006, why is it necessary in this instance for the minister to maintain these additional planning powers?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to answer on that matter. Basically, to ensure that the developer has the opportunity to deliver in its entirety the Commonwealth Games village, there has been built into the legislation and the development of the village a longer time frame, hence the additional years up until 31 December 2011. That gives the opportunity to roll out the development of the post-games residences so there is plenty of time and flexibility.

The reason that is important is because no-one can predict what markets, including the property market, will do and there is additional time to make sure we are not building additional units or dwellings as part of the post-games development if there is no demand for them. The government believes the provision of an expiry date of 31 December 2011 allows the developer plenty of time to ensure the demand is there and that the development is able to be delivered in a reasonable and managed way and in a manner that ensures that there is an uptake of the development. It is expected the development will be finished before 2011, but the expiry date allows a degree of flexibility in the further provision of those additional elements of the village across the course of time after the games.

Hon. D. K. DRUM (North Western) — I thank the minister for the answer, but I am not sure that he has explained to the house why the developers in their post-games development cannot adhere to all the standard and normal planning, environmental and heritage restrictions and processes that we would expect any other developer to adhere to if it is building a similar development in any other place in Melbourne. Why is it necessary for the minister to have all these powers to facilitate this post-games development when there will be developments going up all around the city that do not have a free ride straight through environmental and heritage processes?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I understand what the member is alluding to but, to put it in context, once the advisory panel has made recommendations and I as the minister have made determinations in terms of the village, basically that is what the village will look like. It will be delivered and the government agrees in a sense what the games village will look like in 2011 after the games. That provision is not giving the developer any advantages after the games, but it indicates to everybody, including the developer and the public, that there is a window of opportunity to deliver what is based on the permit. So the developer probably has a longer time frame to deliver the village. It does not mean the developer gets any additional benefits. The developer is not able to do anything after the games that it would not normally be allowed to do. In relation to the village, it is just on the minister’s determination how it will look, how it will stack up — its components, its density and how that will be formed before, during and after the games. The developer will have the opportunity to deliver right up to 2011. Basically it just gives the developer a longer time frame to deliver the post-games component, but there is no component for which the developer is getting a free ride after the games because of that.

Hon. J. M. McQUILLEN (Ballarat) — Is it true that, in terms of proper investment at current levels, the general public tend to be taking a long-term as opposed to a short-term view and that is what is taking place in terms of the Parkville development?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for his contribution. Again, it is allowing an opportunity for a longer time frame to deliver the post-games component of the village. That is good for the government and the public and at the end of the day it presents a better development. It is also better for taxpayers.

Clause agreed to; clauses 20 to 26 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I move:

That the bill be now read a third time.

In doing so I wish to thank the honourable members of this chamber for their contributions and for the committee process as well.

House divided on motion:

Ayes, 22

Argondizzo, Ms Madden, Mr Broad, Ms Mikakos, Ms (Teller) Buckingham, Ms Mitchell, Mr (Teller) Carbines, Mrs Nguyen, Mr Darveniza, Ms Pullen, Mr Hadden, Ms Romaines, Ms
ADJOURNMENT

Hilton, Mr  Scheffer, Mr
Hirsh, Ms  Smith, Mr
Jennings, Mr  Somuyrek, Mr
Lenders, Mr  Theophanous, Mr
McQuilten, Mr  Viney, Mr

Noes, 18

Atkinson, Mr (Teller)  Forwood, Mr
Baxter, Mr  Hall, Mr
Bishop, Mr  Koch, Mr
Brideson, Mr  Lovell, Ms
Coote, Mrs  Olexander, Mr
Dalla-Riva, Mr  Rich-Phillips, Mr (Teller)
Davis, Mr D. McCl.  Stoney, Mr
Davis, Mr P. R.  Strong, Mr
Drum, Mr  Vogels, Mr

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! Can we have less noise in the chamber, please?

Hon. ANDREA COOTE — Mr Zanca says in this letter:

… I have committed myself to a four (4) year contract with two chefs. To date 80 per cent of my business had come from the Asian market. However, since the SARS outbreak this has dropped to only 10 per cent.

Mr Zanca is very concerned and wants some additional help from the state government — some very real help and assistance to deal particularly with the impact of the SARS virus on tourism to Phillip Island. He says:

… Phillip Island tourism is losing more than $1 million per week in tourist revenue. I am one of the smaller businesses on the island that this is affecting. I request as a Phillip Island restaurant trader that specialises in the Asian market, that a proposal of some assistance to my business be put forward to the state government.

On his behalf, I ask the Minister for Tourism in another place what measures he is implementing to combat the impact of a lack of tourists to Phillip Island due to the SARS virus.

Kew Residential Services: site development

Hon. KAYE DARVENIZA (Melbourne West) — I wish to raise a matter with the Minister for Aged Care, Mr Gavin Jennings, representing the Minister for Community Services in the other place. The matter I wish to raise relates to the redevelopment of Kew Residential Services. I have had a close association with Kew cottages over many years, and I welcomed the Premier’s announcement in May 2001 of the redevelopment of the cottages. I should say that the announcement of the redevelopment received bipartisan support.

The redevelopment is a key component of the state disability plan and is a high government priority. Good progress is being made, and we are on track with the first 100 residents moving out of Kew into new homes in the community this year. I am pleased to see that in the budget announced today the government has committed $11.3 million over four years for the redevelopment and made a commitment to move another 60 residents into community houses by the middle of next year. Some residents will continue to live on the site as part of a residential precinct while others will move to other parts of Victoria according to their wishes. That will enable them to live closer to friends and/or family.

I congratulate the minister on the redevelopment of Kew cottages and the progress that is being made.
However, given that there are around 350 residents at Kew cottages and only 160 will be located by the middle of next year I ask the minister to take all necessary action to ensure that all clients are relocated in the time frame the Premier announced two years ago.

Members: smoking

Hon. ANDREW BRIDESON (Waverley) — I am raising an issue tonight for the Minister for Health in another place. Before I commence my adjournment issue I want to put on the record that I am not aiming this at any members of Parliament but I am very concerned about their health. I have noticed and am quite concerned that since the inception of the 55th Parliament there are a large number of members who smoke. In fact, I would say there has been a significant increase in the number of members of Parliament who smoke compared with the number of MPs who smoked in the last Parliament.

Hon. J. M. McQuilten interjected.

The PRESIDENT — Order! Mr McQuilten! Hansard cannot hear, the minister at the table who is asked to respond cannot hear, and I am sure Mr McQuilten is interested in what the member has to say and will give him the courtesy of being heard in silence, as I am.

Hon. ANDREW BRIDESON — Thank you, President. I have observed that there is a larger number of smokers in this Parliament compared to previous parliaments. I have seen a larger number of people smoking out on the balcony, and I have also noticed an increased number of butts being dropped on the balcony floor and put in the pot plants.

As I said at the outset, I am not personalising this — I am genuinely concerned about the health of members of Parliament. I believe strongly that members of Parliament should set a healthy example for the community at large given that we pass laws prohibiting smoking in such places as shopping centres, restaurants and gaming venues. I am also concerned that the government has not reconstituted the inquiry that was to be conducted by the Family and Community Development Committee into ‘Recent tobacco reforms and future strategic directions for future health improvement’. I request that the Minister for Health implement a Quit campaign specifically to assist members of Parliament to give up the smoking habit.

I mention that it would be appropriate that this initiative commence on 31 May. Why 31 May? It is World Tobacco Day — a day which is aimed at raising awareness of the devastating toll of tobacco around the world through smoking-related death and disease. I conclude my remarks by saying again that I am not pointing this at any person in particular; along with many other members in this Parliament I am concerned about the health of my colleagues.

Drought: government assistance

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Agriculture in another place concerning drought assistance. The Shire of Cardinia, which is in my electorate, has been drought declared for approximately six months. I note that there has been some initial rain, but it has not yet been established whether the autumn break has occurred. I know that drought assistance is primarily a commonwealth responsibility. However, regrettably, the federal government has once again shown its desire to cost shift to the states with respect to this issue, just like it has with health and education.

The statistics speak for themselves. The Bracks government has already provided $50 million in assistance while the federal government has provided lots of rhetoric but little else. In comparison to the Bracks government’s $50 million of assistance, the federal government has provided only a measly $10 million to Victorian farmers and promises $187 million more. Will that come? Meanwhile the farmers of Cardinia shire are still doing it tough. In light of the federal government’s abrogation of its responsibility to the farmers of Victoria I ask the Minister for Agriculture to make representations, if possible, to the federal government to address what is an urgent situation.

I congratulate the minister on the work he is doing and the extension of the provision of drought aid to the farmers of Cardinia shire and the other drought-affected municipalities. However, it concerns me that the federal government does not seem to want to know much about this problem. Perhaps the federal government’s rationale is, as with health and education services, that the best way to deal with the problem is to ignore it and cost shift it to the states. I request that the Minister for Agriculture continue to ensure that the plight of farmers in drought-declared council areas is forcefully put before the federal government.

Drought: government assistance

Hon. P. R. HALL (Gippsland) — I also wish to raise a matter for the Minister for Agriculture in another place. It is appropriate that I speak after Mr Somyurek, because I would like to advise him that drought...
applications actually close tomorrow, 7 May, so he needs to be pretty quick in raising this matter. My particular concern is with the drought-declared areas of the shires of South Gippsland and Bass Coast. They were drought declared on 7 April and they have until tomorrow, 7 May, to get their applications in. At that time this state government will pull the plug on any assistance towards these drought-affected areas.

Farmers in South Gippsland and Bass Coast have had one month in which to prepare application forms. This is not a simple process; it requires the assistance of accountants, bankers and financial counsellors in some instances to put together a rather complex application form, which contains a person’s full financial details.

One of the rural financial counsellors in the area, for example, Jenny Gibson, has advised people that she cannot see anybody because she simply has not got the time to make appointments any more. How are these people going to get their applications in by tomorrow? They have had only a month, and during that time there have been holiday periods like Easter and the school holidays.

I wrote a letter to the Minister for Agriculture on 24 April marked urgent for his attention, asking for an extension of time and indicating to him that there is a way around the problem. If people could register their intent to apply by 7 May it would be helpful, and then they could supply further details at a later time. That letter was sent on 24 April by urgent fax, but there was no reply — not even an indication that the minister had received it.

I am asking tonight, given that tomorrow is the deadline for drought applications from farmers in the South Gippsland and Bass Coast shires, that the minister urgently get on the TV and the radio and in the newspapers tomorrow and grant an extension of time to farmers in these areas so they can at least give an indication that they intend to apply for drought assistance. Give them, for example, until the end of the week to signal intent and then allow them an additional period of time to get full applications in. That is the very least this government could do to assist our farmers in those important areas that are unfortunately drought affected.

**Rail: Watsonia station**

Ms MIKAKOS (Jika Jika) — I wish to raise through the Minister for Local Government an important matter for the attention of the Minister for Transport in the other place regarding staffing and ticketing machine problems at Watsonia station. My office received several complaints about the lack of staff at Watsonia station this morning. The minister may remember similar instances last year when the station was left unattended during the morning peak period.

The local Watsonia community has again contacted my office about this issue and also the office of the member for Bundoola. They have advised that on at least two mornings a month the station is left unattended with no explanation. This can mean there is no staff and a queue of at least 30 people waiting to get tickets from the automatic ticketing machine.

Some constituents have been forced to get off the train at Macleod station to purchase tickets if they have large notes the machines will not accept. Whilst I acknowledge significant improvements to the ticketing system over the past 12 months, I call on the minister to ensure staffed stations are staffed at all times as required under the contracts.

I ask the Minister for Transport to investigate this important matter and ensure that Connex delivers on its contractual obligations and provides the community of Watsonia the service it rightly expects and deserves.

**Land tax: South Eastern Province caravan parks**

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Treasurer through the Minister for Local Government on the imposition of land tax, in particular as it affects some constituents of mine. I would be pleased to provide in confidence the names and details of these particular constituents.

The constituents own and operate two caravan parks and have some associated holiday units. Because of that summer arrangement the people who operate those parks have had imposed on them invoices which add up to about $1000 a week in land tax alone as part of their cost structure.

Within the province where these constituents operate their caravan parks and let them out to people during the short, four-month holiday period each year, the average cost of accommodation is only $22 a night, so the $1000 a week in land tax alone is a substantial impost on these two relatively small local caravan parks.

That is not the end of the difficulty that I would like to bring to the Treasurer’s notice. In addition to the financial imposition of $1000 a week there is also the difficulty that these two caravan parks compete with council-owned caravan parks, which do not — I repeat,
do not — have to pay land tax. So, before the private operators have any chance of making any money whatsoever compared to the council operators which do not have to pay $1000 a week in land tax because they are on Crown land, my constituents in the private sector have to pay $1000 a week. The issue is real, the costs are real and the facts are available. I would be only too pleased to provide to the minister the full details.

I ask the Treasurer to give this some serious contemplation because the incidence of land tax was also fully detailed in a very interesting article in the *Sunday Age* of 27 April. I have attached a copy of that rather large, detailed article to the other information I will provide the minister.

The sum of $1000 a week for my constituents to operate a small business where they are competing with the council that pays no land tax is unfair. In these circumstances, where there is a substantial community benefit, the government should reconsider the cost imposition on the community and on my constituents.

**Vietnamese community: deportation agreement**

*Hon. S. M. NGUYEN* (Melbourne West) — I would like to raise a serious matter this evening expressed in an article in the *Herald Sun* of last Wednesday, 30 April, headed ‘Criminals go home’. The article states:

Two convicted criminals who spent more than a year in jail were deported from Australia to Vietnam yesterday.

The immigration department said the two men were escorted to Ho Chi Minh City under a memorandum of understanding with the Vietnamese government.

It brought to 30 the number of Vietnamese nationals removed since the agreement was signed in June 2001.

As I and we here all understand it, there are a lot of cases related to the drug problem in Victoria and Australia, and there are two kinds of people concerned: the dealer, who wants to make a lot of money, and the victim.

In certain cases many people are victims because they are addicts. Over the past five years fighting was the cause of the problem, and Parliament is trying to help them overcome the problem, to help their families and find ways to assist them. In many cases people have had to spend more than 12 months in jail because they cannot keep up their addiction. They are repeat offenders and that is why their term in jail has increased from 3 or 6 months to 12 months.

This could be important because many innocent people who are addicted can under this arrangement be sent back to Vietnam. The community is concerned about the memorandum of understanding with the immigration minister about which no-one is aware. I understand that after 12 months jail a prisoner is entitled to go back to his or her family and the community. Is the minister aware of the arrangements within the immigration department?

**The PRESIDENT** — Order! The honourable member’s time has expired.

**Glenelg River: environmental flows**

*Hon. D. KOCH* (Western) — I raise a matter of significant regional concern through the Minister for Local Government for the Minister for Environment in the other place. Concern about the health of rivers within the south-west region of Victoria due to a lack of flow recently prompted the Glenelg Hopkins Catchment Management Authority to hold a series of meetings. Three meetings were held at Harrow, Casterton and Balmoral.

The level of concern was evidenced by the number of people present at each meeting. Well in excess of 100 people attended these meetings. Two main areas of concern were raised by the community. The annual compensation flow allocation for the Glenelg River has been slashed to zero this year. Normally 3300 megalitres is provided as compensation to the community because of the construction of the Rocklands Reservoir at Balmoral. This water allocation is necessary and essential for river biodiversity, stock, domestic and firefighting purposes.

The other annual flow allocation, known as the environmental flow, an early reward from the gains of the initial Wimmera-Mallee system piping, which is used to flush the river during low flow regimes in the summer, has also been dramatically reduced to a mere 850 megalitres. This is about 1 per cent of the total volume required to sustain this heritage river.

From August 2002 to January 2003 water saline levels in the Glenelg River have risen to beyond 6000 parts. It is recognised that salt levels of this magnitude have significant impacts on the suitability of water for human and livestock consumption and aquatic life. Salinity levels in excess of 6000 parts will affect the production of livestock. Levels above 2500 parts are not recommended for human consumption, and a maximum of 1500 parts is all that aquatic ecosystems will successively tolerate.

With the proposed savings in excess of 85 000 megalitres in piping the Wimmera-Mallee
system, significant opportunity will exist for a bulk entitlement to be granted to the Glenelg River, one of Victoria’s last pristine heritage rivers. This will correct the anomaly that continues to remain after the building and completion of the Rocklands Reservoir in 1950.

Will the Minister for Environment ensure that a bulk entitlement is implemented in the next 12 months to protect the health of the Glenelg heritage river? This current disgraceful flow regime to the Glenelg River should never be repeated.

**Forests: firewood collection**

**Hon. W. R. Baxter** (North Eastern) — I raise a matter for the attention of the Minister for Environment in another place. I draw the minister’s attention yet again to the tremendous concern in northern Victoria about the restrictions being placed by this government on the collection of firewood. There are a number of concerns, but the two principal ones are the fact that firewood can only be collected in a narrow window of opportunity of three months — in April, May and June — and secondly, the very small quantity of firewood that can be collected. To comply with the necessary permit, for anyone operating a combustion stove plus heating their dwelling with firewood this quantity is clearly inadequate.

For residents in towns such as Rushworth, which do not have natural gas and on today’s budget’s announcement are not likely to see natural gas in my lifetime, this is indeed a severe impost. When I move to the eastern part of my electorate and look at the material that was released by the department on 14 March last regarding the collection of firewood, curiously the area around Eldorado, which is surrounded by millions of tonnes of timber on the forest floor that has fallen over the years, less the amount that was burnt in recent fires, seems to be unavailable, yet Eldorado is a village that has no natural gas and is highly unlikely to get natural gas. It is largely populated by residents on below-average incomes.

It is a disgrace that they are being denied an opportunity to collect an important resource which they need for their daily living and which is available in abundance. There are no two ways about it: firewood is available in abundance around Eldorado. I invite the minister to have another look at these regulations with a view to introducing a regime that at least accords some sort of fairness to country residents.

**Mitcham–Frankston freeway: tunnels**

**Hon. A. P. Olexander** (Silvan) — I seek the assistance of the Minister for Transport in the other place. The issue I raise is the environs around the Mullum Mullum Creek and that part of the development of the Mitcham–Frankston tollway. Members will recall that when the subject of the Mullum Mullum Creek environs was debated there was a huge amount of community consultation on the part of the government to determine the best way to protect the environs, because there are some very rare colonies of platypus at Mullum Mullum Creek, revegetation and a lot of native birdlife. The community was understandably keen to ensure that that corridor of nature reserve was not disrupted by the advent of the freeway, now a tollway.

After a lot of community consultation the government came up with the plan of going under the creek with the long tunnel option, which it was felt would protect the environs of the Mullum Mullum Creek. That was supported by the community at large. Rumours are now circulating in the outer eastern suburbs, particularly in Ringwood in my electorate, that the question of long tunnel versus short tunnel is back on the agenda, because the long tunnel option, amongst other things, was going to cost approximately $200 million more than the next option, which was two short tunnels and a bridge.

Unfortunately, now the community is speculating whether the government is changing its mind as to the nature of the tunnel and the protection implications that has for the reserve at Mullum Mullum. They are understandably curious about whether that is the case.

Thrown into this equation is the argument that if the two short tunnels and a bridge option were to replace the long tunnel we would probably not see a toll point at the Ringwood end of the tollway. There is understandable community concern about this. Will the minister confirm or deny whether a change to the tunnel configuration at the Mullum Mullum Creek end of the tollway is under consideration, whether he has been lobbied by anybody from the private sector to reduce the tunnel length to reduce costs and whether this will have any implications on whether a toll point will be placed at Ringwood?

**Water: Sunraysia irrigators**

**Hon. B. W. Bishop** (North Western) — My issue on the adjournment tonight is directed to the Minister for Water in the other place. It has been well noted in Victorian irrigation areas that the government is setting
up the Victorian Water Trust. It is not possible to make any real judgment on this particular move as it is not yet in place, and we have not had time to see operate. It may well be a good idea or it may be simply another level of bureaucracy laid over the top of our rural water authorities.

The irrigators in the Sunraysia area are very interested in how it would work. For the benefit of the house, two water authorities are responsible for the delivery of irrigation water and some stock and domestic water in the Sunraysia area, and they are the Sunraysia Rural Water Authority and the First Mildura Irrigation Trust.

The authorities and the irrigators listened to the government’s announcement made with great fanfare a while ago when it said it would provide Sunraysia with $20 million over four years for the upgrade of the irrigation infrastructure. The question our irrigators ask almost every day is: how will this be handled? We have had enough studies and want to move on and see some work on the ground — I suppose you could say in the ground!

The studies have been done and we have plenty of precedents from South Australia and New South Wales of how it can be done on a cost-sharing basis. The South Australian example is an excellent one: 40 per cent from the federal government, 40 per cent from the state government and 20 per cent from the irrigators. That has worked particularly well. There are also plenty of precedents from piping the northern Mallee stock and domestic system and the planning for the completion of the piping of the Wimmera-Mallee stock and domestic system as well.

I suspect both the Sunraysia Rural Water Authority and the First Mildura Irrigation Trust are far enough along in their planning on infrastructure upgrades to join with the government on a full, detailed planning project which could see infrastructure upgrades proceed in an orderly and prioritised fashion quite soon. I am sure this would be good news for all the irrigators, particularly those in Robinvale, because their systems have seen their best days and I am advised that up to 40 per cent of their water charges are made up of maintenance costs.

It is a great window of opportunity for the government which should grasp the nettle and play its part in saving water and upgrading these systems that are quickly reaching their use-by date. While it is reported to me that the minister is not keen to involve the government in such a proposal, it is the government’s responsibility, and it must accept it.

Given that the $20 million is only a small part of the amount required, my request is for the Minister for Water to provide a government blueprint for renewing and upgrading irrigation systems in Sunraysia.

Responses

Ms BROAD (Minister for Local Government) — The Honourable Andrea Coote raised a matter for the Minister for Tourism in the other place regarding the impact of the severe acute respiratory syndrome (SARS) virus on a restaurant business at Phillip Island and requested that the minister advise what action is being taken to provide business assistance. I will refer that request to the minister.

Ms Darveniza requested that the Minister for Community Services in another place take all necessary action to ensure that as part of the redevelopment of Kew cottages, residents of the cottages are relocated according to the government’s timetable. I will refer that request to the minister.

The Honourable Andrew Brideson requested the Minister for Health in another place to implement a Quit campaign to assist members of Parliament to give up smoking and suggested that that campaign should commence on World Tobacco Day, 31 May. I will refer that request to the Minister for Health.

Mr Somyurek requested the Minister for Agriculture in another place to make representations to the commonwealth government in relation to the plight of farmers affected by drought in the Shire of Cardinia. I will refer that request to the minister.

The Honourable Peter Hall requested the Minister for Agriculture in another place to grant an extension of time for applications for drought assistance, particularly for farmers affected by drought in the shires of Bass Coast and South Gippsland. I will refer that request to the minister.

Ms Mikakos requested that the Minister for Transport in another place investigate staffing by Connex at Watsonia station. I will refer that request to the minister.

The Honourable Ron Bowden requested that the Treasurer investigate the impact of the imposition of land tax on privately owned caravan parks. He has provided some confidential information which I will make available to the Treasurer. I will request that the Treasurer respond to the member.

Mr Nguyen requested that the Attorney-General advise him of whether he is aware of any arrangements in
place with the government of Vietnam concerning recent deportation matters. I will refer that request to the Attorney-General.

The Honourable David Koch requested that the Minister for Environment in another place advise him of some matters relating to Rocklands Reservoir. I will refer that request to the Minister for Environment.

The Honourable Bill Baxter requested that the Minister for Environment in another place re-examine regulations restricting the collection of firewood, particularly as they relate to residents of Eldorado. I will refer that request to the minister.

The Honourable Andrew Olexander requested that the Minister for Transport in another place advise him of any proposed changes to tunnels to be built in the Mullum Mullum Creek area as a result of the construction of the Mitcham–Frankston freeway. I will refer that request to the minister.

The Honourable Barry Bishop raised a matter of the government’s water trust initiative for the attention of the Minister for Water in another place. He requested that the minister provide advice about a blueprint for the Sunraysia district. I will refer that request to the minister.

**House adjourned 10.41 p.m.**